



The Planning Inspectorate

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# Report to Blaby District Council

by Victoria Lucas LLB MCD MRTPI

an Inspector appointed by the Secretary of State

Date: 21 December 2018

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## Report on the Examination of the Blaby Local Plan Delivery Development Plan Document

The Plan was submitted for examination on 23 March 2018

The examination hearings were held between 31 July and 15 August 2018

File Ref: PINS/ T2405/429/6

## Abbreviations used in this report

AA	Appropriate Assessment
CS	Core Strategy
DPD	Development Plan Document
DtC	Duty to Co-operate
HEDNA	Housing and Economic Development Needs Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MSA	Mineral Safeguarding Area
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PUA	Principal Urban Area
RLA	Residential Land Availability
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SGP	Strategic Growth Plan
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SUE	Sustainable Urban Extension

## Non-Technical Summary

This report concludes that the Blaby Local Plan Delivery DPD provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Blaby District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the DPD after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- **MM1** inserts a new policy, Policy LPR1, requiring a full or partial review of the Local Plan to be undertaken if the circumstances described in the policy occur, including should an evidence based need to review the housing requirement be identified or if progress on delivering the adopted housing requirement slips.
- **MM3** removes the requirement for a specific number of affordable houses to be built on the sites identified in Policy SA2, provides flexibility as to the number of homes to be delivered on site allocation SA2.d and deletes the Gynsill Lane housing site allocation.
- **MM4** amends the wording of the policy to ensure that any archaeological evaluation undertaken of the employment site allocation at land West of St. Johns, Enderby is taken account of prior to development commencing.
- **MM5** amends Policy SA4 to ensure that it is consistent with national policy, clear and effective and also inserts a requirement to review the evidence and work alongside other Leicestershire authorities to identify additional transit site accommodation should a need be identified.
- **MM2** deletes criteria c) of policy SA1 and **MM7** alters the wording of DM Policy 10 to remove the requirement for 5% of plots to be specifically set aside on large housing sites for custom and self-build housing. **MM15** deletes the relevant indicator from the monitoring framework that relates to this policy requirement.
- **MM6, MM8, MM9, MM10 and MM11** amend a number of policies to ensure that they are justified by evidence, clear and effective and consistent with national policy.
- **MM12, MM13 and MM14** make consequential changes to the housing figures set out in the Monitoring Framework to ensure that they reflect the latest up to date position. **MM16** also updates the housing trajectory accordingly.

## Introduction

1. This report contains my assessment of the Blaby Local Plan Delivery DPD in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised NPPF was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this DPD, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 Framework.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Blaby Local Plan Delivery DPD, submitted in March 2018 is the basis for my examination. It is the same document as was published for consultation in November 2017.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council have requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses and SA in coming to my conclusions in this report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Policies Map' (document reference LP 02.1) and 'Inset Maps' (document reference LP 02.2).
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, **MM3** to the Plan's policies will specifically require a corresponding change to be made to the policies map. This change was published for consultation alongside the MMs.
7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include the change published alongside the MMs.

## Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. The role and purpose of the DPD is to set out detailed policies and allocations and to deliver the strategy, objectives and overall development requirements set out in the Adopted Core Strategy (CS). Evidence submitted with the DPD shows that the Council has previously engaged with relevant partners on the preparation of evidence base documents relating to strategic issues as part of the Core Strategy process, for example work on defining the Housing Market Area (HMA) and distributing development within it.
10. In terms of this DPD, the Council has also engaged with relevant partners where issues have been identified as having cross boundary implications. These include Green Wedges, transport, infrastructure requirements, historic environment, natural and water environment, and employment and housing delivery. The Duty to Cooperate (DtC) Statement identifies practical examples in each of these areas where discussions have taken place with relevant partners that have influenced policy development in the DPD. Discussions took the form of face to face meetings, telephone calls and email exchanges.
11. Examples include discussions with Leicester City Council and the County Council having led to the development of policies designed to meet employment needs. This informed the delivery of different types of employment, specifically storage and distribution. Discussions also took place with Leicester City Council and Highways England regarding potential impacts on the road network in delivering the housing and employment growth identified. This resulted in the development of transport evidence and the identification of transport infrastructure and necessary mitigation measures.
12. Taking account of the evidence submitted, I am therefore satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the DPD and that the duty to co-operate has been met.

## Assessment of Soundness

### Main Issues

13. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified ten main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1: Whether the DPD reflects the Core Strategy's spatial strategy and whether it will meet the housing requirements set out in the CS**

14. Policy CS1 of the CS states that a minimum of 8,740 houses will be developed in the District between 2006 and 2029, of which, at least 5,750 houses will be provided within and adjoining the Principal Urban Area (PUA). Since the adoption of the CS, delivery of the housing requirement has been monitored by

the Council. The most recent Residential Land Availability (RLA) schedule shows that between 1 April 2017 and 31 March 2018, 588 dwellings had been completed. At a District level this takes the cumulative provision of dwellings to 4,467. The CS's expectation is that at this point in the Plan period, 4,446 dwellings will have been completed. The data therefore shows that the District is slightly ahead of the CS's predicted delivery rate assumptions for housing.

