

CORE STRATEGY POLICY 7

Leicestershire County Council	Core Strategy Policy 7	Agreed. It will be addressed in the policy to stipulate that built environment does include roads. Bullet point two.
Natural England	Core Strategy Policy 7 Policy CS7 lists land uses which are generally consistent with the green wedge classification, however while we do agree that certain forms of public transportation may be acceptable, we are concerned with the inclusion of mineral extraction as a proposed activity, and believe that this should be excluded from these areas because the environmental, landscape and visual impacts of this use can be much more severe than the other suggestions.	ACTION REQUIRED Agreed. This will be amended. Our policy needs to set out our approach to Park and Ride on Green Wedges. ACTION REQUIRED
Government Office for the East Midlands (GOEM)	Core Strategy Policy 7 (CS7) Any strategic development location in the Green Wedge should be identified.	Noted
Leicester Racecourse Ltd (Agent is Marrons)	Core Strategy Policy 7 – Appropriate Green Wedge Land Uses Policy CS7 states that certain land uses will be acceptable in Green Wedges, provided that <i>such uses do not damage the open and undeveloped character of the Green Wedge</i> . It is considered that Policy CS7 fails to comply with the following soundness tests in PPS12: 1. The plan is flexible 2. The strategy represents the most appropriate when considered against the reasonable alternatives It is considered that the list of land uses contained within Policy CS7 that are deemed to be <i>acceptable</i> is too prescriptive. It is	Comments noted. Through prescribing the types of development deemed acceptable in Green Wedges we were applying flexibility. We will review our approach for the submission draft and comply with the directions set out in PPS12.

therefore considered that the policy does not represent the *most appropriate* strategy when considering against the reasonable alternatives, nor is it *flexible* to deal with changing circumstances. Policy CS7 should allow any development within the Green Wedge that is acceptable on its own individual merits.

It would be appropriate for example for hotel accommodation and related uses in association with extant or new recreational uses within the Green Wedge to be permitted, if a proposal was submitted that was acceptable on its own planning merits, which is not inconsistent with the aims of the Green Wedges, which are set out at 6.11 of the Strategy. The current drafting of Policy CS7 precludes such development; and cannot therefore be said to be *flexible* and therefore cannot be deemed to be the *most appropriate* strategy. As such, the Policy cannot be deemed to be either *effective* or *justified*.

The policy is uncertain in referring to the Green Wedges remaining *open* and *undeveloped*, for the reasons set out below. The underlying purpose of Green Wedge policy is to prevent the coalescence between settlements, and not merely to ensure that Green Wedges are *open* and *undeveloped* areas. The function of the Green Wedge policy should not be to prevent development in the way that Green Belt policy operates for example, that is to prevent development unless there are very special circumstances in which it should be permitted. It is essential in considering Policy CS7 to draw a clear distinction between Green Belt policy and Green Wedges. The Green Wedge policy should not be drafted as a surrogate Green Belt policy which relies on openness as its principal objective. The purpose of Green Wedge policy should be to encourage appropriate development which may foster or enable Green Wedge objectives, i.e. The prevention of coalescence or to facilitate recreation, even if openness to the Green Wedge itself is reduced. Policy CS7 should be much less prescriptive and

allow the consideration of proposals on their individual planning merits. This will allow in the appropriate circumstances, built development to be permitted. To try to preclude built development on Green Wedge due to concerns relating only to openness does not represent good planning and does not therefore represent the *most appropriate* strategy.

Overall it can be concluded that Policy CS7 fails to represent the *most appropriate* strategy, nor is it *flexible* to deal with changing circumstances. As such, the policy fails the soundness test because it is neither *Effective* or *Justified*.

Changes required to Core Strategy Policy 7

It is suggested that if Policy CS7 were to propose that any *appropriate* land uses within the Green Wedge would be acceptable in principle, subject of course to consideration of merits of any planning application, this would ensure that Policy CS7 of the strategy is *flexible* and represent the *most appropriate* strategy. It is suggested that the prescriptive ness of the policy should be removed, so as to enable the consideration of proposals on their merits.

The proposed policy should therefore be amended to include:

Land uses that are acceptable within the Green Wedge will be assessed at the time of any planning application and each proposal shall be assessed on its individual planning merits...

By allowing a potential wider range of uses on Green Wedges, this gives the opportunity for other objectives of the Strategy to be met and complied with. For example, Core Strategy Policy 23 provides:

The Borough Council will support the retention and expansion of existing tourism facilities and encourage sustainable growth of

appropriate tourism through the provision of new facilities.

The Spatial Vision provides

Our Borough will be an area where people ... have access to a healthy and sustainable economy that is diverse and supported by a broadly skilled work force which enables local businesses to grow.

If policy CS7 were less prescriptive and allowed a wider form of development on Green Wedges, this could enable further employment opportunities within the Borough, together with inward investment from existing businesses operating in the area, and / or businesses looking to develop in the Borough.

NFU East Midlands

Core Strategy Policy 7

CS7. We would urge the removal of the restriction on retail development. A farm shop in a green wedge could reduce car journeys as the shop is nearer to customers than out of town supermarkets.

Comments noted

CORE STRATEGY POLICY 8

Leicestershire County Council

Core Strategy Policy 8

In comparison with the objectives the wording of the policy appears rather weak. In transportation terms, there is a concern that inappropriate development in the countryside will perpetuate unsustainable patterns of travel. The policy wording should be strengthened to reflect the objective of providing development that is essential to the needs of the rural economy.

Agreed: The submission Core Strategy will be amended to address the concerns of this respondent

ACTION REQUIRED

Natural England

Core Strategy Policy 8

Policy **CS8** which addresses development in the countryside is good since it promotes protecting the settlement form. Natural England strongly agrees that measures are taken to ensure that any new development is well related to the landform in terms of scale, form, and materials. We strongly suggest that your policy

Comments noted

emphasizes the importance of referring to key documents such as the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy, and that it also flags the need to have local Landscape Character Assessments done. Making these amendments would provide you with a very strong policy basis to ensure an effective landscape characterisation approach to considering development in the country-side.

This policy should also be tied to the provision of quiet lanes to minimise transportation impacts on rural character. It also ties in well with Natural's England's promotion of vibrant rural communities. We advise the inclusion of a specific policy which encourages the conversion and re-use of rural buildings. This policy could be supported by text references of the importance of the environmental economy to the wider economy. Again this is clearly linked to the tourism policy (CS23), as well as that of Policy CS15 which deals with Protecting and Respecting Local Landscape and Historic Character.

J H Hallam & Son Ltd (Agent is Marrons)

Proposed Core Strategy Policy 8 (Policy CS8) (Page 55)

Comments noted

It should be noted that countryside policy is a residual policy that is a policy which applies to land which following the Local Development Framework process (as here) lays outside the defined limits to development and which is designated as such on the Proposals Map.

As such the defined limits to development for this Local Development Framework will be those established following the adoption of the Allocations DPD which shall have selected those sites, we suggest that may be within *or adjoining* the existing planned limits to development, to best meet the planned growth for the Borough to 2026.

The earlier representations above concerning proposed Strategic Objective 2 should be read in conjunction with this representation given this policy initiative would be linked to that

The National Trust

strategic objective.

Core Strategy Policy 8 – Development in the Countryside

The National Trust objects to the inclusion of the words *of the specific site* at the end of the second paragraph of this Policy. It is necessary for the consideration of new development to include an assessment of the impacts upon its surroundings, not just upon the characteristics of the site itself. This is especially the case in relation to matters such as landscape character, the historic environment and nature conservation; for example:

A development may be outside a Conservation Area or the curtilage of a Listed Building but still be entirely inappropriate because of its impact upon the setting of the heritage feature – for instance by obstructing an important view in or out of the area (as per advice in Planning Policy Guidance 15 and referred to in Regional Spatial Strategy Heritage Policies)

Arrangements for run off of surface water might be intrinsically satisfactory, but if they would create unacceptable levels of flooding at certain times on adjacent sites of nature conservation value (for example: flooding of water vole holes or of the nest sites of birds) would be entirely inappropriate.

It is therefore requested that the Policy is amended to read as follows:

Development should not adversely affect ~~the~~ landscape, wildlife, ecological, geological, environmental, archaeological or historic resources ~~of the specific site~~.

NFU East Midlands

Core Strategy Policy 8

CS8. In the second sentence we would like to see, *Some forms of development will be required in the countryside. It is not going to be preserved as is.*

Agree in part. The second paragraph will now read Development should not adversely affect ~~the~~ landscape, wildlife, ecological, geological, environmental, archaeological or historic resources of the specific site and the surrounding area

ACTION REQUIRED

Disagree. The policy stipulates that change that is identified as needed will be allowed which in turn will promote appropriate levels of growth to support and enhance existing and new sustainable communities

NFU East Midlands

Core Strategy Policy 8: Strategic Development Management Strand

CS8. We would like to add renewable energy installations to the list to include solar panels, small wind turbines for the farms own use, anaerobic digestion plant and small scale biofuel plant and other renewable technology when it comes on stream. Farms can become net contributors of energy, but one of the pre-conditions is that planning policies are suitably sympathetic.

Agreed: This will now be explained in the explanatory text of Policy Theme 4. The Strategic Development Management Strand policies shall be removed due to the confusion that they have caused

ACTION REQUIRED

CORE STRATEGY POLICY 9

Leicestershire County Council

Core Strategy Policy 9

Green Infrastructure is mentioned but only within the context of bio-diversity, suggesting an inconsistent approach towards GI. Wildlife Sites should also be included in this policy.

Agreed. We intend to strengthen this policy to become a Green Infrastructure led policy

ACTION REQUIRED

Natural England

Core Strategy Policy 9

Policy CS9 is inconsistent, it states that development should not take place on sites/habitats of international, national or local importance, but does make possible exceptions in the case of “overriding” local need. This policy is clearly not consistent with PPS9. Paragraph 8 under the section entitled Sites of Special Scientific Interest (SSSIs) notes that “planning permission should not normally be granted” where adverse effects are anticipated to effect SSSIs. Furthermore, PPS9 states that exceptions should only be considered if the benefits of the project outweigh the likely impacts of the special features of the site and “any broader impacts on the national network of SSSIs”.

Agreed in part. CS9 is in accordance with PPS9 although does need rewording and clarifying to enable the policy to be interpreted in the way the Borough Council intends.

