

**Local Plan Review**  
**Emerging Options Consultation**  
**Summary of Comments and Council's**  
**Response**

## Background

The North West Leicestershire Local Plan was adopted on 21 November 2017. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2031. The council committed to start a review of the plan within three months of the date of adoption.

There are two main reasons why an immediate review was required:

1. 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)
2. The possible need to accommodate additional housing arising from unmet needs in Leicester city.

Between 12 November 2018 and 11 January 2019, the Council undertook consultation on Emerging Options which could be included in our Local Plan Review.

## What was consulted upon?

Views were sought on the following issues:

- Making sure that we have sufficient land for housing
- Making sure we have sufficient land for employment
- Should we change the settlement hierarchy?
- Where will new development go?
- How can the review consider the issue of self and custom build housing?
- How can the review address issues relating to health and wellbeing?

For each issue there was a series of questions which consultees were invited to respond to.

## What was the response?

A total of 62 responses were received from a range of organisations. A summary of the responses can be viewed from this [link](#).

The table at Appendix 1 identifies the number of responses received to each of the questions.

This report summarises the comments received by question and then sets out the Council's response and how it proposes to proceed forward on the various issues.

# MAKING SURE THAT WE HAVE SUFFICIENT LAND FOR HOUSING

## Question 1 - Should the plan build in a flexibility allowance?

### Summary of Representations

- 1.1 There are concerns about the lack of clarity on the District's housing requirement, although respondents understand the reasons for that. There is some concern that the 2014-based household growth projections understate housing need in the District and should be a minimum local housing need. There is a need for an uplift to:
  - Provide for continued economic growth in the District; and
  - Respond to Leicester City's unmet housing needs

- 1.2 Notwithstanding, there is broad support for a flexibility allowance, although respondents stated a variety of reasons:
- A flexibility allowance will enable the Local Plan to respond to rapid change in accordance with NPPF paragraph 11;
  - A flexibility allowance was supported by the Inspector who dealt with the current adopted Local Plan;
  - A flexibility allowance would help maintain housing supply if there were to be any significant, unforeseen delay on the delivery of individual sites;
  - The approach would be consistent with the Government's on-going objective of significantly boosting the supply of homes;
  - An allowance could help deal with unmet housing need from Leicester;
  - Provide choice and competition in the market;
  - Help ensure that five-year housing supply requirements and the Housing Delivery Test are met; and
  - To be responsive to further changes to the Government's standard methodology for assessing housing need.

#### Council's response

- 1.3 Irrespective of what the housing requirement of the Local Plan review will be, government advice is that such a figure is a minimum (i.e. it is not a target to not be exceeded). Having a flexibility allowance would be consistent with this approach.
- 1.4 Therefore, it is concluded that in principle the Local Plan review should include some form of flexibility allowance.

### **Question 2 - If we build in flexibility should the plan include a 'buffer' to the housing requirement figure when deciding how much land to allocate for new housing or should we identify reserve sites?**

#### Summary of Representations

- 2.1 The feedback suggests that there is some confusion of the inclusion of a housing requirement buffer or reserve sites. The 'buffer' option provides flexibility by increasing the overall housing provision (i.e. the housing requirement plus buffer) and then allocating sufficient land to meet this provision. Those in support of the 'buffer' option set out the following advantages of this approach:
- It is more straightforward and less administratively complex. It provides a wider degree of choice and certainty compared to the more complicated and slower process of releasing reserve sites at intervals during the plan period. This is because the trigger mechanism for the release of a reserve site can be unclear and there is an inevitable delay in making the site available for development;
  - NPPF paragraph 73 requires the supply of specific deliverable sites to include a buffer;
  - It could allow small and medium sites to come forward as most of the sites already allocated are major sites. Small and medium sized sites are often built-out relatively quickly and can support the broader sustainability of villages;
  - It will ensure a robust housing land supply and provide choice and competition in the market;
  - Reserve sites create uncertainty in communities and result in sites being underused;
  - Reserve sites create uncertainty for infrastructure providers;

- There is concern that there will be pressure to release the most commercially attractive reserve sites first giving rise to over-development in some locations; and
- There is no support for reserve sites in the National Planning Policy Framework.

2.2 The alternative approach would allocate enough land to meet the requirement (without a buffer) and then identify reserve housing sites which could be brought forward for development if build rates did not keep pace with requirements. There was some support for this approach for the following reasons:

- The Local Plans Expert Group’s 2016 report to the Communities Secretary and to the Minister of Housing and Planning recommended that Local Plans should make provision for, and provide a mechanism for the release of, developable Reserve Sites;
- The purpose of reserve sites is to provide extra flexibility to respond to change or to help address any actions required as a result of the Housing Delivery Test;
- This approach is consistent with the current Local Plan;
- If care is taken in selecting deliverable housing sites, the need for a buffer is reduced;
- The Local Plan will contain more certainty around the core development proposals allowing more focussed and deliverable infrastructure plans; and
- There are particular concerns about the delivery of strategic sites in Coalville, that give rise to the need to allocate reserve housing sites there.

2.3 Several representations, particularly from the development industry, wanted to see both approaches adopted with reserve sites included alongside a contingency allowance. Such an approach could enhance flexibility as it is exceptionally rare for every allocated site in a Plan to be delivered in the way envisaged by a local authority. A combined approach would enable the Local Plan to help with accommodating the unmet needs arising from Leicester City.

Council’s response

2.4 The feedback to this question was mixed. Both approaches have their advantages and disadvantages as summarised below.

	Advantage	Disadvantage
Buffer	Easy to apply (subject to agreeing a suitable figure)  Builds in for potential shortfall as a result of lower than anticipated build rates, for whatever reason	Have to determine what is an appropriate figure for the buffer  Could result in greater provision than is required
Reserve sites	Provides greater certainty as to how any shortfall will be managed	Does not build in a shortfall initially  There are a complex range of circumstances which could result in the need to release a reserve site. For example, if build rates did not keep up with the projected trajectory which then impacted upon the 5-year supply and/or resulted in failing the government’s Housing Delivery Test. Alternatively, if new household projections were published which showed a higher requirement than

	Advantage	Disadvantage
		currently allowed for or if a neighbouring authority declared an unmet need. The accompanying policies would need to be clear and effective to govern their efficient release.

- 2.5 To some extent the decision comes down to weighing the balance of simplicity (buffer) against certainty and complexity (reserve sites). However, the certainty would be countered by the fact that using a buffer builds in an allowance for a shortfall from the outset. Therefore, it can be argued that a buffer it is a more realistic reflection of what is likely to occur, as whilst every effort can be made in allocating appropriate sites to ensure that such sites will deliver, in reality it is almost inevitable that for a variety of reasons sites will either be delivered at a slower rate than predicted or not at all.
- 2.6 A particular concern in respect of reserve sites is being sure that all possible eventualities which would warrant the release of a reserve site have been allowed for. In addition, there would be a need to balance maintaining supply against ensuring that there is not a 'knee jerk' reaction as a result of a 'blip' in the housing market.
- 2.7 The adopted Local Plan has included reserve sites, but this was to address specific issues related to the impact of HS2 on housing sites which had already been included as part of the housing supply. In these circumstances where there is a known issue reserves sites fulfil a useful purpose. As noted by some responders, including reserves sites which may be released in the event of possible circumstances arising could, contrary to its intentions, result in greater ambiguity.
- 2.8 The advice of the Local Plans Expert Group that that the NPPF should include a requirement to "*make a further allowance; equivalent to 20% of their housing requirement, in developable reserve sites*" was not taken forward in to the revised NPPF of July 2018 or February 2019 and so it is not government policy.
- 2.9 The 'buffer' approach could, if all allocated sites are built out to the expected capacity, result in higher provision than the requirement. However, the market would not support such delivery unless there was sufficient demand and so this would be likely to provide some form of 'check'. Furthermore, as noted above by building in a buffer at the outset is more likely to be a reflection of reality. In any event, the way that a 'buffer' would work would achieve the same end as identified by the Local Plans Expert Group and ensure that the requirement was met.
- 2.10 Having both a buffer and reserve sites, as suggested in a number of representations, would represent a 'belt and braces' approach but would, in terms of reserve sites, still suffer from the same issues outlined above. Furthermore, local plans have to be reviewed every 5-years. As part of the Examination process, an Inspector will assess whether the plan has a 5-year supply of housing land before it can be adopted. Therefore, any slippage is likely to occur later in the plan period and so be addressed as part of a review.
- 2.11 On balance it is considered that the 'buffer' approach is preferred, although on reflection it would be better to refer to this as 'contingency allowance'.