15. The spatial strategy of the CS is to focus the majority of new development to areas within and adjoining the PUA. This is because these areas are deemed the most accessible and therefore most likely to contribute towards sustainable development objectives. There was a delayed start to the Lubbethorpe Sustainable Urban Extension (SUE) and a review of the housing trajectory has predicted a shortfall on this site. The SUE is a large housing allocation in the CS. The lead in time prior to construction commencing on site proved to be greater than the Council expected. This has affected delivery assumptions regarding the number of dwellings that the site was expected to yield at this point in the Plan period and a shortfall in the level of housing delivery within the PUA as a consequence.
16. Evidence, such as the Nathaniel Lichfield and Partners report 'Start to Finish – How Quickly do Large-Scale Housing Sites Deliver?' (November 2016) does indicate that predicting delivery assumptions for SUE's can be difficult and in some cases they have been shown to deliver much later in the plan period than expected. However, it seems that a factor in delays to lead in times for such sites is the requirement to deliver large scale infrastructure projects in support of the housing development required. In the case of the Lubbethorpe SUE, it was necessary to deliver a bridge over the motorway but this has now been completed and dwellings are being constructed on site. The evidence submitted relating specifically to the Lubbethorpe site indicates that the site will now go on to deliver the volume of dwellings per year that the Council expects.
17. Taking into account completions and commitments elsewhere in the PUA, the commencement of delivery on the SUE site reduces the shortfall across the PUA to 605 dwellings. It is important to bear in mind that this data is relevant only to housing delivery within the PUA because when taken as a whole at the District wide level, housing delivery is performing above the CS's expectations at this point in the Plan period. This is due to greater than anticipated levels of housing delivery in the Non-PUA area.
18. For areas in the Non-PUA, the most recent monitoring data available (providing the position at 31 March 2018) shows that the number of completions over the plan period is 2,935 dwellings along with commitments that amount to 1,011 dwellings. Therefore 3,946 dwellings have been or will be completed in the Non-PUA during the plan period. The CS requirement is for a minimum of 2,990 dwellings to be delivered in the non-PUA during the plan period. Whilst the CS housing targets are expressed as minimum figures, the evidence shows that housing is being delivered in the non-PUA area at a rate above the expectations of the CS. If this trend were to continue then this would not be in line with the CS's spatial strategy and reviewing whether this is the most appropriate strategy for the area is not within the scope of this DPD.
19. The exception for housing delivery in the non-PUA area is Narborough, which policy CS5 of the CS classifies as a Larger Central Village. Policy CS1 of the CS states that at least 2,990 houses will be developed in the areas outside of the

PUA (between 2006 and 2029) but does not specifically allocate a housing figure per settlement. Policy CS5 does provide specific housing requirement figures for settlements or groups of settlements, including a figure for Narborough of 210 dwellings. Against this, Narborough has a shortfall of 20 dwellings but the DPD does not seek to specifically address this by allocating additional sites as none were identified as being suitable when they were considered as part of the evidence base studies.

20. Whilst omission sites were referred to in proximity to Narborough, the fact remains that the evidence shows that the delivery of housing across the non-PUA as a whole has remained strong and has exceeded the expectations of the CS. Therefore a very modest shortfall in Narborough would not undermine the spatial strategy for the area, which seeks to focus development within the PUA. There are therefore no soundness reasons to allocate further sites to address the shortfall in Narborough.
21. It is fair to say the housing delivery outside of the PUA has a strong track record and that the evidence shows that there is demand for new housing in this area. However, the DPD's role is to deliver the spatial strategy for the CS and therefore any review of the role of additional housing provision outside of the PUA is not within the scope of this DPD.
22. On account of the shortfall in housing delivery within the PUA, the DPD therefore allocates sites within this area to seek to address this. This approach is consistent with the CS's spatial strategy as it should help to ensure that there is an uplift in the levels of housing being delivered within the PUA. At the same time, the DPD does not seek to restrict housing being delivered in the non-PUA. Rather it is seeking to ensure that the focus for the majority of new housing development is within the PUA and this is in line with the approach set out in the adopted CS.
23. The housing site allocations within the DPD would see approximately 638 dwellings delivered during the Plan period should the sites deliver in line with expectations. Since the DPD was submitted 37 dwellings now form part of the commitment figures rather than a proposed allocation due to planning permission having been granted on one proposed allocation site.
24. Given that the anticipated shortfall in housing delivery within the PUA is 605 dwellings, this gives a surplus of approximately 33 dwellings within the PUA. The surplus is therefore not particularly large and there is the risk that should the housing sites allocated in the DPD not deliver in line with the assumptions made in the housing trajectory then the DPD could fail to deliver the number of dwellings within the PUA as specified in the CS.
25. However, windfalls have not been included in the housing land supply. Evidence submitted to the examination shows that the Council has a track record of delivering approximately 9 windfall dwellings per annum in the PUA and I am satisfied that this assumption is realistic. Over the Plan period, this would contribute additional dwellings to the supply.
26. The Council has also demonstrated the ability to manage their housing land supply flexibly to ensure that they have a five year supply in line with the requirements of the Framework. For example, at the time when the Lubbethorpe SUE was not delivering in line with the CS's housing trajectory,

the delivery of other sites such as those in the non-PUA were brought forward. This ensured that whilst delivery was below expectations within the PUA, overall housing delivery at a District wide level was kept broadly on track.

27. Whilst individual site allocations are discussed in greater detail later on in my report, evidence presented does indicate that there is scope for the delivery of the smaller allocations to be brought forward in the event that there is a delay in the delivery of dwellings at the larger Hinckley Road site allocation. This would increase the flexibility within the Plan to ensure that progress on housing delivery is maintained.
28. Based on the evidence submitted, I am therefore satisfied that the DPD does identify sufficient land to meet the housing requirements set out in the CS.
29. At the more strategic level, there is a wider evolving sub-regional context for housing provision and the potential implications that this may have for the quantum and spatial distribution of housing in the Blaby area.
30. Blaby is within the Leicester and Leicestershire Housing Market Area (HMA). A study was published in January 2017, the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA), which sets out the long term Objectively Assessed Need (OAN) for new housing for each of the local authority areas within the HMA up to 2036. The Strategic Growth Plan (SGP) is also being prepared by Leicester City Council, Leicestershire County Council, the seven boroughs and districts, and the Leicester & Leicestershire Enterprise Partnership.
31. The SGP is expected to be approved at the end of 2018 and this, along with the HEDNA, may have implications for levels of housing provision along with the spatial distribution of housing that Blaby District may need to take account of in the future. For example, the neighbouring authority, Leicester City Council, has declared that it may be unable to meet its housing need within its own administrative boundary. However the specific extent of this unmet need has yet to be quantified and until specific data is available, work on any spatial distribution of an as yet unquantified figure between neighbouring authorities would be difficult to implement at this stage.
32. The publication of the revised NPPF also introduces a standardised methodology. Whilst the transitional arrangements apply to the examination of this DPD, this may have implications for assessing the requirement for housing for Blaby in the future.
33. These issues are not within the scope of the Delivery DPD, which is not seeking to review the adopted CS's housing requirement. However, given the scope of this DPD, I consider that the most appropriate method of taking account of these issues would be for the Council to undertake a full or partial review of the Local Plan.
34. The DPD as submitted contains a reference in paragraph 1.6 to the need to undertake a review of the Local Plan to take account of the scale of unmet housing need. However this reference is not specific and does not clearly define what a review would comprise, what events would trigger a review, nor the timescale for commencing and submitting a review. For these reasons, **MM1** is required to ensure that the DPD is in accordance with national policy



(paragraphs 153 and 158 of the Framework) and therefore inserts Policy LPR1 requiring a full or partial review of the Local Plan to ensure that the DPD responds flexibly to changing circumstances and that it is based on up to date evidence.