ACTION REQUIRED

The term “local need” is a vague term and conveys a sense of ambiguity concerning the range of development that should over-ride any adverse impacts on SSSIs. This qualification effectively undermines what is otherwise a very sound, confident policy and we do recommend that it is removed. Having reviewed the rest of this document we are confident that Oadby

Natural England	<p>and Wigstons best interests have been adequately addressed by the other policies proposed</p> <p>Core Strategy Policy 9</p>	Noted
Natural England	<p>In addition, we commend the fact that the reference to the Biodiversity Action Plan, the Nature Conservation Strategy, and Geological sites has been included in CS9. This provides a strong policy basis from which to address these issues.</p> <p>Core Strategy Policy 9</p> <p>CS9 (Biodiversity, Geological Conservation and the Wider Environment) needs to also make specific reference to the necessity for monitoring the condition of designated sites and areas.</p> <p>This policy could be strengthened by noting the importance local materials, construction techniques and designs. This will back the economy and trade Strategic Objectives at a local level, in addition to the ones currently highlighted. It would also be nice to tie Green Infrastructure into this section with respect to larger developments.</p>	Noted. CS9 will need revising and amending to incorporate a specific GI policy.
Natural England	<p>Core Strategy Policy 9</p> <p>CS9- The provision of this strategic policy will be very useful but bullet points 2 and 4 will be significantly strengthened only if it has a Green Infrastructure network in place to guide these decisions, and the relevant G.I. policy to support it.</p> <p>Proposed Core Strategy Policy 9 (Policy CS 9) (Page 55)</p>	<p>Agreed, CS9 does need strengthening and should have more consideration regarding Green Infrastructure. (note a new distinct GI policy is needed)</p> <p>ACTION REQUIRED</p>
J H Hallam & Son Ltd (Agent is Marrons)		Noted
East Midlands Regional Assembly	<p>This proposed policy is broadly supported.</p> <p>Core Strategy Policy 9</p> <p>Under Potential Core Strategy Policy 9 it may be felt appropriate to require new development to <i>have minimum disturbance to</i> <u>and</u> incorporate provision for enhancing biodiversity.</p>	<p>Agreed. CS9 should mention that new development should have minimum disturbance to the environment and biodiversity within its vicinity, although not totally agreed with incorporating provision for enhancing biodiversity.</p>

The National Trust

Core Strategy Policy 9 – Biodiversity, Geological Conservation and the Wider Environment

The National Trust objects to the revisions made from the earlier draft policy and in particular the removal of the reference to sites of local importance in terms of their nature conservation value. Given the acknowledged need to secure a step change improvement in biodiversity at a Regional level and the paucity of existing nature conservation resources within the Borough it is imperative that all sites of existing value are safeguarded and the aspiration should be to improve their importance and status, not to ignore the role that local sites do and can play.

It is requested that a bullet point is added to the penultimate paragraph to refer to sites of local nature conservation value.

ACTION REQUIRED

Agreed. A further bullet point should be added to make reference to sites of local importance that are not designated as SSSI, NNR or RIGS.

ACTION REQUIRED

Core Strategy Policy 10

Environment Agency (Evidence supporting this provided)

Core Strategy Policy 10

Core Strategy Policy 10 on page 56 should stress that in the first instance we will be expecting that application of the sequential test for new developments proposed in areas of flood risk, in order to steer development towards areas of lowest flood risk (Flood Zone 1). If appropriate sites are not available then the exceptions test should be applied to ensure that flood risk is adequately addressed, which would include mitigation measures.

Surface water is an issue that also needs to be considered. Any development has the potential of creating areas of impermeable surfacing, preventing water from naturally permeating into the ground. Instead it would directly enter the mains drainage and watercourses. This additional water would increase the level of flood risk to the area. It is important that the risk is mitigated against through the usage of the Sustainable Urban Drains and a topic that should be discussed in the Core Strategy. We would

Agreed. The policy does need amending to clarify the role that surface run-off, surface water and impermeable surfaces play in adding to flood risk.

Agreed, more clarity and detail is needed in terms of the roles SUDs can play in the mitigating and prevention of potential increases to flooding from hard landscapes.

ACTION REQUIRED

like to see the requirement for the production of a Surface Water Management Plan (SWMP) to ensure that the above issues are adequately dealt with.

The most effective way of mitigating against flood risk issues is through the usage of Sustainable Urban Drains. Detailed guidance on the Sustainable Urban Drains can be found in the Interim Code of Practice for Sustainable Urban Drains (included with this response).

CORE STRATEGY POLICY 11

Wheatcroft & Son Ltd + JS Bloor (Measham) Ltd (Agent is SSR Planning) (Evidence supporting this allocation option provided)

Core Strategy Policy 11

Noted.

Our client is supportive of the Councils aims to achieve development that is respectful of the natural environment and landscape character while contributing the initiatives to reduce developments effects on the environment. However, the Council will be required to demonstrate its understanding of the practicality and commercial realism as to how to achieve the national goals as currently set out. The Summary of Changes to the Technical Guidance of the Code for Sustainable Homes sets out that developers and designers have the flexibility to choose standards to suit given sites and development to help achieve the Code for Sustainable Homes targets. Our client is committed to creating sustainable developments and will work with the Council to achieve realistic and deliverable CO2 emission targets.

In conclusion, the targets for the reduction in CO2 emissions are ambitious but it is our clients intention to work with the Council to achieve realistic and deliverable targets.

Leicestershire County Council

Core Strategy Policy 11

Despite the title of the policy Renewable Energy Use and Increasing Energy Efficiency, there is no statement on energy efficiency in the policy. The Strategic Development Control Policies refer to high standards of water and energy efficiency

Agreed, there does in fact need to be some mention of energy efficiency within the policy. Also it would be worth detailing aspirational Code for Sustainable Homes targets for new dwellings and developments within the Borough.

Sainsburys Supermarkets Ltd
(Agent is Indigo Planning Limited)

but do not define what is meant or set standards to be achieved.

Core Strategy Policy 11:

Proposed Policy CS11 seeks to reduce the overall level of CO2 emissions and for new development to incorporate on site renewable energy resources. However, as set out in the Proposed Changes to the East Midlands Regional Spatial Strategy, the policy does not set out bench mark percentage targets, and offers a more flexible and aspirational approach. The policy states:

The generation of energy from on site renewable sources will be expected where the installation of renewable energy sources would be viable (Indigo emphasis) in terms of type of development, location and design.

Sainsburys Supermarket Limited supports the principle of this policy and supports the wording of the policy which sets out a flexible approach, and offers the opportunity for all developments to be considered in an *ad hoc* fashion and considered on their own merits, taking into consideration that not all developments will be viable to provide on site renewable energy. Factors such as remediation costs of Brownfield land, or social benefits being provided by a developer, should all be taken into consideration when determining individual applications.

Core Strategy Policy 11 – Renewable Energy and Increasing Energy Efficiency

Draft Core Strategy Policy 11 seeks to require proposals for major development to incorporate on-site renewable energy generation to reduce overall CO2 emissions by 10% by 2010, by 18% by 2020 and 25% thereafter.

Such a requirement is potentially onerous and therefore conflicts with the intentions of the Government Guidance within

ACTION REQUIRED

Agreed in part. CS11 does set out benchmark targets for the reduction of CO2 emissions for the plan period and beyond, although may need to set out targets for renewable energy sources.

Note. Such a vague open policy will need to be reviewed and strengthened by more specific detail.

Please see page 46, Policy 40 and 41 of the RSS8.

ACTION REQUIRED

Noted and agreed. This policy will be reviewed to meet Government Guidance in PPS22.

ACTION REQUIRED.

W M Morrison (Agent is Peacock and Smith)

Planning Policy Statement 22 and its companion guide. Our Client acknowledges that at Para 8 of Planning Policy Statement 22, it states that local planning authorities may include policies in Local Development Documents that require a percentage of energy requirements to come from onsite renewable energy generation. However, there is a caveat to this in that policies:

should ensure that requirement to generate on-site renewable energy is only applied to developments where the installation of renewable energy equipment is viable given the type of development proposed, its location and design; and,

should not be framed in such a way as to place an undue burden on developers, for example, by specifying that all energy to be used in a development should come from on-site renewable generation.

It is acknowledged that a number of authorities are seeking a percentage of onsite renewable energy generation in new development. In some cases, these requirements are not subject to any such caveat, as directed by Planning Policy Statement 22, and as such resulting policies may be considered unsound at Examination.

Any such policy must have regard to the viability of a scheme. There should certainly be scope of flexibility within policy as by placing unduly onerous requirements on developers, many development schemes may be considered as unviable which is likely to lead to a direct loss of potential investment and regeneration in the Borough.

Draft Policy CS11, as currently worded, is therefore contrary to advice in Planning Policy Statement 22.

Low and Zero Carbon Developments

BWEA

The Climate Change Study considers the types of renewable and low-carbon energy sources, and

The planning system needs to support the delivery of the timetable for reducing carbon emissions from domestic and non-domestic buildings, and local planning authorities are expected to actively encourage smaller scale renewable energy schemes through positively expressed policies in local development documents, as stated in Planning Policy Statement 22. Alongside criteria-based policy developed in line with Planning Policy Statement 22, the Climate Change Supplement to Planning Policy Statement 1 recommends that local authorities consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure their development.

BWEA emphasizes the contribution that small renewable systems can make, and strongly urges the Council to implement a policy for the mandatory requirement of onsite renewables, as requested by Yvette Cooper, the Minister for Housing and Planning, on the 8th of June 2006 (refer to website www.themertonrule.com). Such a policy would require onsite renewables to provide electricity for at least 10% of all new buildings needs (including refurbishments), in addition to stringent energy efficiency / building performance requirements. Recent research by the Department for Communities and Local Government found that around a third of Local Authorities surveyed are introducing such policies within Development Plans. Following this research the Government has urged all Council's to include such policies in their Local Plans.

The following wording is highlighted as an example:

All non-residential or mixed use developments (new build, conversion, or renovation) above a threshold of 1,000 sq m will be expected to provide at least 10% of their energy requirements from onsite renewable energy generation.

All residential developments (new build, conversion, or

supporting infrastructure that could be accommodated in the Borough.

Change required – refer to the types of renewable and low-carbon energy sources, and supporting infrastructure that could be accommodated in the Borough in supporting text to Core Strategy Policy 11.

renovation) of 10 or more units will be expected to provide at least 10% of their energy requirements from onsite renewable energy generation.

While building regulations will be strengthened over the next decade, BWEA recommend the inclusion of a discrete policy on sustainable design and construction methods, and the introduction of minimum efficiency standards for extensions, change of use conversions, and refurbishments / listed building restorations. Such a policy would help ensure increases in energy efficiency within the existing building stock, as well as in new build development. BWEA recommend looking at the Renewable Energy Toolkit for planners, developers and consultants, developed by the London Energy Partnership for further guidance.

In accordance with the Climate Change Supplement to Planning Policy Statement 1, planning authorities should have an evidence-based understanding of the local feasibility and potential for renewable and low-carbon technologies, including microgeneration, to supply new development in their area. Drawing from this evidence-base, local authorities should:

1. Set out a target percentage of the energy to be used in new development to come from decentralized and renewable low-carbon energy sources, where it is viable. The target should avoid prescription on technologies and be flexible in how carbon savings from local energy supplies are to be secured.
 2. Where there are particular and demonstrable opportunities for greater use of decentralized and renewable or low-carbon energy than the target percentage, bring forward development area 22 or site-specific targets to secure this potential; and, in bringing forward targets.
 3. Set out the type and size of development to which the target
-

will be applied; and

4. Ensure there is a clear rationale for the target and it is properly tested.

In addition, BWEA recommend that the development plan provides a brief outline of the different renewable energy generation technologies, and equally encourage and promote all forms of renewable energy (solar, biomass, wind, geothermal, hydro etc.) The potential for an Energy Service Company and site-wide CHP should also be considered for inclusion.

CORE STRATEGY POLICY 12

BWEA

Renewable Energy Policy

The Local Development Framework should include a robust criteria based policy that will be used to assess all applications for renewable energy developments. It is important that the Plan presents a positive, objective and robust approach to renewable energy for the wider and local benefit. As such, BWEA recommend that the Council include specific development control policy on renewable energy, focusing on the key criteria that will be used to judge applications, and providing direct reference to PPS22. More detailed issues may be appropriate to supplementary planning documents, and guidance on these issues can be found in the Companion Guide to Planning Policy Statement 22.

Planning Policy Statement 22 states that local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. BWEA therefore recommend that policies designed to safeguard the character and setting of listed buildings, conservation areas and greenbelt, for example, have

Considered and noted. This will be taken into account in preparing the Allocations DPD, Town Centre Masterplan Action Plan DPDs and Development Control DPD.

No Change.

regard to the positive contribution that renewable energy can play in reducing the Council's overall CO2 emissions and in migrating against the environmentally damaging effects of climate change.