### **Question 3 - If we were to include a 'buffer' what would be an appropriate figure?**

#### Summary of Representations

- 3.1 Generally, parish councils and residents tended to prefer no buffer or a small flexibility allowance of about 5%. Representations from the development industry tended to favour a larger buffer of 10-20%. The Home Builders Federation suggests as large a contingency as possible- at least 20%. Others felt unable to answer, in part because neither the overall housing need was known nor the unmet need for Leicester City. It has been pointed out that while the Consultation Document refers to the three possible buffers (5/10/20%), these relate to the supply of deliverable housing sites over a five-year period- they are not contingency allowances for the purpose of ensuring delivery of housing over the plan period.
- 3.2 Factors supporting a lower allowance included:
- The Council's latest housing land supply statement identifies a housing land supply of 8.2 years. The five-year housing supply position is healthy and, as the purpose of the buffer is to ensure that the Council can maintain housing supply upon adoption of the Local Plan Review, a large flexibility allowance is unnecessary;
  - The allowance should be the minimum necessary as any further allocations are likely to result in land banking by developers, and developers choosing the sites which are most profitable rather than those that are most advantageous to the community; and
  - The adopted Local Plan includes a flexibility allowance of 10%.
- 3.3 A larger flexibility allowance was supported for the following reasons:
- It will help boost the housing supply providing the market with choice and competition and deliver more affordable homes;
  - The current housing land supply is highly dependent upon relatively few large, strategic sites, so greater numerical flexibility is necessary;
  - If during the Local Plan Examination any of the Council's assumptions on lapse rates, windfall allowances and delivery rates are adjusted or any proposed housing site allocations are found unsound, then so any proposed contingency reduces;
  - A buffer of 5% or 10% will not be sufficient to provide flexibility in the housing land supply especially given uncertainties over the scale of housing need to be met;
  - Given the circumstances surrounding housing delivery in Leicestershire, North West Leicestershire is likely to find itself under significant pressure to meet housing targets beyond the District;
  - Elsewhere contingency rates tend to be 10-20%
  - The Local Plans Expert Group's 2016 report to the Communities Secretary and to the Minister of Housing and Planning recommended a 20% buffer; and
  - The Housing Delivery Test requires provision of a 20% land buffer, should delivery fall below 85%, to ensure the ongoing availability of a realistic supply of deliverable sites.
- 3.4 Council's response
- In setting a suitable 'buffer' consideration has to be given to what the purpose is of such a buffer. It is to ensure that it is likely that sufficient homes will be delivered to meet the identified requirements. The greater the buffer, the more likely it is that the requirement will be met.

- 3.5 Whilst the NPPF identifies 3 buffers (5%, 10% and 20%) this is for the purposes of assessing 5-year land supply, not provision in local plans. Similarly, the Housing Delivery Test is of more relevance to the determination of planning applications rather than preparation of local plans.
- 3.6 Whilst the Local Plan Expert Group had favoured a 20% allowance there are examples from elsewhere of adopted local plans having a smaller allowance. For example, the Stratford-on-Avon Plan (2016) included a buffer of 12.5% Gedling (2018) 11.7% whilst the Harborough Local Plan which was adopted in April 2019 made provision that was 15% more than the requirement. These are all below the 20% figure suggested by the Local Plans Expert group and have been supported at Examination.
- 3.7 Whatever buffer is set would, in the event that delivery fell to below that required by the government's Housing Delivery Test, place the Council in a better position to deal with such consequences as it will have already identified additional provision.
- 3.8 On balance, it is considered that a figure which is consistent with those Local Plan examples quoted above would be prudent and so a buffer of 15% is suggested.

**Question 4 - If we were to identify reserve sites under what circumstances should sites be released?**

Summary of Representations

- 4.1 The following were suggested as possible triggers for the release of housing reserve sites:

Under-performance against:

- Housing Delivery Test, so that if delivery rates fall beneath a given percentage e.g. 95%, a reserve site is released; or
- Five-year housing supply requirement (with the appropriate buffer).

Where allocated sites fail to deliver at the rates, or within the timescales, set out in the Council's housing trajectory. For example, the development of a site falls below anticipated delivery rates by 10% or more over a 2-3 year period for a number of reasons, including:

- Changed market conditions; or
- A site is no longer suitable or deliverable.

An increase in housing need through changes in:

- The government's standard methodology;
- Household projections;
- Unmet housing need from elsewhere within the Housing Market Area.

Plan period- some wanted reserve sites to be automatically released in the last 5 years of the plan period. Others thought that sites should only be released at the end of the plan period to encourage allocated sites to be brought forward.

Some made comments on which reserve sites should be brought forward:

- Reserve sites should be able to be brought forward if an allocated site within the same settlement becomes undeliverable;
- The most sustainable reserve site should be brought forward first regardless of location;

- Brownfield sites should be brought forward first; and
- The sites in locations where employment opportunities, transport and other community infrastructure capacity is greatest.

4.2 Some thought that reserve sites should never be acceptable if land elsewhere, already possessing planning permission, was slow to develop, or being “banked” by landowners. If reserve sites are brought forward, the site giving rise to the release of a reserve site should be deleted as an allocation and any planning permission rescinded.

4.3 Some wanted to see controls attached to the allocation of housing sites to discourage under-performance. For example:

- Where there is under-performance sites should be transferred to the local planning authority, social housing provider or another developer;
- Performance agreements; and
- Government intervention.

#### Council's response

4.4 In view of the conclusion to have a buffer rather than reserve sites, this issue is not considered any further.

### **Question 5 - Should the review build in the potential for sites to be developed which go beyond the end of the plan period?**

#### Summary of Representations

5.1 There was a mixed response to this question, with many against the release of further sites beyond the plan period. Too much choice and flexibility could lead to uncertainty and allow the most profitable sites to be cherry-picked. Others thought that such an approach was not essential, as the focus should be on ensuring sites can be delivered within the plan period, and because plans should be reviewed every five years in any event.

5.2 Those supporting the release of sites for development beyond the plan period focussed on large, strategic sites, setting out the following reasons:

- There is significant lead in times for the delivery of large-scale development such as urban extensions and new settlements;
- Some of the strategic sites may only deliver part of their allocation within the plan period. A longer period will allow more realistic delivery rates;
- Larger sites that are more able to deliver supporting infrastructure will be allowed to come forward;
- The Local Plan Review requirement only covers an additional 5 years beyond the current plan period, so the residual housing requirement may not be as significant. Housing to meet a relatively small additional requirement is unlikely to be the most sustainable strategy for meeting future housing needs;
- Allocating sites to come forward beyond the plan period will ensure continuity in the housing land supply; and
- The Strategic Growth Plan looks beyond the proposed plan period of 2036, so the Council should therefore look to allocate longer-term strategic sites that will run beyond the plan period.

5.3 However, there were some warnings that the allocation of such sites should not be used to ‘back load’ housing supply and the Local Plan should not rely on sites which are not going to begin delivering until towards the end of the plan period. Small to medium sites are

required to meet more immediate housing needs. Sites should not be allocated that will only deliver beyond the plan period and some sites may need to be prevented from commencing too early where there is insufficient infrastructure capacity.

- 5.4 There was concern that the Local Plan period may need to be extended further to enable the review to be completed and ensure a 15-year plan period from the date of adoption.