35. So as to be specific, **MM1** defines a review as being the publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. So that there is a specific timescale for the review to commence, the Policy specifies that such a review will commence within 6 months of the specified circumstances described within the policy occurring, unless there is sufficient flexibility already provided for within the Plan.
36. The wording of the policy as specified in **MM1** requires any new LP to be submitted for Examination within three years of the commencement of the review. Whilst it may be that other Councils have in place similar policies requiring such work to be submitted within two or two and a half years, I am satisfied that a limit of three years for this work to be completed is justified in the case of Blaby, given the scale of the work that may be necessary balanced with the resources available to the Council to complete this work.
37. The events listed in the policy are: the adoption by the Council of the SGP and a Memorandum of Understanding, which proposes a quantity or spatial approach that is significantly different to that set out in the CS; where changes occur within the HMA to the objectively assessed need for development or the spatial distribution of growth across the HMA, including Blaby; or where monitoring of targets against the housing trajectory identify significant and persistent shortfalls in the delivery of housing. In the case of the latter, the text accompanying the policy states that a Local Plan Review will be commenced to identify alternative or additional development sites.
38. The LP review policy will ensure that the Council is able to plan positively for the area should an evidence based need to review the housing requirement for Blaby be identified or should progress on delivering the adopted housing requirement slip. **MM1** will therefore ensure compliance with national policy and that the plan is positively prepared.
39. It is possible that the situation may arise whereby the Delivery DPD may be adopted and within a short period of time the Council may be required to commence a full or partial review of their Local Plan. However, the fact remains that it is for the Council to plan appropriately for their administrative area and the housing allocations in this DPD will make an important contribution to housing land supply in the area in the meantime.
40. The allocation of housing in this DPD would be approximately 33 dwellings above the CS's housing requirement for the PUA. **MM1** will ensure that should the Council's ongoing monitoring of the plan identify that housing delivery is not in line with the housing trajectory then a partial or full review of the LP will be triggered. Additionally, progressing with the DPD will result in additional housing sites being allocated that will increase the number of dwellings being delivered in the area. There are also other benefits in progressing the DPD without delay, such as the adoption of up to date development management policies as some of those currently being used are within the LP that was adopted in 1999.

41. Additionally, **MM12**, **MM13** and **MM14** are necessary to make consequential changes to the housing figures set out in the Monitoring Framework to ensure that they reflect the latest up to date position. **MM16** is also necessary to ensure that the housing trajectory is updated accordingly. These modifications are required to ensure that the data in the final adopted DPD is accurate so that monitoring of progress on housing delivery in the District will be effective.

**Issue 2: Whether the housing allocations identified in the DPD are reasonable, justified and likely to be delivered during the plan period**

42. The DPD as submitted identifies one large site and four smaller sites within the PUA. The Council's 'Site Selection Methodology' 2016 report (EV 06) sets out in detail the methodology used in the site selection process that informed the identification of the five sites included in the DPD. Initially, all sites identified as 'developable' in the SHLAA (EV 04) were assessed against relevant sustainability criteria, compliance with CS locational policies and Sustainability Appraisal (SA). The evidence shows that reasonable alternatives were considered and tested. The Council's Site Selection Paper – Site Assessments for Housing (Part 1) (2016 & 2017) and accompanying appendices (EV 07.1 – EV 07.8) comprise details of the assessments. An SA of sites was also undertaken at Stages 1 and 2 of the process.
43. At the end of Stage 1 a template was completed for each site that includes a specific conclusion for the site, whether the site should be taken forward and the reasons for this recommendation having been made. Where sites were then taken forward to Stage 2 of the process, the template was updated accordingly. As a result of this process, it is clear why the sites that were taken forward as allocations in the DPD were selected. It is also explained why those sites that were rejected were not taken forward as allocations in the DPD.
44. For these reasons, I am satisfied that the methodology used by the Council and the process that they have followed identifying the housing sites allocated in the DPD is reasonable, justified and consistent with national policy.

*Policy SA1: Land north of Hinckley Road A47, Kirby Muxloe*

45. The largest of the housing site allocations is Land north of Hinckley Road A47, Kirby Muxloe which is identified in Policy SA1. The DPD allocates a minimum of 750 dwellings at this site. Of this total, at least 510 dwellings have been identified as being deliverable within the plan period. The DPD's housing trajectory assumes that the site would deliver 30 dwellings during 2020/21 and then 60 dwellings per annum thereafter.
46. In some respects, the strategy of identifying a large site to deliver a significant proportion of the housing required may carry an element of risk. As experience with the Lubbethorpe SUE has shown, larger sites often require longer lead in times due to the fact that they are often more complex in nature and this can result in delays to the start of construction commencing and this can in turn have an impact on overall housing delivery during the plan period.
47. However, the scale of the Hinckley Road site is considerably smaller than the Lubbethorpe site and whilst some infrastructure will be required to support the allocation, I am satisfied that the delivery assumptions for this site are realistic.

48. The Hinckley Road site is near to the Lubbethorpe SUE and the Council commissioned a Market Capacity Study (published June 2017) to assess any potential effects of this allocation on the predicted annual delivery rate of housing at the SUE. Whilst concerns were expressed as to whether there is capacity in the housing market to accommodate the anticipated build rates for both sites, the Study concludes that a build rate of 60 dwellings per year would not affect annual delivery rates at the SUE. I am therefore satisfied that this issue will not constrain delivery rates and that the build rates anticipated in the DPD for the Hinckley Road site are reasonable and have taken adequate account of this issue.
49. Policy SA1 identifies a number of necessary infrastructure requirements. These include a primary school, transport improvements and financial contributions towards education and health care. There will be some coordination required with infrastructure delivery at the SUE, depending upon timing and the nature of detailed proposals that come forward. However, I am satisfied that the infrastructure identified is capable of being delivered in support of this allocation.
50. There are existing sports facilities on the land that forms part of this allocation and concern has been expressed regarding the effect of the development proposed on these. However, there is a specific requirement within the policy to ensure that the sports pitches will be retained or relocated. I am therefore satisfied that allocating the site for housing development would not result in their loss. Furthermore, masterplanning work that has been undertaken by the site promoter has indicated that the facilities could be retained in their existing positions in any event.
51. I am therefore satisfied that the housing allocation site at Hinckley Road is capable of being delivered during the Plan period and that its allocation in the DPD is sound.