Landscape and nature conservation designations should not be used in themselves to refuse planning permission for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned. Local authorities should ensure that any local approach to protecting landscape and townscape is consistent with Planning Policy Statement 22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances.

Planning authorities should make assumptions about the technical and commercial feasibility of renewable energy projects (e.g. identifying generalized locations for development based on mean wind speeds). Technological change can mean that sites currently excluded as locations for particular types of renewable energy development may in future be suitable. Similarly, local planning authorities should not require applicants for energy development to demonstrate either the overall need for renewable energy or its distribution, not question the energy justification for why a proposal for such development must be sited in a particular location.

All information requested of applicants should be proportionate to the scale of the proposed development, its likely impact on and vulnerability to climate change, and be consistent with that needed to demonstrate conformity with the development plan and the Climate Change Supplement to Planning Policy Statement 1. Specific and standalone assessments of new development should not be required where the requisite information can be made available to the planning authority

through other submitted documents – for example, as part of a Design and Access Statement, or Environmental Impact Assessment.

An applicant for planning permission to develop a proposal that will contribute to the delivery of the Key Planning Objectives set out in the Climate Change Supplement to Planning Policy Statement 1 should expect expeditious and sympathetic handling of the planning application.

Planning guidance and support for the implementation of the policies in the Climate Change Supplement to Planning Policy Statement 1 can be found in its companion guide.

POLICY THEME 5: BUILT ENVIRONMENT, CULTURE AND HERITAGE

Leicestershire County Council

Policy Theme 5: Built Environment, Culture and Heritage

Agreed. We shall take the Highways, Transportation and Development document into account and reference this in our evidence base

This chapter should include reference to the County Council policy document, *Highways, transportation and development* (HTD). One of the key objectives of HTD is the delivery of quality developments and it is important that developers understand that there is a link between it and wider planning policies. HTD should therefore be listed in the core strategy under other *strategies and policy considerations*.

ACTION REQUIRED

East Midlands Regional Assembly

Built Environment, Culture and Heritage (Policy Theme 5)

Considered and noted

Sustainable and mixed use development – Policy 2 of the Draft Regional Spatial Strategy contains a useful checklist of matters to take into account in the design of new development. It may be appropriate to include the re-use and recycling of on-site buildings and materials, for example the re-use of bricks from demolished buildings and the recycling of site concrete for aggregates, in the requirements for new developments. No doubt you will be taking account of the Code for Sustainable Homes, BREEAM *BRE Environmental Assessments Method* and Building for Life standards in the design of new

English Heritage – East Midlands
Region

development, and early involvement of Commission for Architecture and the Built Environment as major new development proposals come forward will be important.

Policy Theme 5 – Built Environment, Culture and Heritage

As you are probably aware, the Heritage Protection Bill 2008 was not included in the Queen’s Speech for consideration during the current session of Parliament. Nevertheless, a significant part of the proposed reforms can be taken forward without the need for legislation and will affect how the historic environment is managed. English Heritage is working with the Communities and Local Government to prepare a new Planning Policy Statement and a draft should be published in the Spring. As this will be a new-style policy statement, it will be underpinned by guidance documents. English Heritage has already published *Conservation Principles – Policies and Guidance for the Sustainable Management of the Historic Environment*. This recognises that change is inevitable but needs to be guided by understanding a place (historic asset) and assessing its significance and ensuring that change is managed in such a way that the heritage values of an historic place are sustained and it sets out 6 Conservation Principles. It places greater emphasis on the protection and enhancement of the historic environment, for example, conservation areas. A copy can be downloaded from www.helm.org.uk. Some of the suggested changes to the draft policies reflect these changes and the approach to policy set out in Planning Policy Statement 12, for example, the need to be both strategic and locally specific.

Policy Theme 5

Chapter 7 could be the home for sustainable design in its widest definition and referencing Safer Places in Other Policy Considerations would be a useful context for this. However, as is, this chapter and policies only consider environmental issues in a fairly restricted application e.g. to heritage and landscape.

Leicestershire Constabulary
(Evidence supporting this provided)

Agreed. Conservation Principles – Policies and Guidance for the Sustainable Management of the Historic Environment will be used as part of the evidence base for this chapter and to reflect this as well as national policy, we will make our policies specific to the locality as well as strategic.

ACTION REQUIRED

Agreed in part. We intend to broaden the scope of this chapter and to take the Building for Life standards into consideration. The text in Paragraph 7.7 will also be strengthened.

ACTION REQUIRED

Para 7.7 talks about design principles but only in relation to heritage assets. The principles in By Design are probably just as quotable especially as they include safety and security in design.

CORE STRATEGY POLICY 13

The National Trust

Core Strategy Policy 13 – Sustainable Construction and Designing for Quality

Agreed. Para 7.12 is unclear and needs amending, for example, “Core Strategy Policy 13 should be read in conjunction with its associated Strategic Development Control Strand Policy, 13 on page 96”

There are a number of elements of this revised approach that the Trust considers need to be addressed.

The reference at paragraph 7.12 to the *associated strategic development management strand in Section Four* is unclear – solely in terms of finding this it would be better to include reference to a specific paragraph number. It is presumed that the cross-reference is meant to be to the *Strategic Development Control Strand in Section 12*, but this needs to be much clearer.

Para 7.11 states that the existing Supplementary Planning Guidance is a relevant consideration, but it does not appear in section B for this Policy (paragraphs 7.1 – 7.5) and in any event it is considered that it should be cross-referenced in Policy 13 itself to be clear where relevant local guidance is to be found.

Agreed. 7.1 – 7.5 should be amended to make referenced to the Renewable Energy Technology and Energy Efficiency Supplementary Planning Guidance.

The opening sentence of the proposed Policy is considered to be inadequate in terms of its requirements for new development and their impact upon their surroundings. It is suggested that as worded it would fail to conform to emerging Regional Spatial Strategy Policy. At the very least it should present these considerations as a *requirement* rather than merely encouraging them. It is recommended that the sentence is revised as follows:

Agreed. CS13 should be amended to require development to reduce or avoid adverse effects on the built and natural environment.

ACTION REQUIRED

Environment Agency (Evidence supporting this provided)

Development involving the creation or renewal of buildings that will be required to reduce or avoid adverse impacts on the built and natural environment will be encouraged.

Core Strategy Policy 13

With regard to Core Strategy Policy 13, Sustainable Construction and Designing for Quality, page 61, the Environment Agency would request that any new homes built before 2016 must achieve level 3 or 4 of the Code for Sustainable Homes (as a minimum). For those built after 2016, the Environment Agency would expect code level 5 or 6 as a minimum. For non-residential buildings the developers should also demonstrate that they have considered water efficiency and conservation in the design and maintenance of buildings. Where standards currently exist for a particular building type, the developers should aim for BREAM Very Good or Excellent standards and we would request that maximum points are scored on water.

Core Strategy Policy 13

We would recommend that Core Strategy Policy 13 on page 61 clearly encourages waste minimisation and sustainable waste management (as well as energy efficiency) not only during the design and construction phases but throughout the life-cycle of the development, including its use, whether it be housing, retail, offices or industry. Once again, it is felt that Strategic Objective 14 is also relevant to Core Strategy 13 with respect to waste.

Noted. And is to be reviewed and amended accordingly. Further specific detail, for example, Code for Sustainable Homes will be implemented to produce a policy that is robust and target driven, but achievable and viable.

Environment Agency (Evidence supporting this provided)

Disagree. CS13 clearly states that waste minimisation is to be promoted through good design, and does not stipulate that this will only be encouraged 'during' the design and construction phases of the development.

Environment Agency

Chapter 12 goes into further detail on CS13 on page 96 from a strategic perspective. Clarification is needed as to whether the bullet points in this section should apply throughout the life-cycle of a development (refer to our comments regarding Policy CS13

Agreed. CS13 should be directly related to Strategic Objective 14.

	above).	
Environment Agency	Clarification is needed as to the difference between the 1st and 5th bullet points regarding waste minimisation.	Agreed. Bullet point 1 and 5 do need clarifying and amending to differentiate or/either combine into one bullet. For example; Bullet one should read – “Minimising energy use and pollution, to create quality environments where people want to live” Bullet Five – “Reducing the production of waste and promoting sustainable management of such” Agreed. Bullet point Three should be amended.
Environment Agency	With respect to the 3rd bullet point, in our view, considering the environmental capacity of an area...to support new development is not enough. We would prefer something like ensuring the environmental capacity of an area...can support new development.	Agreed. Bullet point Three should be amended.
Environment Agency	With regard to the 13th bullet point, the Regional Waste Strategy for the East Midlands, Policy RWS 1.1 requires local development documents to encourage re-use and recycling in design, construction and demolition, in particular planning applications for developments which are likely to generate substantial volumes of waste through their development should include a waste audit.	Agreed - Reference will be made to this in the supporting text to the Policy.
Leicestershire Constabulary (Evidence supporting this provided)	Core Strategy Policy 13 CSP 13 - can I suggest that you add <i>and measures</i> in last sentence after principles however as I have argued a far more holistic approach to sustainable design and infrastructure provision might be worthwhile in the Strategy.	Agreed, a more holistic approach is needed. Community safety and crime prevention or reduction through better design should be included within the policy.
Leicestershire County Council	Core Strategy Policy 13	ACTION REQUIRED Agreed: this will be rectified in the submission draft
Environment Agency (Evidence	The meaning of reducing waste generation resource should be explained. Core Strategy Policy 13	ACTION REQUIRED – Explanatory text Considered and noted. And is to be reviewed and

supporting this provided)

With regard to Core Strategy Policy 13, Sustainable Construction and Designing for Quality, page 61, the Environment Agency would request that any new homes built before 2016 must achieve level 3 or 4 of the Code for Sustainable Homes (as a minimum). For those built after 2016, the Environment Agency would expect code level 5 or 6 as a minimum. For non-residential buildings the developers should also demonstrate that they have considered water efficiency and conservation in the design and maintenance of buildings. Where standards currently exist for a particular building type, the developers should aim for BREAM Very Good or Excellent standards and we would request that maximum points are scored on water.

amended accordingly. Further specific detail, for example, Code for Sustainable Homes will be implemented to produce a policy that is robust and target driven, but achievable and viable.

ACTION – CONSIDER IN EXPLANATORY TEXT

CORE STRATEGY POLICY 14

Natural England

Core Strategy Policy 14

Agreed and Noted

We note that policy **CS14** makes specific reference to the Grand Union Canal as a feature that will be protected due to its historic character and ecological value. This inclusion will significantly support to Strategic Objective 12 which highlights conservation areas and parks as areas that should be promoted for their contribution to local heritage. Having a slightly wider focus on landscape rather than specific features, policy CS15 is an excellent complement to CS14. This policy is potentially a very robust one since it recommends the use of utilising Leicestershire's Historic Landscape Characterisation assessment.

English Heritage – East Midlands Region

Core Strategy Policy 14 – Conservation, Heritage and Culture

Disagreed in part. There are currently no specific enhancement projects proposed. And it is not seen appropriate to cross reference CS14 and CS23.

We welcome your Councils commitment to develop a **local list**, which is in line with current thinking on the protection of historic assets. However, we suggest that to reflect the approach advocated in Planning Policy Statement 12, the policy needs to explain how the Borough Council will encourage the protection

and enhancement of its assets, e.g. through development control and policy approaches, (pages 91 and 96 CS14 Strategic Development Management Strand), including Masterplans, Area Action Plans or site development brief (Core Strategy Policy 3). Is there any specific enhancement projects proposed that could be referred to? There should also be a cross-reference to Core Strategy Policy 23 on Tourism. The policy needs to provide the overarching framework for the management of the historic environment.

