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Meeting	<b>LOCAL PLAN COMMITTEE</b>
Time/Day/Date	6.00 pm on Wednesday, 18 October 2023
Location	Abbey Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services 01530 454512

### AGENDA

Item		Pages
<b>1</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2</b>	<b>DECLARATION OF INTERESTS</b>	
	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.	
<b>3</b>	<b>PUBLIC QUESTION AND ANSWER SESSION</b>	
	To receive questions from members of the public under rule no.10 of the Council Procedure Rules.	
<b>4</b>	<b>MINUTES</b>	
	To confirm and sign the minutes of the meeting held on <b>5 July 2023</b>	<b>3 - 6</b>
<b>5</b>	<b>REVISED LOCAL DEVELOPMENT SCHEME</b>	
	The report of the Planning Policy and Land Charges Team Manager	<b>7 - 32</b>
<b>6</b>	<b>LOCAL PLAN - DRAFT POLICIES</b>	
	The report of the Planning Policy and Land Charges Team Manager	<b>33 - 206</b>
<b>7</b>	<b>AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT</b>	
	The report of the Principal Planning Officer	<b>207 - 248</b>

Circulation:

Councillor J G Simmons (Chair)  
Councillor P Lees (Deputy Chair)  
Councillor D Bigby  
Councillor D Everitt  
Councillor J Legrys  
Councillor R L Morris  
Councillor P Moulton  
Councillor C A Sewell  
Councillor L Windram  
Councillor A C Woodman  
Councillor M B Wyatt

MINUTES of a meeting of the LOCAL PLAN COMMITTEE held in the Room 101, Old Council Offices, Whitwick Road, London Road, Coalville, LE67 3FN on WEDNESDAY, 5 JULY 2023

Present: Councillor J G Simmons (Chair)

Councillors P Lees, D Everitt, J Legrys, R L Morris, P Moulton, L Windram, A C Woodman and M B Wyatt

In Attendance: Councillors

Officers: Mr I Nelson, Ms S Lee, Mrs C Hammond and Mr T Devonshire

## **1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Bigby and Sewell.

## **2 DECLARATION OF INTERESTS**

No interests were declared.

## **3 PUBLIC QUESTION AND ANSWER SESSION**

There were no questions received.

## **4 MINUTES**

Consideration was given to the minutes of the meeting held on 16 March 2023.

It was moved by Councillor Legrys, seconded by Councillor Morris and

RESOLVED THAT:

The minutes of the meeting held on 16 March 2023 be approved and signed by the Chair as an accurate record of proceedings.

## **5 LOCAL PLAN - HOUSING AND EMPLOYMENT LAND UPDATE**

The Planning Policy Team Manager presented the report.

In response to a question about whether it was possible and appropriate to bring developers with large-scale proposals before the Committee, the Planning Policy Team Manager advised how it would work: once officers had suggested their preferred sites it may then be the opportune moment to bring developers before the committee. It would be an unrealistic timeframe between now and the next meeting of the Committee. The preferred sites should be selected first.

A Member commended the idea of bringing developers before the committee but suggested that there was a number of points to consider: September was earmarked for putting land allocation proposals in front of the committee; the mechanics of bringing developers in must be fair and equitable when deciding which developers to bring before the committee, and due consideration must be given to legal matters and conflicts of interests, particularly for members who were also on the Planning Committee.

The Planning Policy and Land Charges Team Manager acknowledged that the question of how to fairly determine which developers spoke before the Committee was an important one. In response to a question about how the provision of services, infrastructure and amenities for a given development was managed, the Planning Policy and Land Charges

Team Manager advised that any proposed allocation would have individual requirements attached to it that any future development would need to satisfy. Following that there would be consultation with stakeholders. In addition, the next stage of the Infrastructure Delivery Plan would look in specific detail at each site in terms of what was required. Any development would always be subject to viability, and adjustments may need to be made. However, most infrastructure would emerge in a phased manner throughout the life of the development, although some critical facilities such as sewage treatment would of course be present from the opening of a site.

In response to a question about possibly beginning the process of rescinding the earlier Statement of Common Ground to take some of Leicester's unmet housing need, the Planning Policy Team Manager said it was a matter for Council. There were significant risks attached, which would need to be taken into consideration, especially around the duty to cooperate with other councils.

In response to a question about changes to the preferred existing employment allocation and potential changes to this because of the planned Freeport, the Planning Policy and Land Charges Team Manager said that there was only one outstanding allocation, at Ashby Money Hill. It was unlikely that changes to recommendations would occur at this time: the local plan had assumptions about what was likely to be built incorporated into them. They then explained the distinction between strategic land and employment land within the Local Plan framework.

In response to a question about the legal requirement of water companies to provide sewage treatment infrastructure to a development, the Planning Policy and Land Charges Team Manager confirmed that there was an obligation to provide capacity.

In response to a question about the weight given to employment in strategic assessments and how this was calculated, the Planning Policy and Land Charges Team Manager advised that the assessment was in terms of land required in terms of floor space. Some forecasts, they added, were made around the question of job creation and these were then fed into floor space calculations.

In response to a question about the risk of a Local Plan not being found to be sound, the Planning Policy and Land Charges Team Manager explained the process and tests of soundness and the need to comply with national policy goals.

In response to a question about how changes to national policy would impact the nature of the Local Plan, the Planning Policy and Land Charges Team Manager advised that changing national policy was a perennial possibility and would always be fed into the Local Plan as required.

In response to a question about the likely capriciousness of national planning policy over a twenty year period, the Planning Policy and Land Charges Team Manager advised that they worked to a plan of how much housing they needed by a given time, in this instance 2040, and how much land they had available to utilise to achieve this goal.

In response to a question about safeguards, the Planning Policy and Land Charges Team Manager advised that it was hard to stop people putting in planning applications and that the planning system operates within a free market system. They also advised that developers would acknowledge market imperatives: there was currently evidence of a slowing rate of new builds and a potentially deflating housing market.

The Principal Planning Officer advised that the Council's strategic approach safeguarded against precisely the changing circumstances of short and medium term economic forces with which the member had been concerned. This was, they added, perhaps an argument

for the Local Plan process: things were frequently in flux, but it may be preferable to deal with the certainties which were known at any given time.

In response to a question about the deadline for the January 2025 inquiry, the Planning Policy and Land Charges Team Manager advised that June 2025 was the essential date.

It was moved by Councillor Legrys, seconded by Councillor Lees and

RESOLVED THAT:

The position and discussion as of April 2023 regarding both housing and employment land as set out in the report be noted.

## **6 LOCKINGTON AND HEMINGTON NEIGHBOURHOOD PLAN - RESPONSE TO SUBMISSION VERSION**

The Principal Planning Officer presented the report.

A member commended the parish for producing the Neighbourhood Plan.

It was agreed that a reference to consultation with the local Member be added to resolutions three and four.

In response to a question about what support from the Council is given to the smaller parishes unable, due to their size, to create neighbourhood plans, the Planning Policy and Land Charges Team Manager advised that the Council always gave what support they could in the consultation process, and there was also national government funded aid available in this process.

In response to a question about which parishes have Neighbourhood Plans, the Planning Policy and Land Charges Team Manager advised that it was Council policy to encourage their production throughout the district; discussions and processes were ongoing towards that end; and the number was increasing slowly but surely.

A Member commended the Neighbourhood Plan which was just coming to fruition in their ward.

In response to a question about environmental and ecological concerns and whether they had been considered in the report, the Planning Policy and Land Charges Team Manager advised that Neighbourhood Plans generally had a positive impact on environmental and ecological protection, and for this particular plan these concerns featured prominently.

It was moved by Councillor Legrys, seconded by Councillor Moulton and, subject to amendment,

RESOLVED THAT:

1. The proposed response to the submission draft of the Lockington-Hemington Neighbourhood Plan in Appendix A be approved.
2. The consultation period for the Lockington-Hemington Neighbourhood Plan be noted.
3. Following receipt of the Independent Examiner's Report the Strategic Director of Place in consultation with the Portfolio Holder for Infrastructure and the local ward member will determine whether the conditions have been met for the Neighbourhood Plan to proceed to referendum be approved.
4. Following the referendum and if time does not allow for a report to this committee, the Strategic Director of Place, in consultation with the Portfolio Holder for

Infrastructure and the local ward member, will determine whether the Neighbourhood Plan should be 'made'.

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 6.58 pm

## LOCAL PLAN COMMITTEE – 18 OCTOBER 2023

<b>Title of Report</b>	<b>LOCAL DEVELOPMENT SCHEME</b>	
<b>Presented by</b>	Ian Nelson Planning Policy and Land Charges Team Manager	
<b>Background Papers</b>	<a href="#">Planning and Compulsory Purchase Act 2004</a> <a href="#">Planning and Compulsory Purchase Act 2004</a>  <a href="#">Localism Act 2011</a> <a href="#">Localism Act 2011</a>  <a href="#">National Planning Policy Framework</a>	<b>Public Report:</b> Yes   <b>Key Decision:</b> No
<b>Financial Implications</b>	There are no direct financial implications arising from the report. The cost of the Local Plan Review is met from existing budgets.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	Preparing a Local development Scheme is required by legislation as set out in the report.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	None identified.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	This report sets out an updated Local Development Scheme for the new Local Plan.	
<b>Recommendations</b>	<b>THAT THE LOCAL PLAN COMMITTEE:</b>  <b>(I) AGREES THE LOCAL DEVELOPMENT SCHEME SET OUT AT APPENDIX A;</b> <b>(II) NOTES THAT LOCAL PLANS BEING PREPARED UNDER THE CURRENT REGULATIONS WILL NEED TO BE SUBMITTED BY 30 JUNE 2025 AS SET OUT AT APPENDIX B; AND</b> <b>(III) NOTES THE POTENTIAL CONSEQUENCES OF NOT BEING ABLE TO MEET THIS DEADLINE AS SET OUT IN THE REPORT.</b>	

**1.0 BACKGROUND**

- 1.1 Local planning authorities are required to prepare, maintain, and publish a Local Development Scheme (LDS) in accordance with the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 An LDS should set out the Council's programme for the preparation of Local Development Documents (i.e. local plans) over a three-year period and should inform the public and other stakeholders about the likely dates for opportunities to get involved with the plan-making process. In addition to the local plan, the LDS sets out the timetable for the preparation of any associated documents such as supplementary planning documents.

- 1.3 The previous LDS was published in February 2022. Since then, there has been considerable uncertainty regarding the timetable for the new Local Plan and hence it is only now that it is being updated.
- 1.4 A copy of the proposed LDS is attached at Appendix A.
- 1.5 In terms of the proposed timetable, set out at page 11 of the LDS, this is dictated by the deadline set by the government for local plans being prepared under the current Regulations to be submitted for Examination by 30 June 2025. Thereafter, plans will need to be prepared under new Regulations which the government aims to have in place by Autumn 2024. Attached at Appendix B to this report is a letter from the Secretary of State for Levelling Up, Housing and Communities to all local planning authorities which confirms these points.
- 1.6 The letter also confirms that where an authority does not have an up-to-date local plan then it is likely that the presumption in favour of sustainable development will apply when determining planning applications. The issue of whether a plan is out-of-date or not is not straightforward. The issue has been considered by the Court of Appeal who confirmed that policies are out-of-date for such purposes if they have been: “... overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason, so that they are now out-of-date”. In effect, such a decision is a planning judgement.
- 1.7 The National Planning Policy Framework (NPPF) confirms that where an authority cannot demonstrate a five-year supply of deliverable housing sites or where delivery over the previous three years has been substantially less than the housing requirement, then a plan would be regarded as out-of-date. This is not currently the case for this Council. However, if it is not possible to submit the new local plan by 30 June 2025, then there will be an increased likelihood that the adopted plan would be regarded as being out-of-date which will leave the Council vulnerable.
- 1.8 It will be appreciated that the deadline set by the government is likely to be very challenging with little room for slippage, for example because of unforeseen or changed circumstances. It is also not clear whether in the event that the Council is not able to submit by 30 June 2025 how much of any evidence base or work undertaken to date would be transferable to a new plan. Officers will keep members up to date in respect of progress on the new system through future reports to this committee.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Support for businesses and helping people into local jobs</li> <li>- Local people live in high quality, affordable homes</li> </ul>
Policy Considerations:	None
Safeguarding:	None discernible
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 decision, of itself, will have no specific impact.
Environment and Climate Change:	The decision, of itself, will have no specific impact.
Consultation/Community Engagement:	None
Risks:	As detailed in the report a Local Development

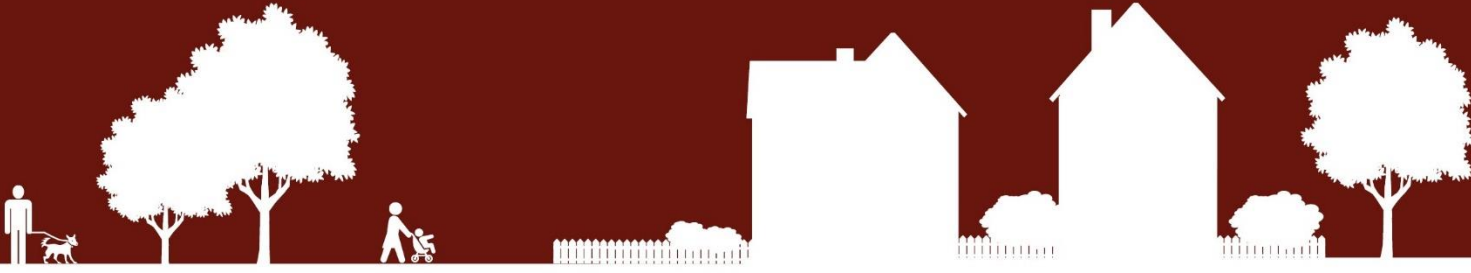


	<p>Scheme is a legal requirement.</p> <p>The Local Development Scheme identifies a number of risks and how these will be managed.</p>
Officer Contact	<p>Ian Nelson Planning Policy and Land Charges Team Manager <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a></p>





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## LOCAL DEVELOPMENT SCHEME

2023– 2026

October 2023





## 1. INTRODUCTION

### **The North West Leicestershire Local Plan**

- 1.1 North West Leicestershire District Council as Local Planning Authority is required to produce a Local Plan.
- 1.2 The purpose of the Local Plan is to guide future decisions in respect of future development.
- 1.3 The National Planning Policy Framework (NPPF) notes that “*The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings*”.
- 1.4 The North West Leicestershire Local Plan was initially adopted on 21 November 2017. It sets out as strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2031.
- 1.5 Policy S1 of the plan provided a commitment from the Council to undertake a review of the plan commencing within 3 months of adoption. There are two main reasons why an immediate review was required:
  - A shortage of employment land up to 2031 compared to what is needed (as identified in our Housing and Economic Development Needs Assessment, or HEDNA)
  - The possible need to accommodate additional housing arising from unmet needs in Leicester city.
- 1.6 Work on the review commenced in February 2018. Due to issues of uncertainty relating to the issue of unmet need it was decided to undertake a Partial Review which amended only Policy S1.
- 1.7 The Partial Review was adopted on 16 March 2021. The Local Plan includes a commitment to preparing a replacement Local Plan via a Substantive Review. The Local Plan can be viewed on the Council’s website at [www.nwleics.gov.uk/pages/local\\_plan](http://www.nwleics.gov.uk/pages/local_plan)

### **The Local Development Scheme**

- 1.8 A Local Development Scheme (LDS) is required to be prepared by the Council (under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011)).
- 1.9 The LDS must specify (among other matters) the documents which, when prepared, will comprise the Development Plan for the area. It must be made available publically and kept up-to-date. It is important that local communities and interested parties can keep track of progress.
- 1.10 This covers the three-year period up to 2026 and supersedes previous LDSs.

## **The Development Plan**

- 1.11 Planning applications are to be determined in accordance with the provisions of the Development Plan unless there are good planning reasons for doing otherwise. The Development Plan represents the cornerstone of the planning system as it sets out the local planning authorities planning strategy and policies to guide the future development of the district.
- 1.12 At the present time the Development Plan for North West Leicestershire consists of the following documents:
- The adopted North West Leicestershire Local Plan 2021;
  - Leicestershire Minerals and Waste Local Plan (2019);
  - Ashby de la Zouch Neighbourhood Plan (November 2018);
  - Ellistown and Battelflat Neighbourhood Plan (July 2019)
  - Hugglescote and Donington le Heath neighbourhood Plan (November 2021)
  - Blackfordby (April 2022); and
  - Swannington (March 2023)
- 1.13 Neighbourhood Plans are community-led documents by a Parish/Town Council or Neighbourhood Forum and ultimately adopted by the District Council as part of the development plan.
- 1.14 All development plans have to be consistent with national policies, as set out in the NPPF.
- 1.15 Each Development Plan Document (DPD) must also be accompanied by a Strategic Environmental Assessment (SEA) and Sustainability Appraisal; or in the case of a Neighbourhood Plan be supported by a Screening Opinion as to whether an SEA is required.
- 1.16 Strategic Environmental Assessment (SEA) is a process intended to ensure that significant environmental effects arising from Local Plan proposals are identified, assessed, mitigated, communicated to decision-makers and monitored. The role of SEA is to:
- Support sustainable development;
  - Improve the evidence base for decision-making; and
  - Facilitate and respond to consultation with stakeholders.
- 1.17 The Planning Act requires local planning authorities to undertake a Sustainability Appraisal (SA) (incorporating SEA) to ensure that, in addition to considering the environmental impacts of policies and proposals, an assessment is also made of their economic and social impacts.
- 1.18 The SA outputs will be consulted upon during the development plan process.
- 1.19 The River Mease which passes through part of the district is designated as a Special Area of Conservation (SAC) at EU level. The council is required to undertake a Habitats Regulations Assessment of any development plan whose policies or proposals could have a significant adverse effect upon the integrity of the SAC.



- 1.20 The outcome of any such assessments will be consulted up on alongside the parent development plan.
- 1.21 Details about SEA and sustainability Appraisal can be found at [www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal](http://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal)

### **Neighbourhood Plans**

- 1.22 Under the Localism Act Neighbourhood Plans can be prepared by local communities. These can be used to establish general planning policies for an area. A Neighbourhood Plan must be in general conformity with the strategic policies in the Development Plan, as well as having regard to national planning policy and must be compatible with EU obligations and human rights requirements.
- 1.23 Before a Neighbourhood Plan can be adopted it must gain the approval of a majority of voters of the neighbourhood.
- 1.24 If adopted a Neighbourhood Plan will be part of the Development Plan for that area – it will be a material consideration in determining planning applications.
- 1.25 The LDS does not set out what Neighbourhood Plans will be produced as this will be a matter for local communities to decide when such plans will be produced. However, the District Council will provide support to local communities wanting to produce a Neighbourhood Plan.
- 1.26 In addition to those ‘made’ plans listed at paragraph 1.12. at the present time Neighbourhood Plan areas have been designated for the following areas and plans are being prepared:
- Breedon on the Hill;
  - Lockington cum Hemington
  - Long Whatton and Diseworth
- 1.27 In addition, the Ashby de la Zouch Neighbourhood Plan is in the process of being reviewed. Further detail regarding Neighbourhood Plans can be found at [www.nwleics.gov.uk/pages/neighbourhood\\_planning](http://www.nwleics.gov.uk/pages/neighbourhood_planning)

### **Statement of Community Involvement**

- 1.28 A Statement of Community Involvement (SCI) sets out how a Council intends to consult and involve the community in the preparation and review of local development documents and in development management decisions. The North West Leicestershire SCI was published in February 2019 and was subject to an Addendum in 2020.
- 1.29 Regulations require that the SCI is reviewed every 5 years. Therefore, the next review will be required in 2025.
- 1.30 The SCI can be viewed at [www.nwleics.gov.uk/pages/statement\\_of\\_community\\_involvement\\_consultation](http://www.nwleics.gov.uk/pages/statement_of_community_involvement_consultation)

## **Monitoring and Review – Authority’s Monitoring Report:**

- 1.31 Local planning authorities are required to publish a report that monitors the progress and implementation of each document set the Local Development Scheme. It must specify whether adopted policies are meeting their stated objectives and if not, what actions are proposed to address any issues. In addition, it must include:
- Details of any neighbourhood development order or a neighbourhood development plan made by the Council;
  - Any Community Infrastructure Levy related receipts and expenditure; and
  - Details on where the Council has worked with other authorities in accordance with the ‘Duty to Cooperate’.

The latest Council monitoring report is available at [www.nwleics.gov.uk/pages/authority\\_monitoring\\_report](http://www.nwleics.gov.uk/pages/authority_monitoring_report)

## **Community Infrastructure Levy**

- 1.32 The Community Infrastructure Levy (CIL) is a charge payable by developers which contributes towards the cost of providing new infrastructure as part of new development.
- 1.33 The Council has undertaken some work with the other Leicestershire Local Planning Authorities to establish the potential for a CIL charge and what such a charge would be. At that time, it was decided to not pursue the establishment of CIL. Instead, the Council continues to secure the infrastructure necessary to support new development by legal agreements known as Section 106 Agreements.
- 1.34 The Government are proposing to replace CIL with a mandatory Infrastructure Levy. CIL does not form part of the LDS but any future updates to the LDS will set out the latest situation on the CIL and Infrastructure Levy.

## 2. **THE LOCAL DEVELOPMENT SCHEME FOR NORTH WEST LEICESTERSHIRE**

### **Purpose and Content of Local Development Scheme**

2.1 The Local Development Scheme has the following main purposes:

- To inform the public and other key stakeholders of the documents that the District Council proposes to prepare which will make up the new planning policy framework for North West Leicestershire;
- To set out the timescales envisaged for the preparation of these documents;
- To establish and reflect District Council priorities;
- To enable work programmes to be set and resources to be allocated for the preparation of these documents;
- To set a timetable for the review of these documents once they have been prepared.

### **Development Plan Documents**

2.2 As noted the Local Plan Partial Review was adopted by the District Council in March 2021. The Local Plan includes a commitment to preparing a replacement Local Plan. The LDS sets out the programme for this.

2.3 Work undertaken as part of the Partial Review and which has been consulted upon forms part of the input to the new plan.

2.4 The District Council will review the need for and timing of any development plans as part of the annual monitoring cycle involved in the preparation of the Annual Monitoring Report.

2.5 The Policies Map will be amended to reflect changes to the development plan. It will be updated to show the geographic extent of site-specific policies or other matters referred to in adopted development plans.

2.6 Each development plan will be subject to statutory procedures, including consideration at an independent examination, and an Inspector's report which the Council will need to consider before adopting the relevant development plan.

2.7 Section 4 sets out individual profiles for each document to be prepared by the Council. This provides a brief description of each document, information on its status and the timing of the main stages or 'milestones' towards its adoption.

### 3. **SUPPORTING STATEMENT**

#### **Introduction**

- 3.1 This supporting statement sets out the context for the preparation of the Local Plan. It identifies the resources that will be available for the preparation of the various documents and provides an assessment of the various risks which the District Council is likely to face in the production of the Local Plan.

#### **District Profile**

- 3.2 North West Leicestershire is a mainly rural district, covering 27,900 hectares. The principal town is Coalville and the other main settlements are Ashby de la Zouch, Castle Donington, Ibstock, Kegworth and Measham.
- 3.3 The population of the district was estimated as being 104,700 in 2021<sup>1</sup>.
- 3.4 Little trace of the former deep mining industry now remains as a result of the redevelopment and restoration of sites to a variety of uses, including woodland planting as part of the National Forest. Major employment areas have been provided at strategic locations as part of the area's regeneration strategy.
- 3.5 The District is crossed by the A42, with the M1 passing on the eastern side. East Midlands Airport is situated in the northern part of the District and provides a major source of local employment. There is no passenger rail service within the District, but the Leicester-Burton railway (the 'National Forest Line') remains open for freight traffic.
- 3.6 North West Leicestershire is at the heart of the National Forest and has areas of very attractive countryside, including Staunton Harold and the Charnwood Forest. There are nationally recognised conservation areas in Ashby-de-la-Zouch Town Centre and at Castle Donington.

#### **Joint Working**

- 3.7 The Council has worked at both member and officer level with all of the other local planning authorities in Leicester and Leicestershire on a Strategic Growth Plan to guide future development across the sub-region up to 2050. It is the authorities collective 'offer' to government and other partners for how (collectively) we can deliver the new homes, jobs and ancillary uses which the county requires. The Strategic Growth Plan was approved by all Councils at a series of meetings held during November and December 2018
- 3.8 The Strategic Growth Plan is a positive response to the Duty to Cooperate requirement introduced by the Localism Act 2011. The broader strategy and jobs and homes figures contained in the Strategic Growth Plan and its timetable for production will directly influence development of future Local Plans across Leicestershire.
- 3.9 None of the documents identified for preparation in this LDS will be prepared as joint documents with other authorities. However, the potential for the production of any joint documents will be kept under review as part of future iterations of the LDS. In addition, the Council will continue to engage with the

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<sup>1</sup> <https://www.ons.gov.uk/census>

other Leicester and Leicestershire authorities in respect of strategic matters during the period covered by this LDS, including progressing any Statements of Common Ground (SoCG) and Joint Evidence studies.

- 3.10 The work on strategic matters is overseen by an officer Strategic Planning Group which reports to a Member Advisory Group. Any SoCG requires sign off by each authority through its own internal processes.

### **Resources**

- 3.11 Production of local development documents is led by the Planning Policy Team in the Planning and Infrastructure Service. A more detailed explanation of resource requirements is set out within the individual document profiles in Section 4.

- 3.12 The following staff resource is available for preparing the Local Plan:

- Head of Planning and Infrastructure
- Planning Policy and Land Charges Team Manager
- Principal Planning Officer x 2
- Senior Planning Officers x 2 (1.5 FTE)

- 3.13 Consultants have been engaged as necessary to carry out a number of studies for the District Council. The need for further input of such expertise will be kept under review.

- 3.14 Every effort will also be made to take advantage of the skills and experience available in other sections of the District Council to supplement the planning policy team.

### **Programme Management Responsibilities**

- 3.15 The preparation of the Local Plan for North West Leicestershire will be the responsibility of the Head of Planning & Infrastructure, with day-to-day project management and programming being dealt with by the Planning Policy and Land Charges Team Manager.

### **Governance Procedures**

- 3.16 The Local Plan Committee is responsible for overseeing the preparation of the Local Plan. A Council resolution will be required for the adoption stages of any DPD prepared by the Council.

- 3.17 At officer level a Project Board, led by the Strategic Director of Place, oversees the work undertaken by officers and directs the development of the plan.

### **Risk Assessment**

- 3.18 An assessment has been undertaken of the main areas of risk facing the District Council in the preparation of the Local Plan, together with measures to address such risks. The risks identified include:

- Staff turnover and possible delays in filling vacant posts.

Impact: reduced capacity results in slippage to programme

Mitigation measures: flexible use of other planning expertise elsewhere within the Planning service as required; take steps to seek to fill vacancy immediately; consider use of consultancy/agency staff.

- Financial constraints.

Impact: work cannot be progressed, quality of plan and/or evidence base compromised

Mitigation measures: Local Plan a key corporate priority; ensure that budgetary provision included as part of Council's annual budget setting process and keep under review.

- Nature and extent of public response is such that existing resource will be stretched to maintain programme of work.

Impact: reduced capacity results in slippage to programme

Mitigation measures: The SCI for North West Leicestershire is in place and provides a clear basis for community engagement. Ensure timetable is realistic and monitor progress against LDS. Consider the employment of temporary staff to help assist with assessment of responses to consultations if required particularly to free up experienced planning officers.

- Policy team required to do unforeseen work

Impact: reduced capacity results in slippage to programme

Mitigation measures: Ensure that appropriate priority attached corporately and politically to Local Plan. Monitor volume of non - local plan work and discuss as part of team 121's. Consider need for additional resources.

- New Government guidance which affects approach being taken

Impact: additional work required which also includes additional cost and delays to programme.

Mitigation measures: closely monitor potential changes and ensure that all Planning Policy staff are aware of any emerging issues and guidance and assess potential impact upon Local Plan immediately.

- Duty to Cooperate issues.

Impact: progress delayed or plan found not sound.

Mitigation measures: ensure that all the Leicester and Leicestershire authorities are consulted and kept up-to-date throughout the plan preparation process; Strategic Planning Group and the Planning Officers Forum provide forums for sharing information and emerging issues.

- Lack of political ownership or willingness to approve plan.

Impact: slippage in programme; failure to produce an up-to-date plan which leaves Council vulnerable to unwanted planning applications.

Mitigation measures: Ensure that members are fully briefed as to the importance of having an up-to-date Local Plan. Local Plan Committee in place which provides opportunity to engage with members; ensure that Portfolio Holder is provided with regular updates.

#### 4 OVERVIEW OF LOCAL DEVELOPMENT DOCUMENTS TO BE PRODUCED

- 4.1 This section describes the purpose of each Development Plan Document and the timetable for its preparation. The chart at Appendix 1 provides a summary guide to the timetabling of each document
- 4.2 The principal focus over the period of this LDS will be to complete the preparation of the new Local Plan.
- 4.3 The new Local Plan will address the future development needs of the district, most likely up to 2040, including site allocations as well as specific policies and criteria against which planning applications for development can be assessed. It will need to have regard to the outcome from the Strategic Growth Plan as well as the NPPF and other national policy requirements, including new household projections.
- 4.4 Changes to the plan making system are currently progressing through Parliament in the Levelling Up and Regeneration Bill. As part of these changes, the government has set out transitional arrangements for moving from the current to the new system. This requires that plans such as that for North West Leicestershire being prepared under the current system will have to be submitted for Examination by 30 June 2025. It also requires that plans “in general” be adopted by 31 December 2026. The timetable below takes account of these deadlines.
- 4.4 The work previously undertaken as part of the Partial Review will feed into the Substantive Review.

<b>OVERVIEW</b>	
Coverage	District-wide
Status	Development Plan Document
Conformity	National Planning Policy Framework

<b>TIMETABLE</b>	
<b>Stage</b>	<b>Dates</b>
Consult on draft policies and housing and employment site allocations	January/February 2024
Agree publication version (Regulation 19)	December 2024
Consult on Publication Local Plan (Regulation 19)	January/February 2025
Submission	May 2025
Examination	October 2025
Adoption	October 2026



<b>ARRANGEMENTS FOR PRODUCTION</b>	
Organisational Lead	Head of Planning & Infrastructure
Political Management	Local Plan Committee Cabinet Council
Internal Resources	Planning Policy Team Manager and Planning Policy Team
External Resources	Resources from a range of external stakeholders including various public agencies (for example highway authorities, utility providers) will be required to inform the production of the document. Consultants have been used to provide input into evidence base.
Community & Stakeholder Involvement	As set out in Statement of Community Involvement
Monitoring	Addressed in the Annual Monitoring Review

## **Policies Map**

### Purpose

- 4.5 The Policies Map illustrates, on an Ordnance Survey base map, all the policies and proposals set out in Development Plan Documents (DPDs). Inset maps illustrate policies and proposals for specific parts of the district or specific settlements. The Policies Map (and any relevant Inset Maps) will be revised as new DPDs are adopted, policies are deleted or policies cease to be part of the development plan.

<b>OVERVIEW</b>	
Coverage	District-wide
Status	Development Plan Document
Conformity	National Planning Policy Framework

### Timetable

- 4.6 The timetable for revisions will be the same as that for the relevant documents which requires changes to the Policies Map.

Arrangements for production

<b>ARRANGEMENTS FOR PRODUCTION</b>	
Organisational Lead	Head of Planning & Infrastructure
Political Management	Local Plan Committee Cabinet Council
Internal Resources	Planning Policy Team Manager and Planning Policy Team
External Resources	Possible external resource required to facilitate electronic version of proposals map which is web based. In addition, external printing resource may be required for paper copies of Policies Map.

Evidence Base

- 4.7 The Substantive Review will be supported by a proportionate evidence base as necessary. The existing Evidence Base together with any additions can be viewed at [www.nwleics.gov.uk/pages/local\\_plan\\_review\\_evidence\\_base](http://www.nwleics.gov.uk/pages/local_plan_review_evidence_base)

## **6 SUPPLEMENTARY PLANNING DOCUMENTS**

- 6.1 Supplementary Planning Documents (SPD) are documents which add further detail to specific policies in the Local Plan. Although they are not DPDs and hence accorded the same weight as a DPD, they are capable of being a material consideration in the determination of planning applications.
- 6.2 The previous Local Plan was supported by a number of SPDs. Following adoption of the current Local Plan in November 2017 a review of these SPDs was undertaken. The Council's Cabinet of January 2018 agreed to withdraw all of the SPDs with the exception of a Good Design SPD.
- 6.3 Since the Local Plan was adopted the following new SPDs have been approved:
- Cycling Strategy Coalville (12 September 2018)
  - Cycling Strategy Ashby de la Zouch (12 September 2018)
  - Shop Front and Advertisements (June 2019)
  - Diseworth Village Design Statement (27 January 2021)
  - Affordable Housing (9 December 2021)
- 6.4 The Levelling Up and Regeneration Bill includes provision for replacing SPDs with formal Supplementary Plans. The need for Supplementary Plans will be kept under review and a programme for the preparation of these will be included in any subsequent iterations of the Local Development Scheme.
- 6.5 Copies of SPDs can be viewed at [Supplementary Planning Documents & Other Guidance - North West Leicestershire District Council](#)

**APPENDIX 1**

<b>LOCAL PLAN REVIEW TIMETABLE 2023 – 26</b>	
	January 2027 December 2026 November 2026 October 2026 September 2026 August 2026 July 2026 June 2026 May 2026 April 2026v March 2026 February 2026 January 2026 December 2025 November 2025 October 2025 September 2025 August 2025 July 2025 June 2025 May 2025 April 2025 March 2025 February 2025 January 2025 December 2024 November 2024 October 2024 September 2024 August 2024 July 2024 June 2024 May 2024 April 2024 March 2024 February 2024 January 2024 December 2023
Consultation (Reg 18) – draft plan including preferred housing and employment site allocations	
Council agrees Regulation 19 Plan	
Consultation (Reg 19) – publication Local Plan	
Submission to S of S	
Examination starts	
Adoption	



## Department for Levelling Up, Housing & Communities

**Rt Hon Michael Gove MP**

*Secretary of State for Levelling up, Housing & Communities*

*Minister for Intergovernmental Relations*

2 Marsham Street

London

SW1P 4DF

All Council Leaders/Chief Executives and  
other Local Planning Authorities in England

8 September 2023

Dear Colleagues,

### **LONG-TERM PLAN FOR HOUSING**

In July, I set out the Government's long-term plan for housing. The role of local government cannot be overstated in delivering our plan – it is only through the continued effort of local leadership, the endeavour of your teams and the engagement you lead with your communities that we will unlock the homes we need. I therefore wanted to highlight the principal elements of our long-term plan that relate to your role.

#### **Building more homes in the right places**

First and foremost, this Government is unashamedly supportive of development and regeneration in and around existing town and city centres. This is how we will get homes built where it makes sense, support growth, and enable people to get on the property ladder.

And making it easier to progress such developments is front of mind as we finalise the update to the National Planning Policy Framework (NPPF), following our consultation which attracted more than 26,000 responses. In that context, and ahead of the publication of the refreshed NPPF in the autumn, I wanted to make clear my expectation that:

- development should proceed on sites that are adopted in a local plan with full input from the local community unless there are strong reasons why it cannot;
- councils should be open and pragmatic in agreeing changes to developments where conditions mean that the original plan may no longer be viable, rather than losing the development wholesale or seeing development mothballed; and
- better use should be made of small pockets of brownfield land by being more permissive, so more homes can be built more quickly, where and how it makes sense, giving more confidence and certainty to SME builders.

#### **Local plans**

Second, we know that local plans are the best way to ensure the right homes are built in the right places, so we are introducing reforms to make plans simpler, shorter and faster to prepare.

My intention is for the regulations, policy and guidance necessary for the preparation of the first new-style local plans to be in place by Autumn 2024. In the new system, planning authorities will need to prepare, consult on and adopt plans within a 30-month timeframe - and follow the same process for each subsequent update of their plans, including examination by PINS.

In the interim, we want local authorities to continue adopting ambitious local plans, which is why we set out fair transitional arrangements in our current consultation on implementing the plan-making reforms<sup>1</sup>. As part of these arrangements, we confirmed our intent that the last day to submit a plan under the current system will be 30 June 2025. I want to reiterate that local authorities without an up-to-date local plan are likely to be subject to the presumption in favour of sustainable development when facing applications.

As part of our consultation on the update to the NPPF, we have proposed removing the requirement for planning authorities with an up-to-date plan to demonstrate continually a deliverable 5-year housing land supply. This proposed change is intended to provide what I hope is welcome flexibility – but only where it is warranted by an authority having an up-to-date local plan, meaning one which is less than five years old. As a consequence, in the new system a planning authority wishing to benefit continuously from this new flexibility would need to start work on a new plan half-way through the five-year lifespan of an existing one.

We also consulted on a proposal to make clearer that Local Housing Need (LHN) is an advisory starting point for plan making, and that local authorities can take account of local circumstances when planning for the homes our communities need. Again, my intent in considering this change is to support more effective and responsive plan-making – and any housing number put forward by a local authority would still need to be both evidence based and tested by PINS at examination.

### **Planning capacity and capability**

Finally, I have been conscious of the pressures on planning teams, and the backlogs that have built up as a consequence of the pandemic. To help address some of those pressures, I announced in July several initiatives aimed at bolstering capacity and capability.

- The Planning Skills Delivery Fund will provide £24m over two years to help clear backlogs of planning applications and prepare for the implementation planning reforms. Local authorities can apply for up to £100,000 of support, which can be used to source additional planning officers and other specialist resources – with the deadline for first year applications closing very soon on 11 September.
- A new “super squad” of experts, backed by £13.5m of new funding, will support the delivery of large-scale development projects, starting with supporting the Cambridge Delivery Group before looking at sites across England, including in our eight Investment Zones. The department is in the process of operationalising this work with Homes England.
- A comprehensive national survey of all local planning authorities will give us a fuller understanding of the skills challenges and shortages facing local government.

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<sup>1</sup> <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

- National planning fees will be increased by 35% for major applications and 25% for all other applications and be indexed to inflation.

I hope these measures will be welcome, and I look forward to continuing to work together with all of you to deliver the homes people need.

A handwritten signature in black ink that reads "Michael Gove". The signature is written in a cursive, slightly slanted style.

**RT HON MICHAEL GOVE MP**

*Secretary of State for Levelling up, Housing and Communities*

*Minister for Intergovernmental Relations*

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## LOCAL PLAN COMMITTEE – 18 OCTOBER 2023

<b>Title of Report</b>	<b>DRAFT LOCAL PLAN – POLICIES</b>	
<b>Presented by</b>	Ian Nelson Planning Policy and Land Charges Team Manager	
<b>Background Papers</b>	<a href="#">National Planning Policy Framework (publishing.service.gov.uk)</a>  <a href="#">Development strategy options and policy options consultation – January to March 2022</a>  <a href="#">Local Plan Committee – 5 July 2023 – Housing and employment land update</a>  <a href="#">Local Plan Committee – 12 July 2022 – Response to consultation</a>  <a href="#">Local Plan Committee – 16 March 2023 – Response to consultation</a>  <a href="#">Leicester &amp; Leicestershire Housing &amp; Economic Needs Assessment</a>	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	The cost of the Local Plan Review is met through existing budgets.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The Local Plan must be based on robust and up to date evidence.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	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.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To set out for members the policies it is proposed by included in the new local plan, with a view to these being consulted upon.	
<b>Recommendations</b>	<b>THAT THE LOCAL PLAN COMMITTEE AGREE THE DRAFT POLICIES AS SET OUT AT APPENDIX A FOR THE PURPOSES OF CONSULTATION.</b>	

**1.0 BACKGROUND**

- 1.1 The adopted Local Plan sets out a range of planning policies which are used to determine planning applications, whether they be an extension to a dwelling or a large-scale strategic development. As part of preparing the new Local Plan, it is necessary to review the adopted policies and consider whether they are still required or need amending. It is also necessary to consider what new policies might be required, for example, to address changes in national policy.

- 1.2 The Local Plan must be consistent with national policies and also be justified by appropriate evidence as necessary. The National Planning Policy Framework (NPPF) requires local plans to make explicit those policies which are strategic policies. Strategic policies are those which are “necessary to address the strategic priorities of the area” and should look ahead over a minimum 15-year period from the anticipated date of adoption (currently anticipated to be autumn 2026). The strategic policies are identified in the draft Local Plan document.
- 1.3 We previously consulted on several policy issues between January and March 2022. The responses to the consultation were considered at a number of meetings of the Local Plan Committee. These reports, together with the consultation document itself, can be viewed from the links in the Background Papers section above. Where an issue has been the subject of previous consultation this is highlighted in the sections below.
- 1.4 **Appendix A** to this report sets out the draft policies. The headings used in subsequent sections of this report are set out in the same order as they are in the draft Local Plan. It will be evident that there are some gaps in the document, the reasons for which are explained. The following sections highlight those policies which are new policies (i.e., not in the adopted Local Plan) or where there are proposed changes to current policies.
- 1.5 It should be noted that all of the policies will need to be assessed as part of a Sustainability Appraisal. As part of the Sustainability Appraisal, it is necessary to consider reasonable alternatives. For all new policies, a range of options have been considered and included in previous or forthcoming consultations. In terms of existing policies, most have been amended to some extent compared to those in the adopted Local Plan, for example to provide additional clarity or to address changes in circumstances. As such the reasonable alternative is the existing policy or no policy.
- 1.6 Appended to the draft policies are a small number of changes to the Policies Map which will be required to be made. These changes are highlighted in the sections below. A fully revised Policies Map will be available as part of the consultation.
- 1.7 The draft policies are only part of what comprises the Local Plan. The other key element is those sites which it is proposed be allocated for housing or employment development. It is intended that these be considered at the meeting of this committee on 15 November 2023. Both the draft policies and site allocations will then be the subject of consultation early in 2024. Further details regarding the consultation will be provided as part of the report which considers housing and employment allocations.
- 1.8 For the consultation, we will publish two separate documents (together with a Policies Map) – the proposed site allocations in one and the draft policies in another. The two documents will comprise the draft Local Plan. At the next stage (referred to as the Regulation 19 stage) everything will be brought together into a single document.

## 2.0 STRATEGY

- 2.1 This section establishes the overall strategy for the plan.
- 2.2 This section begins by setting out the **Objectives** which the Local Plan is seeking to address. These were the subject of consultation between January and March 2022 and the subject of a report to the meeting of this committee on 12 July 2022.
- 2.3 **Policy S1: Future Housing and Economic Development Needs** sets out the future housing and employment development needs up to 2040.
- 2.4 **Policy S2: Settlement Hierarchy** is used to direct development to create a sustainable pattern of development. A report on this was considered at the 12 July 2022 meeting of this committee where some minor changes were agreed to the adopted hierarchy and the Small Villages tier has been changed to Local Housing Needs Villages.

- 2.5 **Policy S3: Local Housing Needs** is a new policy. It requires any new housing in the Local Housing Needs Villages to be well-related to the existing village and requires at least one of the intended occupants to demonstrate a local need. The local need criteria was agreed at the 12 July 2022 meeting of this committee.
- 2.6 **Policy S4: Countryside** is largely a continuation of the existing policy (S3) which identifies what are considered to be appropriate uses in the countryside. Several changes have been made for clarity.
- 2.7 **Policy S5: Residential Development in the Countryside** is a new policy which sets out when residential development might be appropriate in the countryside, for example to accommodate the needs of rural workers or as a replacement for an existing dwelling. The adopted Local Plan is silent on both of these issues but officers consider that a policy is required.

### 3.0 CREATING ATTRACTIVE PLACES

- 3.1 This section is concerned with ensuring that new development is of high quality and that it addresses issues relating to climate change and health and wellbeing.
- 3.2 **Policy AP1: Design of new Development** will set out the approach to securing high quality design in new developments. The policy will be drafted in tandem with the Council's Good Design Supplementary Planning Document which is in the process of being updated to reflect the principles of the [National Design Guide](#) and the [National Model Design Code](#). The policy will be included in the Regulation 19 version of the plan.
- 3.3 **Policy AP2: Amenity** is largely a continuation of the existing amenity policy (D2) which sets out to ensure that new development respects the amenity of existing properties. Minor changes have been made for clarity.
- 3.4 **Policy AP3: Renewable Energy** incorporates targets for energy generation from wind and solar based on the Council's [Renewable and Low Carbon Energy Study](#). This issue was considered at the 16 March 2023 meeting of this committee.
- 3.5 **Policy AP4: Reducing Carbon Emissions** is a new policy which seeks to ensure that new development addresses the need to reduce carbon emissions. This issue was considered at the 16 March 2023 meeting of this committee.
- 3.6 **Policy AP5: Health and Wellbeing** is a new policy which requires new development to address health and wellbeing through design, location and incorporation of appropriate infrastructure. This issue was considered at the 16 March 2023 meeting of this committee.
- 3.7 **Policy AP6: Health Impact Assessments** will be a new policy requiring Health Impact Assessments for some developments. This issue was considered at the 16 March 2023 meeting of this committee. Since then, Planning Policy Officers have been working closely with Health and Wellbeing colleagues and the County Council to develop a suitable policy which will be included at Regulation 19.
- 3.7 **Policy AP7: Flood Risk** addresses flood risk and amends the current policy (Cc2). As national policy on flood risk is quite detailed, officers had considered whether to rely solely on national policy as a reasonable alternative. However, it has been concluded that a locally specific policy is required.
- 3.8 **Policy AP8: Sustainable urban Drainage Systems** updates the current policy (Cc3) on Sustainable Urban Drainage to provide clarity as to when a scheme will not be required and has not previously been considered as part of the new Local Plan.

3.9 **Policy AP9: Water Efficiency** is a new policy concerned with water efficiency in new developments. This issue was considered at the 16 March 2023.

## 4.0 HOUSING

4.1 This part of the local plan will identify the preferred sites for housing development. As noted above, this will be considered at the 15 November 2023 meeting of this committee.

4.2 **Policy H1: Housing Strategy** is a new policy which has not previously been considered by this committee. It establishes a strategy for how the Council will ensure that the future housing needs of the district are addressed.

4.3 **Policy H2: (Housing Commitments) and policy H3 (Housing Allocations)** will be addressed as part of the report to be considered on 15 November 2023.

4.5 **Policy H4: Housing types and mix** will update the current policy (H6) and is concerned with ensuring that new housing development incorporates an appropriate mix of house sizes and types. It has not previously been the subject of consultation. The Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) provides supporting evidence and the proposed consultation document sets out some options.

4.6 **Policy H5: Affordable Housing** is concerned with securing affordable housing. Consideration is given to a number of issues, including what the Council's approach should be in respect of First Homes which is a relatively recent government initiative. National policy allows for a more localised approach where appropriate and it is recommended that local connection criteria be applied. At this stage the proposed policy does not set out what the proportion and tenure mix of affordable housing to be required will be. These matters will be tested as part of the Whole Plan Viability assessment which will be completed before the Regulation 19 version of the plan is finalised.

4.7 **Policy H6: Rural Exceptions Sites** is largely a continuation of the existing policy (H5) in respect of Rural Exception Sites.

4.8 **Policy H7: Self and Custom Build** will be a new policy to address the provision of Self and Custom Build. This issue has been the subject of previous consultation and was considered at the 16 March 2023 meeting of this committee. Since then, officers have been in discussion with a representative of the government's Right to Build Task Force regarding how the Council deals with Self and Custom Build issues. A policy will be presented as part of the housing and employment site allocations report and will then be 'slotted' into the consultation document.

4.9 **Policy H8: Houses in Multiple Occupation** is a new policy to address the issue of Houses in Multiple Occupation (HMO) in Kegworth. An Article 4 Direction is in place which means that small HMO (i.e. those of between 3 and 6 people) now require planning permission. However, this has not stopped the creation of HMOs and all the available evidence shows that there are areas of Kegworth where such properties have proliferated. The proposed policy will, if approved at Examination by a Planning Inspector, provide a firmer policy basis from which to control such uses.

4.10 **Policy H9: Provision for Gypsies and Travellers and Travelling Showpeople** establishes the criteria to be used to assess proposals for gypsies, travellers and travelling showpeople and is largely a continuation of the current policy with some minor amendments for clarity. In terms of the actual provision of sites, this will be considered as part of the site allocations report.

4.11 **Policies H10: Space Standards** is a new policy requiring all new homes to meet the Nationally Described Space Standard. It was reported to the 16 March 2023 meeting of this committee. Further to that meeting, officers have done more evidence gathering to justify the inclusion of this policy.

4.12 **Policy H11: Accessible, Adaptable and Wheelchair User Housing** is a new policy to require all new homes to be built to Part M4(2) of the Building Regulations and a percentage of new homes to be built to M4(3). It is concerned with the provision of accessible, adaptable and wheelchair user homes required as part of new development. This was consulted upon between January and March 2022 and responses were considered at the 16 March 2023 meeting of this committee.

## 5.0 THE ECONOMY

5.1 This section addresses matters relating to the economy, which will include the identification of new employment land which will be considered at the 15 November 2023 meeting of this committee.

5.2 **Policy Ec1: Economic Strategy** will set out the overall economic strategy and will be included in the Regulation 19 version of the plan, when there is greater clarity in respect of some of the outstanding issues, including the need for strategic B8 development (i.e. large-scale warehousing).

5.3 **Policy Ec2: Employment Commitments and policy Ec3 New Employment allocations** will be addressed as part of the report to be considered on 15 November 2023.

5.4 **Policy Ec4: Employment uses on unidentified sites** addresses the issue of where an employment use is proposed on an unidentified site. This is currently the subject of policy Ec2(2) in the adopted Local Plan. This matter was consulted upon between January and March 2022 and was considered at the 27 September 2022 meeting of this committee.

5.5 **Policy Ec5: Existing employment areas** establishes the Council's approach in respect of Existing Employment Areas (EEAs) and has not been the subject of previous consultation. Some new EEAs are identified and boundary changes proposed to some of the EEAs from the adopted Local Plan.

5.6 **Policy Ec6: Small workspace provision** is a new policy which addresses the issue of new start up workspace. It was consulted upon between January and March 2022 and the consultation responses were considered at the 27 September 2022 meeting of this committee where it was agreed to include a policy.

5.7 **Policy Ec7: Local employment opportunities** is a new policy and seeks to ensure that new employment developments which generate more than 50 jobs include an Employment and Skills Plan. This matter was consulted upon between January and March 2022 and the consultation responses were considered at the 27 September 2022 meeting of this committee where it was agreed to include a policy.

5.8 **Policies Ec8, Ec9 and Ec10: East Midlands Airport** are concerned with development at the airport, Safeguarding and Public Safety Zones. They have not been the subject of consultation as part of the new Local Plan, but similar policies are included in the adopted Local Plan (Ec4, Ec5 and Ec6), although the extent of the Public Safety Zones has been reduced. The revised Public Safety Zones are included in Appendix B to this report.

5.9 **Policy Ec11: Donington Park Circuit** updates the existing policy (Ec7) for clarity and to reflect changes in circumstances.

5.10 **Policy Ec12: Tourism** extensively updates the existing tourism policy (Ec13) by separating the policy into tourism development and visitor accommodation. The policy requires applicants to demonstrate the need for visitor accommodation and includes policy requirements for anyone seeking to change visitor accommodation to a permanent residential use.

## 6.0 TOWN AND LOCAL CENTRES

- 6.1 **Policy TC1: Town and Local Centres: Hierarchy and Management of Development** is presented as a new policy, although it combines some elements from existing policies, such as the thresholds for requiring impact assessments. Changes made by government in recent years to the Use Classes Order mean that there is now much more flexibility regarding what are referred to as Main town Centre Uses and when planning permission is required. Therefore, it has been necessary to amend and combine a number of policies.
- 6.2 It is proposed to amend the boundary of Coalville Town Centre to reflect observed changes that have occurred in recent years, such as reduced footfall in certain areas. This results in a more concentrated area. The proposed boundary is included as part of Appendix B.
- 6.3 **Policy TC2: Hot Food Takeaway Uses** is concerned with the issue of hot food takeaways. These are not defined as Main Town Centre Uses and so they do not have the same flexibility in Use Class terms as other uses such as shops or restaurants and so they can be controlled. The proposed policy is largely based on the current policy, but with a number of changes for clarity.

## 7.0 INFRASTRUCTURE AND FACILITIES

- 7.1 This chapter sets out the Council's approach to infrastructure, including securing new infrastructure as part of development and protecting what is already in place.
- 7.2 **Policies IF1 (Development and Infrastructure)** and **IF2 (Community and Cultural Facilities)** are similar to those in the adopted Local Plan (IF1 and IF2) with some minor amendments for clarity. Neither has been the subject of previous consultation as part of the new Local Plan. Policy IF1 sets out the Council's general approach to securing a range of new infrastructure, whilst policy IF2 is concerned with Community Facilities and in particular their protection.
- 7.3 **Policy IF3: Green Infrastructure** is a new policy concerned with the provision and protection of Green Infrastructure as part of new development. It has not previously been the subject of consultation.
- 7.4 **Policy IF4: Open space, sport and recreation facilities** is a continuation of the existing policy (IF3) in respect of sport, open space and recreation. It seeks to ensure that new housing development makes appropriate provision, whilst also protecting existing facilities. Officers are in the process of commissioning, jointly with Leisure services, a number of studies which are of direct relevance to this subject. The policy in the adopted Local Plan has a threshold of 50 dwellings or more for seeking new provision and these studies will assess whether this is still an appropriate threshold.
- 7.5 **Policy IF5: Transport Infrastructure and New development** is concerned with ensuring that new development is accessible by various modes of transport and that the impact of development on the highway network is satisfactorily mitigated.
- 7.6 **Policy IF6: Ivanhoe Line** supports the restoration of passenger services to the Leicester to Burton railway (known as the Ivanhoe Line). Members will be aware that the Campaign to Reopen the Ivanhoe Line (CRIL) has been successful in securing government funding to look at the potential of reopening the line. Network Rail recently announced that any new service would run from Coalville to Burton and, potentially longer term, to Derby. No station sites have yet been decided; therefore, the policy represents a continuation of that in the adopted local plan (IF5). If a decision is made before the Regulation 19 plan is agreed, then the specific station sites can be identified on the policies map and protected from alternative development.

7.7 **Policy IF7: Ashby Canal** supports the restoration of the Ashby Canal and seeks to ensure that new development does not prejudice the route. This is largely a continuation of the existing policy (IF6), although there is an amendment to route to be protected to take account of ownership and engineering issues. This change is included as part of Appendix B.

7.8 **Policy IF8: Parking provision and new development** addresses the need for new development to make adequate parking provision, including for cycles.

## 8.0 ENVIRONMENT

8.1 This chapter details with a number of key environmental issues and sites.

8.2 **Policy En1: Biodiversity** details the Council's approach to ensuring that the biodiversity of the district is conserved and enhanced consistent with national policies.