*Policy SA2 site allocations*

*SA2.d Land at Ratby Lane / Desford Road, Kirby Muxloe*

52. The policy states that 52 dwellings will be delivered at the Ratby Lane / Desford Road, Kirby Muxloe site allocation. I understand that this site yield figure was derived from a standard approach used in the Council's SHLAA. At the hearing sessions it emerged that site specific factors such as the need to provide appropriate landscape mitigation would be likely to reduce the number of dwellings that will be delivered on the site. The exact figure will be determined at the detailed planning application stage but to ensure that the policy is flexible and not unduly restrictive, **MM3** alters the wording of policy SA2.d to state that 'up to' 52 dwellings will be provided and removes the requirement for a specific number of affordable housing to be delivered as this may not be achievable at detailed planning application stage.
53. In terms of the effect of the development proposed on the existing Green Wedge that forms part of the site, the allocation largely reflects the existing built form on the opposite side of the lane. The north-western boundary edge of the site would also have a reasonable separation distance from Ratby. There are also a range of recreational resources close to the site, including a cricket club, football club and allotments. I am therefore satisfied that the allocation of this site

would not have a significant detrimental effect on the overall function of the Green Wedge.

54. Based on the evidence before me I am satisfied that the housing allocation site at land at Ratby Lane / Desford Road is capable of being delivered during the Plan period and that the allocation of this site in the DPD is sound.

*SA2.b Land at Grange Farm, Leicester Forest East / SA2.c Land at Webb Close, Leicester Forest East*

55. The allocation at Land at Grange Farm proposes 55 dwellings and the allocation at Land at Webb Close proposes 21 dwellings. Based on the evidence before me I am satisfied that the sites are capable of being delivered during the Plan period and that the allocation of both sites in the DPD is sound. However, **MM3** will ensure that the policies are effective by removing the requirement for a specific number of affordable homes to be delivered on each site as this may not be achievable at detailed planning application stage.

*SA2.a Land of rear Gynsill Lane, Glenfield*

56. Since the DPD was submitted for examination, planning permission for housing development at the Gynsill Lane site allocation has been granted and construction is well underway. To reflect this and to ensure that the DPD is up to date and effective **MM3** also deletes this allocation from the Plan.

**Issue 3: Whether the employment site allocation at Land West of St Johns, Enderby is justified and whether it will deliver the Core Strategy's employment land requirement during the Plan period**

57. The CS (policy CS1) sets a minimum requirement for employment land of 68 hectares. Of this, at least 57 hectares will be provided within and adjoining the PUA of Leicester. Monitoring of employment land since the adoption of the Core Strategy identifies that the residual requirement for the plan period is 25.38 hectares (as at 1 April 2018). The DPD seeks to meet this outstanding requirement through the allocation of one site.
58. The methodology used to assess potential allocations was the same as that used for the housing allocations and is set out in the Council's 'Site Selection Methodology' report (EV 06). Reasonable alternatives were considered and tested. The reasons for rejecting other sites are clearly listed and the reasons for selecting the preferred site are clear.
59. The site allocation is for B8 employment use. The relevant Transport Assessment (EV 46) notes that when compared to an office use or industrial development, a B8 use would result in fewer vehicle movements at peak hours resulting in lesser impacts on the transport network. Detailed transport modelling has also been undertaken by Leicestershire County Council on behalf of the site promoter's transport consultant. This was carried out in accordance with scoping discussions with the County Council, Leicester City Council and Highways England. This work has identified a range of junction and link improvements that would mitigate any adverse impacts and broadly reflect the transport mitigation measures listed in Policy SA3 of the DPD. In summary, no specific ownership or technical transport constraints have been identified that would prevent delivery of this site allocation.

60. Based on the evidence, I am therefore satisfied that the site selection process was reasonable and that the site allocation is justified and capable of being delivered during the Plan period.
61. The SA did identify some issues that are capable of being mitigated at the detailed application stage. With regard to heritage issues, **MM4** is necessary to amend the wording of the policy to ensure that regard is had to any archaeological evaluation of the site prior to development commencing. This will ensure that the design and layout of any scheme can take account of the importance of any features associated with the line of the Fosse Roman Road. The wording of the amended policy was submitted to the Examination in the form of a Statement of Common Ground between the Council and Historic England. I am satisfied that the MM is not ambiguous and is necessary to ensure that the policy is consistent with national policy.

**Issue 4: Whether the policy approach to providing broad locations for accommodating Gypsies, Travellers and Travelling Show People is justified and consistent with national policy**

62. Policy CS9 of the CS sets targets for the amount of accommodation for Gypsy and Travellers and Travelling Show People. Those targets are based on a 2013 Assessment that predates the revised definition of Gypsy and Travellers for planning purposes. The key change is that those who have ceased to travel permanently do not now fall under the definition of a Traveller for the purposes of assessing accommodation need. The Leicester and Leicestershire Gypsy, Traveller and Travelling Show People Accommodation Assessment 2017 (EV 12) was therefore undertaken to provide an up to date assessment of current and future need and to take account of the revised definition.
63. For Blaby, the Assessment identified the need for 0 pitches for Gypsies and Travellers meeting the planning definition to be provided during 2016-21, 1 pitch during 2021-26, 1 pitch during 2026-31 and 1 pitch during 2031-36. The Assessment also identified the need for 0 plots to be provided for Travelling Showpeople meeting the planning definition during 2016-21, 0 plots during 2021-26, 0 plots during 2026-31 and 1 plot during 2031-36.
64. The Assessment also identified 83 existing households in the District where it was unable to confirm whether or not they could be defined as Gypsies or Travellers for planning purposes. These households could give rise to between an additional 2 and 23 households if they were all to meet the planning definition. The lower number of 2 is based on the consultant's experience that only 10% of unknown households would meet the definition.
65. Further information was provided by the Council in support of this figure in the form of a note (BDC 10). Whilst the consultants have restated that this represents their experience and I acknowledge that other Inspector's may have accepted this figure, there is no specific detailed evidence before me to show how this figure was arrived at nor whether any assessments have been undertaken subsequently to verify whether the assumption of 10% proved to be accurate. I am therefore not satisfied that this is an accurate figure.
66. At the same time, the DPD does not seek to restrict the provision of pitches or plots for gypsies and travellers. Should additional households come forward that

are currently categorised as unknown that meet the definition for planning purposes then they would be provided for under the terms of the policy. Therefore whilst there may be some uncertainty as to the number of unknown households, this would not in fact prevent households from having their needs met should they subsequently be identified through the planning process.