The National Trust

Core Strategy Policy 14 – Conservation, Heritage and Culture

Noted. Reference to Section 4 throughout the document will be amended to be clearer.

The National Trust does not support the slimmed down version of this Policy, and again finds the reference at paragraph 7.14 to the *associated strategic development management strand in Section Four* unclear and confusing.

Agreed. The Borough is very unique and needs to ensure that its distinctiveness is sustained.

ACTION REQUIRED

The Trust is especially concerned about the omission of consideration of local distinctiveness and the settings of designated features from the Core Policy. As a minimum these matters need to be re-introduced. It is noted that Sustainability Appraisal (for example at pages D2, D4, D6, D8, D10 etc and D23, D27, D29 etc) relies upon Policy CS14 (and CS15) to ensure that developers consider the impact of their proposals upon all types of historical assets and their setting – at present it does not appear that Policy 14 will actually achieve this.

Leicestershire County Council

Core Strategy Policy 14

Considered and noted

The Grand Union Canal is a Conservation Area and is therefore covered by Policy 15.

CORE STRATEGY POLICY 15

English Heritage – East Midlands Region

Core Strategy Policy 15 – Protection and Respecting Local Landscape and Historic Character

Agreed, the following will be added.

We welcome the references to historic character and Leicestershire Historic Landscape Characterisation in this policy. However, we would like to propose two minor amendments as

“Opportunities to use Landscape Character Assessments, Conservation Area Appraisals and Management Plans, to improve development quality, will be encouraged”.

follows:

The National Trust

Opportunities to use Landscape Character Assessments and Conservation Area Appraisals and Management Plans to improve the quality of development will be encouraged.

Core Strategy Policy 15 - Protecting and Respecting Local Landscape and Historic Character

ACTION REQUIRED

Noted

The National Trust continues to support this Policy as worded, and especially wishes to endorse the addition to make reference to the Leicestershire Historic Landscape Characterisation.

POLICY THEME SIX – BALANCED HOUSING MARKETS

Highways Agency

Policy Theme Six;

As highlighted previously, the agency fully supports the approach of the authority in seeking to focus development on Brownfield sites to reduce the need to travel, particularly by car, before Greenfield sites are considered. However, it is not clear from the Further Consultation Paper what percentage of the actual 2,250 dwellings to be provided can be accommodated in Brownfield sites, and therefore residual level of provision which may need to be accommodated elsewhere in the Borough. This information should be included within the document to enable more informed view of this approach to be considered by the agency and other stakeholders, and to ascertain the balance between Brownfield and Greenfield provision proposed.

Agreed. We shall set out the figures in the explanatory text for Core Strategy Policy 1

ACTION REQUIRED

Leicestershire County Council

Chapter 8: Paragraph 8.10

This is inconsistent with paragraph 3.13, which states that actual development locations will be narrowed down further in the draft Submission Core Strategy.

Agreed. This will need to be re-written or deleted and our new approach should be explained.

ACTION REQUIRED

CORE STRATEGY POLICY 16

Leicestershire County Council

Policy Theme 6: Core Strategy Policy 16

Policy 16: Meeting the Housing Needs of the Borough

Considered and noted: support for Core Policy 16

Natural England

The approach to housing provision is supported. The 2,250 dwellings proposed to be provided between 2001 and 2026 equates to 90 per year, which is consistent with the draft Regional Plan. The proposal to prioritise Brownfield sites is also supported and is consistent with the strategy of urban concentration and consolidation in the draft Regional Plan. It is noted that more detailed proposals for greenfield land provision will emerge through future drafts of the Core Strategy and an allocations Development Plan Document and that this will be informed by the study of transport and highways implications.

Core Strategy Policy 16

Noted, will be reviewed and amended if needs be.

Policy CS16 explicitly notes that green-field sites will not receive first priority for development ahead of Brownfield sites. The policy also reiterates that such development will not compromise open spaces, green linkages and biodiversity and also emphasizes the need for designated sites and green wedges to be protected.

We also welcome the position of this policy that developments should aim for a net benefit and think that this view needs to be even more strongly put across in this policy.

The fact that this particular policy also raises the issue of annual monitoring is also commendable, but we feel that this suggestion needs be replicated in other policies dealing with protected areas or sites where monitoring can provide valuable feedback. Policies which may benefit from such an inclusion are those which deal with issues such as designated sites or BAPs such as Policy CS9 (Strategic Development Management Strand- Biodiversity, Geological Conservation and the Wider Environment). The policy notes that conditions/ legal agreements will be utilized to guarantee specific goals are met; ensuring that monitoring/management plans are including on this list will significantly strengthen this policy.

Wheatcroft & Son Ltd + J S Bloor
(Measham) Ltd (Agent is SSR
Planning) (Evidence supporting this
allocation option provided)

Core Strategy Policy 16

Comments relate to promotion of a specific site.

We support the identification of location **C** as a broad location for growth adjoining the urban area to the south of Oadby, which encompasses our clients site at Cottage Farm, Oadby. The sites sustainability was previously detailed in the submission on behalf of Wheatcroft & Son Ltd and Bloor Homes (Measham) Ltd in support of representations made to the previous Oadby and Wigston Core Strategy Preferred Options, which referred to numerous technical reports compiled with regard to the site. This submission highlighted the following about the site:

ENVIRONMENTAL FACTORS

Landscaping:

Development of the site will not affect the rural quality of the local landscape.

The site is not located within a designated Green Wedge.

Ecology:

The development of the site does not affect any protected species.

There are no statutory or non-statutory nature conservation designations on the site.

Drainage:

The site is not at risk of flooding or flooding from fluvial rivers.

Archaeology:

No recorded archaeological finds pertain to the site.

A Geophysical report concludes little evidence of archaeological activity on the site.

TRANSPORTATION

Infrastructure and Access:

Existing Infrastructure currently has the capacity to be able to absorb additional development on the site.

The site has direct access to the A6 trunk road.

Cycling:

The site is directly linked to an existing cycleway which runs through Oadby Town Centre.

All of Oadby is easily accessible by cycle from the site.

Pedestrian Linkages:

The site is within walking distance of a number of day-to-day facilities including a Supermarket, Doctors Surgery, Schools and Oadby Town Centre.

Development on the site will improve access into the countryside through the incorporation of a current public right of way, which will be enhanced by new connections.

Public Transport:

The site is directly accessible to a number of Public Transport linkages to Leicester and Oadby through its proximity to the Glen Road bus stop, which is near the site entrance.

Educational Facilities:

The site is within close proximity of Glenmere and Brocks Hill Primary Schools, as well as being located within walking distance of Beauchamp Community College and Gartree High School.

MASTERPLAN PRINCIPLES

The inclusion of an area for business uses (0.3ha) encourages mixed use development whilst also providing additional facilities and employment for the current community and encouraging their inclusion as part of the development.

A range of housing types and tenures will be provided in order to create a social mix and sustainable community

Harborough District Council

1.8 hectares of Open Space will be incorporated, which exceeds the prescribed standards. In considering the above, the site at Cottage Farm, Oadby and its environs incorporate a range of sustainability criterion that is unrivalled by other broad locations of growth stated within the Core Strategy: Issues and Options. It is therefore requested that the Submission Core Strategy identifies area **C** to the South of Oadby as a location for growth.

Core Strategy Policy 16

Other than stating an overall target, the policy does not give a clear spatial picture of how the housing requirement will be met. Three broad locations of Greenfield land development are shown on the key diagram as *areas of search*. These may be needed to contribute to meeting the Borough housing requirement and about the Boundary with this District (Paragraph 8.10).

The identification of potential development areas on the border with Harborough District is a sensitive issue with impacts on traffic, loss of open space and coalescence of communities. Given the sensitivity involved, the consultation paper should be clearer how or when a decision will be made on which area of search will be taken forward or how neighbouring authorities will be involved in the process. Two of the areas of search as shown on the Key Diagram extend into Harborough District. It is not clear if these proposals depend on land release in this District.

The proposals are also presently being identified as Green Wedges or Countryside where development is to be restricted. The approach of the Borough Council is uncertain as to the priority and need for all of these development areas. It would be helpful if the submission Core Strategy priorities the approach to Greenfield development in order for options for development adjoining the Principal Urban Area in Harborough District to be assessed in this light.

Disagreed. The Broad location sites shown on the Key Diagram are merely illustrative and are not to any scale. Any site allocations or development that took place would be within the Boroughs boundaries.

Noted

David Wilson Estates (Agent is Pegasus Planning Group)

Core Strategy Policy 16: Meeting Housing Needs

Considered and noted

The proposed policy indicates that the Council will seek to manage the release of land to provide 2,250 homes over the period 2001-2026. The Secretary of State's Proposed Changes to the Regional Plan confirms that this represents the minimum requirement and should not be regarded as a ceiling restricting further sustainable housing provision. The Core Strategy provides the opportunity to establish a robust long term strategy for future growth that is sufficiently flexible to respond to likely increases in housing requirements following the review of the Regional Plan.

The Consultation document does not provide any details of the expected housing trajectory over the period to 2026 in terms of existing commitments, additional requirements and likely timescales. It is therefore difficult to critically evaluate the deliverability of the housing proposals.

The latest information on housing supply in the Borough is set out in the Annual Monitoring Report, 2008. This provides the following information on housing supply.

Regional Plan Requirement 2001-2026	2250
Completions 2001-2008	662
Commitments at April 2008	545
Town Centre Masterplans- Housing Potential	301
Total Supply	1508
Balance to be found	742

This suggests that as a minimum there is likely to be a requirement to deliver some 750 dwellings as part of an urban

extension. Any underachievement on Brownfield commitment or Town Centre Masterplan expectations will increase this requirement.

Land west of Welford Road and south of Newton Lane offers the opportunity to meet this requirement and establish a clear direction for growth to meet future housing needs.

Issues of Soundness/ Legal Compliance: The policy as drafted fails the test of effectiveness as it does not present a sufficiently flexible strategy capable of responding to changes in housing figures from the review of the Regional Plan. It fails to acknowledge the fact that the housing requirements as set out in the Secretary of State's Proposed Changes represent minimum housing requirements.

Change Required: The policy needs to be amended confirming that the proposed 2,250 homes represent the minimum housing requirement to be provided over the plan period, and that in order to meet the housing needs of the Borough, the strategy involves a combination of previously developed sites and an urban extension. The preferred location for an urban extension should be specified and allocated through the Core Strategy as a key component of the strategy.

Core Strategy Policy 16 (CS16)

Does not indicate the general locations for housing or their relative contribution to housing need and demand.

Core Strategy Policy 16

Policy 16: Meeting the Housing Needs of the Borough

The approach to housing provision is supported. The 2,250 dwellings proposed to be provided between 2001 and 2026 equates to 90 per year, which is consistent with the draft

Government Office for the East Midlands (GOEM)

Leicestershire County Council

Agreed. CS16 will refer to and be revised to mention the broad locations work that is to be undertaken by the Borough Council.

ACTION REQUIRED

Noted

Leicestershire County Council

Regional Plan. The proposal to prioritise Brownfield sites is also supported and is consistent with the strategy of urban concentration and consolidation in the draft Regional Plan.

