

NEIGHBOURHOOD PLAN OCTOBER 2015	NWLDC RESPONSE	NEIGHBOURHOOD PLAN MAY 2016	NWLDC RESPONSE
			As a general point there needs to be consistency throughout the document with regard to the Adopted Local Plan and whether the 'new' Local Plan is referred to as the 'emerging' or 'draft' Local Plan. It is also not clear when reference is made to the Local Plan / NWL Local Plan whether this refers to the adopted Local Plan or the Consultation Draft Local Plan, e.g. under Policy S1. Separate references are also made to the draft Local Plan, e.g. under section 4.1 c) and to the adopted Local Plan, e.g. section 4.1 g).
<p>POLICY S1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT - When considering development proposals the Plan will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and North West Leicestershire Local Plan. The Town Council will work proactively with developers to find solutions which mean that sustainable proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the Plan area. Planning applications or other land-use related decisions that accord with the policies in this Plan should be approved without delay, unless material considerations indicate otherwise. Where there are no policies in the Neighbourhood Plan relevant to a planning application or other land-use related decision, the policies contained in the NPPF and North West Leicestershire Local Plan apply.</p>	<p>As written the final paragraph suggests the NP overrides all other considerations where the NP has a relevant policy. All planning applications have to be determined in accordance with the Development Plan (which would include the NP when it is made) and any other material considerations. Suggest removing 'without delay' as Ashby Town Council doesn't determine planning applications.</p>	<p>POLICY S1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT - When considering development proposals, the Plan will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and North West Leicestershire Local Plan. The Town Council will work proactively with developers to find solutions which mean that sustainable proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the Plan area. Planning applications or other land-use related decisions that accord with the policies in this Plan should be approved without delay, unless material considerations indicate otherwise. Where there are no policies in the Neighbourhood Plan relevant to a planning application or other land-use related decision, the policies contained in the NPPF and North West Leicestershire Local Plan apply.</p>	<p>The concerns raised previously by the District Council have not been addressed so previous comments still apply.</p>
<p>POLICY S2: LIMITS TO DEVELOPMENT – Development proposals within the Plan area will be permitted on sites and other land within the Limits To Development as identified in Figure 2 where it complies with the policies of this Neighbourhood Plan; meets a local need and subject to transport, design and amenity considerations.</p>	<p>As written the policy conflicts with the NPPF and the adopted LP where it refers to a local need. It is not clear what 'other land' is referring to.</p>	<p>POLICY S2: LIMITS TO DEVELOPMENT – Within the Limits to Development as identified in Figure 3, development proposals will be viewed positively where it is in accordance with the policies of this Neighbourhood Plan and relevant District and national planning policies and subject to accessibility, design and amenity considerations.</p>	<p>Proposed wording addresses previous concerns. Perhaps add in word 'other' between 'the' and 'policies'.</p>
<p>POLICY S3: DEVELOPMENT PROPOSALS OUTSIDE OF THE LIMITS TO DEVELOPMENT- Development proposals in countryside locations outside the Limits to Development will only be approved in exceptional circumstances where it conforms to relevant national and district planning policies. In all cases, where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials.</p>	<p>No comments</p>	<p>POLICY S3: DEVELOPMENT PROPOSALS OUTSIDE OF THE LIMITS TO DEVELOPMENT- Development proposals in countryside locations outside the Limits to Development will only be supported in exceptional circumstances where in accordance with national and District wide planning policies and other policies in this Plan. In all cases, where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials.</p>	<p>No comments</p>
<p>POLICY S4: DESIGN - Developers must demonstrate in</p>	<p>A Design and Access Statement is only required for</p>	<p>POLICY S4: DESIGN - Building Design Principles</p>	<p>Generally the policy is considered to be better, although there</p>

<p>a Design and Access Statement how their development proposal reinforces Ashby de la Zouch's character and heritage. The statement must set out how the proposals follow the policies and guidance in relevant national and local documents as well as this Plan. The Design and Access Statement must address the following:</p> <ul style="list-style-type: none"> a) Context; b) Historic character; c) Connection with the countryside and the Town Centre; d) Quality for pedestrians, cyclists and the physically disadvantaged; e) Development density and build quality; f) Car Parking; g) Landscaping and access to open and green space; h) Occupier controlled access to fibre, copper and other home office services; i) Environmental footprint; j) Play provision; k) Flood risk concerns and l) Impact on amenity of neighbouring properties <p>The Town Council reserves the right to require an individual architectural review on any development of 25 houses or more or any single building of more than 3000sqm outside Ashby de la Zouch Conservation Area. Within the Conservation Area it reserves the right to require an individual architectural review on any development of 1 house or any single building or extension of more than 100sqm. Such reviews should be carried out by an appropriately qualified independent body and conducted within the design review guidelines established by RIBA or CABE.</p>	<p>major applications and on schemes in Conservation Areas. The criteria in the policy are far more onerous than the legislative requirements.</p> <p>There is no apparent evidence base for requiring an Architectural Review on any scheme. Who would fund these and who would be the 'independent body'?</p> <p>Requiring an architectural review would have an impact on viability contrary to national policies and it would also potentially conflict with Policy S1 which refers to decision being approved without delay (where they accord with other policies within the NP). This policy fails to explain what the Town Council would expect from a new development in terms of its design; it only explains what the Town Council would expect from a development proposal in terms of the information that it should contain.</p> <p>Chapter 7 of the NPPF already expects new development to "respond to local character and history" in terms of its overall characteristics (density, layout, scale, materials etc); the county council's historic landscape characterisation (HLC) provides evidence to inform this policy. Policy S4 should explain how the expectations of the NPPF would apply in the specific context of Ashby-de-la-Zouch. It could offer specific advice on the density, layout, scale and materials of new development including new site allocations.</p> <p>CABE is now referred to as Design Council since the merger in 2011.</p> <p>Suggest using the District Council's design policy and Building for Life.</p>	<p>All new development including employment proposals, buildings of one or more houses, replacement dwellings and extensions will need to satisfy the following building design principles:</p> <ol style="list-style-type: none"> 1. New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area and where development is proposed in the area covered by the National Forest, and proposals should clearly show how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views; 2. New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment and of the Conservation Area; 3. Adequate off road parking should be provided and in the case of residential dwellings a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more, in accordance with Leicestershire County Council standards; 4. All new development should continue to reflect the character and historic context of existing developments within the Plan area. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context; 5. High quality broadband connectivity should be available; 6. Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Plan area should be sensitive to their distinctive character, materials and form; 7. Proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient; 8. Development should be enhanced by biodiversity and landscaping with existing trees and hedges preserved whenever possible; 9. Where possible, enclosure of plots should be of 	<p>are some instances where the policy is repetitious. There are still a number of concerns as set out below.</p> <p>It is not clear as why reference is made to specific types of 'new development' as it does not cover every type of 'new development' and it could be argued that if a type of development is not listed then the policy does not apply. Also the design principles don't just relate to building design but layout and other design considerations. More appropriate wording might be '<i>All new development will need to satisfy the following design principles:</i>' and the policy entitled '<i>Policy S4: DESIGN – Design Principles.</i>'</p> <p>In respect of 1) all of the neighbourhood Plan area is within the National Forest. Suggest either deleting reference to the National forest or amending the wording to say something like "reflect the National Forest setting".</p> <p>In respect of 2) it is not clear what a "consistent design approach" is</p> <p>In respect of 3) Leicestershire County Council suggest that on developments of 5 or less dwellings two car parking spaces per 3 bed dwelling may be appropriate. However, for more than 5 dwellings it is recommended that a methodology from the Department for Communities and Local Government be used instead. As worded at the present time this policy is, therefore, misleading. Furthermore, it is not clear as to why adequate car parking is required – highway safety, amenity, or even a combination of these or other factors.</p> <p>In respect of 4) is the word 'continue' necessary? In addition, it is not clear what is meant by '<i>...contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.</i>' This seems to imply that such materials/design are only suitable where they can make a positive improvement, rather than them being in keeping with the character of an area.</p> <p>In respect of 5) the provision of broadband is now dealt with through building regulations, rather than the planning system.</p> <p>In respect of 6) it is not clear as to why reference is only made to agricultural buildings.</p> <p>In respect of 9) it is not clear what is meant by 'rural wooden fencing'? Is this meant to mean post and rail fencing?</p> <p>In respect of 10) these matters are now dealt with through building regulations rather than the planning system.</p> <p>In respect of 11) it is not clear as to what is meant by 'areas of high flood risk'. In addition, should 'ensuring appropriate provision for the storage of waste and recyclable materials' either be a separate point under Policy S4 or added into point 10 as it better relates to energy and water efficiency etc rather than to flood risk/SUDS?</p> <p>In respect of 12) it may be better to simply refer to surrounding areas rather than properties.</p>
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<p>POLICY S5: PRIORITY TO BE GIVEN TO BROWNFIELD SITES – Development Proposals for the redevelopment or change of use of redundant land or buildings should be prioritised.</p>	<p>No guidance is provided as to what type of uses would be preferred on brownfield sites. As worded the policy conflicts with the NPPF as no reference is made in the Policy to brownfield land which may be of environmental value and hence not suitable for development. Suggest ‘prioritised’ should be changed to ‘encouraged’ as it is not clear how the re-use of brownfield sites would be prioritised and over what other development.</p>	<p>POLICY S5: PRIORITY TO BE GIVEN TO BROWNFIELD SITES – Within the Limit to Development, development proposals for the redevelopment or change of use of redundant land or buildings should be prioritised above non-brownfield sites, provided it has limited environmental, amenity or ecological value</p>	<p>The concerns raised previously by the District Council regarding use of word prioritised have not been addressed so previous comments still apply.</p> <p>It is not clear what is ‘limited’ when referring to environmental, amenity or economic value.</p>
		<p>POLICY S6: AREAS OF LOCAL SEPARATION - To retain the physical and visual separation between Ashby de la Zouch and nearby villages, the open land between the built-up areas of Ashby de la Zouch and the villages of Shellbrook, Smisby, Blackfordby, Norris Hill, Boundary and Packington will be designated as Areas of Local Separation. Development proposals in the identified gaps between these areas should be located and designed to preserve the physical and functional separation of the villages from the built-up part of Ashby de la Zouch.</p>	<p>There does not appear to be a plan included which identifies the specific geographical boundaries of these areas referred to. These need to be identified for the avoidance of doubt.</p> <p>As worded a development proposal could be considered to accord with this policy even if it was not acceptable in other respects. It might be worthwhile considering the inclusion of something like “Where development in these locations is considered to be otherwise appropriate, development proposals etc”</p>
<p>POLICY H1: HOUSING PROVISION - Having regard to dwellings already constructed and existing commitments, the remaining housing provision for the Plan area will be a target of a minimum of 58 new dwellings over the period 2011 - 2031, which will be met by the allocation of the housing site in Policy H2.</p>	<p>The minimum need of 58 dwellings will be exceeded by the proposed allocation at Arla Dairy (154 dwellings) and assumed windfalls (100 dwellings). As drafted this policy conflicts with Draft LP. This issue is considered in more detail in the main report.</p> <p>Policy H1 refers to a period 2011-2031 however, Para 1.4 (page 6) refers to a NP period of 2016 to 2031.</p>		<p>This issue is now dealt with in new Policy H1.</p>
<p>POLICY H2: SUSTAINABLE HOUSING GROWTH – This Neighbourhood Plan recognises the need to provide new housing to meet the identified needs of the Plan</p>	<p>This repeats Policy H1 to some extent.</p> <p>It is not clear as to why part (b) only refers to water</p>	<p>POLICY H1: SUSTAINABLE HOUSING GROWTH – The Neighbourhood Plan recognises the need to provide new housing to meet the identified needs of the Plan</p>	<p>This policy has been significantly amended to seek to reflect the emerging Local Plan and to overcome concerns raised by the District Council. This is welcomed and should minimise the need</p>