8.2 **Policy En2: River Mease** is a continuation of the current policy (En2) in respect of the River Mease Special Area of Conservation. As Members will be aware, it is proposed that from 2027 treated foul flows from two key Sewage Treatment Works at Packington and Measham will be pumped out of the Mease catchment. However, an additional issue that now needs to be considered is that of nutrient neutrality. The River Mease is one of a number of rivers nationally that have been identified as having issues in relation to nutrient neutrality, particularly linked to overnight accommodation, including new homes. Members may have seen that the government had proposed to address this issue as part of the current Levelling Up and Regeneration Bill going through Parliament, but this was not agreed. Officers are working with partners, including Natural England and the Environment Agency, to address this issue. It is possible that this may result in changes to the policy at Regulation 19 stage.

8.3 **Policy En3: The National Forest** is concerned with the National Forest and is largely a continuation of the current policy (En3) with some minor amendments for clarity.

8.4 **Policy En4: Charnwood Forest** sets out the council's approach in respect of the Charnwood Forest and is largely a continuation of the current policy (En4) with some minor amendments for clarity.

8.5 **Policy En5: Areas of Separation** will deal with the issue of the Area of Separation between Coalville and Whitwick. The existing Area of Separation is the subject of various sites which have been promoted for housing development. A policy will be presented as part of the housing and employment site allocations report and will then be 'slotted' into the consultation document.

8.6 **Policy En 6: Land and Air Quality** proposes some amendments to the existing policy (En6) on land and air quality.

8.7 **Policy En7: Conservation and Enhancement of the Historic Environment** sets out the proposed strategy in respect of heritage issues. The NPPF is quite detailed in respect of heritage matters, but it advises that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

## 9.0 NEXT STEPS

9.1 The policies set out at **Appendix A** comprise a large part of the draft Local Plan. As noted at paragraph 1.6 it is intended that proposed housing and employment allocations will be considered at the 15 November meeting of this committee. Both the draft policies and site allocations will then be the subject of consultation early in 2024.

9.2 Some of the draft Local Plan policies will be supported by Topic Papers which will provide additional detail and justification of the policies. These will be published as part of the

consultation in early 2024. In addition, the final document will also include a glossary of key terms for those unfamiliar with the planning system.

9.3 As noted earlier, all policies will need to a Sustainability Appraisal (SA). The Council has appointed consultants to undertake the SA, work on which will begin shortly. Any suggested changes arising from the SA will be considered alongside responses to the proposed consultation. In addition, the draft policies will be considered as part of the Viability Assessment of the plan. The SA, Viability Assessment and consultation responses may result in changes to the draft policies at the next stage of the plan (Regulation 19).

9.4 It should also be noted that as part of its planning reforms the government has proposed to publish National Development Management Policies. Where such policies exist then they will not be allowed to be duplicated in local plans. Currently, the matters that will be subject of National Development Management Policies are not clear. However, it is possible that they may cover some of those issues included in the draft plan. Depending upon the progress made with National Development Management Policies, this may necessitate removing or amending some of the proposed policies.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Support for businesses and helping people into local jobs</li> <li>- Local people live in high quality, affordable homes</li> <li>- Developing a clean and green district</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	The National Planning Policy Framework requires that plans meet the development needs of their area.
Safeguarding:	None discernible.
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 decision, of itself, will have no specific impact. The new Local Plan as a whole will aim to deliver positive economic and social impacts and these will be recorded through the Sustainability Appraisal.
Environment and Climate Change:	The decision, of itself, will have no specific impact. The new Local Plan as a whole will aim to deliver positive environmental and climate change impacts and these will be recorded through the Sustainability Appraisal.
Consultation/Community Engagement:	A number of the policies have been the subject of previous consultation. Where this is the case it is highlighted in the report. All the proposed policies will be subject to consultation. The consultation arrangements will be governed by requirements in the Statement of Community Involvement
Risks:	A risk assessment for the Local Plan Review has been prepared and is kept up to date. As far as possible control measures have been put in place to minimise risks, including regular Project Board meetings where risk is reviewed.
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# **1. INTRODUCTION**

1.1. [TO FOLLOW]

## **2. CONSULTATION**

2.1. [TO FOLLOW]

### **3. BACKGROUND TO THE LOCAL PLAN**

3.1. [TO FOLLOW]



## 4. STRATEGY

### Introduction

- 4.1 The National Planning Policy Framework (NPPF, 2021 paragraph 20) requires that strategic policies in plans should “set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for: a) housing (including affordable housing), employment, retail, leisure and other commercial development ...”.
- 4.2 This section of the plan sets out the overall plan strategy, starting off with the objectives we are seeking to achieve before identifying the amount of new housing and employment development we need to make provision for up to 2040. To meet these needs the development strategy aims to direct development to locations that provide access to jobs, services, infrastructure and where there are alternatives to the private car, whilst also recognising the need to protect the countryside.
- 4.3 Our development strategy also takes account of the Strategic Growth Plan for Leicester and Leicestershire, which provides a long-term vision for the housing market area to address the challenges and opportunities in the area to 2050. The Growth Plan promotes developing Leicester’s role as the central city. However, it also identifies the Leicestershire International Gateway focussed on the northern parts of the A42 and the M1, around East Midlands Airport, as one of a number of locations for growth across Leicester and Leicestershire.

### Plan Objectives

**What has happened so far?** We consulted draft objectives as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 12 July 2022](#).

**Is this subject covered in the adopted Local Plan?** Yes. The adopted Local Plan has 15 Objectives.

- 4.4 The Plan Objectives describe, in overall terms, what the new Local Plan aims to achieve and provides a guiding framework for the plan’s policies and proposals. Each policy will contribute to at least one of the Objectives and these are identified at the start of each policy section. The 11 Objectives are listed below. A ‘shorthand’ version of each objective is shown in brackets.

#### Plan Objectives

1. Enable the health and wellbeing of the District’s population. *[Enabling health and wellbeing]*
2. Ensure the delivery of new homes, including affordable housing, which meet local housing needs including in terms of number, size, tenure and type. *[Ensuring the delivery of new homes]*

3. Achieve high quality development which is sustainable, which responds positively to local character and which creates safe places to live, work and travel. *[Achieving high quality development]*.
4. Reduce the need to travel including by private car and increase opportunities for cycling, walking and public transport use, including connecting homes, workplaces and facilities and through the delivery of dedicated new infrastructure. *[Reducing the need to travel]*.
5. Support the District's economy, including its rural economy, by providing for a range of employment opportunities and sufficient new sites which respond to the needs of businesses and local workers. *[Supporting the District's economy]*.
6. Enhance the vitality and viability of the District's town and local centres which have an important role serving our local communities with a particular focus on the regeneration of Coalville. *[Enhancing our town and local centres]*
7. Ensure new development mitigates for and adapts to climate change, including reducing vulnerability to flooding, and contributes to reduced net greenhouse gas emissions to support the district becoming carbon neutral by 2050. *[Mitigating for and adapting to climate change]*.
8. Conserve or enhance the District's built, cultural, industrial and rural heritage and heritage assets and their setting. *[Conserving and enhancing our heritage]*.
9. Conserve and enhance the District's natural environment, including its biodiversity, geodiversity, water environments and landscape character, notably the River Mease Special Area of Conservation, the National Forest and Charnwood Forest as well as its other valued landscapes and pursue opportunities for biodiversity net gains. *[Conserving and enhancing our natural environment]*.
10. Ensure the efficient use of natural resources, in particular brownfield land, control pollution and facilitate the sustainable use and management of minerals and the minimisation of waste. *[Ensuring the efficient use of natural resources]*.
11. Maintain access to services and facilities including jobs, shops, education, sport and recreation, green space, cultural facilities, communication networks and health & social care and ensure that development is supported by the physical and social infrastructure the community needs and that this is brought forward in a co-ordinated and timely way. *[Ensuring sufficient infrastructure]*

## Policy S1 - Future Housing and Economic Development Needs (Strategic Policy)

**What has happened so far?** We consulted on how much new housing and employment we should provide as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022).

**Is this subject covered in the adopted Local Plan?** No.

**Which Local Plan objective(s) does this help to address?** Objective 1 - Enabling Health and Wellbeing; Objective 2 – Ensuring the delivery of new homes and Objective 5 – Supporting the District’s economy.

- 4.5 A key part of the local plan preparation process is to set out a development strategy that identifies both:
- the overall amount of new development that needs to be provided for, principally housing and employment; and
  - where this development should go.
- 4.6 The development strategy of this plan comprises the following policies:
- Policy S1 – Future Development Needs
  - Policy S2 – Settlement Hierarchy
  - Policy S3 – Local Housing Needs Villages
  - Policy S4 – Countryside
  - Policy H1 – Housing strategy
  - Policy H2 – Housing provision: commitments [when inserted]
  - Policy H3 – Housing provision: allocations [when inserted]
  - Policy Ec1 – Economic strategy [when inserted]
  - Policy Ec2 – Employment provision: commitments [when inserted]
  - Policy Ec3 – Employment provision: allocations [when inserted]

### How much housing should be provided for?

- 4.7 The NPPF (2023) is clear that “to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.” (paragraph 61).
- 4.8 The standard method was introduced by the government in 2018 and identifies the minimum number of new homes expected to be provided in each local authority area. Further details about the standard method and how it is calculated is in [National Planning Practice Guidance](#) (PPG). This states “the standard method identifies a minimum annual housing need figure. It

does not produce a housing requirement figure”. To explain, the standard method results in a minimum annual housing need figure of 372 dwellings each year for North West Leicestershire (April 2022). However, to arrive at housing requirement figure for the Plan, it is necessary to consider a range of other factors.

- 4.9 The PPG identifies a number of circumstances when it might be appropriate to plan for a level above the housing need figure, including where a neighbouring authority has identified that it cannot meet all of its housing needs within its own boundaries. Leicester City Council declared that it had an unmet, but unquantified, need in 2017. As a result of changes introduced by the government in December 2020 the level of housing need in Leicester City was increased by 35%. This took the level of unmet need to an estimated 18,700 homes.
- 4.10 All local planning authorities are under an obligation under the Duty to Cooperate to “cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries” (NPPF, paragraph 24). One such cross boundary issue is unmet housing need.
- 4.11 We have worked with all of the Leicestershire authorities to agree how the unmet need from Leicester City could be met. A [Leicester and Leicestershire Housing and Economic Needs Assessment](#) was undertaken having regard to a range of factors to inform how this unmet need might be redistributed across the rest of Leicestershire. This noted that North West Leicestershire has a limited functional relationship with Leicester City. However, account was also taken of where future employment growth was expected to occur and sought to achieve a better balance between jobs and homes. In view of the existing and projected strength of the economy of the district, this resulted in a significant increase in the need for housing to 686 dwellings each year.
- 4.12 This work resulted in a [Statement of Common Ground](#) which was considered by the Council at its meeting on 6 September 2022. Council agreed to sign the Statement of Common Ground, including a housing figure of 686 dwellings each year. This provides the basis for the housing to be provided as part of the Local Plan.

#### **How much employment land should be provided for?**

- 4.13 In terms of future employment land needs, the Council commissioned a report in 2020 (the [North West Leicestershire – The Need for Employment Land study](#), known as ‘the Stantec study’) to assess how much ‘general needs’ employment land would be needed over the lifetime of the plan, that is land for offices, industry and smaller-scale warehousing<sup>1</sup>. The [Leicester and Leicestershire Housing and Economic Needs Assessment](#) also provides an assessment of future needs. A report to the Local Plan Committee of [12 July 2022](#) considered the two studies and concluded that the Stantec study should be the primary evidence for this new Local Plan as it is more detailed and locally specific.
- 4.14 Based on the Stantec study, there is a need for some 255,090sqm (2017-40) of new employment floorspace. Taking account of a) the amount of development which has already been built and permitted (2017-23) and the land allocated at Money Hill; b) an additional allowance to compensate for future losses of employment land to other uses; and c) a

<sup>1</sup> Warehousing units of less than 9,000sqm

flexibility margin as insurance for uncertainty and changing business needs<sup>2</sup>, the net requirements (2023-40) are up to 10,506sqm (1.75Ha) of new office floorspace and at least 114,562sqm (28.64Ha) of industrial and smaller-scale warehousing.

- 4.15 In addition to general employment land, we also need to make provision for what is referred to as strategic distribution. These are large scale warehouses of over 9,000sqm. Working with the other Leicester and Leicestershire authorities we commissioned a study to estimate what the future needs might be for this type of use. The [Leicester and Leicestershire Strategic Distribution Study](#) (2021) identified a need for an additional 768,000sqm (307 Hectares) at rail served sites and 392,000 sqm (112 Hectares) at non-rail served sites across Leicester and Leicestershire for the period 2020-41.
- 4.16 In the consultation we undertook in January 2022 we proposed that 50% of the outstanding Leicester and Leicestershire requirement for road-served strategic distribution floorspace be met in the district. This amounted to approximately 106,000sqm once permissions granted subsequently were taken into account. The Local Plan Committee confirmed this as working figure at its meeting of 12 July 2022.
- 4.17 In the meantime, working with the other Leicester and Leicestershire authorities we have commissioned further work to assess how best to meet the needs identified in the Strategic Distribution Study (The Leicester & Leicestershire Apportionment of Strategic Distribution Floorspace study). This work has yet to be completed and so we do not yet know what the likely requirement will be for North West Leicestershire. It is our intention to address this as part of the Regulation 19 Plan.

#### **Draft Policy S1- Future Development Needs (Strategic Policy)**

- (1) The housing requirement for North West Leicestershire is 686 dwellings each year, and 13,720 dwellings over the plan period of 2020-2040 as set out in the Statement of Common Ground for Leicester and Leicestershire Housing Market Area (June 2022).
- (2) The requirement for employment land purposes to 2040 is 59,590 sqm for office uses (defined as the former B1 (now part of Class E)) and 195,500 sqm for industrial and small warehousing (defined as Class B2 and Class B8) of less than 9,000sq metres).
- (3) The requirement for land for strategic B8 (warehousing) of more than 9,000sqm will have regard to the outcome from the Leicester & Leicestershire Apportionment of Strategic Distribution Floorspace study.
- (4) For the avoidance of doubt, the annualised district housing requirement for 5-year land supply and Housing Delivery Test purposes is 686 dwellings each year.

<sup>2</sup> The approaches to flexibility and losses were agreed at Local Plan Committee on 12 July 2022

- (5) In meeting the future development needs of the district, new development will be required to contribute towards meeting the Local Plan's objectives with particular emphasis upon the following:
- (a) Being of a high-quality design, reflecting the Council's Design Code whilst also respecting the natural and built environment;
  - (b) Addressing climate change and reduce carbon emissions;
  - (c) Delivering new infrastructure to support both existing and future residents and businesses and;
  - (d) Contributing towards creating healthy places.

## Policy S2 – Settlement Hierarchy (Strategic Policy)

**What has happened so far?** We consulted on the settlement hierarchy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 12 July 2022](#).

**Is this subject covered in the adopted Local Plan?** Yes. Policy S2 – Settlement Hierarchy.

**Which Local Plan objective(s) does this help to address?** Objective 4 - Reducing the need to travel and Objective 11– Ensuring sufficient infrastructure

- 4.18 In accordance with the [National Planning Policy Framework](#) (NPPF) the Local Plan should:
- promote a sustainable pattern of development that seeks to meet development needs, align growth and infrastructure (paragraph 11);
  - strategic policies should set out an overall strategy for the pattern, scale and design quality of places (paragraphs 20) and
  - significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (paragraph 105)
- 4.19 To help do this we define a settlement hierarchy to distinguish between the roles and functions of different settlements and to guide the location of future development.
- 4.20 As part of consultation we undertook in [January 2022](#) we included a [study](#) of all settlements in terms of what services and facilities they had available. Services looked at include schools, post office, general store, doctors surgery, recreational and community facilities as well as accessibility by public transport and non-car modes. The frequency of public transport services to and from settlements and also the range of destinations of services have also been taken into account. Consideration was also given to the role of specific settlements. For example, some settlements will have services and facilities which only serve the immediate population, whilst in other settlements there is a greater range of services and facilities which serve an area wider than the settlement itself.

- 4.21 The study concluded that the settlement hierarchy in the adopted Local Plan was largely appropriate, although what were formally Small Villages would become Local Needs Housing Villages where new housing would be restricted to that which meets a local need. This is addressed in a separate policy (Policy S3).
- 4.22 The following settlements (in alphabetical order) offer the most comprehensive range of services and facilities and they also, to a varying extent, serve other settlements as well:
- Ashby de la Zouch;
  - Castle Donington;
  - Coalville Urban Area;
  - Ibstock;
  - Kegworth; and
  - Measham
- 4.23 Therefore, these six settlements form the central part of our settlement hierarchy and will accommodate the vast majority of new development.
- 4.24 An exception to this is that as part of this Local Plan we are proposing the development of a new settlement south of East Midlands Airport. We consulted on a range of possible development options [January and March 2022](#). These different strategies were also subject to a [Sustainability Appraisal](#) assessment. Having considered the various options, the Local Plan Committee of 27 September 2022 agreed that Option 7b was the preferred development strategy. This option included a new settlement. This is a long-term development that will go well beyond the end of the plan period and is consistent with the Leicester and Leicestershire Strategic Growth Plan which identifies this area as one of a number of locations for growth across Leicester and Leicestershire and is referred to as the Leicestershire International Gateway.
- 4.25 Outside of these settlements there are a number of settlements which have some services and facilities but on a much lesser scale. Some development in these settlements will be appropriate. Any further development in such settlements will be restricted to either infilling or previously developed land which is well related to the settlement concerned. We term these as Sustainable Villages and they comprise:
- Albert Village, Appleby Magna, Belton, Blackfordby, Breedon on the Hill, Diseworth, Donisthorpe, Ellistown, Heather, Long Whatton, Moira (including Norris Hill), Oakthorpe, Packington, Ravenstone, Swannington, Woodville, Worthington.*
- 4.26 It is possible that during the plan period some services and facilities in Sustainable Villages could be lost to the extent that they would no longer meet the requirements for a Sustainable Village. The extent and nature of any such loss will be a material consideration in the determination of planning applications.

## Draft Policy S2 – Settlement Hierarchy (Strategic Policy)

- (1) The strategy of this plan is to direct new development to appropriate locations within the Limits to Development consistent with the Settlement Hierarchy below, subject to development being proportionate to the scale and character of the settlement concerned.
- (2) As an exception to the hierarchy, which is based on established settlements, Policy Hxx [to follow] identifies land south of East Midlands Airport for a new settlement where a large amount of growth will take place during the plan period and beyond.

Hierarchy Classification	Settlements
<p><b>Principal Town</b></p> <p>The primary settlement in the district which provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here, including retail development, to support the regeneration of Coalville Town Centre.</p>	<p>Coalville Urban Area comprising Coalville, Donington le Heath, Greenhill, Hugglescote, Snibston, Thringstone, Whitwick and Bardon employment area</p>
<p><b>Key Service Centre</b></p> <p>Smaller than the Principal Town in terms of population and also the range of services and facilities they provide, they play an important role providing services and facilities to the surrounding area and are accessible by some sustainable transport. A significant amount of development will take place in these settlements but less than that in the Principal Town</p>	<p>Ashby de la Zouch</p> <p>Castle Donington</p>
<p><b>New settlement (Isley Woodhouse)</b></p> <p>Land south of East Midlands Airport</p>	



<p><b>Local Service Centre</b></p> <p>Settlements which provide some services and facilities primarily of a local nature meeting day-to-day needs and where a reasonable amount of new development will take place.</p>	<p>Ibstock</p> <p>Kegworth</p> <p>Measham</p>
<p><b>Sustainable Villages</b></p> <p>Settlements which have a limited range of services and facilities where a limited amount of growth.</p>	<p>Albert Village, Appleby Magna, Belton, Blackfordby, Breedon on the Hill, Diseworth, Donisthorpe, Ellistown, Heather, Long Whatton, Moira (including Norris Hill), Oakthorpe, Packington, Ravenstone, Swannington, Woodville, Worthington</p>
<p><b>Local Housing Needs Villages</b></p> <p>Settlements with very limited services and where development will be restricted to that which meets a local need in accordance with policy S3</p>	<p>Battram, Boundary, Coleorton, Griffydam, Hemington, Lockington, Lount, Newbold, Newton Burgoland, Normanton le Heath, Osgathorpe, Peggs Green, Sinope, Snarestone, Swepstone, Wilson</p>
<p><b>Small villages or hamlets in the countryside</b></p> <p>Small groups of dwellings with no services and facilities and where development will be considered in the context of the countryside policy (Policy S4).</p>	<p>Settlements not named in the above tiers</p>

- (3) If during the plan period any of the Sustainable Villages were to lose facilities and services to the extent that they would no longer meet the requirements for a Sustainable Village, this will be a material consideration in the determination of planning applications in these settlements.

## Policy S3 – Local Housing Needs Villages (Strategic Policy)

**What has happened so far?** The [Settlement Study 2021](#) explains how the Local Housing Needs Villages were identified. We consulted on the inclusion of Local Housing Needs Villages in the settlement hierarchy and potential local connection criteria as part of [the Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 12 July 2022](#), where amended policy criteria were also agreed.

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes.

- 4.27 To aid social sustainability, we are proposing to allow a limited amount of new housing for local needs in settlements not deemed appropriate for general market housing. These settlements are identified as Local Housing Need Villages in the settlement hierarchy (Policy S2).
- 4.28 This policy is not intended to enable speculative development. Planning applications for housing in the Local Housing Need Villages will only be acceptable in principle if the intended occupant has a demonstrable local connection to the Local Housing Needs Village or Parish in which the application is located. This means that:
- the intended occupant(s) for each dwelling applied for will need to be identified at the application stage; and
  - applicants will need to demonstrate that at least one of the intended occupants for each dwelling applied for satisfies the policy criteria.
- 4.29 Appropriate evidence which satisfies at least one of the Policy S3 criteria must form part of the application submission. Proof of residence is required for all criteria. This could be in the form of the electoral register, council tax statements, banking information, mortgage or rental evidence, tax statements or any other suitable official documentation. In cases where the intended occupant is having difficulty demonstrating residence for a continuous ten-year period (for example because it was a substantially long time ago or because they were under 18 for the duration or part of this period), a signed affidavit witnessed by a solicitor will be required, in addition to as much evidence as the applicant can reasonably provide. Criteria c) and d) also require medical evidence.
- 4.30 If none of the intended occupants meet any of the criteria, the principle of housing is not acceptable, and the application should be refused.
- 4.31 To ensure the housing is used to meet local needs as intended, we will secure the occupancy of new homes in Local Housing Need Villages home through a legal agreement. To reflect the fact that people’s personal circumstances change over time, this will be for a limited period (usually three years).

- 4.32 As the Local Housing Needs Villages do not have Limits to Development, we expect any new housing to be well-related to the existing settlement. This will be a matter of judgement in each specific case, but the application site must be in close proximity to and not feel separate or distinct from the Local Housing Need Village in question.

### **Draft Policy S3 – Local Housing Need Villages (Strategic Policy)**

- (1) New dwellings at Local Housing Need Villages will only be supported when each dwelling is:
  - (a) Well-related to the Local Housing Needs Village; and
  - (b) Intended for occupation by at least one person with a demonstrable local connection to the Local Housing Needs Village.
- (2) To demonstrate a local connection, at least one of the intended occupants must satisfy at least one of the following criteria:
  - (a) They are an existing resident in the Parish in which the application site is located and have been so for a continuous period of at least 10 years prior to an application being submitted;
  - (b) They are no longer a resident in the Parish in which the application site is located but were previously residents for a continuous period of at least 10 years;
  - (c) They require frequent attention and/or care due to age, ill health, disability and/or infirmity as demonstrated by written evidence from a medical doctor or relevant statutory support agency and therefore has an essential need to live close to a close family member who currently resides in the Parish in which the application site is located and has done so for a continuous period of at least 10 years; or
  - (d) Their existing accommodation is in the Parish in which the application site is located but is no longer suitable for their needs due to ill health or disability, as demonstrated by written evidence from a medical doctor or relevant statutory support agency.
- (3) A legal agreement will be used to secure the occupancy of new dwellings in Local Housing Needs Villages for at least three years.

### **Policy S4 – Countryside (Strategic Policy)**

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** Yes. Policy S3 - Countryside.

**Which Local Plan objective(s) does this help to address?** Objective 8 – Conserving and enhancing our heritage and Objective 9 – Conserving and enhancing our natural environment.

- 4.33 North West Leicestershire is a mainly rural district. The areas that separate our towns and villages consist of largely undeveloped countryside. Although major infrastructure, urban and industrial influences are rarely far away, there remains substantial areas of open, mainly arable, farmland. We want to maintain, and where possible enhance, the environmental, economic and social value of the countryside consistent with the [National Planning Policy Framework](#) (NPPF) (paragraph 174).
- 4.34 The local plan has an important role to play by guiding development. Managing development in areas of countryside is fundamental to delivering the pattern of development as set out in our Settlement Hierarchy. The countryside also has an important role in providing the landscape setting to our settlements which contributes to their identity. The landscape of the countryside varies in character and appearance across the district. It is important that account is taken of these differences in considering development proposals in the countryside.
- 4.35 Natural England has defined National Character Areas across the whole country. There are five National Character Areas within North West Leicestershire:
- Trent Valley Washlands (Area 69)
  - Melbourne Parklands (Area 70)
  - Leicestershire and South Derbyshire Coalfield (Area 71)
  - Mease/Sence Lowlands (Area 72)
  - Charnwood (Area 73)
- 4.36 Each of these areas has a profile associated with it which describes in detail the key landscape features and identifies any issues and opportunities. We will have regard to these, along with the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Assessment, National Character Areas, and any subsequent pieces of evidence when considering development proposals in a countryside location.
- 4.37 We have defined Limits to Development around most of our settlements as a means of distinguishing between areas of potential for new development and areas which can be regarded as countryside where development will be considered having regard to the provisions of Policy S4. Our Local Housing Needs Settlements and Small Villages/Hamlets, as defined in the settlement hierarchy, do not have Limits to Development and are considered part of the countryside when it comes to making planning decisions.
- 4.38 The uses listed in Policy S4 are those which would be potentially appropriate in the countryside subject to satisfying the criteria set out in part 2 of the Policy.
- 4.39 Agriculture is the dominant use in rural areas and remains an important part of the local economy. Most agricultural development can be undertaken without requiring planning permission, provided it is associated with a trade or business, although it may be necessary to submit a prior notification application. Where not operated as a business (often referred to as ‘hobby farming’ where the enterprise is not the applicant’s main, principal or full-time occupation or business) then the permitted development benefits do not apply. Where permission is required, Policy S4 (2) will be used to assess both applications and prior notifications.

#### **Draft Policy S4 – Countryside (Strategic Policy)**

- (1) Land outside the Limits to Development, as shown on the Policies Map, is identified as countryside where the uses listed (a) to (r) below will be supported, subject to the considerations set out in criteria 2 (a) to (d).
  - (a) Agriculture, where it can be demonstrated that any new building is reasonably necessary for the efficient long-term operation of the business;
  - (b) Agricultural and forestry workers dwellings in accordance with Policy S5.
  - (c) The conversion of redundant or disused buildings;
  - (d) Flood protection;
  - (e) Local needs housing in accordance with Policy S3;
  - (f) Affordable housing exceptions sites in accordance with Policy H6;
  - (g) The extension and replacement of dwellings, in accordance with Policy S5;
  - (h) Employment land in accordance with the provisions of Policy Ec4;
  - (i) Expansion of business and enterprise including farm diversification, both through conversion of existing buildings and well-designed new buildings;
  - (j) Sites for Gypsies and Travellers and Travelling Showpeople in accordance with Policy H9;
  - (k) Community services and facilities meeting a proven local need in accordance with Policy IF2;
  - (l) Tourism attractions and facilities and visitor accommodation in accordance with Policy Ec12;
  - (m) Sports and recreation facilities;
  - (n) Renewable energy; in accordance with Policy AP3;
  - (o) Development at East Midlands Airport in accordance with Policy Ec8;
  - (p) Development at Donington Park Circuit in accordance with Policy Ec11;
  - (q) Transport infrastructure;
  - (r) Development by statutory undertakers or public utility providers.
  
- (2) Development in the countryside in accordance with (a) to (r) above will be supported where:
  - (a) The proposed development respects the appearance and character of the landscape, including its historic character; and
  - (b) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements; and
  - (c) It does not create or exacerbate ribbon development; and
  - (d) New built development is well integrated with existing development.

## Policy S5 – Residential Development in the Countryside

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** No, this is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes.

- 4.40 The [National Planning Policy Framework](#) (NPPF) (paragraph 80) sets out a range of circumstances where homes may be acceptable in the countryside. Policy S4 of the Local Plan generally presumes against new residential development in the countryside except in a limited number of circumstances:
- Is for a local need (Policy S3); or
  - Is for affordable housing (Policy H5); or
  - Is to meet the needs of a rural worker that cannot be met elsewhere (Policy S5); or
  - Is to provide a replacement dwelling (Policy S5).
- 4.41 Policy S4 allows for housing that is essential to support the rural economy such as agricultural and forestry business that have a functional need for workers to live on site. A rural worker is a person employed in agriculture, forestry or other rural enterprise. Policy S5 below sets out the considerations that will apply in respect of such dwellings.
- 4.42 The location of rural workers dwellings is usually dictated by the need to be close to the place of work. To promote sustainable patterns of development rural workers will usually be expected to find housing in existing rural communities. However, there may be circumstances where a rural worker need to be on site for example, in the interests of animal welfare or the regular monitoring of crops. Security concerns on their own will not be sufficient to justify a new dwelling.
- 4.43 Applications for rural workers' dwellings will need to be accompanied by evidence which demonstrates the essential operational nature of the need, and that suitable accommodation can only be provided through the construction of a new dwelling.
- 4.44 In order for such dwellings to remain affordable for rural workers proposed dwellings will need to be of a size which matches the scale of the operation and other buildings on the site. The design should reflect the immediate context and its wider rural setting. We may remove permitted development rights to prevent further enlargement of the dwelling without planning permission, to keep the dwelling at a size and value that will be affordable for rural workers.
- 4.45 Permissions for rural workers dwellings will be subject to occupancy conditions to ensure the dwelling remains tied to the agricultural or other appropriate occupational use and is not sold or rented to non-qualifying occupants. To prevent abuse of the exception for rural workers dwellings the removal of such conditions will need strong evidence to show that the

occupancy by a rural worker is no longer justified, such as evidence of marketing at an appropriate price for a period of at least 12 months.

### **Temporary Rural Workers' dwellings**

- 4.46 Where a rural business has been established for less than 3 years, the Council will consider granting permission for a temporary accommodation comprising of a caravan or other suitable structure which can be dismantled and removed. To do this the Council will require the submission of appropriate evidence to demonstrate what the of essential need is, a firm intention to develop the enterprise and sound financial planning. A 'firm intention' and sound financial planning might be demonstrated by the construction of new buildings; the purchase of stock needed to operate a rural business; appropriate agricultural or rural business training and qualifications; work experience; and evidence of sufficient finances to establish the enterprise.
- 4.47 Where permission is granted for temporary accommodation, it will be subject to a condition or planning obligation requiring the temporary structure to be removed three years from the date of the planning permission.

### **Replacement Residential Development**

- 4.48 There may be instances where properties that are within the countryside are in poor repair, or not appropriate for current needs in terms of their design or size. Where this can be demonstrated the provision of a replacement dwelling may be considered acceptable.
- 4.49 Relocation elsewhere within the existing residential curtilage may make the replacement dwelling less intrusive in the landscape or may be required to achieve safer access to the highway.
- 4.50 In cases where a replacement dwelling is permitted within an existing residential curtilage, but not on the site of the original dwelling, the demolition of the original dwelling will be required by condition or legal agreement.
- 4.51 In determining planning applications for replacement dwellings we may remove permitted development rights in order to retain the identity and character of the surrounding countryside.

## **Draft Policy S5 –Residential Development in the Countryside**

### **Permanent rural workers dwellings**

- (1) Proposals for permanent rural workers dwellings will only be permitted providing it has been demonstrated:
- (a) The enterprise has been established for at least three years, is economically viable and has clear prospects of remaining so; and
  - (b) That there is an essential operational need to live permanently at or near their place of work in the countryside; and

- (c) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site; and
- (d) The size and nature of the dwelling is reflective of the location and setting and proportionate to the needs of the intended occupants.

### **Temporary rural workers dwellings**

- (2) Where an enterprise has been established for less than three years, the Council will only permit temporary accommodation, such as a caravan or mobile home, for rural workers.
- (3) Proposals for temporary rural workers dwellings will only be permitted where:
  - (a) There is a firm intention to develop the enterprise; and
  - (b) That there is an essential operational need to live permanently at or near their place of work in the countryside; and
  - (c) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site; and
  - (d) The size and nature of the dwelling is reflective of the location and setting and proportionate to the needs of the intended occupants.
  - (e) A condition or planning obligation is used to require that the temporary accommodation is removed three years from the date of the planning permission.

### **Loss of rural workers dwellings**

- (4) Permission for rural workers dwellings will be subject to an occupancy condition. Proposals to remove an agricultural or other workers' occupancy condition will be permitted where it has been demonstrated:
  - (a) A dwelling is no longer needed for the enterprise; and
  - (b) The property has been actively marketed for at least 12 months at a price which reflects the existence of the occupancy condition.

### **Replacement residential dwellings**

- (5) The replacement of residential dwellings in the countryside will only be permitted providing:
  - (a) The original dwelling is a permanent structure, not a temporary or mobile structure; and
  - (b) The replacement dwelling is of a similar size and scale and no more visually intrusive than the original dwelling; and
  - (c) The number of new dwellings is no more than the number of dwellings to be demolished and replaced; and



(d) The replacement dwelling is positioned on the footprint of the existing dwelling, unless a more appropriate location within the existing dwelling's curtilage is identified.

## 5. CREATING ATTRACTIVE PLACES

### Introduction

- 5.1. This chapter focuses on design, climate change, health and wellbeing and water management.
- 5.2. The National Planning Policy Framework (NPPF) identifies that good design is central to creating attractive and sustainable places. High quality design is not just about how development looks; it is also about how it responds to the site and the environment around it. High quality design creates environments where people want to live, work and visit and which are safe, long lasting and adaptable to changing needs.
- 5.3. High quality design can also respond effectively to a wide range of issues including responding to the effects of climate change, providing healthier and more active places and flooding.

### Policy AP1 – Design of New Development (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy D1 – Design of New Development.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing; Objective 3 – Achieving high quality development; and Objective 4 – Reducing the need to travel.

- 5.4. Section 12 of the [National Planning Policy Framework](#) (NPPF) sets out how well-designed places should be achieved. Following the adoption of the Local Plan in 2017, the 2021 iteration of the NPPF included new guidance on design<sup>3</sup>, notably:
  - The amendment of the social objective of planning to achieve “well-designed, **beautiful** and safe places” (paragraph 8b).
  - A requirement to set a strategic policy for the design quality of places (paragraph 20).
  - A new requirement for “high quality, **beautiful and sustainable** buildings and places” (paragraph 126).
  - An expectation for all local planning authorities to prepare design guides or codes consistent with the principles set out in the [National Design Guide](#) (2021) and the [National Model Design Code](#) (2021) (paragraph 128).
  - Advice that design guides and codes “can be prepared at an area-wide, neighbourhood or site specific scale and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents” (paragraph 129).

<sup>3</sup> This guidance was carried forward into the 2023 version of the NPPF.

- A requirement for tree-lined streets<sup>4</sup> and the incorporation of trees elsewhere in developments (such as parks and community orchards) (paragraph 131).
- Guidance that “development that well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (paragraph 134).

- 5.5. We currently seek well-designed places via Policy D1 of the adopted Local Plan and the Good Design SPD. Non-residential development is expected to accord with eight place making principles and residential development is required to perform positively against Building for Life 12 (which has now been superseded by [Building for a Healthy Life](#) in 2020).
- 5.6. We are in the process of updating our Good Design SPD so that it is consistent with the principles of the [National Design Guide](#) and the [National Model Design Code](#). Compared to previous iterations<sup>5</sup>, the 2021 NPPF gave local planning authorities greater power to refuse planning applications which don’t accord with local design policies including “any local design guidance and supplementary planning documents such as design guides and codes” as well as government guidance on design contained in the National Design Guide and National Model Design Code (NPPF, paragraph 134).
- 5.7. The new Local Plan will need to reflect the changing national policy context on design. We will progress Policy AP1 in tandem with the new Good Design SPD. As the SPD will have significant weight in decision making (as directed by NPPF paragraph 134), there is the potential to streamline Policy AP1 to make clear that development proposals will be expected to achieve a high standard of design in accordance with the SPD.

## Policy AP2 – Amenity

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy D2 - Amenity.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing and Objective 3 – Achieving high quality development.

- 5.8. Impact on amenity is a fundamental consideration when determining planning applications. Noise, odour, light and overlooking associated with new development are key amenity factors and can adversely impact the quality of life of future occupants or existing residents in the vicinity.

<sup>4</sup> Footnote 50 of the NPPF says that new streets should be tree-lined “unless in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

<sup>5</sup> The adopted Local Plan was prepared in accordance with the 2012 NPPF.

5.9. Guidance on amenity issues runs throughout the [National Planning Policy Framework](#) (2021) which advises that local planning policies and decisions should:

- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).
- Prevent new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (paragraph 174e).
- Ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 185).
- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (paragraph 185a).
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. (paragraph 185c).
- ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs) (paragraph 187).

5.10. Amenity is currently covered by Policy D2 of the adopted. There is the opportunity to tidy up the policy numbering for the purposes of clarity and the reference to a Supplementary Planning Document is no longer relevant. Otherwise, the policy is considered broadly fit for purpose and no fundamental changes are proposed.

#### **Draft Policy AP2 – Amenity**

- (1) New development should be designed to minimise its impact on the amenity and quiet enjoyment of both future residents and existing residents in the vicinity of the development. Development proposals will be supported where:
  - (a) They do not have a significant adverse effect on the living conditions of existing residents through the loss of privacy, excessive overshadowing and overbearing impact.
  - (b) They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.
- (2) Development which is sensitive to noise or unpleasant odour emissions will not be permitted where it would adversely affect future occupants.

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

## Policy AP3 – Renewable Energy (Strategic Policy)

**What has happened so far?** We consulted on a potential renewable energy policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 16 March 2023](#).

**Is this subject covered in the adopted Local Plan?** Yes; Policy Cc1 – Renewable Energy.

**Which Local Plan objective(s) does this help to address?** Objective 7 – Mitigating for and adapting to climate change and Objective 10 – Ensuring the efficient use of natural resources.

- 5.11. Energy generation from fossil fuel sources must be reduced to help meet our net zero carbon targets. This means that energy will need to be generated from renewable forms of energy. Renewable energy technologies include solar panels, wind turbines and heat pumps. The generation and use of renewable energy reduces the demand for fossil fuels which in turn reduces harmful greenhouse gas emissions.
- 5.12. Our [Renewable and Low Carbon Energy Study \(2021\)](#) provides evidence on the likely technical potential of different forms of renewable and low carbon energy in the district. The Study identifies that the main opportunities for NWLDC going forward will be wind energy, solar energy, and heat pumps.
- 5.13. The subject of renewable energy and the inclusion of a target for renewable energy generation was considered in the Development Strategy and Policy Options Consultation (January 2022), After reviewing the consultation responses Members agreed amendments to the draft policy wording for further consultation.
- 5.14. The delivery of renewable and low carbon energy schemes is supported in this plan. We recognise that even small-scale projects, including retro-fitting energy-efficiency measures to existing buildings can contribute towards cutting greenhouse gas emissions. The incorporation of small-scale renewable energy technologies in an individual building, through for example the inclusion of solar panels, heat pumps and domestic wind turbines, are permitted development and therefore do not require planning permission, unless the building is sited in a designated area (e.g., a conservation area) or is a listed building.
- 5.15. Any physical changes to historic buildings designed to improve the buildings energy efficiency will require careful attention in order not to detract from the quality of the heritage asset.

There are opportunities in most historic buildings to improve energy conservation without causing harm through measures such as secondary glazing, improved loft insulation using natural materials, low energy lighting and the use of fuel efficient boilers. Where conflict is unavoidable, the benefits of such measures should be weighed against the extent of harm to the significance of the heritage asset.

- 5.16. Our [Renewable Wind Energy Study](#) identifies broad areas that may be suitable for small scale<sup>6</sup> and medium/large scale<sup>7</sup> wind energy generation. These areas are ‘area of search’ within which the Council will consider whether turbines should be granted permission in line with local and national policy. National policy sets out a series of technical tests (including distances from homes and heritage assets (including Scheduled Monuments and Listed Buildings) and their visual impact is demonstrated to be acceptable).
- 5.17. The NPPF<sup>8</sup> states that planning applications for wind energy development involving one or more turbines “should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support”. Whether a proposal has the backing or support of the local community is a judgement the planning authority will have to make on a case by case basis.
- 5.18. In terms of solar energy generation, the Renewable and Low Carbon Energy Study confirms that Photovoltaic (PV) farms are among the most cost-effective ways of generating renewable electricity. They can be installed more flexibly than many other low/zero carbon (LZC) technologies, and that they should be considered a key opportunity that can provide renewable energy for North West Leicestershire at a strategic scale, provided that the impacts of such developments are acceptable.
- 5.19. The provision and benefit of medium and large-scale renewable energy schemes needs to be balanced against the environmental impacts of the proposals. Planning practice guidance makes it clear that renewable energy does not automatically override environmental protection<sup>9</sup>.
- 5.20. In order to maximize the potential of renewable energy generation, Policy AP3 supports appropriately located renewable energy generation in the district and sets out our renewable energy targets. The targets were initially set out in our [Zero Carbon Roadmap](#) and were confirmed as achievable in the Renewable and Low Carbon Energy Study. The targets in the Roadmap are to 2050 but have been adjusted to align with the plan period.
- 5.21. The targets which we included in our Development Strategy and Policy Options Consultation have been updated in the following ways:

<sup>6</sup> Up to 50m in turbine tip height

<sup>7</sup> 50m+ in turbine tip height

<sup>8</sup> Footnote 54

<sup>9</sup> Renewable and low carbon energy guidance Paragraph 003 Reference ID: 5-003-20140306

- Wind target extended to 2040.
- Solar target extended to 2040 and updated to reflect the most recent (April 2023) Renewable Energy Planning Database (REPD) figures.

5.22. Although we have identified targets for renewable energy generation these are not intended to represent a maximum amount of renewable energy that should be generated by renewable means over the plan period. It will not be possible to record, for example, small scale renewable energy installations that do not require planning permission.

5.23. Policy AP3 includes a clause regarding the decommissioning of renewable energy infrastructure to ensure that if at any time renewable energy infrastructure becomes redundant, sites are restored (as far as possible) to their original state. We will include planning conditions and/or legal agreements to ensure that redundant turbines are removed when no longer in use and land is restored to an appropriate use.

### **Draft Policy AP3 – Renewable Energy (Strategic Policy)**

- (1) The Council will support renewable energy proposals that contribute towards achieving the following renewable energy generation targets by 2040:
  - (a) 50.62 MW of energy generated by solar energy generation.
  - (b) 47.8 MW of energy generated by wind generation.
- (2) Proposals for renewable energy generation as part of new housing developments should be proportionate to the scale of the proposed development and appropriate to their setting.
- (3) Planning applications for renewable energy including any new grid connection lines and any ancillary infrastructure and buildings associated with the development will be supported where:
  - (a) There is no unacceptable impact on residential amenity as result of the development alone or in conjunction with any permitted and existing renewable energy schemes in terms of noise, shadow flicker, vibration, topple distance, glint and glare and visual dominance; and
  - (b) There is no unacceptable impact on the landscape character taking account of the special qualities set out within the individual National Character Areas; and
  - (c) Proposals are accompanied by details to demonstrate how future maintenance will be undertaken and how the site will be decommissioned to ensure the restoration of the site following cessation, such details will be secured by means of condition and/or legal agreement; and
- (4) In addition to the above considerations, proposals for wind energy developments will be supported where:

- (a) The site and scale of development proposed corresponds with the 'Areas Identified as potentially suitable for small scale or medium/large scale turbines' as defined on the Policies Map or is set out within an area defined as being suitable for wind energy development within a Made Neighbourhood Plan; and
  - (b) It can be demonstrated that the proposal has support from the local community; and
  - (c) All impacts on air traffic safety and radar and communications have been assessed, consulted upon and addressed.
- (5) Proposals for solar energy developments including both mounted and standalone ground mounted installations and extensions and repowering of solar extensions, should avoid using the best and most versatile agricultural land where possible.

## Policy AP4 – Reducing Carbon Emissions (Strategic Policy)

**What has happened so far?** We consulted on a potential reducing carbon emissions policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 16 March 2023](#).

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 7 – Mitigating for and adapting to climate change and Objective 10 – Ensuring the efficient use of natural resources.

- 5.24. The [National Planning Policy Framework](#) (NPPF) is clear that the planning system should support the transition to a low-carbon future in a changing climate. It places a strong emphasis on delivering sustainable development and taking a proactive approach to mitigating and adapting to climate change.
- 5.25. The council declared a Climate Emergency in June 2019 and in 2020 adopted ambitious targets to achieve a Net Zero Carbon Council by 2030 and a Net Zero Carbon District by 2050. In order to achieve these targets, the council has published a [Zero Carbon Roadmap](#) and accompanying [Action Plan](#).
- 5.26. To meet our targets greenhouse gas emissions will need to be reduced as much as possible.
- 5.27. The Development Options and Policy Options Consultation (2022) outlined some options for how reducing carbon emissions could be addressed in the new Local Plan. The consultation document included a single policy that covered energy efficiency, reducing carbon, overheating and how development could demonstrate that it is addressing climate change.



- 5.28. Following the consultation, changes to the Building Regulation requirements came into effect in June 2022. Part L of the Building Regulations set out requirements for energy efficiency standards of new and existing buildings and Part O (Overheating) covers the overheating mitigation requirements for new residential dwellings. It was agreed that local plan policy would not repeat the requirements set out in Building Regulations.
- 5.29. In terms of considering how it can be demonstrated that proposed developments are addressing carbon emissions Members agreed to revise the policy wording to remove requirements for Whole Life Cycle carbon assessments which could affect development viability and add significantly to the resource burden of the council.

### **Future Homes Standard**

- 5.30. To reduce carbon emissions in new residential developments the Government has introduced the [Future Homes Standard](#) (FHS) and [Future Buildings Standard](#) which come into effect in 2025. Ahead of the Standards coming into effect, an interim uplift was introduced to Part L of the Building Regulations in June 2022 to reduce carbon emissions by 31% in residential dwellings and 27% in other buildings compared to the previous Building Regulation requirements. At the same time the Government also made changes to Part F (ventilation) of the Building Regulations and introduced two new Building Regulation requirements regarding overheating (Part O) and infrastructure for charging electric vehicles (Part S). The Local Plan does not address these matters as they are adequately dealt with through Building Regulations.
- 5.31. It is considered that the move to the FHS in the early years of this Local Plan, as is the Government's stated intention, coupled with the 2022 uplift in the Building Regulations in respect of reducing carbon emissions from new building, will deliver significant and meaningful contributions to achieving a zero carbon future for the District (as set out in our [Zero Carbon Roadmap and Action Plan](#)). As such the Local Plan does not require energy-efficiency standards that go above the Building Regulation requirements at the present time.
- 5.32. The Local Plan does, however, require a number of other measures that seek to contribute towards a reduction in carbon emissions in the district.

### **Energy Hierarchy**

- 5.33. The Energy Hierarchy concept is a sequence of steps, in order of priority, that seek to minimise energy consumption in a building. Proposed development should be designed to meet the energy hierarchy in the correct order, to the maximum possible degree. There are many ways to implement the Energy Hierarchy in building design, below are some examples:
- **Energy Reduction:** The first step is to reduce operational carbon emissions by designing buildings to require less energy to run. The energy demand of buildings can be reduced by considering the orientation of buildings and site layout in a way that optimises natural lighting and ventilation and by including design features such as south facing windows which can allow for heat and light from the sun to be captured

passively, whilst roof overhangs can provide natural shading, thereby reducing the need for cooling systems. The use of high efficiency lighting and mechanical ventilation with heat recovery should also be considered.

- **Energy Efficiency:** Buildings should be as energy efficient as possible and this can be achieved through, for example, greater air tightness, ventilation and thermal insulation which can minimise or eliminate heat loss. The changes to Building Regulations and the Future Homes Standard and Future Buildings Standards will go some way to address this element although new developments are encouraged to go beyond the energy efficiency requirements where possible.
- **Renewable Energy:** After reducing energy and employing energy efficiency measures steps should be taken to make up for any shortfalls in energy needs through renewable sources. This can be achieved through strategic building design that have the facilities and capacity to both store and deliver energy from renewable sources.
- **Low Carbon Energy:** the next step is to supply energy efficiently via low carbon energy including the use of heat pumps and Combined Heat and Power (CHP) systems.
- **Conventional Energy.**

5.34. Applicants will be required to demonstrate that they have had regard to the energy hierarchy and have utilised, where possible, steps to reduce energy consumption in developments.

5.35. All major developments will be required to submit an Energy Statement that details the energy consumption reductions that have been considered at each stage of the energy hierarchy.

5.36. All other applications can either submit an Energy Statement or include a relevant section in the Design and Access Statement that sets out energy consumption reductions that have been achieved through energy reduction and efficiency measures, renewable and/or low carbon technologies.

### **Whole Lifecycle Carbon Emissions**

5.37. The construction process for new development uses a significant amount of resources and creates a large amount of waste. To reduce emissions associated with development and the impact of this on our environment, developments will need to carefully manage the production, use and disposal of materials.

5.38. Our [Renewable and Low Carbon Energy Study](#) notes that to reach net zero, planning policies will need to address a range of emissions that occur over the building's lifecycle. One way to do this is through a Whole Life-Cycle Carbon (WLC) emissions assessment. A WLC considers both the embodied carbon emissions and operational carbon emissions. Embodied carbon emissions are a building's emissions during construction, including the manufacturing of materials and transportation of materials. The operational carbon emissions are the

emissions generated during the operational lifetime of a building and include the energy required to power, heat, cool and light a building.

- 5.39. The requirement for WLC assessments is an emerging policy area and as such we need to undertake further work to determine what would be a reasonable requirement for applicants to demonstrate proposed development has taken steps to minimise WLC emissions.
- 5.40. One option would be for development to complete a checklist that identifies that the applicant has considered WLC emissions and identified if there are opportunities for the proposed development to reduce such emissions. At this stage we would anticipate that the requirements of Policy AP4 would only be applicable to major developments as defined in the NPPF (2023)<sup>10</sup>.

### **Carbon Offset Fund**

- 5.41. 'Carbon offsetting' refers to compensating for carbon dioxide (CO<sub>2</sub>) or other greenhouse gas (GHG) emissions in one area by taking actions that reduce emissions elsewhere. For example, it may not be possible as part of new development to deliver the necessary reductions in CO<sub>2</sub> emissions onsite. In this instance, developers would be required to make a financial contribution towards a carbon offset fund. The money would then be used to pay for interventions off site that would result in an equivalent amount of CO<sub>2</sub> being avoided.
- 5.42. Carbon offset funds can either be administered through Section 106 processes or set up as a separate fund.
- 5.43. The Renewable and Low Carbon Energy Study notes (section 6.1.2) that "*when developing a strategy for carbon offsetting, the most important guiding principle is that it should be a last resort where other opportunities for reducing direct and indirect CO<sub>2</sub> emissions have been prioritised*".
- 5.44. We are still in the process of looking at the feasibility of setting up a carbon offset fund. This will require additional work. Pending this work the policy below includes provision for a carbon offset fund as a last resort.

<sup>10</sup> Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Draft Policy AP4 – Reducing Carbon Emissions (Strategic Policy)**

- (1) Development is required to contribute to the Council’s aim for a carbon neutral district by 2050. To achieve this, all new development will be required to demonstrate how the following requirements are satisfied:
  - (a) Achieve energy efficiency targets in line with the latest standards at the time a planning application is determined, as set by national policies (including any transitional arrangements); and
  - (b) Demonstrate that measures have been taken to minimise energy consumption by following the steps in the energy hierarchy; and
  - (c) Major developments will be required to demonstrate that measures have been taken to reduce lifecycle carbon emissions and maximise opportunities for the reuse of materials.
- (2) Renewable energy generation should be maximised as much as possible on-site. Where the use of on-site renewables to match the total energy consumption of the development/site is demonstrated not to be technically feasible or economically viable, a financial contribution will be required to the council’s carbon offset fund to enable residual carbon emissions to be offset by other local initiatives.

### **Policy AP5 – Health and Wellbeing (Strategic Policy)**

**What has happened so far?** We consulted on a potential strategic health policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 16 March 2023](#).

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing.

- 5.45. Our [Health and Wellbeing Strategy](#) and the Integrated Care Board’s<sup>11</sup> Community Health and Wellbeing Plan both seek to improve the health and wellbeing of everyone in North West Leicestershire. Particular issues include low levels of physical activity, unhealthy eating and weight, social isolation, limited access to services, poor mental health wellbeing and meeting the challenges of an ageing. Furthermore, those living in our most deprived wards, located within Greenhill, Measham and Ashby Woulds, can suffer from poor general and mental health and lower life expectancy.

<sup>11</sup> The NHS Leicester, Leicestershire and Rutland Integrated Care Boards is the statutory NHS organisation which is responsible for developing a plan for meeting the health needs of its population, managing the NHS budget and arranging for the provision of health services in its geographical area.

5.46. Improving our health and wellbeing requires more than improving access to medical treatment and services. Planning can positively contribute to a range of health benefits including:

- **Housing design and affordability** - housing can support the creation of inclusive communities, providing for a variety of tenures, lifetime homes and good standards of amenity.
- **Physical activity** - provide opportunities for active travel with better access to open spaces and recreational facilities.
- **Healthy lifestyles** - access to healthy food can be supported through safeguarding against the loss of allotments as well as opportunities for food growing in new developments and the management of the location of unhealthy food outlets.
- **Pollution and Climate Change** - the impacts of air and noise pollution can be minimised, including for our more vulnerable populations, through ensuring land uses are compatible and reducing the need to travel by car and facilitating access by more sustainable forms of travel alongside support for renewable energy use, a reduction in carbon emissions and minimising flood risk.
- **Safe and inclusive communities** - creating a safe environment with opportunities for social interaction, active street frontages and high quality public spaces, that provide a sense of ownership and mental health benefits.
- **Health and Social Inequality** - where an individual was born, and where they live and work as well as their age, are some of the factors that can impact on an individual's health. Quality of life can be improved through better access to education and skills, quality jobs, and local services and facilities as well as providing high quality places to live.

5.47. Policy AP4 will complement other policies in the Local Plan which guide the location and design of new development, as well as the protection of the natural environment.

5.48. The planning system also has a role to play in the provision of health care infrastructure, for example, GP surgeries. We will continue to work with health care providers to assist in the planning for, and provision of, healthcare facilities to meet the needs of the district's population, in accordance with Policy IF1.

#### **Draft Policy AP5 – Health and Wellbeing (Strategic Policy)**

(1) Development that maintains and improves the health and wellbeing of our residents, encouraging healthy lifestyles by tackling the causes of ill health and inequalities will be supported. Health considerations will be embedded in decision making and the Council will support the creation of a high quality, accessible and inclusive environment.