Core Strategy Policy 16

The expectation that new areas of housing will contain provision for dealing with the waste arising within them (industrial/commercial and residential waste) should be reflected in the Core Strategy. This would accord with PPS 10: Planning for Sustainable Waste Management which encourages communities to take more responsibility for their own waste, ensure that new development makes sufficient provision for waste management and promotes designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene or the local landscape. The Regional Waste Strategy for the East Midlands states that consideration should be given to *sustainable growth parks* which can lead to a coordinated approach to waste management preferably in conjunction with other forms of development. Reference to the potential for creation and enhancement of biodiversity habitats or improvement to the biodiversity network, in accordance with BAP targets could be added.

Proposed Core Strategy Policy 16 (Policy CS 16) (Page 69)

The broad objectives of this proposed Policy are supported.

Consistent with the above representations in meeting the housing needs of the Borough to 2026 by prioritising the use of brown field sites the first paragraph of the proposed policy should be amended as follows to include suitable and deliverable brown field sites *within or adjoining* the existing planned limits to development within the Borough:

*The Borough Council will monitor and manage ... This will facilitate the use of previously developed land **within or adjoining the existing planned limits to development** before*

J H Hallam & Son Ltd (Agent is Marrons)

Agreed: Core Policy 16 and its supporting text will be revisited to ensure it reflects PPS 10: Planning for Sustainable Waste Management

With regard to new areas of housing will contain provision for dealing with the waste arising within them this is an issue that will be dealt with in the Allocations DPD.

ACTION REQUIRED

Considered and noted

Agreed in part: Core Policy 16 will be revisited in line with revisions to Core Policy 1 the location of development to ensure our strategy for all new development is in line with PPS1, PPS3 and the Regional Plan. The New Spatial Strategy for Development in the Borough of Oadby and Wigston policy resolves this issue with a different approach towards setting out the Borough Council's strategy

East Midlands Regional Assembly

Greenfield sites ... [Addition proposed in bold text].

The earlier representations above concerning proposed Strategic Objective 2 should be read in conjunction with this representation given this policy initiative would be linked to that strategic objective.

Core Strategy Policy 16 (Meeting the Housing Needs of the Borough)

Please see our comments in Point 4 above in relation to Sustainable Urban Extension's. In terms of housing delivery, you will have noted the Secretary of State Proposed Change to Policy 14 of the Draft Regional Spatial Strategy, September 2006. However, the Assembly has commented on the Proposed Change that expressing annual average housing provision targets into five year segments will have a limited impact on promoting delivery. Instead the Assembly has suggested that the presentation of the policy is re-cast to be similar to Policy 14 in the Draft Regional Spatial Strategy September 2006, which expresses annual averages over the Plan period from 2001 to 2026. This allows stretching targets but allows local planning authorities a degree of flexibility in promoting delivery.

Core Strategy Policy 16 – Meeting The Housing Needs of the Borough

The following minor change to the first bullet point of the policy is proposed:

The capability, viability and implementation feasibility of previously developed land and or buildings to be redeveloped or reused.

regarding the location of development.

ACTION REQUIRED

Agreed. The submission draft will reflect the RSS in this matter.

ACTION REQUIRED

Agreed. The following should be included in bullet one:

“The capability, viability and implementation of previously developed land and (or) buildings to be redeveloped, regenerated or reused”

ACTION REQUIRED

The New Spatial Strategy for Development in the Borough of Oadby and Wigston policy resolves these issues with a more strategic approach towards setting out the Borough Council's strategy regarding the release of land

English Heritage – East Midlands Region

The following minor change to the seventh bullet point of the policy is proposed:

The development would not adversely impact on important open spaces, green linkages, biodiversity or historic sites.

Agreed. The following should be included in bullet point seven:

“The development would not adversely impact on important open spaces, green linkages, biodiversity or historic sites”

ACTION REQUIRED

The New Spatial Strategy for Development in the Borough of Oadby and Wigston policy resolves these issues with a more strategic approach towards setting out the Borough Council’s strategy regarding the release of land

Agreed: Initiatives for designing out crime will be referenced.

ACTION REQUIRED

The new Spatial Strategy for Development sets out the need to work in partnership with other bodies to identify and coordinate the provision and funding of infrastructure and facilities. Further guidance will be provided in the Community Infrastructure Policy. In addition, specific reference is made to community safety.

Leicestershire Constabulary
(Evidence supporting this provided)

Core Strategy Policy 16

Perhaps you could reference Policing and designing out crime here. I would suggest an additional bullet – the ability or opportunity to reduce or design out crime in the proposed development and surrounding area.

You are helping us roll out a tariff based policy to lever contributions across the whole of the Police Authority area. With more growth proposals now reaching Local Development Framework’s we feel that this policy approach is particularly justified. This is because our experience shows that a site by site capacity test does not consider the cumulative impact of development across such a wide area and across Local Planning Authority boundaries. Nor does it cater for the nature of the development industry and the first past the post problem in new development. In a similar vein in looking at growth and service planning over an extended period of time it is very difficult to make projections on a site by site basis. Our tariff approach overcomes this and is generally supported by developers and is being used by Planning Authorities like yours

in the area. With this in mind I would ask that you amend this policy to honour the current approach we are jointly operating. The fifth bullet should I suggest read

The impact of the development and others proposed in the area upon essential service provision and the developers ability to mitigate this through design and infrastructure contributions.

CORE STRATEGY POLICY 17

David Wilson Estates (Agent is Pegasus Planning Group)

Core Strategy Policy 17 – Affordable Homes

The suggested policy indicates that the Council will seek to secure at least 30% of new development as affordable homes. PPS3 paragraph 29 states in setting targets for affordable housing in local development documents, local planning authorities should carry out an assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing. The viability of the suggested target does not appear to have been adequately assessed. In order to ensure that the Core Strategy is sound, this assessment will need to be undertaken ahead of submission of the Core Strategy to the Secretary of State. A recent Court of Appeal judgement (Blythe Valley Borough Council v Persimmon Homes (North East) Limited [2008] ECWA Civ 861) has made it clear that in developing affordable housing policies, local planning authorities must satisfy the requirements of PPS3 in terms of an assessment of likely economic viability of land for housing.

This point has been emphasised in the recently published Leicester and Leicestershire Strategic Housing Market Assessment, 2008. This identifies high levels of affordable need within Oadby and Wigston but acknowledges that contributions in excess of 40% are likely to be impractical. The study concludes that the percentage of affordable housing to be sought should be based in site viability, the need for balanced

Considered and noted: The recently released SHMA for Leicester and Leicestershire suggests that although high levels of affordable housing provision is justifiable by need, it will not be practically possible. However, the SHMA further suggests that affordable housing thresholds greater than 40 % will be difficult to justify. Therefore the Borough Council is to undertake an Affordable Housing Viability Assessment to provide a robust evidence base on which to base affordable housing thresholds.

FURTHER CONSIDERATION REQUIRED

communities and the need for greater housing supply overall (paragraph 4.179).

The study also emphasises that it is not about building more affordable homes at the expense of market housing, but rather making balanced provision for both market and affordable housing. The identified levels of affordable housing need is a further reason why the Council should consider the Regional Plan housing figure as the minimum requirement and establish a sustainable strategy to deliver further housing growth to help meet affordable needs.

Issues of Soundness or Legal Compliance: The policy fails the tests of consistency with national policy and justification. The policy is contrary to PPS3 as the required assessment of economic viability of the proposed level of affordable housing contribution has not been undertaken. The policy is therefore not supported by a sufficiently robust evidence base.

Change Required: The suggested policy needs to be informed by a robust assessment of the economic viability of land for housing in accordance with PPS3 and any affordable housing targets should reflect that assessment.

Proposed Core Strategy Policy 17 (Policy CS 17) (Page 70)

The following observations are made to the proposed Policy:

It should define the term *affordable homes*.

National Policy advice regarding the provision of affordable housing is set out in Planning Policy Statement 3 (particularly paragraphs 27 to 30 inclusive). In particular paragraph 29 of Planning Policy Statement 3 provides that in setting the overall plan-wide target set of affordable housing should, inter alia, reflect *an assessment of the likely economic viability of the land for housing within the area, taking account of risks to delivery*

Considered and noted: The recently released SHMA for Leicester and Leicestershire suggests that although high levels of affordable housing provision is justifiable by need, it will not be practically possible. However, the SHMA further suggests that affordable housing thresholds greater than 40 % will be difficult to justify. Therefore the Borough Council is to undertake an Affordable Housing Viability Assessment to provide a robust evidence base on which to base affordable housing thresholds.

FURTHER CONSIDERATION REQUIRED

J H Hallam & Son Ltd (Agent is Marrons)

and drawing on informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonable be secured.

A Development Plan Document will be tested through an independent Examination to establish whether the Development Plan Document is sound. Planning Policy Statement 12 sets out the tests of soundness in paragraphs 4.50 to 4.52 inclusive. Of relevance to this representation concerning affordable housing is the requirement that the Core Strategy should be *Justified, Effective and consistent with National Policy*. This proposed Policy fails all of these tests of soundness for the reasons set out below.

It is not considered that this Core Strategy Policy is *effective*. That is, it is not flexible and thereby unable to deal with changing circumstances.

As such Policy CS 17 fails to meet this test of soundness. As proposed Core Strategy Policy 17 fails to reflect any assessment of the likely economic viability of land proposed for housing in relation to affordable housing provision. Put shortly this proposed Policy fails to reflect the requirement of Planning Policy Statement 3 as to the need for an informed economic viability study as part of the process leading to a policy requiring a particular percentage of affordable housing. As such it is unsound also when measured against Planning Policy Statement 3 (and axiomatically *National Policy*).

Furthermore this proposed Policy is bereft of any robust or credible evidence base contrary to soundness test of being *justified* nor consistency with national policy.

A Core Strategy may be legally challenged under section 113 of the Planning and Compulsory Purchase Act 2004 (The 2004

Act), and if found to be unlawful be quashed under section 113(7) of the 2004 Act.

The judgement of the Court of Appeal in Blythe Valley Borough Council v Persimmon Homes (North East) Limited [2008] ECWA Civ 861 makes clear that in considering affordable housing policy a Development Plan Document must satisfy the requirements of Planning Policy Statement 3 in respect of, inter alia, an informed economic assessment of affordable housing. This is a central feature of the Policy in Planning Policy Statement 3 relating to affordable housing. The Court of Appeal made clear in paragraph 34 of the judgement that this requirement *is not peripheral, optional or cosmetic. It is a crucial requirement of the policy.*

As recorded above these failures to reflect the requirements of Planning Policy Statement 3 in relation to this proposed Policy render it unsound and to adopt this policy in its present form would be legally flawed and ultra vires in terms of section 113 of the 2004 Act.

East Midlands Regional Assembly

Core Strategy Policy 17

Potential Core Strategy Policy 17 (Affordable Homes) - It is noted that your target minimum percentage figures for affordable housing are slightly below those for the Leicester and Leicestershire Housing Market Area (HMA) expressed in Policy 15 of the Draft Regional Spatial Strategy September 2006, which have been used by the Secretary of State to provide a total number of affordable dwellings for each HMA now in Policy 14 of the Draft Regional Spatial Strategy. However, the Draft Regional Spatial Strategy recognises that these will be reviewed in the context of the most up to date HMA Assessment for your area.

Considered and noted: The recently released SHMA for Leicester and Leicestershire suggests that although high levels of affordable housing provision is justifiable by need, it will not be practically possible. However, the SHMA further suggests that affordable housing thresholds greater than 40 % will be difficult to justify. Therefore the Borough Council is to undertake an Affordable Housing Viability Assessment to provide a robust evidence base on which to base affordable housing thresholds.

FURTHER CONSIDERATION REQUIRED

CORE STRATEGY POLICY 18

Government Office for the East Midlands (GOEM)

Core Strategy Policy 18 (CS18)

Agreed. Indications of the scale and 'how' it will be delivered should be mentioned within the policy.