Council's response

- 5.5 A key provision of the Leicester and Leicestershire Strategic Growth Plan (SGP) strategy post-2031 and of relevance to North West Leicestershire is the Leicestershire International Gateway. Whilst the exact nature of this in terms of sites has yet to be determined, it will involve significant development. As noted by a number of representors, such developments have a long lead in time and also a long build out time. Therefore, if this element of the SGP is going to be satisfied then the Local Plan review will need to make suitable provision and it is inevitable that a proportion of this will occur outside of the review period. This would not represent a new approach as a number of the strategic sites included in the adopted Local Plan (notably south-east Coalville, Money Hill Ashy and Park Lane Castle Donington) are all currently projected to be completed post-2031.

**Question 6 - Are there any other ways that the plan can build in flexibility?**

Summary of Representations

- 5.6 Some were in favour of no further flexibility as national guidance focuses on the use of a buffer as a method of incorporating flexibility within the supply. Otherwise, there were several suggestions to how the Local Plan could build-in extra flexibility beyond a buffer allowance and reserve sites:
- A more permissive approach to housing development in rural areas. Proportional growth in villages is attractive to the market and smaller settlements should be allowed to grow to help them retain and improve local services and facilities, increasing sustainability for residents. Settlement envelopes should be reviewed or replaced by a criteria-based approach to housing development which provide for wider socio-economic benefits that outweigh any harm;
  - The authority should co-operate with others to identify the potential for highly sustainable new towns on greenfield sites;
  - There should be greater liaison with planning authorities in adjacent cities and counties to take account of the large amount of employment development in the district, in particular the Leicestershire International Gateway. Significant proportions of employees at sites in this general area will travel from closer locations outside the district and therefore not all need to be accommodated within North West Leicestershire. Much of the housing development taking place in Ashby de la Zouch is generating long-distance commuting, leading to increased dependence on car travel and poor sustainability;
  - Exception sites for self-build or custom-build housing. Promote other forms of housing e.g. prefabricated homes;
  - Increasing housing densities;
  - The use of phasing policies;
  - Allow sites to come forward for housing where large-scale employment land is given permission;
  - Allowing brownfield sites to come forward;
  - The Local Plan already has additional flexibility through windfall sites which are not included in the housing trajectory; and

- The retention of a mechanism to allow a rapid review in the event of changing local need as a result of, for example, revised household projections or clarification of the Leicester unmet need issue.

Council's response

- 5.7 The suggestions put forward are noted and will be considered as part of the drafting of the Local Plan.

## **MAKING SURE WE HAVE SUFFICIENT LAND FOR EMPLOYMENT**

### **Question 7 - Is the HEDNA an appropriate evidence base on which to formulate our employment land policies?**

Summary of Representations

- 7.1 There is a good level of support for using the HEDNA as the evidence base to support employment land policies. It is seen by many as representing the latest up-to-date evidence for employment requirements in North West Leicestershire. In particular:
- HEDNA looked at wealth of evidence, including population, household and economic growth projections, to assess the need for housing and employment land over the next 20 years;
  - Preparation included a Stakeholder Event to discuss the assessment, geography and methodologies, together with discussions with local estate, letting and commercial agents.
- 7.2 For some, whilst the HEDNA represents an adequate technical study to understand the minimum requirement for employment land, it should be used as a baseline position only and additional land should be allocated for the following reasons:
- Due to the loss of existing employment land to other uses. The net residual calculation should not over-simplify the range and quality of sites committed or available;
  - To reflect the opportunity for significant economic growth in the sub-region. Given the now relative policy disconnect between housing and employment land pursued in the 2018 National Planning Policy Framework, there are no compelling reasons to artificially curtail the market demand for new business growth; and
  - The supply of employment land needs to ensure that the requirements of the Leicester and Leicestershire Growth Plan are met.
- 7.3 One respondent was of the view that the employment land requirement of the HEDNA was over-stated and that it would give rise to excessive commuting.
- 7.4 There are concerns regarding the reliability of the HEDNA, and some believe that an updated study is required:  
The HEDNA is out-of-date for the following reasons:
- The HEDNA references a report by MDS Transmodal which was based on a 2014 evidence-base;
  - The latest evidence from the Office of National Statistics employee count data and self-employment data shows that the overall level of jobs located in North West Leicestershire has increased substantially;
  - The HEDNA was based on assumptions that were overly optimistic with the future supply of workers and overly-pessimistic regarding the future demands of employers;
  - The HEDNA could be over-taken with new technologies that may require a different assessment approach; and

- The area is short of office accommodation and smaller units.

The HEDNA underestimates need for the following reasons:

- It over-simplifies the need and demands for employment land and how economic investment is realised;
- It fails to address the relationships with employment land supply, need and demand in the West Midlands with which North West Leicestershire has a functional relationship;
- The evidence presented in HEDNA on the take-up of employment land is questionable, when compared to Valuation Office Agency data; and
- Its analysis and findings seem disconnected from market signals and drivers:
- Commercial agents suggest that the UK Logistics and Industrial Market Sectors remains robust with demand related to online retailing strongly underpinning the market;
- Lack of high-quality, prime industrial premises and logistical warehousing are placing considerable constraints on occupiers with upward pressure on rents and pricing; and
- There is a growing and evolving manufacturing sector and evidence of the blurring of the boundaries between B2 and B8 uses.

- 7.5 There were concerns about the HEDNA in relation to requirements for strategic B8 (units of over 9000sqm). However, the requirements for strategic B8 have been identified separately in the Leicester and Leicestershire Strategic Distribution Study 2014, which was updated in 2016. This is addressed in more detail by question 10.

Council's response

- 7.6 The views as to the appropriateness of the HEDNA were mixed. The Council has commissioned additional evidence regarding future employment land needs in view of concerns regarding the apparent conflict between the HEDNA requirements and what the market seems to want.

**Question 8 - Which of the options set out above would best address the outstanding need for employment land?**

Summary of Representations

- 8.1 *Option 1: Allocates sufficient sites to meet just the identified shortfall (i.e. for 100% office use)*

This option was supported by several parish councils and local amenity groups for the following reasons:

- It is the only option that would ensure enough office space and would be more acceptable to communities than more industrial uses;
- The other options are just an opportunity to have excessive development to fulfil the office requirements;
- The HEDNA has determined that the District does not require any further B1c/B2 or small B8 premises so there is no justification for including further allocations for such sites in the revised plan;
- This approach would provide greater certainty on the type and location of employment development but may result in allocations not being brought forward should if there is no demand for office space.

There was concern that this option would not provide the flexibility required to ensure that the total requirement for B1a/b uses along with other employment uses can be delivered up to 2036.

8.2 *Option 2: Allocate sufficient sites equal to the shortfall but do not restrict to B1a/b*

This option received a little support as it would allow the market to determine the appropriate employment land uses. There was also concern that this option would not provide the flexibility required to ensure that the total requirement for B1a/b uses along with other employment uses can be delivered up to 2036. Severn Trent expressed concern that this option would make it difficult to plan for any required capacity improvement, so there may be delays to development whilst infrastructure improvements are planned to accommodate the development.

8.3 *Option 3: Allocate sites that are more than the shortfall and require that any future development include a set amount of B1a/b floorspace*

For some this option best addresses the outstanding need for employment development within the district. Allocating enough employment land over and above the requirement will ensure flexibility in the supply should sites fail to come forward for development. It will also ensure competition in the market place. It would counter for the potential loss of existing B1a/b employment land to other uses.

There is concern that office space will be utilised for a different purpose in line with the main use of the development site, if there is insufficient demand for office space. This would result in the supply of office space not being met.