<p>area and contribute to the District wide housing target. Having regard to homes already constructed and existing commitments, the remaining housing provision for the Plan area will be a target of a minimum of 58 houses over the period to 2031 which will be met by development on the former Arla dairy site which will be supported if:</p> <p>(a) A satisfactory scheme to prevent flooding is implemented;</p> <p>(b) A water vole survey is undertaken and its findings and recommendations are adequately incorporated into the design;</p> <p>(c) The stream corridor through the site is retained as natural public open space with a 10m buffer either side. This should be managed as open space, to ensure habitat continuity and to retain connectivity;</p> <p>(d) A scheme to provide a shared use footway/cycle track from the site to the Town centre via Hood Park is provided.</p>	<p>voles and not other protected species. This matter is covered by legislation so is not necessarily required.</p> <p>Part (d) would need to comply with CIL regulations; it is not clear as to whether this is reasonable in scale and would potentially raise viability issues.</p>	<p>area and contribute to the District wide housing target. Having regard to homes already constructed and existing commitments, the remaining housing provision for the Plan area will be a target of a minimum of 2,050 houses over the period to 2031 which will be met by development on the land north of Ashby de la Zouch at Money Hill (including the former Arla dairy site and Woodcock Way) and windfall sites that come forward as the Neighbourhood Plan progresses.</p>	<p>for the Ashby Neighbourhood Plan to be reviewed following adoption of the Local Plan, assuming this occurs after the Neighbourhood Plan is made.</p> <p>There appears to be some confusion in respect of the scale of development envisaged at Money Hill. Whilst the Local Plan Advisory Committee has agreed with officer's recommendation to incorporate additional land as part of the Money Hill development, the allocation up to 2031 remains at 1,750 dwellings (of which 675 have planning permission – 70 off Woodcock Way and 605 on land north of Nottingham Road), although the overall capacity (including post 2031 development) would be about 2,000 dwellings.</p> <p>There does not appear to be a plan which identifies the physical extent of the Money Hill site.</p>
		<p>POLICY H2: REQUIREMENT FOR MASTERPLAN – The allocation at Policy H1 will be supported if the requirements listed in the draft Local Plan Policy H3 and relevant Neighbourhood Plan policies including Policy S4 'Building Design Principles' are provided, and, in conjunction with the Town Council:</p> <p>a) A Spatial Masterplan is agreed incorporating urban design objectives and demonstrating connectivity with the surrounding area, including traffic movements;</p> <p>b) A Landscape Masterplan is agreed covering the use of green spaces;</p> <p>c) A Design Code is agreed to ensure the delivery of the urban design objectives and demonstrating consistency in design between all the developers on the site and across the different phases of development. Issues to be addressed within the Design Code include:</p> <p>The character, mix of uses and density of each phase, sub – phase or parcel identified on the Master Plan to incorporate:</p> <p>a. The phasing of the development;</p> <p>b. The layout of blocks and the structure of public spaces;</p> <p>c. The character and treatment of the perimeter planting to the development areas;</p> <p>d. The building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel;</p> <p>e. Demonstration of compliance with Policy H4 on Housing Mix;</p>	<p>This is a new policy. Points e), k), m) and n) under section (c) are reasonable requirements in their own right for a masterplan but are not matters that should be included within a Design Code and so should be listed separately under this policy.</p>

		<p>f. The street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture;</p> <p>g. The approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking to be provided to serve the proposed uses in line with Policy S4;</p> <p>h. The materials to be used within each phase and area of the development;</p> <p>i. The treatment of the hedge corridors and retained trees and local areas of play within each phase, sub phase or parcel and the planting of new trees as part of the National Forest;</p> <p>j. Measures to ensure the retention of rural footpaths through the built development and its enhancement for walkers;</p> <p>k. The measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site;</p> <p>l. Measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins;</p> <p>m. A satisfactory scheme to prevent flooding.</p> <p>n. An ecological survey is to be undertaken and its findings and recommendations adequately incorporated into the design.</p> <p>o. The stream corridor through the site is retained as natural public open space with a 10m buffer either side. This should be managed as open space, to ensure habitat continuity and to retain connectivity;</p> <p>p. A satisfactory scheme to provide walking connectivity to the town.</p>	
		<p>POLICY H3: WINDFALL SITES – Development proposals for small infill and redevelopment sites for new housing within the defined Limits to Development as shown in Figure 3 will be sympathetically considered where they are in accordance with relevant policies in the Plan, especially S4 and relevant national and District wide policies.</p> <p>Small scale development proposals for infill and redevelopment sites will be supported where:</p> <ul style="list-style-type: none"> • It is within the Limits to Development); • It helps to meet the identified housing requirement for the Plan area <ul style="list-style-type: none"> • It respects the shape and form of the Plan area in order to maintain its distinctive character and 	<p>This is a new policy. The supporting text suggests that small sites are considered to be those of up to 5 dwellings, but it would be helpful for the policy to clarify this.</p> <p>This repeats the first part of the policy. This suggests that if the figure specified in policy H1 has been met that a proposed development on a windfall site would not be acceptable. Such an approach would conflict with the approach to presumption in favour of sustainable development as set out in the NPPF. It is not clear what this point is seeking to address.</p> <p>The policy makes it clear that the development would have to be</p>