(2) To achieve this, the Council will:

- (a) Ensure homes are high quality, good homes and allow people to live healthy lives within them and remain in their homes for longer.
- (b) Facilitate the creation of healthy and resilient communities with opportunities for social interaction, and where people feel safe.
- (c) Support the delivery of a safe walking and cycling network to increase access to active travel, considering active design within development and connections with the wider community, services and employment opportunities.
- (d) Promote and increase access to, and the protection and improvement of, green and blue spaces, sports facilities and play and recreation opportunities.
- (e) Maintain and improve accessibility to healthcare, social care, education and community facilities and wider support services.
- (f) Prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- (g) Support healthy eating and promote healthy food choices, through opportunities for sustainable food development, such as allotments and community growing places, and controlling the location of, and access to, take away uses.

## Policy AP6 – Health Impact Assessments

**What has happened so far?** We consulted on a potential health impact assessment policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 16 March 2023](#) and concluded further works would be undertaken to provide clarity on our approach

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 1-Enabling health and wellbeing.

5.49. A Health Impact Assessment (HIA) is a process which evaluates the potential health effects of a proposed development on our population, particularly on vulnerable or disadvantaged groups. It seeks to identify the positive opportunities for health from a proposal as well as highlighting potential negative impacts that need mitigation. Its role is not to provide a definitive answer on whether planning permission should be granted but as a support tool to create healthy environments and reduce health inequality.

5.50. There are different types of HIA that can be undertaken, according to the nature of the development proposed and the extent of the HIA. The three types of HIA are:

- **Desktop HIA** – involves engaging with a small number of stakeholders and using available evidence to assess health impacts.

- **Rapid HIA** – a brief assessment of health impacts and gathering additional knowledge and evidence from local stakeholders. This is generally used for simpler proposals.
- **Comprehensive HIA** – this is most suited to more complex and larger proposals and is more in depth. It involves more extensive literature searches and data collection, as well as working with multiple stakeholders and involving public engagement.

5.51. Although the [Planning Practice Guidance](#) highlights the value of health impact assessments there is no adopted standardised HIA in England which enables Local Authorities to decide what the process will look like, including when it is required, and opportunity to tailor their approach to local circumstances and specific issues that they face.

5.52. We previously sought views on the inclusion of a HIA policy and whether a HIA Screening Statement should be used as a tool to determine whether certain types of development proposals would require a more comprehensive HIA. There was general support for the use of HIAs, however there were concerns raised over the use of a Screening Statement particularly in terms of lack of clarity over when and how it would be used. The approach was also considered to be disproportionate and would add further bureaucracy to the development process.

5.53. We are continuing to work with other Leicestershire Authorities and the Public Health Team at Leicestershire County Council on the evolution of an HIA policy with the aspiration to have a common approach across these authorities. This work is currently focusing on the role of local plan policy to identify the circumstances when a HIA would be required, which will need to be supported by a ‘toolkit’.

5.54. Moving forward, we are exploring the following triggers for a HIA :

- The Local Planning Authority to work with Public Health (Leicestershire) and identify those Local Plan site allocations where a HIA would be required. If it is concluded that a HIA is needed, this would be identified as a policy requirement for the specific site allocation.
- Identification of a numerical threshold, such as the number of dwellings, where a HIA would be required. For example, this could be for larger scale developments.
- For smaller sized developments, consider the identification of key geographical areas where a HIA will be required, where there are issues surrounding health inequality and/or the vulnerability of the population.

5.55. As this collaborative work is on-going, we are not in a position to propose a draft policy at this stage.

## Policy AP7 – Flood Risk (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy Cc2 – Flood Risk.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing and Objective 7 – Mitigating for and adapting to climate change.

- 5.56. Planning Practice Guidance<sup>12</sup> defines “flood risk” as a combination of the probability and the potential consequences of flooding. Areas at risk of flooding are those at risk of flooding from any source, such as fluvial (from rivers), surface water, groundwater, overwhelmed sewers and drainage systems as well as mine water rising and from canals, now or in the future.
- 5.57. The district lies wholly within the catchment of the River Trent and as such the primary source of flood risk in the district is from fluvial flooding. There is a [Catchment Flood Management Plan](#) (CFMP) in place which covers the entire River Trent Catchment as well as all of its tributaries. The River Trent CFMP sets out the flood risk in the River Trent catchment and the preferred plan for sustainable flood risk management. Trent catchment and the preferred plan for sustainable flood risk management.
- 5.58. The north and east of the district is vulnerable to flooding from the River Trent and the River Soar, both independently and, when a flooding incident is more widespread, collectively. The south and west of the district is at risk of fluvial flooding from the River Mease, the River Sence and a tributary of the River Soar. Throughout North West Leicestershire there are several other tributaries of the River Trent and the River Soar which present a flood risk, most notably Gilwiskaw Brook and Grace Dieu Brook.
- 5.59. There are existing flood defences throughout the River Trent catchment. Flood defence embankments are in place along the River Trent and the River Soar where the rivers form the northern and eastern parts of the district’s boundary.
- 5.60. In addition to fluvial flood risk, surface water flooding has become an increasing concern in recent years. Surface water flooding occurs when water is unable to permeate the ground or enter the drainage systems quickly enough. Climate change is set to cause an increase in surface water flood risk through increased rainfall intensities.
- 5.61. The [National Planning Policy Framework](#) (NPPF) sets out strict tests to protect people and property from flooding. The sequential risk-based approach to development and flood risk applies at all levels of the planning process whether allocating land or when considering

<sup>12</sup> Paragraph: 001 Reference ID: 7-001-20220825 (Revision date 25/08/2022).



planning applications, meaning new development should be steered towards areas with the lowest probability of flooding and must not exacerbate flood risk elsewhere.

- 5.62. Local Plans should be supported by a Strategic Flood Risk Assessment (SFRA) which assesses the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change. The SFRA is used to inform the Local Plan Sustainability Appraisal so that flood risk is fully taken into account when considering site allocations and in the preparation of policies. The most recent SFRA for NWLDC was published in June 2015. A Climate Change Addendum to the SFRA was published in November 2016. A review of the SFRA has been undertaken which recommends that a full updated SFRA be prepared concurrently with the new Local Plan. A new SFRA has been commissioned and we will take this into account at the next stage of the Local Plan.
- 5.63. The NPPF sets out the circumstances when a planning application should be accompanied with a site-specific flood risk assessment<sup>13</sup>. The PPG also provides advice on what site-specific flood risk assessments should contain.
- 5.64. The adopted Local Plan Policy Cc2 deals with Flood Risk. The Policy however largely repeats what is set out in the NPPF. The Levelling-up and Regeneration Bill: reforms to national planning policy consultation (2022) does not propose any changes to the ‘Planning and flood risk’ section of the NPPF.
- 5.65. The following are potential options for how flood risk could be addressed in the new Local Plan.

<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
<b>Option 1 – Delete policy and rely on NPPF</b>	
<ul style="list-style-type: none"> <li>• Current policy largely repeats national policy, it is not necessary to repeat national policy at the local level.</li> <li>• Provides clarity for all users of the plan about the criteria that will apply.</li> </ul>	<ul style="list-style-type: none"> <li>• No local plan policy on flood risk, gives the impression that it is not an important issue.</li> <li>• Risk that locally specific aspects are missed.</li> </ul>
<b>Option 2 – Amend the policy wording to make the policy more concise and retain any locally specific elements</b>	
<ul style="list-style-type: none"> <li>• Provides clarity for all users of the plan about the criteria that will apply.</li> <li>• The Policy would not repeat the requirements set out at the national level.</li> <li>• The flood risk policy would be more locally specific.</li> </ul>	<ul style="list-style-type: none"> <li>• Question whether it would add anything to National Policy and Guidance.</li> </ul>

<sup>13</sup> NPPF footnote 55

- 5.66. The preferred approach is to retain a flood risk policy in the new Local Plan. The policy in the adopted Local Plan does include some locally specific elements particularly in relation to the potential sources of flooding (from mine water rising and canals) that can be retained. It is considered that the existing policy could be refined to avoid repeating the requirements set out in National Policy and Guidance.

#### **Draft Policy AP7 – Flood Risk (Strategic Policy)**

- (1) Flood risk will be managed by directing development to areas with the lowest probability of flooding with reference to the Environment Agency flood risk maps and the Council’s Strategic Flood Risk Assessment (SFRA) unless a Sequential Test and, if necessary, an Exception Test demonstrates the development is acceptable.
- (2) Proposals will be supported where:
  - (a) A site-specific Flood Risk Assessment (if required), fully considers the issues of flooding from sewers, canal infrastructure failure, groundwater rising from former coal mining areas, and watercourses; and
  - (b) Flood protection / mitigation measures appropriate to the level and nature of flood risk and are agreed and secured and measures put in place for their implementation and maintenance; and
  - (c) The development does not place itself or existing land or buildings at increased risk of flooding. For a greenfield site the rate of runoff from the developed site should be no greater than the existing rate of runoff from the site. For a development on previously developed (brownfield) land, the rate of runoff should not exceed the runoff from the site in its previously developed condition.

### **Policy AP8 – Sustainable Urban Drainage Systems**

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes; Policy Cc3 – Sustainable Drainage Systems.

**Which Local Plan objective(s) does this help to address?** Objective 7 – Mitigating for and adapting to climate change.

- 5.67. Sustainable urban Drainage Systems (SuDS) aim to mimic the natural drainage process and provide an alternative to the direct channelling of surface water through networks of pipes and sewers to nearby watercourses. There are different types of SuDS available, including green roofs, permeable paving swales, detention basins, ponds and wetlands. In addition to

controlling surface water run-off, they also offer opportunities to enhance the biodiversity in an area, reduce flood risk and improve water quality.

- 5.68. The type of SuDS suitable for a development site will depend on the nature of the development and its location, for example permeable paving and soakaways are often incorporated into higher density developments. SuDS are equally applicable to urban areas and rural areas, and for residential, commercial and/or industrial developments.
- 5.69. Leicestershire County Council is the Lead Local Flood Authority (LLFA) and is the lead organisation for providing advice and guidance on surface water runoff and run off rates.
- 5.70. The requirement in the [National Planning Policy Framework](#) (NPPF) to include SuDS in new developments has been strengthened since the adopted Local Plan was being prepared. The 2012 NPPF required development to give “*priority to the use of sustainable drainage systems*”<sup>14</sup> whereas the 2023 NPPF now requires “*development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate*”<sup>15</sup>
- 5.71. The NPPF currently only requires major developments<sup>16</sup> and developments in areas at risk of flooding (that meet the sequential test<sup>17</sup> and exceptions test<sup>18</sup>) to incorporate SuDS. Paragraph 169 of the NPPF sets out the criteria that sustainable drainage systems should incorporate, unless there is clear evidence that it would be inappropriate. The SuDS used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 5.72. The adopted Local Plan contains a policy (Policy Cc3) on Sustainable Drainage Systems. The Policy sets out the requirements for SuDS as part of new developments.
- 5.73. In January 2023 the Department for Environment, Food and Rural Affairs (DEFRA) published a report and policy statement that set out the Government’s intention to implement Schedule 3 to the Flood and Water Management Act 2010 that will mandate SuDS in new developments in England.

<sup>14</sup> NPPF 2012 Paragraph 103.

<sup>15</sup> NPPF 2023 Paragraph 169.

<sup>16</sup> Residential development of more than 10 dwellings or a site of 0.5Ha or more where the number of dwellings is unknown and non-residential development of 1,000sqm or more or a site of 1Ha or more.

<sup>17</sup> The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk.

<sup>18</sup> The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

- 5.74. DEFRA is due to consult on the statutory instruments in 2023 and the new SuDS requirements will be brought into force in 2024. SuDS are expected to become mandatory for most new development and will require a SuDS-specific authorisation by the SuDS Approval Body (SAB) prior to construction starting (even where planning permission is not required). As part of the requirements the right to connect surface water run-off to public sewers will be removed and instead will be conditional on the approval of the sustainable drainage system by the SAB.
- 5.75. In terms of the new Local Plan, we are proposing to include a policy relating to SuDS at this stage. However, we acknowledge that once SuDS become a legislative requirement there may be no need for a local plan policy.

### **Draft Policy AP8 – Sustainable Drainages Systems**

- (1) All major development proposals will include Sustainable Drainage Systems (SuDS) for the management of surface water run-off unless it can be clearly demonstrated that:
  - (a) SuDS are not technically, operationally or financially deliverable or viable and that surface water drainage issues from the development can be mitigated in an alternative way; or
  - (b) The SuDS scheme will itself adversely affect the environment or safety and that surface water drainage issues from the development can be mitigated in an alternative way.
- (2) All schemes with the inclusion of SuDS should demonstrate that they have considered all four areas of good SuDS design: quantity, quality, amenity and biodiversity.
- (3) Where appropriate, every effort should be made to link SuDS into wider initiatives to enhance green infrastructure, improve water quality and benefit wildlife and biodiversity.
- (4) Arrangements must be put in place for the management and maintenance of the SuDS over the whole period during which they are needed.

### **Policy AP9 – Water Efficiency**

**What has happened so far?** We consulted on a potential water efficiency policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 16 March 2023](#).

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 10 – Ensuring the efficient use of natural resources.

- 5.76. Water is a finite resource and with population growth and changing weather patterns including hotter summers and drier winters, the demand for water could begin to exceed supply. Water efficiency is the practice of reducing water consumption by measuring the amount of water needed for any particular purpose and ensuring that the consumption is limited to only what is required.
- 5.77. The [National Planning Policy Framework](#) (NPPF) (para 153) requires local plans to take a proactive approach to mitigating and adapting to climate change, which includes taking into account the long-term implications for water supply.
- 5.78. All new homes already have to meet the mandatory national standard of water efficiency as set out in [Part G of the Building Regulations](#) to limit consumption to 125 litres per person per day (l/p/d). To help manage demand for water, the [Optional Technical Standards](#) for water efficiency confirms that Local Plan policies can require new dwellings to meet the Building Regulations optional requirement of 110 l/p/d where there is a clear local need.
- 5.79. The Environment Agency published a report on Water Stressed Areas (July 2021). The report provides formal advice to the Secretary of State on which water company areas in England are areas of serious water stress. North West Leicestershire is within the Severn Trent area which has been classed as ‘seriously water stressed’.
- 5.80. On 1 September 2022, following the Development Strategy and Policy Options Consultation (January 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 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.
- 5.81. This level is in line with the optional water efficiency requirement contained within Part G of the Building Regulations 2010 (2015 Edition with 2016 amendments). The Building Regulations require a condition to be attached to planning permission to require the optional standard of 110l/p/p/d. As such, planning permission for new residential dwellings will include a condition for the optional tighter water efficiency standard.
- 5.82. There is currently no nationally applied standard for water efficiency of non-residential buildings, such as offices, industrial buildings and schools. The Building Research Establishment Environmental Assessment Method (BREEAM) sets out standards for minimum water performance of non-residential buildings which is achieved using the BREEAM water calculation method (BREEAM Wat 01 calculator). This is the method for the assessment of water efficiency in most common types of new non-domestic buildings and is considered to provide the most suitable equivalent mechanism to ensure high standards of water efficiency in new non-residential development.

- 5.83. BREEAM Wat 01 credits are a measure of the water efficiency of a building compared to a baseline performance standard. The more water-efficient the building is, the more credits it can earn. The credits are based on the water consumption per person per day and range from 0 to 5 depending on the building type and the method of calculation.
- 5.84. There are two methods to assess the credit, the Standard Method and the Alternative Method. The standard approach is the default method for calculation and uses the buildings actual component specification and default usage patterns for the building type and its activity areas. The output is compared against a baseline standard for the same use and the percentage improvement is used to determine the number of BREEAM credits achieved. The standard building types are:
- Office
  - Retail
  - Industrial
  - Education
- 5.85. If the development does not meet the standard building types the alternative method can be used. This assesses the performance level of each component used and compares it against a table of water efficient consumption levels by component type (Table 36 within the BREEAM manual) to determine the level of performance for each type.
- 5.86. Water efficiency in non-residential development will be required to demonstrate that Excellent BREEAM credits for WAT 01 are being targeted. An assessment of the building's water efficiency performance should be carried out by a BREEAM approved assessor using the BREEAM Wat 01 calculator, or equivalent best practice standard, and should be submitted as part of a planning application. Compliance will be secured through the use of a planning condition.

#### **Draft Policy AP9 – Water Efficiency**

- (1) All proposals for new residential development are required to achieve the national optional water efficiency standard of a maximum of 110 litres of water per person per day, this will be secured by a planning condition.
- (2) All proposals for new non-residential buildings are required to demonstrate that BREEAM excellent credits for WAT 01 are being targeted and this will be secured by a planning condition. An assessment of the building's water efficiency performance should be carried out by a BREEAM approved assessor using the BREEAM Wat 01 calculator, or equivalent best practice standard, and should be submitted as part of a planning application.

## 6. HOUSING

### Introduction

- 6.1. The National Planning Policy Framework (NPPF) requires Local Planning Authorities to support the Government's objective of significantly boosting the supply of housing. It is important that a sufficient amount and variety of land can come forward where it is required to address the different needs. Policy S1 sets out the overall housing requirement that needs to be provided for up to 2040.
- 6.2. There is a very strong record of delivery of new housing in the district going back nearly 10-years. The annual requirement in the adopted Local Plan (481 dwellings) has been exceeded every year since 2014. In some of those years the number of new homes built was more than twice the requirements. However, the level of need is now greater, so we need to ensure that we need to ensure that build rates are maintained in the future.
- 6.3. This chapter sets out the proposed housing allocations and policies on the mix of housing, the standard of housing the council expects, affordable housing, rural exception sites, self and custom build housing, the issue of houses in multiple occupation in Kegworth and addressing the needs of gypsies and travellers.

### Policy H1 – Housing Strategy (Strategic Policy)

**What has happened so far?** This is the first time we are consulting on this issue.

**Is this subject covered in the adopted Local Plan?** No.

**Which Local Plan objective(s) does this help to address?** Objective - 1 Enabling health and wellbeing and Objective 2 – Ensuring the delivery of new homes.

- 6.4. Planning for a sufficient amount of housing growth in North West Leicestershire is essential, but it is vital that the housing development addresses the needs of the area. This strategic policy sets out the Council's overall strategy to ensure that this happens.
- 6.5. It is not just the overall number that needs to be addressed. There is a need to ensure that the right type, tenure and size of new housing is provided to address the needs of different groups in the community. New developments will be expected to provide a range of house types and sizes, whilst also providing much needed affordable housing. Policy H1 and other policies in this chapter provide the policy framework to achieve this, whether it be for young professionals or older people, for families or those with specialist needs.
- 6.6. It is important to note that the need to deliver a mix of new homes across the district is not considered in isolation and the Local Plan also considers and plans for issues such as the provision of new community facilities and infrastructure required to support new development. In addition, other policies address the need to secure high quality, accessible developments. It is a combination of these elements which are required to deliver sustainable

communities and these issues are addressed in other relevant chapters of this Local Plan and supporting evidence base.

### **Draft Policy H1 – Housing Strategy (Strategic Policy)**

- (1) The Council will plan, monitor and manage the delivery of housing development in accordance with the development strategy and the site allocations set out in this plan. In accordance with policy S1, provision will be made to address the housing requirement of 13,720 new dwellings in the period to 31 March 2040. The provision will include both affordable housing and market housing.
- (2) The annualised district housing requirement for 5-year housing land supply and housing trajectory purposes will be 686 dwellings per year (net). The housing trajectory will be illustrated in an Appendix and the 5-year land supply forecast at the anticipated point of plan adoption will be set out in an Appendix in the plan.
- (3) The total provision made in this plan includes a 10% flexibility allowance. For the avoidance of doubt, this does not uplift the net housing provision requirement in this policy above the set out in policy S1.
- (4) The overall distribution of new homes will be guided by the development strategy and settlement hierarchy (policy S2)
- (5) To meet the affordable housing requirement, provision will be made in the district over the plan period for a mix of affordable housing types to be delivered through development in accordance with Policy H5.
- (6) To support the Plan objectives and delivery of the housing requirement, the Council will monitor and manage housing development in accordance with the monitoring framework (Policy IM xx [to be developed]).
- (7) In addition to the allocations proposed by the Council in the Local Plan provision may also be made in Neighbourhood Plans. Any such allocations will contribute towards the overall requirement of 13,720 dwellings.
- (8) Proposals for residential development will be supported where they contribute positively towards meeting local housing needs and achieving sustainable development. Applications for major residential development should demonstrate how they will make an optimal use of land and provide a mix of homes including size, tenure and specialist adaptations to support



people with different needs to ensure good quality homes are provided for all, both now and in the future.

### [Policy H2 – Housing Commitments]

6.7. [TO FOLLOW]

### [Policy H3 - Housing Provision – New Allocations]

6.8. [TO FOLLOW]

### Policy H4 – Housing Types and Mix (Strategic Policy)

**What has happened so far?** This is the first time we are consulting on this issue.

**Is this subject covered in the adopted Local Plan?** Yes. Policy H6 – Housing Types and Mix

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes.

6.9. Housing monitoring in the [Authority Monitoring Report 2021/22](#) reveals that the size of market homes built since the Local Plan was adopted does not correspond with the needs evidence in the [Housing and Economic Development Needs Assessment 2017](#) (HEDNA). The delivery of 1- and 2-bed properties is falling below the indicative requirements in the HEDNA whereas an apparent excess of 4-bed homes<sup>19</sup> have been built. Reasons for this outcome could include:

- The HEDNA dwelling mix is set out in the supporting text only, it is not part of Policy H6 itself
- The mix is expressed in the form of percentage ranges which allows significant variability.
- Policy H6(2) includes a very long list of factors to take into account when considering dwelling mix
- The market knows what size homes sell the best which does not always correlate with the council's evidence.

6.10. To address the concerns above, the revised Housing Mix policy below incorporates changes from the adopted Policy H6 as follows:

- It is based on the up-to-date analysis of housing needs in the [Leicester & Leicestershire Housing and Economic Needs Assessment 2022](#) (HENA).
- It includes the HENA percentage requirement figures in the policy itself, rather than in the supporting text.

<sup>19</sup> [AMR 2021/22](#) Table 9

- It allows up to 5% variation from this HENA profile to allow a reasonable degree of flexibility without undermining the objective of the policy.
- It includes a clearer list of considerations to justify any greater deviation from the evidence.

6.11. The pros and cons of this suggested approach are described in the table below.

<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
<ul style="list-style-type: none"> <li>• Provides clarity of requirements</li> <li>• Gives policy weight to the requirements.</li> <li>• Allows some flexibility (+/- 5%)</li> </ul>	<ul style="list-style-type: none"> <li>• More prescriptive than the adopted policy. Some may consider that the market is a better judge of the most appropriate profile of homes to deliver at a point in time.</li> <li>• Demand can change over time.</li> <li>• For market homes, the number of bedrooms is a blunt measure which does not reflect room use e.g. using a bedroom as a home office.</li> </ul>

6.12. We believe that the draft policy provides clarity, with an appropriate degree of flexibility, which will enable a suitable mix of market dwellings overall. The plan's supporting text will help the application of the policy by explaining what is meant by terms such as 'local area' for example.

6.13. The AMR monitoring information shows that the position for affordable provision is less stark with only 1-bed supply falling short of the HEDNA profile to a noticeable degree. In practice, the mix of affordable housing is decided on a case-by-case basis, taking into account supply in the local area and the housing register. We have some experience of Registered Providers not wanting to take on sites with a higher level (30%) of single bedroom properties, notwithstanding the need for these smaller properties which our evidence shows. A high proportion of the 1-bed need is derived from older households for whom 2-bed accommodation may be a better fit because of carer needs etc.

6.14. Policy H4 (below) applies to both market and affordable housing and aims to contribute to the objective of creating mixed and balanced communities by ensuring that residential schemes have a variety of dwelling types and sizes. The operation of Policy H5 - Affordable Housing also contributes to this social objective because it results in developments which are multi-tenure.

6.15. Recently we have seen a limited number of 100% affordable housing proposals come forward. Whilst such schemes deliver a welcome boost to our affordable housing supply, the tenure types are limited compared with most market-led schemes which also contain an element of affordable housing. In response, we will require 100% affordable housing proposals to supply evidence to demonstrate how the scheme will result in mixed and balanced communities. This may involve an analysis of the prevailing tenure mix in the local area or it could be that the

scheme incorporates specialist forms of affordable housing e.g. homes suitable for the elderly. This requirement does not apply to rural exceptions sites.

### Housing for Older People

6.16. Housing suited to older people can come in a variety of forms and includes:

- a. Adapted housing (see Policy H11)
- b. Single level homes such as bungalows and blocks of flats with lifts
- c. Age-restricted general market housing which may include some shared amenities such as communal gardens but does not include support or care services.
- d. Retirement living or sheltered housing. This does not generally provide care services but provides some support to enable residents to live independently such as 24-hour on-site assistance and a warden or house manager.
- e. Extra care housing or housing-with-care, also known as retirement communities or villages. Residents live independently with 24-hour access to support services and staff and meals are also available.
- f. Residential care homes and nursing homes

6.17. The HENA estimates that some 1,576 additional homes with care/support<sup>20</sup> (categories d) and e) above) will be needed in the district (2020-41) and 536 care home bedspaces (category f)). The HENA also observes that:

- it is important that supported and extra-care accommodation is delivered in sustainable locations, close to facilities and public transport links, therefore towns are typically more appropriate locations.
- Specialist housing schemes which involve provision of care and communal facilities typically need to be of a critical mass (50+ unit schemes) to be viable.
- Improving the housing options for older people enables their needs to be better met and, in turn, this can free up some larger, family homes.

6.18. The new Local Plan could address this issue in one or more of the following ways.

- Criteria-based policy for considering proposals for older peoples' housing.
- Require an element of older peoples' housing in larger housing schemes.
- Allocate specific sites exclusively for older peoples housing.

6.19. **Criteria-based policy.** This would apply to applications for specialist housing for the elderly (categories c-f above). The policy wording could be along the following lines: "Applications for specialist housing for older people will be supported provided...". Key considerations will include character and amenity and safe walking connections to services and public transport, including for staff. For these reasons, locations at Coalville Urban Area, Key Service Centres and Local Service Centres are likely to be the most appropriate.

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>• Enables the key considerations to be set out e.g. accessibility to services<sup>21</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Does not identify how the measured needs will be met – relies on the market.</li> </ul>

<sup>20</sup> Table 11.22

<sup>21</sup> PPG Paragraph: 006 Reference ID: 63- 006-20190626

6.20. **Require an element** of older peoples’ housing in larger housing schemes

<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
<ul style="list-style-type: none"> <li>• Demonstrates how needs will be met (or met in part)</li> <li>• Could definitely apply to the larger sites as part of a diverse, mixed community</li> </ul>	<ul style="list-style-type: none"> <li>• May have viability implications; conventional market housing always likely to be more profitable.</li> </ul>

6.21. **Allocate specific sites** for housing for older people

<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
<ul style="list-style-type: none"> <li>• Demonstrates how needs will be met (or met in part)</li> </ul>	<ul style="list-style-type: none"> <li>• Challenging to justify the selection of sites. A minimal number of sites submitted to the SHELAA are being promoted for older person’s housing in addition to general market housing.</li> <li>• Most sites would also be suitable for (and more profitable for) general needs housing</li> </ul>

6.22. At this stage, our preference is to prepare a criteria-based policy and to require an element of older people’s housing on larger housing-led schemes. This approach would operate in conjunction with Policy H11 – Accessible, Adaptable and Wheelchair-user Homes and Policy H4– Housing Types and Mix.

6.23. The Government has also recently highlighted that, where appropriate, councils should support proposals that will provide accommodation for children in care<sup>22</sup>.

**Draft Policy H4 –Housing Types and Mix (Strategic Policy)**

- (1) To achieve mixed, balanced communities and to address the changing needs of households over time, planning applications for major residential and mixed-use schemes should provide a mix of housing types and sizes including custom and self-build plots in accordance with the requirements of Policy H7 [to follow]
- (2) The dwelling size breakdown in the HENA is the starting point:

<sup>22</sup> [Written Ministerial Statement 23 May 2023](#).

	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>
<b>Market</b>	5%	35%	45%	15%
<b>Affordable for Rent</b>	35%	40%	20%	5%
<b>Affordable Ownership</b>	15%	40%	35%	10%

- (a) For market housing, any deviation of more than 5% from any of the figures in the HENA must be justified with reference to whichever of the following are relevant:
- (i) character and context of the application site;
  - (ii) local stock profile and dwellings which have been permitted/built;
  - (iii) the nature of the scheme (e.g. flats, conversion of an existing building).
- (b) For affordable housing, any deviation of more than 5% from any of the figures in the HENA must be justified with reference to whichever of the following are relevant:
- (i) character and context of the application site;
  - (ii) local stock profile and dwellings which have been permitted/built;
  - (iii) the nature of the scheme (e.g. flats, conversion of an existing building).
  - (iv) the Housing Register;
  - (v) up to date local housing needs information;
  - (vi) the Registered Provider's requirements.
- (3) 100% affordable housing schemes are required to demonstrate how the proposal will contribute to the objective of creating mixed and balanced communities.
- (4) Developments which include housing suitable for older people will be supported. For schemes of 50+ dwellings, and in addition to the requirements of Policy H11 – Accessible, Adaptable and Wheelchair-user Homes, a proportion of the 1- and 2-bed homes should be in the form of bungalows or other single level housing.

## Policy H5 – Affordable Housing (Strategic Policy)

**What has happened so far?** This is the first time we are consulting on this issue.

**Is this subject covered in the adopted Local Plan?** Yes. Policy H4 – Affordable Housing.

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes.

- 6.24. Policy H4 in the adopted Local Plan describes the circumstances when we require affordable housing to be provided as part of new housing developments. Some 540 affordable homes have been completed since the Local Plan was adopted in 2017 and on average 18% of all the homes built are affordable<sup>23</sup>.
- 6.25. The on-going need for affordable housing in the district is measured in the [\(HENA\)](#) and also in the [\(LHNA\)](#). The HENA concludes there is a need for up to 382 affordable homes of all tenures per year and the equivalent figure in the LHNA is 387 affordable homes. In both cases this amounts to some 56% of our overall annual housing requirement.
- 6.26. These figures do not constitute a requirement that the plan must achieve; the actual amount of affordable housing delivered through the planning process will be less than this and, in the first instance, will be governed by the findings of the whole plan viability assessment. In the next iteration of the plan we will also set out how many affordable homes we expect be delivered on allocated sites.

### Site size threshold

- 6.27. Affordable housing is only required on developments above a certain size. The affordable housing policy in the adopted plan includes different site size thresholds according to whether the application is for a greenfield or brownfield site. For this new plan, our working assumption is that the threshold will be set at sites of 10 or more dwellings (or 0.5Ha) in line with the NPPF.

### Percentage requirements

- 6.28. The new Local Plan will set out the percentage of affordable housing which will be sought on housing and mixed-use sites. Adopted Local Plan Policy H4 applies differential percentages according to location and whether the application site is greenfield or brownfield. To illustrate, a housing scheme on a greenfield site in Ashby de la Zouch is required to provide 30% affordable housing requirements whereas for a brownfield site in Coalville the requirement is 5%. This was justified by viability considerations because of variation in the strength of the housing market.

<sup>23</sup> [Table 8 Authority Monitoring Report 2021/22](#)

- 6.29. Also, to support the re-use of brownfield land, the NPPF directs that where vacant buildings are being reused or redeveloped, the affordable housing contribution should be reduced by a proportionate amount equivalent to the gross floorspace of the existing buildings<sup>24</sup>.
- 6.30. A matter for this plan is whether the affordable housing requirements should again be varied in different parts of the district. In addition to viability considerations, spatial objectives may also have a bearing.
- 6.31. As an example, the Strategic Growth Plan identifies Leicestershire International Gateway as a location for growth. The site allocations being proposed in this area, *[add locations when known]*, are expected to deliver some xx new homes in total. The area is also a focus for a considerable amount of employment growth. It is a strategically important location, and a prime location for large-scale distribution in particular, because of its excellent connections to the strategic road network, to the rail freight terminal at East Midlands Gateway and East Midlands Airport. The nearby villages in North West Leicestershire provide a local labour supply but this is eclipsed by workforce commuting in from the major cities and towns outside the district such as Nottingham, Derby and Burton where, generally speaking, housing can be cheaper. Increased local recruitment could help to bear down on commuting distances, important in a district which is a net importer of labour and where 92% of journeys to work are by car compared with the national average of 78%.
- 6.32. Additional housing in the Gateway area can help sustain existing and future businesses by boosting local labour supply. Subject to viability testing, an enhanced level of affordable housing in this location, potentially above 30%, could also:
- Better enable people to live closer to their place of work
  - Achieve sustainability benefits in terms of travel distances and feasibility of using more sustainable modes, including cycling
  - Better facilitate shift-type working arrangements
  - Help create a mixed, balanced communities, particularly in the proposed new settlement at Isley Woodhouse.

### Tenure

- 6.33. The NPPF glossary explains the different affordable housing tenures, including:
- **Affordable housing for rent:** this includes Social Rent and Affordable Rent.
  - **Discounted market sales housing:** including First Homes.
  - **Other affordable routes to home ownership:** shared ownership, for example.
- 6.34. Affordable housing for rent is best suited for those with acute needs with few alternative housing options with Social Rent being the best option for households in the most pressing housing need. Affordable Rented housing can improve the viability of schemes and recognise that Homes England (HE) has stipulated it as a pre-requisite for HE funding of affordable

<sup>24</sup> Paragraph 64

housing-led schemes. Where rented units are delivered as Affordable Rent, we expect Registered Providers to cap rents to Local Housing Allowance levels.

- 6.35. The aspiration for home ownership is one which the Government supports through the planning system. The NPPF directs that, for major developments, at least 10% of a scheme's dwellings<sup>25</sup> should be for affordable home ownership unless meeting this target would "significantly prejudice the ability to meet the identified affordable housing needs of specific groups"(paragraph 65, emphasis added). Further, at least 25% of the affordable housing requirement should be provided as First Homes<sup>26</sup>.
- 6.36. The level of need for affordable home ownership has been difficult to quantify, particularly as a proportion of private homes which come up for sale on the open market are relatively more affordable. Whether an individual household opts for a market home or for an affordable ownership option will be based on diverse and personal considerations. Subject to these uncertainties, the LHNA estimates that there could be a need (or demand) for up to 197 affordable home ownership homes each year (2020-39) and the HENA suggests a figure of some 146 per year. In both cases, the figures are maximum levels; the need for affordable for rent is likely to exceed that for affordable home ownership.
- 6.37. The new viability study will consider the overall costs of development (including infrastructure costs) and will assess the implications of different affordable housing options, taking into account a number of variables:
- Percentage of affordable housing
  - Tenure split
  - Location
  - Development size
  - Greenfield/brownfield
- 6.38. In terms of tenure, the following scenarios could be assessed in the study:
- 1 – NPPF:** at least 10% Affordable Home Ownership and 25% First Homes with the balance as Affordable for Rent
  - 2 – LHNA:** 50% Affordable for Rent/50% Affordable Home Ownership
  - 3 – HENA:** 60% Affordable for Rent/40% Affordable Home Ownership
  - 4 –Affordable for Rent priority:** 70% Affordable for Rent/30% Affordable Home Ownership
- 6.39. Initial indications are that, if the percentage requirement is set towards the lower end (30% or below), the NPPF's 10% Affordable Home Ownership requirement may undermine the ability to meet the identified affordable housing needs of specific groups i.e., those in need of Rented accommodation that is affordable. We will need to consider further whether this is sufficiently significant to justify moving away from the 10% Affordable Home Ownership expectation, particularly as such a decision would further restrict the number Affordable Home Ownership homes coming forward for non-first-time buyers.

<sup>25</sup> Exceptions to this requirement are listed in paragraph 65 of the NPPF.

<sup>26</sup> [Written Ministerial Statement 24 May 2021](#)



- 6.40. There has been recent interest in Build to Rent schemes in the district which are purpose-built housing for let to tenants. 20% is the default level of affordable private rent homes to be provided (and maintained in perpetuity) as part of such schemes. As these are new build homes, rents are likely to be at a premium with the consequence that units offered at an Affordable for Rent (less than 80% of market rent) will still be out of reach for many in housing need. To address this, we will expect the affordable housing requirement to be met through Social Rented units and/or Affordable for Rent tied to Local Housing Allowance levels and to be developed as a discreet element within the development with management through a Registered Provider.
- 6.41. Scheme design: The affordable housing should be integrated within the design and layout of a scheme such that they are externally indistinguishable from the market housing. Generally speaking, Registered Providers do not favour the ‘pepper-potting’ of units as this can make property management difficult although, equally, a mixed tenure approach helps to create more integrated neighbourhoods. As a rule of thumb, affordable housing units should be provided in groupings of up to 8 units.

### First Homes

- 6.42. First Homes are exclusively for first time buyers and are the Government’s preferred discount market tenure<sup>27</sup>. The discretionary aspects of the First Homes scheme are:
- a minimum discount level of 30% but higher discounts of 40% or 50% may be applied where justified by evidence and confirmed in a Local Plan policy.
  - property price cap of £250,000 after discount can be reduced if this can be justified through the plan-making process. The price cap does not apply to resales.
  - household income is capped at £80,000 but can be lowered via the Local Plan process.
  - a local authority can choose to set local connection criteria for first time buyers. These apply for the first 3 months the First Home is on the market (including resales).
  - key worker criteria can be applied to priorities those working in identified professions.

- 6.43. **Discount.** The HENA (paragraph 9.97) identifies that there may be justification for the discount to be 40% for 3- and 4-bed First Homes. The commentary in the HENA notes;

<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
<ul style="list-style-type: none"> <li>• a greater percentage discount will open up home ownership to more potential first time buyers;</li> </ul>	<ul style="list-style-type: none"> <li>• a higher discount may impact on viability which, in turn, could impact on the number of homes of tenures needed by those with more acute need and with fewer choices. Any increase from the default 30% discount would need to be tested through the viability study;</li> </ul>

<sup>27</sup> NPPF First Homes Paragraph: 001 Reference ID: 70-001-20210524

ADVANTAGES	DISADVANTAGES
	<ul style="list-style-type: none"> <li>although the First Homes guidance is not explicit, it could be interpreted that the Government expects the discount to be the same for all sizes of dwelling.</li> </ul>

6.44. We consider that the case for an increased discount for 3- and 4- bedroom homes is marginal. The HENA shows that a 30% discount is more than sufficient to make a 2-bedroom property affordable compared with the costs of renting and it does bring 3- and 4- bedroom homes within the affordable price range for some, but not for everyone in the cohort of households who can afford to rent but not to buy. Our preferred, precautionary approach, recognising that increasing the discount is likely to have viability implications, **is to apply the national discount rate of 30%.**

6.45. **Price cap.** Analysis in the LHNA<sup>28</sup> shows that lower quartile property prices for the district are below £250,000 although there is variation between locations. Our understanding of the First Homes' guidance is that the same price cap must apply across the district; it cannot be varied to reflect local house price levels.

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>A lower price cap will mean First Homes are generally smaller, cheaper properties.</li> <li>A lower price cap would increase the number of households who could potentially afford a First Home.</li> </ul>	<ul style="list-style-type: none"> <li>The price cap will be fixed whereas house prices may change significantly over the plan period.</li> </ul>

6.46. We consider it would be more prudent **to rely on the national default price cap** (and any subsequent updates to it) rather than fixing a level in the plan.

6.47. **Household income cap.** The national default is a household income of £80,000. This is well in excess of the median household income in the district of £34,100<sup>29</sup>. Based on this, the question is whether the limit should be reduced to better target those who will have greater difficulty purchasing a property; the arguments for and against reducing the income cap are described below.

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>A lower household income cap will increase the pool of potential purchasers.</li> </ul>	<ul style="list-style-type: none"> <li>Income levels will change over the plan period (although the gap between the local incomes and the £80,000 cap is considerable)</li> </ul>

<sup>28</sup> Figure 2.1

<sup>29</sup> LHNA Figure 2.5. 2019 data.

ADVANTAGES	DISADVANTAGES
	<ul style="list-style-type: none"> <li>• A high household income is not, of itself, a guarantee of being able to buy a home for the first time. Levels of debt and rental costs can mean that households may still struggle to afford a deposit.</li> <li>• The £80K income limit aligns with Homes England’s income limit for shared ownership properties. Lowering the First Homes limit would remove this consistency.</li> </ul>

6.48. We consider it would be more prudent **to rely on the national default income cap** (and any subsequent updates to it) rather than fixing a level in the plan.

6.49. **Local connection criteria.** The PPG confirms that “First Homes are designed to allow people to get on the housing ladder in their local area, and in particular to ensure that key workers providing essential services are able to buy homes in the areas where they work.”<sup>30</sup> The council has an established local connection test as part of its housing allocations policy. Individuals must satisfy at least one of the criteria which relate to residence, family connection and employment.

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>• will ensure that residents and people with a connection to the district are prioritised.</li> <li>• Will ensure consistency with the approach for other affordable housing products in the district</li> </ul>	<ul style="list-style-type: none"> <li>• Will initially limit the number of potential purchasers for First Homes</li> </ul>

6.50. The disadvantage outlined above is ameliorated by the fact that local connection criteria fall away if the First Homes is not under offer within 3 months. **Applying local connection criteria** is our preferred approach.

6.51. **Key workers.** The NPPF definition of ‘essential local workers’ is “Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers”<sup>31</sup>. North West Leicestershire has a lower proportion of public sector workers than many other locations. 10.2% of employees work in the public sector whereas for the East Midlands the figure is 26.4% and for Great Britain is 26.9%.

<sup>30</sup> Paragraph: 008 Reference ID: 70-008-20210524

<sup>31</sup> NPPF page 67

<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
<ul style="list-style-type: none"> <li>• will ensure that front line workers are prioritised.</li> </ul>	<ul style="list-style-type: none"> <li>• The HENA analysis (at the Leicestershire level) of local salaries for frontline public sector workers does not find a marked difference between such households and those working in other sectors.</li> <li>• Including key workers will be inconsistent with the approach for other affordable housing products in the district.</li> </ul>

6.52. We consider that we should **not apply a priority for key workers.**

#### **Draft Policy H5 – Affordable Housing (Strategic Policy)**

- (1) Affordable housing will be provided on site as part of major residential (Use Class C3) and mixed-use developments as follows:
  - (a) *[Percentage requirements will follow after whole-plan viability testing]*
  - (b) *[Tenure mix will follow after whole-plan viability testing]*
- (2) Off-site provision will be accepted only where it is demonstrated that the circumstances set out in the NPPF (or its successor) are met.
- (3) A lower proportion of affordable housing will only be accepted where a viability assessment, prepared in accordance with national planning policy and guidance, clearly demonstrates that the full policy requirement cannot be achieved.
- (4) The affordable housing should be integrated within the design and layout of the scheme such that they are externally indistinguishable from market housing on the same site.
- (5) Schemes which artificially reduce the scale of development to avoid the requirement for affordable housing, for example by sub-dividing a site, will not be acceptable.
- (6) The Council’s Local Connection Criteria will apply to prospective purchasers of a First Home for a period of three months from the date the property comes onto the market.

## Policy H6 – Rural Exceptions Sites

**What has happened so far?** This is the first time we are consulting on this issue.

**Is this subject covered in the adopted Local Plan?** Yes. Policy H5 – Rural Exception Sites for Affordable Housing

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes.

- 6.53. Rural Exception Sites are sites in the countryside, outside the Limits to Development, which are permitted as an exception to normal planning policies in order to meet a local affordable housing need. The approach enables the delivery of much needed affordable housing in locations where development opportunities are limited and unlikely to bring forward new affordable units through the operation of Policy H5. Many households in rural areas face issues of housing affordability and the rural exceptions site approach addresses the need for communities to evolve and grow in a sustainable way which supports both the community and the economic stability of the village.
- 6.54. A rural exceptions site must be justified on the basis of an identified local need for affordable housing. The applicant can best achieve this through a local housing need survey which provides an assessment of the actual and potential need for affordable housing from people living in, and connected to, the village in question. Whilst the survey should be the primary source of evidence, this can be supplemented with other information including demographic data and waiting list information.
- 6.55. Whatever approach is used, the applicant should ensure that the information has been gathered through meaningful engagement with the local community and provide certainty that there is a genuine local affordable housing need. If the survey identifies a need for particular house types and/or affordable tenures, the proposed scheme should reflect these as much as practically possible.
- 6.56. The properties on a rural exceptions site must remain affordable in perpetuity and are restricted in the first instance to those who have a strong local connection to the settlement. These requirements will be secured through a s106 legal agreement.
- 6.57. We have concluded that the rural exceptions site policy in the adopted Local Plan (Policy H5) remains fit for purpose. With the exception of minor changes to omit references to the River Mease catchment and to the preparation of a supplementary planning document (which has been completed), the policy is reproduced below. The provides valuable information about the evidence required to support exceptions sites applications. The need to revise this guidance will be reviewed once this plan is adopted.

### **Draft Policy H6 – Rural Exceptions Sites**

- (1) The provision of affordable housing outside of the Limits to Development will be allowed as an exception where:
  - (a) the housing is demonstrated to meet an identified local need for affordable housing; and
  - (b) the development is well-related to and respects the character and scale of the settlement and its landscape setting; and
  - (c) the occupants will have reasonable access to community services and facilities, where appropriate.
  
- (2) Planning permission for a Rural Exception Site will be subject to a legal agreement, to ensure that all initial and subsequent occupiers of the affordable dwellings will:
  - (a) be local people in housing need; and
  - (b) benefit from the status of the dwellings as affordable housing in perpetuity.
  
- (3) On sites that are outside of, but well related to, a Sustainable Village or a Local Needs Settlement the inclusion of market housing on a Rural Exception Site will be supported where:
  - (a) it is demonstrated that there is insufficient subsidy for the scheme to go ahead without the inclusion of market housing; and
  - (b) it can be demonstrated through detailed financial appraisal that the scale of the market housing component is the minimum necessary for the successful delivery of the development; and
  - (c) the majority of the homes provided are affordable.

### **Policy H7 – Self-build and Custom Housebuilding**

[TO FOLLOW]

### **Policy H8 – Houses in Multiple Occupation in Kegworth**

**What has happened so far?** This is the first time we are consulting on this issue.

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes.

- 6.58. The [National Planning Policy Framework](#) (NPPF) seeks a supply of housing that meets the housing needs of different groups. This can include housing in the form of Houses in Multiple Occupation (HMO), a property rented out by at least 3 people who are not from 1 household. HMOS include properties such as shared houses, bedsits, households with lodgers and student houses.
- 6.59. HMOs meet a need for private rented accommodation, as well as suitable accommodation for students, or those who may only want to stay somewhere on a temporary basis. However, they can have a negative impact on the amenity of an area and result in the loss of smaller housing stock that would otherwise be suitable for families. Concentrations of HMOs, in particular, can lead to imbalanced communities due to an increase in the transient population, leading to a loss of community spirit as well as damage to residential amenity and the character of surrounding areas. There may also be concerns around the quality of living for occupants of HMOs.
- 6.60. This is particularly evident in Kegworth where HMOs account for 14.6% of all properties. This is because of the village's proximity to Sutton Bonington campus, which forms part of the University of Nottingham, and East Midlands Airport, as well as labour demands associated with the East Midland Gateway.
- 6.61. In response, the Council made an Article 4 Direction (February 2021) to the parish of Kegworth which withdraws the permitted development rights for the change of use from a dwelling house to a small HMO. This means that in Kegworth planning permission is now required for this change of use. Further background information is provided in the Houses in Multiple Occupation Topic Paper.
- 6.62. The new Local Plan will include a specific policy to manage the creation of HMOs in Kegworth, in those circumstances when planning permission is needed, and address the specific planning issues related to this type of development. As there is no national approach detailing how Local Plan policy should address the impacts of HMOs, in preparing this policy we have given consideration to the circumstances faced by Kegworth and examples of best practice.
- 6.63. We can use a range of policy tools to manage the further development of HMOs.

### **Threshold approach**

- 6.64. One approach is to apply a threshold which uses a ceiling approach to restrict the number of HMOs as a proportion of the total number of dwellings in Kegworth or in a smaller area such as a street. A Government Report<sup>32</sup> identifies this approach as an example of best practice and is also an approach contained within a number of adopted Local Plans.
- 6.65. A summary of the advantages and disadvantages of defining a threshold is set out in the table below:

<sup>32</sup> Department for Communities and Local Government: Evidence Gathering – Housing in Multiple Occupation and possible planning responses Final Report - 2008

<b>Threshold Approach</b>	
<b>Advantages</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• Provides certainty as to how an application will be assessed i.e., if the defined threshold is exceeded the application will not be supported.</li> <li>• Provides an opportunity to address/manage those areas with higher concentrations of HMOs.</li> </ul>	<ul style="list-style-type: none"> <li>• Whilst having a threshold can be justifiable the level it is set at is likely to be arbitrary</li> <li>• Approach could lead to permission being refused once a set threshold is exceeded and not allow other planning factors to be taken into account.</li> <li>• Our records of existing HMOs may not be comprehensive.</li> </ul>

6.66. To apply this approach, we would need to define what is counted as a ‘dwelling’ and resolve how best to publish and update data on the number of HMOs.

#### **Identification of the ‘area’ to which the threshold would apply**

6.67. In considering the ‘area’ the threshold would apply, we considered the following:

- Entire village of Kegworth
- Individual streets
- Within a specified radius of the application site

6.68. The preferred approach is for the identification of a specified radius i.e. within an identified distance of the application property. This would enable the local context to be taken into account when determining an application, such as the concentration of HMOs in the locality, and also not be restricted solely to the street the property is located in. An appendix to the Local Plan would detail how an assessment would be undertaken. For example, the radius measurement would be taken from the centre of the application property.

#### **Sandwiching of a single-family dwelling**

6.69. If a residential dwelling is located between two HMOs the negative impacts from the HMO properties can be intensified for the occupants of the dwelling. This can be in relation to noise and disturbance, or the residents of the dwelling may feel isolated from other residential properties in the street. These impacts can occur even if there are only a few HMOs locally.

#### **Car parking provision**

6.70. The [Leicestershire Highway Design Guide \(LHDG\)](#) does not have specific guidance on off-street parking provision for HMOs and as a rule of thumb, the Local Highway Authority seeks the same level of parking provision as a single-family house.

6.71. However, there is a reasonable potential for all occupants of an HMO to have a car. Furthermore, if there are a number of HMOs in close proximity, cumulatively the increase and pressure for parking could result in adverse impacts on highway safety. High levels of on-



street parking could result in congestion and difficulty in vehicles passing, as well as pavement parking obstructing pedestrians.

- 6.72. Some Kegworth residents have raised this as a concern and in response we propose a higher level of parking provision for HMOs.

#### **Draft Policy H8 – Houses in Multiple Occupation in Kegworth**

- (1) Within the Parish of Kegworth we will support proposals for new Houses in Multiple Occupation, extensions to Houses in Multiple Occupation or the increase in the occupancy of Houses in Multiple Occupation where:
  - (a) The number of Houses in Multiple Occupation do not represent 10% of more of all dwellings within 100m radius from the centre of the building to which the application relates, or the proposal does not result in the 10% threshold being exceeded; and
  - (b) It does not result in a residential dwelling being sandwiched between two Houses in Multiple Occupation along the same side of the street; and
  - (c) The development is able to provide suitable off-street parking of one space per occupant that does not cause detriment to highway safety or the amenity of the area, either individually or cumulatively; and
  - (d) The House in Multiple Occupation does not significantly harm residential amenity and the social and physical character of the area, in particular through increased activity, noise or disturbance; and
  - (e) Sufficient provision is made available on site for refuse storage facilities and cycle storage facilities; and
  - (f) The overall size of the property is suitable for multiple occupation with adequate living space and standards for future occupants (i.e., garden/amenity space, internal space, noise, outlook, light and privacy).

#### **Policy H9 – Provision for Gypsies & Travellers and Travelling Showpeople (Strategic Policy)**

**What has happened so far?** This is the first time we have consulted on provision for Gypsies, Travellers and Travelling Showpeople as part of the new Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy H7 – Provision for Gypsies and Travellers and Travelling Showpeople.

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes.

- 6.73. In order to provide housing for different groups in the community, we have a responsibility to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople.

- 6.74. We are required to undertake an assessment of need for this type of accommodation and to set pitch and plot targets which address the likely permanent and transit<sup>33</sup> site accommodation needs of Travellers in our district. As with housing, we are required to provide a five-year supply of sites against these targets.
- 6.75. If we cannot make sufficient provision for Gypsies, Travellers and Travelling Showpeople then it could result in families setting up accommodation on unauthorised sites (i.e. without planning permission).

### **Permanent Gypsy, Traveller and Travelling Showpeople Accommodation**

- 6.76. The [North West Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment](#) (GTAA, 2022) provides an up-to-date assessment of the need for permanent Gypsy, Traveller and Travelling Showpeople accommodation in the district. The [Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment](#) (2017) provides evidence on the need for transit accommodation in Leicester and Leicestershire. We have prepared a Gypsy, Traveller and Travelling Showpeople Topic Paper which provides more detail on the work we have undertaken on this topic since the previous Local Plan was adopted.
- 6.77. We have undertaken an assessment of need which shows the number of pitches and plots required between 2022 and 2040 (the [2022 GTAA](#) and Topic Paper provide more detail).

**Table xx: Gypsy, Traveller and Travelling Showpeople Accommodation Need (2022-2040)**

Type of Accommodation	Current Need	Future Need			
	2022-2026	2027-31	2032-36	2036-40	TOTAL
<b>Gypsy and Traveller Pitches</b>	32	6	6	3	<b>47</b>
<b>Travelling Showpeople Plots</b>	18	3	3	2	<b>26</b>

- 6.78. In July 2023<sup>34</sup>, the Planning Inspectorate granted planning permission for 12 Gypsy and Traveller pitches. This reduces the current need from 32 to 20 pitches. An application for six pitches is currently subject to a planning appeal<sup>35</sup>. If the Planning Inspectorate allows the appeal, this would reduce the current need to 14 pitches.

<sup>33</sup> Transit sites are short-stay sites (usually up to three months) for Travellers passing through the District.

<sup>34</sup> Land at Whitegate Stables, Coleorton Lane, Packington (21/01602/FULM) was determined by planning appeal.

<sup>35</sup> Aylesbury Gardens, Newton Road, Sweptstone (16/00305/VCU). An appeal hearing is scheduled for November 2023.

- 6.79. We have not received any planning applications for Travelling Showpeople plots since 2011<sup>36</sup>.
- 6.80. So far, we have been unable to identify any potential new sites to meet the needs for permanent Gypsy, Traveller and Travelling Showpeople accommodation because:
- A site search of 500+ sites undertaken by officers did not identify any suitable sites.
  - We have undertaken several ‘calls for sites’ but no sites for Gypsy, Traveller and Travelling Showpeople have been submitted to us.
  - There is limited land available in District Council / County Council ownership and in any event, the need for a Gypsy and transit site is considered by members to be more pressing (see section on transit provision below).
- 6.81. We are looking into whether existing sites can be extended to meet the need identified in the GTAA or whether the families in our District own any other suitable sites, but the outcome of this work is still ongoing. Another option is requiring Gypsy and Traveller provision as part of a large site allocation for housing, whereby a developer would transfer serviced parcels of land to Leicestershire County Council to construct and manage.