67. Evidence submitted shows that the current supply of unimplemented planning permissions is sufficient to meet the need identified in the 2017 Assessment for the period 2016 to 2021 for Gypsies and Travellers and Travelling Showpeople meeting the planning definition. This is also the case for the 'unknown' households. In line with the approach set out in the National Planning Policy for Traveller Sites (PPTS), Policy SA4 sets out broad locations and criteria against which to determine planning applications for Gypsy and Travellers and Travelling Showpeople accommodation. I am satisfied that this approach is sound.
68. However, **MM5** is necessary as it removes the reference to 'need' in policy SA4 to make it clear that where gypsy and traveller households that meet the planning definition come forward provision will be made for them. This is particularly relevant given the uncertainty as to the extent of unknown households within the District that may meet that definition. The revised policy will ensure that qualifying households have their needs met accordingly and that the policy is consistent with national policy.
69. Policy SA4 also sets criteria for new sites for gypsies and travellers and extensions to existing sites. The policy seeks to ensure that development proposals are situated in locations that are consistent with the locational strategy for directing new development and the settlement hierarchy set out in policies CS1 and CS5 of the CS. The overall aim of this approach is to reduce the need to travel long distances to access work, services and facilities and to make better use of existing infrastructure including public transport.
70. A distance of three and two miles is referred to in the policy as this is generally considered a reasonable guide to indicate whether a site would be accessible via walking or cycling. However, to ensure the policy is flexible, **MM5** also inserts the word 'approximately' into the third criteria which deals with distance from facilities and services. This is because it may be that a site is identified that is otherwise suitable but is slightly further than three or two miles away and so ensuring more flexible wording will help to ensure the policy is effective.
71. In assessing planning applications that do come forward, criteria b) of the policy as worded in the submission version of the DPD sought to direct proposals away from sites close to major transport routes. However, it may be that sites close to major transport routes are suitable and convenient for new sites. However, the policy as drafted was intended to ensure that new sites provide acceptable living conditions for future occupants and that it may be that a site could be acceptable in this regard but be close to a major transport route. **MM5** therefore alters the wording of the policy to make it clear that criteria b) is concerned with ensuring that an acceptable living environment is capable of being provided. This change will ensure that the policy is effective and not unduly restrictive.
72. Finally, the accompanying text to the policy in the DPD identifies that there may be a need for an additional transit site to be provided. To ensure that the policy is effective, **MM5** inserts a requirement to review the evidence and work

alongside other Leicestershire authorities to identify appropriate and deliverable sites should the review show that there is a requirement. This is necessary to ensure that the policy is sound and consistent with the PPTS which requires local planning authorities to address the likely transit site accommodation needs of travellers in their area.

**Issue 5: Whether the policy requirement for a proportion of plots on large housing sites to be provided as self-build or custom build plots is justified by the evidence?**

73. DM policy 10 requires proposals over 100 dwellings to supply 5% of a site's dwelling capacity as serviced plots for self and custom build housing. The Council's Self-Build and Custom Build Register indicates approximately 44 individuals and 1 organisation having registered at the time that the Hearing statements were produced. Whilst this may indicate an interest on the part of those registered in this type of housing, it is not clear how this data can be reliably translated into actual demand should actual plots be made available. It is also possible for individuals and organisations to register with more than one Council and there is therefore the possibility of some double counting to occur.
74. Additionally, concerns have been expressed by developers as to how the allocation of plots on large sites as intended by the policy would be coordinated with the development of the wider site. For example, large housing sites are often developed in phases with groups of housing being built at the same time along with infrastructure such as access roads. There are often multiple contractors operating on the site at any one time, along with large machinery and vehicles. It is unclear how the development of single plots by individuals would operate alongside this construction activity both practically and taking account of potential health and safety concerns.
75. If demand for plots is not realised then they would lie vacant for a period of up to 12 months at which point the policy as drafted would allow for the plots to be sold for market housing. However, the plots would then need to either be built on by the developer or sold on and developed at a later stage. This is likely to result in a consequential delay in development on those plots coming forward and may present practical difficulties in terms of coordinating their development with construction activity on the wider site.
76. The Council's Local Plan Viability Study (EV 50) also found that the 5% policy requirement may have a detrimental impact upon the level of affordable housing that could be provided on sites. The study looked specifically at the housing allocation at Land North of Hinckley Road in reaching this conclusion.
77. Whilst I appreciate that the Council wishes to adopt an aspirational approach in allocating plots so as to try to deliver custom and self-build housing, this should not be achieved at the expense of delivering sufficient levels of affordable housing the need for which has been specifically identified in the CS and relevant evidence base documents. There is also no specific evidence before me to indicate what the effect on viability may be on other large sites that would be affected by the policy.
78. For these reasons, I consider that DM Policy 10 is not justified by the evidence available. **MM7** is therefore necessary to alter the wording of the policy to ensure that the Council's aspiration to provide custom and self-build housing is

met by making it clear that such applications would be supported whilst removing the specific requirement for 5% of plots to be provided on large housing sites. This MM ensures that the policy is effective and consistent with national policy. The MM also inserts more recent data on the indicative demand for this type of housing to ensure that the DPD is up to date. **MM2** also deletes criteria c) of Policy SA1 along with the supporting text. This removes the requirement for 5% of plots at the Land North of Hinckley Road site allocation to be provided as serviced plots for sale to self-builders or custom builders in accordance with DM Policy 10. This is because the 5% requirement is not justified by the available evidence and analysis has also shown that it would not be viable for the allocation to meet this policy requirement and that its implementation may have negative consequences for the provision of affordable housing. **MM15** also deletes the relevant indicator from the monitoring framework that relates to this policy requirement to ensure that the indicators against which the DPD will be monitored are relevant and effective.

