

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

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

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

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

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

## 2.0 HOUSING - SELF-BUILD AND CUSTOM HOUSEBUILDING

### Background

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

### Summary of responses

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

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

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

### Considerations

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

### 3.0 HOUSING-SPACE STANDARDS

#### Background

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

#### Summary of responses

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

#### Considerations

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

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

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

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

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

#### **4.0 HOUSING - ACCESSIBLE AND ADAPTABLE HOUSING**

##### Background

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

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

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

##### Summary of responses – Question 8

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

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

#### Summary of responses – Question 9

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

#### Considerations (Questions 8 & 9)

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

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

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

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

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

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

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

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

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

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

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

Paragraph 76 confirmed that:

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

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



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

## **5.0 HEALTH AND WELLBEING**

### Background

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

### Summary of responses

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

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

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

### Considerations

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

## **6.0 HEALTH IMPACT ASSESSMENTS**

### Background

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

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

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

### Summary of responses – Question 17

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

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

#### Summary of responses – Question 18

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

#### Considerations

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

## 7.0 RENEWABLES AND LOW CARBON

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

### Wind Energy and Solar Energy

#### Background

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

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

#### Summary of responses

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

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

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

#### Considerations

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

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

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

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

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

## **Energy Efficiency**

### Background

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

### Summary of responses

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

### Considerations

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

## **Reducing Carbon**

### Background

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

### Summary of responses

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

### Considerations

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

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

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

## **Overheating**

### Background

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

### Summary of responses

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

### Considerations

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

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

### **Demonstrating that new development is addressing climate change**

#### Background

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

#### Summary of responses

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

#### Considerations

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



## **Reducing Carbon Emissions**

### Background

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

### Summary of responses

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

### Considerations

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

## **Water Efficiency**

### Background

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

#### Summary of responses

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

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

#### Considerations

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

## **8.0 OTHER MATTERS**

### Background

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

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

#### Summary of responses

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

8.4 The comments can be categorised as follows:

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

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

#### Considerations

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

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

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

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

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Developing a clean and green district  Local people live in high quality, affordable homes  Our communities are safe, healthy and connected
Policy Considerations:	None
Safeguarding:	No issues identified
Equalities/Diversity:	An Equalities Impact Assessment of the Local Plan review will be undertaken as part of the Sustainability Appraisal.

Customer Impact:	No issues identified
Economic and Social Impact:	The decisions, of themselves will have no specific impact. The Substantive Local Plan Review as a whole will aim to deliver positive economic and social impacts and these will be recorded through the Sustainability Appraisal
Environment and Climate Change:	The decisions, of themselves will have no specific impact. The Substantive Local Plan Review as a whole will aim to deliver positive environmental and climate change benefits and these will be recorded through the Sustainability Appraisal.
Consultation/Community Engagement:	The report considers those responses made to the latest round of public consultation. Further consultations will be undertaken as the Local Plan progresses. The consultation arrangements will be governed by requirements in the Statement of Community Involvement
Risks:	A risk assessment for the Local Plan Review has been prepared and is kept up to date. As far as possible control measures have been put in place to minimise risks, including regular Project Board meetings where risk is reviewed.
Officer Contact	Ian Nelson Planning Policy and Land Charges Team Manager 01530 454677 <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a>