### **Transit provision**

- 6.82. Transit sites are short-stay sites (usually up to three months) for Travellers passing through an area.
- 6.83. The [Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment](#) (2017) did not provide specific transit targets for North West Leicestershire but did confirm that there was a need for 36 transit pitches in Leicestershire and the most pressing need was in the north west of the county.
- 6.84. We are looking into the possibility of providing a transit site for the following reasons:
- There is currently no provision for transit pitches in Leicester or Leicestershire.
  - We experienced an average of 30 temporary unauthorised encampments per year in the District between 2011 and 2020, predominantly in the Coalville Urban Area and the areas of Ashby, Measham, Blackfordby, Albert Village, Castle Donington, Lockington and Hemington.
  - On [8 December 2022](#), members of the North West Leicestershire Local Plan Committee resolved that “*this Council look to include provision of a transit site as a matter of urgency.*”
  - A transit site with dedicated facilities would provide a safer option than road side encampments for Traveller families passing through the district. It would also mean any travellers setting up unauthorised encampments could be directed to the transit site. Without a transit site the powers available are more limited.

<sup>36</sup> Hemington Park Showmans Site, Rycroft Road, Hemington (11/00225/FULM), granted permission on 14 February 2012

- 6.85. We will need to balance the benefits of providing a transit site against the costs it will incur, including ongoing maintenance and the cost of acquiring land if the site is not in the Council's ownership.
- 6.86. By the time the Local Plan progresses to the next consultation stage (Regulation 19) we will need to have a clear strategy on how we will meet our accommodation needs.
- 6.87. In terms of the policy itself, some parts of the adopted Local Plan policy are out-of-date, some are no longer relevant and some are not necessary because they repeat other parts of the plan. The supporting text for the policy will need to be updated in full at a later stage (and is likely to include some of the background text above and/or in the Topic Paper). At this stage, the following additional paragraphs are proposed to provide guidance on the interpretation of the policy:

*Applicants for new, expanded or intensified sites for Gypsies and Travellers or Travelling Showpeople should provide evidence of why the accommodation is needed, for example with reference to the availability of existing sites in the District and/or any relevant personal circumstances.*

*Applicants for proposals that would result in the loss of Gypsy and Travellers or Travelling Showpeople accommodation should demonstrate to the Council why the site is no longer needed for those uses. Applications that would result in an increase in the need for Gypsies and Travellers or Travelling Showpeople elsewhere in the District, for example by making families on authorised sites homeless, will not be supported.*

#### **Draft Policy H9– Provision for Gypsies and Travellers and Travelling Showpeople (Strategic Policy)**

- (1) Proposals for new, expanded or intensified sites for Gypsies and Travellers or Travelling Showpeople will be supported where:
- (a) There is evidence of need for the development that cannot be met by vacant pitches or plots at existing authorised sites;
  - (b) The development has reasonable access to a range of services, such as schools, healthcare facilities and shops, preferably by walking, cycling or public transport;
  - (c) The scale of development is proportionate to the nearest settlement and its local services and infrastructure;
  - (d) A safe and suitable highway access can be provided;
  - (e) There is adequate space for on-site parking and the turning of vehicles;
  - (f) Adequate services including water supply, power, drainage, sewage disposal, and waste disposal facilities can be provided;
  - (g) There is an acceptable standard of amenity for the occupants of the site; and
  - (h) The development would not have an unacceptable impact on the amenity of neighbouring properties and land uses.

- (2) In addition to a) to h) above, proposals for new, expanded or intensified Travelling Showpeople Sites will be supported where they make adequate provision for the storage of vehicles, trailers, plant and other equipment necessary to meet the occupants' needs.
- (3) Authorised sites (existing and new) will be safeguarded for Gypsies and Travellers and Travelling Showpeople unless they are no longer required to meet an identified need.

## Policy H10 - Space Standards

**What has happened so far?** We consulted on a potential space standards policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 16 March 2023](#), where officers advised that more evidence gathering was required to justify a space standards policy.

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing and Objective 3 – Achieving high quality development.

- 6.88. We have prepared a Topic Paper on space standards to give a more detailed background on the subject. It sets out the national planning policy context, the outcome of public consultation undertaken in 2022 and additional work that has been undertaken to justify a Local Plan policy on space standards.
- 6.89. The [Nationally Described Space Standard](#) (NDSS) was published by the government in 2015 and sets out minimum internal floorspace requirements for new housing:

**Table xx: Minimum gross internal floor areas and storage (m2) (DCLG, March 2015)**

No. of bedrooms (b)	No. of bed spaces (persons) (p)	1 storey dwellings (m2)	2 storey dwellings (m2)	3 storey dwellings (m2)	Built-in storage (m2)
1b	1p	39			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	

	<b>7p</b>	108	115	121	
	<b>8p</b>	117	124	130	
<b>5b</b>	<b>6p</b>	103	110	116	3.5
	<b>7p</b>	112	119	125	
	<b>8p</b>	121	128	134	
<b>6b</b>	<b>7p</b>	116	123	129	4.0
	<b>8p</b>	125	132	138	

- 6.90. Delivering housing with adequate internal space helps provide occupants with a decent standard of living. Suitably sized homes and rooms can have a positive impact on people's health and wellbeing, improve family cohesion, reduce overcrowding and provide space for solitary activities such as studying or home-working.
- 6.91. There is the opportunity for the Council to require new housing to be built in accordance with the NDSS, but this needs to be justified and referenced in a Local Plan policy.
- 6.92. The Topic Paper provides more evidence on recently constructed housing in the District and shows that a significant proportion of new housing does not provide adequate space and storage for the intended number of occupants. The intended number of occupants is determined by the number of bedspaces in a home. For example, a two bedroom home with one double bedroom and one single bedroom would provide three bedspaces/occupants and a two bedroom home with two double bedrooms would provide four bedspaces/occupants.
- 6.93. In the context of this evidence, a policy requiring compliance with the NDSS is justified. New housing in North West Leicestershire will be expected to meet the minimum gross internal floor areas and storage, as set out in the government's Nationally Described Space Standard (NDSS). The standard will be applied to all new market and affordable housing as well as new housing created through a change of use, conversion or sub-division of existing homes.
- 6.94. Based on evidence of household size from our housing register, together with the removal of the spare room subsidy (more commonly known as the 'bedroom tax'), all affordable rented homes will be expected to meet the following standards:
- One bed homes must provide two bed spaces (i.e. one double room)
  - Two bed homes must provide four bed spaces (i.e. two double/twin rooms)
  - Three bed homes must provide at least five bed spaces (i.e. two double/twin rooms and one single room)
- 6.95. In some cases, adhering to the NDSS will result in house builders having to increase the floorspace of their house types. This must not be to the detriment of providing adequate outdoor amenity space, which will be considered by decision makers in the context of Policy AP1: Design of New Development and the Good Design Supplementary Planning Document (SPD).
- 6.96. To enable the Council to check development proposals against the Nationally Described Space Standard, applicants are required to provide floorplans for each different type of dwelling proposed which clearly show the following information:

- The total gross internal area (in m2)
- The number of intended occupants (the number of bedspaces)
- The gross internal area (m2) and width (m) of every bedroom
- The total gross internal area (m2) of all built-in storage

6.97. In addition, the floor plans for affordable housing types should be clearly distinguished from those for market housing.

#### **Draft Policy H10 – Space Standards**

All new housing will be required to meet or exceed the Nationally Described Space Standard (or any subsequent government update) for gross internal floor areas and storage space. The standard also applies to housing created through conversions, subdivision or changes of use.

### **Policy H11 – Accessible, Adaptable and Wheelchair User Homes**

**What has happened so far?** We consulted on a potential accessible and adaptable homes policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 16 March 2023](#), where officers advised on the government’s proposals to [raise accessibility standards in new homes](#) through the Building Regulations as well as the recommendations for wheelchair user homes in [The Leicester and Leicestershire Housing and Economic Needs Assessment](#) (2022).

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing and Objective 3 – Achieving high quality development.

6.98. The [National Planning Policy Framework](#) (NPPF, 2021) requires local planning authorities to address the needs of different groups with specific housing requirements in their communities, including older people and those with disabilities.

6.99. As people are living longer, the [Planning Practice Guidance](#) (PPG) highlights the importance of providing housing for older people. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Requiring new homes to be built to accessible, adaptable and wheelchair user standards is one way of ensuring a better range of accommodation for the ageing population.

6.100. Accessibility requirements for new homes are set out in [Part M of the Building Regulations](#) (2015):

- **Category M4(1) (visitable dwellings)** is mandatory for all new homes (excluding extensions and changes of use) and requires level access to the main entrance; a flush threshold; sufficiently wide doorways and circulation space; and a toilet at entrance level.
- **Category M4(2) (accessible and adaptable dwellings)** is an optional, higher standard for accessible homes. It requires additional features including having a living area at entrance level and step-free access to all entrance level rooms and facilities, wider doorways and corridors as well as clear access routes to reach windows. It also includes further features to make homes more easily adaptable over time, such as sanitary provisions that can be adapted easily for installation of grab rails and stairs designed to allow easy fit of a stair lift.
- **Category M4(3) (wheelchair user dwellings)** sets optional standards for wheelchair adaptable (M4(3)(2)(a)) and wheelchair accessible homes (M4(3)(2)(b)).

6.101. As Category M4(2) and M4(3) are optional requirements, local planning authorities can only require new homes to be built to these standards if they are tested through the local plan process and are based on evidence of need. Wheelchair accessible standards (M4(3)(2)(b)) can only be applied to homes where local authorities are responsible for allocating or nominating a person to live in that home. Viability is also a consideration given these types of homes cost more to build, particularly in the case of wheelchair accessible homes.

6.102. Currently, Local Plan Policy H6 requires developments of 50 dwellings or more to provide “*a proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities in accordance with Part M4(2) of the Building Regulations.*” The lack of a quantitative policy target has resulted in limited numbers of M4(2) compliant dwellings being delivered since the Local Plan was adopted.

6.103. The government consulted on [Raising accessibility standards for new homes](#) in 2020, publishing its [response](#) on 29 July 2022. In that response, the government concluded that the best way to achieve better accessibility standards in new homes was to make Part M4(2) the minimum standard, with M4(1) applying by exception only. It was *not* proposed to make M4(3) mandatory; this standard will continue to apply only where there is a local plan policy in place (supported by evidence of need).

6.104. There have been no further announcements from government since July 2022; meaning for the time being, if we want homes to be built to M4(2) standards, we need to set a policy requirement in the Local Plan.

6.105. [The Leicester and Leicestershire Housing and Economic Needs Assessment](#) (HENA, 2022) provides evidence of housing need in North West Leicestershire. It recommends that all homes are built to M4(2) standard, the same recommendation as the earlier North West Leicestershire [Local Housing Needs Assessment](#) (2020).

6.106. There is currently no Local Plan policy requirement for M4(3) (wheelchair user) homes. The HENA identifies a need for 9% of market homes to be wheelchair adaptable (M4(3)(2)(a)) and



23% of affordable homes to be wheelchair accessible (M4(3)(2)(b)). These figures are based on the estimates of the number of wheelchair users in our district, 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 by 2041.

6.107. The combined proposed policy requirements for M4(2) and M4(3) would mean that on a development of 100 dwellings with 30%<sup>37</sup> affordable housing, 9 market homes should meet Part M4(3)(a), 7 affordable homes should meet Part M4(3)(b) and the remaining 84 should be built to Part M4(2) standards.

6.108. It may not be possible for some homes to be built to M4(2) and M4(3) standards, for example because of site topography, vulnerability to flooding or other scenarios where step-free access is not viable. In such cases, the applicant will be expected to demonstrate to the Council why step-free access is not viable and the achievement of M4(2) / M4(3) is not possible.

#### **Draft Policy H11- Accessible, Adaptable and Wheelchair User Housing**

- 1) All new homes will be required to meet Part M4(2) of the Building Regulations (accessible and adaptable homes).
- 2) On housing developments comprising 10 or more dwellings (or on a site of more than 0.5 hectares):
  - a) At least 9% of all market homes will be required to meet Part M4(3)(2)(a) of the Building Regulations (wheelchair adaptable dwellings); and
  - b) At least 23% of all affordable homes will be required to meet Part M4(3) of the Building Regulations (wheelchair user dwellings). The expectation is that these will be built to M3(3)(2)(b) standard (wheelchair accessible dwellings), although provision of M4(3)(2)(a) (wheelchair adaptable dwellings) will be considered where justified and agreed with the Council's Strategic Housing Team prior to the granting of planning permission.
- 3) Exceptions to the requirements in Parts 1) and 2) will be considered by the Council only when the applicant has demonstrated that provision of a safe, step-free access is not viable.

<sup>37</sup> This is an illustrative affordable housing requirement as the actual affordable housing requirements will need to be viability tested before they can be finalised.

## 7. THE ECONOMY

### Introduction

- 7.1. North West Leicestershire has a strong and diverse economy. The district is located centrally between the three cities of Leicester, Derby and Nottingham and has exceptional connections to the strategic road network. The M/A42 (J11-14), the A50 (J1) and the M1 (J22-24) are all within the district. East Midlands Airport, the largest pure cargo airport in the country, and the Strategic Rail Freight Interchange at East Midlands Gateway provide access to global markets.
- 7.2. North West Leicestershire falls within the Greater Leicestershire Functional Economic Area (FEMA) which comprises the city of Leicester and its surrounding, wider hinterland<sup>38</sup>. The FEMA reflects the strong economic relationships between the city and Leicestershire and the high level of commuting 'containment'. The northern parts of our district including Castle Donington and Kegworth relate more strongly to the major conurbations of Derby and Nottingham just over the border to the north.
- 7.3. The logistics and distribution market has a wide geography, extending along the M1 from Milton Keynes to Nottingham/Derby and across to Birmingham. North West Leicestershire sits within the 'core Golden Triangle' comprising the broad area between Leicester, Rugby and Coventry where excellent road links mean most major population centres are within a 4½ hour drive.
- 7.4. The data below help describe the District's economy<sup>39</sup>:
  - At 77.6%, the economic activity rate is below that for Leicestershire (83.6%), the East Midlands (78.4%) and Great Britain (78.4%) but this masks disparity between men and women; the male economic activity rate is 88%, similar to that for county and higher than both the regional and national figures (82.2% and 82.0% respectively). The low rate of economic activity for women (68.8%) appears to be attributed to a higher proportion of women reporting that they are 'looking after family or the home' in preference to formal employment.
  - Unemployment levels are quite low, and currently 3.0% of the working age population are claiming work-related benefit, below the level for the region and similar to that for Leicestershire.
  - Jobs density measures the level of jobs per resident aged between 16 – 64 years. On this measure, the district performs exceptionally well with a figure of 1.09 meaning that there is in effect one job available for every resident aged 16 – 64.
  - North West Leicestershire has historically been a net importer of labour. In 2015, some 11,500 more workers commuted into the district than commuted out<sup>40</sup>.

<sup>38</sup> HENA paragraph xxx

<sup>39</sup> data taken from [Economic Growth Plan Evidence Base](#) and HENA Chapter 2

<sup>40</sup> [HEDNA \(2017\) Table 26](#)

- Despite this net inflow of workers, people who work here earn less on average than people who live here. The median resident weekly wage (£597) is higher than for both the East Midlands (£547) and the UK (£585) whereas the workplace comparator is some 10% less at £543 although this is still higher than that for the region, (£535).<sup>41</sup>
- The district has a particular strength in the transport and storage sector. In 2020 this sector accounted for 22.4% of all employment in the district, equating to some 15,000 employees and has exhibited a growth rate of nearly 88% since 2015. Over this period, East Midlands Distribution Centre, East Midlands Gateway and Mercia Park at J11A42 have all come on stream.
- Other key sectors include manufacturing (11.9% of employment), professional, scientific and technical activities (10.4%) and business administration (9.0%).
- There was strong employment growth between 2011-19 across a range of sectors. Total employment rose by 16,200, equating to a 30% growth which is the highest rate in Leicestershire.
- GVA of the district grew by some 3.1% over the same period (2011-19), above the rate for other Leicester and Leicestershire authorities, both individually and collectively, and surpassing the growth rate for the East Midlands as a whole (1.6%) and the UK (1.9%)<sup>42</sup>.
- GVA/job is a measure of overall productivity. GVA/job in North West Leicestershire is £54,944, the second highest in Leicester and Leicestershire and exceeds the rate for the East Midlands (£46,423) and the UK,<sup>43</sup>
- The economy is significantly less reliant on public sector employment (health, education, public administration) than comparator areas; 10.2% of employees working in the district are in the public sector whereas the figures for the East Midlands and Great Britain are 26.4% and 26.9% respectively.

7.5. The Council's [Economic Growth Plan \(2022-25\)](#) is actions-focused and promotes the sustainable growth of the local economy. It identifies that North West Leicestershire has distinct economic strengths and pinpoints five particular sectors for their potential for growth:

- Business and professional and scientific services
- Manufacturing
- Logistics and distribution
- Construction
- Creative/cultural/tourism sector

<sup>41</sup> [Start up workspace study 2020](#) paragraph 4.16

<sup>42</sup> HENA Table 2.2

<sup>43</sup> HENA Table 2.3

- 7.6. The Leicestershire International Gateway, a component of the Leicester & Leicestershire Strategic Growth Plan (2018), is focused around the northern parts of the A42 and the M1, where there are major employment opportunities such as the airport and East Midlands Gateway. Whilst the Strategic Growth Plan does not predict longer term economic development needs (post 2031), it provides a non-statutory foundation for the spatial distribution of new employment development through our new Local Plan.

### East Midlands Freeport

- 7.7. The Freeport designation was announced by the Government in 2022. The designation covers Ratcliffe Power Station, a proposed rail-freight interchange at Etwell, Derbyshire and the East Midlands Airport and Gateway Industrial Cluster ('EMAGIC') site which covers parcels of land within the airport boundary, the SEGRO logistics park to the north and an extensive tract of undeveloped land to the south. The designation's purpose is to boost enterprise and businesses locating to the Freeport will benefit from a package of financial (tax) incentives. The Freeport is overseen by the East Midlands Freeport Board comprising a mix of private and public sector organisations.

### General Needs Employment

- 7.8. The need for additional general employment land is measured in the [North West Leicestershire: The Need for Employment Land \(December 2020\)](#) study ('the Stantec study'). This study is part of the evidence base for the Local Plan Review and covers the period 2017-39.
- 7.9. **Table X** below shows how much additional office and industrial/smaller warehousing space will be needed between 2017-40 according to the Stantec study<sup>44</sup> and also shows the land supply position at April 2023. The assessment includes a losses allowance to take account of future losses of employment land to other uses and a flexibility margin equivalent to 5 year's annual average completions as insurance for uncertainty and changing business needs.

		Offices	Industrial/small warehousing
A	Stantec Requirement (2017 – 40)	59,590	195,500
B	Losses allowance (2025-40)	3,716	60,088
C	Flexibility margin	11,819	84,206
<b>D</b>	<b>TOTAL REQUIREMENT (A+B+C)</b>	<b>75,125sqm</b>	<b>339,794sqm</b>
E	Net completions (2017-23)	23,069	112,667
F	Net permissions at 31 March 2023	9,570	69,925
G	Adopted Local Plan allocation (Money Hill)	31,980	42,640
<b>H</b>	<b>TOTAL SUPPLY (E+F+G) at 1 April 2023</b>	<b>64,619sqm</b>	<b>225,232sqm</b>
<b>I</b>	<b>REMAINING REQUIREMENT (2023-40)</b>	<b>Up to 10,506sqm (=1.75Ha)</b>	<b>At least 114,562sqm (=28.64Ha)</b>

<sup>44</sup> With an adjustment to reflect the extension of the plan period to 2040.

- 7.10. The new Local Plan needs to allocate new sites sufficient for up to 10,500sqm (1.75Ha) of office space and at least 114,500sqm (28.6Ha) of industrial/smaller warehousing.
- 7.11. The offices requirement is presented as a maximum figure. This is because there are a number of factors which could curtail office demand in the future, namely:
- the office market is beset by poor development viability and limited access to development finance such that speculative office development is not currently feasible. This situation is not unique to NWL and is replicated across the country with the exception of the largest city and business centres;
  - the Covid pandemic is clearly having a current impact on the amount of office space being used as many more people work from home. The consultants anticipate that businesses will continue to use offices but with the possibility that some will re-organise to require less office space in the future. As yet, it is too early to predict the duration and scale of any such impacts; and
  - the consultants detect a market preference in favour of city centre sites and away from out of town business parks which is where much of NWL's office stock is located (e.g. Pegasus Business Park adjoining East Midlands Airport).
- 7.12. The industrial forecast is presented as a minimum figure as there are some indications that demand has been suppressed in the past, including as a result of competition from the strategic distribution market which can command higher land values and therefore can outbid other types of uses when sites are being purchased.
- 7.13. In addition, the study identifies a qualitative gap in the stock of industrial premises in North West Leicestershire. It finds that the district lacks modern, flexible high-specification space which can be future-proofed for changing technologies and which is set in an attractive, landscaped environment rather than a more traditional industrial estate. The study reports that these types of premises are attractive to higher value industrial occupiers. This reinforces the quantitative evidence and points to a need to consider the type and form of development which potential sites could accommodate as well as the overall amount. It is about ensuring an adequate supply of land that can meet needs in the widest sense.

### **Strategic Distribution**

- 7.14. Planning Practice Guidance recognises that the logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirement.
- 7.15. The Leicester & Leicestershire [Strategic Distribution Study \(2021\)](#) considers how much additional land for strategic distribution is needed to 2041. The requirement is expressed as 'an amount to plan for' i.e., it is not a cap and nor is it a minimum figure. A follow up study on how to apportion the remaining requirement across the Leicester and Leicestershire authorities is underway.

7.16. The new Local Plan's overall approach is described as follows:

- Allocate sites to meet anticipated general employment needs plus a margin (the flexibility allowance) in a diversity of locations.
- Allocate site/s for strategic B8 to accord with Leicester & Leicestershire authorities' joint approach (when agreed).
- Designate Existing Employment Areas to help retain the overall stock of better-quality premises for which there is a demand.
- Five-yearly review of the Local Plan to check the progress of the employment land strategy, update the overall land supply and to respond to updated economic evidence.

7.17. In this context, 'employment uses' are offices (Class E(g)(i)); research & development facilities (Class E(g)(ii)); light industry (E(g)(iii)); general industry (B2) and storage and distribution (B8).

7.18. It is vital for the success of the local economy that there is sufficient land and premises to match the needs of local businesses and to facilitate inward investment. As the Economic Growth Plan puts it "the local business environment needs to continue to offer access to suitable premises and land with good transport links, effective digital connectivity, appropriate housing for the workforce and access to excellent quality of life facilities including town centres, leisure and open space."

7.19. The new Local Plan has a key role to play as explained in the NPPF which requires that "sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity" (paragraph 8).

### **[Policy Ec1 – Economic Strategy (Strategic Policy)]**

7.20. [TO FOLLOW]

### **[Policy Ec2 – Employment Commitments (Strategic Policy)]**

7.21. [TO FOLLOW]

### **[Policy Ec3 – New Employment Allocations (Strategic Policy)]**

7.22. [TO FOLLOW]

## Policy Ec4 – Employment Uses on Unidentified Sites

**What has happened so far?** We consulted on this matter as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 27 September 2022](#).

**Is this subject covered in the adopted Local Plan?** Yes. Policy Ec2 – New employment sites.

**Which Local Plan objective(s) does this help to address?** Objective 5 – Supporting the District's economy.

- 7.23. Policy Ec2(2) in the adopted Local Plan sets out the considerations that apply to proposals for additional employment development on an unallocated site outside the Limits to Development. The NPPF directs that planning policies should be “flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances” (paragraph 82d). An aim is that the plan’s approach should be able to deal with changing circumstances over the plan’s lifetime, for example if the economy grows more strongly than current studies anticipate and/or if the nature of business needs turns out to be different to what can be anticipated now.
- 7.24. The Development Options and Policy Options Consultation (2022) outlined some choices for how this matter could be addressed in the new Local Plan. The options ranged from retaining Policy Ec2(2) unchanged, refining the policy in various ways and having no Ec2(2)-type policy at all. Having reviewed the consultation feedback, Members agreed the draft policy wording below for further consultation.
- 7.25. Bearing in mind that this policy applies to proposals outside Limits to Development where development is generally restricted, the onus will be on applicants to demonstrate that all the relevant criteria are met and in particular to provide convincing evidence that there is a current and significant requirement for the development being proposed.
- 7.26. Note: the Areas of Opportunity referred to in the policy can be found in the [Leicester & Leicestershire Strategic Distribution Study \(2021\)](#).

### Draft Policy Ec4 – Employment Uses on Unidentified Sites

- (1) Proposals for employment development (offices; industrial; storage/distribution) within the Existing Employment Areas will be supported subject to Policy Ec5
- (2) Proposals for employment development outside the Existing Employment Areas and within the Limits to Development will be supported where these do

not have an unacceptable adverse impact on the amenities of any nearby residential properties or the wider environment and the local highway network.

(3) Exceptionally, to provide the degree of flexibility required by the NPPF, proposals for employment development on unidentified land outside of the Limits to Development will be supported where the following criteria are met:

- (a) It is demonstrated to the satisfaction of the Council that there is;
- (i) an immediate requirement for the employment land of the type proposed in North West Leicestershire; and
  - (ii) either the development will be occupied by named end-user/s and this will be secured by legal agreement as appropriate; or the development is required for the reasons set out in NPPF paragraph 82b (or its replacement), namely it is to accommodate needs not anticipated in this Plan, it is to allow for new and flexible working practices or it is needed because of changes in economic circumstances.

And,

- (b) It is demonstrated to the satisfaction of the Council that the immediate requirement cannot be met on any of the following within the relevant search area;
- (i) previously developed land;
  - (ii) an Existing Employment Area as identified in Policy xx; or
  - (iii) land allocated for employment development in the Local Plan; or
  - (iv) on land with planning permission for employment development.
- For general employment proposals, the search area is the district and for strategic B8 proposals, the search area is the relevant Area/s of Opportunity.

And,

- (c) The development is in an appropriate location and;
- (i) Is accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and
  - (ii) Has good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and
  - (iii) Will not be detrimental to the wider environment or the amenities of any nearby residential properties as a result of loss of privacy, excessive overshadowing or an overbearing impact, activity levels, noise, vibration, pollution or odours.



## Policy Ec5 – Existing Employment Areas

**What has happened so far?** This is the first time we are consulting on this matter.

**Is this subject covered in the adopted Local Plan?** Yes. Policy Ec3 – Existing employment areas.

**Which Local Plan objective(s) does this help to address?** Objective 5 – Supporting the District's economy.

- 7.27. In addition to identifying new sites for economic growth, it is also important that our better quality and well occupied industrial estates and business parks continue to be the focus for office, industrial and warehousing uses. We need to ensure that the district's overall stock of good quality units which are best suited to new and expanding firms is maintained and to limit the loss of such premises to alternative uses, where this is appropriate and possible. This approach will also help control the need to release additional greenfield sites.
- 7.28. The [Review of Employment Sites \(2019\)](#) is an objective assessment of the quality and quantity of our existing employment areas. The best performing will be designated as Existing Employment Areas in the new Local Plan. These are listed below showing the suitable uses for each location and highlighting where we are proposing boundary alterations compared with the adopted Local Plan. Maps showing these proposed changes are included in Appendix A.

Table X - Existing Employment Areas

Existing Employment Area	Uses	Boundary changes
(a) Hermitage Industrial Estate, Pegson's and Old Station Close, Coalville	E(g), B2 and B8	Includes warehouse off Whitwick Road.
(b) Whitwick Business Park, Coalville	E(g), B2 and B8	Excludes part of supermarket car park.
(c) Coalville Business Park, Jackson Street, Coalville	E(g), B2 and B8	None.
(d) Stephenson Industrial Estate, Coalville	E(g), B2 and B8	None
(e) Scotlands Industrial Estate, Coalville	E(g), B2 and B8	None.
(f) Oaks Industrial Estate, Coalville	E(g), B2 and B8	None.
(g) Bardon Employment Area Bardon	E(g), B2 and B8	Excludes land which is not part of the industrial estate and includes land off Cartwright Way with planning permission and the Bardon Truck Park.
(h) Bardon Hill, Bardon	E(g), B2 and B8	New site

(i) Tungsten Park	E(g), B2 and B8	New site.
(j) Mountpark, Bardon (Amazon), Ellistown	Strategic B8, B2, ancillary offices	Excludes land which is not part of the industrial estate.
(k) South Leicester Industrial Estate, Ellistown	E(g), B2 and B8	Includes land used as a haulage yard (18/00968/FUL).
(l) Pall Ex, Ellistown	Strategic B8, B2, ancillary offices	New site.
(m) Ashby Business Park, Ashby	E(g), B2 and B8	Excludes retail units and a substantial area of vegetation to the south of the business park.
(n) Ivanhoe Business Park and Smisby Road Industrial Estate Ashby	E(g), B2 and B8	Includes area of car storage.
(o) Flagstaff and Nottingham Road Industrial Estates Ashby	E(g), B2 and B8	Excludes retail units.
(p) Willow Farm, Trent Lane Castle Donington	E(g), B2 and B8	Willow Farm and EMDC are identified as separate PEAs.
(q) East Midlands Distribution Centre, Castle Donington	Strategic B8, B2, offices	Willow Farm and EMDC are identified as separate PEAs.
(r) Pegasus Business Park, East Midlands Airport		No longer an EEA. Included with the scope of Policy Ec8- East Midlands Airport.
(s) East Midlands Gateway	Strategic B8, ancillary offices	Excludes land which is no longer part of the masterplan area.
(t) Computer Centre, Kegworth	E(g), B2 and B8	Excludes residential and highway land.
(u) Refresco, Derby Road, Kegworth	Strategic B8, B2, ancillary offices	Includes building extension.
(v) Slack & Parr, Kegworth	E(g), B2 and B8	Site has been redeveloped for housing. No longer an EEA.
(w) Aldi Regional Distribution Centre, Sawley.	Strategic B8, B2, ancillary offices	None
(x) Mercia Park, J11 M42	Strategic B8, B2, ancillary offices	New site
(y) Westminster Industrial Estate, Measham	E(g), B2 and B8	Includes premises on Huntington Way.
(z) Marquis Drive, Moira	E(g), B2 and B8	None
(aa) FedEx, Melbourne Road, Lount	E(g), B2 and B8	Excludes area of residential development.

- 7.29. The following employment sites, which have not yet been built out, will be included in Policy Ec2 – Employment commitments.
- G-Park, Ashby (ex-Lounge site)
  - Netherfield Lane
  - J1 A50 (St Modwens)
  - Bardon Hill (Land East of Regs Way)
  - Land West of Regs Way
  - Land to the west of Stephenson industrial estate
- 7.30. There have been a number of changes to the Use Classes Order since the current Local Plan was prepared. Offices and light industrial uses now sit within the expansive Class E. This means that an office could be used as a restaurant for example without requiring planning permission. In addition, new permitted development rights ([Class MA of Part 3](#)) mean that vacant premises of up to 1,500sqm which were last in a Class E use can be converted to residential use (Class C3), subject to being granted Prior Approval. These changes are about introducing flexibility and simplicity, particularly in town centres, to enable businesses to adapt and diversify. In July 2023 the Government published consultation proposals<sup>45</sup> suggesting that the floorspace limit could be further increased or even abandoned.
- 7.31. Also the [Class ZA permitted development right](#) allows the demolition of a detached building of up to 1,000sqm footprint used either as an office or for research and development or light industrial use, and its replacement with a purpose-built detached block of flats or detached dwelling house, without the need for a planning application.
- 7.32. The outcome of these legislative revisions is that some changes of use can happen within the Existing Employment Areas without planning permission being required. Where planning permission is required however, Policy Ec5 will apply.
- 7.33. For the purposes of this policy ‘employment uses’ are ones falling within Use Classes E(g), B2 and B8. The policy prioritises these uses yet also offers a degree of flexibility to allow other uses in Existing Employment Areas in specific circumstances.
- 7.34. There is no single definition of ‘small-scale’ (criterion (2)(a)) and compliance with this criterion will largely be a matter of judgement based on the circumstances of the site and the development proposed. Factors which will inform this judgement include the amount of floorspace (both individually and relative to the overall site), the level of activity generated and the number of employees.
- 7.35. Compliance with criteria (2)(b) and (3)(b) requires compelling evidence to demonstrate that the site has been actively marketed for its designated uses for at least 6 months at current market values taking account of the building condition. Information should be submitted about the outcomes of the marketing and reasons given why the property could not be sold/let.

<sup>45</sup> [Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons \(July 2023\)](#)

- 7.36. Whilst Existing Employment Areas identify the main concentrations of business premises, there are a number of premises outside these areas, either single-user sites or smaller scale business estates which are collectively important for local employment. Such premises are also a valuable component of the district's overall commercial stock and the repurposing of these premises to other uses requires justification.

#### **Draft Policy Ec5 – Existing Employment Areas**

- (1) Existing Employment Areas, to be defined on the Policies Map, are suitable for the uses set out in **Table X**.
- (2) Planning permission for non-employment development in an Existing Employment Area will only be permitted where it is demonstrated that:
  - (a) The proposed use is small-scale or ancillary to the operation of principal use; or
  - (b) There is no reasonable demand to use the premises/site for the uses in **Table X**; or
  - (c) The proposed use is employment-generating and compatible with the character and function of the Existing Employment Area and with nearby uses.
- (3) Outside Primary Employment Areas, conversion or redevelopment of premises which are, or were most recently, in employment use (Use Classes E(g), B2 and B8) for non-employment development will be supported where it is demonstrated that:
  - (a) There is no reasonable demand to use the premises for employment uses; or
  - (b) The premises are not capable of meeting the needs of modern business; or
  - (c) Continuation of current/most recent use is incompatible with the character and function of the area or with nearby uses.

#### **Policy Ec6 – Start-up Workspace**

**What has happened so far?** We consulted on options for a local employment policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 27 September 2022](#).

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 5 – Supporting the District's economy.

- 7.37. 82% of the district’s firms are categorised as micro-businesses with fewer than 10 employees<sup>46</sup>. The [Start-up Workspace Demand Study \(2020\)](#) found evidence of occupiers struggling to find small-scale industrial units in the district suitable for start-up businesses. The established stock of such units is well occupied with little turnover or new premises coming forward. In contrast the Study did not find a particular demand for small scale office space suitable for start-ups.
- 7.38. The strategic distribution property market is exceptionally strong in the District and this tends to outprice the value of land for other commercial uses. A further factor is the low rental values that small industrial space can generate versus high building and fit-out costs. Small businesses typically look for shorter leases with more flexible terms and these are less attractive for many landlords.
- 7.39. The Study’s findings point to a mismatch between overall supply and the demand for small-scale industrial space. As a result, businesses may stay for too long in unsuitable premises which will impact on the firm’s productivity. An overall shortage of smaller scale space may mean that growing businesses do not vacate their premises, blocking their availability for other new, fledgling businesses to move into, or it could mean that the firms have to move out of the district completely.
- 7.40. Whilst the supply of premises is limited, there are some sites with planning permission which could serve the starter unit market.

Former Sawley Crossroads Service Station, London Road, Cavendish Bridge	18/01115/FUL	5 units of 90sqm
Pastures Farm, Farm Town Lane Farm Town, Coleorton	21/01102/PNF	6 units of 47-114sqm.
Heather Brickworks Newton Road Heather	22/00153/REMM	37 units of 135 sqm (or multiples thereof).

- 7.41. The [General Permitted Development Order \(2015\)](#) allows agricultural buildings of up to 500sqm to be used for Class E and Class B8 uses without requiring planning permission. This route may also result in more starter units coming forward, like the Coleorton site above, although these are likely to be in more peripheral locations.
- 7.42. The subject of start-up space was discussed in the Development Strategy and Policy Options Consultation (January 2022) and the pros and cons of alternative approaches, including a ‘no policy’ option were assessed. The policy below aims to address the apparent market gap and is a response to the NPPF direction to address shortcomings in the local economy<sup>47</sup>. This approach may be refined at the next stage in the light of the findings of the plan-wide viability assessment.
- 7.43. For the purposes of applying the policy, start-up premises are generally industrial units of up to 100sqm but larger units of up to 150sqm could be acceptable as move on space.

<sup>46</sup> [Start-up Workspace Demand Study \(2020\)](#) Table 4-2

<sup>47</sup> Paragraph 81

### **Draft Policy Ec6 – Start-up Workspace**

To support the delivery of small-scale industrial units suitable for start-up businesses, the Council will:

- (1) Support development which provides start-up premises subject to other relevant policies in the plan; and
- (2) [*Subject to the findings of the plan-wide viability assessment*], require an element of start-up space on sites allocated in this Local Plan for general employment (excluding wholly strategic B8 allocations) and larger-scale residential-led/mixed use development; and
- (3) [*Subject to the findings of the plan-wide viability assessment*], expect that major development on unallocated sites outside Existing Employment Areas will include an element of start-up space unless this is demonstrably unfeasible in an individual case, including for reasons of site-specific viability.

### **Policy Ec7 - Local Employment Opportunities**

**What has happened so far?** We consulted on options for a local employment policy as part of the [Development Strategy and Policy Options Consultation](#) (January to March 2022). We reported on the consultation responses at our [Local Plan Committee on 27 September 2022](#).

**Is this subject covered in the adopted Local Plan?** No. This is a new policy.

**Which Local Plan objective(s) does this help to address?** Objective 5 – Supporting the District’s economy.

7.44. The [Economic Growth Plan 2022-25](#) aims to help new and established businesses recruit locally (objectives 2 & 8) and also to help the local workforce access training and upgrade their skills levels through various means. The district has key economic strengths but action is needed to sustain its position and to ensure that local people have the skills that new and expanding businesses need.

7.45. A local employment policy linked to new development would encourage businesses to recruit locally and to offer training to raise the attainment level of their staff. In the Development Options and Policy Options Consultation (2022) we identified that “local employment initiatives can help ensure that local people benefit from new development and equally show that businesses are invested in the wellbeing of their communities” (paragraph 7.16). Local recruitment could also help curtail commuting distances and thereby contribute to the Council’s zero carbon ambitions.

- 7.46. There are examples of recruitment and skills initiatives linked to major local developments. The Employment Scheme for East Midlands Gateway sets out how SEGRO encourages occupiers to recruit locally and an Employment Scheme for the construction phase of Mercia Park at J11 M42 was secured as part of the planning consent.
- 7.47. Members considered the feedback we received on this subject in the previous consultation and opted for a policy which requires the preparation of an Employment & Skills Plan for larger scale proposals. This was judged to be a proportionate approach. Broadly, the types of matters which such a plan could cover include:
- Recruitment through Jobcentre Plus and other local employment vehicles;
  - Commitment to local recruitment for construction and operational phases
  - Work trials and interview guarantees to those attending jobs clubs;
  - Pre-employment training;
  - Apprenticeships and other vocational training (e.g. NVQ);
  - Offers of work experience;
  - Support with transport, childcare and work equipment;
  - In-house training schemes;
- 7.48. The suggested approach could be more difficult to apply to speculative proposals where there is no identified end user. One of the consultation responses identified that a pre-commencement condition could be used to require the submission, approval and implementation of an Employment & Skills Plan including (measures to encourage local recruitment during construction) and a pre-occupation condition requiring the same for when the development is operational.
- 7.49. Business statistics produced by the Department for Business and Trade define a medium-sized business 50-249 employees. Setting the trigger point at proposals where at least 50 new jobs will be created focuses the requirement on medium and larger businesses. We consider that this is a proportionate and pragmatic approach.

#### **Draft Policy Ec7 – Local Employment Opportunities**

- (1) An Employment and Skills Plan is required for developments which will generate 50+ jobs (FTE) when operational. The Employment and Skills Plan should include arrangements for local recruitment and workforce training a) during construction; and b) when the scheme is operational.
- (2) The requirement for an Employment and Skills Plan will be secured by condition.

## Policy Ec8 - East Midlands Airport

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy Ec4 – East Midlands Airport

**Which Local Plan objective(s) does this help to address?** Objective 5 - Supporting the District's economy.

7.50. East Midlands Airport is a vital component of the economy of North West Leicestershire and beyond. It provides a range of domestic and international passenger routes and is also a hub for air freight. East Midlands Airport is:

- A significant UK regional passenger airport that in 2019, before the COVID-19 pandemic, handled 4.7 million passengers
- The UK's largest pure cargo airport handling 400,155 tonnes of freight and mail and a major European cargo airport
- The UK's major Royal Mail air mail hub
- The UK's leading airport for express freight, with three of the major global integrated freight airlines based at the airport
- One of the largest single employment sites in the East Midlands, with over 9,000 people working at the airport in 2019
- A regional economic generator, contributing some £723m of annual direct, indirect, and induced GVA in the East Midlands region.

7.51. The importance of airports is recognised in the National Planning Policy Framework (NPPF) which requires that planning policies provide for large scale transport facilities, including airports (footnote 44 to paragraph 106).

7.52. National aviation policy is set out in the [Aviation Policy Framework \(DfT, 2013\)](#). There have also been a series of other policy statements that recognise the economic, social and environmental impacts of UK aviation<sup>48</sup>, and there has been a consistent approach to encouraging airports to make the best use of their existing runways. This highlights the strategic importance of airports and aviation in general, and that enabling and encouraging airports to grow is in the national interest.

7.53. A [Sustainable Development Plan](#) for the East Midlands Airport was prepared in 2015. A new development plan is being prepared by East Midlands Airport and this will be the subject of a separate stakeholder engagement by the airport. This new plan may have implications for the

<sup>48</sup> Aviation 2050 – The Future of Aviation; The Future of UK Aviation; Making the best Use of Existing Runways (2018); Flightpath to the Future (2022)



Local Plan and so the proposed policy set out below may be subject to change at the Regulation 19 stage.

- 7.54. The East Midlands Airport is also part of the [East Midlands Freeport](#) designation. Further information about the Freeport can be found at paragraph [xx](#).
- 7.55. Whilst recognising the economic importance of the airport, the Council as Local Planning Authority has to balance this against any impacts upon local communities and the wider environment, including climate change.
- 7.56. Aircraft and airport operations at East Midlands Airport result in high levels of noise disturbance, particularly at night when background noise is generally lower. To help manage the impact of noise, a [Noise Action Plan](#) (2019-23) sets out a range of initiatives to be undertaken by the airport. A new [Noise Plan](#) (2024-28) is in preparation which seeks to tighten the noise controls and also widens the restrictions on the type of aircraft that operate at night.
- 7.57. The council will continue to work with the airport operator to ensure that noise and air quality issues are properly addressed, including ensuring that any potential implications that might arise from new development at the airport are adequately addressed through mitigation.
- 7.58. Emissions from aviation are a significant contributor to climate change, primarily through the burning of fossil fuels by aircraft. The operations of the airport within the airport site itself have been certified as being carbon neutral as part of the [Airport Carbon Neutral Accreditation](#) programme. However, more remains to be done to further reduce carbon emission from other activities, including transportation used to get people and cargo to and from the airport. The airport has done much to support public transport provision that serves not only the airport, but also other nearby communities. Whilst the private car will continue to be the primary mode of airport access, we want to encourage wider public transport use by developing the network of bus routes and services and improving the airport's access to national rail services. We will work with the Airport and its partners to do this.
- 7.59. The proposed policy seeks to ensure that development within the airport boundary is restricted to those uses that require or benefit from an airport location (for example hotels). This includes land at Pegasus Business Park which has planning permission for office type development but where limited development has occurred.

#### **Draft Policy Ec8 – East Midlands Airport**

- (1) The growth of East Midlands Airport will be supported to enable it to fulfil its role as a regional airport.
- (2) Within the airport limit, as defined on the Policies Map, development will be limited to the following uses:
  - (a) Operational facilities and infrastructure; and
  - (b) Passenger and terminal facilities; and

- (c) Cargo facilities; and
  - (d) Airport ancillary infrastructure where the proposed development requires and benefits from an airport location and is of a scale that is appropriate to that relationship; and
  - (e) Landscape works; and
  - (f) Internal highways and infrastructure; and
  - (g) Improvements to public transport and airport customer car parking
- (3) New development that gives rise to a material increase in airport capacity or capability will be required to:
- (a) Incorporate measures to ensure that the impact of noise on local residents satisfies relevant standards; and
  - (b) Incorporate measures to ensure that local air quality satisfies relevant standards; and
  - (c) Maximise opportunities to achieve net zero carbon in respect of proposed buildings and non – aircraft operations; and
  - (d) Be accompanied by improvements in public transport access to the airport and other measures that will reduce the level of airport-generated road traffic (per passenger).

## Policy Ec9 - East Midlands Airport: Safeguarding

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes; Policy Ec5 – East Midlands Airport Safeguarding.

**Which Local Plan objective(s) does this help to address?** Objective 1 - Enabling health and wellbeing.

7.60. Major airports, because of their importance to the UK air traffic system are protected through a process known as aerodrome safeguarding. An officially safeguarded area has been established for East Midlands Airport by the government. In addition, it has published a Circular ([1/2003](#)) which provides guidance to local authorities.

7.61. We are required to consult East Midlands Airport on those developments that could potentially affect the safety of aircraft and air traffic control operations. These can include the construction of tall structures, developments that have the potential to attract birds and wind turbines because they can interfere with radar and navigation systems.

- 7.62. We will, in accordance with Circular 1/2003, identify on the Policies Map the outer boundary of the safeguarded area in order that it is clear which parts of North West Leicestershire are covered by this policy.

#### **Draft Policy Ec9 – East Midlands Airport: Safeguarding**

- (1) Development which would adversely affect the operational integrity or safety of East Midlands Airport will not be permitted.
- (2) The outer boundary of the Safeguarded Area is shown on the Policies Map and within this area consultation will be undertaken with East Midlands Airport for the following proposals:
  - (a) All buildings, structures, erections and works that exceed the height specified on the safeguarding map;
  - (b) Any proposed development in the vicinity of East Midlands Airport which may have the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems;
  - (c) The lighting elements of a development which may have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths;
  - (d) Any proposal for an aviation use within a 13km circle centred on East Midlands Airport;
  - (e) Any proposal within a 13km circle centred on East Midlands Airport which has the potential to attract large numbers of birds. Such proposals include:
    - (i) significant landscaping or tree planting;
    - (ii) minerals extraction or quarrying;
    - (iii) waste disposal or management;
    - (iv) reservoirs or other significant water bodies;
    - (v) land restoration schemes;
    - (vi) sewage works;
    - (vii) nature reserves;
    - (viii) bird sanctuaries.
  - (f) Any proposal for a wind turbine development within a 30km circle centred on East Midlands Airport.
  - (g) Proposals for large-scale solar photovoltaic arrays which have the potential to generate glint and glare, particularly in the immediate vicinity of the airport and of the airport approach and departure paths.

## Policy Ec10 - East Midlands Airport: Public Safety Zones

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes, Policy Ec6 – East Midlands Airport: Public Safety Zones.

**Which Local Plan objective(s) does this help to address?** Objective 1 - Enabling health and wellbeing.

- 7.63. Public Safety Zones (PSZ) are areas of land at the end of runways at the busiest airports in the UK within which certain planning restrictions apply. These aim to control the number of people on the ground at risk in the unlikely event of an aircraft accident on take-off or landing. The PSZ comprises of two areas based on the assessed level of risk of an accident occurring; an area of 1 in 10,000 risk and a larger area of 1 in 100,000.
- 7.64. The PSZ's at EMA included in the current adopted Local Plan extend over part of Donington Park and the southern edge of Kegworth. However, following a review of PSZ's at UK airports in 2021, the area of the PSZ's at the end of EMA's runways has been substantially reduced. This reflects improvements in aircraft technology and a review of the accident risks. The new EMA PSZ's are largely within the airfield, but extending into the easterly part of Donington Park, and across the M1 into open land to the west of Kegworth.
- 7.65. As a result of the changes to the PSZ, the 1 in 10,000 risk contour only relates to land that is within the airport boundary. Therefore, it is not necessary for the proposed policy to refer to this area.

### Draft Policy Ec10 – East Midlands Airport: Public Safety Zones

- (1) There will be a general presumption against new or replacement development or changes of use of existing buildings within the designated East Midlands Airport Public Safety Zones identified on the Policies Map. However, within the 1 in 100,000 Public Safety Zones, the following developments may be permitted:
- (a) an extension or alteration to a dwelling house which is for the purpose of enlarging or improving the living accommodation for the benefit of the people living in it, such people forming a single household, or which is for the purpose of a 'granny annex';
  - (b) an extension or alteration to a property (not being a single dwelling house or other residential building) which could not reasonably be expected to increase the number of people working or congregating in or at the property beyond the current level, or, if greater, the number authorised by an extant planning permission;

- (c) a change of use of a building or of land which could not reasonably be expected to increase the number of people living, working or congregating in or at the property or land beyond the current level or, if greater, the number authorised by any extant planning permission;
- (d) other forms of new or replacement development which would involve a low density of people living, working or congregating within the site, such as:
  - (i) long stay and employee car parking (where the minimum stay is expected to be in excess of six hours);
  - (ii) open storage and other forms of storage and distribution use (excluding those, such as distribution centres, sorting depots and retail warehouses) which would result in very few, if any, people being present on a site at any given time, and subject to conditions to prevent the future intensification of the use of the site and limit the number of employees present;
  - (iii) development likely to introduce very few or no people on to a site on a regular basis, such as unmanned structures, engineering operations, buildings housing plant or machinery, agricultural buildings and operations, buildings and structures in domestic curtilage incidental to dwelling house use, and buildings for storage purposes ancillary to existing industrial development;
  - (iv) public open space, where there is a reasonable expectation of low intensity use, but excluding such uses as children's playgrounds, playing fields or sports grounds which would be likely to attract significant numbers of people on a regular basis;
  - (v) golf courses, but not clubhouses; and
  - (vi) allotments.

## Policy Ec11 – Donington Park Circuit

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy Ec7 – Donington Park.

**Which Local Plan objective(s) does this help to address?** Objective 5 – Supporting the District's economy.

- 7.66. Donington Park circuit dates back to 1931, originally forming part of the Donington Hall Estate. Donington Park has hosted all levels of motorsport including Formula One Grands Prix and the motorcycling equivalent, MotoGP, and it continues to hold a wide range of national and international level motorsport events. In addition to motorsport events, the circuit is used for other vehicle-related activities including:
- motorsport testing
  - track days and driving entertainment activities
  - car and motorcycle manufacturer testing and training
  - demonstrations and promotion of vehicles
  - driver training for cars, motorcycles and commercial vehicles
  - corporate and retail hospitality
- 7.67. Donington Park also provides a base for automotive businesses through the lease of commercial property and hosts the annual Download music festival.
- 7.68. The ongoing investment required to manage and operate a race circuit to an international standard is significant and income generation from additional uses of Donington Park is vital to its economic viability and prospects. Any further economic growth at the circuit needs to be balanced against any social and environmental impacts, particularly noise, traffic/transport and heritage.

### **Noise**

- 7.69. Motorsport is a noisy activity which, whilst part of the enjoyment for many racing enthusiasts, can give rise to complaints in the local area. Noise from circuit activity is controlled by a combination of planning conditions and a voluntary noise management plan. This enables Donington Park to maximise use of the circuit by controlling the number of days and hours of operation, with limits on the noise produced by participating vehicles for certain activities.

### **Traffic and Transport**

- 7.70. Donington Park circuit is located about 4km from junction 23A of the M1 and is connected to the M1 and the A42 via the A453. On certain weekends the local road network can experience high traffic flows due to the combination of visitors to the circuit with those travelling to East Midlands Airport. In the past, excessive traffic has affected the roads in Castle Donington and when visitor numbers have been particularly high, the A453 and junctions 23A and 24 of the M1.
- 7.71. In terms of sustainable transport, there is a dedicated bus stop located outside the circuit's East Entrance, which is served by several frequent bus services providing links between East Midlands Airport, Castle Donington, Coalville and a range of destinations in Leicestershire and Nottinghamshire. The closest railway station is East Midlands Parkway but there is no regular bus service linking it to Donington Park.

## Heritage

- 7.72. Donington Park was the second racing circuit constructed in Great Britain. Whilst the racetrack was rebuilt in 1977, sections of the 1931 racetrack, including Craners Curves and McLeans Corner, survive and form part of the circuit's racing heritage.
- 7.73. Donington Park Circuit adjoins substantial remains of a medieval deer park, comprising a functioning deer park, Donington Hall (Grade II\* listed) and its grounds, a detached area of parkland trees, Home Farmhouse (Grade II listed) and an industrial hamlet at King's Mills. There are two parkland heritage assets within the boundary of the circuit; Coppice Lodge and Starkey's Bridge (both Grade II listed).

### **Draft Policy Ec11- Donington Park Circuit**

- (1) The development of Donington Park Circuit as a national and international racing circuit will be supported.
- (2) Within the boundaries of Donington Park Circuit, as defined on the Policies Map, development will be limited to:
  - (a) Facilities and infrastructure meeting the operational needs of the racetrack including motorsport and spectator facilities;
  - (b) Facilities and infrastructure for driver training and driving experiences;
  - (c) Motorsport and automotive uses which have a clear relationship with the existing uses at the circuit and is of a scale appropriate to that relationship. This shall include developments associated with the design, racing, testing and maintenance of motorsport vehicles;
  - (d) Landscape works; and
  - (e) Internal highways and infrastructure.
- (3) All development at Donington Park Circuit, particularly that which gives rise to a material increase in the use of the racetrack or the number of visitors, will be required to:
  - (a) Incorporate measures to mitigate its noise impact on local residents and the wider area;
  - (b) Provide improvements in public transport accessibility, where viable, and/or other appropriate transport measures that will reduce the impact of event and operational traffic on the local and strategic network;
  - (c) Retain existing mature trees and woodland and provide a landscaping scheme that mitigates its effects on the local landscape; and
  - (d) Conserve or enhance the site's racing and parkland heritage and heritage assets.

## Policy Ec12 – Tourism and Visitor Accommodation (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy Ec13 – Tourism Development.

**Which Local Plan objective(s) does this help to address?** Objective 5 – Supporting the District’s economy.

- 7.74. Since the previous Local Plan was adopted, the [National Planning Policy Framework](#) (NPPF, 2023) has been updated to include a new paragraph on the rural economy. To be sound, the new Local Plan must be consistent with national policy:

*“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.” (paragraph 85)*

- 7.75. The [North West Leicestershire Economic Growth Plan](#) (2022-2025) includes two objectives on tourism:

*Support proposals for increased inward investment within North West Leicestershire and the National Forest to develop the sustainable tourism offer and support the visitor economy and rural diversification.*

*Promote tourism and sustainable tourism businesses that support forestry, agriculture, land based rural diversification and outdoor leisure, and promote the area as a sustainable tourism destination.*

- 7.76. Our Economic Development team is also currently working on a Regeneration Strategy that will include visitor economy priorities.

- 7.77. We have decided to amend the policy by splitting it into two sections: the first dealing with tourist attractions and facilities; and the second with visitor accommodation. We think this will make the policy clearer and aid decision making.