### **Issue 6: Whether the requirement for new development to be served by a connection to digital infrastructure is justified**

79. DM Policy 4 requires all new major residential and commercial development to be served by a fast, affordable and reliable broadband connection. However, the terms 'fast, affordable and reliable' are not specific and could be difficult to define in the context of determining a planning application. Furthermore, the delivery of a broadband connection is likely to be reliant on a third party contractor over which a developer is unlikely to have any control. This could result in practical difficulties in implementing the policy, particularly in circumstances where the provision of digital infrastructure may be unviable or not possible for other reasons within a specified timeframe. For these reasons the policy is not justified or effective.
80. **MM6** therefore alters the wording of the policy to state that new development should be served by this type of infrastructure rather than specifically requiring it. This change in wording introduces flexibility into the policy and is necessary to ensure the policy is justified and effective.

### **Issue 7: Whether DM Policy 11 relating to accessible and adaptable homes is justified**

81. The Council's 'Housing – Optional Technical Standards Background Paper' (October 2017) (EV 09) examined a variety of data sources. Overall, the local authority housing statistics on social lettings do show 1.4% of applicants required a fully wheelchair accessible property, 18.5% required level access and 6.5% required other disability related requirements. Of the properties that were let, 30.5% were built or adapted to wheelchair user needs, and 5.3% were fitted with aids or adaptations. Census data shows that at 2011, 15.8% of residents had a long term health problem or disability and that 29.7% of households included a person or persons with a long term health problem or disability. The HEDNA calculates an unmet housing need for wheelchair users of 1,368 for the HMA at 2011 and estimates a wheelchair accessibility need for around 3% of households.
82. Population estimates and projections show an increasingly aging population in the area. In 2014, 19.7% of the population was aged over 65 years. By 2029, this is predicted to increase to 32% of the population. Additionally, by 2039, it



is anticipated that 15.4% of total households will be headed by a person aged 65-74, 15.5% will be headed by a person aged 75-84 and 9.6% by a person aged 85 or over. It is reasonable to assume that given forecasts of a growing older population that this is likely to result in an increase in the number of people with disabilities and an increase in the need for suitable housing that can be adapted to allow people to stay in their homes longer.

83. On the basis of the evidence submitted, I am satisfied that a need for accessible and adaptable homes has been justified having regard to the proportions of people and households with a long term health problem or disability, the ageing population and the projected increase in the number of people with long term health problems and disability. A policy requiring M4 (3) wheelchair homes was not included in the DPD as the Local Plan Viability Study (EV 50) concluded that it would not be viable.
84. The Study also tested the viability of applying the optional Building Regulations Standard M4 (2) on development proposals of 10 dwellings or more where 5% of those dwellings would be M4 (2) compliant. The study shows that on sites where there are few abnormal costs, then delivery of this policy requirement would be viable. However, **MM8** inserts criteria b) into the policy to ensure that there is sufficient flexibility in applying this policy requirement to take account of circumstances where it can be demonstrated that it would not be viable. This is required to ensure that the policy is effective and consistent with national policy.
85. Setting a requirement for 5% of dwellings on a proposal of 10 dwellings would result in the delivery of 0.5 M4 (2) compliant dwelling. This would neither be practical or effective. The threshold would need to be set at 20 dwellings so as to deliver one M4 (2) complaint dwelling on a site. **MM8** is therefore necessary to amend the threshold of development above which the policy would be applied to ensure that it is effective whilst ensuring that the delivery of accessible and adaptable homes will be boosted where it is viable to do so.

**Issue 8: Whether DM Policy 12 which sets out how planning applications affecting designated and non-designated heritage assets will be dealt with is consistent with national policy**

86. DM Policy 12 in the submitted DPD requires applications that may affect a heritage asset to submit the same information and to be determined with regard to the same criteria, regardless of whether a heritage asset is designated or non-designated. In particular, criteria c) of the policy refers to whether any harm will be outweighed by the substantial public benefits of the proposal. This does not reflect the approach set out in the Framework. Specifically harm to a designated heritage asset may be either substantial (para. 133) or less than substantial (para. 134). In each circumstance the tests that would then go on to be applied are different.
87. In the case of paragraph 134, it is less than substantial harm that is weighed against the public benefits of the proposal. Paragraph 135 goes on to describe a different test that should be applied in the case of non-designated heritage assets, requiring a balanced judgement having regard to the scale of any loss or harm and the significance of the heritage asset. There is no specific mention of balancing any public benefits of the proposal in paragraph 135. For these reasons, DM Policy 12 is not consistent with national policy and **MM9** is

necessary to amend the wording of the policy to ensure that it reflects the different tests set out in paragraphs 134 and 135.

88. **MM9** also amends the wording of the specific requirements that should be included in any heritage statement that is submitted with an application to include a description of the heritage asset and a justification as to why any impacts could be considered acceptable. This is necessary to ensure that the policy is consistent with national policy and effective.

**Issue 9: Whether the policy approach to determining applications in relation to land contamination and pollution is effective**

89. DM Policy 13 requires any adverse impacts relating to the issues listed in the policy to be satisfactorily mitigated. **MM10** amends the policy to ensure that it is clear that this requirement applies where those impacts are unacceptable. This is necessary to ensure that the policy is more specific and effective. **MM10** also makes a minor wording change from 'it is' to 'they are' to ensure that the wording of the policy is clear.

**Issue 10: Whether the approach to Minerals Safeguarding Areas set out in DM Policy 15 is clear and effective**

90. Leicestershire County Council is producing a Minerals and Waste Plan and this will define the Minerals Safeguarding Areas (MSA) for Blaby District. DM Policy 15 seeks to set out how applications affecting sites in these areas are to be approached and to highlight the general areas where MSAs are likely to be identified. As the Minerals and Waste Plan is emerging, **MM11** alters the wording of the policy to state that the MSAs identified are general locations as the specific extent may be subject to change. This is necessary to ensure that the policy is consistent with national policy.
91. The fifth bullet point of paragraph 143 of the Framework states that in preparing Local Plans, local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place.
92. **MM11** therefore also alters the wording of the policy so that it indicates that proposals within MSAs may be acceptable providing that it is ensured that mineral resources of national or local significance are not needlessly sterilised by non-mineral development. This is necessary to ensure that the wording of the policy is effective and consistent with national policy.