8.4 *Option 4: Allocate sites that are more than the shortfall but without any restrictions as to the type of employment use which would be allowed*

This option was supported by the development industry for its flexibility, including those that believed that the HEDNA underestimates employment land need:

- It provides flexibility in supply to respond to changing economic contexts, challenges and opportunities. Planning Policy cannot keep pace and is always going to be behind changes in the market as needs change and develop quickly. The classic example being how many people are employed in an automated warehouse compared to a coffee shop. The numbers can be similar, yet the land-take is hugely different;
- Employment will grow organically within areas if it has the flexibility to deliver market requirements;
- This option would help 'future proof' and ensure long-term soundness of the Local Plan;
- Current levels of employment land supply for smaller B8 units may change, with further land required;
- Current 'over-provision' of just 5.1 hectares could quickly turn in to a deficit;
- Supply figures do not consider potential losses to other uses (currently subject of a separate review). The estimated 10ha could further increase as a proportion of the employment supply is poor quality and in need of refurbishing. It is also unclear where losses in existing employment land may occur.;

- Being too restrictive on employment sites is unlikely to force the market to deliver. There would be a risk of losing potential jobs from the District to go elsewhere where flexible sites are available;
- Specific allocation for B1a/b uses is unnecessarily restrictive. The lower development and take-up of B1 a/b uses in North West Leicestershire suggest that the economic strengths and market preferences within the District lean towards other business activities.

However, there are concerns that the exclusion of B1a/b could see investment and jobs go elsewhere and that allocating land for employment without any restriction on future employment use could fail to meet the identified employment needs set out by the HEDNA. The lack of certainty about the type and scale of development would reduce Severn Trent's ability to plan for sewerage growth compared with the other options.

#### Council's response

- 8.5 To some extent the approach to be taken in response to this question will depend upon the outcome from the new employment land evidence which has been commissioned. However, whatever approach is taken needs to build in some flexibility; it would not be appropriate to seek to make provision for the exact need as circumstances will change. For this reason an approach which reflected option1 would not be appropriate. The remaining options have their merits and further consideration as to the appropriate approach will be given in due course.

### **Question 9 - Are there any other options that we could consider?**

#### Summary of Representations

- 9.1 A range of alternative approaches to the provision of employment land were put forward:
- Brownfield sites should be prioritised for employment land. Such an approach will support the regeneration of brownfield sites and will significantly contribute to the economic aspirations of the district and sub-region. For example, throughout the preparation of the 2017 Local Plan an option was pursued to support employment uses on former brickworks in the District. This was referred to broadly as the 'Brickworks and Pipeworks' policy. The tendency is for brownfield, former employment land to be identified for housing development, pushing new employment land onto greenfield. There is as much justification for brownfield to be re-used as employment land as there is for residential uses;
  - Re-use sites designated for alternative uses;
  - Locate employment sites alongside the Burton to Leicester Railway line;
  - Consider the quality of the existing employment land supply and identify those components which require upgrading. This approach would also give the Council better control over the location of new employment development and would reduce speculative development;
  - Look at empty shop units and changing them to office, research and development units helping to regenerate run down town centres;
  - There is support for a hybrid version of Options 3 and 4 although in different formats. Both require the allocation of employment sites that exceed the shortfall (and more than the HEDNA baseline), but differ regarding B1a/b uses:
    - Provide a supportive, but not stipulative, development management context for B1a/b uses;
    - Prescribe the amount of B1a/b floorspace to be provided within certain sites;

- Allocating additional B1a/b employment land across the East Midlands Gateway;
    - Interventions such as incentives and demand databases.
- 9.2 Local Plan Policy Ec2 (criterion 2) considers favourably proposals that meet an identified need for additional employment land that cannot be met from land allocated in the plan in unspecified, 'appropriate' locations. This, and Policy S3 para (s), were both added during the examination process as temporary measures to ensure soundness of the current plan. Several respondents took the opportunity to seek the removal of this provision, as once employment needs are identified and allocated, these sections, which make areas of the countryside vulnerable to development, are no longer required.

Council's response

- 9.3 Further consideration will be given to the ideas put forward in response to this question.
- 9.4 On the issue of reusing brownfield sites for employment purposes, this will be difficult to achieve from a commercial perspective owing to the cost of remediating sites and the need for a commercial return. It is for this reason that historically such sites tend to have been redeveloped for housing.
- 9.5 Whilst it is correct that earlier iterations of the Local Plan included policies relating to brickworks and pipeyards, these policies were considered necessary (at the time) as it was believed that the sites concerned were not the subject of restoration conditions and so there was concern regarding how the closure of these sites would be dealt with in policy terms. It was not the case that the policies were primarily concerned with seeking to retain the sites in some form of employment use.
- 9.6 The comments regarding policy Ec2 (criterion 2) are noted. To ensure sufficient flexibility it is likely that such a policy will still be required, although the actual wording will need to be looked at again.

**Question 10 - Is the Strategic Distribution Study an appropriate evidence base on which to formulate our strategic B8 employment land policies?**

Summary of Representations

- 10.1 Many agree that the minimum requirements set out in the Leicester and Leicestershire Strategic Distribution Study provide an appropriate starting point for strategic B8 employment land policies.
- 10.2 The total provision of strategic B8 across Leicester and Leicestershire is significantly in excess of the minimum requirements identified and this has led some wanting restrictions on further B8 growth and that it is only appropriate to provide for local needs.
- 10.3 There are some concerns that the level of economic activity in this area could fall significantly, so the study overestimates the need for B8 employment land.
- 10.4 Others believe that the conclusion that strategic B8 needs have been met, over-simplifies the need and demands within this sector and the key role that North West Leicestershire has in driving economic growth in the region, particularly in the large-scale B8 sector. Some believe that the Leicester and Leicestershire Strategic Distribution Study is becoming out of date in the dynamic market and should take account of:

- The exceptional supply from East Midlands Gateway, a nationally significant provision with specialist market focus and extraordinary unit sizes and land take;
- Both the Midlands Engine Strategy and the Leicester & Leicestershire Strategic Growth Plan highlight the potential for the sub-region and district to deliver strong growth in the logistics and distribution sector;
- The needs, demands and supply in West Midlands, a functionality related economic market area;
- The Leicester & Leicestershire Strategic Growth Plan sets out a requirement for a separate study relating to logistics and distribution- an up to date replacement of the Leicester and Leicestershire Strategic Distribution Study;
- The buoyant demand for new land that maximises the advantageous spatial location of North West Leicestershire demands further technical work that is specific to the district; and
- The Leicester and Leicestershire Strategic Distribution Study predates the NPPF (2018) which requires planning policies to address the specific locational requirements of storage and distribution operations at a variety of scales and suitably accessible locations. However, the Leicester and Leicestershire Strategic Distribution Study is not district-specific so does not meet this requirement.

One group highlighted the traffic implication of strategic B8 development.

Council response

10.5 See response after question 12.

**Question 11 - What should our preferred approach be to deal with strategic B8?**

Summary of Representations

11.1 *Option 1: Do not allocate any additional sites, as we have already met our need. We could, instead, have a general criteria based policy.*

There is only limited support for this option. This option is regarded as untenable given the scale and nature of need and demand, others oppose a general criteria policy as it will lead to inappropriate development in unsuitable locations.

11.2 *Option 2: Identify sites with permission and have a presumption of renewal.*

This option is supported by those that believe that enough B8 land has already been allocated and there is a need to protect the countryside. Others support Option 2, but sites need to be continually monitored for ongoing suitability and availability. There would need to be a buffer applied (e.g. 20%).

Those opposing Option 2 believe that it would be wrong to assume delivery of longstanding planning permissions or presume in favour of renewal of permissions as known problems and/or new evidence might point to alternative uses.

11.3 *Option 3: Allocate more sites for strategic B8 due to current market demand.*

Given the level of unmet need for strategic B8 sites to 2036 and the identified attractiveness of North West Leicestershire for such uses, developers believe that there is a clear case for allocating further sites for strategic B8 uses. This would align with wider growth strategies and address the requirement in the NPPF to recognise the needs of the logistics sector. In addition, some believe that the Local Plan Review should be sufficiently flexible to allow the

delivery of strategic B8 floorspace in appropriate circumstances and where certain criteria are met, for example on sites which are allocated for other employment/commercial uses. There is concern that Option 3 risks the over-development of the district as a location for warehousing.