## **Tourist and Visitor Attractions**

- 7.78. There is a range of tourist and visitor attractions in North West Leicestershire which benefit the local economy by creating jobs and increasing visitor spending in the District. We have a range of existing attractions aimed at those attending specific events or day visits, including Ashby de la Zouch Castle, Ashby Lido, Snibston Country Park and the 1620s Manor House. Several visitor attractions are located in the National Forest including Hicks Lodge Cycle Centre, Moira Furnace, Sence Valley Country Park and Conkers. The District is also home to East Midlands Airport and Donington Park Circuit.
- 7.79. Many of the tourist and visitor attractions in North West Leicestershire District are in rural locations. In addition to paragraph 85 cited above, the NPPF says that local planning policies should enable both “*sustainable rural tourism and leisure developments which respect the character of the countryside*” as well as the “*sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings*” (paragraph 84).
- 7.80. We will work with the National Forest Company and other tourist organisations to maximise the opportunities for tourism and visitor attractions in the district. The National Forest Company have published the [National Forest Tourism Growth Plan 2017-2027](#) which outlines strategies to further strengthen and grow sustainable tourism in the area.
- 7.81. The loss of existing tourist attractions and facilities will be strongly resisted. Proposals which would result in the loss of an attraction must be justified and robust evidence must be provided to demonstrate that the existing use is unviable, and its retention has been fully explored.

## **Visitor Accommodation**

- 7.82. There is a range of visitor accommodation available North West Leicestershire, ranging from hotels concentrated around East Midlands Airport and Ashby de la Zouch, to lodges and camping associated with the National Forest.

## **Existing Visitor accommodation**

- 7.83. The owners of existing visitor accommodation may seek to grow their business, for example by providing additional bedspaces to meet an increase in demand or by providing additional facilities to enhance their accommodation offer. Where this requires planning permission, we will generally support the expansion and enhancement of existing accommodation, subject to the applicant demonstrating their proposals are sustainable and would not have a detrimental impact on the surrounding area. We will expect development to be a high-quality design and for any additional impacts (including, but not limited to, noise, traffic, visual and landscape impact) to be appropriately mitigated.

## **New Visitor Accommodation**

- 7.84. All applications for new visitor accommodation will need to be supported by evidence of need for the type of accommodation proposed<sup>49</sup>. We anticipate that applicants would have developed a business case in advance of submitting a planning application and this will help them demonstrate evidence of need to the Council. This could include evidence of market testing or evidence of an unmet demand for existing accommodation in the area.
- 7.85. Hotels are defined as *main town centre uses* in the NPPF (Glossary). Any applications for hotels that are not located in town centres (as defined on the Policies Map) must be supported by a sequential test<sup>50</sup>.
- 7.86. Some types of visitor accommodation (including lodges, glamping, camping, caravans) are more suited to a countryside location, especially where they are associated with the National Forest. However, applicants for visitor accommodation in the countryside must robustly demonstrate a need for the type of accommodation proposed **in that particular location**. The need for any onsite overnight manager's accommodation will also need to be justified. We will give particular support to any proposals that make use of previously developed land or are well related to existing tourist attractions/facilities (especially by sustainable modes of transport).
- 7.87. New visitor accommodation in the National Forest will be supported where it has regard to the design principles in the [National Forest Company's Sustainable Tourism Accommodation Guide](#).
- 7.88. To ensure that any new visitor accommodation is used for the purposes for which it was intended, we will apply planning conditions or legal agreements to planning permissions which limit all new visitor accommodation to holiday use only.

## **The Loss of Visitor Accommodation**

- 7.89. We will resist the loss of visitor accommodation to other uses<sup>51</sup>. Any proposal for the loss of visitor accommodation will be required to demonstrate that every effort has been made to retain the accommodation for a period of at least 24 months. This is deemed a suitable period to establish the accommodation business and by covering two calendar years will cover several quiet and busy holiday periods. Applicants must provide booking information for at a period of at least 24 months as well as evidence that they have actively marketed the accommodation for the same 24-month period. Booking information should include booking records as well as evidence of the price the accommodation was marketed for (and any adjustments made to the price). We will expect applicants to have marketed the

<sup>49</sup> As the New Local Plan progresses, we will need to monitor the outcome of a [recent government consultation](#) which proposes the creation of a new 'short term lets' use class and a new permitted development right that would allow the change of use from a dwellinghouse to a short-term let.

<sup>50</sup> This does not apply to small scale rural development, as directed by paragraph 89 of the NPPF.

<sup>51</sup> As the New Local Plan progresses, we will need to monitor the outcome of a [recent government consultation](#) which proposes allow hotels to convert to housing under permitted development rights.

accommodation through multiple channels, such as its own accommodation website, social media accounts, holiday booking websites, local publications, through the [North West Leicestershire District Council website](#) and, where relevant, the [National Forest website](#).

## **Draft Policy Ec12 – Tourism and Visitor Accommodation (Strategic Policy)**

### **Tourist Attractions and Facilities**

- (1) The Council will maximise the potential for tourist attractions and facilities in the District by supporting:
  - (a) The retention of existing tourist attractions and facilities which contribute to the local economy.
  - (b) The development of new tourist attractions or the enhancement or expansion of existing tourist attractions and facilities where it accords with the principles of sustainable development and is not detrimental to the surrounding area
  - (c) The enhancement of the environment and local distinctiveness, including heritage and landscapes, which increase the attractiveness of the district to visitors.
- (2) Where the expansion of an existing tourist attraction or the development of a new tourist attraction gives rise to a material increase in visitors, applicants will be expected to provide improvements in public transport accessibility, where viable, and/or other appropriate transport measures that will encourage sustainable travel.
- (3) Proposals that would result in the loss of a tourist attraction will not be permitted unless clear evidence is provided to demonstrate that the continued use is no longer viable, including:
  - (a) Evidence that there is no longer a demand for the attraction from the general public as demonstrated by visitor numbers for the last 24 months;
  - (b) Evidence there is no commercial demand for the attraction, and it has been actively marketed at current market value for at least 6 consecutive months; and
  - (c) There is no reasonable prospect of the premises being used for an alternative tourist attraction use.

### **Visitor Accommodation**

- (4) The enhancement or expansion of existing visitor accommodation will be supported, where it accords with the principles of sustainable development and is not detrimental to the surrounding area.

- (5) Applications for new visitor accommodation will be supported where it has been robustly demonstrated that there is a need for the type of accommodation in the location proposed and where it accords with the principles of sustainable development and is not detrimental to the surrounding area.
- (6) Any planning applications for the conversion of or redevelopment of visitor accommodation to permanent residential accommodation must demonstrate that:
  - (a) The visitor accommodation in question has been appropriately marketed to potential visitors over a period of at least 24 months; and
  - (b) The booking records over a period of at least 24 months shows there is a lack of demand for the visitor accommodation.
- (7) Planning conditions or legal agreements will be applied to new visitor accommodation to ensure it is limited to holiday use and is not used as permanent residential accommodation.

## 8. TOWN & LOCAL CENTRES

### Introduction

- 8.1. This chapter sets out how we will support the growth and development of the District's town and local centres. In doing so we recognise their individual roles as a shopping, leisure, commercial, cultural and leisure destination as well as a focal point for our communities. Policies will guide the provision of main town centre uses and support a mix of uses that contribute to the vitality and viability of our town and local centres, recognising the flexibility for the use of buildings provided by the Use Classes Order.

### Policy TC1 Town and Local Centres: Hierarchy and Management of Development (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy Ec8 – Town & Local Centres: Hierarchy and management of development, Policy E9 – Town & Local Centres: Thresholds for Impact Assessments, Policy Ec10 – Town & Local Centres and Policy Ec12 – Local Centres.

**Which Local Plan objective(s) does this help to address?** Objective 5 – Supporting the District's economy, Objective 6 – Enhancing our town and local centres and Objective 11 – Ensuring sufficient infrastructure.

### Hierarchy of Centres

- 8.2. The [National Planning Policy Framework](#) (NPPF) requires Local Plans to define a network and hierarchy of town and local centres. The current adopted Local Plan identifies Coalville and Ashby de la Zouch as Town Centres, and Castle Donington, Ibstock, Kegworth and Measham as Local Centres. This hierarchy is based on the role of each of the centres and their number and range of services available.
- 8.3. In summer 2023, we undertook a survey of the number and range of uses in our town and local centres, and this identified that their roles have remained unchanged. Coalville and Ashby de la Zouch remain the principal shopping destinations in the District and provide a wider range and number of shopping, service and community uses, whereas Castle Donington, Ibstock, Kegworth and Measham, although of slightly differing scales, provide predominantly local services and community uses, serving the shopping needs of their residents. Having considered this alongside how much additional floorspace is needed for shopping and related development in the district, we consider that the current hierarchy of centres remains appropriate.

8.4. This review also provided an opportunity to update the uses of premises to reflect the significant changes to the Use Classes Order (UCO) introduced since the adoption of the current Local Plan. There is now greater flexibility for uses to change without the need for planning permission. In relation to main town centre uses, the UCO now includes the following:

- Class E (Commercial, business and service)
- Class F.1 (Learning and non-residential institutions)
- Class F.2 (Local Community)

8.5. Class E now combines the former use classes of Shops (A1), Financial/Professional (A2), Cafes/Restaurants (A3), Indoor Sports/Fitness (D2 part), Medical Health Facilities (D1 part), Creche/Nurseries and Office/Business Uses (B1) into the new single Use Class E. It also includes a number of uses that are not defined as ‘main town centre use classes’ in the NPPF, such as medical services and some light industrial uses. Planning permission is not needed to change uses within the single Class E Use.

### **Future floorspace needs**

8.6. In order to have an up-to-date evidence base to inform the new Local Plan, we commissioned a [Retail and Leisure Capacity Study \(RLCS\)](#) in 2019, followed by a [Retail Study Update Report \(2020\)](#), which took account of more up to date population information and also assessed the potential impact of the Covid-19 pandemic. The 2020 Update provides an estimate of how much additional shopping and leisure related floorspace is needed in the district. These floorspace projections are provided up to the period 2036 so that the Local Plan can plan to meet the scale of development likely to be needed for a period of at least 10 years ahead, in accordance with the National Planning Policy Framework<sup>52</sup> (NPPF). Further detail is provided in the Town and Local Centre Review Topic Paper.

8.7. The table below summarises how much floorspace is needed to meet the likely level of growth in the District for the period up to 2036, for convenience<sup>53</sup> and comparison<sup>54</sup> shopping as well as food and drinks uses, such as cafes, restaurants and bars.

Table X - Summary of floorspace projections up to 2036 (sqm gross)

	<b>Convenience</b>	<b>Comparison</b>	<b>Food/Beverage</b>	<b>Total</b>
<b>Ashby de la Zouch</b>	1342	1962	1114	4418
<b>Coalville</b>	3888	1774	655	6317
<b>Other NW Leicestershire</b>	1243	625	791	2659
<b>Total</b>	6473	4361	2560	13394

<sup>52</sup> NPPF – Para 86 (a) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead.

<sup>53</sup> Consumer goods purchased on a regular basis such as food/groceries and cleaning materials.

<sup>54</sup> Durable goods such as clothing, household goods, furniture, DIY and electrical goods).

8.8. Existing premises could help accommodate a significant element of the floorspace that is likely to be needed over the period of the Local Plan, through the re-use of vacant floorspace or by current operators using their floorspace more efficiently. In addition, since the publication of the projections, planning permission has been granted for an Aldi supermarket at Castle Donington which has subsequently been built. This has taken up all of the convenience floorspace requirements up to 2036, outside of Coalville and Ashby de la Zouch. Therefore, at this time it is considered that there is no pressing need for the Local Plan to identify site allocations for future retail and food and drink related development.

### **Town Centre and Local Centre boundaries**

8.9. The Local Plan defines the Town Centre boundaries for Coalville and Ashby de la Zouch and the Local Centre boundaries for Castle Donington, Ibstock, Kegworth and Measham. These boundaries are relevant for the application of the sequential<sup>55</sup> and impact assessment<sup>56</sup> tests, as defined in the NPPF. It also defines the Primary Shopping Areas for all these centres, also relevant to the application of the sequential test. The NPPF expects Local Plans to define the extent of town centres and primary shopping areas.

8.10. We have completed a review of the town and local centre boundaries shown in the adopted Local Plan. This has been undertaken in accordance with the following definitions contained in the NPPF:

- Town Centre – An area including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.
- Primary Shopping Area – Areas where retail development is concentrated.
- Main Town Centre Uses - Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)

8.11. Maps showing the proposed changes to the Town and Local Centre boundaries are included in Appendix A and summarised below. Additional detail is provided in the Town and Local Centre Review Topic Paper.

<sup>55</sup> NPPF - Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

<sup>56</sup> NPPF - Local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace).

<b>Defined Town/Local Centre Boundary</b>	<b>Boundary Changes</b>	<b>Justification</b>
Coalville	Removal of the following: Hotel Street; Former Co-op site; Part of Belvoir Road; Part of Ashby Road  Amendment to boundary line of properties along Jackson Street to include entire property boundaries.	Lower concentration of main town centre uses. Lower levels of footfall. Physical relationship with the remainder of the Town Centre.
Ashby de la Zouch	None	No significant change to the centre
Castle Donington	None	No significant change to the centre
Ibstock	None	No significant change to the centre
Kegworth	Removal of 4 properties on High Street	Residential properties located at the edge of the defined Local Centre boundary
Measham	Removal of 2 properties on High Street	Residential properties located at the edge of the defined Local Centre boundary.

8.12. We are however not proposing any changes to the defined Primary Shopping Areas. Survey work shows that these are still the areas where shopping uses are concentrated. Primary Shopping Areas are defined within the Town Centres of Coalville and Ashby de la Zouch and comprise the totality of our Local Centres. These areas shall be identified on the Policies Map. In accordance with the NPPF the defined Town and Local Centre boundaries will be used in the application of the Sequential Test and Impact Assessment, and the Primary Shopping Areas used in the application of the Sequential Test.

### **Mix of uses in our Town and Local Centres**

8.13. The NPPF no longer refers to primary and secondary frontages nor the application of restrictive policies in these frontages. It does however acknowledge the benefits of an appropriate mix of uses in the long-term vitality and viability of our centres. Furthermore, the changes to the UCO now allow far greater flexibility for uses to change within town centres. Uses can change within the single Use Class E without the need for planning permission. These changes have significant implications on the ability of a Local Planning Authority to control the mix of uses and the protection of specific uses, for example we are no longer able to control the change of use from a shop to another use with the single Class E Use.

8.14. There will however be circumstances when planning permission will be required, including for a number of main town centre uses such as bars and pubs and entertainment venues such



a nightclub, casino or cinema. We therefore propose that policy reflects the flexibility introduced by the UCO but also seeks to manage any changes of use when planning permission is needed, in order to protect the vitality and viability of our centres. It is intended that the policy applies across the town and local centres, rather than solely the Primary Shopping Area.

### **Threshold for Impact Assessments**

- 8.15. An impact assessment is required for certain types of development when it would be located outside of a defined town or local centre. This test is to consider the impact over time of the proposal on any town centre that may be affected, in terms of its vitality and viability and investment. Since the adoption of the Local Plan the NPPF identifies that impact assessments are only required for retail and leisure uses and local policy will be updated.
- 8.16. The NPPF allows for Local Plans to identify a locally set threshold for when an impact assessment would be required. In setting locally appropriate thresholds it is important to consider a number of issues, including the scale of proposals relative to the centre, the health and vitality and viability of the centre and the effects of recent developments.
- 8.17. The threshold for Coalville and Ashby de la Zouch is currently set at 1,000 sqm gross and a threshold of 500sqm gross is currently set for the centres of Castle Donington, Ibstock., Kegworth and Measham. The RLCS Update reviewed these thresholds and concluded that they remain appropriate.

#### **Draft Policy TC1 – Town and Local Centres: Hierarchy and Management of Development (Strategic Policy)**

- (1) For the purposes of considering proposals for the development of retail, leisure, entertainment, arts, culture, office and other Main Town Centre Uses (as defined in the NPPF) and applying the sequential test, the following Town and Local Centres are identified:
- Town Centres: Coalville and Ashby de la Zouch
  - Local Centres: Castle Donington, Ibstock, Kegworth and Measham
- (2) Planning permission will be granted for Main Town Centre Uses that are located within a Town or Local Centre, as identified on the Policies Map, where the proposal:
- (a) Is appropriate for the scale and function of each centre; and
  - (b) Makes a positive contribution to the diversity of uses on offer in that centre whilst not unacceptably impacting on daytime footfall; and
  - (c) Does not result in a cluster or over-concentration of non-shop uses; and
  - (d) As far as possible, maintains an active ground floor frontage, particularly throughout the daytime; and
  - (e) Does not have an adverse impact on the occupiers of neighbouring properties.

(3) Planning will be granted to deliver the following floorspace requirements to 2036.

	Convenience	Comparison	Food/Beverage	Total
<b>Ashby de la Zouch</b>	1300	2000	1100	4400
<b>Coalville</b>	3900	1800	700	6400
<b>Other NW Leicestershire</b>	0	600	800	1400
<b>Total</b>	5200	4400	2600	12200

(4) In accordance with the NPPF, for retail and leisure development proposed outside of the Town and Local Centres as defined on the Policies Map, an impact assessment will be required based on the following local thresholds.

Centre where development proposed	Development Threshold
<b>Coalville and Ashby de la Zouch</b>	1000 sqm gross
<b>Castle Donington, Ibstock, Kegworth and Measham</b>	500 sqm gross

(5) The regeneration of Coalville Town Centre is a key Council priority. The Council will work with landowners, developers and businesses to bring forward proposal for development to enhance the centre and its offer, including improvements to the public realm which will be sought, either in association with new development or as a standalone scheme.

## Policy TC2 Hot Food Takeaway Uses

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes - Policy Ec11

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing

8.18. Changes to the Use Classes Order (UCO) place hot food takeaways as a Sui Generis Use which means that they do not belong to any use class. Therefore, planning permission is always needed for any hot food take away use and the planning system can help control the prevalence of hot food takeaways.

8.19. Takeaway uses serve the needs of local communities and contribute to the diversity of uses that a centre can offer, as well as generate activity during the evening. However harmful

impacts, particularly if a number of these uses are sited within close proximity to one another, can include noise and disturbance, negative impact on amenity and anti-social behaviour.

- 8.20. Ease of access to unhealthy foods and cheap, higher energy foods can also have an adverse impact on the health of our communities. Nationally, evidence suggests that there are significantly more hot food takeaways within areas of high deprivation, and this is correlated with worse health outcomes. This is a complex issue but there is cause for concern in some parts of the District regarding high and rising level of obesity in both children and adults.
- 8.21. [Planning Practice Guidance \(PPG\)](#) provides advice on how planning can contribute to a healthier food environment and recognises that planning policies can seek to limit the proliferation of particular uses where it can be demonstrated there would be harm. Specific reference is made to impacts on health and amenity along with specific guidance on the control of litter associated with hot food takeaways.
- 8.22. When considering if a proposal would result in an over concentration of takeaway uses, we will have regard to the number and location of existing takeaway uses in the locality and if the proposal would result in a consecutive run of takeaways.
- 8.23. In determining the potential impact upon the health of residents, consideration will be given to a range of factors, including the proximity of the use to facilities such as schools, colleges, community centres and playgrounds. Other relevant factors will include opening hours and health indicators (e.g., deprivation and obesity) for the local community.
- 8.24. Amenity and health issues are relevant to the whole of the District and this is reflected in the policy. A concentration of hot food takeaways can also undermine the shopping and service offer of a town and local centre. Specific issues already exist in Ashby de la Zouch with parts of the town centre experiencing a concentration of hot food takeaways whilst in Ibstock there is a high number of takeaways located within its local centre.

#### **Draft Policy TC2 – Hot Food Takeaway Uses**

- (1) Applications for hot food takeaways uses will be supported where:
  - (a) There is no clustering resulting from a concentration of hot food takeaways in the area; and
  - (b) Where there would not likely to be an unacceptable impact on the health of residents with consideration given to the proximity of the premises to community and education facilities, the opening hours of the premises and health indicators for the local area; and
  - (c) They do not have a negative impact upon the amenity and safety of residents and other businesses in the area; to include highway safety and parking, hours of operation, control of odours and cooking smells; and
  - (d) They would provide and maintain a satisfactory means of litter and waste disposal through the provision of a litter bin within the premises and commitments to undertake litter picking and anti-litter signs around the premises. Where a litter bin cannot be provided within the curtilage of the premises, a commuted sum will be sought towards the provision of a litter bin within the locality.

- (2) When considering applications within the defined town centre of Ashby de la Zouch and the defined local centre of Ibstock, regard will be had to the following facts at the time the application is determined:
  - (a) Within the Market Street frontage of Ashby de la Zouch, Nos 67 to 89 and Nos 76 to 108, the Council will resist applications for new hot food takeaway uses over and above those in existence, or permitted, at the time of the adoption of this Local Plan.
  - (b) The concentration of hot food takeaway uses within the defined local centre of Ibstock, as identified on the Policies Map, will not be permitted to increase above the existing number of those in existence, or permitted, at the time of the adoption of this Local Plan.

## 9. INFRASTRUCTURE AND FACILITIES

### Introduction

- 9.1. When development takes place it makes additional demands on infrastructure. This infrastructure can be physical (e.g. transport, water and energy supply), social (e.g. education, health) or environmental (e.g. open spaces, biodiversity enhancements). Therefore, it is important to ensure that appropriate levels of infrastructure are provided to support the growth required in this Local Plan.
- 9.2. This chapter sets out our general approach to securing the provision of infrastructure and more specific requirements for different types of infrastructure. The policies will be supported by an Infrastructure Delivery Plan (IDP). More details about the IDP are set out in the supporting text to Policy IF1 below.
- 9.3. The infrastructure necessary to support growth will be delivered by a variety of partners including the District Council, the County Council, Government departments, public agencies, and utility service providers. The role of the IDP is to ensure that all the service providers' strategies and investment plans are developed alongside and align with the Local Plan to ensure the timely delivery of infrastructure.

### Policy IF1 – Development and Infrastructure (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes, Policy IF1 – Development and Infrastructure

**Which Local Plan objective(s) does this help to address?** Objective 2 – Ensuring the delivery of new homes; Objective 4 – Reducing the need to travel; and Objective 11 – Ensuring sufficient infrastructure

- 9.4. Infrastructure is critical to support the provision of all development. Such infrastructure can be physical (for example a new road or a new school) or social (such as affordable housing) or green (for example tree planting) in nature. Such supporting infrastructure must be in place for new development. This is not only to ensure that the new development is properly served in respect of essential day-to-day infrastructure required by the occupants (for example superfast Broadband which many businesses rely on) but also to minimise the impact upon existing infrastructure and communities.
- 9.5. The National Planning Policy Framework (NPPF) requires that growth is aligned with the provision of infrastructure (paragraph 11) and that plans should make sufficient provision for a range of infrastructure, including transport, health, education, water supply, waste management and green infrastructure (paragraph 20).

- 9.6. The provision of new infrastructure is currently secured using a legal agreement (referred to as planning obligations or Section 106 Agreement). In accordance with Regulations the nature and scale of any planning obligation required has to be related to the scale and type of development proposed. There are three tests which an obligation has to meet. It must be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 9.7. The S106 Agreement will be signed by the Council and the applicant, together with any other parties who may be involved in the delivery of specific infrastructure. Wherever possible, any provision required should be made on-site as part of new developments. In certain instances where on site provision is not feasible then off-site provision will be required, or the development will impact on infrastructure away from the site, a financial contribution will be considered more appropriate (for example improvements to a local road or to increase capacity at a school). Obligations are also used to ensure non-physical measures, such as training/skills and travel plans.
- 9.8. Contributions agreed as part of the S106 Agreement can only be spent on the services and facilities specified in the S106 Agreement. Monies cannot be diverted to other facilities or areas. Wherever possible, any provision required should be made on-site as part of new developments. In certain instances where on site provision is not feasible, or the development will impact on infrastructure away from the site, a financial contribution will be considered more appropriate. Obligations are also used to ensure non-physical measures, such as training/skills and job creation initiatives and local labour agreements; Spatial Policy 8 (vi) sets out that these will be sought across Leeds via planning agreements. Travel plans are another non-physical measure undertaken via S106 Agreements.
- 9.9. For the foreseeable future we will continue to use S106 Agreements to secure infrastructure provision. However, another option is for the Council to introduce a Community Infrastructure Levy (or CIL), whereby the Council would specify the amount of money which would be charged for different types and sizes of development. We will consider whether to adopt a CIL approach once this Local Plan is adopted and the government has confirmed proposed changes to the current CIL.
- 9.10. To understand what the likely infrastructure requirements associated with new development will be we have commissioned an Infrastructure Delivery Plan. The [Infrastructure Delivery Plan Part 1](#) was completed in 2022 and established a baseline position for a variety of infrastructure types by assessing how much capacity there is currently and how much will be required in the future. A second part to the study will be undertaken which will assess the implications of each specific housing and employment allocation proposed as part of this Local Plan and identify what and how much infrastructure will be required.
- 9.11. We have also commissioned a Viability Study in accordance with the [Planning Practice Guidance](#) (PPG). This is to ensure that the different proposed policy requirements set out throughout this plan are not so financially onerous that they make development unviable. The PPG emphasises that policies should be realistic but not compromise sustainable development and that the cumulative costs of policies should not undermine deliverability of

the plan and its various provisions. The Viability Study will be published in conjunction with the Regulation 19 version of the Plan.

- 9.12. Occasionally, having agreed what contributions are to be made, a developer or applicant may approach the Council to seek a change to an existing agreement because of the impact of costs on site viability. In such circumstances the PPG is clear that it is for an applicant to demonstrate that there are circumstances which justify the need for a viability assessment. The proposed policy below allows for this and identifies what the Council expects from applicants in such circumstances.

### **Draft Policy IF1 – Development and Infrastructure (Strategic Policy)**

#### **Infrastructure requirements**

- (1) Development will be supported by, and make contributions as appropriate to, the provision of new physical, social and green infrastructure in order to mitigate its impact upon the environment and communities.
- (2) The type of infrastructure required to support new development includes, but is not limited to:
  - (a) Affordable housing; and
  - (b) Community facilities including education, health, local shops and cultural facilities; and
  - (c) Transport including highways, footpaths and cycleways, public transport and associated facilities; and
  - (d) Green infrastructure including open space, sport and recreation, National Forest planting (either new provision or enhancement of existing sites) and provision of or improvements to sites of nature conservation value; and
  - (e) The provision of superfast broadband communications; and
  - (f) Utilities and waste; and
  - (g) Flood prevention and sustainable drainage.

#### **Securing provision**

- (3) Contributions may be secured by means of planning obligations and/or a Community Infrastructure Levy charge, in the event that the Council brings a Charging schedule into effect.
- (4) The infrastructure secured (on or off-site) will be provided either as part of the development or through a financial contribution to the appropriate service provider and may include the long-term management and maintenance of the infrastructure.
- (5) In negotiating the provision of infrastructure the Council will have due regard to viability issues and where appropriate will require that the applicant

provide viability information to the Council which will then be subject to independent verification.

- (6) Any request to seek amendments to an existing a legal agreement which would result in a lesser provision of infrastructure, will only be considered where a fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and landowner receipt necessary for the development to proceed.
- (7) The District Council will work closely with infrastructure providers to ensure inclusion of infrastructure schemes within their programmes, plans and strategies, and delivery of specific infrastructure requirements in conjunction with individual development schemes and the expected timing of development coming forward. The Council will also work with partners and other stakeholders to secure public funding towards infrastructure, where possible.

## Policy IF2 – Community Facilities (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** Yes. Policy IF2 – Community & Cultural Facilities

**Which Local Plan objective(s) does this help to address?** Objective 4 – Reducing the need to travel; Objective 11 – Ensuring sufficient infrastructure.

9.13. Community facilities are buildings or spaces which provide a valuable service that local people rely upon, including for their everyday needs. There is no single, definitive list of ‘community facilities’ but the following are examples:

- **Meeting places** – village hall, community hall, social club
- **Health services** – dentist, GP, pharmacy
- **Cultural & sports facilities** – library, museum, place of worship, sports venue (building)
- **Certain commercial uses** - pub, convenience shop, post office

9.14. These are places where there is social interaction which can be especially important for residents at risk of feeling isolated. They enhance residents’ quality of life and, as the population ages, retaining such key local facilities is increasingly important. Having facilities close to where people live is also integral to a settlement’s overall sustainability, as recognised in our [Settlement Study 2021](#).



- 9.15. Since the current Local Plan was prepared, there have been changes to the Use Classes Order. Shops, medical/health services and indoor sports facilities all now fall within Use Class E which means that planning permission is not required to put the premises to an alternative use within Class E. In addition, new permitted development rights (Class MA of Part 3) enable vacant premises<sup>57</sup> which were last in a Class E use to be converted to residential use (Class C3). These changes mean that there are circumstances where a new community facility can be established, or an existing one lost, without planning permission. Where planning permission is required however, Policy IF2 will be applied.
- 9.16. The NPPF requires us to plan positively for the provision and sustainment of community facilities and to resist their unnecessary loss to other uses (paragraph 93). Proposals which would result in the loss of a facility must be justified and part (2) of Policy IF2 sets out the limited circumstances where a loss could be acceptable. The types of substantiating evidence which could be supplied include the following:
- **Facility no longer needed** – trends in bookings, membership numbers, visitor numbers, turnover.
  - **Access to a facility elsewhere** – demonstrate the availability of a matched level and type of service to which the community has convenient access.
  - **No prospect of being used for alternative community facility** – outcomes of contact with local service providers, community groups, parish council etc.
  - **No commercial demand** – compelling evidence to demonstrate that the premises have been actively marketed for its permitted use for at least 6 months at current market values taking account of the building's condition. Information should be submitted about the outcomes of the marketing and reasons given why the property could not be sold/let.

#### **Draft Policy IF2 – Community Facilities (Strategic Policy)**

- (1) Proposals for new, extended or improved community facilities will be supported. For development in areas identified as the countryside, it must be demonstrated that the proposal will address a proven local need for the facility.
- (2) Proposals that will result in the loss of premises currently or last used as a community facility will be permitted where it is clearly demonstrated that:
  - (a) Either (i) the facility is no longer needed; or (ii) the community has reasonable access to a suitable, equivalent facility elsewhere; and
  - (b) There is no reasonable prospect of the premises being used for an alternative community facility; and
  - (c) For commercial community facilities only, there is no reasonable demand to use the premises for their current/most recent use.

<sup>57</sup> Up to 1,500sqm

- (3) Major residential/residential-led development is required to make provision for new community facilities where no facilities exist or facilities are insufficient for the demand likely to be generated from the new development.

### Policy IF3 - Green and Blue infrastructure (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** No

**Which Local Plan objective(s) does this help to address?** Objective 9 - Conserving and enhancing our natural environment and Objective 11 – Ensuring sufficient infrastructure.

9.17 Green Infrastructure (GI) is defined by The Landscape Institute as:

"The network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. Individually, these elements are GI assets, and the roles that these assets play are GI functions.

When appropriately planned, designed and managed, the assets and functions have the potential to deliver a wide range of benefits – from providing sustainable transport links to mitigating and adapting the effects of climate change."

9.18 Green infrastructure assets include open spaces such as parks and gardens, allotments, woodlands, fields, hedges, playing fields, as well as footpaths and cycleways. Assets involving water, such as ponds, lakes, rivers and canals, can also be called 'blue infrastructure', but these are all included in the overarching term of 'green infrastructure'.

9.19 The benefits of Green Infrastructure are widely recognised and include all aspects of health and wellbeing (physical, mental and social). Green Infrastructure provides opportunities for increased physical activity, but also in terms of helping to create a sense of place and providing habitats for wildlife. They also tend to be multi-functional and so can act as defences against flooding, alleviate some of the effects of climate change such as increased temperatures by providing cooling opportunities and absorb air pollution.

9.20 We have previously commissioned a [Green Infrastructure Study](#). This identifies the current Green Infrastructure network in and around the main settlements<sup>58</sup> and suggestions for how the network could be enhanced. There is potential for some of these suggestions to be delivered as part of new development, for example creating stronger sustainable links, for example footpaths, between Coalville and the Charnwood Forest landscape or enhancing Green Infrastructure provision on the north side of Ashby de la Zouch, improving water quality along the River Mease and increased green spaces and tree planting. However, as noted in the

<sup>58</sup> The Coalville Urban Area, Ashby de la Zouch, Castle Donington, Ibstock, Kegworth and Measham

study, there are limitations to what the Local Plan (or planning system more generally) can do to deliver Green Infrastructure. Firstly, any Green Infrastructure delivered through planning policy must be carefully balanced against viability issues. Secondly, the influence of a Local Plan broadly relates only to new development. Therefore, it can at times have limited influence over current uses of land, unless these are required to change under the planning system. Instead, many of the suggestions would have to be achieved outside of the planning system.

9.21 The provision of different types of Green Infrastructure will be an important component of new development. As such it is important that where such provision is to be made onsite, that it is planned as an integral part of the development from the outset; it should not be an afterthought.

9.22. The definition of Green Infrastructure is broad and there are a number of policies in this Local Plan which relate to it. The proposed policies are directly relevant to Green Infrastructure:

- Design of new development (AP1)
- Amenity (AP2)
- Reducing Carbon Emissions (AP4)
- Health and Wellbeing (AP5)
- Flood Risk and Water management (AP8)
- Housing allocations (H3)
- Employment land allocations (Ec3)
- Open space, sport and recreation (IF4)
- Transport Infrastructure and new development (IF5)
- Nature Conservation and Biodiversity (En1)
- River Mease (En2)
- The National Forest (En3)
- Charnwood Forest (En4)

### **Draft Policy IF3 – Green Infrastructure (Strategic Policy)**

- (1) The Council will expect all major development, where appropriate, to contribute towards the delivery of new Green Infrastructure which connects to and enhances the existing network of multi-functional spaces and natural features throughout the District. In making provision, regard should be had to the priorities for green infrastructure identified in the Green Infrastructure Study. Such provision will be proportionate to the scale of the development and the site's context.
- (2) Proposals that cause loss or harm to the green infrastructure network, including its function and amenity value, will not be permitted unless the need for and benefits of the development outweigh any adverse impacts. Existing trees, woodlands and hedgerows should be retained wherever possible.

- (3) Where adverse impacts on green infrastructure network are unavoidable, development will only be permitted if suitable mitigation measures for the network are provided.

## Policy IF4 – Open Space, Sport and Recreation Facilities (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** Yes. Policy IF3 – Open Space, Sport and Recreation Facilities

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing and Objective 11 – Ensuring sufficient infrastructure

- 9.23 The National Planning Policy Framework states that “*Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change*”.
- 9.24 The NPPF requires that policies are based on robust and up-to-date assessments of the need for open space, sport and recreation facilities. The Council currently has the following evidence studies:
- Playing Pitch Strategy (2017)
  - Built Facilities assessment (2017)
- 9.25 In view of the age of these various studies the Council is in the process of commissioning updates to them.
- 9.26 Part 1 of adopted Local Plan Policy IF3 includes a requirement that open space, sport and recreation facilities be provided as part of new housing developments comprising of 50 dwellings or more. The evidence studies referred to above will address whether this remains an appropriate threshold to use.
- 9.27 We have reviewed the remainder of the current policy and are of the view that it remains appropriate, other than not referring to a Supplementary Planning Document, and so we are proposing that it be carried forward as part of the review. The proposed policy is set out below.

#### **Draft Policy IF4 – Open space, Sport and Recreation Facilities (Strategic Policy)**

- (1) In order to meet the needs of the community, provision of open space, sport and recreation facilities will be sought as part of new housing development of [number to be determined] or more dwellings having regard to:
  - (a) The scale of the proposed development and the mix and type of dwellings to be provided;
  - (b) The nature and scale of existing open space, sport and recreation provision within the locality of the proposed site;
  - (c) The likely population characteristics resulting from the proposed development as well as that of the existing population in the locality;
  - (d) Local evidence of need, including (but not limited to) a Playing Pitch Strategy, open space assessment of need or equivalent sources.
- (2) Any open space, sport and recreation provision should be designed as an integral part of the proposed development in accordance with Policy AP1 in respect of Design.
- (3) Provision of open space, sports and recreation facilities should be located on-site unless an off-site or partial off-site contribution would result in an equally beneficial enhancement to an existing open space, sports and /or recreation facility which is of benefit to the local community.

#### Loss of Open Space

- (4) In assessing the appropriateness of development which would result in the loss of a site which at the time the development proposal is considered, is an open space, sports or recreation facility within the Limits to Development, the following principles will be taken into consideration:
  - (a) The developer / applicant will need to provide clear evidence that the open space, sports or recreation facility is surplus to requirements;
  - (b) The loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community;
  - (c) The loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, usability or viability of the open space, sport and recreation uses e.g. changing rooms, toilets, assembly and function uses;
  - (d) The loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor.

- (5) Proposals involving the potential loss of an open space, sports or recreation facility outside of the limits to development will be considered under the provisions of Policy S4 - Countryside.
- (6) Any proposals resulting in a loss of an open space, sports or recreation facility should be able to clearly demonstrate that the facility is not only currently surplus to requirements, but taking into account the population needs of the community over the plan period.

## Policy IF5 – Transport Infrastructure and New Development

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy IF4 – Transport Infrastructure and New Development.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing; Objective 3 – Achieving high quality development and Objective 4 – Reducing the need to travel.

9.28 Section 9 of the [National Planning Policy Framework](#) (NPPF, 2023) focuses on the promotion of sustainable transport, emphasising that “significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes” (paragraph 105).

9.29 Our settlement hierarchy (Policy S2) and approach to site allocations [to follow] seeks to reduce the need to travel by locating development in the District’s most sustainable locations. Housing development in particular will be directed to those settlements with access to a range of facilities, services and public transport.

9.30 However, there will be circumstances where development in more rural locations is deemed acceptable in planning terms. Where this is the case, the NPPF recognises that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas” (paragraph 105). With regards to rural economic development, the NPPF states that:

*“...sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”* (paragraph 85).

### **Access by Private Motor Vehicles**

- 9.31 The private motor vehicle will continue to be the choice of travel for many residents and businesses. The impact upon the highway network is an important consideration when determining planning applications and applicants will need to satisfy the relevant highways authority<sup>59</sup> that the proposed development can be delivered without having an unacceptable impact on highway safety and that the residual cumulative impacts on the road network will not be severe (NPPF, paragraph 111).
- 9.32 Development that will generate significant amounts of movement on the local highway network will require a Transport Assessment or Statement to assess and mitigate any negative transport impacts. The [Leicestershire Highway Design Guide](#) provides more detail about the scale of development that will require a Transport Assessment or Statement. In some circumstances, development proposals will require a Travel Plan<sup>60</sup>. If the transport impacts of a development are severe, this would warrant refusal of a planning application (NPPF, paragraph 111).
- 9.33 Highways infrastructure must be designed in accordance with the [North West Leicestershire Good Design SPD](#) and the Leicestershire Highways Design Guide, both of which are in the process of being updated and due to be in the public domain before the next stage of Local Plan consultation (Regulation 19). The teams preparing these two documents are liaising with each other to ensure the guidance is complementary.

### **Public Transport**

- 9.34 Access to bus services enables those without a car to travel further afield as well as providing an alternative mode of transport for car users. Development should be designed so that routes to existing public transport are safe and as direct as possible. Depending on the scale, type and location of development proposed, we may require new public transport routes within the development site or a contribution towards the enhancement of existing services.

### **Active Travel (Walking and Cycling)**

- 9.35 Walking and cycling has benefits for the environment, the economy and public health. The government wants active travel to be the natural choices for either shorter journeys or as part of a longer journey ([Cycling and Walking Investment Strategy](#), 2023).
- 9.36 To encourage walking and cycling, new development must provide permeable, direct and safe routes for pedestrians and cyclists. Provision for walking and cycling should be an integral part of the design process for new development. Opportunities to link to existing pedestrian and cycle infrastructure should be taken up.

<sup>59</sup> The highways authority for motorways and trunk roads is National Highways, for all other roads it is Leicestershire County Council.

<sup>60</sup> Travel Plans are long-term management strategies which integrate sustainable travel measures into new development. More guidance on Transport Assessments, Transport Statements and Travel Plans can be found in the government's [Planning Practice Guidance](#).

9.37 To create strategic walking and cycling networks across the district, the government is encouraging local authorities to produce Local Cycling and Walking Infrastructure Plans (LCWIP). To inform the LCWIP, we have prepared a [Local Cycling and Walking Strategy](#) (2021) which identifies:

- The factors which will encourage people to walk and cycle more;
- Potential cycling route priorities and areas for investment to support walking in Ashby, Coalville, Kegworth, Castle Donington, Ibstock and Measham.

9.38 We are now in the process of preparing LCWIP itself, which will assist us in:

- Identifying places where new strategic cycling or walking routes can be delivered by a new development;
- Protecting the alignments for future planned cycling and walking routes; and
- Securing financial contributions from developers towards new cycling and walking infrastructure.

9.39 When the LCWIP has been published, we will be able to consider how any Local Plan site allocations or windfall development can be expected to accommodate and/or financially contribute towards the cycling and walking routes identified in the LCWIP. In the meantime, we are suggesting that a policy requirement to safeguard these cycling and walking routes could be included in Policy IF5.

#### **Draft Policy IF5: Transport Infrastructure and New Development**

- (1) All development must provide a safe and suitable access for vehicles, pedestrians and where relevant, cyclists.
- (2) New development that is likely to generate significant amounts of movement on the local highway network will require a Transport Assessment or Transport Statement to assess and mitigate any negative transport impacts.
- (3) Having regard to its scale, type and location, new development will be required to maximise accessibility by sustainable modes of transport by:
  - (a) Providing well-designed pedestrian and cycle links within the development;
  - (b) Where necessary, providing for a bus link within the development; and
  - (c) Taking opportunities to link to existing footpaths, cycleways and bus routes in the wider area.
- (4) The District's strategic cycling and walking routes, as identified in the Local Cycling and Walking Infrastructure Plan, will be safeguarded. Any development proposals which would impact these routes will be expected to accommodate them within the development.



- (5) Development that has a demonstrable transport impact will be required to financially contribute towards:
- (a) Public transport services;
  - (b) Any sustainable transport measures necessary to make the development acceptable; and/or
  - (c) Any offsite highways improvements necessary to mitigate the impact of development.

## Policy IF6 – Leicester to Burton Rail Line

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes, Policy IF5 – Leicester to Burton rail line

**Which Local Plan objective(s) does this help to address?** Objective 4 - Reducing the need to travel.

- 9.40 There are currently no passenger rail services in North West Leicestershire. A freight-only rail line connects Leicester with Burton-on-Trent via Coalville and another runs from Long Eaton to Willington, passing north of Castle Donington.
- 9.41 Proposals to reopen the Leicester to Burton railway (the Ivanhoe Line) to passenger traffic have been the subject of various proposals over the last 30 years. In 2021, the government announced that proposals submitted by the Campaign to Reopen the Ivanhoe line (CRIL) were to be supported to the next stage of development. Since then, Network Rail and a range of other stakeholders, including the District Council, have been working with CRIL to refine proposals and to develop the necessary business case to secure funding.
- 9.42 A key aspect of the current work is to identify suitable locations for stations. In North West Leicestershire these are likely to be at Coalville and Ashby de la Zouch. If these matters are agreed before we finalise the Regulation 19 version of this plan, we will identify the sites on the Policies Map. Until then, the proposed policy below protects the route of the line from prejudicial development and gives ‘in principle’ support for new stations at Coalville and Ashby de la Zouch.

### **Draft Policy IF6 – Leicester to Burton Rail Line**

- (1) The Council will support the provision of passenger rail services on the Leicester to Burton rail line.
- (2) New development will not be permitted which would prejudice the route of the Leicester to Burton rail line.
- (3) The provision of stations, together with ancillary car parking and facilities such as platforms and shelters, at appropriate locations, including Coalville and Ashby de la Zouch, will be supported.

### **Policy IF7 – Ashby Canal**

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** Yes; Policy IF6 – Ashby Canal.

**Which Local Plan objective(s) does this help to address?** Objective 8 – Conserving and enhancing our heritage.

- 9.43 The Ashby Canal was originally a 30-mile-long canal which connected the mining area around Moira with the Coventry Canal at Bedworth in Warwickshire. It was opened in 1804 to convey coal and limestone from the extensive deposits in the Ashby Wolds.
- 9.44 Coal was being routinely transported on the canal until the 1960s. The mining activity had led to serious subsidence resulting in the closure of the canal's northern reaches (from Snarestone to Moira).
- 9.45 Since the 1990s, restoration work has seen stretches of the canal reopen. The northernmost section of the canal has been restored from Moira to Donisthorpe and links Conkers, Moira Furnace and Donisthorpe Country Park in an area that has developed as a tourist destination.
- 9.46 Restoration of the canal has also taken place further south at Snarestone. The canal has been reinstated to Bridge 62 (including a 16-metre winding hole) north of Snarestone. The aspiration is that the next phase of restoration will be the section of canal from Bridge 62 northwards towards Ilott Wharf and then onwards to Measham.
- 9.47 The route beyond Measham to Donisthorpe is being studied with a view to protecting it in readiness for future restoration.
- 9.48 Leicestershire County Council has led on the restoration of the Ashby Canal since 1994. The County Council purchased the necessary land to construct the canal under the powers of a

Transport and Works Act. However, due to lack of resources the County Council are proposing to transfer a stretch of the canal to Ashby Canal Association (ACA).

- 9.49 Leicestershire County Council held a public consultation on the proposal to transfer the Snarestone to Measham section of the canal to ACA between 20 February and 26 March 2023. The results of the consultation are expected later in the year.
- 9.50 The route of the canal from Snarestone to Measham differs from the historic route of the Ashby Canal. This is due to both land ownership and engineering feasibility, for example some of the land on the historic route may no longer be available.
- 9.51 A new canal wharf at Measham was included in approved plans for a new housing development (Measham Waterside) in Measham. However, the proposed route of HS2 is set to run through the northern part of the site, reducing the number of dwellings that could be built and in turn impacting the viability of creating the canal wharf. The development of Measham Waterside cannot begin until there is more certainty about HS2.
- 9.52 We will continue to support the restoration of the Ashby Canal from Snarestone to Donisthorpe, including the construction of a new wharf at Measham.

#### **Draft Policy IF7 – Ashby Canal**

- (1) The restoration of the Ashby Canal from Snarestone to Donisthorpe, and the construction of a new canal wharf at Measham, is supported.
- (2) Development will not be permitted where it would prejudice the restoration of the Ashby Canal on the route shown on the Policies Map, or where it would prevent the provision of canal side facilities.
- (3) An alternative route for the Ashby Canal will be supported in principle, where it can be demonstrated that the route shown on the Policies Map is no longer appropriate.

### **Policy IF8 – Parking and New Development**

**What has happened so far?** This is the first time we have consulted on this policy.

**Is this subject covered in the adopted Local Plan?** Yes. Policy IF7 – Parking provision and new development

**Which Local Plan objective(s) does this help to address?** Objective 3 – Achieving high quality development. Objective 5 – Supporting the District’s economy. Objective 7 – Mitigating for, and adapting to, climate change.

## **Car Parking**

- 9.53 The [Leicestershire Highways Design Guide](#) (2022 interim version) prepared by Leicestershire County Council (LCC) deals with highways matters for new developments. A full review of the guide is underway but, in the meantime, this interim version is being followed. [Part 4](#) of the guide sets out recommended minimum requirements for off-street parking spaces (number and dimensions) according to the type of development. For commercial development this includes requirements for lorry spaces and loading/unloading.
- 9.54 Our [Good Design Supplementary Planning Document](#) (SPD), which is also currently under review, also deals with the matter of parking. It provides useful guidance on the siting, design and configuration of residential parking, including garages and parking courtyards, and applicants should draw on this guidance when designing schemes. We want to ensure that there is sufficient parking in new housing developments to prevent car ‘blight’ and the safety issues which can arise from badly parked vehicles. For this reason, we seek at least two parking spaces per dwelling (all tenures), unless occupancy numbers will be controlled, and three spaces for 4+ bed homes. This standard corresponds with the LCC guidance with the exception of retirement dwellings and some affordable housing where the LCC requirement is slightly less onerous.
- 9.55 The Highways Design Guide and the Good Design SPD (or their successors) are the starting point for detailed discussions and agreement on individual proposals.

## **EV Parking**

- 9.56 There are no standards for electric vehicle (EV) parking spaces in the Highways Design Guide. With the ban on the sale of new petrol and diesel cars due to be introduced in 2030, providing spaces which are linked, or are capable of being linked, to charging infrastructure is increasingly critical. A new [Building Regulation \(Part S\)](#) came into effect in June 2022 which addresses Infrastructure for charging electric vehicles. The regulation requires EV charging infrastructure to be installed in new buildings, buildings undergoing a material change of use and major renovation. We presented a report to [Local Plan Committee](#) in January 2022 which set out the changes to the Building Regulations in regards to EV charge points and the implications for the Local Plan. The report included a summary of the Government’s final policy position and the requirements for EV charge points in various building types. As the requirements for EV charge points form part of the Building Regulations it is not necessary to repeat the requirements in Local Plan Policy.

## **Cycle Parking**

- 9.57 The Highways Design Guide also sets out standards for cycle parking. Making provision for safe, secure cycle parking is one way to encourage the use of bicycles for shorter journeys, important in a district where public transport services are relatively limited (see NPPF paragraph 106d).

## Lorry Parking

- 9.58 Paragraph 109 of NPPF (2023) states that "planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages". The NPPF also urges that "proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use".
- 9.59 The [Leicester & Leicestershire Strategic Distribution Study \(2021\)](#) provides some insight into the issue of HGV parking (see Chapter 15). There are three broad reasons why off-site freight vehicle parking is needed; a) to enable drivers to take rest breaks; b) to wait for allocated delivery/collection time slots; and c) for drivers' welfare e.g. refreshments, washing facilities etc. Dedicated lorry parking is needed for the successful operation of the road freight industry and is also important in terms of road safety and preserving local amenities.
- 9.60 It would require a specific piece of work to quantify the scale of the need for HGV parking in Leicester and Leicestershire. In general terms, however, we can expect that some such facilities will be needed.
- 9.61 The policy below sets out the considerations which would apply to applications for additional lorry parking. Proposals located in the countryside (as defined on the Policies Map) must be substantiated with evidence of operational need and must comply with the requirements of Policy S4 – Countryside.

### **Draft Policy IF8 – Parking and New Development**

- (1) Development which will generate vehicle trips must provide appropriate levels of vehicle and cycle parking having regard to the latest guidance published by Leicestershire County Council and by the District Council.
- (2) Where a development will provide fewer vehicle spaces than specified in the guidance, this must be justified with reference to:
  - (a) Local highway and parking conditions; and/or
  - (b) the degree to which occupants will have realistic access to sustainable alternatives (walking, cycling, public transport).
- (3) Where it is demonstrated that the specified level of cycle parking cannot be provided on site, a financial contribution will be sought towards the provision of public cycle parking facilities as appropriate.
- (4) Proposals for lorry parking facilities, including for over-night stays, will be supported where:
  - (a) The site is well-connected to the Strategic Road Network;
  - (b) A safe vehicle access is identified and secured;
  - (c) The scheme provides a standard of on-site facilities for drivers appropriate to the size and purpose of the development;

- (d) The scheme incorporates effective landscaping to mitigate the visual impact of the development;
- (e) The scheme will not adversely impact on the amenity of nearby residents;  
and
- (f) Additionally, for proposals in the countryside (as defined on the Policies Map) an operational need for the additional lorry parking is demonstrated, taking into account any identified local shortages.

## 10 ENVIRONMENT

### Introduction

- 10.23 The National Planning Policy Framework (NPPF) recognises the need to ensure that planning contributes to conserving and enhancing the natural environment, including valued landscapes and areas of biodiversity and geodiversity importance but also the historic environment (paragraphs 174 and 190).
- 10.24 North West Leicestershire is rural in nature with large tracts of opens countryside interspersed between towns and villages. Parts of many of these settlements are designated as Conservation Areas because of their historical or architectural significance, whilst there are also a large number of Listed Buildings.
- 10.25 The topography of the district is largely undulating, with a notable upland area to the east of Coalville which comprises part of the Charnwood Forest, an area rich in geological importance. Through the centre of the district in the former coalfield area runs the National Forest, now well established but still growing. There are areas of importance for their biodiversity, including the internationally designation River Mease Special Area of Conservation and a number of Sites of Special Scientific Interest.
- 10.26 All of these factors combine to create an attractive environment in which to both live and work. It is important that new development takes account of these and seeks to ensure that the environment, both natural and built, is maintained and wherever possible enhanced.

### Policy En1 – Nature Conservation/Biodiversity Net Gain (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** Yes. Policy En1 – Nature Conservation

**Which Local Plan objective(s) does this help to address?** Objective 9 – Conserving and enhancing our natural environment.

- 10.27 Biodiversity refers to the variety of all living organisms, including animals, insects, plants, bacteria and fungi that make up the natural world.
- 10.28 A study published by Leicestershire County Council (2020) identifies the quality of biodiversity across the county. Whilst there are small pockets higher quality biodiversity associated with parts of the Charnwood Forest and the National Forest, large parts of North West Leicestershire (and the county as a whole) score poorly. There is, therefore, a need to enhance the biodiversity of the district.

10.29 The National Planning Policy Framework (NPPF) sets out that planning should provide biodiversity net gains where possible (paragraphs 170, 174 and 175). This was taken further by the Environment Act 2021, which requires that all planning permissions granted in England (with a few exemptions) except for small sites will have to deliver at least 10% biodiversity net gain from January 2024. Biodiversity net gain will be required for small sites from April 2024.

10.30 Biodiversity net gain means leaving the natural environment in a measurably better state than before and is central to delivering nature's recovery and increasing stocks of natural capital. Net gain should deliver genuine additional improvements for biodiversity by creating or enhancing habitats in association with development. Net gain will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years.

10.31 Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures, or, as a last resort, through the purchase of statutory biodiversity credits. Development proposals can, for example, provide a net gain in biodiversity on-site through the enhancement of the existing features of the site, the creation of additional habitats or the linking of existing habitats to reduce fragmentation in the local ecological network. The Council's preference is for biodiversity net gain to be delivered on, or adjacent to, the development site.

10.32 Enhancing biodiversity benefits not just nature but also links to other policies in this plan such as:

- **health and wellbeing** - providing opportunities for people to enjoy new or enhanced greenspaces;
- **creating attractive places** – through good design and integration of greenspaces;
- **climate change** - through providing greater resilience to extremes of weather through additional trees.

10.33 There are a hierarchy of sites across the district ranging from European designations (River Mease Special Area of Conservation), national (including 17 Sites of Special Scientific Interest and one National Nature Reserve) and local designations (including five Local Nature Reserves and a large number of Local Wildlife Sites). Each is important in its own right and the Council will seek to protect as such.

#### **Draft Policy En1 – Nature Conservation/Biodiversity Net Gain (Strategic Policy)**

(1) The Council will seek to conserve and enhance the biodiversity of the District by:

- (a) Ensuring that development provides a net gain in biodiversity consistent with any national policy prevailing at the time that a planning application is determined.
- (b) Requiring that development follows the mitigation hierarchy of avoid, minimise, restore and offset.