No indication of the scale of delivery sought is given.

ACTION REQUIRED

CORE STRATEGY POLICY 19

Natural England

Core Strategy Policy 19

The placement of caravan sites on the green wedges (**CS19**) should not be encouraged. If Green wedges have been identified as a priority then the protection offered them through policy should be consistent. Caravan sites are simply one aspect of the balanced housing market strategic objective outlined in policy CS16 and as such should be treated the same terms of policy, and held to identical standards.

Considered and noted: Core Policy 19 does not seek to encourage the development of Gypsy and Traveller sites in Green Wedges. However, in line with paragraph 5.4 of Planning Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites the policy seeks to recognise that sites on the outskirts of built up areas may be appropriate.

Leicestershire County Council

Core Strategy Policy 19

This should include reference to safe and appropriate access to the highway network.

FURTHER CONSIDERATION REQUIRED

Agreed: Core Policy 19 will be amended to address the concerns of this respondent

East Midlands Regional Assembly

Core Strategy Policy 19 (Gypsies and Travellers)

It is noted that your proposed provision is the minimum level of provision expressed in the Draft Regional Spatial Strategy.

ACTION REQUIRED

Considered and noted.

The National Trust

Core Strategy Policy 19 - Criteria for Identifying sites for Gypsy & Traveller pitch development

It is not clear why the wording of this Policy has been changed in terms of the criteria that will be applied in assessing the suitability of potential sites. However, whilst it is agreed that the impacts upon Green Wedges and the countryside (*although reference to landscape character might be preferable*) remain appropriate it is considered equally important that the impacts upon heritage and biodiversity should be included. It is requested that these elements are re-introduced.

Agreed: Core Policy 19 will be amended to address the concerns of this respondent

ACTION REQUIRED

POLICY THEME SEVEN – EMPLOYMENT PROVISION & FOSTERING ENTERPRISE

Highways Agency

Policy Theme Seven:

Comments noted.

I note that the preferred option is not to identify the provision of a strategic employment site within the Borough: with one of the

reasons being unsustainable transport implications. The preferred option is to secure the existing employment sites which are available. Whilst out commuting is recognised as a problem for Oadby and Wigston, the focus of the Core Strategy should be on ensuring that these trips can be undertaken by sustainable modes, which in turn may assist in reducing the pressures of commuting trips on the local strategic highway networks.

POLICY THEME 8 – COMMUNITY FACILITIES, LEISURE & RECREATION

Leicestershire County Council

Policy Theme 8: Paragraph 10.11

The reference to the Open Space Assessment would be better viewed within an over-arching Green Infrastructure Strategy, with an emphasis on multi-functional Green Infrastructure.

Agreed. Green Infrastructure and the evidence base surrounding it shall be discussed in Policy Theme 4. Green Infrastructure will be specifically dealt with under Core Strategy Policy 9.

ACTION REQUIRED

Agreed: the submission draft of the Core Strategy will address the concerns of this respondent

Leicestershire County Council

Chapter 10: Reasons for Preferred Options Choice

Should include reference to provision of facilities where they help to reduce the need to travel.

ACTION REQUIRED

Considered and noted: These were derived from an independent study that we commissioned the Local Futures Group to conduct in 2008. This will be referenced in the document.

Leicestershire County Council

Chapter 10: Paragraph 10.12 Figure 4

It is not clear where or what the justification of these proposed standards is.

Considered and noted. This will be amended in the next draft.

Leicestershire County Council

Chapter 10, P.83, Strategic Objective 8

Missing not only encourage in first sentence.

Leicestershire Constabulary
(Evidence supporting this provided)

Policy Theme 8

Para 10.4. I already make the point about importing from the Community Strategy here as far as Policing or Crime and Safety issues are concerned. In this regard my view is that S17 of the Crime and Disorder act applies to these planning policies as it does to anything else the Council does. The priorities of the CDRP are not here either. On the contrary there is plenty here about PPG 17 findings on open space. Is this a case where a bit more balance might be appropriate?

Agreed: We will take account of the Crime and Disorder Reduction Partnership as well as the Crime and Disorder Act (1997) Section 17 in our evidence base for this document.

ACTION REQUIRED

CORE STRATEGY POLICY 20

Wheatcroft and Son Ltd + J S Bloor (Measham) Ltd (Agent is SSR Planning) (Evidence supporting this allocation option provided)

Core Strategy Policy 20

Development of the site at Cottage Farm, Oadby will facilitate the Borough Council in achieving their aim to increase the range of employment opportunities throughout the Borough. The proposals for the site at Cottage Farm include an area of employment use as well as residential and associated open space. Mixing employment uses in with new residential will contribute towards sustainable patterns of employment land across the Borough. Creating this sustainable mix of residential and employment land will accord with the Councils strategic objectives 4 and 5, whilst also helping achieve Policy 5 by reducing the need to travel long distances to work.

Considered and noted. Comment relates to promotion of a specific site.

David Wilson Estates (Agent is Pegasus Planning Group)

Core Strategy Policy 20- Meeting Employment Needs

The Core Strategy notes the limited amount of additional employment land requirements identified through the various employment land studies which have been undertaken. The provision of an urban extension west of Welford Road would enable the provision of small scale employment opportunities as part of a mixed use development proposal to help meet these identified employment land requirements.

Considered and noted. Comment relates to promotion of a specific site.

Leicestershire County Council

Core Strategy Policy 20

The intention to provide new employment areas is supported but such employment sites should not preclude the development of waste management sites within them.

Agreed in part: As per paragraph 4.30 of PPS12 Local Spatial Planning, Core Strategies should “*not repeat or reformulate national or regional policy*”. Therefore, it is not intended to include in the policy, specific reference to waste management sites as guidance related to this is contained in Planning Policy Statement 10: Planning for Sustainable Waste Management and the Regional waste Strategy

Leicestershire County Council

Core Strategy Policy 20

ACTION REQUIRED

Agreed in part: the policy aims to set out the strategic intentions of the Borough Council in

<p>East Midlands Regional Assembly</p>	<p>A policy focus on allowing existing employment areas to expand might appear sound in principle and in general is welcomed. However, in practice there are sites where in transportation terms this would not be acceptable. For example, Magna Road in South Wigston is poorly laid out with a sub-standard access to the highway network. The policy needs to be amended to include a condition, such that existing areas can only be expanded where suitable site access is available or can be provided and there will be no adverse transport impacts or they can be suitably mitigated.</p> <p>Core Strategy Policy 20</p> <p>Employment Provision and Fostering Enterprise (Policy Theme 7) - Potential Core Strategy Policy 20 (Employment Needs) - The reasons for preferred option choice are noted and considered to be compatible with Policy Three Cities Sub-Regional Strategy 4 in the Draft Regional Spatial Strategy.</p>	<p>relation to employment needs. The evidence base highlighted the frustrations of the Borough's business community in relation to limited opportunity to expand. It is recognised that some existing employment sites would not be able to accommodate further expansion. The amended policy will include reference to employment use expansion only where this is sustainable</p> <p>ACTION REQUIRED</p> <p>Considered and noted: support for Policy 20</p>
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CORE STRATEGY POLICY 21

<p>Wheatcroft & Son Ltd + J S Bloor (Measham) Ltd (Agent is SSR Planning) (Evidence supporting this allocation option provided)</p>	<p>Core Strategy Policy 21</p> <p>We have no objection in principle to the list as set out within Policy 21, however, it is the quantum of the contributions which is the key issue and has the most effect on determining viability. With regard to our initial assessments of what is reasonable in terms of developer contributions there are no issues anticipated with the viability of Option C, land at Cottage Farm Oadby, but this has not yet been discussed in detail with the Council. Therefore the initial list of infrastructure is a reasonable starting point but it needs to be verified and subject to detailed negotiations.</p> <p>Circular 05/05 on Planning Obligations makes it abundantly clear that any contributions must be directly relevant and reasonable to the scale of development proposed. It is obviously far too early to make these assessments and any requirements that are sought should be fully justified in accordance with</p>	<p>Considered and noted: Core Strategy Policy 21 will require redrafting in order to reflect the emerging Community Infrastructure Levy.</p> <p>The Core Strategy has been updated. The Community Infrastructure Levy (CIL) is mentioned and the Council will revisit the issue once CIL is enacted.</p>
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detailed and up-to-date Assessments. This is true of Affordable Housing or any other infrastructure sought.

There is also the added complication of the proposed Community Infrastructure Levy (CIL) which may become legislation within the forthcoming year or so. The implications of this need to be considered and findings particularly with regard to viability incorporated within any Obligation policies, if appropriate. This would be particularly relevant in light of the Blythe case on Affordable Housing, the implications of which need to be considered.

In conclusion, the list of planning obligations is in principle acceptable but there are obviously potential issues over some of the quantum which need to be resolved as part of detailed negotiations through the planning application process. Any obligations need to be fully justified in accordance with detailed and up-to-date Assessments in order to comply with Circular 05/05.

Government Office for the East Midlands (GOEM)

Core Strategy Policy 21 (CS21)

The facilities that are intended to be delivered and their location should be identified, e.g. in an implementation framework.

Agreed: a policy implementation framework will be included in the Submission draft of the Core Strategy

ACTION REQUIRED

The updated core strategy provides for a Local Infrastructure Plan which will include an implementation framework. This will enable consideration of the issues at the Examination and will feed into a SPD on Developer Contributions.

Leicestershire County Council

Core Strategy Policy 21

The inclusion of this Policy is welcomed in principle.

However, it may not be strong enough in terms of securing

Considered and agreed in part: Core Strategy Policy 21 will require redrafting in order to reflect the emerging Community Infrastructure Levy. Revised policy in relation to developer contributions will also need to be closely linked to a policy implementation

pooled contributions to deliver area wide transport measures, and provide a linkage between transport infrastructure provision and development delivery.

It needs to be robust, clear and comprehensive, particularly in relation to major development proposals and address major developer contribution requirements through, for example, master planning, frontloading, pre application enquiries and or negotiations.

It is also important that a consistent approach to developer contributions is provided in the policy. This would mitigate the impacts of development on local infrastructure, services and facilities and the environment, in accordance with national objectives for delivering sustainable development and communities.

It should also be consistent with the County Council's developer contributions policy guidelines, the Statement of Requirements for Developer Contributions in Leicestershire (SRDCL), and reflect the proposed changes to developer contributions through the Planning Bill and the Community Infrastructure Levy (CIL) enacted on 26th November 2008 and the infrastructure and service requirements which will be assessed through the development plan process.

The Leicester and Leicestershire Infrastructure Plan currently in preparation will form an important part of the evidence base for such a policy.

The policy should also include reference to contributions towards GI.

Core Strategy Policies CS21 and CS22

Cultural facilities can include museums, libraries, art galleries, theatres, and cinemas and it is possible that these are

framework. There is no obligation for the Council to produce policy that is consistent with the County Councils developer contributions policy guidelines, the Statement of Requirements for Developer Contributions in Leicestershire (SRDCL).

ACTION REQUIRED

The updated core strategy provides for a Local Infrastructure Plan which will include an implementation framework. This will enable consideration of the issues at the Examination and will feed into a SPD on Developer Contributions.

Considered and agree: a definition of community and cultural facilities will be contained in the submission draft for the Core Strategy. In addition, policies will be strengthened to include reference to

The Theatre Trust

incorporated within the section on Community Facilities, Leisure and Recreation in Chapter 10 but this is not clear as there is no definition of the term *community facilities* in this section or elsewhere. The text within Chapter 10 only deals with leisure and recreation and does not mention community and/or cultural facilities. For clarity a description of *community facilities* should be included either in the text or in a Glossary and we recommend *community facilities provide for the health, welfare, social, educational, leisure and cultural needs of the community*. This would then ensure that all elements of community provision would be embraced and we suggest that the term *community facilities* be added to Policies CS21 and CS22.

