

LOCAL PLAN COMMITTEE – 18 OCTOBER 2023

Title of Report	DRAFT LOCAL PLAN – POLICIES	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	National Planning Policy Framework (publishing.service.gov.uk) Development strategy options and policy options consultation – January to March 2022 Local Plan Committee – 5 July 2023 – Housing and employment land update Local Plan Committee – 12 July 2022 – Response to consultation Local Plan Committee – 16 March 2023 – Response to consultation Leicester & Leicestershire Housing & Economic Needs Assessment	Public Report: Yes
		Key Decision: Yes
Financial Implications	The cost of the Local Plan Review is met through existing budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The Local Plan must be based on robust and up to date evidence.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No staffing implications associated with the specific content of this report. Links with the Council's Priorities are set out at the end of the report.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To set out for members the policies it is proposed by included in the new local plan, with a view to these being consulted upon.	
Recommendations	THAT THE LOCAL PLAN COMMITTEE AGREE THE DRAFT POLICIES AS SET OUT AT APPENDIX A FOR THE PURPOSES OF CONSULTATION.	

1.0 BACKGROUND

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

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

2.0 STRATEGY

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

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

3.0 CREATING ATTRACTIVE PLACES

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

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

4.0 HOUSING

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

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

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

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

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

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

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

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

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

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

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

5.0 THE ECONOMY

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

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

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

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

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

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

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

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

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

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

6.0 TOWN AND LOCAL CENTRES

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

7.0 INFRASTRUCTURE AND FACILITIES

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

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

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

8.0 ENVIRONMENT

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

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

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

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

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

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

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

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

9.0 NEXT STEPS

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

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

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

- 9.3 As noted earlier, all policies will need to a Sustainability Appraisal (SA). The Council has appointed consultants to undertake the SA, work on which will begin shortly. Any suggested changes arising from the SA will be considered alongside responses to the proposed consultation. In addition, the draft policies will be considered as part of the Viability Assessment of the plan. The SA, Viability Assessment and consultation responses may result in changes to the draft policies at the next stage of the plan (Regulation 19).
- 9.4 It should also be noted that as part of its planning reforms the government has proposed to publish National Development Management Policies. Where such policies exist then they will not be allowed to be duplicated in local plans. Currently, the matters that will be subject of National Development Management Policies are not clear. However, it is possible that they may cover some of those issues included in the draft plan. Depending upon the progress made with National Development Management Policies, this may necessitate removing or amending some of the proposed policies.

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