- (c) Requiring that development avoids an adverse impact on the nature conservation value of the following hierarchy of sites, with the weight afforded to their protection reflecting their position in the hierarchy (greatest weight first) along with any legislative and national policy requirements:
  - (i) Special Areas of Conservation (SAC);
  - (ii) Irreplaceable habitats (defined as Ancient woodlands; Mature plantation or secondary woodland; Species-rich ancient hedgerows; Aged or veteran trees; Species-rich neutral grassland; Acid grassland and heath grassland; Dry and wet heathland; Bogs and Sphagnum pools and Rock outcrops);
  - (iii) National designations (Sites of Special Scientific Interest (SSSI) and National Nature Reserves);
  - (iv) Local and Regionally Important Geodiversity Sites (RIGS) and candidate Regionally Important Geodiversity Sites (cRIGS);
  - (v) Local Wildlife Sites (LWSs), Local Nature Reserves (LNRs) and candidate Local Wildlife Sites (cLWSs) which meet the Leicester, Leicestershire and Rutland LWS criteria;
  - (vi) Local and National Biodiversity Action Plan-related (BAP) priority habitats.
- (d) Prioritising on-site provision, wherever practicable, where compensation is required for the reduction or loss of existing biodiversity resources. Where off-site provision is necessary this should be well located in relation to the proposed development.
- (e) Requiring that a management plan be provided detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored in perpetuity.

## Policy En2 – River Mease Special Area of Conservation (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes; Policy En2 – River Mease Special Area of Conservation

**Which Local Plan objective(s) does this help to address?** Objective 9 – Conserving and enhancing our natural environment and Objective 10 – Ensuring the efficient use of natural resources.

- 10.34 Special Areas of Conservation (SACs) are areas which have been given special protection, initially under the European Union's Habitats Directive and latterly by virtue of the Conservation of Habitats and Species Regulations 2017 (as amended – often referred to as the Habitats Regulations)). They provide protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.
- 10.35 The River Mease SAC includes the River Mease and its tributaries, parts of which are in North West Leicestershire (although it encompasses parts of Staffordshire and Derbyshire as well). The North West Leicestershire Parishes wholly located within the River Mease Catchment include Ashby Woulds, Oakthorpe and Donisthorpe, Chilcote, Stretton en le Field, Appleby, Measham, Packington and Snarestone. The following Parishes are partly located within the catchment – Ashby Town, Coleorton, Heather, Normanton le Heath, Ravenstone and Sweptstone.
- 10.36 The SAC is also a Site of Special Scientific Interest (SSSI). Survey work carried out by the Environment Agency revealed that the quality of the water in the river was poor, mainly due to high phosphorous levels. This comes from agriculture, from both organic (farmyard manure) and inorganic (manmade fertilisers) sources, but also from new development as a result of increased foul water discharges (e.g. toilets, washing facilities).
- 10.37 The Habitats Regulations which govern areas such as the River Mease SAC, identifies what are called a 'competent authority' who have a duty to determine whether a proposal can proceed. North West Leicestershire District Council is identified as a 'competent authority'. This means that we must be satisfied that a proposed development will not affect the overall water quality in the River Mease. This is done through a Habitats Regulations Assessment (referred to as an Appropriate Assessment). To help with this process, people applying for permission for new development need to include detailed information about drainage (both surface and foul water).
- 10.38 To address the concerns regarding water quality we have worked with a range of partner organisations (The Environment Agency; Natural England; Severn Trent; South Derbyshire District Council; and Lichfield District Council) to develop two Developer Contribution Schemes (DCS). These require that any development which will have an impact on the amount of wastewater going into the sewerage system – and therefore which will have a knock-on effect on discharges into the River Mease from water treatment works – to make a financial contribution to the costs to improving water quality. The scheme directly funds the actions that will help to improve the water quality and so will improve the environment for wildlife and people alike. DCS1 and DCS2 had a limited capacity in terms of how much development could be supported and both are now full. We are working with partners to see whether a third DCS can be developed.
- 10.39 A Water Quality Management Plan (WQMP) identifies a range of measures designed to ensure that the status of the River Mease SAC achieves the Conservation Objectives and is brought back into favourable condition.
- 10.40 In 2022, alongside other local planning authorities in Staffordshire, Leicestershire, Derbyshire and Warwickshire, we received advice from Natural England in relation to nutrient neutrality for developments in the River Mease Special Area of Conservation (SAC) catchment. The River

Mease is one of a number of catchments across England which was identified as being affected.

10.41 Nutrient neutrality particularly affects those developments which comprise overnight accommodation (such as housing and holiday accommodation), whereas a wider range of development types, including employment uses and some commercial uses, are affected by the need to maintain water quality other. In either case the Council as a 'competent authority' must be able to conclude that proposed development would not result in an adverse impact on the SAC.

10.42 The Government is looking at possible ways to address the nutrient neutrality issue. However, until such time as the necessary legislation or regulations are in place, the Council will continue to follow the advice of Natural England.

10.43 To address the issue of water quality, Severn Trent Water have proposed that foul sewage will, in the future, be pumped from the Sewage Treatment Works at Packington and Measham to treatment works outside of the River Mease catchment. This is currently scheduled to take place in 2027. When pumping out has been achieved this will mean that future development will not need to be restricted in terms of numbers as has been the case over the last few years.

#### **Draft Policy En2 – River Mease Special Area of Conservation (Strategic Policy)**

- (1) The Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease Special Area of Conservation.
- (2) In order to achieve this, until such time as wastewater is pumped out of the River Mease catchment, new development within the catchment will be allowed where:
  - (a) There is sufficient headroom capacity available at the named/identified Wastewater Treatment Works to which flows from the development will go; and
  - (b) The proposed development is in accordance with the provisions of the Water Quality Management Plan including, where appropriate, the provision of infrastructure or water quality improvements proposed in the Developer Contributions Scheme in operation at the time.
- (3) In circumstances where:
  - (a) there is no headroom capacity available at appropriate wastewater treatment works; or
  - (b) no capacity available within the Developer Contributions Scheme in operation at the time; or

(c) exceptionally, as part of the development, it is proposed to use a non-mains drainage solution for the disposal of foul water with the agreement of the Environment Agency;

development will only be allowed where it is demonstrated that the proposal, on its own and cumulatively with other built and permitted development, will not have an adverse impact, directly or indirectly, on the integrity of the River Mease Special Area of Conservation.

### Policy En3 – The National Forest (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** Yes; Policy En3 – The National Forest.

**Which Local Plan objective(s) does this help to address?** Objective 9 – Conserving and enhancing our natural environment and Objective 11 – Ensuring sufficient infrastructure.

10.44 The National Forest covers 52,000 hectares of the Midlands and includes parts of Derbyshire, Leicestershire and Staffordshire. It was established in the 1990s to transform the landscape and link two ancient woodlands - Charnwood Forest on its eastern fringe and Needwood Forest to its west.

10.45 As of March 2023, forest cover made up over 22% of land in the National Forest, but the eventual aim is to expand this to a third. About 56% of North West Leicestershire lies within The National Forest; this includes the Coalville Urban Area as well as Ashby de la Zouch, Ibstock and Measham.

10.46 In addition to enhancing the physical appearance of the landscape, The National Forest also provides a range of other benefits including enhanced biodiversity; recreation, leisure, tourism and economic opportunities. It also provides a “carbon sink” which helps store CO<sub>2</sub>; forest carbon sinks are considered the best natural mitigation measure against global warming. There is also evidence that woodland creation and woodland management can help in reducing flood flows, particularly in smaller catchments. The National Forest is not just about planting woodland but increasing tree cover within urban areas. This helps to create an attractive forest setting as well as green space for the local community which can contribute towards improving health and wellbeing.

10.47 The creation of the National Forest is overseen by The National Forest Company which is responsible for the production, implementation and monitoring of the National Forest Strategy. [The National Forest Strategy](#) prioritises making the most of the forest that has been created and the measures that will be taken to secure the future forests’ creation. We will work

with The National Forest Company and others to exploit other ways of providing additional planting and to help deliver The National Forest Strategy.

- 10.48 One of the main ways of increasing woodland cover across the National Forest has been to require tree planting as part of new developments, both on and off-site, in accordance with [The National Forest Guide for Developers and Planners](#). Applicants are advised to discuss their proposals with the National Forest Company as part of their pre-application preparations.
- 10.49 The National Forest Guide for Developers and Planners sets out the requirements for woodland planting and landscaping as part of new developments. The Guide expects residential development over 0.5ha and commercial development over 1ha to include woodland planting and landscaping. Landscaping will generally involve resilient woodland planting but can also include the creation and management of other appropriate habitats, open space provision associated with woodland and the provision of new recreational facilities. Landscaping does not just include woodland planting and the appropriate mix of landscaping features will depend upon the setting and the opportunities that the site presents.
- 10.50 Whilst on-site planting is preferred, in certain circumstances a commuted sum may be appropriate. This will be used to purchase land for planting, create new woodland, provide public access, and maintain the site for at least 5 years.
- 10.51 The National Forest provides a source of inspiration for the design and integration of green space and green infrastructure within developments and also the increased environmental performance of buildings. Developments located within the National Forest will be strongly encouraged to incorporate a National Forest identity through the inclusion of green infrastructure, more environmentally responsible buildings and through the use of materials such as timber in creative and imaginative ways, including the use of timber in construction – in both a structural and non-structural manner.
- 10.52 The area between Ashby de la Zouch, Measham and Swadlincote is recognised as ‘The Heart of the National Forest’. The National Forest Company and partners are working on updating the Vision for the Heart of the National Forest. As the Vision has not yet been published, we will take this into account at the next stage of the Local Plan.
- 10.53 In order for the National Forest to continue to develop and thrive it needs to be sustainable. The National Forest supports a sustainable tourism industry, increasing outdoor facilities and experiences for visitors. The National Forest also supports groups and businesses to develop a thriving woodland and low carbon economy by supporting opportunities for the expansion of the Forest and skills relating to forestry, wood fuel, crafting, woodland skills and green energy.
- 10.54 The National Forest Company has published a [Sustainable Tourism Accommodation Design Guide](#) to help to create sustainable tourism accommodation by encouraging tourism developments that create a distinctive National Forest character. The Guide sets out seven design principles that cover new build and retrofitted developments in urban and rural

settings. They apply to all tourism accommodation types ranging from glamping sites and cabins through to guest houses, pubs and hotels. The Guide sets out the rationale for encouraging new and retrofitted tourist accommodation development that helps create a distinctive National Forest character and sense of place and makes a case for investing in the National Forest as a sustainable tourism destination by showing how tourist accommodation can contribute to a zero carbon future.

### **Draft Policy En3 – National Forest (Strategic Policy)**

- (1) In the National Forest, as defined on the Policies Map, we will support development that:
  - (a) Provides opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including visitor accommodation which accords with Policy Ec12 and reflects the National Forest Company's Sustainable Tourism Accommodation Design Guide.
  - (b) Contributes to the range of leisure opportunities for local communities and visitors;
  - (c) Enhances the National Forest's role as a natural carbon sink;
  - (d) Increases woodland cover; and
  - (e) Ensures the character of the National Forest is enhanced through incorporating a National Forest identity;
- (2) New development within the National Forest will contribute towards the creation of the forest by providing tree planting and landscaping in accordance with the most up to date National Forest Company's Guide for Developers and Planners.
- (3) Where planting and landscaping cannot be accommodated within or close to the development site or where the only potential area of planting or landscaping is small or is isolated with limited connectivity to other habitats, a commuted sum may be agreed.

## Policy En4 – Charnwood Forest Regional Park (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy En4 – Charnwood Forest Regional Park

**Which Local Plan objective(s) does this help to address?** Objective 9 – Conserving and enhancing our natural environment and Objective 11– Ensuring sufficient infrastructure.

- 10.55 The Charnwood Forest lies partly in North West Leicestershire and is a distinctive area of rugged upland landscape towards the north-west of Leicester. It is valued for its geological importance, rich biodiversity, landscape beauty, historical importance, and recreational role. It is also a traditional working landscape with a high proportion of land in agricultural use and, in some parts of the area, mineral working.
- 10.56 The Charnwood Forest area is surrounded by urban centres such as Leicester, Loughborough and Coalville, as well as by other smaller settlements. It is therefore exposed to the pressures which this growth brings.
- 10.57 The importance of the landscape of the Charnwood Forest area has been recognised in previous plans. Since the current Local Plan was adopted the District Council has worked with a range of local authorities, agencies, user groups and land management organisations to establish a Charnwood Forest Regional Park. The partnership is working to manage and promote the unique cultural and heritage features of the area. This has included submitting a successful [Landscape Partnership](#) bid to the Lottery Heritage Fund.
- 10.58 The vision of the Regional Park is as follows:
- "The unique natural and cultural heritage features of Charnwood Forest will be managed and promoted through the Charnwood Forest Regional Park. The Regional Park will be recognised as an essential part of the growing communities in the Derby, Leicester and Nottingham area, now and in the future".
- 10.59 To achieve the Vision, the overall aim is the retention, enhancement and, where necessary, protection of the resource and its important landscape, ecological, geological and historical features, to maintain the integrity of the Charnwood Forest.
- 10.60 However, it is not the intention that the Charnwood Forest Regional Park should be a barrier to new development in its own right. Therefore, the provisions of the policy below have to be read in conjunction with the countryside policy (Policy S4). Instead, we want to maintain the traditional working landscape of the Charnwood Forest while supporting rural diversification that encourages sustainable tourism. In some areas mineral workings are a part of the

traditional working landscape (for example at Bardon Quarry) and can provide biodiversity, geodiversity and recreation opportunities.

10.61 It is important that the design and construction of any new development which is considered to be appropriate should pay particular attention to the need to maintain and enhance the character and appearance of the area.

10.62 The part of the Charnwood Forest which is in North West Leicestershire is also within the National Forest. The aim of increasing woodland coverage across The National Forest may not always be appropriate within the Charnwood Forest having regard to landscape character and biodiversity. In these instances, the provision of alternative habitats or the protection / enhancement of existing habitats will be expected in lieu of the woodland creation expected by Policy En3.

#### **Draft Policy En4 – Charnwood Forest Regional Park (Strategic Policy)**

- (1) The Charnwood Forest Regional Park (CFRP) is shown on the Policies Map. The Council will work in partnership with Leicestershire County Council, Charnwood Borough Council, Hinckley and Bosworth Borough Council and other partners to protect and enhance the landscape, biodiversity, natural history and cultural heritage of the CFRP.
- (2) Priority will be given to those proposals that:
  - (a) Maintain the traditional working landscape of the forest, particularly those which involve farming or rural diversification or tourism, including green tourism initiatives; and
  - (b) Enhance the biodiversity of the CFRP, consistent with the aims of the Charnwood National Character Area profile (SEO3); and
  - (c) Provide new recreation facilities appropriate to the character of the area; and
  - (d) Provide access to and through the park by sustainable modes of travel
- (3) Any new development within the CFRP will be expected to respect the character and appearance of area in terms of design and materials used.

#### **Policy En5 – Areas of Separation**

10.63 [TO FOLLOW]



## Policy En6 – Land and Air Quality

**What has happened so far?** This is the first time we have consulted on this policy as part of the New Local Plan.

**Is this subject covered in the adopted Local Plan?** Yes. Policy En6 – Land and Air Quality.

**Which Local Plan objective(s) does this help to address?** Objective 1 – Enabling health and wellbeing; Objective 7 – Mitigating for and adapting to climate change; and Objective 10 – Ensuring the efficient use of natural resources.

10.64 Guidance on land and air quality issues runs throughout the [National Planning Policy Framework](#) (2023), which advises that local planning policies and decisions should:

- Prevent new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (paragraph 174e).
- Wherever possible, help to improve local environmental conditions such as air and water quality (paragraph 174e).
- Ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) (paragraph 183a).
- Ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 185).
- Sustain and contribute towards compliance with relevant limit values<sup>61</sup> or national objectives for pollutants, taking into account the presence of Air Quality Management Areas<sup>62</sup>... ..and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement (paragraph 186).

10.65 Adopted Local Plan Policy En6 deals with the issues of land instability and contamination (including land defined by the Coal Authority as a ‘Development High Risk Area<sup>63</sup>), Air Quality Management Areas, noise and impact on soils of high environmental value.

<sup>61</sup> ‘Limit values’ are legally binding parameters for individual pollutants such as Nitrogen Oxide. More information on air quality monitoring can be found on our [website](#).

<sup>62</sup> Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

<sup>63</sup> These are areas of potential land instability and other safety risks associated with historic coal mining in the District.

10.66 Whilst broadly still fit for purpose in respect of land quality, there have been changes at a national and local level which mean we should revisit the policy's approach to air quality:

- In December 2020, our Cabinet approved an [Air Quality Delivery Plan](#) which committed to the production of an Air Quality Supplementary Planning Document (SPD) “to recognise the importance of air quality as a material planning consideration and to help ensure consistency in the approach to dealing with air quality when determining planning applications in the district, including the approach to mitigation”.
- The Air Quality SPD was adopted on [TBC]. It sets out when we will require an air quality assessment to support a planning application, the scope of that assessment and the potential mitigation measures required.
- [New Environmental Targets for Fine Particulate Matter](#) (PM2.5)<sup>64</sup> were made by government in January 2023, and in March 2023, the government's Chief Planner [wrote to local planning authorities](#) to confirm that whilst it is the responsibility of central government to drive action to meet these targets, local authorities, businesses and individuals all contribute to PM2.5 emissions and therefore have an important role in achieving the targets.
- The [Air Quality Strategy for England](#) was published by Defra in April 2023. It confirms that one of the government's priorities for improving air quality is via planning reform. The government is expected to prepare new guidance on air quality, but there are no clear timescales for its publication.

10.67 We will need to have regard to any new national planning guidance on air quality as we progress the new Local Plan. Depending on the content of the guidance, we may also have to update the Air Quality SPD.

10.68 Currently, Policy En6 specifies that an air quality assessment will be required where the application site is “within or close to an Air Quality Management Area”. Since the Local Plan was adopted, the number of AQMAs in the District has reduced from five to two<sup>65</sup>, meaning there will be fewer instances where an air quality assessment is required by Policy En6.

10.69 As we are committed to reducing health inequalities and improving quality of life for our residents, we think the scope for air quality assessments should be broadened in line with the Air Quality SPD.

10.70 We have decided to update Policy En6 so that:

- For the purposes of clarity and consistency, removes reference to development that is ‘*within or close to an Air Quality Management Area*’ and instead broaden the

<sup>64</sup> Environmental Targets (Fine Particulate Matter) (England) Regulations. PM2.5 is the term for small airborne particles which are less than 2.5 micrometres in aerodynamic diameter. It is widely [understood](#) to be the pollutant that is the most damaging to health.

<sup>65</sup> We currently have two Air Quality Management Areas in North West Leicestershire; one at [Castle Donington](#) and one at [Copt Oak](#).

requirement to development that is likely to have a significant adverse impact upon air quality.

- To avoid repetition, removes the reference to noise, which alongside odour and light, is dealt with in Policy AP2: Amenity.

10.71 The supporting text, when it is written in full at the next stage of consultation, will:

- Signpost the *Air Quality SPD* which:
  - Sets out the Council's interpretation of what constitutes a significant adverse impact upon air quality; and
  - Makes clear when an air quality assessment is required, the scope of the assessment and appropriate mitigation measures.
- Make clear that significant adverse impacts in air quality could be the result of:
  - a proposed development's location (within or close to an AQMA, an A road;
  - its impact upon sensitive receptors during its construction; or
  - its impact upon sensitive receptors as a result of the scale or type of development (for example the amount of traffic it would generate, any emissions from commercial development etc).
- Make clear that planning permission will not be granted for development that cannot appropriately mitigate significant adverse impacts on air quality.

## **Draft Policy En6 – Land and Air Quality**

### **Land Quality**

- (1) Planning applications for development on land that has the potential for land instability or contamination or is located within a Coal Authority Development High Risk Area must:
  - (a) Be accompanied by a detailed investigation and assessment of the land quality issue in question; and
  - (b) Where necessary, provide appropriate mitigation measures which avoid any unacceptably adverse impacts upon the site or adjacent area, including groundwater quality.
- (2) Development must avoid any unacceptably adverse impact upon soils of high environmental value and ensure that soil resources are conserved and managed in a sustainable way.

### **Air Quality**

- (3) Planning applications for development that are likely to result in significant adverse impacts upon air quality must:
  - (a) Be accompanied by an air quality assessment; and
  - (b) Where necessary, provide appropriate mitigation measures.

## Policy En7 – Conservation and Enhancement of the Historic Environment (Strategic Policy)

**What has happened so far?** This is the first time we have consulted on this matter.

**Is this subject covered in the adopted Local Plan?** Yes; Policy He1 – Conservation and enhancement of North West Leicestershire’s historic environment.

**Which Local Plan objective(s) does this help to address?** Objective 8 – Conserving and enhancing our natural environment.

- 10.72 The historic environment of North West Leicestershire makes an essential contribution to the attractiveness, character and local distinctiveness of the district. We recognise that our historic environment is important in creating a distinctive, enjoyable, and thriving place in which we live and work. It can help economic growth, attracting investment and tourism, and can provide a focus for regeneration.
- 10.73 A heritage asset is a building, monument, area or historic landscape that merits consideration in planning decisions because of its heritage interest. Listed buildings, conservation areas, registered parks and gardens and scheduled monuments are known as designated heritage assets, as they are designated under the relevant legislation. The term heritage assets also covers assets identified by the council, including as local lists.
- 10.74 We have adopted 5 lists of local heritage assets. The lists contains over 70 buildings that we believe make a special contribution to the architectural and historic interest of the district. We consider that these buildings meet our adopted set of criteria for identifying local heritage assets. We may revise the list of local heritage assets periodically as new evidence is brought to our attention.
- 10.75 Leicestershire County Council manage and maintain the Leicestershire and Rutland Historic Environment Register (HER). It is a public record and provides detailed information about the historic environment and Leicestershire and Rutland.
- 10.76 The heritage of North West Leicestershire is characterised by pre-industrial settlements that range in size from hamlets to market towns. The district still shows signs of its industrial heritage including the Midland Railway signal box, former collieries, bridges, and cottages. North West Leicestershire is recognised for the survival of industrial structures including the Ashby Canal, Moira Blast Furnace and Snibston Colliery. Early coal mining remains at Coleorton and Lount have been designated as Scheduled Monuments.
- 10.77 There is evidence of earlier settlements in the district, including an Iron Age hill fort at Breedon-on-the-Hill (‘The Bulwarks’) and a Roman villa near Lockington.
- 10.78 North West Leicestershire is also recognised for the survival of castles and moated sites including castles at Ashby de la Zouch, Castle Donington and Whitwick and the moated manor

houses at Appleby Magna and Hemington and religious houses including Grace Dieu Priory, Langley Priory and the Priory Church of St Mary and St Hardulph at Breedon on the Hill.

- 10.79 The historic landscapes at Coleorton Hall, Staunton Harold Hall and Whatton House are included on the national register of parks and gardens. The remains of farming practices are evident in the landscape, such as ridge and furrow, make such features important heritage assets.
- 10.80 Ashby de la Zouch is the primary historic settlement in the district. The settlement core is a designated conservation area; it covers about 35ha and contains to date about 140 listed buildings, including six grade II\* listed buildings. Castle Donington is the secondary historic settlement in the district. The settlement core is a designated conservation area; it covers about 35ha and contains to date about 50 listed buildings. Coalville Conservation Area was designated in 2014 and includes the historic core of the town. In response to the consultation on the designation of the Coalville conservation area Historic England described Coalville *‘as a good example of the type of commercial and industrial settlement that grew up rapidly in the nineteenth century following the discovery of coal, but which in Leicestershire is somewhat unusual. Its value is also an ensemble; it is more than the sum of its parts due to the extent of survival. This significance has in certain areas been masked by later alterations to buildings, but this provides a rich seam of enhancement opportunities.*
- 10.81 At July 2023 there are 26 designated conservation areas in the district. Conservation areas recognise and protect the unique architectural and historic qualities of a place. The Council will continue to produce and revise conservation area appraisals for all designated conservation areas within the district. These offer an opportunity to identify ways in which their significance can be reinforced and strengthened.
- 10.82 In certain areas (including Clapgun Street and Apiary Gate, Castle Donington) Article 4 directions are in force to limit permitted development rights and thereby control works which could otherwise undermine the special character of these areas. A Local Development Order is in place for Coalville Town Centre to help facilitate the Coalville shop front improvement scheme, by streamlining the planning process.
- 10.83 At July 2023 there are 7 heritage assets listed on the [Historic England Heritage at Risk Register](#). We will continue to monitor these and work with Historic England and other stakeholders to address the future of these buildings.
- 10.84 There will be a particular focus on Coalville town centre as the Council is committed to supporting the regeneration of Coalville. In 2009 the Prince’s Foundation for the Built Environment prepared a Regeneration Strategy for Coalville. Based on Regeneration Strategy and in partnership with the local community the council adopted its [Four Squares and Streets Plan for Coalville Town Centre](#). The Council has built on this work and engagement and has prepared the [Coalville Reneneration Framework 2023](#). The Framework sets out a range of aspirational projects and initiatives designed to provide a vision for the town centre. The Framework sets out how various projects link together and collectively will start to reshape Coalville, enhancing the historic environment.

- 10.85 Adopted Local Plan Policy He1 seeks to conserve and enhance the historic environment of the district. Part (2) of the policy sets out the considerations for determining planning applications and, to a large extent, this reiterates what is set out in the [National Planning Policy Framework](#) (NPPF). The NPPF is exceptionally detailed and clear on this subject (see paragraphs 197-208) and it is also of note that the Levelling-up and Regeneration Bill: reforms to national planning policy consultation (2022) does not propose any changes to this section of the NPPF.
- 10.86 Local planning policy does not need to repeat national policy and indeed attempting to do so can lead to unintentional policy conflicts. We are satisfied that national policy is sufficiently detailed on this matter to enable the effective management of development without further, local clarification. On this basis, a straightforward and pragmatic approach is to simply reference the NPPF in the policy.
- 10.87 The NPPF (paragraph 190) requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment. As such, the New Local Plan will include a heritage policy that sets out our strategy for the historic environment.

**Draft Policy En7 – Conservation and Enhancement of the Historic Environment  
(Strategic Policy)**

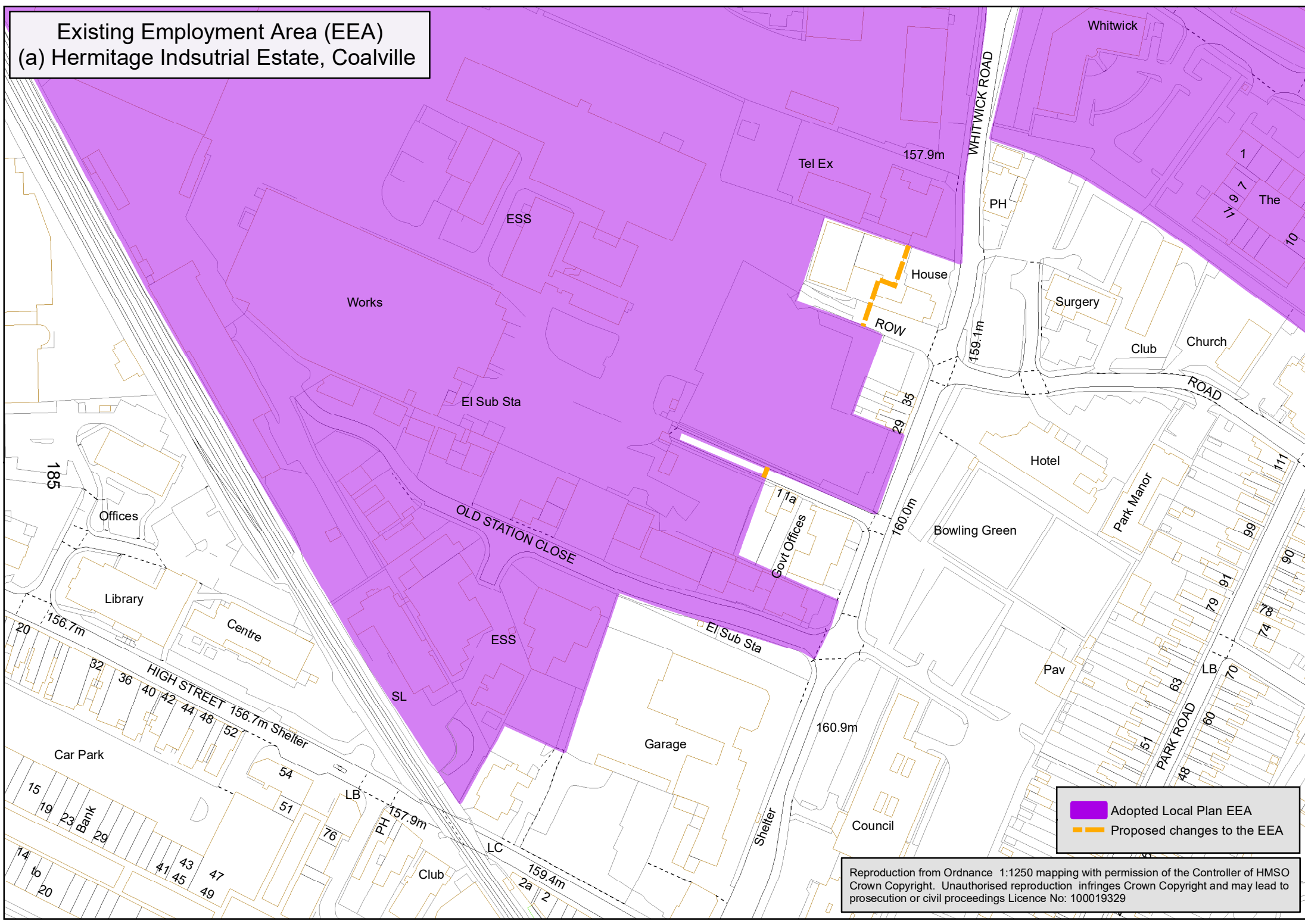
- (1) Planning applications will be determined in accordance with the requirements of the National Planning Policy Framework, or its successor.
- (2) The Council has a key role to play in the protection, conservation and enhancement of the heritage assets that exist throughout the district and will do so by:
  - (a) Supporting proposals for planning permission and listed building consent where the historic environment and heritage assets are conserved and enhanced in line with their significance; and
  - (b) Securing, where relevant, appropriate conditions and/or seek to negotiate a Section 106 Obligation when planning permission is granted to ensure that all heritage assets are appropriately managed or conserved; and
  - (c) Ensuring that buildings, settlement patterns, features and spaces which form part of the significance of heritage assets and their settings are retained; and
  - (d) Recognising the role of and encouraging the best use of heritage assets in regeneration, design, tourism and education; and
  - (e) Keeping our Local Lists of heritage assets up to date; and
  - (f) Reviewing the districts Conservation Areas (undertaking and implementing Conservation Area Appraisals and Management Plans), where appropriate designating new conservation areas; and
  - (g) Making use of Article 4 Directions and Local Development Orders where appropriate; and

- (h) The use of grant schemes, as resources permit, to safeguard heritage assets at risk and encourage sympathetic maintenance and restoration of listed buildings and historic shop fronts; and
  - (i) Strengthening the distinctive character of the district including:
  - (ii) Conserving and enhancing the character and appearance of the historic market towns as well as rural settlements.
  - (iii) Supporting supplementary design briefs within the Coalville Conservation Area for sites adjoining Marlborough Square and Memorial Square.
  - (iv) Recognising and protecting the district's industrial, transport and recreational heritage such as coalmining heritage.
  - (v) Protecting the rural character and landscape including historic landscape features such as ancient or mature woodland, and ridge and furrow field patterns.
  
- (3) We will support neighbourhood plans in identifying and protecting local heritage assets which are of importance to their local community.

## APPENDIX A – MAPS



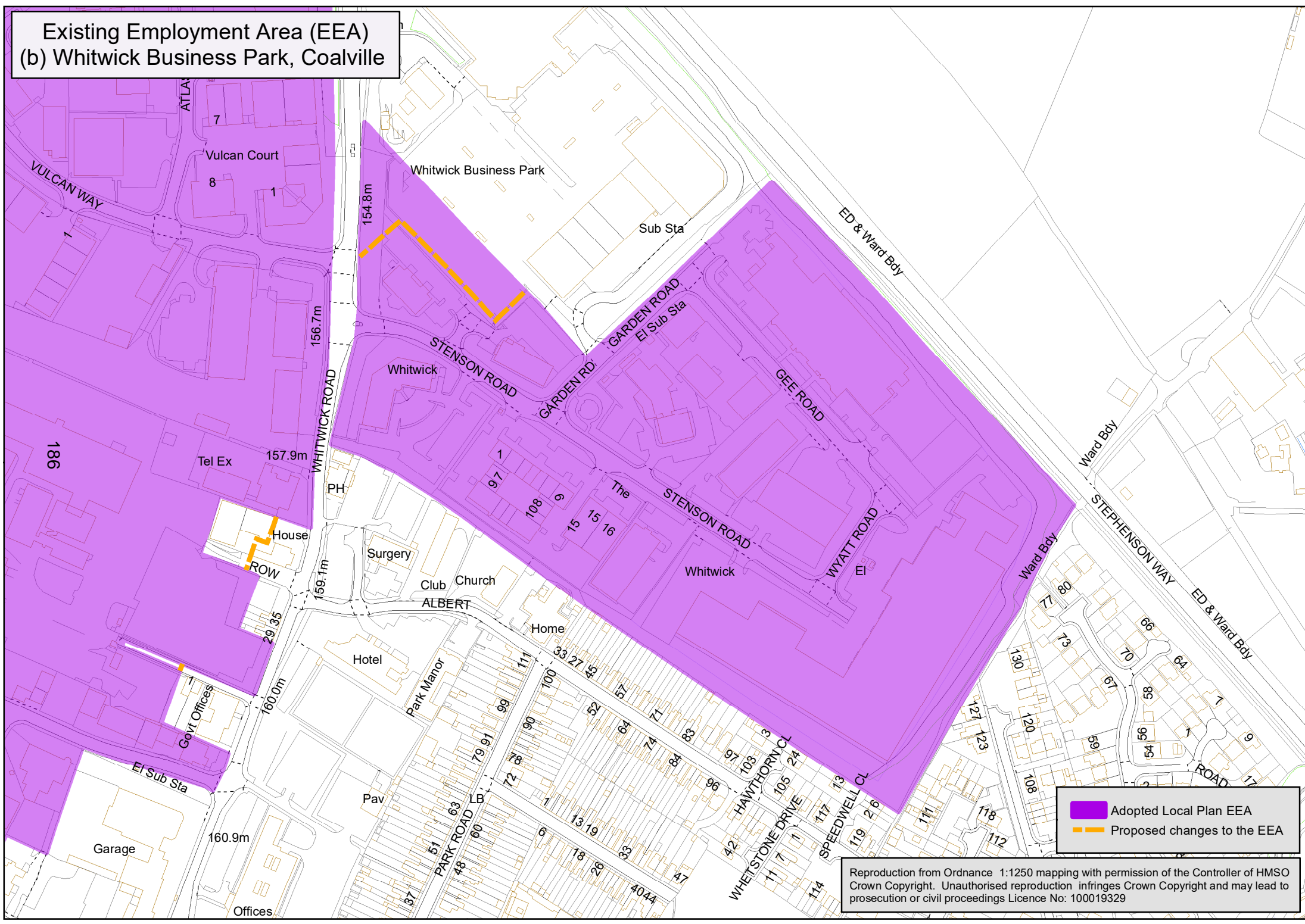
Existing Employment Area (EEA)  
 (a) Hermitage Industrial Estate, Coalville



Adopted Local Plan EEA  
 Proposed changes to the EEA

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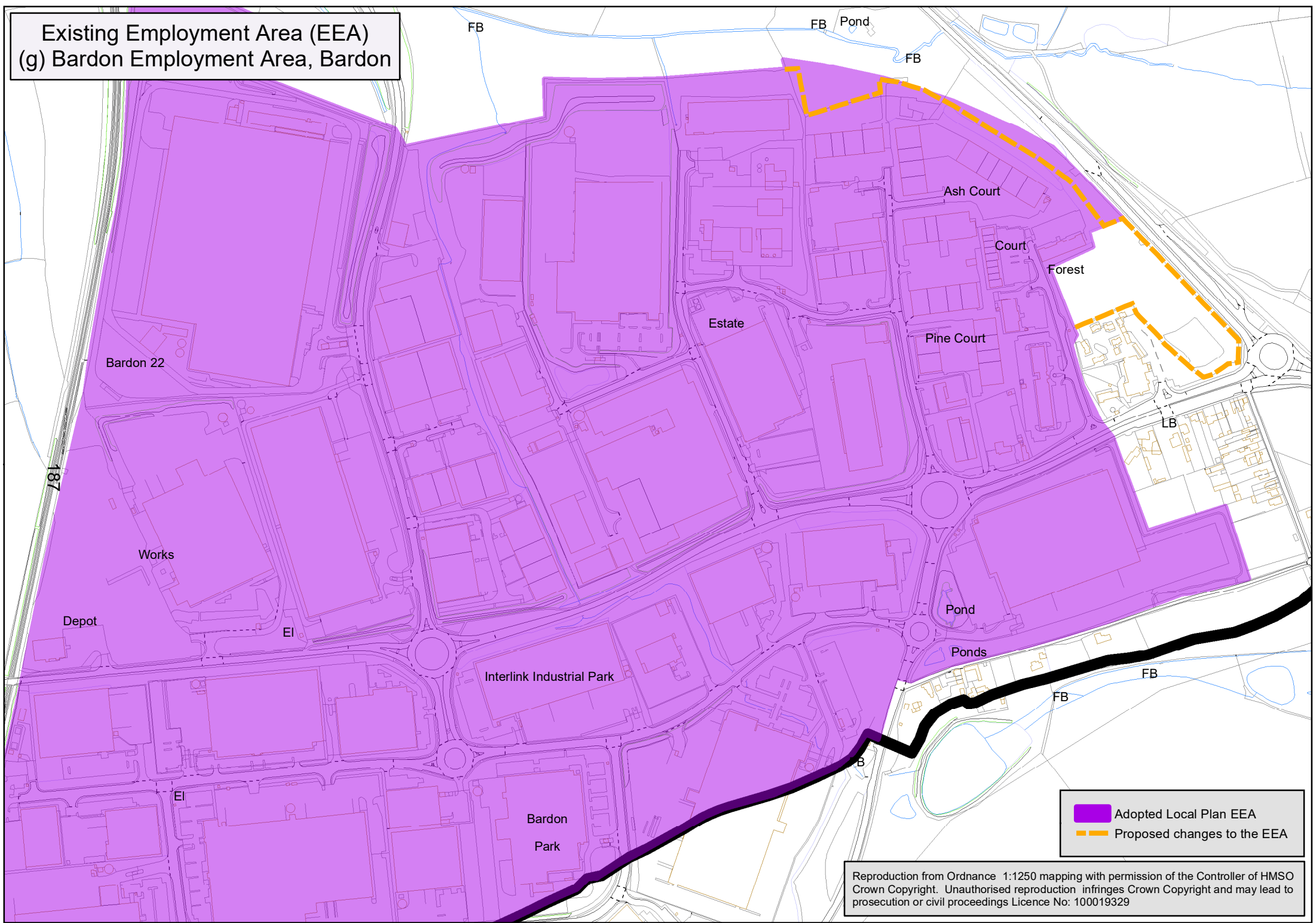
Existing Employment Area (EEA)  
(b) Whitwick Business Park, Coalville





Adopted Local Plan EEA  
Proposed changes to the EEA

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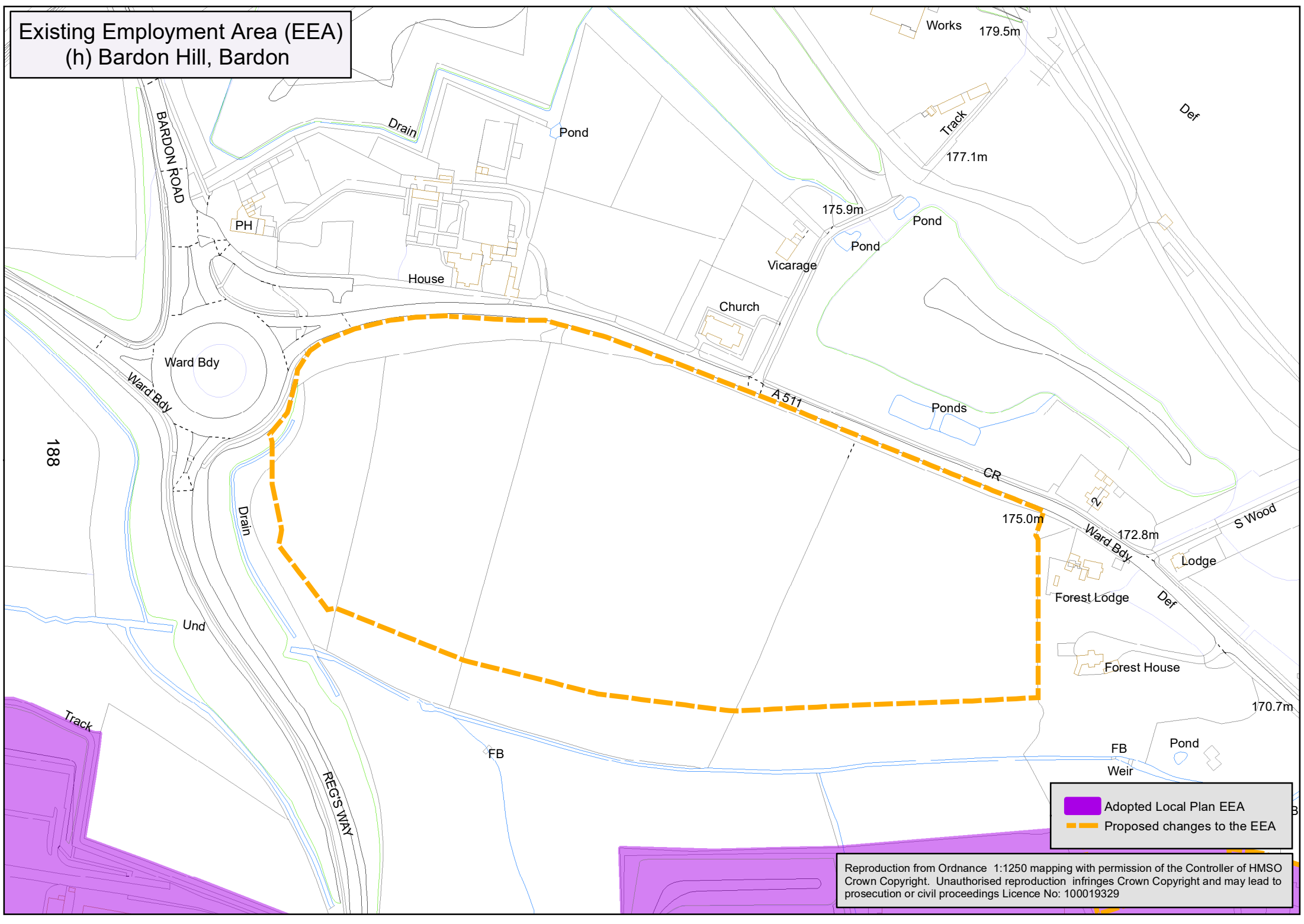
Existing Employment Area (EEA)  
(g) Bardon Employment Area, Bardon



 Adopted Local Plan EEA  
 Proposed changes to the EEA

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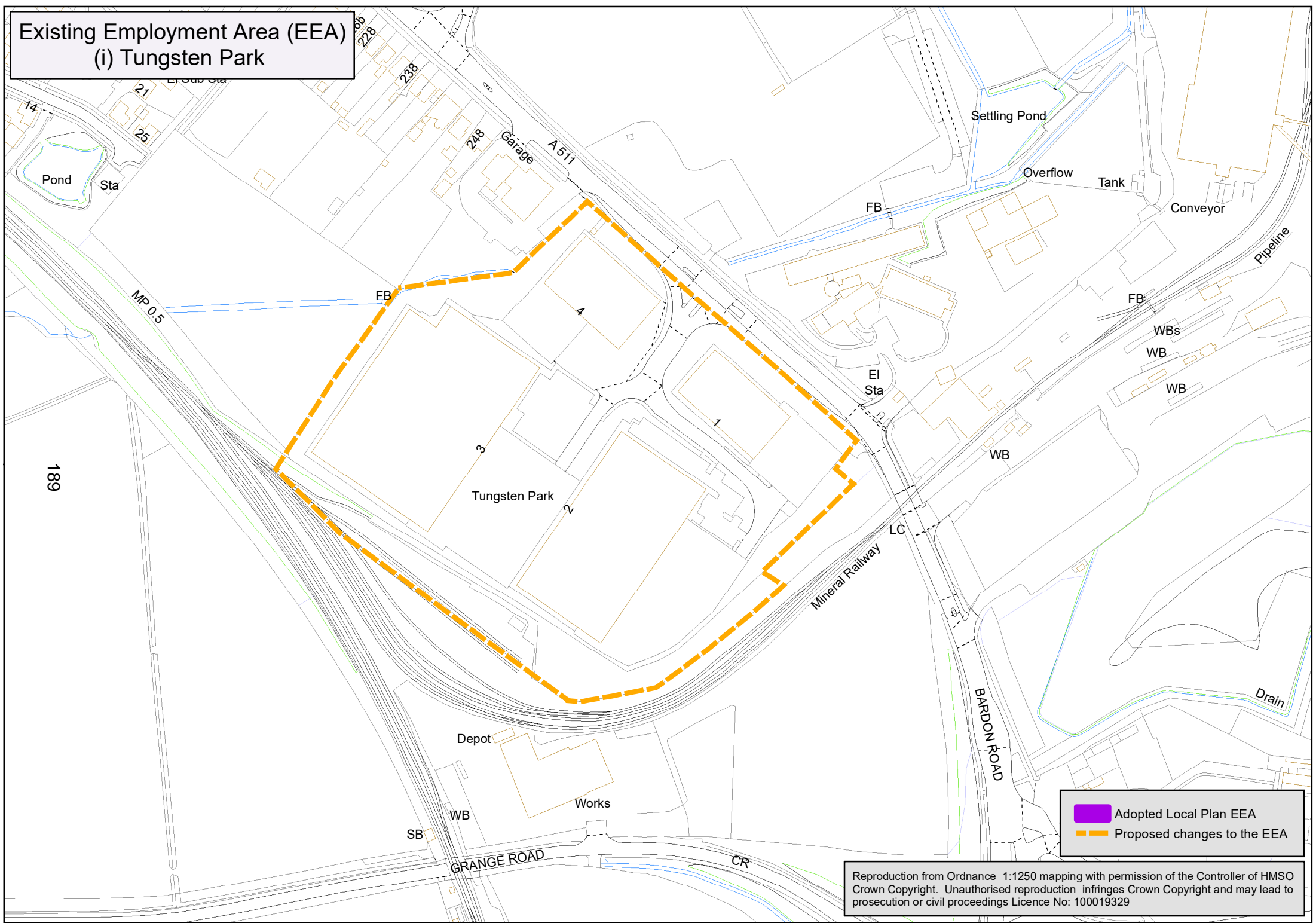
Existing Employment Area (EEA)  
(h) Bardon Hill, Bardon



- Adopted Local Plan EEA
- Proposed changes to the EEA

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Existing Employment Area (EEA)  
(i) Tungsten Park



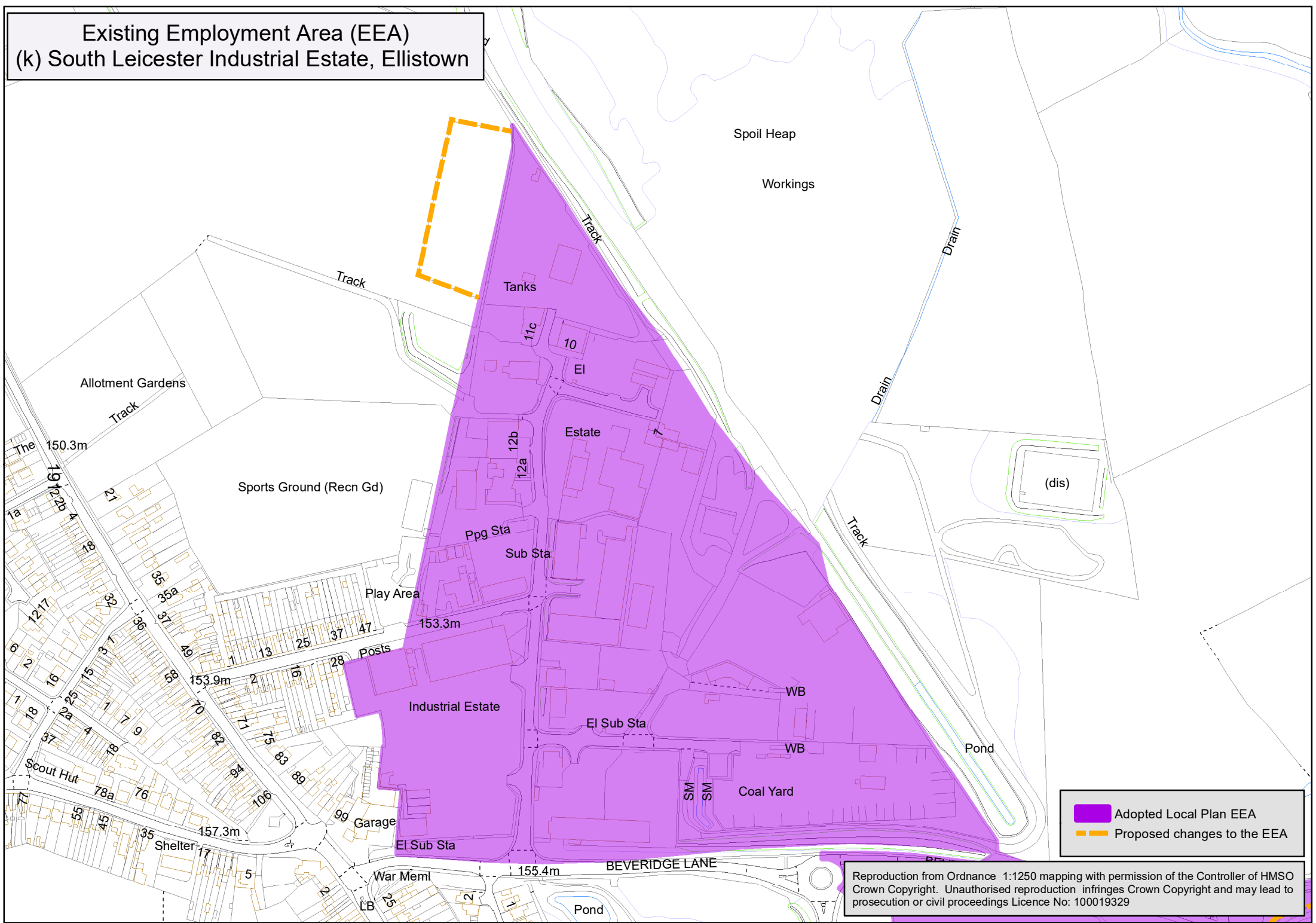
Legend:

- Adopted Local Plan EEA
- Proposed changes to the EEA

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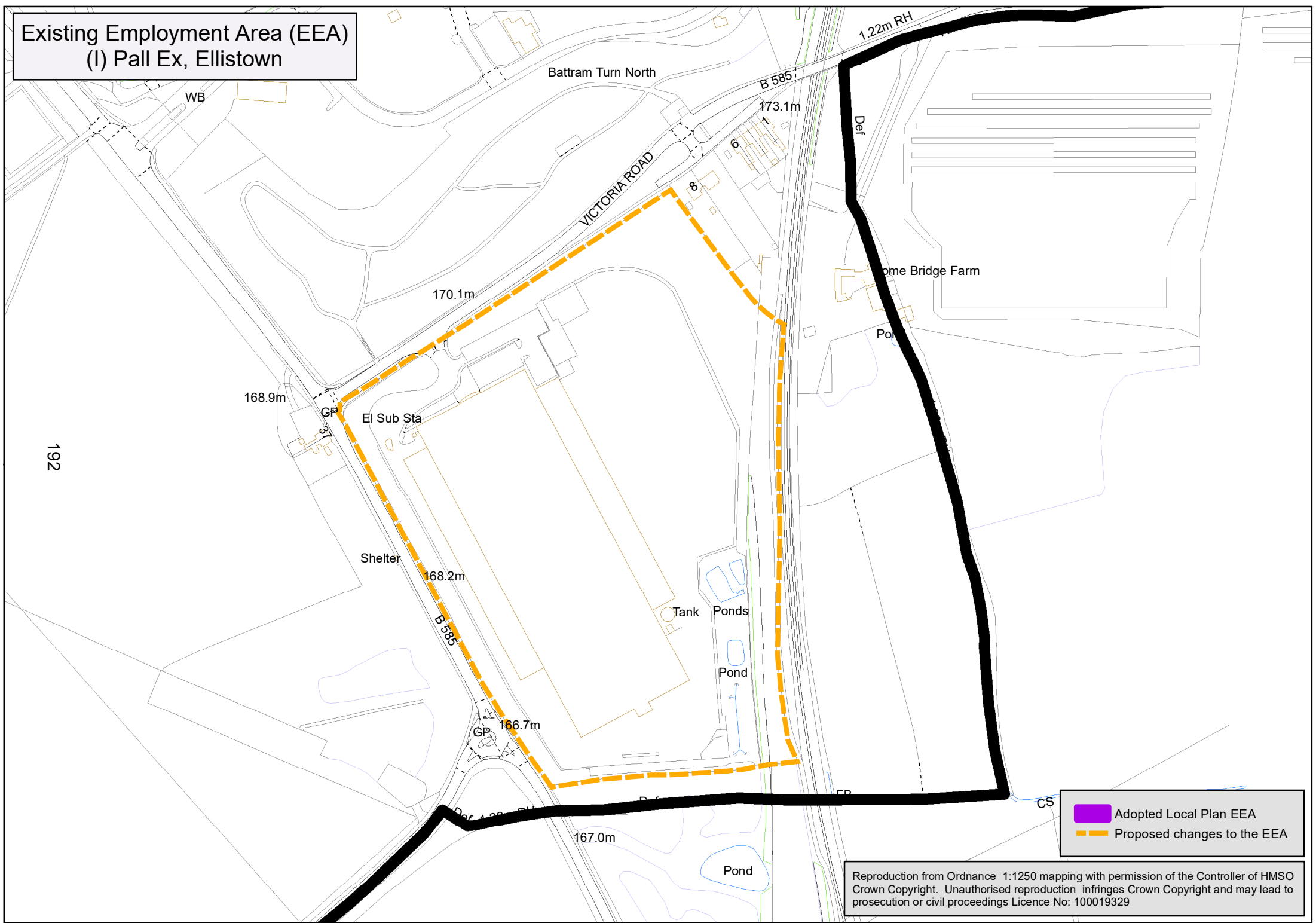
**Existing Employment Area (EEA)  
(k) South Leicester Industrial Estate, Ellistown**



Adopted Local Plan EEA  
 Proposed changes to the EEA

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Existing Employment Area (EEA)  
(I) Pall Ex, Ellistown