Although there are excellent cultural facilities nearby in Leicester there may well be a demand for an arts centre or other cultural activity in the Borough and your policies should make provision for this in the Core Strategy rather than deferring decisions to subsequent plans.

We therefore **object** to the Preferred Options document as there are no policies or explanatory text for community and cultural facilities.

We look forward to being consulted on the Core Strategy Submission stage and any other relevant Local Development Framework documents.

East Midlands Regional Assembly

Core Strategy Policy 21

Community Facilities, Leisure and Recreation (Policy Theme 8) - Potential Core Strategy Policy 21 (Developer Contributions) - In connection with the Community Infrastructure Levy, it may be worth making reference to Hinckley and Bosworth Borough Council's recently published Proposed Submission Core Strategy. This refers to the emerging Leicester and Leicestershire Growth Infrastructure Plan and includes a summary of the main infrastructure required in the Borough and how it can be provided.

community facilities where appropriate.

ACTION REQUIRED

Definitions included in glossary.

Considered and agree in part: although at this stage the evidence base has not identified a need for any specific cultural facilities, policies will be strengthened to allow for such development should the need arise within the life of the core strategy.

ACTION REQUIRED

Agreed: Core Strategy Policy 21 will require redrafting in order to reflect the emerging Community Infrastructure Levy. Revised policy in relation to developer contributions will also need to be closely linked to a policy

ACTION REQUIRED

English Heritage – East Midlands Region

Core Strategy Policy 21 – Developer Contributions to meet Community Needs

Agreed: The use of the word ‘historical’ was a typographical error

We welcome the inclusion of ‘cultural and historical environment’ in this policy, but suggest that you use the term ‘historic environment’

ACTION REQUIRED

English Heritage – East Midlands Region

Core Strategy Policy 21 – Developer Contributions to meet Community Needs

Agree in part: Core Policy 21 will be revisited as part of the preparation of the submission draft and will address the concerns of this respondent.

A number of changes to the policy are proposed that reflect the changing approach to the management of the *historic environment*:

ACTION REQUIRED

2nd bullet: *Employ methods that will identify the significance of historic assets to inform the protection and enhancement of sites and buildings that are of historic, cultural or archaeological importance.*

Concerns considered too detailed for inclusion

3rd bullet: *Preserve and enhance special character... Conservation Area Appraisals and Management Plans and Development Control Guidance.*

4th bullet: *Preserve and where appropriate, enhance...building’s setting.*

6th bullet: It needs to be made clear what *cultural assets* are in this context.

Leicestershire Constabulary
(Evidence supporting this provided)

Core Strategy Policy 21

Considered and noted: the submission draft of the core strategy will address the concerns of this comment

CSP 21 should mention our developer contribution policy. There are good examples of its operation locally and we regularly refer to it in our responses on Planning applications and developers are well aware of this. I think there should be mention here please and I would be grateful if you could confirm inclusion. I would suggest that the wording at the end of this policy is amended to say that this list is not in any order of priority and

that the Council will discuss requirements with Infrastructure providers as well as developers and communities.

CORE STRATEGY POLICY 22

The Theatre Trust

Core Strategy Policy 22

Cultural facilities can include museums, libraries, art galleries, theatres, and cinemas and it is possible that these are incorporated within the section on Community Facilities, Leisure and Recreation in Chapter 10 but this is not clear as there is no definition of the term *community facilities* in this section or elsewhere. The text within Chapter 10 only deals with leisure and recreation and does not mention community and/or cultural facilities. For clarity a description of *community facilities* should be included either in the text or in a Glossary and we recommend *community facilities provide for the health, welfare, social, educational, leisure and cultural needs of the community*. This would then ensure that all elements of community provision would be embraced and we suggest that the term *community facilities* be added to Policies CS21 and CS22.

Considered and agree: a definition of community and cultural facilities will be contained in the submission draft for the Core Strategy. In addition, policies will be strengthened to include reference to community facilities where appropriate.

Definitions included in the glossary

Although there are excellent cultural facilities nearby in Leicester there may well be a demand for an arts centre or other cultural activity in the Borough and your policies should make provision for this in the Core Strategy rather than deferring decisions to subsequent plans.

Considered and agreed in part: although at this stage the evidence base has not identified a need for any specific cultural facilities, policies will be strengthened to allow for such development should the need arise within the life of the core strategy

We therefore **object** to the Preferred Options document as there are no policies or explanatory text for community and cultural facilities.

ACTION REQUIRED

We look forward to being consulted on the Core Strategy Submission stage and any other relevant Local Development Framework documents

Natural England

Core Strategy Policy 22

Agreed: these points will be incorporated into a revised Policy 22

Policy **CS22** on Leisure and Recreation correctly notes that recreational areas need to be accessible by public transport, which supports the healthy lifestyles objectives. This policy needs to underscore the fact that these areas must also bring positive benefits to landscape form, as well as on the social front. The acknowledgement that less sensitive areas within the green wedges will be developed for appropriate recreational activities is also fitting. While the inclusion of the point for the enhancement and protection of recreational rights of way is good, the policy needs to acknowledge that any scope for the expansion of the network will be pursued. Similarly, it is important for the policy to stress that any opportunities to develop recreational routes, and integrate them with public transport nodes/access from new development must also be considered.

Government Office for the East Midlands (GOEM)

Core Strategy Policy 22 (CS22)

The facilities that are intended to be delivered and their location should be identified, e.g. in an implementation framework.

Leicestershire County Council

Core Strategy Policy 22

This should link into an overall Green Infrastructure Strategy.

ACTION REQUIRED

Agreed: a policy implementation framework will be included in the Submission draft of the Core Strategy

ACTION REQUIRED

Agreed in part: Core Strategy Policy 22 seeks to provide strategic guidance in relation to built and natural facilities. Although there is no single widely agreed definition of Green Infrastructure, the definition used by the 6 Cs Growth Point refers to "*comprises the networks of multi-functional green space which sit within and contribute to the type of high quality natural and built environment*". It is agreed that there should be a clear link between Policy 22 and a Green Infrastructure policy but it is important to make the distinction between built facilities for leisure and recreation rather than subsuming these within an overall Green Infrastructure policy. In addition, the Council is currently drafting a local Green Infrastructure

Leicester Racecourse Ltd (Agent is Marrons)

Core Strategy Policy 22 – Leisure and Recreation

Policy 22 seeks to ensure that:

The proposed quality and access standards for open space and built facilities are met in order to meet the leisure and recreation needs of the Borough's residents.

It is considered that Policy 22 fails to comply with the following soundness tests in PPS12:

- 1) the strategy represents the most appropriate when considered against the reasonable alternatives
- 2) it is founded on a robust and credible evidence base
- 3) it is consistent with national policy.

Whilst it is recognised that there is a need to provide an appropriate amount of public open space, it is considered that existing areas proposed for recreational use should be reviewed. One area which should be reviewed is land north of Palmerston Way, Oadby. This site is within private ownership and there is no public access into the site. This area is subject to Policy R10 of the existing Oadby and Wigston Local Plan, adopted in 1999. The supporting text to this Policy states:

The Borough Council will make resources available to acquire the land and lay it out as open space during the life of the Plan.

It is clear that this area of land is the subject of a proposal introduced in the 1999 Local Plan, which has not been

Strategy

ACTION REQUIRED

Considered and noted: the Council engaged consultants to carry out an audit of the Borough's leisure and recreational facilities during 2008/09. It is accepted that at the time of publishing this further Core Strategy consultation this study was not complete. However, the resultant Open Space, Sport and Recreational Facilities Study (Jan 2009) provides the Council with a credible and robust evidence base which is in accordance with PPG17.

The comment relates to promotion of a specific site which the evidence study has identified as natural green space. It is likely that the site could form part of the Borough's overall Green Infrastructure Strategy

No change

delivered. The land remains within private ownership, and there is no public access to this area.

It is considered that it would be unsafe to progress the Local Development Framework without reviewing the existing provision and allocations, and the appropriateness of the same, when assessing the proposed quantity and access standards of open space available. This is because if this is not done, this would enable sites that were not suitable or were unavailable for recreational use to be considered within the *appropriate* category and give the Council an unrepresentative picture of the quantity of open space than they in reality have. It would appear that in proceeding with the current approach as set out in Policy CS22, the Council are not relying upon a credible or robust evidence base. The Policy therefore fails to be *justified*. The policy is therefore deemed to be unsound.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (PPG17) states at paragraph 3 that *local authorities should also undertake audits of existing open space, sports and recreational facilities*. Paragraph 4 of PPG17 states *Assessments and audits will allow authorities to identify specific needs*. The fact that the Borough Council are not proposing to review existing provision and allocations of open space and the appropriateness of those, means that Policy CS22 does not comply with national policy. The policy does not therefore meet the test of soundness which requires policy to be *Consistent with National Policy*. The Policy is therefore deemed to be unsound.

Core Strategy Policy 22 – Suggested Changes

It is suggested that Policy CS22 should include a review of existing areas proposed for recreational use. This would enable the Borough Council to remove any sites that were not suitable or unavailable for recreational use to be removed from their

quantitative assessment, and enable a more focussed approach to considering the quantity of recreational land that is available. This would ensure *consistency with national policy* and the *most appropriate* strategy, and would ensure conformity with PPS12.

The proposed policy should therefore be amended to include:

The Borough Council will undertake an audit of the existing provision and allocations of open space, sports and recreational facilities...

(map of the site in question attached to the back of the representation).

The National Trust

Core Strategy Policy 22 - Leisure and Recreation

The National Trust is disappointed that the previous references to Natural England and the Woodlands Trusts standards have been removed without apparent explanation. This did at least go part way to addressing the need to consider the multi-functional benefits of open spaces (see earlier comments on Strategic Objective 11). The one-dimensional approach in the current Policy fails to promote the optimum use of valuable land resources.

Considered and noted: the original Core Policy 22 was amended to reflect the myriad of responses received during the previous consultation. As part of the preparation of the submission draft, the policy will be revisited and its final form may address some of the concerns of this respondent.

ACTION REQUIRED

CORE STRATEGY POLICY 23

Natural England

Core Strategy Policy 23

Concerning policy **CS23**, it is good that tourism issues are being addressed in the context of biodiversity concerns, specifically with the mention of the role of SSSIs. The fact that Strategic Objectives 10, 11, 12 are linked to this policy will ensure that a strong connection with the environment is maintained.

Considered and noted

Leicestershire County Council

Core Strategy Policy 23

The Grand Union Canal is an operating waterway and therefore does not need restoring; *revitalising* may be more appropriate.