		<p>enhance it where possible;</p> <ul style="list-style-type: none"> • It is of an appropriate scale which reflects the size, character and level of service provision within the Plan area; • It retains existing important natural boundaries such as trees, hedges and streams; • It provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion or road and pedestrian safety.; • It does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; and • It does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling. 	<p>small scale but this point seems to suggest otherwise.</p> <p>It might be useful to include a phrase such as “ an unacceptable direct or indirect impact on its own or in combination with other known development proposals, on congestion or road and pedestrian safety” .</p> <p>It is not clear if the reference to “occupiers of the dwelling” refers to the proposed dwelling(s) or the dwelling to which the garden space concerned is attached.</p>
<p>POLICY H2: HOUSING MIX – In order to meet the future needs of the residents of the Plan area, new housing development proposals must:</p> <p>a) Provide a range of housing suited to local need and appropriate to their location;</p> <p>b) Submit justification for the proposed housing mix in a report accompanying any planning application;</p> <p>c) Ensure that at least 60% of new market housing in developments of 5 or more shall comprise 2 and/or 3 bedroom properties; and</p> <p>d) Provide a balance of accommodation, including bungalows, which meets the needs of people of all ages, including older people.</p>	<p>Policy numbering (there are 2 Policy H2’s).</p> <p>The requirements in this policy would potentially impact on viability contrary to national policies (Para 173 of the NPPF).</p>	<p>POLICY H4: HOUSING MIX – In order to meet the future needs of the residents of the Plan area, new housing development proposals should:</p> <p>a) Provide a range of housing suited to local need and appropriate to their location;</p> <p>b) Submit justification for the proposed housing mix in a report accompanying any planning application;</p> <p>c) Ensure that at least 60% of new market housing in developments of 5 or more shall comprise 2 and/or 3 bedroom properties; and</p> <p>d) Provide a balance of accommodation, including bungalows, which meets the needs of people of all ages, including older people, subject to monitoring and review.</p>	<p>The use of the word ‘should’ rather than ‘must’ is considered to be more appropriate.</p> <p>This is not something which the local planning authority can insist on.</p> <p>It is not clear how a figure of 60% has been arrived at.</p>
<p>POLICY H3: AFFORDABLE HOUSING – To support the provision of mixed, sustainable communities and meet an identified need within the community:</p> <p>a) At least 40% of homes on developments comprising 5 or more dwellings shall be high quality affordable homes. Only in highly exceptional circumstances will commuted sums be acceptable and any such commuted sums shall be used to provide suitable affordable housing in Ashby de la Zouch;</p> <p>b) At least 50% of the affordable homes provided shall be 1 bedroom properties; and</p> <p>c) Development housing proposals will be expected to contribute to the provision of affordable homes that are suited to the needs of older people and those with disabilities.</p> <p>Where possible, affordable housing within the Plan area shall be allocated to eligible households with an</p>	<p>As worded this policy would conflict with the Government’s previously expressed preferred approach which is to restrict seeking affordable housing to developments of 10 or more. Whilst this was successfully challenged in the High Court the government is now appealing to the Court of Appeal to overturn this decision. It will be important to bear this in mind in considering the content of the pre-submission NP.</p> <p>The policy also conflicts with that set out in the draft Local Plan and the adopted Supplementary Planning Document.</p> <p>The draft Local Plan was the subject of a viability assessment which suggests that 40% in Ashby would be at best marginal. This policy would potentially impact on viability contrary to national policies.</p>	<p>POLICY H5: AFFORDABLE HOUSING – To support the provision of mixed, sustainable communities and meet an identified need within the community:</p> <p>a) At least 30% of homes on developments comprising 5 or more dwellings shall be high quality affordable homes. Only in highly exceptional circumstances will commuted sums be acceptable and any such commuted sums shall be used to provide suitable affordable housing in Ashby de la Zouch;</p> <p>b) At least 40% of the affordable homes provided shall be 1 bedroom properties; and</p> <p>c) Development housing proposals will be expected to contribute to the provision of affordable homes that are suited to the needs of older people and those with disabilities.</p> <p>Where possible, affordable housing within the Plan area shall be allocated to eligible households with an</p>	<p>In respect of (a) as noted in the previous comments the Government has challenged a previous High Court decision in respect of the Government’s expressed approach to restrict affordable housing to developments of 10 or more dwellings. The Government was successful in its challenge to the Court of Appeal and so this policy would conflict with the government’s policy.</p> <p>In terms of the issue of commuted sums the Council’s adopted Affordable Housing Supplementary Planning Document states that off site commuted sums are only accepted in exceptional circumstances. The Council require that any commuted sums received in lieu of onsite delivery are ring fenced, through the S106 Agreement, to increase the delivery of affordable housing anywhere in the District where a housing need has been identified. The use of any commuted sums received is time limited and if the money is not spent within that period the developer can claim back the money plus interest from the</p>