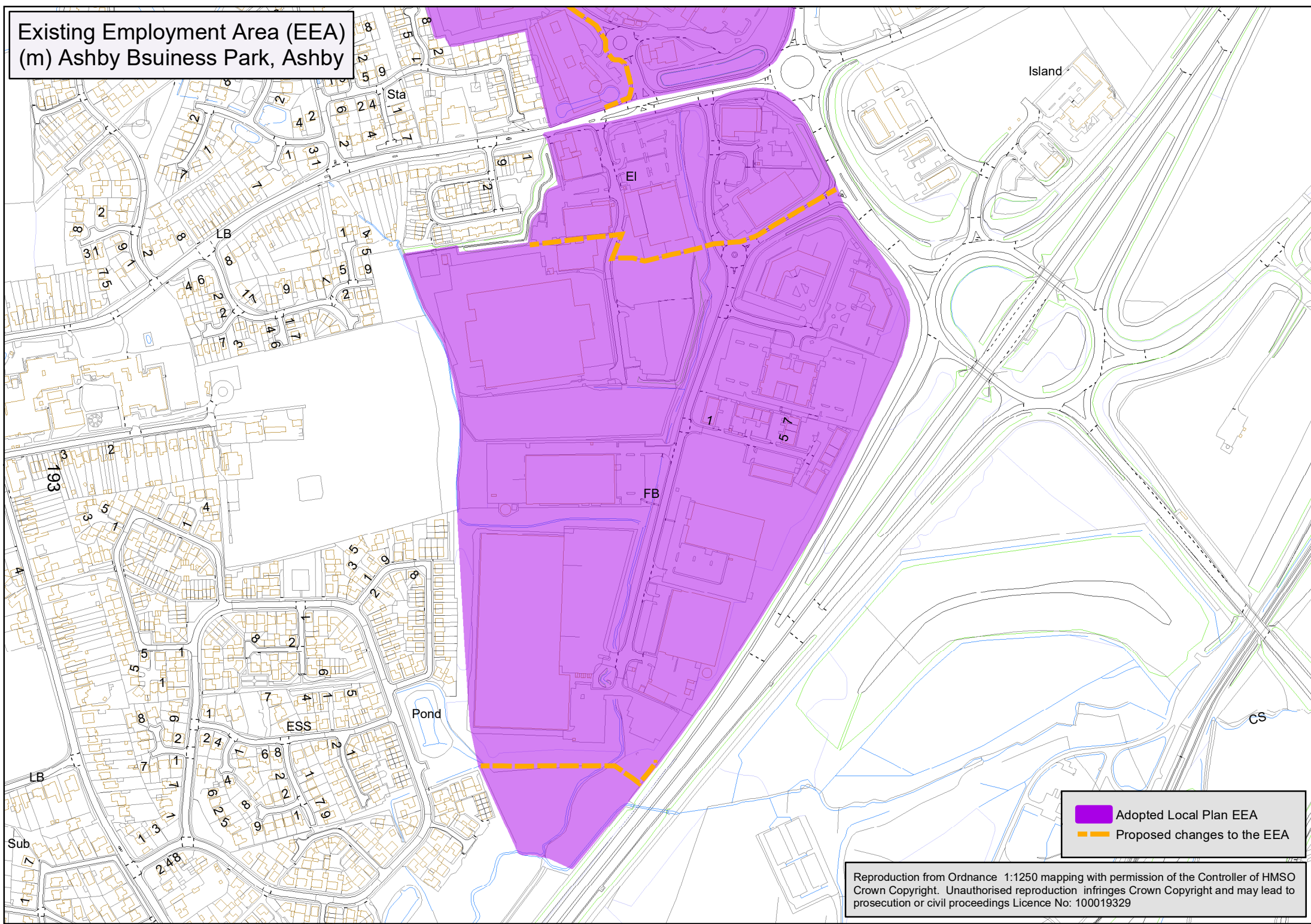
- Adopted Local Plan EEA
- Proposed changes to the EEA

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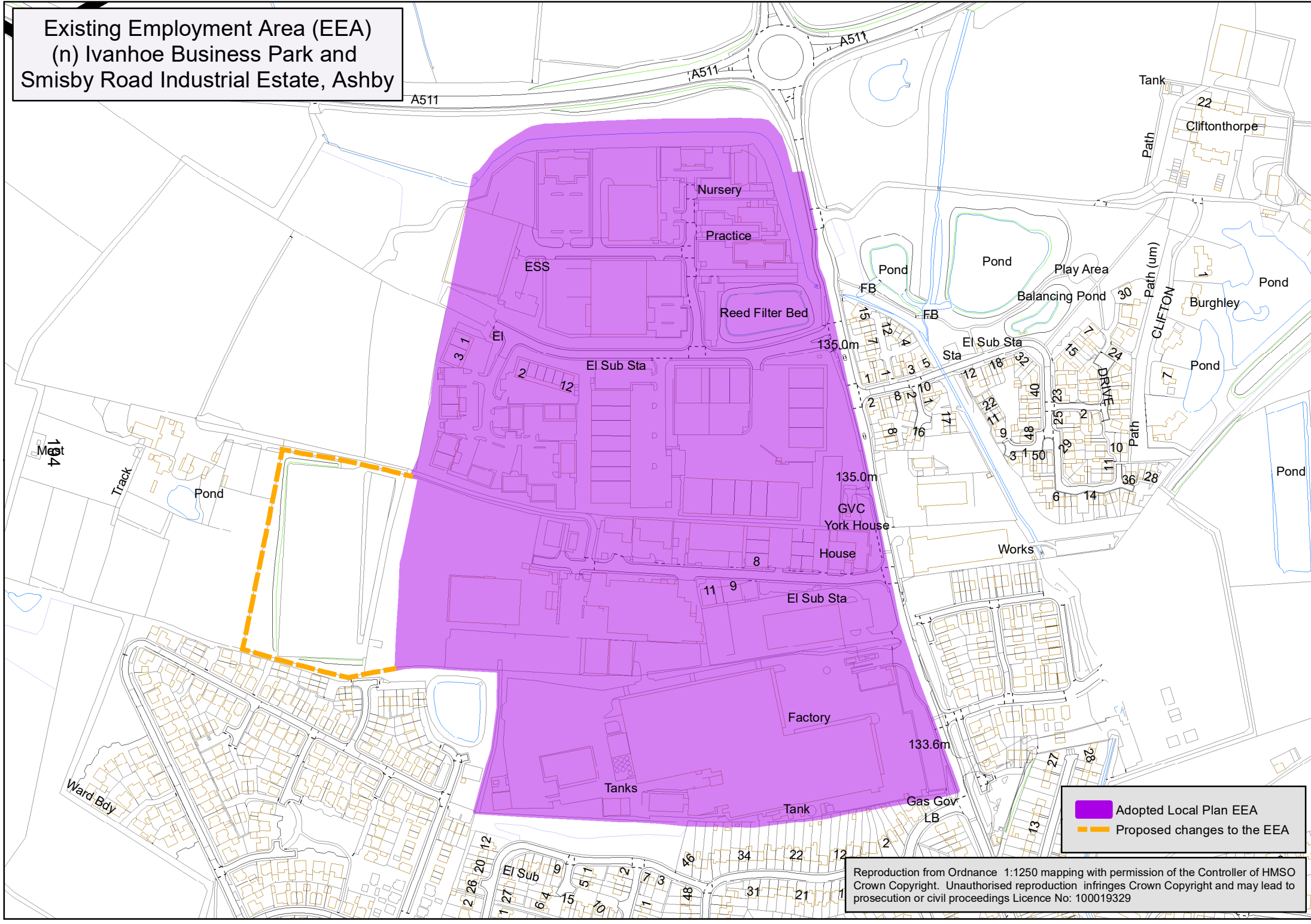


Existing Employment Area (EEA)  
(m) Ashby Bsuiness Park, Ashby



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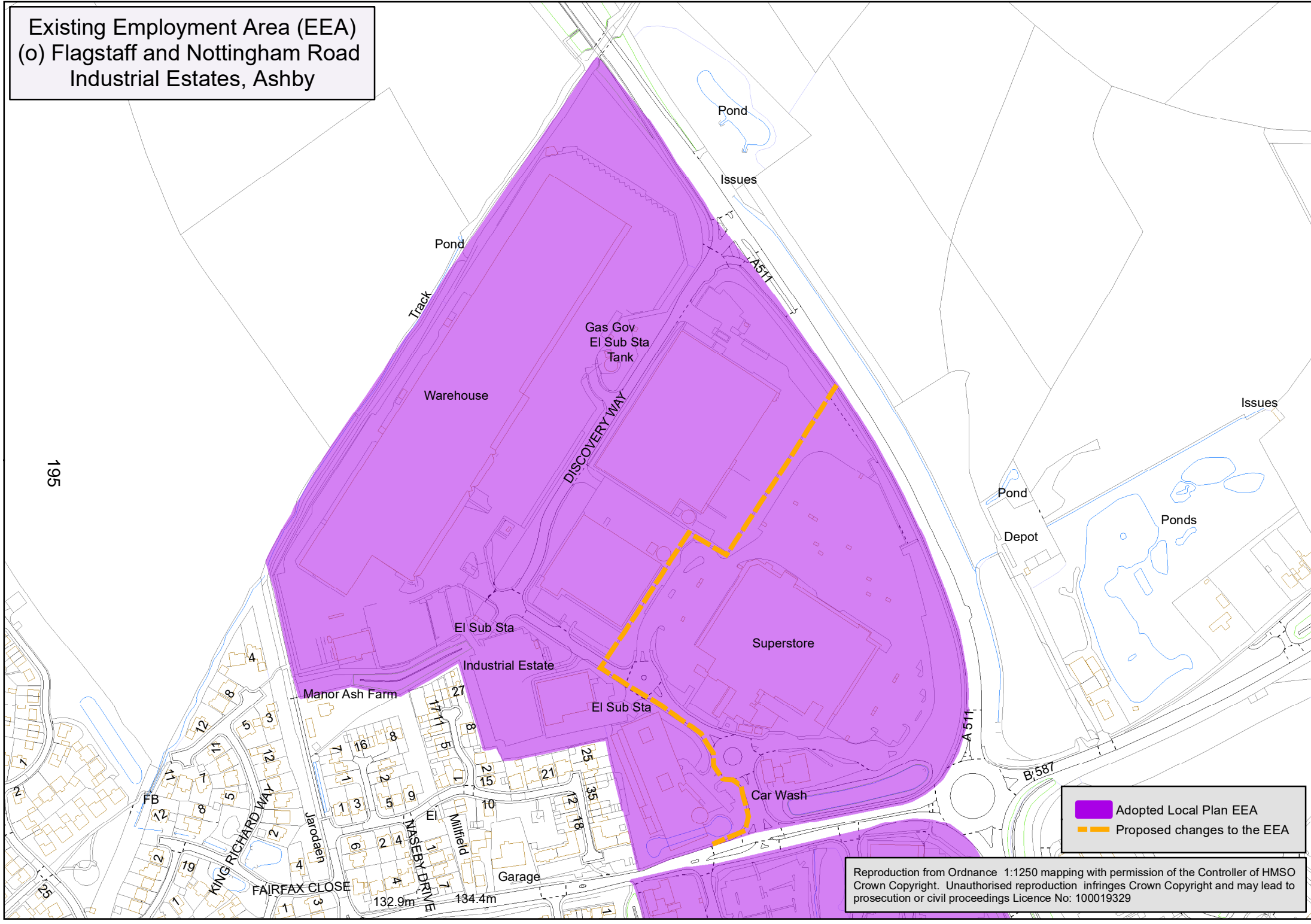
**Existing Employment Area (EEA)  
(n) Ivanhoe Business Park and  
Smisby Road Industrial Estate, Ashby**



- Adopted Local Plan EEA
- Proposed changes to the EEA

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**Existing Employment Area (EEA)  
 (o) Flagstaff and Nottingham Road  
 Industrial Estates, Ashby**

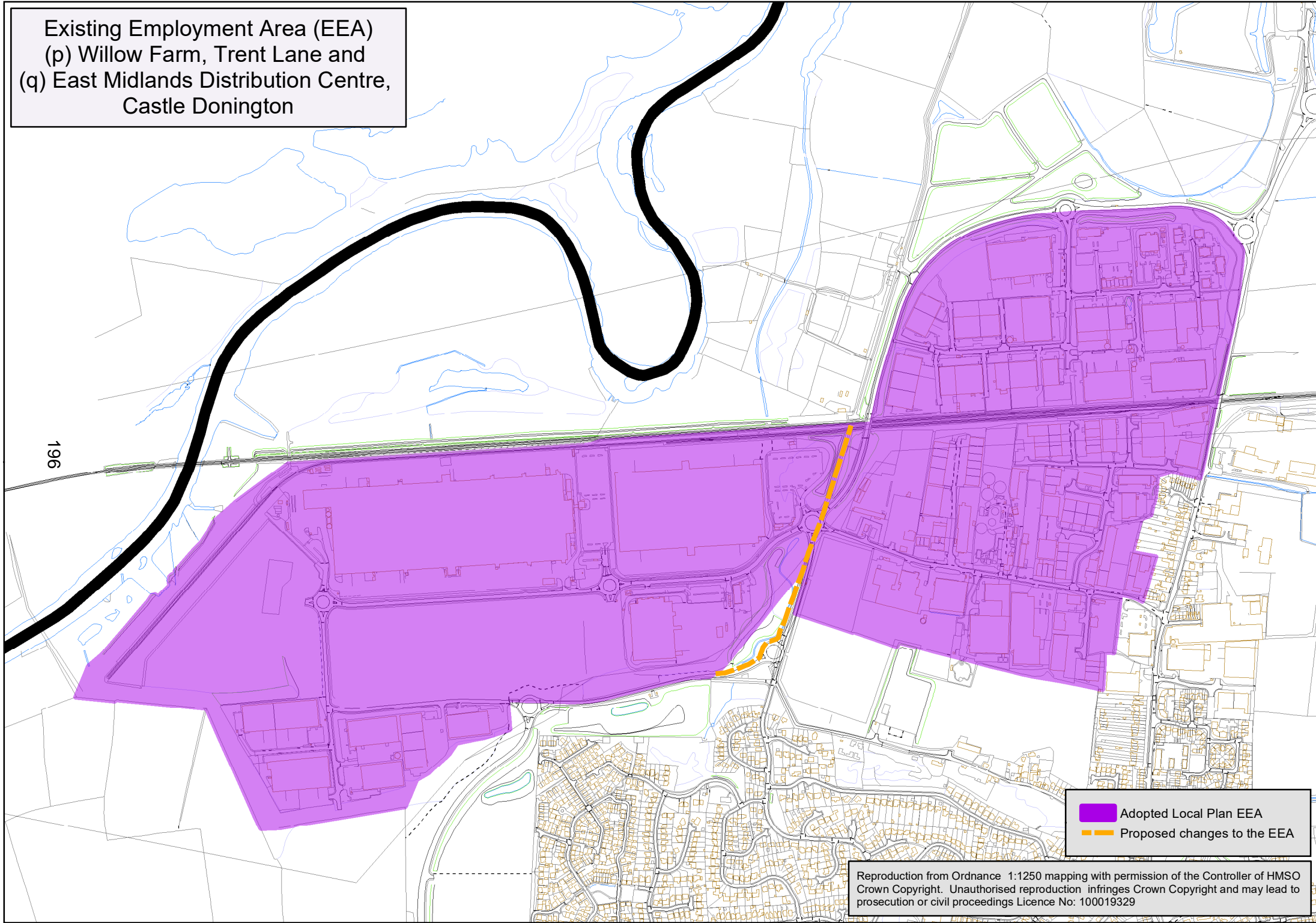


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Adopted Local Plan EEA  
 Proposed changes to the EEA

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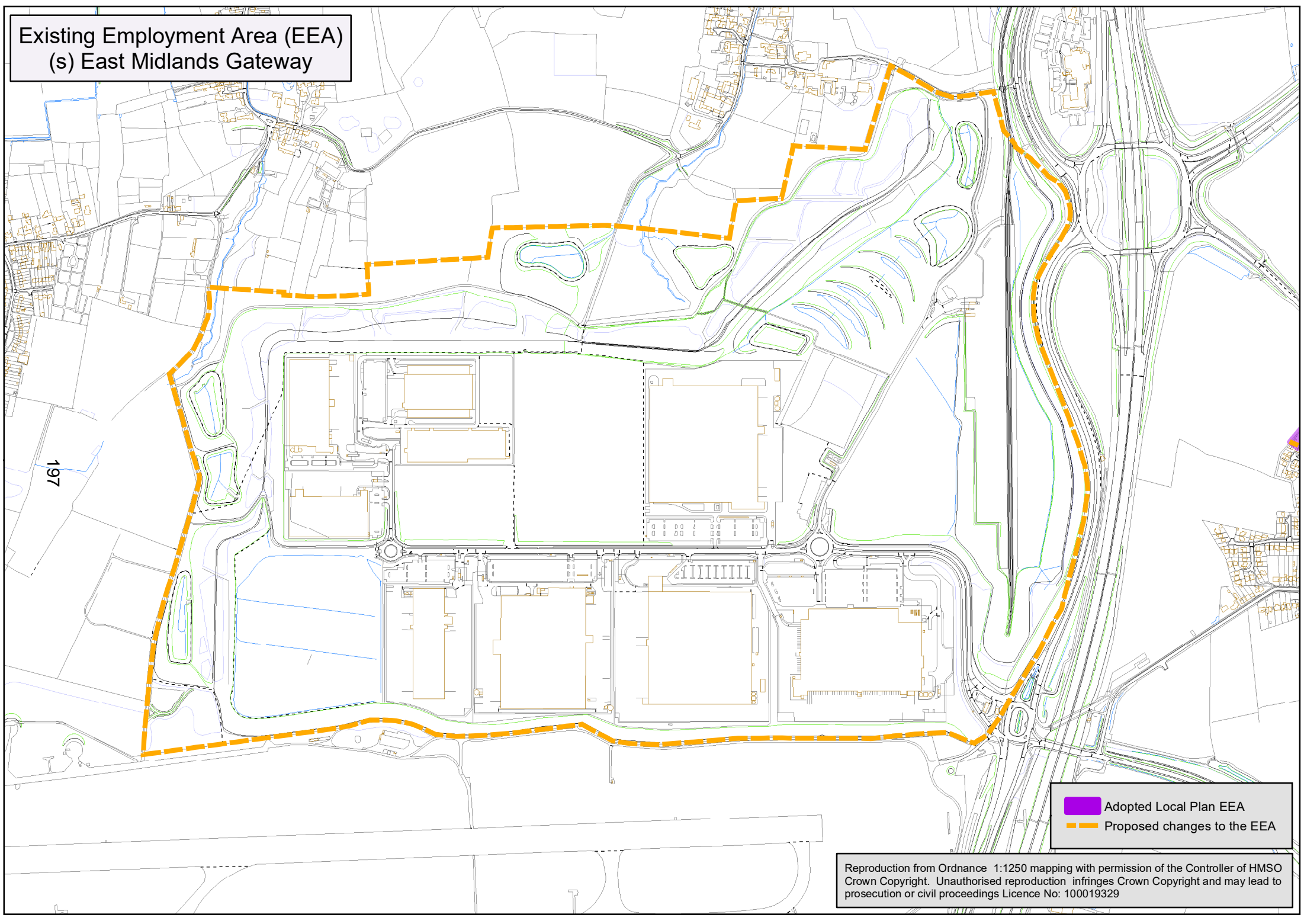
Existing Employment Area (EEA)  
(p) Willow Farm, Trent Lane and  
(q) East Midlands Distribution Centre,  
Castle Donington



Adopted Local Plan EEA  
Proposed changes to the EEA

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Existing Employment Area (EEA)  
(s) East Midlands Gateway

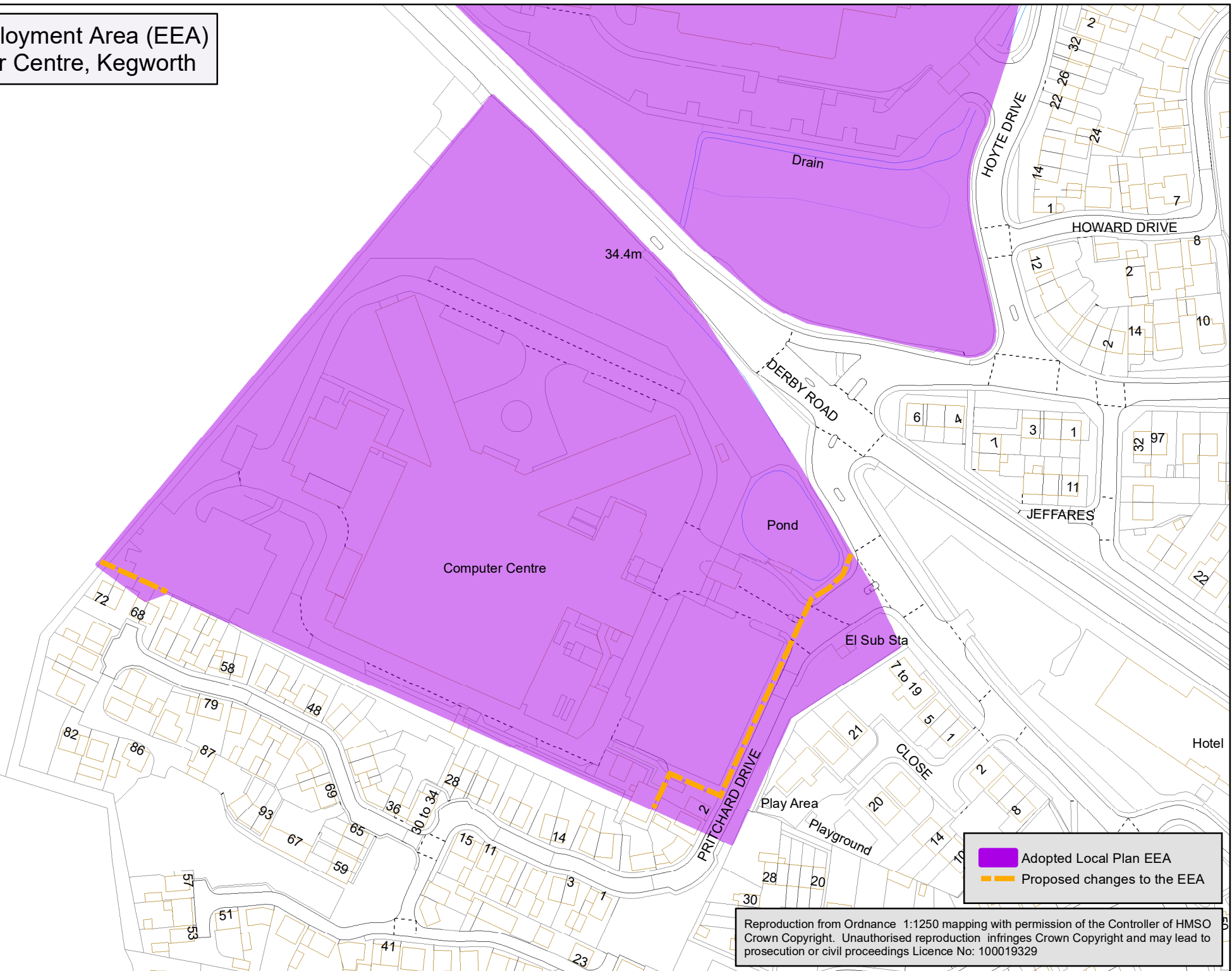


- Adopted Local Plan EEA
- Proposed changes to the EEA

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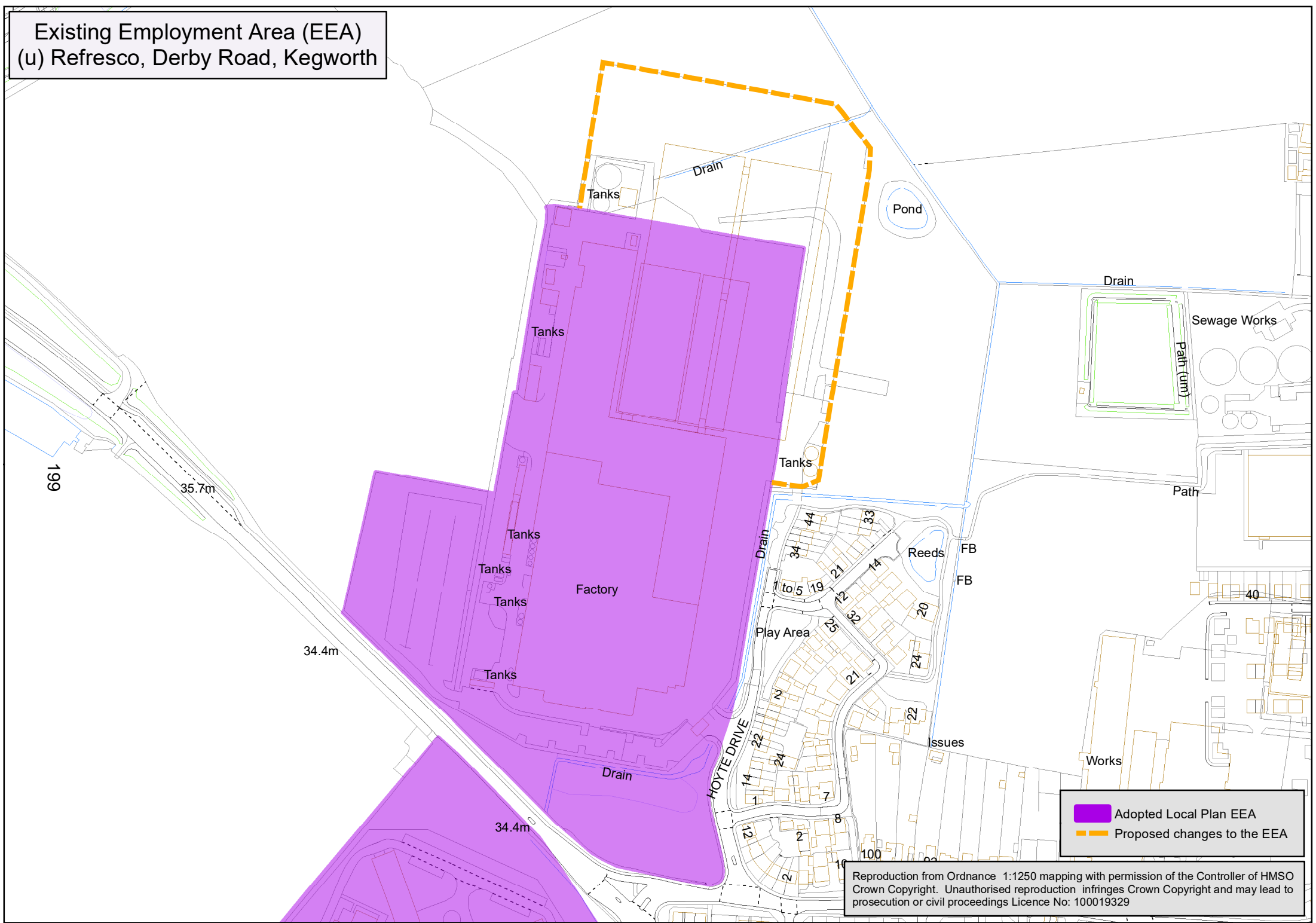
Existing Employment Area (EEA)  
(t) Computer Centre, Kegworth

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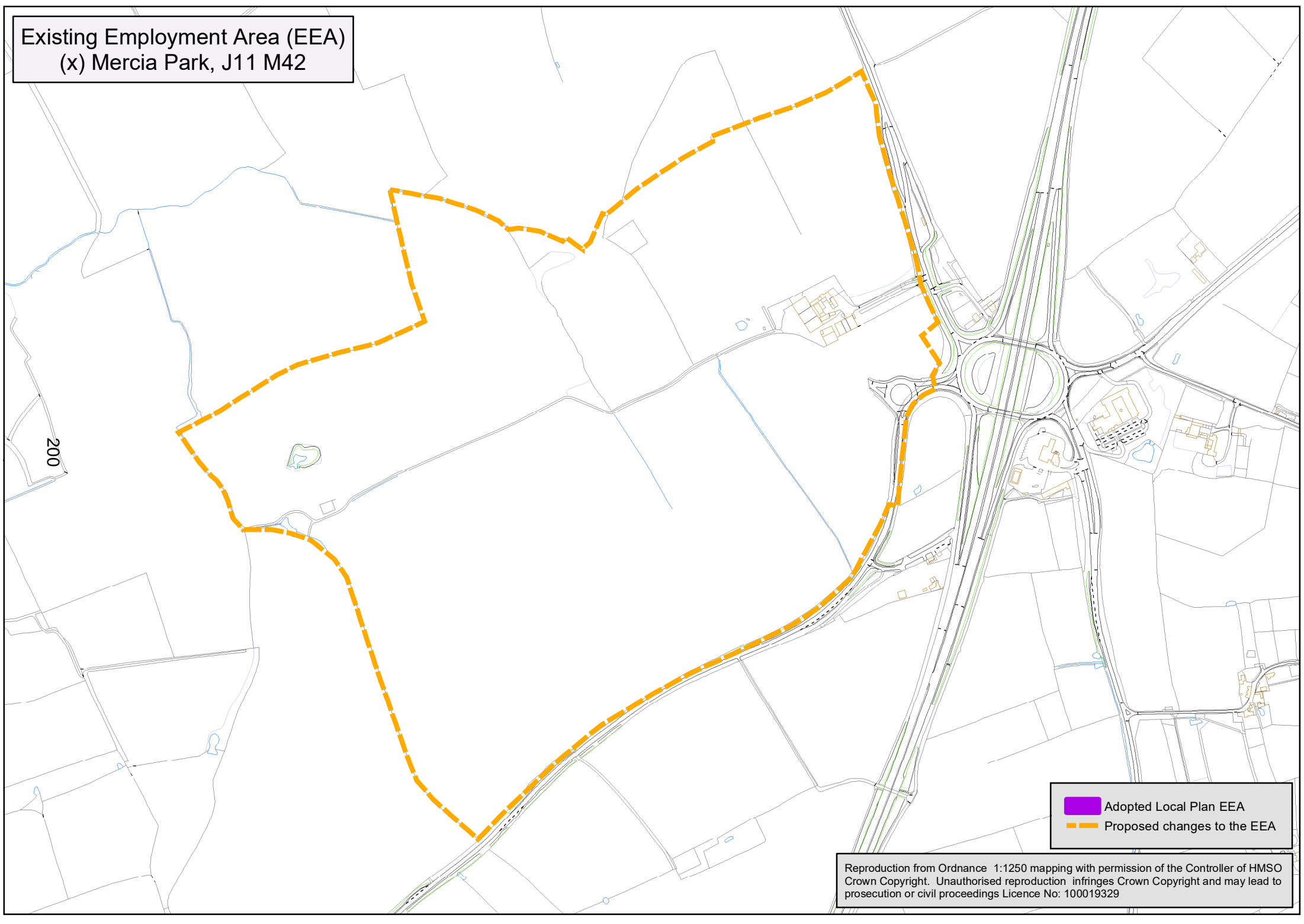
**Existing Employment Area (EEA)**  
(u) Refresco, Derby Road, Kegworth



Adopted Local Plan EEA  
 Proposed changes to the EEA

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Existing Employment Area (EEA)  
(x) Mercia Park, J11 M42

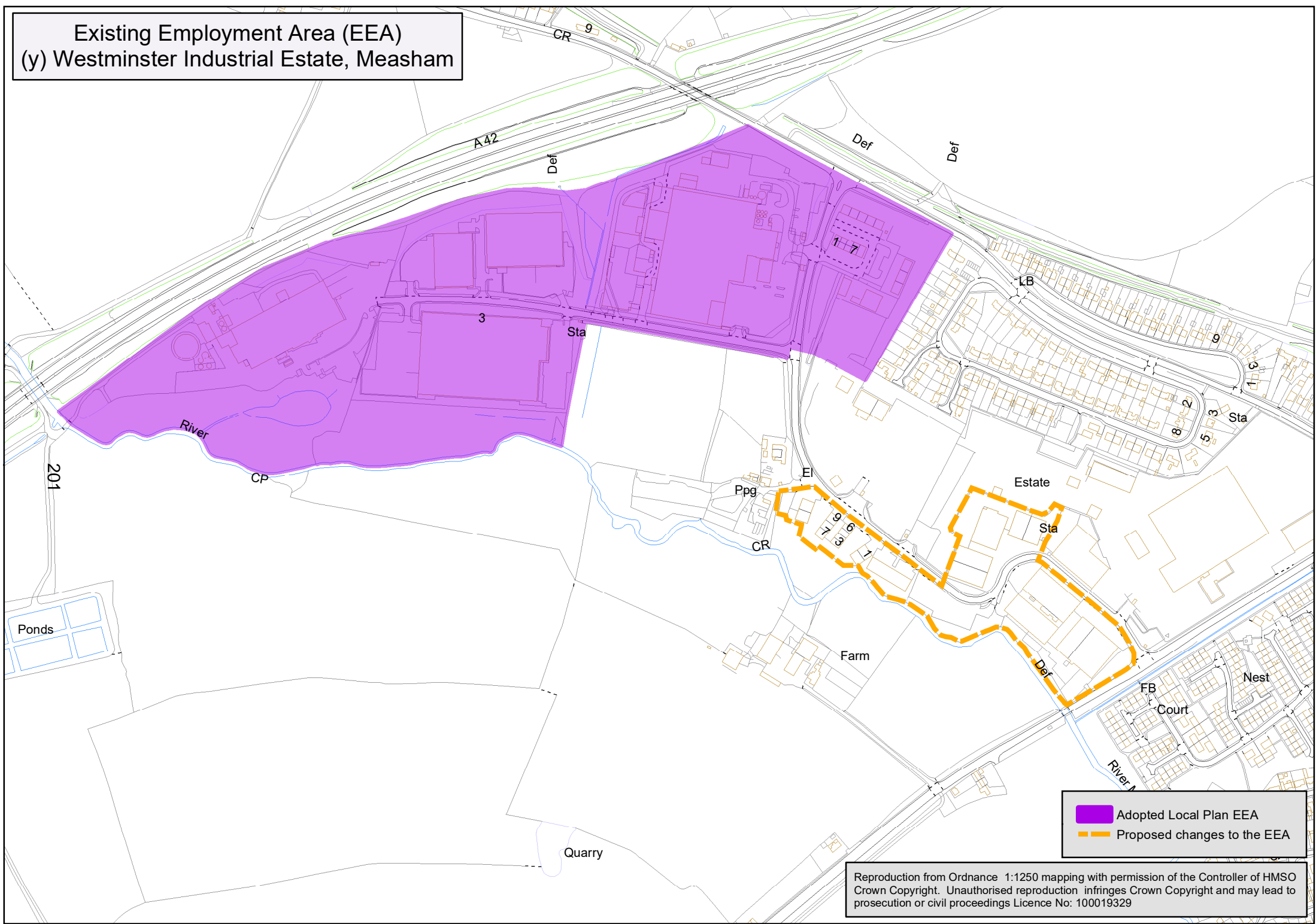


- Adopted Local Plan EEA
- Proposed changes to the EEA

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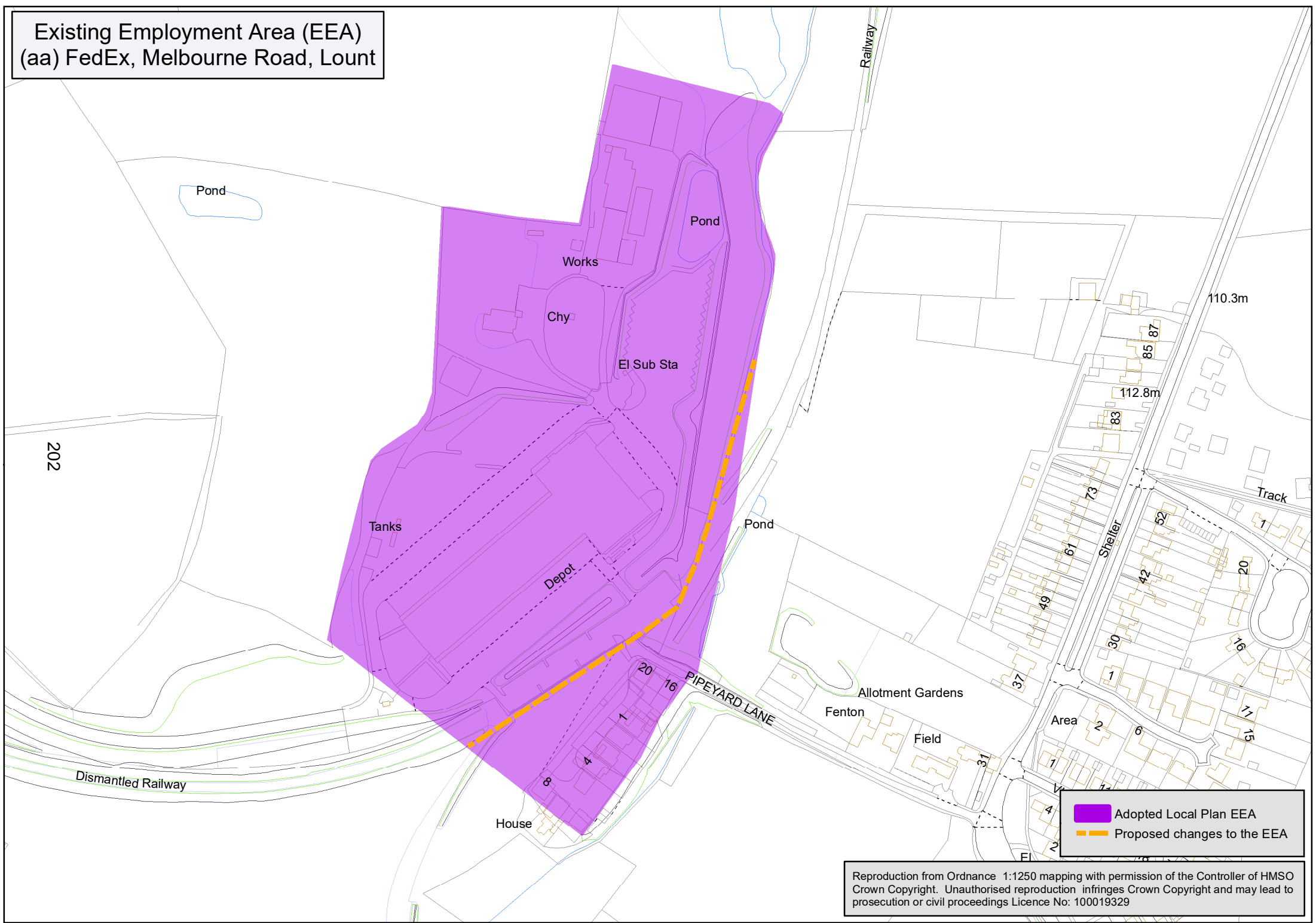




Existing Employment Area (EEA)  
(y) Westminster Industrial Estate, Measham



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Existing Employment Area (EEA)  
(aa) FedEx, Melbourne Road, Lount

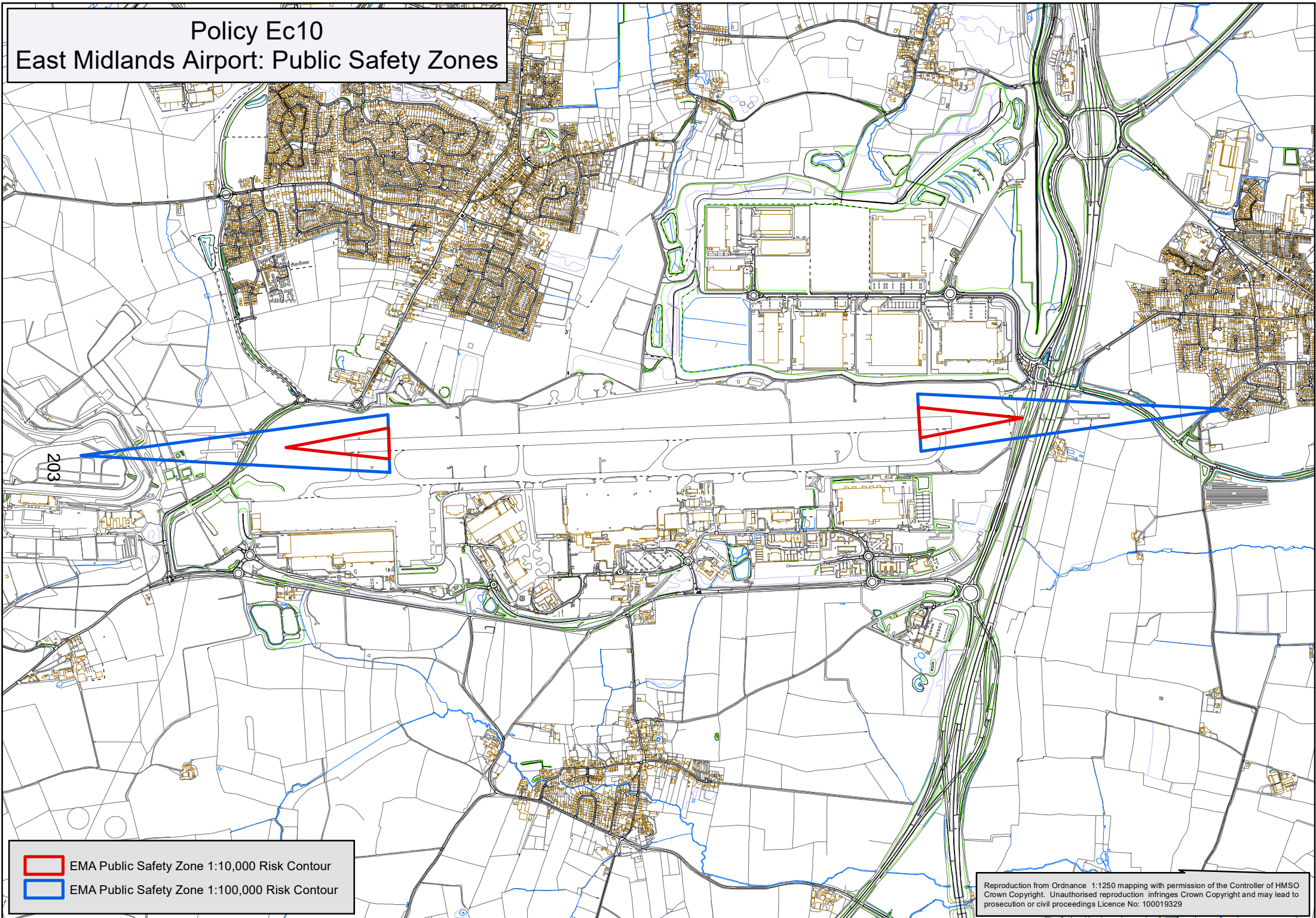




 Adopted Local Plan EEA  
 Proposed changes to the EEA

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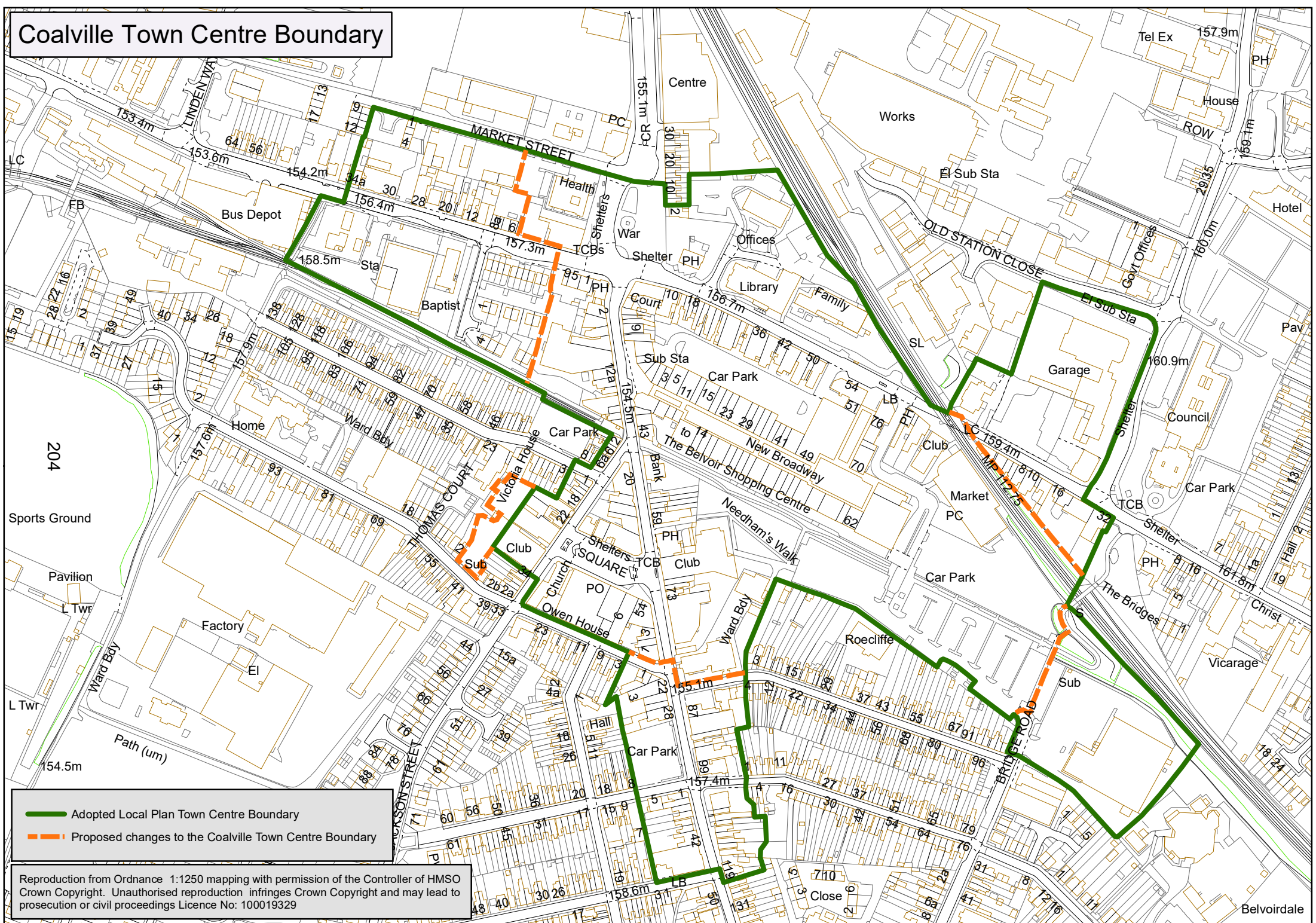
# Policy Ec10 East Midlands Airport: Public Safety Zones





-  EMA Public Safety Zone 1:10,000 Risk Contour
-  EMA Public Safety Zone 1:100,000 Risk Contour

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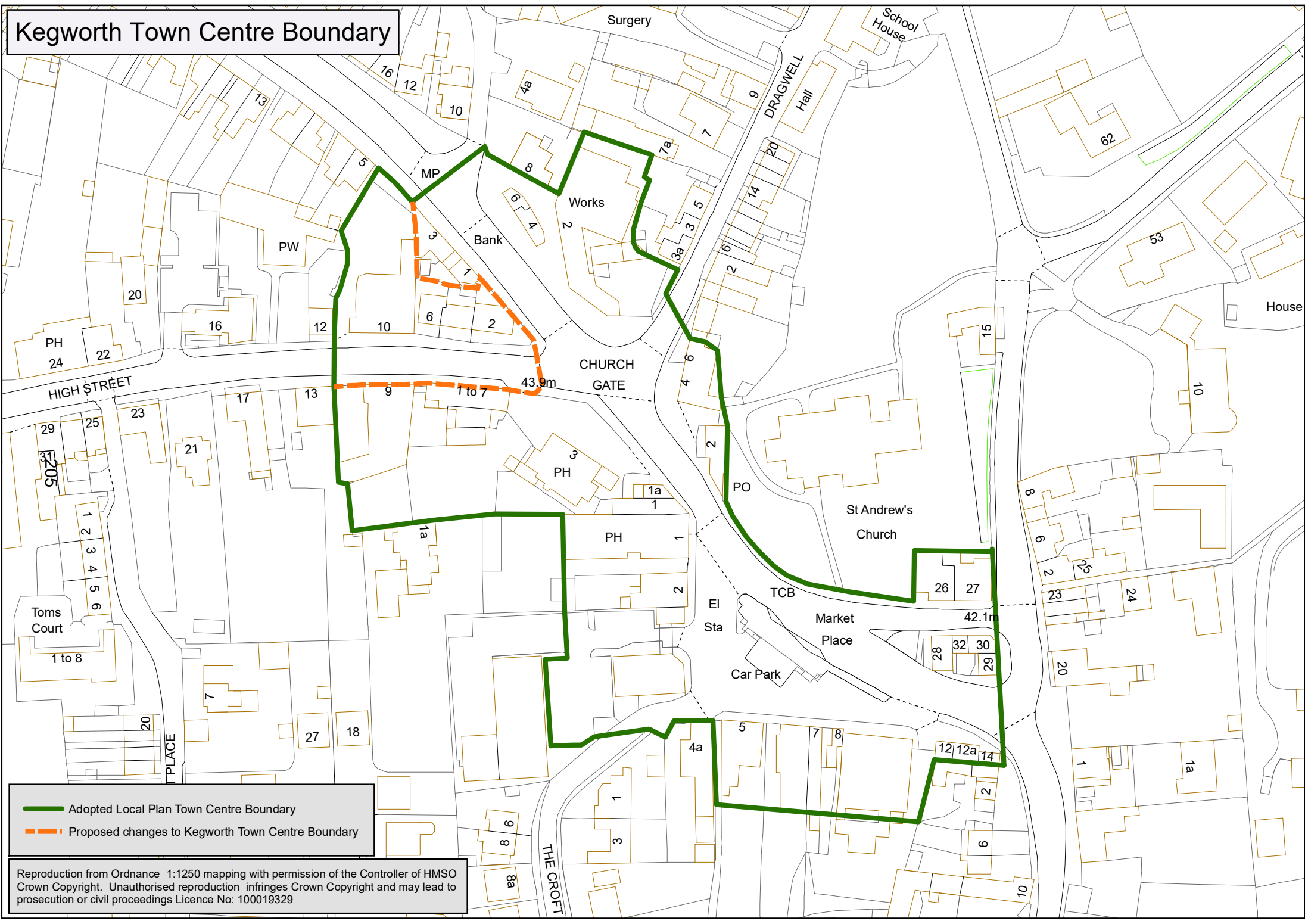
# Coalville Town Centre Boundary





-  Adopted Local Plan Town Centre Boundary
-  Proposed changes to the Coalville Town Centre Boundary

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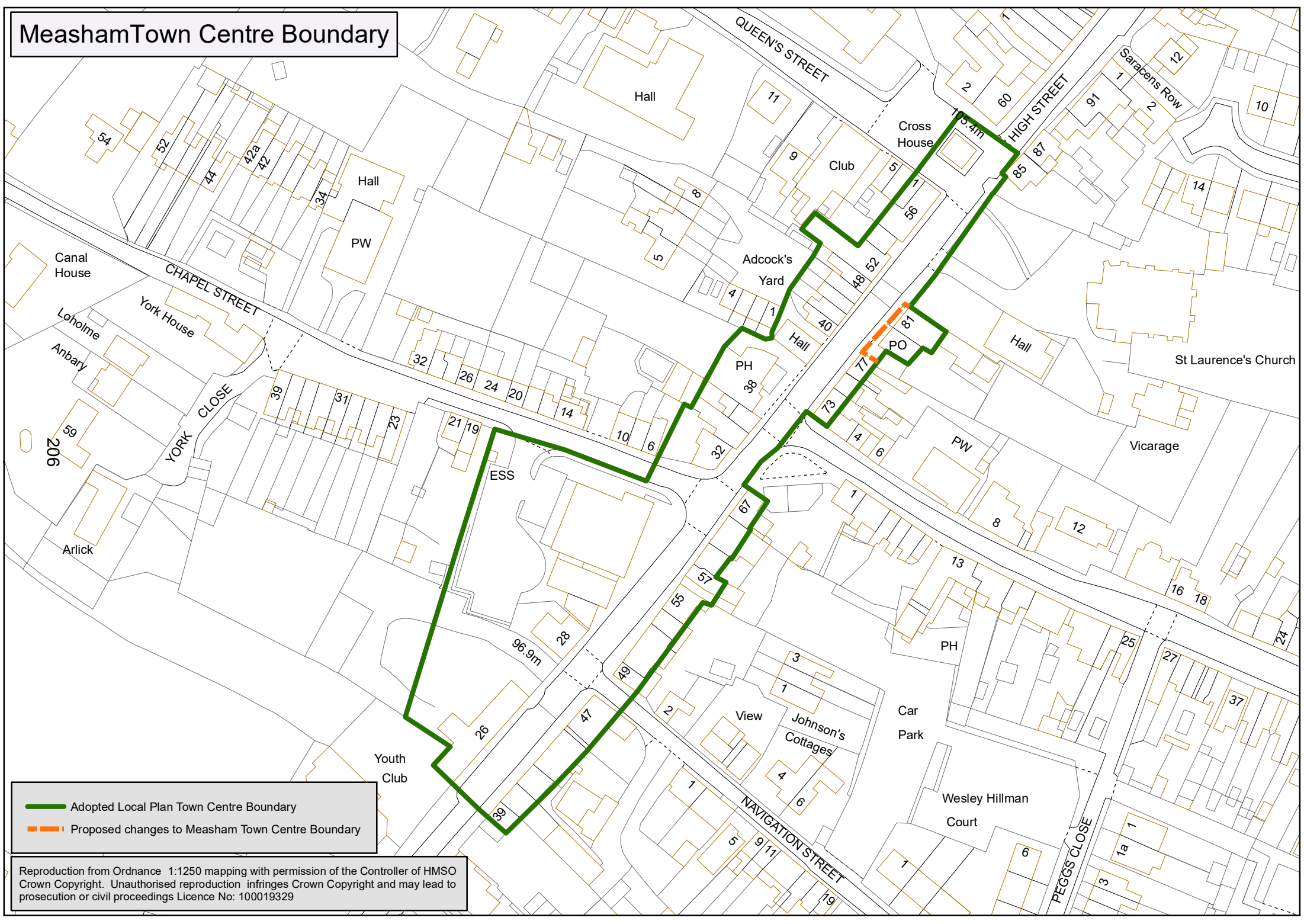
# Kegworth Town Centre Boundary



-  Adopted Local Plan Town Centre Boundary
-  Proposed changes to Kegworth Town Centre Boundary

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# Measham Town Centre Boundary



- Adopted Local Plan Town Centre Boundary
- - - Proposed changes to Measham Town Centre Boundary

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – WEDNESDAY, 18 OCTOBER  
2023

<b>Title of Report</b>	<b>AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT</b>	
<b>Presented by</b>	Joanne Althorpe Principal Planning Policy Officer	
<b>Background Papers</b>	<a href="#">National Planning Policy Framework (2023)</a>  <a href="#">Planning Practice Guidance</a>  <a href="#">Chief Planning Letter (DLHUC, 3 March 2023)</a>  <a href="#">The Air Quality Strategy for England (Defra, April 2023)</a>	<b>Public Report:</b> Yes
<b>Financial Implications</b>	The cost of preparing the SPD is being met by existing budgets which are reviewed as part of the annual budget setting process.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The preparation of the SPD must comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. The report to Cabinet (22 August 2023) highlighted and addressed potential issues.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	Development Management and Environmental Protection staff have had training on the content of the SPD and how to apply it when determining planning applications.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To adopt the Air Quality Supplementary Planning Document (SPD).	
<b>Recommendations</b>	<b>THAT LOCAL PLAN COMMITTEE ADOPT THE AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT ATTACHED AT APPENDIX B.</b>	

## 1.0 BACKGROUND

- 1.1 The Air Quality Supplementary Planning Document (SPD) has been prepared in accordance with the Council's Air Quality Delivery Plan (approved at Cabinet on 8 December 2020).
- 1.2 A Supplementary Planning Document (SPD) is a document which provides further information about a policy or policies in a development plan. An SPD can be a helpful way to provide guidance on how a policy should be interpreted in development management decisions, what information applications should supply in order to satisfy a policy, and procedural arrangements.
- 1.3 At its meeting on 22 August 2023, Cabinet resolved that the Local Plan Committee be requested to adopt the Air Quality SPD. The Cabinet report, which is included at **Appendix A** and the Air Quality SPD at **Appendix B** provides the relevant background for Local Plan Committee to consider.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Developing a clean and green district</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	North West Leicestershire Local Plan National Planning Policy Framework Planning Practice Guidance
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	None
Economic and Social Impact:	The SPD, if approved, will help to ensure that air quality issues are addressed which will have social benefits for our communities. A clean environment will also help to attract business and support economic growth.
Environment, Climate Change and Zero Carbon:	The SPD requires the applicants of development proposals in potential areas of poor air quality / development proposals which could potentially result in a deterioration in the existing air quality to undertake an air quality assessment and identify appropriate mitigation measures.
Consultation/Community/Engagement:	The consultation arrangements which have been followed have been governed by the Town and Country Planning (Local Planning) (England) Regulations 2012 and in turn by the Council's own Statement of Community Involvement (as amended).
Risks:	The Cabinet report of 22 August 2023 highlighted



	the potential for a legal challenge in the event that the SPD goes above and beyond existing policy requirements. The Cabinet report confirms how the SPD has been amended to address this issue.
Officer Contact	Joanne Althorpe Principal Planning Policy Officer <a href="mailto:joanne.althorpe@nwleicestershire.gov.uk">joanne.althorpe@nwleicestershire.gov.uk</a>

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## 1. BACKGROUND

- 1.1 At its meeting of 8 December 2020, Cabinet approved an Air Quality Delivery Plan. Amongst the actions included for undertaking within 24 months was the preparation of a Supplementary Planning Document “*to recognise the importance of air quality as a material planning consideration and to help ensure consistency in the approach to dealing with air quality when determining planning applications in the district, including the approach to mitigation*”.
- 1.2 A Supplementary Planning Document (SPD) is a document which provides further information about a policy or policies in a development plan. An SPD can be a helpful way to provide guidance on matters such as how a policy should be interpreted in development management decisions, what information applicants need to supply to meet the requirements of a policy and procedural arrangements. Importantly, an SPD is not itself part of the development plan, but it is capable of being a material consideration in planning decisions. In addition, an SPD cannot be used to change or add to the policies in the adopted Local Plan. Such policy changes can only be made through the preparation of the new Local Plan.
- 1.3 The Draft Air Quality SPD was presented to Cabinet on [20 September 2022](#). Cabinet agreed to recommend to the Local Plan Committee that the Draft Air Quality SPD be approved for public consultation. Members of the Local Plan Committee followed this recommendation at its meeting on [27 September 2022](#) and public consultation on the SPD took place between 31 October and 13 December 2022.
- 1.4 Two responses were received (both developers/land promoters) and these are included at **Appendix B** of this report. The Planning Policy team has also discussed the SPD in some more detail with the Development Management and Environmental Protection teams, who recommended some specific changes and comments on the structure of the SPD.
- 1.5 Officers were in the process of considering the consultation responses when, on 30 January 2023, the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 were made. The Regulations set two new targets for fine particulate matter (PM2.5):
- a maximum annual mean concentration target of 10 micrograms per cubic metre ( $\mu\text{g}/\text{m}^3$ ) to be achieved by 2040 (the AMCT); and
  - a population exposure reduction target of 35% compared to 2018 to be achieved by 2040 (the PERT).
- 1.6 The government’s Chief Planner wrote to local planning authorities on [3 March 2023](#) to confirm that whilst it is the responsibility of central government to drive action to meet the targets, local authorities, businesses and individuals all contribute to PM2.5 emissions and therefore have an important role in achieving the targets. The letter went on to say that a forthcoming Air Quality Strategy would provide a framework for local authority action and that:
- “The new targets will also need to be integrated into the planning system, and in setting out planning guidance for local authorities and businesses, we will consider the specific characteristics of PM2.5. The guidance will be forthcoming in due course, until then we expect local authorities to continue to assess local air quality impacts in accordance with existing guidance.”*
- 1.7 The [Air Quality Strategy for England](#) was published by Defra on 28 April 2023. It confirms that one of the government’s priorities for improving air quality is via planning reform (i.e. through the Levelling Up and Regeneration Bill and review of national planning policy). The Air Quality Strategy does refer to design-stage emission prevention as a means of

influencing the design of a scheme at an early stage thereby minimising the amount of pollution emitted, but the finer detail of how this should be achieved is expected in an update to national planning policy.