**Assessment of Legal Compliance**

93. My examination of the legal compliance of the Plan is summarised below.
94. The Blaby Local Plan Delivery DPD has been broadly prepared in accordance with the Council's Local Development Scheme.
95. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
96. Sustainability Appraisal has been carried out and is adequate.

97. The Habitats Regulations Appropriate Assessment Screening Report (2017) and the HRA Addendum Report (2018) set out why an AA is not necessary.
98. The Local Plan also includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
99. The Delivery DPD complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. The DPD is also consistent with the relevant policies contained within the Council's adopted CS.

## **Overall Conclusion and Recommendation**

100. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
101. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Blaby Local Plan Delivery DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*V Lucas*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix – Main Modifications

The modifications below are expressed in the conventional form. Text that is proposed to be deleted is indicated by ~~strikethrough~~-notation, and text that is proposed to be inserted is indicated in **bold** and is underlined. There will also be a need to be consequential amendments to be made to policy criteria and paragraph numbering as a result of the Main Modifications.

Ref.	Page No	Policy / Paragraph	Main Modification
MM1	N/a	NEW Policy/ paras	<p><i>Add new policy and supporting text (after Section 4):</i></p> <p><b><u>Local Plan Review</u></b></p> <p><b><u>5.1 Blaby District lies within the Leicester and Leicestershire Housing Market Area. The Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) was published in January 2017. It sets out the long term objectively assessed need (OAN) for new housing in each of the local authority areas in the HMA up to 2036. The Council is also mindful that the introduction of the Standardised Methodology contained in the National Planning Policy Framework may have further implications for the OAN.</u></b></p> <p><b><u>5.2 In order to plan for the level of objectively assessed need identified, the local authorities in the Leicester and Leicestershire Housing Market Area (HMA) area are working collaboratively to prepare the joint Leicester and Leicestershire Strategic Growth Plan. The Strategic Growth Plan is expected to be finalised by late 2018.</u></b></p> <p><b><u>5.3 The District Council will take account of the implications of the Strategic Growth Plan in its next Local Plan which is due to commence on adoption of the Delivery DPD as set out in its latest Local Development Scheme. Policy LPR1 reflects this commitment.</u></b></p> <p><b><u>5.4 In addition, in the circumstances that the delivery of housing is significantly and persistently short of the expectation set out in the housing trajectory, a Local Plan Review will be commenced to identify alternative or additional development sites.</u></b></p> <p><b><u>Policy LPR1 LOCAL PLAN REVIEW</u></b></p> <p><b><u>The circumstances in which a new, full or part, Local Plan will commence (defined as being</u></b></p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p><b><u>publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) are specified as follows:</u></b></p> <ul style="list-style-type: none"> <li>a) <b><u>The adoption by the Council of the Strategic Growth Plan and the Memorandum of Understanding, which proposes a quantity or spatial approach that is significantly different to that set out in the Local Plan, unless there is sufficient flexibility already provided for within the Plan; or,</u></b></li> <li>b) <b><u>Changes occur within the HMA to the objectively assessed need for development or the spatial distribution of growth across the HMA, including Blaby, unless there is sufficient flexibility already provided for within the Plan; or,</u></b></li> <li>c) <b><u>Where monitoring of targets against the housing trajectory identify significant and persistent shortfalls in the delivery of housing.</u></b></li> </ul> <p><b><u>The new, full or part, Local Plan will be commenced within 6 months of the occurrence of one of the above circumstances and should be submitted for examination within three years from the commencement of the review.</u></b></p> <p><i>Consequential amendments to create new section and renumber following sections.</i></p>
MM2	12-13	SA1/para 3.8	<p><i>Delete criteria c) of policy SA1 and amend supporting text:</i></p> <p>Land North of Hinckley Road, Kirby Muxloe</p> <p>3.8 The requirements for affordable housing and housing mix are set out in policies CS7 and CS8 of the adopted Core Strategy. <del>Policy DMP8 also seeks a proportion of self-build and custom-build housing and Policy DMP9</del><b>11 also</b> seeks a proportion of accessible and adaptable homes.</p> <p>SITE ALLOCATIONS POLICY SA1 Land North of Hinckley Road, Kirby Muxloe Land will be allocated for a minimum of 750 dwellings, of which a minimum of 510 will be delivered during the plan period. The site's boundaries are set out on the Policies Map.</p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p>The site should meet the following requirements:</p> <p>Housing</p> <p>a) Affordable housing 25% affordable homes in accordance with policy CS7 should be provided on the site. The affordable housing mix should be 80% Social / Affordable rent and 20% intermediate housing unless evidence indicates otherwise.</p> <p>b) A mix of housing A mix of housing to meet local needs in accordance with policy CS8 of the adopted Local Plan Core Strategy 2013</p> <p>e) <del>Self build and custom build housing</del> <del>5% of plots are serviced plots for sale to self-builders or custom-builders in accordance with policy DMP8.</del></p>
MM3	16-17	SA2/Paras 3.19 and 3.23	<p><i>Amend policy SA2 and supporting text:</i></p> <p><del>Gynsills Lane, Glenfield</del> <del>3.19 The site secured outline planning permission for 37 houses subject to a section 106 legal agreement. The site is proposed to be allocated in the Local Plan to improve certainty should the current permission lapse. The site could deliver some 9 affordable houses and would be required to make contributions towards open space, education provision, library services and residential travel packs to encourage the use of sustainable transport.</del></p> <p>Ratby Lane / Desford Road, Kirby Muxloe 3.23 The site could accommodate <del>some</del> <b>up to</b> 52 houses. Access can be gained from Ratby Lane and Desford Road. The site could deliver some 13 affordable houses and would be required to make contributions towards open space, education provision, library services and residential travel packs to encourage the use of sustainable transport.</p> <p>SITE ALLOCATIONS POLICY SA2 Smaller Housing Sites in the Principal Urban Area</p> <p>Land will be allocated for housing at the following sites as set out on the Policies Map. The sites will be required to be developed in conformity with other policies contained within the Blaby Local Plan Core Strategy and</p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p>Delivery Development Plan Documents. Specific requirements for each of the sites, in addition to these policies, are contained below:</p> <p><del>SA2.a Land rear of Gynsills Lane, Glenfield*</del>  <del>Land will be allocated for 37 dwellings.</del>  <del>The development should:</del></p> <ul style="list-style-type: none"> <li><del>a) Be accessed from Nursery Rise;</del></li> <li><del>b) Provide at least 9 affordable units in accordance with Core Strategy policy CS7; and</del></li> <li><del>c) Protect important trees on site.</del></li> </ul> <p><del>*Planning permission has been granted on the site subject to completion of a Section 106 legal agreement.</del></p> <p><del>SA2.ba</del> Land at Grange Farm, Leicester Forest East  Land will be allocated for 55 dwellings.  The development should:</p> <ul style="list-style-type: none"> <li>a) Be accessed from Warden's Walk;</li> <li>b) Provide <del>at least 13</del> affordable units in accordance with Core Strategy policy CS7;</li> <li>c) Retain the important trees and hedgerows along the northern boundary and fronting Baines Lane; and</li> <li>d) Provide design solutions and mitigation measures to protect important areas of biodiversity.</li> </ul> <p><del>SA2.eb</del> Land at Webb Close, Leicester Forest East  Land will be allocated for 21 dwellings.  The development should:</p> <ul style="list-style-type: none"> <li>a) Be accessed from Webb Close;</li> <li>b) Provide <del>at least 5</del> affordable units in accordance with Core Strategy policy CS7; and</li> <li>c) Retain and enhance hedgerows to connect to southern boundary.</li> </ul>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p>SA2.<del>dc</del> Land at Ratby Lane / Desford Road, Kirby Muxloe Land will be allocated for <b>up to</b> 52 dwellings.  The development should:  a) Provide <del>at least 13</del> affordable units in accordance with Core Strategy policy CS7; and  b) Improve habitat to enhance diversity and connect to wider landscape, including retention of trees and hedgerows.</p>
MM4	21	SA3	<p><i>Amend criteria g) of policy SA3:</i></p> <p>SITE ALLOCATIONS POLICY SA3  Employment Site Allocation</p> <p>Heritage  f) The design and layout of any proposal will seek to minimise any impact on designated and non-designated heritage assets. In particular, the design and layout of the site shall seek to retain the integrity of the alignment of the Fosse Way Roman Road by avoiding development (other than necessary access infrastructure) along its length. Opportunities to provide 'interpretation' and increase awareness of the asset will be encouraged.  g) Archaeological evaluation shall be undertaken in accordance with a scheme to be agreed with the County Archaeologist prior to <del>any development commencing on the site</del> <b><u>determination so that the design and layout can respond to the importance of any associated features with the line of the Roman Road. Finds shall be treated in a manner proportionate to their significance.</u></b></p>
MM5	24	SA4 / para. 3.37	<p><i>Amend policy SA4 and supporting text:</i></p> <p>3.37 This policy seeks to identify broad locations that will be suitable for gypsy and traveller and travelling show people accommodation <del>where there is a need for sites.</del></p> <p>SITE ALLOCATIONS POLICY SA4  Broad Locations for Accommodating Gypsies and Travellers and Travelling Showpeople</p>