<p>Ashby connection defined as follows:</p> <p>a) Was born in Ashby de la Zouch or;</p> <p>b) Presently reside in the plan area and has, immediately prior to occupation, been lawfully and ordinarily resident within the plan area for a continuous period of not less than twelve months; or</p> <p>c) Was ordinarily resident within Ashby de la Zouch for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing; or</p> <p>d) Is presently employed or self-employed on a full time basis in Ashby de la Zouch and whose main occupation has been in Ashby de la Zouch for a continuous period of not less than twelve months immediately prior to occupation; or</p> <p>f) Has a need to move to Ashby de la Zouch to be close to a relative or other person in order to provide or receive significant amounts of care and support.</p> <p>e) Has a close family member who is lawfully and ordinarily resident within Ashby de la Zouch and who has been lawfully and ordinarily resident within the Plan area for a continuous period of not less than three years immediately prior to occupation and for the purposes of this clause a “close family member” shall mean a mother, father, brother or sister.</p> <p>Only where no households can be found that meet any of the above criteria shall affordable housing within the plan area be allocated to otherwise eligible households from the wider District.</p>	<p>Part (a) of the policy conflicts with the District Council’s current policy for commuted sums to be used to meet affordable housing need across the whole district although this may be subject to review. Restricting where commuted sums can be invested increases the risk that they might be lost.</p> <p>In respect of part (b) it should be noted that the bedroom need on the housing register is based for the main part on minimum requirement based on the Housing Benefit bedroom allowance. Some of this need is attributable to elderly single residents, or elderly couples. Although these households may want to downsize from larger 3 and 4 bed homes, they may need 2 bed homes because of their current or future health / care issues. As worded this policy would reduce the flexibility of affordable housing providers in meeting future housing need in a changing environment.</p> <p>The proposal to restrict affordable homes in Ashby to those with an Ashby connection would conflict with the district council’s allocations policy of allocating affordable housing to those in most housing need on a district wide basis.</p> <p>1 bed properties may not be attractive to the RSL’s.</p>	<p>Ashby connection defined as follows:</p> <p>a) Was born in Ashby de la Zouch or;</p> <p>b) Presently reside in the plan area and has, immediately prior to occupation, been lawfully and ordinarily resident within the plan area for a continuous period of not less than twelve months; or</p> <p>c) Was ordinarily resident within Ashby de la Zouch for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing; or</p> <p>d) Is presently employed or self-employed on a full time basis in Ashby de la Zouch and whose main occupation has been in Ashby de la Zouch for a continuous period of not less than twelve months immediately prior to occupation; or</p> <p>f) Has a need to move to Ashby de la Zouch to be close to a relative or other person in order to provide or receive significant amounts of care and support.</p> <p>e) Has a close family member who is lawfully and ordinarily resident within Ashby de la Zouch and who has been lawfully and ordinarily resident within the Plan area for a continuous period of not less than three years immediately prior to occupation and for the purposes of this clause a “close family member” shall mean a mother, father, brother or sister.</p> <p>Only where no households can be found that meet any of the above criteria shall affordable housing within the Plan area be allocated to otherwise eligible households from the wider District.</p>	<p>Council. The Council require the flexibility on area of use for several reasons:</p> <ol style="list-style-type: none"> 1) The freedom to use the money where a need has been identified substantially reduces the risk of repayment back to the developer and the ensures that the money is spent on increasing the delivery of affordable housing 2) It enables the money to be used to support a specific identified need eg specialist facilities for learning or general disabilities or extra care 3) To support development in areas where a need has been identified eg in rural villages where development is restricted 4) Restricting use of the commuted sums to specific areas will result in fewer affordable homes being developed <p>The target of 30% now accords with the draft Local Plan.</p> <p>In respect of (b) the information on which the plan is based is somewhat dated and so as a result the plan assumes that 1 bed need is higher than it currently is and also underestimates the number of one bed properties that have been delivered or negotiated on recent development sites. Further information on this will be supplied.</p> <p>Basing a 40% target on unsound evidence will distort the affordable housing market further and may result in properties sitting empty due to a lack of demand.</p> <p>The Strategic Housing Team are not supportive of the policy to seek 40% of all affordable homes as 1 bedroom properties as the policy does not reflect current need figures. The District Council, as the administrator of the housing register & strategic housing authority, should negotiate the mix of affordable homes based upon identified needs and policy should have the flexibility to meet those needs.</p> <p>In respect of (c) the District Council does not operate a local lettings policy & has only applied the above criteria to <u>rented</u> accommodation on rural exemption sites; all new rented accommodation, through restrictions in the S106 Agreement, is allocated through the Leicestershire Choice Based Lettings Scheme & in accordance with terms & conditions of that scheme. Eligibility to join the waiting list is determined by qualifying District or sub regional criteria plus financial restrictions to ensure that properties are allocated to those who cannot meet their own needs in the housing market.</p> <p>The larger settlements in the District are likely to have the largest number of planning applications and approvals and these sites need to meet the wider housing needs of our housing register, not just those current residents in that settlement. The application of local lettings criteria will always discriminate against households requiring homes in our smaller settlements</p>
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			<p>where opportunities are limited and for people wishing to move to other areas.</p> <p>It is correct that the above criteria have been applied by developers to discounted open market homes in Ashby. These properties, while qualifying as an affordable product, are not aimed at the same group of residents as those registered on the housing register. Eligibility is still based on whether applicants are able to meet their own needs in the housing market and the Strategic Housing Team agreed to the local connection criteria in recognition of the higher property prices in Ashby compared to other parts of the district. Social and affordable rents do not vary significantly between settlements in the District so the same reasoning does not apply.</p> <p>The proposal to restrict affordable homes in Ashby to those with an Ashby connection is therefore <u>not</u> supported. The adoption of such a restrictive proposal would set a precedent across the rest of the district, and undermine the principle of allocating affordable housing to those in most housing need on a district wide basis. Furthermore, it would potentially prevent the District council from discharging its duties in respect of housing and homeless etc. This in turn could increase costs of temporary accommodation and in turn, this could lead to increased Council Tax.</p> <p>Unless an exception site, affordable homes should be allocated in accordance with the approved allocations policy which, other than in exceptional circumstances, already requires home seekers to have a district connection. Having a special policy, town by town, would also be expensive and bureaucratic to administer.</p>
<p>POLICY H4: PROMOTING SELF-BUILD – Development proposals for self-build or custom build schemes will be supported where Individuals who wish to purchase a self-build plot must: a) Demonstrate that they have a local connection (definition as per policy H3) and b) Demonstrate that they intend to live in the property once it is complete and c) Complete the building of the dwelling within 2 years of purchase. Plots may be sold to individuals without a local connection if a lack of local need has been demonstrated. This will be deemed to be the case if the plot has been on the open market at a fair market price for more than 6 months without being sold.</p>	<p>The need to have a local connection would contradict what is in the draft Housing and Planning Bill.</p> <p>It is not clear what information would be expected to ‘demonstrate’ these requirements as part of a planning application. Such requirements could not be secured by conditions on a planning permission, and if they were secured through a Section 106 Agreement they could be changed.</p> <p>Unsure how a period of 2 years for completion would be enforced.</p> <p>Unsure how the provisions of the last paragraph would be enforced as the parish council cannot control the sale of land.</p>	<p>POLICY H6: PROMOTING SELF-BUILD – Development proposals for self-build or custom build schemes will be viewed positively. Individuals who wish to purchase a self-build plot must: a) Demonstrate that they have a local connection (definition as per Policy H5); and can demonstrate that they intend to live in the property once it is complete. Plots may be sold to individuals without a local connection if a lack of local need has been demonstrated. This will be deemed to be the case if the plot has been on the open market at a fair market price for more than 6 months without being sold.</p>	<p>The ‘Self-build and Custom Housebuilding (Register) Regulations 2016’ stipulate the requirements for a person (or persons) that are eligible to go on to a Self-build Register. The requirements in proposed Policy H6 are significantly more onerous than those set out in the Regulations. Whilst the policy itself is not concerned with the Register it is felt that the policy would contravene the intentions of the Self-build initiative.</p> <p>The concerns raised by the District Council in response to the previous draft in respect of the issue of land being for sale for at least a period of 6 months have not been addressed. Furthermore, it is not clear as to what constitutes a ‘fair market price’ or who would adjudicate on such a matter and it is not clear how this matter would be monitored.</p>
<p>POLICY E1: EXISTING EMPLOYMENT LAND AND BUILDINGS – Land and buildings in the existing employment use will continue to be used for</p>	<p>How will it be ‘shown’ that existing sites are no longer viable? Conflicts with NPPF Para 22 which states that “<i>Planning policies should avoid the long term</i></p>	<p>POLICY E1: MAIN EMPLOYMENT AREA – Ashby Business Park, Ivanhoe Business Park, Flagstaff Industrial Estate, Smisby Road Industrial Estate,</p>	<p>Policy E1 This policy generally reflects the draft Local Plan but it is not clear whether that part of the policy which starts with the words “the</p>

<p>employment purposes unless it can be shown that it is no longer viable or suitable for the site or building to remain in employment use.</p>	<p><i>protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". Also that "applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".</i></p>	<p>Nottingham Road Industrial Estate, and the former Lounge disposal point Development site will be protected as key employment areas. These areas will be safeguarded for employment generating uses within the B1, B2 and B8 Use Class Order except where: - Notwithstanding previous permissions for B1 and B2 uses commensurate with a high quality Business Park environment, allow some B8 development on land at Ashby Business Park, on those parts of the site not adjoining the A42 or A511 and; the other use (a) is small scale or ancillary to the employment use, or (b) maximises job outputs and is compatible with the character and function of the area and with other nearby uses and policies in this Plan and the Local Plan.</p> <p>POLICY E2: OTHER EMPLOYMENT LAND AND BUILDINGS – Development proposals for the redevelopment or change of use of other land or buildings in employment use to non-employment uses will not be supported, unless it can be shown that the land or building is no longer suitable and/or viable for employment use, and has been actively marketed at a reasonable price for at least six months.</p>	<p>other use “ applies to all of the sites referred to in the policy or only to the Ashby business Park. There is no other reference to this phrase elsewhere in the policy. Presumably it’s meant to be read separately from the second para allowing some B8 use at Ashby Business Park rather than with it and it’s meant to refer to uses not falling within B1, B2 and B8? If so the ‘and’ at the end of the second para needs to be changed to ‘or’, and the start of the third para needs to be re-worded to something like ‘Uses outside the B1, B2 and B8 Use Classes should be (a) small scale or ancillary....’</p> <p>The first five sites listed have been shown on Figure 3 but as the former Lounge Disposal Point is listed under this policy surely it should be shown on a plan as well, e.g. also on Figure 3.</p> <p>This policy generally reflects the approach of the draft Local Plan, but it is worded negatively.</p>
<p>POLICY E2: SMALL AND START UP BUSINESSES - Outside of the main employment areas, small scale employment related development proposals (including homeworking) will be supported subject to transport, environmental, and amenity considerations. POLICY E3: SMALL AND START UP BUSINESSES - The Plan will encourage developments and initiatives, which support small and start-up businesses.</p>	<p>How will the NP encourage small business and start-ups? Appear to be more an aim or objective rather than a policy? Consider amalgamating with Policy E2 to form one policy.</p>	<p>POLICY E3: SMALL AND START UP BUSINESSES – Development proposals for new or the expansion of existing small businesses will be supported where it will not generate unacceptable noise, fumes and smells, and would not adversely affect the amenity of residents and/or adjoining uses, the transport network or the character of the area in which it would be sited. The Plan will encourage developments and initiatives, which support small and start-up businesses</p>	<p>As worded this policy would support proposals whether within the Limits to Development or not. It is not clear whether this is the intention or not.</p>
<p>POLICY E4: CONNECTING LOCAL PEOPLE TO THE NEW JOB OPPORTUNITIES - The Town Council will work with partners with the objective that all local people shall have the opportunities needed to access jobs and meet the needs of employers including by a) Seeking that major new employment related developments contribute to the provision of education and training; b) Promoting local employment opportunities and initiatives aimed at the residents of the Parish; c) Developing tailored interventions such as Travel Plans and improved public transport provision to the main employment areas in and near to the Parish and</p>	<p>Part (a) conflicts with the CIL tests in terms of whether it is necessary to make the development acceptable in planning terms and potentially falls foul of ‘pooling’ restrictions. Part (b) refers to Parish rather than Plan Area Part (c) It is not clear who will fund travel plans, they are separate to planning if they are related to an existing use and not to a development proposal.</p>	<p>POLICY E4: CONNECTING LOCAL PEOPLE TO THE NEW JOB OPPORTUNITIES – Employment generating development proposals should consider how they can help create employment and business opportunities within the Plan area to meet local needs by: a) Seeking that major employment related developments include the provision of education and training aimed at local people; b) Promoting employment, training and purchasing opportunities and initiatives that develop the skills, employment and trading opportunities for local people and businesses; c) Providing safe and attractive transport links,</p>	<p>The concerns previously raised have largely been addressed although the inclusion of the words “for example” between “needs” and “by” would be beneficial.</p> <p>It is not clear as to what is the definition of local people? The Town Council should also be aware that in terms of a) there may be issues in terms of the pooling of contributions as per the Community Infrastructure Levy.</p>