Council response

11.4 See response after question 12.

**Question 12 - Are there any other options that we could consider?**

Summary of Representations

12.1 A small number of alternative options have been suggested:

- A hybrid option of ii and iii would allocate more sites for strategic B8 uses on the basis of the evidenced, high market demand in both North West Leicestershire and the wider-sub region. Maintaining the presumption in favour of employment uses on current allocations and permissions would work alongside this option;
- If permission lapses for any reason, consideration should be given to increasing the amount of office and mixed employment land as there is an oversupply of distribution sites;
- Brownfield sites should be prioritised for strategic B8 land. Such an approach will support the regeneration of brownfield sites and will significantly contribute to the economic aspirations of the District and sub-region. Throughout the preparation of the 2017 Local Plan an option was pursued to support employment uses on former brickworks in the District; and
- Sites with access to a rail head are preferred, reducing the need for larger traffic movements. There is still too much concentration on the road network for freight transport and intermodal rail warehousing locations should be proposed in conjunction with other authorities on a regional basis. Sustainable rail should be a key objective of any planning policy relating to warehousing and distribution.

Council's response

12.2 A new Strategic Distribution Study for Leicester & Leicestershire is in the process of being commissioned. Until the outcome from this study is known it would be premature to consider what would be the appropriate approach to take. This issue will be considered at some future time when the study is completed.

**SHOULD WE CHANGE THE SETTLEMENT HIERARCHY?**

**Question 13 - Do you agree that the settlement hierarchy policy should be amended so as to allow for some development in small villages where it can be demonstrated that it is to meet the needs of somebody with a local connection?**

Summary of Representations

13.1 There was broad support for the proposed change with a single objection from Ashby Civic Society. There were some reservations though:

- The change should not undermine the focus on sustainable settlements and put the plan at risk by leading to unsustainable patterns of development;
- Development should be small-scale and the cumulative impact should be controlled; and
- It must be demonstrated that sustainable service and infrastructure capacity is available.

- 13.2 Some representations were seeking other changes to the settlement hierarchy, including:
- A new village option;
  - Ashby de la Zouch should be a higher order settlement than Castle Donington;
  - Coalville Urban Area should include Ellistown;
  - Whitwick should not form part of the Coalville Urban Area;
  - Ibstock to be classified as a Key Service Centre;
  - More growth should be directed to smaller settlements e.g. Breedon on the Hill and Ravenstone; and
  - Redefine hierarchy depending on location of future employment growth.
- 13.3 There was also a suggestion that the settlement hierarchy should be reviewed to take account of:
- Planned growth;
  - The impact that development has already had on communities in terms of their identity and physical characteristics;
  - Changes in service provision; and
  - Greater weight should be given to access to broadband.

#### Council's response

- 13.4 It is agreed that if the approach proposed as part of the consultation is taken forward that it should not undermine the sustainability of the plan by creating an unsustainable pattern of development. However, the suggested approach also seeks to provide for some form of social sustainability and so it is a matter of balancing the different sustainability aims against each other.
- 13.5 The issue of sustainability will be addressed through the Sustainability Appraisal. It will be necessary, therefore, to take forward the option of changing the settlement hierarchy as proposed in the consultation for testing through the sustainability appraisal process, alongside the other options set out in the consultation. However, at this stage it is considered that in principle, this should be the Council's preferred approach.

### **Question 14 - Do you agree with the suggested criteria for identifying somebody with a local connection? Are there any additional criteria which should be included?**

#### Summary of Representations

- 14.1 There was a more mixed response to the proposed criteria, with several additional or amended criteria proposed:
- Those with permanent employment in the district or anyone employed in the village for more than two years;
  - A close family member should include grandparent/grandchild;
  - Residents of the area of North West Leicestershire for 6 of the last 12 months;
  - Residents of the district for 2 of the last 5 years;
  - Residents of the district with an essential need to provide support for a close family member (who have been resident for the last 5 years); and
  - Those with close relatives or carers living in the district (who have been resident for the last 5 years).
- 14.2 Some representors thought that the criteria were unnecessary or too restrictive for the following reasons:
- The small villages are sustainable locations for development, with their own services, facilities and amenities. Increased development helps to support these local

communities and ensures that they do not endure the problems associated with an ageing population and the closure of the existing facilities within the village;

- The criteria should be the same as the housing register and/or self-build register;
- The restrictions will make it difficult to secure a mortgage;
- Local connection criteria are difficult to enforce and open to abuse;
- This is more akin to an affordable housing restriction which would normally be sought through a S106 mechanism; and
- Restricting occupancy to those who have been located within the parish for at least 10 years significantly limits the number of households who may benefit.

14.3 There was support for a planning obligation restricting initial occupancy to a period of at least three years and ensuring that the dwelling remains available to somebody who meets the local connections criteria in perpetuity. However, one representor felt the 'In perpetuity' requirement to be unreasonable and should be relaxed if the owner has demonstrated over a reasonable time that he has been unable to sell the property subject to this obligation at its market value.

14.4 In terms of policy presentation, some felt that the detailed criteria were unsuited to a strategic policy and the requirements should be set out in a separate development management policy alongside those dealing with housing needs, affordable housing and self-build.

#### Council's response

14.5 In terms of the suggested changes to the criteria put forward in response to the consultation, it is considered that these would generally weaken the proposed approach as they would either lessen the time that a person would have to be resident or it would widen out the area of existing residency.

14.6 In terms of the inclusion of a category regarding employment status, the small villages have limited employment opportunities. Therefore, such a category would have to apply to somebody employed somewhere within the district. In theory, therefore, this could allow for somebody working in Kegworth satisfying the local connection criteria to be able to live in Swepstone, even though they are at opposite ends of the district. It is considered that this would run contrary to the intention of ensuring that development in small villages is to meet a genuine local need.

14.7 Turning to whether the criteria were unnecessary or too restrictive, it is not accepted that small villages are sustainable, they have very limited services and facilities and so it is inevitable that most journeys will have to be made by private car. A local connection test is concerned with a person's relationship to a specific area rather than the issue of affordability. Therefore, using the same criteria as those for the housing register would not be appropriate. The criteria for the self-build register are very general and would, once again, weaken the proposed approach.

14.8 There may be some merit in setting out what constitutes a local connection in a separate policy rather than as part of the settlement hierarchy. This matter will be considered further.

**Question 15 - Are there any other options which we should consider if we are to address local needs? Do you agree with our assessment of these options?**

Summary of Representations

- 15.1 There were relatively few, relevant comments on these options perhaps because respondents were not invited to identify their preference.
- 15.2 There was a suggestion to extend the 'local needs' provision to include hamlets, but this is not a widely-held view.
- 15.3 There were several broader comments relating to the relationship between the 'local need' provision and affordable housing policy:
- There is some concern that few people who are in demonstrable local need and unable to purchase a suitable property will be able to satisfy their own housing need;
  - One representor has suggested that the District Council should identify local housing needs and allow the market to deliver that need, either as part of an affordable housing scheme or market housing scheme;
  - Restricting the level of development to single dwellings only is unnecessarily prohibitive;
  - The Council needs to re-evaluate its affordable housing policies to ensure these are suitably reflective of the revised NPPF; and
  - Housing needs should reflect the requirements of the local population, including supported housing for the elderly.

Council's response

- 15.4 It would not be appropriate to extend the local connection approach to hamlets as these settlements have no services or facilities and so it is inevitable that most journeys will have to be made by private car.
- 15.5 The proposed approach is a permissive one which seeks to support proposals where a need can be demonstrated which accords with the policy. It would be beyond the scope of the local plan to seek to identify all those who may be in such need, either now or at some future date.
- 15.6 As noted above a local connection test is concerned with a person's relationship to a specific area rather than the issue of affordability. It is not the purpose of the policy to test the ability of somebody to meet their own needs. The issue of affordable housing is dealt with through other policies.
- 15.7 Assuming that the review includes changes along the lines outlined in the consultation, it is recognised that further work will be required on some of the details and these may be best expressed through a separate policy and/or a Supplementary Planning Document. There will also need to be provisions to ensure that the repeated application of the policy does not lead to unsustainable patterns of development or development in locations poorly served by infrastructure. There are overlaps with self-build and affordable housing policy that need to be addressed.