1.8 Officers had decided to wait for this guidance before finalising the SPD. However, with no clear publication date (it had been expected in spring 2023) officers recommend that the Council progresses with the publication of the Air Quality SPD subject to:

- the inclusion of references to the new Environmental Targets Regulations in respect of PM2.5
- references to anticipated updates to national planning policy in respect of air quality
- changes to the content and structure of the SPD in response to the public consultation (this is described in more detail below).

1.9 Officers will advise members once the updates to national planning policy are published. When this happens, there is a risk that the SPD could become out of date. However, this will not be made clear until the guidance is published and as the timescales for this are unknown, it is recommended that the Council proceeds with adoption of the SPD.

## 2. OUTCOMES FROM THE AIR QUALITY SPD CONSULTATION

2.1 Of the two developer responses received (**Appendix B**), one objected to the principal of the SPD and felt that it introduced significant new requirements for applicants of major developments. They felt that this was contrary to the role of SPDs as defined in the government's Planning Practice Guidance (PPG):

*“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.”* (Reference ID: 61-008-20190315)

2.2 It was this developer's view that the different requirements of the SPD (e.g. Site Suitability Assessment, Air Quality Impact Assessment etc) were 'additional' requirements which should be tested through the Local Plan rather than introduced in an SPD.

2.3 Following discussions with the Council's Environmental Protection team, the only element of the SPD which could be regarded as an 'additional' requirement (i.e. it goes above and beyond what the Council currently asks for) is the Damage Cost Calculation. The other elements (Site Suitability Assessment, Construction Dust Risk Assessment, Air Quality Impact Assessment, Emission Reduction Measures, Mitigation Measures) are factors which already make up an air quality assessment. The purpose of the SPD was to make it clearer when these elements would be required and provide further detail on them.

2.4 Reflecting on the above, the following amendments to the SPD are proposed. A revised copy of the SPD incorporating these changes is attached at **Appendix A**.

- Officers have concluded that the Damage Cost Calculation could potentially add to the financial burden of development and is therefore unsuitable to include in an SPD without having been tested in a full local plan viability assessment. To avoid any potential legal challenge, the requirement for a Damage Cost Calculation has been removed from the SPD.
- For the purposes of clarity, the SPD has been redrafted so that Section 4 (now called 'Development and Site Classification') focuses solely on helping applicants/decision makers identify if a proposed development is minor, major or major+ and if it is in an area of potential poor air quality. All references to air quality assessment requirements have been removed from Section 4 to avoid confusion.

- Meanwhile, Section 5 has been renamed ‘The Air Quality Assessment’ and amalgamates the elements previously included in Sections 5 to 8 in a more concise and logical manner.
- The requirement for a minor development to prepare a Good Practice Measures Statement when it is not in an area of poor air quality has also been removed from the SPD as it would unnecessarily add to the burden of development.

2.5 The same developer stated that the SPD did not distinguish between outline and detailed applications. The quantum and location of development will be known at outline stage, which will be sufficient to prepare an air quality assessment (if required) and identify potential mitigation measures. The detail of such mitigation measures could be conditioned for approval at a later date. Applicants would always be advised to agree the scope of any air quality assessment with the Environmental Protection team.

2.6 All remaining comments related to specific parts of the SPD and primarily focused on the structure of the SPD and the clarity of the overall document, clarity on some of the terminology used in the SPD and whether some of the recommended principles / mitigation measures were achievable under the planning system. As set out above, the structure of the SPD has been changes to aid both applicants and decision makers.

2.7 In response to the other comments, the following amendments have been made to the SPD:

- The glossary has been updated to include and define ‘key air quality terms’ which appear in the SPD. These terms have been put in ***bold and italics*** when they appear in the main body of the SPD.
- There is a clear distinction between mitigation measures which can be required through the planning system and those which are general good practice (but which could not form part of a planning condition, for example, boilers).

### 3. NEXT STEPS

3.1 Formulation of an SPD is an Executive function, but adoption is a Council function which has been delegated to the Local Plan Committee. Cabinet is asked to request the Local Plan Committee of 6 September 2023 (the next available Local Plan Committee meeting) to adopt the SPD.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	The preparation of the Air Quality SPD will be particularly relevant for the following Council Priority: - Our communities are safe, healthy and connected.
Policy Considerations:	Adopted Local Plan National Planning Policy Framework Planning Practice Guidance
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	None
Economic and Social Impact:	The SPD, if approved, will help to ensure that air quality issues are addressed which will have social benefits for our communities. A clean environment will also help to attract business and support economic growth.
Environment, Climate Change and Zero Carbon:	The SPD requires the applicants of development proposals in potential areas of poor air quality /

	development proposals which could potentially result in a deterioration in the existing air quality to undertake an air quality assessment and identify appropriate mitigation measures.
Consultation/Community Engagement:	The consultation arrangements which have been followed have been governed by the Town and Country Planning (Local Planning) (England) Regulations 2012 and in turn by the Council's own Statement of Community Involvement (as amended).
Risks:	The report highlights that there is a risk of a legal challenge in the event that the SPD goes above and beyond existing policy requirements. Amendments to the SPD are proposed to address this.
Officer Contact	Joanne Althorpe Principal Planning Policy Officer 01530 454767 <a href="mailto:joanne.althorpe@nwleicestershire.gov.uk">joanne.althorpe@nwleicestershire.gov.uk</a>

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# 1 Introduction

- 1.1 The adopted North West Leicestershire Local Plan 2011-2036 (as amended by the Partial review)<sup>1</sup> seeks to promote the health and wellbeing of the District's population, whilst also supporting the delivery of new homes, ensuring high quality new development, reducing the need to travel and supporting economic growth.
- 1.2 North West Leicestershire District Council ('the Council') must balance economic, social and environmental factors when deciding to grant or refuse planning permission or decide if conditions are required to achieve sustainable development. Air quality is one of the material considerations that the Council is required to consider when preparing plans and taking planning decisions.
- 1.3 Air quality is the largest environmental health risk in the UK<sup>2</sup>. It shortens lives and contributes to chronic and acute health effects. Health can be affected both by short-term, high pollution episodes and by long-term exposure to lower levels of pollution. Air pollution can arise from a variety of sources and can travel long distances. Emissions from both distant and local sources can build up into high, local concentrations of pollutants.
- 1.4 The Government has established a set of **air quality objectives** to protect human health. The 'objectives' are set as concentrations of individual pollutants over a specified averaging period with a target date. EU Directive 2008/50/EC sets **limit values** for nitrogen dioxide, **PM<sub>10</sub>** and **PM<sub>2.5</sub>**, and is implemented in UK law through the Air Quality Standards Regulations<sup>3</sup>. The limit values for nitrogen dioxide and PM<sub>10</sub> are the same numerical concentrations as the UK objectives, but achievement of the limit values is a national obligation rather than a local one. Historically, UK air pollution policy has been mainly driven by exceedances of the nitrogen dioxide (NO<sub>2</sub>) **annual average objective** or **limit value**, although the greater health impact of **particulate matter** (specifically PM<sub>2.5</sub>) is acknowledged.
- 1.5 **Particulate matter** is made up of solid and/or liquid materials of various sizes that range from a few nanometres in diameter (about the size of a virus) to around 100 micrometres (about the thickness of a human hair). It consists of both primary components, which are released directly from the source into the atmosphere, and secondary components, which are formed in the atmosphere by chemical reactions. Sources of primary particulate matter/**PM<sub>10</sub>/PM<sub>2.5</sub>** include industrial sources, road transport, domestic heating and agriculture. **PM<sub>10</sub>** is particulate matter less than 10 micrometres in aerodynamic diameter. **PM<sub>2.5</sub>** is particulate matter particles less than 2.5 micrometres in aerodynamic diameter. **PM<sub>2.5</sub>** is currently not a statutory air quality monitoring requirement for the District Council under the Local Air Quality Management (LAQM) regime. At present, the UK legal

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

2 Defra 2020. Air Pollution in the UK 2019 [https://uk-air.defra.gov.uk/assets/documents/annualreport/air\\_pollution\\_uk\\_2019\\_issue\\_1.pdf](https://uk-air.defra.gov.uk/assets/documents/annualreport/air_pollution_uk_2019_issue_1.pdf)

3 As amended through The Air Quality Standards (Amendment) Regulations 2016 and The Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020.

limits for PM<sub>2.5</sub> exceed the World Health Organisation's (WHO) health-based guideline and are met in most places in the UK. However, as the WHO recognises, there is no safe level of PM<sub>2.5</sub>, so any concentration-based target does not fully reflect the health evidence. Therefore, the focus of UK air pollution policy is shifting to also include particulate matter; In 2023 Defra set two new targets, and two new interim targets, for PM<sub>2.5</sub> concentrations in England, which are discussed further in paragraphs 2.8 and 2.9.

- 1.6 New development may lead to the worsening of air quality if the development increases emissions, from, for example, road traffic, energy plant, dust emissions during construction or through **fugitive emissions of dust**<sup>4</sup>, odour or industrial/commercial sources of pollutants. Development may also introduce **relevant receptors**<sup>5</sup> into an area of potentially poor air quality and therefore the suitability of the site for the proposed uses requires assessment.
- 1.7 Planning policies and decisions can play an active role in improving air quality and reducing exposure to air pollution (which will improve health) as well as considering the impact of new development and identifying suitable mitigation measures.
- 1.8 There is industry standard guidance available from Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM)<sup>6</sup>, which has been developed to provide a methodology to assess the significance of proposals in terms of their effects on air quality. It is not intended that this Supplementary Planning Document (SPD) either replaces or supersedes this guidance, but that it provides a local context, as well as further information on the level of assessment and the mitigation measures expected in North West Leicestershire.
- 1.9 The SPD has been developed to provide guidelines for new development and to assist the application of **Policy D2** of the North West Leicestershire Local Plan. It aims to:
- Aid consideration of air quality in the planning process, including assisting with the delivery of the Council's **Air Quality Action Plan**<sup>7</sup>;
  - Contribute to sustainable development in air quality terms;
  - Provide clarity and consistency to developers and their consultants, on the consideration of air quality by the Council;

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4 As explained at paragraph 1.10, key technical terms identified in **bold and italics** are defined in the Glossary at Section 6.

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

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

7 North West Leicestershire District Council. Air Quality Action Plan May 2021 [https://www.nwleics.gov.uk/files/documents/draft\\_air\\_quality\\_action\\_plan\\_for\\_castle\\_donington/Draft%20AQAP%20.pdf](https://www.nwleics.gov.uk/files/documents/draft_air_quality_action_plan_for_castle_donington/Draft%20AQAP%20.pdf)

- Outline when an air quality assessment would be necessary to support a planning application as well as the scope of the assessment required; and
- Outline measures to reduce emissions and exposure for development at the outset, at a scale commensurate with the emissions.

1.10 The SPD focuses on human health. There are several acronyms included in the document, which are described in full for their first citation, and also covered by the Glossary at Section 6 of this SPD. The Glossary also includes definitions of some key technical terms relating to air quality. Where a technical term has a glossary definition, the term is highlighted in ***bold and italic text*** in the main body of the SPD.

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## 2 Air Quality in North West Leicestershire

2.1 There are several sources of air pollutants in North West Leicestershire. As already noted, UK air pollution policy has been mainly driven by exceedances of the nitrogen dioxide objective. The principal source of nitrogen dioxide emissions is road traffic, including that on the District's strategic road network (e.g. the M1 and A42). East Midlands Airport, one of the UK's major freight airports, and its associated infrastructure also contributes to both nitrogen dioxide and particulate emissions. The District also has a long history of mining for coal and other minerals, such as brick clay, and there are several mineral extraction sites across the District which are potential sources of particulate matter. Other sources in the District include domestic and industrial sources as well as 'background pollution' from locations outside the District.

2.2 Air quality is improving in North West Leicestershire with fewer locations exceeding the UK air quality objectives, although health effects do still occur even at concentrations below current objective levels.

### Air Quality Management Areas (AQMA)

2.3 Where health-based air quality objectives are not met, the Local Air Quality Management (LAQM) regime requires local authorities to declare an **Air Quality Management Area (AQMA)** and put in place an **Air Quality Action Plan** to improve air quality. Since the inception of the LAQM regime, several AQMAs have been declared and subsequently revoked in North West Leicestershire. The previously-declared AQMAs on the M1, Kegworth and Coalville were revoked in 2020 and 2022 respectively, due to improvements in air quality, likely due mainly to a reduction in emissions from new vehicles. There are two remaining AQMAs in the District, at Castle Donington and Copt Oak (as shown in **Figure 1**).

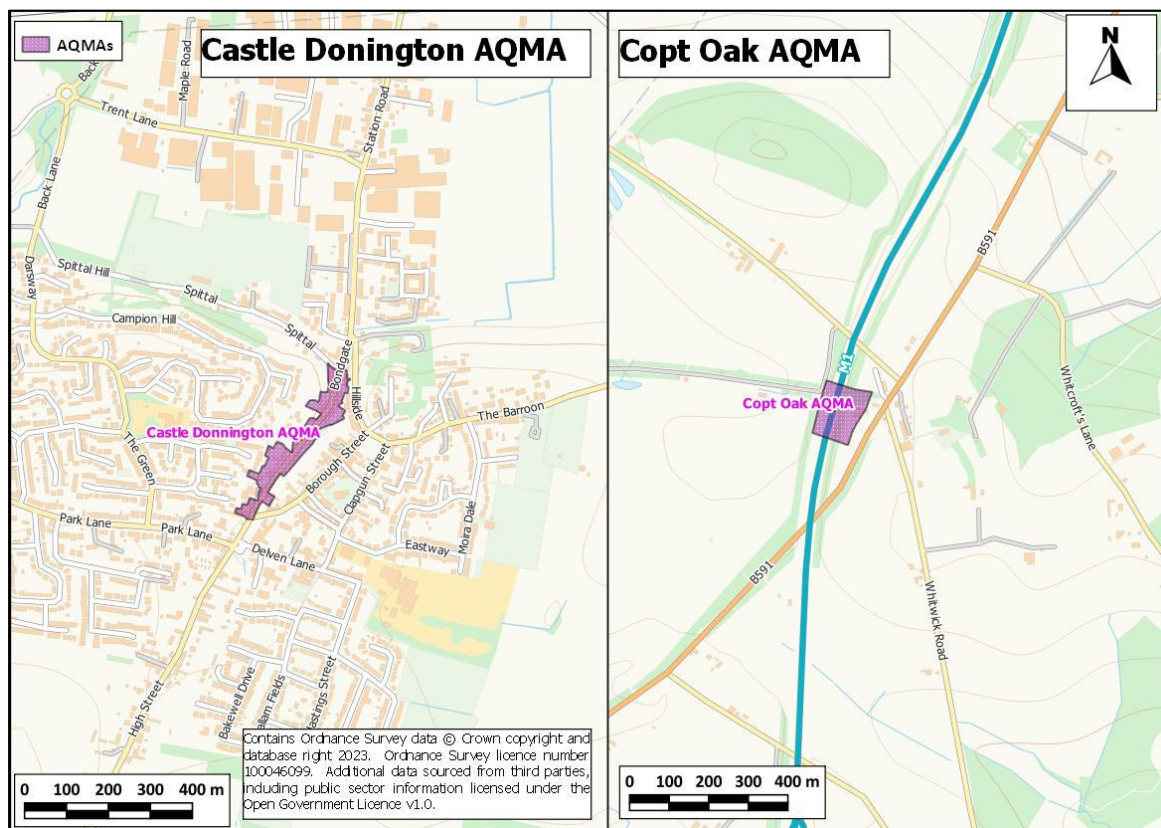
2.4 All of the District's AQMAs (previous and current) have been declared in relation to traffic-related nitrogen dioxide concentrations (annual mean objective). No exceedances of any of the other regulated pollutants, including Particulate Matter (PM<sub>10</sub>), have been identified in the District. Particulate Matter has a much wider range of pollutants than nitrogen dioxide and has the strongest evidence of a range of health effects. Even if concentrations of Particulate Matter are below air quality objectives, health effects may still occur. This SPD is designed to ensure that both nitrogen dioxide and Particulate Matter are considered within the planning process.

2.5 The remaining AQMAs are at a narrow, congested location encompassing the High Street and Bondgate in Castle Donington and an area around Copt Oak close to the M1. Further information on air quality in the District can be found in the Council's latest Annual Status Report<sup>8</sup>.

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8 North West Leicestershire Annual Status Reports available at [https://www.nwleics.gov.uk/pages/local\\_air\\_quality\\_review\\_and\\_assessment](https://www.nwleics.gov.uk/pages/local_air_quality_review_and_assessment)

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



### Exceedances of Limit Values

2.6 EU Directive 2008/50/EC<sup>9</sup> sets **limit values** for nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>, and is implemented in UK law through the Air Quality Standards Regulations<sup>10</sup>. The **limit values** for nitrogen dioxide are the same numerical concentrations as the UK objectives but achievement of these values is a national obligation rather than a local one. How they are assessed and interpreted is different to that of the air quality objectives. North West Leicestershire does not have any Limit Value exceedances.

### Future Air Quality in North West Leicestershire

2.7 PM<sub>2.5</sub> is not a statutory air quality monitoring requirement under the Local Air Quality Management regime and current objectives are met, however, the Environment Act 2021<sup>11</sup> introduces additional targets for PM<sub>2.5</sub> which are closer to the World Health Organisation’s (WHO) health-based guideline<sup>12</sup>).

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

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

11 HMSO The Environment Act 2021

12 The WHO Guideline (2005) for PM<sub>2.5</sub> is an annual mean of 10 µg/m<sup>3</sup>. This was revised down to 5 µg/m<sup>3</sup> in 2021.

- 2.8 In 2023 Defra set two new targets<sup>13</sup>, and two new interim targets, for PM<sub>2.5</sub> concentrations in England. One set of targets focuses on absolute concentrations. The long-term target is to achieve an annual mean PM<sub>2.5</sub> concentration of 10 µg/m<sup>3</sup> by the end of 2040, with the interim target being a value of 12 µg/m<sup>3</sup> by the start of 2028<sup>14</sup>. The second set of targets relate to reducing overall population exposure to PM<sub>2.5</sub>. By the end of 2040, overall population exposure to PM<sub>2.5</sub> should be reduced by 35% compared with 2018 levels, with the interim target being a reduction of 22% by the start of 2028.
- 2.9 Defra will assess compliance with the targets rather than local authorities. This will not consider small changes over time to precisely where people are exposed (such as would relate to exposure introduced by a new development). All four new targets provide metrics against which central Government can assess its own progress. While local authorities have an important role delivering the required improvements, the actions required of local authorities will relate to controlling emissions and not directly assessing PM<sub>2.5</sub> concentrations against the targets.
- 2.10 The focus for local authorities will, therefore, be on reducing emissions and related to this, the WHO recognises that the health evidence shows that there is no safe level of PM<sub>2.5</sub>, so the concentration-based target for PM<sub>2.5</sub> does not fully reflect the health evidence. Any reductions in concentrations of PM<sub>2.5</sub> will bring health benefits to the local population.
- 2.11 Therefore, for the purpose of improving air quality and reducing health impacts, this SPD is concerned with achieving and maintaining compliance with Air Quality Objectives and further improving air quality, particularly in relation to PM<sub>2.5</sub> concentrations.

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13 Environmental Targets (Fine Particulate Matter) (England) Regulations 2023

14 Meaning that it will be assessed using measurements from 2027. The 2040 target will be assessed using measurements from 2040.



### 3 Policy Context

#### National Policy and Practice Guidance

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

#### ***National Planning Policy Framework***

3.2 The National Planning Policy Framework (NPPF)<sup>15</sup> sets out planning policy for England and the overarching objectives relating to air quality and development. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system has three overarching objectives, one of which (Paragraph 8c) is an environmental objective:

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

3.3 It also states in paragraph 174:

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

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

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

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

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<sup>15</sup> Ministry of Housing, Communities & Local Government. National Planning Policy Framework [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

*that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.*

### **National Planning Practice Guidance**

3.4 The NPPF is supported by Planning Practice Guidance (PPG)<sup>16</sup>, which includes guiding principles on how planning can take account of the impacts of new development on air quality.

3.5 Regarding plan-making, the PPG states (Reference ID: 32-002-20191101):

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

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

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

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

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

*“Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it*

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16 Ministry of Housing, Communities & Local Government Planning Practice Guidance 2019  
<https://www.gov.uk/guidance/air-quality--3>

*could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity” (Reference ID: 32-005-20191101).*

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

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

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

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

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

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

3.12 Examples of mitigation include:

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

## **Environment Act 2021**

- 3.13 The UK's new legal framework for protection of the natural environment, the Environment Act 2021, passed into UK law in November 2021. The Act gives the Government the power to set long-term, legally binding environmental targets. It also establishes an Office for Environmental Protection (OEP), responsible for holding the government to account and ensuring compliance with these targets.
- 3.14 The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 (SI 2023 No. 96) sets two new targets for future concentrations of PM<sub>2.5</sub>. These targets are described in Paragraphs 1.5 and 2.8 to 2.9.

## **Local Policy**

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

### **Policy D2 Amenity**

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

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

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

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

### **Policy EN6 Land and Air Quality**

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

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

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

### **Policy IF1 Development and Infrastructure**

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

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

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

- 3.16 The Leicestershire Minerals and Waste Local Plan<sup>17</sup> was adopted in 2019 and this has one policy relating to air quality and the need to safeguard minerals and waste sites.

### **Policy W9: Safeguarding Waste Management Facilities**

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

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

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

## 4 Development and Site Classification

- 4.1 New development may lead to the worsening of air quality if the development increases emissions, from, for example, road traffic, energy plant, dust emissions during construction or through fugitive emissions of dust, odour or industrial/commercial sources of pollutants. Development may also introduce relevant receptors into an area of potentially poor air quality.
- 4.2 The scope of an air quality assessment should be proportionate to the scale/type of the development, the potential impacts of the scheme and whether it will introduce relevant receptors into an area of poor air quality.
- 4.3 Not all applications will require an air quality assessment. This section of the SPD directs applicants to answer key questions about the scale, type and location of development which will inform a) if the development proposed requires an air quality assessment and b) if so, the scope of that assessment.

### Step 1: Determining the scale/type of development

- 4.4 This stage is intended to screen out smaller developments, or developments where impacts can be considered to have insignificant effects. It enables applicants to categorise their proposed development as either **minor**, **major** or **major+**.
- 4.5 The criteria in Figure 2 is based on the EPUK and IAQM Guidance on Planning and Air Quality<sup>6</sup> and has reference to the Town and Country Planning Development Management Procedure Order<sup>18</sup> definition for 'major development'.

**Figure 2: Criteria for major development**

#### A development is major if:

- For residential development, the number of dwellings is 10 or more; or where the number of dwellings is unknown, the site is 0.5ha or more.
- For all other uses, the floorspace is 1000 m<sup>2</sup> or more; or where the floorspace is unknown, the site area is 1 ha or more.

#### **AND** it has either of the following:

- More than 10 parking spaces
- A **centralised combustion process**

- 4.6 Development that **does not** meet the criteria in Figure 2 is **minor** development. Applicants for minor development should at this point go to **Step 2**.

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

- 4.7 Where a development is identified as **major**, further consideration should be given by the applicant to the scale and impact of their proposals, with reference to the criteria in **Figure 3**. The criteria are based on the EPUK and IAQM Guidance on Planning and Air Quality<sup>6</sup>. If one or more of the criteria in **Figure 3** are met, then the proposed development is considered to have a greater potential impact on air quality and should be regarded (for the purposes of this SPD) as **major+**. If the criteria are not met, the scheme stays as **major**. Applicants for **major** or **major+** development should at this point go to **Step 2**. Where it is not clear whether the development should be classified as minor, major or major+, the applicant should seek further advice from the Council's Environmental Protection team.

**Figure 3: Criteria for Major+ Development**

**A development is major + if one or more of these criteria are met:**

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

**Step 2: Will the proposed development introduce relevant receptors into an area of poor air quality?**

- 4.8 In order to determine if the proposed development is in an area of potential poor air quality, applicants

<sup>19</sup> Typically, any combustion plant where the single or combined NO<sub>x</sub> emission rate is less than 5 mg/s is unlikely to give rise to impacts, provided that the emissions are released from a vent or stack in a location and at a height that provides adequate dispersion. In situations where the emissions are released close to buildings with relevant receptors, or where the dispersion of the plume may be adversely affected by the size and/or height of adjacent buildings (including situations where the stack height is lower than the receptor) then consideration will need to be given to potential impacts at much lower emission rates. Conversely, where existing nitrogen dioxide concentrations are low, and where the dispersion conditions are favourable, a much higher emission rate may be acceptable.

<sup>20</sup> Industrial processes which may range from large industrial plant to mineral extraction sites, dry cleaners and paint spraying workshops, are regulated by the Environment Agency (Part A1 processes) and the Council (Part A2 and Part B processes). The planning regime must assume that the permitting regime will ensure the processes comply



should check the location of their development against the criteria in **Figure 4**. This is to ascertain if the proposed development is in a location which exceeds the air quality objectives and where receptors could be subject to environmental nuisance.

**Figure 4: Location of application site**

- Is the proposed development in an Air Quality Management Area (AQMA) and does it include **relevant receptors**? or
- Does the proposed development introduce new **relevant receptors** within 30m of A Roads (for example the M1, A42, A50, A6, A444, A447, A453 and A511) (see Figure 5)? or
- Does the proposed development introduce new **relevant receptors** within 1km of **Safeguarded Sites**<sup>21</sup> and/or an industrial source/East Midlands Airport and there are no existing sensitive receptors between the application site and the Safeguarded Site or an industrial source/East Midlands Airport?

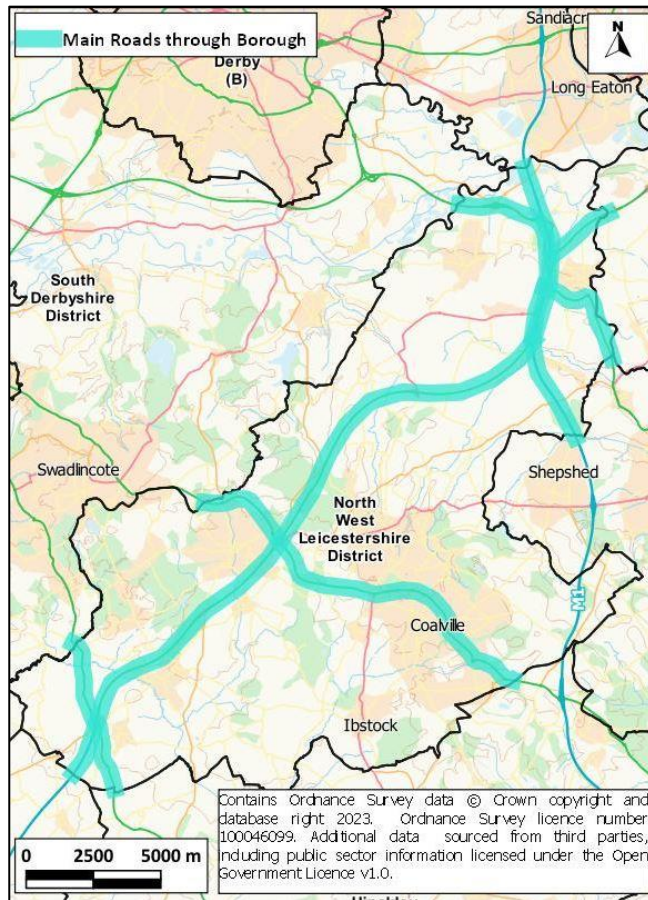
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with their permits and the Act. The planning regime can, however consider whether a land use is appropriate and it must consider the exposure to pollutants. All Part A and B Process developments requiring planning applications and where there is the potential significant emissions to air, either from a point source or fugitive emissions, will be required to carry out an air quality assessment.

21 Leicestershire Minerals and Waste Local Plan Up to 2031. 2019  
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/SUB7-North-West-Safeguarding-2015.pdf>

**Figure 5: A-Roads through North West Leicestershire**



### Summary

4.9 The process outlined in **Section 4** enables applicants to determine:

- If the proposed development is **minor**, **major** or **major+**; and
- If the proposed development is in an area of poor air quality.

4.10 This will inform a) if the development proposed requires an air quality assessment and b) if so, the scope of that assessment. The requirements for an air quality assessment are set out in **Section 5**.

## 5 The Air Quality Assessment

5.1 **Section 4** requires applicants to go through two steps:

- Step 1: Identify the site as **minor**, **major** or **major+**
- Step 2: Determine if the site is in a location of potential poor air quality.

5.2 If the proposed development is **minor and is not in an area of potential poor air quality**, then **no air quality assessment is required**.

5.3 If the proposed development is **minor and in an area of potential poor air quality**, then an air quality assessment is required. The assessment will need to be in the form of an **Air Quality Site Suitability Assessment** only (further detail on this below).

5.4 **All major/major+ developments will require an air quality assessment**. However, if a development is **major/major+ and is not in an area of potential poor air quality**, then the air quality assessment **does not need to incorporate an Air Quality Site Suitability Assessment**.

5.5 Air quality assessments for **major** schemes will need to incorporate a **Construction Dust Risk Assessment** and the consideration of **Emission Reduction Measures**.

5.6 Air quality assessments for **major+** schemes will need to comprise those aspects described at paragraph 5.5 above and will also need to include an **Impact Assessment** and potential mitigation measures.

5.7 The scope of air quality assessments for minor, major and major+ proposals are depicted at **Table 1** below and in the flowchart at **Appendix A1**. The proposed assessment scope and approach should be agreed with Environmental Protection prior to submission of the planning application.

**Table 1: Scope of Air Quality Assessment by Development Classification**

Assessment Requirements		Development Classification			
		Minor	Major	Major +	
Assessment Scope	Air Quality Site Suitability Assessment	Only if the site introduces relevant receptors into an area of poor air quality	Only if the site introduces relevant receptors into an area of poor air quality	Only if the site introduces relevant receptors into an area of poor air quality	
	Construction Dust Assessment	No	Yes	Yes	
	Impact Assessment	No	No	Yes	
Mitigation/Minimum Measures		No, Emission Reduction Measures encouraged. May need mitigation measures for Site Suitability	Emission Reduction Measures	No significant Effects	Significant Adverse Effects
				Emission Reduction Measures	Emission Reduction Measures

### Assessment

#### Air Quality Site Suitability Assessment (Minor/Major/Major+ only if the site is in an area of poor quality)

- 5.8 An Air Quality Site Suitability Assessment will only be required when the proposed development introduces **relevant receptors** into an area of potentially poor air quality. It can form part of a wider air quality assessment or in the case of **minor** development, be submitted as a standalone report to accompany the planning application. Its purpose is to consider whether there are any risks of introducing **relevant receptors** into an area of poor air quality.
- 5.9 The Air Quality Site Suitability Assessment should provide evidence to enable a sound conclusion of the suitability of the site for its intended use from an air quality perspective and will comprise either:
- a simple qualitative assessment; or
  - a detailed quantitative assessment.

- 5.10 A simple qualitative assessment may be appropriate if there is sufficient evidence to demonstrate this; for instance, using local monitoring data within an AQMA to determine whether air quality is poor. The proposed assessment approach should be agreed with the Council prior to submission of the planning application.
- 5.11 For proposals where a detailed quantitative air quality assessment is required, this may require modelling using an atmospheric dispersion model such as ADMS or AERMOD. The air quality assessment should predict concentrations at the façade of the receptor to determine compliance with air quality objectives. This will identify whether a scheme re-design or mitigation to protect future occupiers from poor air quality is necessary. Further details on appropriate mitigation measures are provided in paragraph 5.23 onwards.
- 5.12 For developments close to sources of **fugitive dust** or odours which have the potential to cause a nuisance, assessment should be undertaken in accordance with appropriate IAQM guidance, such as for Mineral Extraction sites<sup>22</sup> or odours<sup>23</sup>.
- 5.13 In some circumstances, a model might not accurately reflect the local situation (for example in a complex street canyon, or at a junction within a street canyon), and in this case a short monitoring study using diffusion tubes may be more appropriate, and less costly. Before undertaking this approach, the specific location(s) for monitoring should be discussed with the Council.

### **Construction Dust Assessment (Major and Major+ Schemes)**

- 5.14 The demolition/ construction phase is a source of dust emissions. Any Major scheme should consider the impact of dust emissions during the demolition and construction phase. A Dust Assessment should follow the most up to date relevant methodology provided by IAQM<sup>24</sup>. It may be possible to screen out a construction dust assessment using this guidance if there are no receptors within 350m of the site boundary or 50m of routes used by construction traffic.

### **Air Quality Impact Assessment (Major + Schemes)**

- 5.15 The Air Quality Impact Assessment should provide enough evidence to enable a sound conclusion of the presence, or otherwise, of a significant air quality impact and will comprise either:
- a simple qualitative assessment; or
  - a detailed quantitative assessment
- 5.16 Most developments that require an impact assessment are likely to need a detailed quantitative assessment. A simple qualitative assessment may be appropriate if there is sufficient evidence to

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

23 IAQM Guidance on the Assessment of Odour for Planning 2018

24 IAQM Assessment of dust from demolition and construction 2014

demonstrate the potential for significant effects; for instance the use of monitoring data or absence of **relevant receptors**. The proposed assessment approach should be agreed with the local authority prior to submission of the planning application.

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

5.18 The impact assessment should:

- determine the impact of any changes in air quality (particularly nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>) at sensitive receptor locations;
- determine compliance with **air quality objectives**; and
- determine the overall significance of the development on air quality.

5.19 The assessment needs to consider:

- impacts during the demolition/construction phases<sup>25</sup>;
- impacts during the operational phase; and
- cumulative impacts with other projects.

5.20 The determination of the magnitude of impacts as a result of changes in pollutant concentrations at individual receptors and also the overall judgment of significance should be based on EPUK and IAQM Guidance<sup>6</sup>. This should also take account of the fact that development should not contravene the Council's **Air Quality Action Plan**, or render any of the measures unworkable. In accordance with this guidance a binary judgement of 'significant' or 'not significant' is required.

5.21 In some cases, for large scale developments, construction may be phased over a number of years, with residents or businesses occupying part of the development before the whole development is finished. In these cases, careful consideration should be given to what future assessment year should be applied. In some cases, more than one future year may be required to fully assess the impacts.

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25 Schemes subject to an Environmental Impact Assessment will need to consider the impacts of emissions from construction traffic as well as construction dust. This should follow the approach outlined in section 5.15 to 5.21 which outlines the required content of an Impact Assessment.

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

Where a Detailed Air Quality Assessment is needed, the most up to date relevant guidance documents should be used. Currently these are EPUK/ IAQM Guidance (Land-use Planning & Development Control: Planning for Air Quality)<sup>7</sup> and LAQM Technical Guidance TG(22)<sup>26</sup>

## Mitigation Measures

### Emission Reduction Measures for Major Schemes (Major and Major+ Schemes)

- 5.23 Achieving compliance with the **air quality objectives** is a principal target to protect public health and to comply with national and local policy. However, measures to minimise air quality impacts, particularly in relation to particulate concentrations have beneficial impacts for society in general and are also important to assist in achieving sustainable development.
- 5.24 New development should consider air quality constraints and opportunities to minimise exposure of users to air pollution and reduce the impacts of development on air quality. The principles of good practice are outlined within the EPUK/IAQM guidance<sup>6</sup> and relate to design and operational measures.
- 5.25 The early consideration of air quality within the design of a scheme will ensure the air quality benefits are maximised and reduce the need to mitigate the impact of the development. Good practice design measures include measures to reduce exposure of relevant receptors to poor air quality, such as locating habitable rooms, schools, hospitals away from busy roads and including green infrastructure such as tree planting, green roofs and walls. This supports Policy IF1 of the Local Plan and advice on the use of green infrastructure to protect people from air pollution has been provided within the 6 C's Green Infrastructure Strategy<sup>27</sup>. Measures such as the inclusion of Electric Vehicle Charging points and low or zero emission energy plant are also encouraged by the Council.
- 5.26 Major developments will often result in increases in emissions<sup>28</sup>. All **major** and **major+** schemes should minimise emissions to achieve sustainable development in air quality terms.

<sup>26</sup> Defra 2022. Review & Assessment: Technical Guidance LAQM.TG22 August 2022 Version, [Online], Available: <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>.

<sup>27</sup> North West Leicestershire 6 C's Green Infrastructure Strategy [https://www.nwleics.gov.uk/files/documents/6\\_cs\\_gi\\_strategy\\_volume\\_1\\_sub\\_regional\\_strategic\\_framework\\_july\\_2010/6C%27s%20GI%20Strategy%20Volume%201%20-%20Sub-Regional%20Strategic%20Framework%20-%20July%202010.pdf](https://www.nwleics.gov.uk/files/documents/6_cs_gi_strategy_volume_1_sub_regional_strategic_framework_july_2010/6C%27s%20GI%20Strategy%20Volume%201%20-%20Sub-Regional%20Strategic%20Framework%20-%20July%202010.pdf)

<sup>28</sup> There are exceptions such as a scheme will result in changes to the road geometry and therefore will not itself increase emissions or where there are no sources of emissions, or if the development will lead to reduction compared to an existing use.

5.27 Measures to minimise emissions from a scheme should be considered within the following hierarchy, with preference given to measures which prevent emissions rather than reduce:

- Prevent:
  - measures that reduce number of vehicle movements, for example by encouraging modal shift to active travel; and
  - the use of heating systems with no emissions; avoiding the use of onsite combustion plant or backup emergency diesel generators.
- Reduce
  - measures that reduce vehicle emissions, for example by encouraging low emission vehicles;
  - measures to support improved public transport;
  - measures to support the development of alternative technologies; and
  - measures to reduce emissions from energy plant through the use of Low NO<sub>x</sub> plant.
- Protect
  - Protect receptors from existing poor air quality; and
  - flue design to maximise dispersion and distance to sensitive receptors.

5.28 Measures which could be considered by the applicant to minimise emissions from a new development are provided in **Figure 6**. This is not an exhaustive list, but rather a suggested suite of measures for consideration. The Council also welcomes the opportunity to work with developers to devise innovative measures that will lead to improving local air quality. Applicable measures will be dependent on the type of development, and the development emissions, location and impact.

5.29 The Council will review the Emission Reduction Measures outlined within the assessment to determine whether these are appropriate for the scale, emissions and impact of the development (note these measures are not to mitigate adverse effects but to minimise emissions from the scheme, although if mitigation for major + schemes are necessary some measures may be the same).



**Figure 6: Examples of Suggested Emission Reduction Measures**

- Implement a travel plan to encourage active travel and minimise vehicle movements;
- Improve infrastructure and layouts to improve accessibility and safety and link to existing infrastructure
- Prioritise walking and cycling in new junctions and crossings or by improving existing junctions and crossings
- Provide high quality and secure covered cycle parking and cycling infrastructure such as lockers or showers and changing facilities
- Provide Car Club parking spaces (prioritising the use of electric vehicle)
- Provide a direct connection to existing cycle and walking infrastructure to facilitate active travel
- Include designated parking spaces or differentiated parking charges for low emission vehicles
- Encourage sustainable means of transport (public, cycling and walking) for instance through subsidised ticketing
- Provide shared mobility schemes cycle/ e-cycle/scooter hire schemes, or provide hubs for existing schemes
- Encourage commercial fleets to reduce emissions by increasing the proportion of newer vehicles and utilising low emission fuels and technologies. This could be implemented through an emission reduction/low emission strategy
- Use freight consolidation schemes/ last mile zero emission deliveries
- Provide parcel lockers to minimise redeliveries
- Avoid the use of onsite combustion plant, such as gas-fired boilers, Combined Heat and Power Plant (CHP) or backup diesel emergency generators. If included, run the flue for centralised and generator plant to a specified height above roof level to ensure the best possible dispersion environment. Encourage the use of ultra-low NOx boilers (less than 15mgNOx/kWh) and CHP and biomass boiler that meet minimum emission standards of
  - Spark ignition engine 250mgNOx/Nm<sup>3</sup>
  - Compression ignition engine 400mgNOx/Nm<sup>3</sup>
  - Gas turbine: 50 mgNOx/ Nm<sup>3</sup>
  - Biomass Boilers 275mgNOx/Nm<sup>3</sup> & 25mgPM/Nm<sup>3</sup>
- Request Construction Traffic Management Plans (CTMP) outlining measures to reduce emissions through lower emitting construction vehicles (those that meet the most stringent **Euro Standard**), steps to reduce the number and length of journey, or timing and routing of journeys to avoid congestion
- Define 'engine off' areas, such as bus stands, taxi ranks, tourist coach parking and outside of schools
- Improve traffic flow by reducing congestion, stop-start traffic and traffic queues and the consequent emission 'spikes'

## Mitigation of Significant Adverse Impacts (Major+ Schemes)

- 5.30 All Major+ Developments which are predicted through the impact assessment to have significant air quality effects, are expected to mitigate these impacts.
- 5.31 The implementation of mitigation is expected to be in accordance with the following hierarchy:
- redesign to eliminate or reduce the impact;
  - implement mitigation measures onsite (these measures should not be considered as an alternative to fundamental redesign);
  - if mitigation measures cannot be implemented onsite, then offsetting may be necessary.
- 5.32 The mitigation required will need to be specific to the development's impact, taking into account local air quality issues, but also be proportional to the impact of the development. The design and mitigation package should be presented with the planning application.
- 5.33 Applicants must demonstrate that proposed mitigation is likely to effectively address the adverse impact of development in air quality terms. Where adverse impacts are not appropriately mitigated, this may result in the application being refused. The Council will evaluate all material considerations in determining the acceptability of a scheme.
- 5.34 Where mitigation is not integrated into a proposal, the Council will require this to be secured through a planning condition or through Section 106 agreements. If on-site mitigation is not possible then the Council will seek contributions for offsetting the identified air quality impacts offsite through a Section 106 (see paragraph 5.43) where planning permission would otherwise be refused on air quality grounds.

### **Offsetting**

- 5.35 Where impacts cannot be mitigated onsite, it may be necessary to offset emissions offsite. This may be provided as a financial contribution to the Council from the developer. The Council would seek this contribution through a Section 106 agreement which will be used to offset the impact on air quality arising from new development (further information is provided at paragraphs 5.43-5.45 below).
- 5.36 NPPG suggests measures to offset the air quality impact of a development by supporting measures including those identified in **air quality action plans** and **low emission strategies**, would be appropriate.
- 5.37 Figure 7 provides examples of what the Council may seek contributions towards.

**Figure 7: Examples of Measures for Offsetting Contributions**

**Financial Contributions may be requested by the Council for:**

- Implementing measures within the *Air Quality Action Plan*
- Implementing *Low Emission Strategies*
- Growth in low and ultra-low emission public transport, including buses
- Electric Vehicle infrastructure
- Car Clubs (including electric) and car sharing schemes
- Micro mobility hubs include bike, e-bike and scooter hire
- Plugged- in development and demonstration schemes e.g. new occupants given demonstration use of plug-in vehicles
- Low emission waste collection services
- Infrastructure for low emissions, alternative fuels, e.g. refuse collection and community transport services

***Mechanical Ventilation***

- 5.38 The site suitability assessment outlined in Section 5.8 may identify the need for mitigation, to ensure users of a development experience acceptable air quality.
- 5.39 Mechanical ventilation is the intentional fan driven flow of outdoor air into a building. Mechanical ventilation systems may include supply fans (which push outdoor air into a building), exhaust fans (which draw air out of building and thereby cause equal ventilation flow into a building), or a combination of both. Mechanical ventilation is an option to ensure users are not exposed to concentrations above the air quality objectives because the inlets can be situated away from pollution sources. This also may involve sealed windows / triple glazing and a forced ventilation system, incorporating filters to remove pollutants such as NOx and particulates.
- 5.40 Mechanical ventilation increases the energy requirements of developments and are not ideal if users are not able to open windows for purge ventilation when desired. Therefore, mechanical ventilation is not necessarily a satisfactory solution to mitigating against exposure, particularly in the event of mechanical failure.
- 5.41 It is expected that first the design of the scheme is revisited with the aim of eliminating exceedances of the objective, followed by a pragmatic review of the risk to occupiers considering the period of exceedance and assumptions within the assessment.
- 5.42 Where the above considerations cannot achieve acceptable exposure for a sensitive development, then consideration will be given to refusal of the scheme.

## **Section 106 Payments/ Planning Contributions**

- 5.43 The Council may seek Section 106 Agreements and other relevant obligations with developers to secure mitigation, including off-set, on larger schemes, where appropriate, to make the scheme environmentally acceptable.
- 5.44 Section 106 Agreements will only be sought where the following tests are satisfied in accordance with national requirements:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 5.45 Where the Council specifies contributions towards air quality infrastructure then this will be considered as part of negotiating wider developer contributions to avoid any issue of double counting and consideration of viability of the scheme.

## 6 Glossary

### Acronyms

<b>AADT</b>	Annual Average Daily Traffic
<b>ADMS-Roads</b>	Atmospheric Dispersion Modelling System model for Roads
<b>ADMS-5</b>	Atmospheric Dispersion Modelling System model for point sources
<b>AQAL</b>	Air Quality Assessment Level
<b>AQMA</b>	Air Quality Management Area
<b>AURN</b>	Automatic Urban and Rural Network
<b>CDRA</b>	Construction Dust Risk Assessment
<b>CEMP</b>	Construction Environmental Management Plan
<b>CTMP</b>	Construction Traffic Management Plan
<b>CHP</b>	Combined Heat and Power
<b>Defra</b>	Department for Environment, Food and Rural Affairs
<b>DfT</b>	Department for Transport
<b>DMP</b>	Dust Management Plan
<b>EFT</b>	Emission Factor Toolkit
<b>EPUK</b>	Environmental Protection UK
<b>EU</b>	European Union
<b>EV</b>	Electric Vehicle
<b>HDV</b>	Heavy Duty Vehicles (> 3.5 tonnes)
<b>HMSO</b>	Her Majesty's Stationery Office
<b>IAQM</b>	Institute of Air Quality Management
<b>kph</b>	Kilometres Per hour
<b>kW</b>	Kilowatt
<b>LAQM</b>	Local Air Quality Management
<b>LDV</b>	Light Duty Vehicles (<3.5 tonnes)
<b>LNR</b>	Local Nature Reserve
<b>µg/m<sup>3</sup></b>	Microgrammes per cubic metre
<b>MACC</b>	Marginal Abatement Cost Curve

<b>NO<sub>2</sub></b>	Nitrogen dioxide
<b>NO<sub>x</sub></b>	Nitrogen oxides (taken to be NO <sub>2</sub> + NO)
<b>NPPF</b>	National Planning Policy Framework
<b>NRMM</b>	Non-road Mobile Machinery
<b>OEP</b>	Office for Environmental Protection
<b>PM<sub>10</sub></b>	Small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter
<b>PM<sub>2.5</sub></b>	Small airborne particles less than 2.5 micrometres in aerodynamic diameter
<b>PPG</b>	Planning Practice Guidance
<b>SAC</b>	Special Area of Conservation
<b>SPD</b>	Supplementary Planning Document
<b>SSSI</b>	Site of Special Scientific Interest
<b>WHO</b>	World Health Organisation

### Key Air Quality Terms

**Air Quality Action Plan** The mechanism by which local authorities, in collaboration with national agencies and others, will state their intentions for working towards the air quality objectives through the use of the powers they have available.

**Air Quality Management Area** An area where air pollution concentrations have exceeded the UK air quality objectives (the area may be declared wider than the area of exceedance).

**Air Quality Objectives** A nationally defined set of health-based concentrations for nine pollutants, seven of which are incorporated in Regulations, setting out the extent to which the standards should be achieved by a defined date. There are also vegetation-based objectives for sulphur dioxide and nitrogen oxides.

**Centralised Combustion Process** Centralised Combustion Process involves large-scale generation of heat or electricity at a central plant, such as Combined Heat and Power (CHP) plant, large boilers or biomass boilers or backup/standby generators. This doesn't include boilers at each property within the development

**European Emissions Standards** Introduced by the European Union (EU) in 1992, the European Emissions Standards are a set of regulations designed to define the acceptable amount of exhaust emissions that vehicles sold in the EU can release. The standards have the aim of reducing the emissions of a number of different pollutants. Approximately every

five or six years, a new Euro Emissions Standard is introduced, with Euro 1 being the first and Euro 6 being the most recent. Euro 7 is unlikely to come into force until at least 2025.

**Exceedance** A period of time when the concentration of a pollutant is greater than the appropriate air quality objective. This applies to specified locations with relevant exposure.

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

**Limit Values** Limit values are set for individual pollutants and are made up of a concentration value, an averaging time over which it is to be measured, the number of exceedances allowed per year, if any, and a date by which it must be achieved. Limit values are legally binding parameters that must not be exceeded.

**Low Emission Strategy** A document which outlines a package of measures to help reduce emissions from a development.

#### **Particulate Matter**

Particulate matter is made up of solid and/or liquid materials of various sizes that range from a few nanometres in diameter (about the size of a virus) to around 100 micrometres (100  $\mu\text{m}$ , about the thickness of a human hair). It consists of both primary components, which are released directly from the source into the atmosphere, and secondary components, which are formed in the atmosphere by chemical reactions. **PM<sub>10</sub>** is particulate matter less than 10 micrometres in aerodynamic diameter **PM<sub>2.5</sub>** is particulate matter particles less than 2.5 micrometres in aerodynamic diameter

#### **Relevant Receptors**

The Air Quality Objectives only apply where 'receptors' (people) are exposed for a period of time relevant to the objective in question (for example for an annual mean the objectives apply at the facades of residential properties, schools, hospitals and care homes). The locations where there is exposure and the objectives apply are therefore termed 'Relevant Receptors'.

**Safeguarded Sites** A site designated by minerals and waste planning authorities which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral/waste development.

**Standards** A nationally defined set of concentrations for nine pollutants below which health effects do not occur or are minimal.

## Appendix A1: Flow Chart

### Development Classification