<p>d) Developing links between the business community and education providers.</p>		<p>especially by foot, cycle and public transport such as through Travel Plans and enhanced bus provision with the main employment areas in and near to the Plan area; and d) Developing links between the business community and education providers.</p>	
<p>POLICY TC1: TOWN CENTRE ATTRACTIVENESS – Ashby de la Zouch is and will remain a primary retail, leisure and service Town Centre. Proposals for shops, financial and professional services, restaurants and cafes, hot food take aways, arts, culture and tourism development will be expected to be located within the Town Centre, as defined on the Town Centre map. They will be expected to:</p> <p>a) Be of a scale appropriate to the character of Ashby de la Zouch and the role and function of its Town Centre; b) Conserve and enhance the character and distinctiveness of Ashby de la Zouch in terms of design; c) Protect and enhance its built and historic assets, and its wider setting; and d) Not lead to an over concentration of a particular use such as hot food take-aways that would have a significant adverse impact on the role and amenity of the Town Centre and adjoining and nearby uses. e) Generally would not have an adverse impact on crime and anti-social behaviour, and the amenities of residents and visitors to the Town Centre Such uses outside of the defined Town Centre will only be permitted in exceptional circumstances in accordance with national and district planning policies.</p>	<p>Reference is only made to some of the main town centre uses as defined in the NPPF, and excludes other uses such as leisure and entertainment uses, for example.</p> <p>As worded Part (d) could also apply to shops (A1 use) which is inconsistent with national policies and is not presumably what is intended. Also not clear as how an ‘over concentration’ is defined/measured?</p> <p>Part e) ‘Generally’ is not definitive, grammatically confusing. How would crime/anti social behaviour be demonstrated/measured? What would be the cut off to make it unacceptable?</p> <p>Last Paragraph – rather than ‘exceptional circumstances’ consider that it may be better to reference the sequential approach in the NPPF</p>	<p>POLICY TC1: TOWN CENTRE USES – Ashby de la Zouch is and will remain a primary retail, leisure and service Town Centre. Development proposals for uses such as retail, leisure, commercial, office, tourism, cultural, and community development appropriate to a Town Centre (as defined on the Town Centre map) , will be supported where they:</p> <p>a) Are of a scale appropriate to the character of Ashby de la Zouch and the role and function of its Town Centre; b) Conserve, and where possible, enhance the character and distinctiveness of Ashby de la Zouch in terms of design; c) Protect, and where possible, enhance its built and historic assets, and its wider setting; and d) Do not lead to an overconcentration of a particular use such as hot food takeaways. No more than 10% of the total commercial units are to be occupied by hot food take away uses and no more than two of these uses should be located adjacent to each other; and e) Generally do not have an adverse impact on crime and anti-social behaviour and the amenities of residents and visitors to the Town Centre. Any proposals for retail development outside the defined Town Centre will be subject to the sequential test and impact assessment in accordance with paragraphs 24-27 of the NPPF. Development proposals for other uses within the Town Centre will be resisted.</p>	<p>The concerns raised previously by the District Council in respect of parts d) and e) have not been addressed so previous comments still apply. However, the concerns regarding reference to ‘exceptional circumstances’ have been addressed. It is not clear as what the term ‘primary retail, leisure and service Town Centre’ means and whether it refers to the Ashby Town Centre boundary or the Ashby Shopping Area boundary (or either) in Figure 4.</p> <p>No justification for a figure of 10% has been provided and as worded could apply to any use, not just hot food takeaways (which is presumably what the policy in intended to deal with). It is also considered that no more than two adjacent units is too inflexible and no justification has been provided.</p> <p>It is not clear as to what is meant by the term ‘other uses’.</p>
<p>POLICY TC2: PRIMARY SHOPPING AREA – The Neighbourhood Plan designates a Primary Shopping Area within the Town Centre Boundary within which it will:</p> <p>a) Be supportive of proposals for new (A1) development; b) Resist proposals for change of use of existing retail (A1) premises in the Primary Shopping Area to any other use.</p>	<p>Part (b) is too onerous as it does not allow for other main town centre uses.</p> <p>Shops are allowed under the General Permitted Development Order 2015 to change to a range of other uses (including restaurants and cafes, financial and professional services) without requiring planning permission. Therefore, as worded this policy cannot be implemented and conflicts with the national approach</p>	<p>POLICY TC2: PRIMARY SHOPPING AREA – The Neighbourhood Plan designates a Primary Shopping Frontage, as shown on Figure 4, and in those frontages it will:</p> <p>i. support proposals for new retail (A1) development in new or existing frontages, particularly within ‘Mews’ style courtyards; and ii. resist proposals for the change of use of an existing retail (A1) premises in the Primary Shopping Frontage to any other use where that change of use results in either a cluster of non-retail uses or retail (A1) use no longer being predominant.</p>	<p>Part ii of this policy cannot be implemented as written for reasons stated previously. Only those uses which are not permitted development could be resisted. In addition, the policy conflicts with TC1.</p>
<p>POLICY TC3: SHOP FRONTS – Development proposals to alter or replace existing shopfronts, or create new</p>	<p>This policy prohibits the use of internally illuminated signage. This term is not defined; does the Town</p>	<p>POLICY TC3: SHOP FRONTAGES – Development proposals to alter or replace existing shopfronts,</p>	<p>In a) it would be appropriate to refer to conserve OR enhance. In the last sentence it is not clear what is meant by ‘indifferent</p>