## WHERE WILL NEW DEVELOPMENT GO?

### Question 16 - Is this general approach to site assessment methodology an appropriate one?

#### Summary of Representations

16.1 There is a good level of support for the proposed approach to site assessment. There were only three objectors:

- Whitwick Parish Council;
- Quarry Plant and Industry is concerned about the application of a 'policy-on' screen in the first instance and would like to see all sites given equal status during the assessment and Sustainability Appraisal process to assure parity and to avoid the miss-application of the spatial strategy; and
- IM Properties were of the view that the process should be informed by the Leicester and Leicestershire Strategic Distribution Study which identifies Key Areas of Opportunity.

16.2 There were others who, while supporting the broad approach to site selection, had concerns. In terms of the administration of the process, some felt that the Options Paper does not provide clear guidance on the approach to site assessment. A paper outlining further details to the site selection process has been suggested with further opportunity for comment to ensure a transparent process.

16.3 There were also comments on the key steps in the site selection process:  
Sites to be put forward for consideration by landowners and developers through the call for sites:

- There is a concern that this approach is currently too dependent on developers bringing forward sites.

Review of the 'long list' of sites against a site of high-level criteria, removing those which are unsuitable.

- Some feel that some good, sustainable sites may be lost prematurely if they are sieved out before a more extensive assessment is carried out. There was a suggestion that for those sites that do not make the short-list, there should be an opportunity for landowners/developers to supplement the evidence base for the Local Planning Authority to review.

The suitability, availability and deliverability of those sites remaining in the assessment is assessed in more detail against a set of agreed criteria.

- Issues have been raised over the technical evidence available to support the site selection process. Sites should be tested against an up-to-date review of constraints, for example the Green Wedge and Area of Separation. One representor feels that viability issues have not been properly assessed in the past citing the Cameron Homes' development off Church Lane in Ravenstone as an example where a contribution towards much needed affordable housing should have been made.

The assessment of suitable sites' potential contribution to a sustainable development strategy.

- It is important that the strategy for the spatial distribution of development is established prior to site assessment. In this regard, many representations continue to seek changes to the settlement hierarchy;
- The Leicester and Leicestershire Strategic Growth Plan impacts upon the spatial hierarchy. In devising its strategy for the spatial distribution of development, the

- Council needs to consider the quantum of development to be apportioned to the northern part of the district;
- Ashby de la Zouch should be a higher order settlement compared with Castle Donington;
  - No further sites in Ashby should be included as Ashby has received far more than its fair share of allocations in the current Local Plan;
  - Coalville should remain at the top of the spatial hierarchy;
  - Development of Coalville as the principal centre is supported by Council policies, but not reflected by developer aspirations for growth at Ashby de la Zouch;
  - Consideration should be given not just to allocating more development land on the edge of Coalville but to the supporting role that surrounding settlements in the catchment can provide including Local Service Centres such as Measham. The identification of both Ibstock and Heather as sustainable locations for further development would be supported in that light;
  - Emphasise the importance of Duty to Co-operate with neighbouring authorities and give weight to the sustainability of potential development sites when consideration of their wider setting (including services and facilities outside of North West Leicestershire) e.g. Blackfordby;
  - The availability of suitable sites should shape the locational strategy;
  - More growth should take place in Sustainable Villages; and
  - The new Local Plan should provide for a portfolio of sites, including strategic sites developing beyond the plan period, along with smaller sites.

Council response

16.4 See response after question 17

**Question 17 - Are there any specific criteria that we should include when assessing sites?**

Summary of Representations

17.1 Assessing the suitability, availability and achievability of sites including whether the site is economically viable, will provide the information on which judgements can be made as to whether a site can be considered deliverable over the plan period. Respondents highlighted the following factors in assessing a site's suitability for development:

Transport:

- The achievability of a safe and suitable access to the site from the public highway. There is concern that the County Council's approach to traffic planning is unacceptable and that the impact of development on highways needs to be realistically assessed. Despite Highway Authority and national criteria, new development cannot reasonably be accommodated where there are existing narrow village lanes and on-street parking problems;
- Sustainable transport options are limited. Bus services in North West Leicestershire are poor and getting worse;
- Proximity to jobs and key facilities (shops, schools etc) that would support sustainable movement patterns; and
- Raise questions about deliverability of sites with permission in Measham as a result of uncertainty regarding HS2.

The Council should consider how sites perform in terms of their relationship to existing services and facilities, together with strategic infrastructure:

- It is right to focus essential house-building on the larger population centres but even in the towns, the infrastructure is inadequate. The rate of growth is not commensurate with an increase in facilities. Schools are overcrowded, shops are of limited range and appeal and other facilities in a town like Ashby-de-la-Zouch have been reduced, not increased. e.g. loss of courts, hospital, stand-alone Post Office, police-station, distinguished individual shops, movement of major health centre out of town. Coalville has also lost representatives of major shopping chains and is poorly served by retail facilities;
- Services should have the capacity to meet needs that an increased population will require for e.g. medical, police and welfare needs; and
- The Department for Education advises that local planning authorities should take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of communities and that LPAs should give great weight to the need to create, expand or alter schools to widen choice in education. The next version of the Local Plan should therefore seek to identify specific sites which can deliver the school places needed to support growth, based on the latest evidence of identified need and demand in the Infrastructure Delivery Plan.

Substantial weight should be given to the value of using suitable brownfield land. Encourage sites that re-use brownfield land, such as the former Heather brickworks. Consideration should also be given to the redevelopment of sites which provide an opportunity to improve their overall quality and appearance.

North West Leicestershire has a significant coal mining legacy including over 900 mine entries. The Coal Authority expect criteria to be included to ensure that full consideration is given to past coal mining legacy and surface coal resource.

Avoid sites that are at risk of flooding, taking into account new Climate Change predictions and updated modelling of the River Trent. Based on the predominant geology of Leicestershire the viability of infiltration to manage surface water drainage is limited. Surface water should be discharged via infiltration or to a watercourse prior to considering a connection into a surface water sewer or as a last option combined sewer. Where a sustainable outfall such as a watercourse can be utilised the impact on the sewerage infrastructure is greatly reduced, resulting in more sustainable and appropriate development. Severn Trent would therefore like to see development proposals that have access to sustainable surface water outfalls.

Landscapes including landscape features:

- Development should avoid Best & Most Versatile Land (BMV) where possible;
- There should be no adverse impact on protected landscapes;
- Regard should be had for the retention of settlements as distinct towns and villages with green space in between, for example retention of the Area of Separation. Others feel that the existing Area of Separation, in whole or in part, could be released for development; and
- Where possible sites should respect limits to development.

Nature conservation:

- There should be no adverse impact on any designated nature conservation sites;
- Encourage sites that can demonstrate a net biodiversity gain; and

- Consideration on the potential impact on the River Mease Special Area of Conservation should we considered as part of any specific site assessment criteria.

Criteria should be included to ensure that sites should be assessed in relation to potential harm to heritage assets, both designated and non-designated, and their settings. In particular, proximity should not be used as a gauge of harm or impact as impact upon the setting of assets can occur from a great distance.

Recreational and environmental benefits, including their role in terms in health and wellbeing, should be included.

Need to consider Neighbourhood Plans, including the recently 'made' plan in Ashby de la Zouch.

- 17.2 The methodology should enable differences between sites in the same settlement to be recognised – all too often assessment criteria are based too heavily on factors which affect a whole settlement, which does not allow sufficient differentiation between sites to be established.
- 17.3 A site is considered available for development, when, on the best information available there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell.
- 17.4 Regard should also be had for a site's ability to deliver and the timescales in which they can deliver. Realistic approaches to delivery are essential for the Local Plan to be found sound and effective – especially strategic sites, which can often fail to deliver. A market perspective on suitability and deliverability of sites is essential.
- 17.5 One respondent is concerned that communities are becoming sprawled masses with a decreased sense of community and an increased likelihood of loneliness and isolation. There is a decreased experience of well-being amongst long-standing residents, as their home becomes a less attractive and intimate place to live.