Considered and agreed: the policy will be amended to replace the word "*restoration*" with "*revitalisation*" or similar

CORE STRATEGY POLICY 24		ACTION REQUIRED
Government Office for the East Midlands (GOEM)	<p>Core Strategy Policy 24 (CS24)</p> <p>The facilities that are intended to be delivered and their location should be identified, e.g. in an implementation framework.</p>	<p>Considered and agreed: a policy implementation framework will be included in the Submission draft of the Core Strategy</p> <p>ACTION REQUIRED</p> <p>The updated core strategy provides for a Local Infrastructure Plan which will include an implementation framework. This will enable consideration of the issues at the Examination and will feed into a SPD on Developer Contributions.</p>
IMPLEMENTATION AND DELIVERY		
Natural England	<p>Implementation and Delivery</p> <p>The Section on Implementation and Delivery will need to address the issue of monitoring. Since this section looks at the how, who, and when of the Core Strategy, it is an appropriate place to address the issue of monitoring which was raised in policy CS16 but can easily be applied to others as well. There should be a specific commitment to monitoring and review of plans in the Core Strategy. This will be made more efficient by the inclusion of an appropriate selection of indicators.</p>	<p>Considered and agreed: a revised policy implementation framework will be included in the Submission draft of the Core Strategy which will address the monitoring concerns of this comment</p> <p>ACTION REQUIRED</p>
Leicestershire County Council	<p>Chapter 11: Figure 5, Strategic objectives 6 and 8</p> <p>Leicestershire County Council should also be listed in the Who column as the highway and transportation authority, and perhaps also bus companies.</p>	<p>Considered and noted: this will be amended in the revised policy implementation framework</p>
Highways Agency	<p>Implementation and Deliverability</p> <p>I appreciate that the authority is currently in the process of developing the evidence base that will ultimately inform the development of the Infrastructure Delivery Plan to accompany the Core Strategy, and I would wish to emphasise the</p>	<p>Considered and agreed: a revised policy implementation framework to be included in the Submission draft of the Core Strategy will address the concerns of this comment</p> <p>ACTION REQUIRED</p>

Leicestershire Constabulary
(Evidence supporting this provided)

importance of this in not just identifying the necessary mitigating transport measures to be introduced to support the growth within the Borough, but also to highlight the sources of funding for the schemes, their triggers for delivery and the organisations responsible for their provision.

Implementation and Delivery

As per my suggestion for a strategic objective on sustainable development or design and infrastructure a row and checks could follow in this table.

Considered and noted: a revised policy implementation framework will be included in the Submission draft of the Core Strategy which will address the concerns of this comment

On SO 3 do you want to revise your words planning process? Is it more about the planning application process? At the end of the day it is your members that make decisions on applications as far as sustainable design and infrastructure are concerned. We have the policies and make the comments and hope that these are given weight by LPAs. Core Strategy preparation is an opportunity to cement our partnership relationship a bit further and I have suggested amendments that will help this.

Considered and agreed: the word 'application' will be inserted as recommended

ACTION REQUIRED

What about a target in the *when* column on triggering infrastructure provision through new development to capture what both Authorities are trying to do through the Planning process and perhaps as a test on a new Sustainability objective on the lines I describe above. I believe this would help to provide a key outcome in the new Spatial Planning process - capturing the whole picture about development in an area and partners role and commitments in delivering this?

Considered and noted: a revised policy implementation framework will be included in the Submission draft of the Core Strategy which will address the concerns of this comment

Highways Agency

Implementation and Deliverability

The transport evidence base should also be accompanied by an identification of the developer contributions process the authority might apply to secure the funding to deliver the measures necessary.

Considered and agreed: a revised policy implementation framework will be included in the Submission draft of the Core Strategy which will address the concerns of this comment

ACTION REQUIRED

STRATEGIC DEVELOPMENT CONTROL POLICIES

Highways Agency

Strategic Development Control Policies

The inclusion of a strategic development control policy focusing on sustainable transport and accessibility is fully supported by the agency. The reference to prioritising access by sustainable modes is welcomed.

I welcome the inclusion of references to minimising the adverse effects of development and ensuring mitigating measures are funded by the developer. Such an approach will greatly assist in securing the measures necessary to support growth and sustainable travel.

Considered and agreed: support for the aims of Development Control Core Strategy 5 policy. Reference to the highway network will be removed as recommended

ACTION REQUIRED

Highways Agency

The purpose of the reference to the national highway network in Core Strategy Policy 5 is not clear, and may be unnecessary.

Comment noted. Reference will be removed.

ACTION REQUIRED

Leicestershire Constabulary
(Evidence supporting this provided)

Strategic Development Policies

I think a new Strategic Objective on Sustainable design and infrastructure delivery should be followed by an additional policy here. CSP 13 and bits in other policies are parts of what should be, I believe, a holistic approach however the policies that are here do not give any weight to the designing out crime, community safety and infrastructure provisions that are already operating. There needs to be a home for all these sustainability and infrastructure related matters and the issues I have raised need to be included specifically rather than missed as appears here at present.

Considered and agreed: the submission draft with address the concerns of this comment

ACTION REQUIRED

The National Trust

Strategic Development Control Policy 13 - Strategic Development Management Strand

Presentationally it would be preferably either for this Policy to appear after Core Policy 13, or alternatively for the **link to it to be much clearer**. The detailed information set out here is improved

Considered and agreed: the submission draft with address the concerns of this comment

ACTION REQUIRED

The National Trust	<p>from the draft wording and is supported.</p> <p>Strategic Development Control Policy 14 – Strategic Development Management Strand</p>	<p>Considered and agreed: the submission draft with address the concerns of this comment</p>
	<p>The detailed changes made are helpful in terms of the additional reference to the setting of Conservation Areas. However, it is unclear why <i>setting</i> has been removed from the second bullet point. It is considered that this brings inconsistency into the Core Strategy and furthermore places in doubt its conformity to adopted and emerging Regional Spatial Strategy heritage policies. It is requested that the second bullet point is amended to read:</p> <p><i>Employ methods that will identify, protect and enhance sites and buildings, and their settings, that are of historic, cultural or archaeological importance.</i></p>	<p>ACTION REQUIRED</p>
Leicestershire County Council	<p>Chapter 12: Strategic Development Control Policies</p> <p>The Core Strategy Development Control Policies are very confusingly given policy numbers which already occur elsewhere in the document.</p>	<p>Considered and agreed: the submission draft with address the concerns of this comment</p> <p>ACTION REQUIRED</p>
Leicestershire County Council	<p>Chapter 12: Strategic Development Control Core Strategy Policy 5</p> <p>Whilst the policy is broadly welcomed, as presently worded it only deals with situations where impacts can be mitigated. The policy does not deal with circumstances where adverse impacts (e.g. on congestion, road safety and air quality) cannot be mitigated. The policy should be amended to say that development will not be permitted where its adverse consequences cannot be mitigated.</p>	<p>Considered and agreed: the submission draft with address the concerns of this comment Considered and agreed: the submission draft with address the concerns of this comment</p> <p>ACTION REQUIRED</p>
ADDENDUM: PENNBURY ECO-TOWN		
Leicester City Council	Addendum: Pennbury Eco-town	Considered and noted

Leicestershire County Council

It is noted that further details or policies regarding the Eco-town will form part of the submission draft of the Core Strategy.

Addendum – Pennbury Eco-town

Given the lack of clarity from central Government regarding the relationship between the Regional Plan and LDF processes and the Governments Eco-town initiative the Borough Councils inclusion of an Addendum setting out how the Eco-town might be considered in future drafts of the Core Strategy is welcomed in principle. The Addendum does not however articulate how any future development of the Pennbury proposal would be consistent, or inconsistent, with the Core Strategies own strategic objectives and policies. In particular reference should be made to how any Eco-town would contribute to strategic objectives SO2 (including to concentrate new development on previously developed land and in Oadby, Wigston and South Wigston Town Centres), SO7 (support the role of Oadby, Wigston and South Wigston Town Centres by developing strategies for regeneration, investment and growth) and Core Strategy Policy 16 (Meeting the Housing Needs of the Borough). The lack of reference to how the emerging Pennbury proposal meets the Core Strategy objectives is a major omission given the scale and significance of the proposal.

Addendum – Pennbury Eco-town:

Paragraph 1.11

The District Council notes that the area of land within the Borough being proposed as part of the Pennbury Eco-town is not being put forward as a specific option in the report, owing to its dependency on land outside the Borough in Harborough District.

It appears on the Key Diagram in the shape of a small circle extending into the District of Harborough. The Eco-town

Harborough District Council

Considered and noted: support for the inclusion of the addendum regarding Pennbury. It is the intention within the submission draft to include a strategy in relation to how the Borough will plan for the future should the Pennbury proposal be adopted by Central Government.

Considered and noted: the area indicated on the key diagram relating to the proposed Pennbury Eco Town is purely illustrative and not to scale at this stage.

proposal is the most significant development proposal facing Oadby and Wigston Borough and Harborough District. The diagram is not nearly representative of the potential scale of the proposal and should be enlarged considerably to make clear the current extent of the possible proposal.

Harborough District Council

The District Council notes that whilst Pennbury is in the Eco-town programme there is an opportunity for planning authorities to consider it as a spatial option for development in order to test longer term development scenarios. This is a route the District Council is following and it will consult the Borough Council accordingly in due course.

Addendum – Pennbury Eco-town:

Paragraph 1.12

The paragraph identifies three main ways in which an Eco-town could come forward (i.e. final Planning Policy Statement on Eco-towns, partial review of the Regional Spatial Strategy and Harborough District Councils' Local Development Framework). It should also refer to the approval of a planning application considered in relation to either or all of the above processes. The Core Strategy should refer to the benefits of collaborative working arrangements to establish a local planning framework, if the proposal is taken forward.

Harborough District Council

Addendum – Pennbury Eco-town:

Paragraph 1.13 to 1.14

The Council notes that the Borough Council proposes to carry out an early review of its Core Strategy to deal with the Pennbury proposal and consider the Eco-town as an option once the current strategy is adopted. It would be beneficial if the Oadby and Wigston Core Strategy drew attention to the collaborative working arrangements with Harborough District and Leicester City to assess the Eco-town were it to be taken

Agreed: the submission draft of the Core Strategy will address the concerns of this comment.

ACTION REQUIRED

Agreed: the submission draft of the Core Strategy will address the concerns of this comment.

ACTION REQUIRED

forward into the final Planning Policy Statement and that the view of the Borough will be based on the results of this assessment.

East Midlands Regional Assembly **Pennbury Eco-town** Considered and noted

You will know that the Government has now published the Draft PPS on Eco-towns, with consultation ending in February 2009. The Regional Assembly maintains its concerns about the process for short listing the potential eco-town locations contained in the draft PPS. This should have been done at regional and local level through the plan-led process rather than at national level. The draft PPS appears to enable the forthcoming Partial Review of the East Midlands Regional Plan to consider the locations or the longer term growth options of the eco-towns that are included in the eco-towns programme including Pennbury. The Regional Assembly would wish to consider the locations of each of the potential eco-town locations as spatial development options within the options consultation stage of the Partial Review. This should allow a full and transparent debate about each potential eco-town location against other appropriate spatial planning development options with regional stakeholders and communities. It would not be acceptable simply to test the longer term growth options of these locations as they would appear to have been imposed at national level thereby undermining the regional spatial planning process.

It is assumed that the proposed numbers of homes in each potential eco-town location, should any of the locations prove to be acceptable, will be contained within the regional and Housing Market Area based housing provisions that will result from the Partial Review process, related to the testing of the National Housing and Planning Advisory Units housing provision ranges, rather than be additional to the agreed provision. The draft PPS should clarify this point.

English Heritage – East Midlands **Pennbury Eco-town** Considered and noted

Region

We generally support the Strategy set out in the Preferred Options. Our detailed comments are set out in the attached schedule. Because of the uncertainty regarding the Pennbury Eco-town proposal and the proposed approach to deal with this as part of an early review of the Core Strategy, we have not made any further comment on development in this location beyond those already made in our letter of 1 August 2007 regarding broad locations for growth. Our previous comments addressed the cross-boundary issues with respect to Harborough District. We do have some concerns about how this process is to be managed, which housing figures form the basis of the strategy and whether the development of Pennbury would be consistent with the strategic objectives and policies of the draft Core Strategy.