shopfronts within the defined Town Centre will be supported where they: a) Conserve and enhance the special qualities and significance of the building and area; and b) Relate well to their context in terms of design, scale, material and colour. Development proposals that remove, replace or substantially harm shop fronts by poor or indifferent design, including internally illuminated signage, will not be supported.	Council intend to prohibit the use of internally illuminated box signs only, or also the use of (e.g.) 'fret cut' or 'halo' illuminated signs? Should the last paragraph state that illuminated 'external' signage will 'not normally be permitted' – see comment on 1 st Para on page 32. Concerns that the policy mixes planning requirements and advertisement consent requirements within one policy. It would be beneficial to look at the District Council's shop front guidance.	create new shopfronts or to alter the frontages within the defined Town Centre will be supported where they: a) Conserve and enhance the special qualities and significance of the building and area; and b) Relate well to their context in terms of design, scale, material and colour. Development proposals that remove, replace or substantially harm shop fronts or the frontages of buildings by poor or indifferent design will not be supported.	design'.
POLICY TC4: RESIDENTIAL DEVELOPMENT – Development proposals to develop an upper floor of premises within the Town Centre for residential use will be supported subject to access, parking, design and amenity considerations and within the Primary Shopping Area it would not result in the loss of, or adversely, affect an existing retail use.	It is not clear what is meant by 'access'. Changes to the GDPO 2015 mean that conversion of some upper floors to residential where not in the conservation area (but still in the town centre) would not require planning permission	POLICY TC4: RESIDENTIAL DEVELOPMENT – Proposals to develop upper floor of premises within the Town Centre for residential use will be supported subject to access, parking, design and amenity considerations and within the Primary Shopping Area, it would not result in the loss of, or adversely, affect an existing retail use.	The concerns raised previously by the District Council have not been addressed so previous comments still apply. It appears that the word "where" before "it would not result.." is missing.
POLICY TC5: TOURISM - Development proposals for tourism facilities in the Town Centre will be supported provided that: a) The siting, scale and design has strong regard to the local character, historic and natural assets of the surrounding area; b) The design and materials are in keeping with the local style and reinforce local distinctiveness and a strong sense of place and c) The development is outside the Primary Shopping Area The loss of tourism facilities in the Town Centre will not be supported unless they are no longer viable or alternative provision is made available.	It is not clear what is meant by tourism facilities. It is not clear why the last paragraph only applies in the town centre? As worded in the final paragraph a proposal for a new tourist facility would not be supported if it was to result in the loss of an existing tourist facility. It is not clear if this is what is intended.	POLICY TC5: TOURISM - Development proposals for tourism facilities outside the Primary Shopping Area will be viewed sympathetically within the limits of development. Tourism developments outside the limits of development will be considered if in accordance with relevant District and national planning policies. The loss of tourism facilities will not be supported unless they are no longer viable or alternative provision is made available.	The concerns raised previously by the District Council regarding the loss of tourism facilities have not been addressed so previous comments still apply. In addition, it is not clear as to what 'viewed sympathetically' and 'will be considered' mean? Any planning application submitted to the District Council has to be considered (i.e. subject to a decision to approve or refuse).
POLICY TC6: LEGIBLE SIGNAGE – Development proposals should include clear and attractive signage that is in keeping with the local style. The Town Council will work with the District Council, County Council as well as businesses and residents in the Town Centre to introduce a 'Legible Signage' Strategy for the Town.	Unclear what the 'local style' is? And what the 'legible signage strategy' would consist of? Unsure why and if businesses would contribute to a signage strategy, potential issues regarding CIL compliance.	POLICY TC6: LEGIBLE SIGNAGE – The 'de-cluttering' and provision of corporate, clear and attractive signage will be supported. 'Swan neck' external lighting or the use of internal illumination (either of the whole sign or of the lettering) will not be permitted.	It is not clear what is meant by 'corporate, clear and attractive signage' – how are each of these defined? The design/colour of a sign cannot be taken into account, only the type of material, form/scale (e.g. depth of projection), position on the building and means of illumination.
POLICY T 1: SUSTAINABLE DEVELOPMENT – The Plan will require that new development takes place in the most sustainable and accessible locations that are capable of providing or being well integrated into effective public transport, walking and cycling networks.	Policy is too ambiguous. Not clear where the sustainable and accessible locations are.	POLICY T1: SUSTAINABLE DEVELOPMENT – Development proposals must demonstrate that the traffic generation and parking impact created by the proposal does not result in an unacceptable direct or cumulative adverse impact on congestion or road and pedestrian safety.	The revised policy is considered to be more appropriate although the term sustainable development is wider ranging than just environmental issues such as those referred to in the policy. Furthermore, the NPPF refers to only preventing development on transport grounds where the impact of a proposed development is "severe". The use of the term "unacceptable" conflicts with the NPPF in this respect.
POLICY T2: TRAVEL PLANS – The Plan will support and encourage a comprehensive programme of Travel Plans, including School Travel Plans, employer Travel Plans and new housing development Travel Plans. All new major developments which would	Not clear as to what is meant by 'significant amount of travel'? It would be for the Highway Authority to determine whether a travel plan was required as part of a new development proposal (if one was not submitted). Potential CIL compliancy issues.	POLICY T2: TRAVEL PLANS – The Plan will promote and encourage a comprehensive programme of Travel Plans, including School Travel Plans, employer Travel Plans and new housing development Travel Plans. Development proposals, which the Highway	Proposed wording addresses previous concerns although it may be more appropriate to say " Development proposals, which the Highway Authority considers would generate a significant amount of travel, will be expected to should be supported by a Travel Plan that is tailored to the

generate significant amount of travel will be required to be supported by a Travel Plan that is tailored to the specific needs of that development and the wider needs of Ashby de la Zouch including where appropriate a reduction in Town Centre traffic.		Authority considers would generate a significant amount of travel, will be expected to be supported by a Travel Plan that is tailored to the specific needs of that development and the wider needs of the Plan area including where appropriate a reduction in Town Centre traffic.	specific needs of that development
POLICY T3: SAFER ROUTES TO SCHOOLS SCHEMES – The Plan will support and encourage ‘Safe routes to schools’ schemes and similar initiatives. Where a Safer Route to School would help to address a known traffic problem the Town Council will seek their use. All proposals for new and expanded schools facilities should be accompanied by a Safer Routes to Schools Scheme	Not clear what is meant by a ‘known traffic problem’.	POLICY T3: SAFER ROUTES TO SCHOOLS SCHEMES – The Plan will encourage ‘Safe routes to schools’ schemes and similar initiatives wherever possible and appropriate. Development proposals for a new school or a significant expansion in an existing school’s capacity should be accompanied by a Safer Routes to Schools Scheme or similar.	Proposed wording addresses previous concerns.
POLICY T4: WALKING AND CYCLING – Support will be given to proposals which would increase or improve the network of cycle ways and footpaths and their use. This includes the provision of a new cycleway/footpath that circumnavigates the Parish. New developments should be well-linked to and by footpaths and cycle ways.	It is understood that Leicestershire County Council are preparing a cycling strategy for Ashby. It would be useful to include a plan showing the routes suggested in this.	POLICY T4: WALKING AND CYCLING – Development proposals that result in the loss of, or have a significant adverse effect on, the existing network of footpaths, footways and cycle ways will not be supported.	As worded this policy would potentially result in development being refused because of an adverse impact on a public footpath, but it is possible that any such impact could be ameliorated through an appropriate diversion. This policy would not allow for this. It is not clear if this in the intention or not. If a planning application were refused for this reason and an appropriate alternative diversion could be demonstrated, then it is considered likely that a refusal would not be supported (on this issue) at appeal.
POLICY T5: NATIONAL FOREST RAILWAY LINE – Proposals that threaten the integrity of the National Forest line and its infrastructure for potential re-use for passenger services will not be supported. However, should the line completely cease being used for rail purposes the Plan supports its possible use as a footpath, cycleway or for some form of public transport development proposal.		POLICY T5: NATIONAL FOREST RAILWAY LINE – Proposals that threaten the integrity of the National Forest line and its infrastructure for potential re-use for passenger services will not be supported. However, should the line completely cease being used for rail purposes the Plan supports its re-use as a footpath, cycleway or for some form of public transport .	For consistency it is suggested that the policy should be re-titled as Leicester to Burton line.
POLICY T6: PUBLIC TRANSPORT – The Town Council will liaise with Leicestershire Highway Authority, East Midlands Airport, Network Rail, the bus operators and other relevant bodies to encourage the better planning, and improved provision, of public transport.	May also need to refer to Highways England.	COMMUNITY ACTION T2: PUBLIC TRANSPORT – The Town Council will support and encourage liaison with Leicestershire Highway Authority, Highways Agency, East Midlands Airport, Network Rail, the bus operators and other relevant bodies to try to achieve better planning, and improved provision, of public transport.	The reference to Highways Agency should be amended to Highways England. It is noted that this policy in referred to as a Community Action, but it is not clear as to what this means. It would be helpful to clarify what the distinction is. As such the policy is no more than a statement of fact whereby it is not clear what would be expected of a developer/applicant. Providing the clarification referred to above may address this concern.
POLICY T7: CAR PARKING – The Plan will encourage development and other proposals that provide opportunities for improvement in car parking. The Plan supports a major review of car parking provision and policies in Ashby, especially in the Town Centre, and the Town Council will work with the Leicestershire Highway Authority, Leicestershire County Council, North West Leicestershire District Council, the local business community and other relevant bodies to ensure this.		POLICY T6: CAR PARKING - Development proposals that result in the loss of, or adversely affect, car parking provision will not be supported unless where (i) it can be clearly demonstrated that the loss of parking will not have an adverse effect on parking provision and road safety in the nearby area; or (ii) adequate and convenient replacement car parking provision will be provided on the site or nearby. COMMUNITY ACTION T3: The Plan supports a major review of car parking provision and policies in the Plan area, especially in the Town Centre, and the	As worded this policy is somewhat confusing and lacking in clarity. For example, in order to prove that a development would not have an adverse affect on car parking, the policy requires that it must first be established that it has an adverse affect on parking provision. It is not clear how would an applicant be able to demonstrate that the loss of parking spaces would not have any adverse impact on parking provision in the nearby area or what is meant by the term “nearby area”. The policy appears to apply to the whole plan area, so it is possible that it could be used to resist a proposal to convert a domestic integral garage to a room of the house. It is not clear if this is what is intended or not.