Council's response

- 17.6 The Local Plan will need to allocate some land for development, but it is not clear as to exactly how much at this time. There will need to be clear methodology to guide this process, with the starting point being the development strategy. The comments made in response to these questions will be borne in mind as part of the development of a methodology.

## HOW SHOULD WE MEET THE NEEDS FOR SELF AND CUSTOM HOUSE BUILDING?

### Question 18 - Should we include a specific policy on self and custom build?

#### Summary of Representations

- 18.1 There is broad, but not universal, support for the inclusion of a self and custom build policy within the revised Local Plan. The demand for 44 plots to be permitted by 2021 is not considered by some to be significant or have implications for infrastructure delivery. There should be regard to the locational requirements of those in the register. One respondent is of the view that the demand is over-stated and that not all have the means to develop self or custom build homes.

#### Council's response

- 18.2 See response after question 20.

### Question 19 - Which of the options do you prefer and why?

#### Summary of Representations

- 19.1 The options that seem to have most support are:
- A flexible policy which enables the delivery of individual plots in appropriate locations. For example, a rural exception site type policy to accommodate the need for self and custom build homes;
  - Infill plots within sustainable settlements;
  - The allocation of small sites in locations linked to where self-builders are searching. Smaller scale sites of 10-30 dwellings are considered optimum from a construction management perspective. Dwellings on such sites would contribute to housing supply without placing the delivery of housing on other sites at risk. The identification of smaller sites would also accord with the NPPF which requires Local Planning Authorities to provide 10% of the total housing allocation on sites of no more than 1 hectare;
  - Self-builders should collaborate on the identification of an agreed site;
  - The Council should encourage the delivery of community based self-build through Neighbourhood Plans and consider whether there is a need for the allocation of self-build only sites where proven to be required and deliverable. It helps to build communities rather than increase hostility and division, if plans for such house-building are generally accepted by residents and included in an agreed future vision for the locality. Houses built to an individual specification can add to the variety of the housing provision and be more tailored to individual and community needs and also be more visually attractive. However, neighbourhood plans should not be used to add additional burdens to sites already allocated in the Local Plan; and
  - No inherent objection to Council using its own land for self-build plots but it seems that the Council already have concerns with adopting this approach and as such it is not clear whether it can be considered practical. The priority for the development of Council land should be affordable housing.
- 19.2 There was little support for the application of a self and custom build percentage on allocated housing sites for the following reasons:
- This policy approach merely serves to change housing delivery from one form of house building to another, without any consequential additional contribution to boosting housing supply;

- There are also practical issues that should be given careful consideration, including health and safety implications, working hours, length of build programme and associated long-term gaps in the street-scene caused by stalled projects;
- Could compromise the delivery of larger schemes which are required to come forward in line with a masterplan or phasing requirements;
- Take-up is not assured which will lead to developments yielding incomplete capacity and put more pressure on the need for additional allocations;
- The demand for such plots does not justify self-build plots on bigger housing development sites;
- It is unclear if this approach would be desirable for self-builders who generally do not want to live on a housing estate;
- Self and custom build developments are exempt from Community Infrastructure Levy; and
- Following objections to the Blaby Local Plan Part 2 Main Modifications, the Inspector deleted the requirement to provide a proportion of self-build/custom build plots on a large housing allocation.

Council response

19.3 See response after question 20.

**Question 20 - If a percentage approach is supported, what threshold and percentage would you apply and why?**

Summary of Representations

20.1 Given the lack of support for this option there were very few responses. The only suggested threshold for a percentage requirement was 25 dwellings. The suggested percentage requirement was in the range 1-3%.

Council's response

20.2 The option of requiring the provision of a certain amount of plots for self and custom build as part of general market development has been advocated in some local plans and the response of Inspector's has been mixed. For example, the Inspector at Blaby rejected a requirement of 5%, whilst the Inspector at Melton accepted the same figure. Similarly at Rushcliffe the Inspector has recommended deletion of that part of the policy which specified that provision be made on sites of 10 or more dwellings as not being justified.

20.3 A number of representors (primarily those in the development industry) note there are a number of practical issues with such an approach, including

- Plots could be left undeveloped if lack of demand, or slow housing delivery down;
- Timescales for development may not match;
- Phasing issues;
- Health and Safety implications; and
- Build programming, working hours etc.

20.4 It is considered that the lack of consistent support from Inspectors, together with practical issues with the application of such an approach, means that such an approach should not be taken forward as part of the Local Plan review. Other options will be explored and be the subject of a further report in due course.

**Question 21 - Should the Council allocate sites for self and custom housebuilding properties only and/or seek to identify opportunities for self and custom plots as part of allocated housing sites?**

Summary of Representations

- 21.1 In line with previous answers, there is some support for the allocation of self and custom housebuilding sites of an appropriate scale in locations where self-builders are actively looking for plots. There were some additional observations:
- Any sites offered for self-build must be assured for completion, so that they contribute in a meaningful way to housing volumes;
  - A small site of perhaps up to 10 plots might be viable;
  - Self-builders may not want to live in the area that is made available;
  - Allocations should only be made with the agreement of the landowner and mechanisms should be included to release such sites if such delivery is ineffective; and
  - Survey those on the register to ascertain what percentage would welcome an opportunity for a plot on an allocated housing site.

Council response

- 21.2 See response after question 23

**Question 22 - Should the occupation of these 'allocated' plots be restricted, in the first instance, to those on the Council's self and custom build register?**

Summary of Representations

- 22.1 There was support for this proposal for the following reasons:
- The established need arises through the register; and
  - To open up the availability of plots to a wide audience may lead to them being taken up by 'outsiders'.
- 22.2 A small number were against such restrictions and wanted plots to be made available to anyone who intends to build a self or custom-built home. One respondent wanted plots to be made available on merit to promote building innovation, sustainable homes etc.

Council response

- 22.3 See response after question 23

**Question 23 - Are there any other options we should consider?**

Summary of Representations

- 23.1 There were very few additional options suggested for the delivery of self and custom build. There was a suggestion for a criteria-based approach to such developments and the promotion of self-build opportunities through public workshops.

Council response

- 23.2 There is no requirement for a Local Authority to have local plan policy addressing the issues of self and custom housebuilding. The Planning Practice Guidance on Self Build and Custom Housebuilding only states that local authorities could include policies in their local plans for self and custom housebuilding. Furthermore, there is nothing set out in legislation or guidance that says that self and custom build applications should be treated any differently to applications for housing. Applications for self and custom build properties

are therefore expected to comply with general housing policies in the Local Plan, such as settlement hierarchy and the location of new housing development.

- 23.3 From the consultation there is clearly some support for having policies in respect of self and custom build. Notwithstanding the lack of guidance in national policies it is considered that there would be merit in addressing self and custom build through some form of policy (or policies).

## **HOW CAN THE LOCAL PLAN HELP TO ADDRESS ISSUES RELATING TO HEALTH AND WELLBEING?**

### **Question 24 - Should we include a policy (or policies) to address health and wellbeing issues as part of new development?**

#### Summary of Representations

- 24.1 There is a good level of support for the inclusion of a health and wellbeing policy. Several organisations, including the Canal and River Trust, Historic England and Natural England, explain how their areas of responsibility contribute to healthy communities. There are suggestions for what such a policy should include:
- Waterways
  - Cycle lanes and footpaths
  - Heritage
  - Green infrastructure
  - Economic wellbeing
- 24.2 Several representations, mainly from the development industry, feel that a separate policy may not be necessary:
- The example policy, as drafted, duplicates many components of existing Local Plan policies or processes. For example:
    - Health impacts can be adequately assessed through the Plan making process, by considering the most appropriate location of development to aid healthy lifestyles and access to appropriate health and well-being services;
    - Design policies can build in adequate provision to ensure the design and layout of development gives due consideration to health issues;
    - Policy IF3 : Open Space, Sport and Recreation Facilities; and
    - Policy En1 : Nature Conservation
  - Such a policy should only be included if there is an evidenced need and that it would have demonstrable impacts on the health of residents;
  - Any such policy should be proportionate and not place undue requirements on new developments;
  - Early engagement with NHS England and other relevant stakeholders will provide greater impact than a broad policy; and
  - Any requirement would need to be:
    - Necessary to make the development acceptable in planning terms;
    - Directly related to the development;
    - Fairly and reasonably related in scale and kind to the development.