		Town Council will work with the Leicestershire Highway Authority, Leicestershire County Council, North West Leicestershire District Council, the local business community and other relevant bodies to ensure this.	
POLICY ELWB 1: EXISTING GREEN SPACES WILL BE PROTECTED - Their development for non-green space purposes will only be permitted in exceptional circumstances in accordance with national and district planning policies.	<p>It would be useful to map the sites referred to for the avoidance of doubt.</p> <p>It is not clear whether the policy is referring to all existing green spaces or just those referenced.</p> <p>It is not clear what 'for non-green space purposes' means?</p>	POLICY ELWB 1: OPEN SPACES - There will be a strong presumption against development proposals that would result in the loss of, or have an adverse effect on, an open space which is important for its recreation, amenity or bio-diversity value. Such proposals will also be considered in accordance with other policies in this Plan and relevant national and District planning policies.	As currently worded this policy could be used to resist a proposal for a pavilion or changing facilities designed to be used in conjunction with the open space. It is not clear whether this is the intention or not. The policy would benefit from the inclusion of a word such as 'significant' when referring to the potential impact on the open space.
		<p>POLICY ELWB 2: LOCAL GREEN SPACES – The following Open Spaces have been identified as being particularly special to the community and the Plan designates them as Local Green Spaces:</p> <p>Allotments, Wilfred Gardens; Ashby Cemetery, Kilwardby Street; Memorial Field, Prior Park Road; Bullen’s Field, Prior Park Road; Bath Grounds, Station Road; Hood Park; The former Grammar School playing field on land adjacent to Prior Park Road; Western Park; Westfield Recreation Ground; and Willesley Recreation Ground.</p> <p>Development proposals that would result in the loss of, or have an adverse effect on, an identified Local Green Space, shown in figure 5, will only be permitted in very exceptional circumstances and will be considered in accordance with other policies in this Plan and relevant national and District planning policies.</p>	<p>It is not clear whether the sites referred to under this policy are in addition to ELWB1 or are they one and the same thing?</p> <p>The policy would benefit from the inclusion of a word such as 'significant' when referring to the potential impact on the open space.</p> <p>It is not clear what very exceptional circumstances are envisaged.</p>
POLICY ELWB 2: OPEN SPACE IN NEW HOUSING DEVELOPMENT - All new housing developments of five or more dwellings will be required to include adequate green space provision. This will include fitness facilities for all ages not just children, as part of this open space requirement. Commuted sums will be required to cover the costs of the maintenance of open space for a period of 10 years from the date of their hand over to the Town Council. Alternatively, if an existing open space is located within reasonable walking distance, then a commuted sum may be accepted for the enhancement of that area.	<p>Conflicts with National Policy. Approach may lead to viability issues.</p> <p>Ambiguous - how much space would be required? What is adequate? Could end up with very small unusable spaces.</p> <p>Unsure whether it refers to open space and/or equipped space.</p> <p>Consider whether it should be projects for Section 106 inclusion rather than policy as suggested.</p> <p>How is 'reasonable walking distance' defined?</p>	POLICY ELWB 3: OPEN SPACE, SPORT AND RECREATION PROVISION IN NEW HOUSING DEVELOPMENT – The Plan supports the District planning policy that all major housing developments will be required to include adequate open space, sport and recreational provision as an integral part of the development. It is important that this includes a mix of provision specifically to meet identified local needs in the Plan area. Priority should be given to meeting the needs of all age groups, including cross age provision such as outdoor fitness facilities.	No comments
POLICY ELWB 3: ALLOTMENT PROVISION IN NEW DEVELOPMENTS – Appropriate and suitable	Ambiguous – would raise viability issues; query how much space would be required?	POLICY ELWB 4: ALLOTMENT PROVISION IN NEW DEVELOPMENTS – Appropriate and suitable	Whilst the comments regarding the site threshold have been addressed other concerns raised previously by the District

allotment provision will be required to be incorporated into new housing developments of five or more homes either through direct provision or via an equivalent commuted sum.	What is the evidence base for the requirement? Would this be in addition to the open space requirements included within the overall total? Suggest an alternative threshold, major applications (10 plus dwellings).	allotment provision will be required to be incorporated into new housing developments of fifty or more homes either through direct provision or via an equivalent commuted sum.	Council have not been addressed so previous comments still apply.
POLICY ELWB 4: BIODIVERSITY - All new development will be expected to enhance and protect sites of biodiversity or ecological importance.	Conflict with National policy – would need to show a relationship between the site and the site of ecological interest. Many sites will already be protected by law (SSSI and protected species)	POLICY ELWB 5: BIODIVERSITY: Development proposals should not harm the network of important local biodiversity features and habitats. New development proposals will be expected to maintain and, wherever possible enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines).	There is a typing error in the title. Proposed wording addresses previous concerns although it would be better to say “should” instead of “will be expected to”
POLICY ELWB 5: TREES AND WOODLANDS – Development proposals that damage or result in the loss of trees and hedges of good arboricultural, ecological and amenity value will not normally be permitted. Proposals should be designed to retain trees and hedges of arboricultural, ecological and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees.	Consider re-ordering the policy – for example “require surveys to accompany proposals and where hedges etc of value are identified these should be integrated into development” Consider including at the end ‘ <i>and an assessment of impact on the trees</i> ’.	POLICY ELWB 6: TREES AND HEDGES – Opportunities to enhance the coverage of trees and hedges, including in partnership with the National Forest Company, will be encouraged. Development proposals that may involve the loss of, or adversely affect, trees and hedges should be accompanied by a survey that establishes the health, longevity, and arboricultural, ecological and amenity value of any affected trees. Where this survey identifies hedges or trees of arboricultural, ecological or amenity value the proposal should be designed to retain these and they should be adequately protected during construction works. Development proposals that may damage or result in the loss of trees and hedges of good arboricultural, ecological or amenity value will not normally be permitted, and in those special circumstances where they are permitted will be expected to provide appropriate and suitable replacement tree or hedges of at least an equivalent arboricultural value.	Proposed wording addresses previous concerns although it should include at the end ‘and an assessment of impact on the trees’ at the end of the first sentence in the 2 nd paragraph. It is not clear what special circumstances are envisaged or how arboricultural value is measured. The use of the word ‘normally’ should be avoided.
POLICY ELWB 6: BUILDINGS AND STRUCTURES OF LOCAL HISTORICAL AND ARCHITECTURAL INTEREST - Development proposals that will impact on an identified building of local historical or architectural interest will be required to conserve and enhance the character, integrity and setting of that building or structure.	The character appraisal for the town centre (2001) identifies unlisted buildings of interest to the conservation area. These are not known as locally listed buildings and the District Council has not adopted a local list. Paragraph 135 of the NPPF asks a planning authority to take into account “the effect of an application on the significance of a non-designated heritage asset”. These assets may or may not have been identified prior to the application. In this context it is unfortunate that policy ELWB6 applies only to “identified buildings of local historical or architectural interest”. The legal phrase is “architectural or historic interest”, please note that; ‘historical’ does not have the same meaning as ‘historic’.	POLICY ELWB 7: LISTED BUILDINGS - Development proposals that may adversely affect a Listed Building or its setting will be required to conserve and enhance the character, integrity and setting of that building or structure in accordance with District and national planning policy.	The NPPF refers to ‘substantial harm’ to a heritage asset (such as a listed building) and it is not clear whether in this instance ‘adversely affect’ would equate to ‘substantial harm’ or not. It may be appropriate to rely upon the NPPF unless there are any specific local issues which need to be addressed by this policy.
POLICY ELWB 7: ASHBY DE LA ZOUCH		POLICY ELWB 8: ASHBY DE LA ZOUCH	See comments above regarding listed buildings.