- 24.3 One respondent is of the view that health and wellbeing issues should be addressed through the pre-application process, as requirements are likely to vary on a site-by-site basis. In the event that a Health Impact Assessment be required, this can be scoped as part of the pre-application process. There needs to be a clear strategy, or guidance to how new developments are expected to contribute towards health and wellbeing.

Council's response

- 24.4 See response after question 25.

**Question 25 - Should we have a strategic policy which would support the health and wellbeing of North West Leicestershire's residents?**

Summary of Representations

- 25.1 There was a range of similar comments, but broad support for a strategic policy that linked health and wellbeing to other Local Plan policies such as green infrastructure, sustainable travel, community facilities, green spaces, sports and recreation opportunities, nature conservation, heritage and countryside.
- 25.2 The effectiveness of a strategic policy could be difficult to quantify, however an overall strategic objective for supporting local health and wellbeing of local residents through various initiatives, allows flexibility to trial different measures that can be monitored to identify their impact.

Council's response

- 25.3 The link between planning and health has been long-established. The built and natural environments are major determinants of health and wellbeing.
- 25.4 The NPPF recognises the important role that planning can take in helping to address health related issues associated with new development. It notes that the social objective aspect of sustainability requires the planning system to "*support communities' health, social and cultural well-being*". The Planning Practice Guidance states that "*Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making*". Therefore, the inclusion of some form of overarching approach would be appropriate.
- 25.5 The need for evidence to justify any policy is recognised. The Council's Health and Well Being Strategy and associated work will assist with this.

**Question 26 - Do you support the use of a Health Impact Assessment Screening Statement to demonstrate the potential impact of a proposal, and to identify whether a more in depth Health Impact Assessment is required?**

Summary of Representations

- 26.1 There is some support for the requirement for a Health Impact Assessment Screening Statement to identify whether a more in depth Health Impact Assessment is required. For some developers that was preferable and more proportionate than requiring all development to provide a Health Impact Assessment. Other developers were against the principle of such an approach for the following reasons:
- It is not the place of the Local Planning Authority to identify whether a development proposal is 'healthy';
  - It is unlikely that a valid refusal of planning permission could be justified; and

- Health Impact Assessment is an integral part of the Strategic Environmental Assessment, so health and wellbeing factors are embedded in the Local Plan's policies. A Health Impact Assessment should only be required if development falls outside of the parameters set by the Local Plan's policies and where there would be significant adverse impacts.

Council's response

26.2 See response after question 27.

**Question 27 - If we required a Health Impact Assessment what threshold should be used above which a Health Impact Assessment would be required?**

Summary of Representations

27.1 The suggested thresholds were in a range from 20 dwelling upwards. Some felt that the need for a Health Impact Assessment should be determined on a case-by-case basis as part of the pre-application process or in accordance with a Supplementary Planning Document. One representation wanted the requirement for a Health Impact Assessment to include take-away outlets and out-of-town retail developments.

Council's response

27.2 Whilst it is the case that major developments which are of a scale that requires a Strategic Environmental Appraisal will specifically address health issues, this does not apply to the majority of planning applications. The Council's Health and Well-Being Strategy offers some support for the use of Health Impact Assessments to address such matters.

27.3 In principle it is considered that there should be some means to be able to adequately enable the assessment of the potential impact upon health related matters arising from proposed developments. Any requirement needs to be proportionate to avoid unnecessary time and expense to applicants and a Health Impact Assessment Screening Statement provides such a possible method as it is a systematic way of deciding whether a full HIA is required.

27.4 Taking forward any Health Impact Assessment requirement will have resource implications for the Council and it is likely that there will be a need for some input from external health agencies. Further work will be undertaken to explore how this might be done and develop more detailed policies for consideration at a later date.

**Question 28 - Would you support the inclusion of a policy which would restrict further take away uses within a specific distance of the boundary of a school?**

Summary of Representations

28.1 Most of those expressing an opinion did not support restrictions on further take-away uses within a specific distance of a school. They took the view that it should be a matter of personal choice, market forces and/or food education. One representation supported restrictions, but it was primarily the responsibility of schools to provide attractive, nourishing meals that are served quickly and at reasonable cost.

Council's response

28.2 See response after question 30.

**Question 29 - If yes, what evidence do you have to support this approach? What specific distance would you suggest and why?**

Summary of Representations

- 29.1 There was little response to this question, with the suggested exclusion distance being in a range from 100-800m. Evidence was limited to personal observations and national statistics identifying childhood obesity as one of the most serious public health challenges.

Council's response

- 29.2 See response after question 30.

**Question 30 - Are you aware of any evidence that demonstrates health issues suffered by residents within the district that would justify a restriction on further take away uses?**

Summary of Representations

- 29.3 Some respondents referred to national and district obesity statistics. There are a number of studies linking frequent use of takeaway food to obesity, coronary heart disease and type 2 diabetes.

- 29.4 Specific issues in Ashby de la Zouch were identified:

- Children can be seen purchasing take-aways on the way to school, lunchtime and on their way home;
- There are outlets in Market Street well within reach of the secondary schools and which attract strong custom (evidenced by inconsiderate parking) in the early evenings; and
- The McDonalds restaurant and other outlets at Flagstaff Island services attract children who walk from the town to cross the busy dual carriageway at the A511.

Council's response

- 29.5 Whilst there was limited support for including a policy which seeks to control the number and type of takeaway uses the Planning Practice Guidance advises that local authorities can have policies "*which limit the proliferation of certain use classes in identified areas*". It goes on to suggest that this can include having regard to "proximity to locations where children and young people congregate" and "*evidence indicating high levels of obesity, deprivation and general poor health in specific locations*".

- 29.6 At this time it is proposed to take forward a recommendation of the Council's Health and Well-Being Strategy for an internal officer group to look at and understand better where fast food outlets are or can be located and from this to develop Local Plan policies, if considered relevant.

## Summary of Number of Responses to Emerging Options Consultation

Question	Number of responses
Question 1 - Should the plan build in a flexibility allowance?	33
Question 2 - If we build in flexibility should the plan include a 'buffer' to the housing requirement figure when deciding how much land to allocate for new housing or should we identify reserve sites?	34
Question 3 - If we were to include a 'buffer' what would be an appropriate figure?	33
Question 4 - If we were to identify reserve sites under what circumstances should sites be released?	30
Question 5 - Should the review build in the potential for sites to be developed which go beyond the end of the plan period?	31
Question 6 - Are there any other ways that the plan can build in flexibility?	26
Question 7 - Is the HEDNA an appropriate evidence base on which to formulate our employment land policies?	18
Question 8 - Which of the options set out above would best address the outstanding need for employment land?	19
Question 9 - Are there any other options that we could consider?	15
Question 10 - Is the Strategic Distribution Study an appropriate evidence base on which to formulate our strategic B8 employment land policies?	15
Question 11 - What should our preferred approach be to deal with strategic B8?	18
Question 12 - Are there any other options that we could consider?	9
Question 13 - Do you agree that the settlement hierarchy policy should be amended so as to allow for some development in small villages where it can be demonstrated that it is to meet the needs of somebody with a local connection?	35
Question 14 - Do you agree with the suggested criteria for identifying somebody with a local connection? Are there any additional criteria which should be included?	14
Question 15 - Are there any other options which we should consider if we are to address local needs? Do you agree with our assessment of these options?	20
Question 16 - Is this general approach to site assessment methodology an appropriate one?	38
Question 17 - Are there any specific criteria that we should include when assessing sites?	36
Question 18 - Should we include a specific policy on self and custom build?	25
Question 19 - Which of the options do you prefer and why?	27
Question 20 - If a percentage approach is supported, what threshold and percentage would you apply and why?	15
Question 21 - Should the Council allocate sites for self and custom housebuilding properties only and/or seek to identify opportunities for self and custom plots as part of allocated housing sites?	21