<p>CONSERVATION AREA – Development proposals will be expected to conserve and enhance the character, integrity and setting of Ashby de la Zouch Conservation Area in accordance with the Conservation Area Appraisal and national and district planning policies.</p>		<p>CONSERVATION AREA – Development proposals will be expected to conserve and enhance the character, integrity and setting of Ashby de la Zouch Conservation Area in accordance with the approved Conservation Area Appraisal and national and District planning policies.</p>	<p>The District Council intends to review conservation areas in the principal town or in service centres every five years.</p>
		<p>POLICY ELWB 9: BUILDINGS AND STRUCTURES OF LOCAL HERITAGE INTEREST – The Town Council and the Ashby de la Zouch Civic Society in consultation with the District Council and other bodies will maintain an agreed schedule of ‘non-nationally designated’ assets of local architectural or historic interest. Development proposals that affect a building, structure or its setting identified on this list will be required to conserve and enhance the character and the setting of that building or structure.</p>	<p>The identification of local heritage assets is a function of the local planning authority. This is reflected in the NPPF and in guidance from Historic England (https://historicengland.org.uk/advice/hpg/has/locallylistedhas/). The District Council intend to adopt a local list for the Ashby Measham & Moira community forum area in Q2 of 2018/19. The preparation of an ‘alternative’ list is not something which the District Council would support.</p> <p>Notwithstanding the above advice, the first sentence of policy ELWB 9 does not constitute planning policy and would be better presented as a community action.</p>
<p>POLICY ELWB 8: AREA OF HIGH ARCHEOLOGICAL POTENTIAL - The Neighbourhood Plan identifies an ALERT zone which is coterminous with the conservation area boundary where archaeological remains are likely to be present. All major developments should consider their impact upon archaeology but where any proposal falls within the boundaries of the zone, developers or their agents should seek guidance at the pre-application stage and where necessary engage in discussions about what material should be submitted with a planning application in the ‘Heritage Statement’.</p>	<p>Like policy S4 above, this policy does not explain what the Town Council would expect from a new development in terms of its response to below-ground remains; it only explains what the Town Council would expect from a development proposal in terms of pre-application engagement.</p> <p>The policy identifies an area of high archaeological potential “coterminous with the conservation area boundary”. The County Council’s historic landscape characterisation identifies a “historic settlement core” at Ashby-de-la-Zouch. It appears that parts of the conservation area extend beyond the historic settlement core and vice versa. It is recommended that the Town Council contact the county archaeologist for further advice in respect of this matter.</p>	<p>POLICY ELWB 10: AREAS OF ARCHAEOLOGICAL INTEREST - All development proposals are required to consider their impact upon archaeology. Where a development proposal may adversely affect a recorded archaeological site, developers or their agents should seek guidance at the pre-application stage and where necessary to engage in discussions about what material should be submitted with a planning application in any ‘Heritage Statement’.</p>	<p>No comments</p>
<p>POLICY CF1 IMPORTANT COMMUNITY FACILITIES – Important community facilities should be retained and wherever possible enhanced. Development proposals involving the loss of or adversely affecting, important community facilities will be resisted unless an appropriate alternative is provided, or there is demonstrable evidence that the facility is no longer required and/or viable and that suitable alternative community uses have been considered. Proposals for new or enhanced community facilities, including medical facilities, will be supported where it meets an identified need, is in the Limits to Development Limit and subject to transport, design and amenity</p>	<p>Policy is ambiguous. What are considered to be important community facilities? This could just be addressed by generic reference e.g. schools.</p> <p>As drafted this policy would potentially prohibit a community facility being developed because it’s outside the Limits to Development. Is this the intention?</p>	<p>POLICY ELWB 11: IMPORTANT COMMUNITY FACILITIES – Development proposals that result in the loss of, or have a significant adverse effect on, an important community facility will not be permitted unless it can be demonstrated that it is no longer required by the community and/or continued use is no longer viable and the site has been actively marketed for over a year.</p> <p>POLICY ELWB 12: NEW COMMUNITY FACILITIES - Development proposals that will enhance the provision of community buildings, including medical facilities, will be viewed positively where it can be clearly demonstrated that it meets an identified local</p>	<p>The concerns raised previously by the District Council in respect of ambiguity have not been addressed so previous comments still apply. It should be made clear that the marketing referred to is for the community use and not some other use.</p>

considerations.		need and is subject to accessibility, design and amenity considerations.	
POLICY ELWB 10: ASSETS OF COMMUNITY VALUE - Development proposals that will result in either the loss of a designated Asset of Community Value or in significant harm to a designated Asset of Community Value will not be permitted unless in special circumstances such as the Asset is replaced by equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be clearly demonstrated that it is unviable or no longer needed by the community.	<p>There is no nationally prescribed requirement for an Asset of Community Value to be replaced. The Owners of listed assets cannot dispose of them without:</p> <ul style="list-style-type: none"> letting the local authority know that they intend to sell the asset or grant a lease of more than 25 years waiting until the end of a six week 'interim moratorium' period if the local authority does not receive a request from a community interest group to be treated as a potential bidder waiting until the end of a six month 'full moratorium' period if the local authority does receive a request from a community interest group to be treated as a potential bidder <p>The owner does not have to sell the asset to the community group.</p>	POLICY ELWB 13: ASSETS OF COMMUNITY VALUE - Development proposals that will result in either the loss of a designated Asset of Community Value or in significant harm to a designated Asset of Community Value will not normally be permitted unless in special circumstances such as where the Asset is replaced by equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be clearly demonstrated that it is unviable or no longer needed by the community.	<p>The concerns raised previously by the District Council have not been addressed so previous comments still apply. The Localism Act is clear about the scope and intention with respect to Assets of Community Value and preventing their change to other use, or redevelopment, is not within the ambit of the Act.</p> <p>Being designated as an Asset Community Value provides an opportunity for the community to bid for the asset, but it does not give first refusal (or even guarantee that the highest bidder is the winner) so if the bid is unsuccessful then, in planning terms, there is no reason to prevent the new owner from changing the use, or redeveloping it, unless there are genuine planning considerations which would apply (e.g. impact on amenity or highways from the new use)..</p>
POLICY ELWB 11: NEW ARTS/COMMUNITY CENTRE - The development of an appropriately located new Arts/Community Centre will be supported.	<p>It is not clear whether any such facility could be outside the Limits to Development.</p> <p>Consider that this is more of a statement/objective than a policy; a policy should set out how it would seek to be achieved.</p>	POLICY ELWB 14: NEW ARTS/COMMUNITY CENTRE - The development of an appropriately located new Arts/Community Centre will be viewed sympathetically.	The concerns raised previously by the District Council have not been addressed so previous comments still apply.
POLICY ELWB 12: EDUCATION – The Town Council will work with the County Council and other education providers, especially in response to new housing and other trends and pressures, to promote education provision that reflects changing needs and the population profile of the Parish, is fit for purpose and of a modern standard. New developments will be required to provide adequate financial contributions to provide sufficient good educational provision for the additional demand they generate.	<p>Will the need for contributions apply to all developments irrespective of scale?</p> <p>Perhaps need to qualify it with <i>“where a new development will have a demonstrable impact upon education provision in the Plan Area and to comply with CL...”</i> although this is ultimately up to County Council education to determine.</p>	<p>COMMUNITY ACTION ELWB2: The Town Council will work with the County Council, local schools and other interested bodies and individuals, to promote good equality education provision that meets the existing and future needs and population profile of the Plan area.</p> <p>POLICY ELWB15: EDUCATION – Where it is considered that a development proposal will have a demonstrable and significant impact on education provision in the Plan area this will be required to provide adequate financial contributions to provide sufficient good educational provision for the additional demand it generates.</p>	<p>Splitting this policy in to two is considered to be appropriate.</p> <p>No comments</p>
POLICY DC1: Prioritisation of infrastructure requirements – The infrastructure requirements accompanying new development will be refined and prioritised through the statutory consultation phase of the preparation of the Neighbourhood Plan and will be set out in order of priority in the final Plan.		POLICY DC1: Community Infrastructure - The Town Council, working with the District Council and other relevant organisations, will prioritise developer contributions on a case-by-case basis related to achieving optimal 'community benefit' from the opportunities available for each development and having regard for the priorities listed above.	No reference is made to the need to ensure that any requirements do not adversely impact upon viability of developments. It should be noted that unless the Town Council is as signatory to any legal agreement, then the District Council is responsible for the money and for ensuring that any money is spent within the terms of the agreement.
COMMENTS REGARDING TEXT			
			Page 13 – Town Council vision makes reference to using Ashby’s special qualities to attract visitors and shoppers from further afield. What about attracting businesses?

			Page 13 – Key objectives. Some of these are not expressed as objectives eg Housing site allocations, housing mix and design”, “need for enhanced community facilities in line with growing population” and “priorities for section 106 funding
			Page 43 – Where is the evidence to support the assertion that the Tesco extension, and developments at Dents Road have “had a dramatic impact on the numbers of people visiting the Town Centre”.
			Page 43 – Final sentence in b) Town Centre Uses should read “...hot food takeaways and this is having <u>an</u> adverse impact on the amenity of the Town Centre”
			Page 46 -. Whilst well intentioned it is worth noting that the Mews and Alleys of Ashby add to the retail offer and the charm of the town. Without appropriate signage these areas could be overlooked by footfall and jeopardise the viability of these retail outlets.
			Page 47 - First para above Policy TC3 – as this refers to signage should this not be moved to section g) Signage and Lighting?
			Page 48 – 2 nd paragraph, change the wording of “This is particularly important given Ashby’s proximity to the National Forest” as Ashby is within or part of the National Forest not just close to it.
			Page 71 - 3 rd para – 2 nd sentence – should refer to typo - Planning Practice Guidance instead of Planning Policy Guidance.
			Section 4.7 – it would be appropriate to include some reference to the Community Infrastructure Levy and its requirements in terms of ensuring that any contributions are appropriate, well related and proportionate. Not all of those matters listed are infrastructure (e.g. a design code for Money Hill, heritage statement regarding areas of archaeological interest .