Ref.	Page No	Policy / Paragraph	Main Modification
			<p>Where a need is identified, <del>p</del><b>Pro</b>vision will be made for Gypsies and Travellers and Travelling Showpeople meeting the definition for planning purposes through a combination of the development management process and the Delivery DPD, taking into account the most up to date Gypsy and Traveller Accommodation Needs Assessment.</p> <p>Sites for new and extensions to existing Gypsy and Traveller and Travelling Showpeople sites will be located, in order of preference, at the following locations:</p> <ol style="list-style-type: none"> <li>1. Within the defined Settlement Boundaries, as set out on the Policies Map, of the Principal Urban Area of Leicester, Blaby, the Larger Central Villages, the Rural Centre and the Medium Central Villages;</li> <li>2. Immediately adjoining defined Settlement Boundaries of the Principal Urban Area of Leicester, Blaby, the Larger Central Villages, the Rural Centre and the Medium Central Villages;</li> <li>3. Within <b>approximately</b> three miles of the Settlement Boundary for the Principal Urban Area of Leicester, Blaby, the Larger Central Villages and the Rural Centre or within <b>approximately</b> two miles of the Settlement Boundary for the Medium Central Villages.</li> </ol> <p>Accommodation for Gypsies and Travellers and Travelling Showpeople will not be supported in areas defined as Green Wedge or Areas of Separation.</p> <p>In addition, the proposal will be supported unless it is:</p> <ol style="list-style-type: none"> <li>a) Contrary to other policies of the Local Plan, including CS9 Accommodation for Gypsies and Travellers;</li> <li>b) Within close proximity to <del>major transport routes and/or</del> air quality management areas <b>and/or</b> where <b>air quality or noise pollution</b> <del>this</del> could adversely affect the health <b>or living conditions</b> of the residents;</li> <li>c) Adversely affected by physical constraints such as flood risk;</li> <li>d) Demonstrated to cause adverse affects to protected areas, including wildlife and geology designations and scheduled ancient monuments; and</li> <li>e) Of a scale that causes overdevelopment in terms of the proposal or by extension to an existing site.</li> </ol> <p><b><u>The Council will undertake a review of the evidence base and work with the Leicester and Leicestershire local authorities to establish, if the review shows a requirement, the most appropriate and deliverable locations for additional transit provision. This information will inform the Local Plan Review.</u></b></p>
MM6			Amend policy DM4:

Ref.	Page No	Policy / Paragraph	Main Modification
			<p>DEVELOPMENT MANAGEMENT POLICY 4            Connection to Digital Infrastructure            All new build major residential and commercial development <del>must</del> <b>should</b> be served by a fast, affordable and reliable broadband connection in line with the latest Government target. Developers will liaise with broadband infrastructure providers to ensure that a suitable connection is made.</p> <p>The broadband connection will need to be directly accessed from the nearest exchange and suitable for easy access to enable future repair, replacement and upgrading.</p> <p>Exceptions <del>may</del> <b>will</b> be made to the above, where applicants have demonstrated through consultation with broadband infrastructure providers, that this would not be possible, practical or economically viable.</p>
MM7	41-43	DM10/Paragraphs 4.42, 4.45, 4.47, 4.49, 4.50, 4.51, 4.52 and 4.53	<p><i>Amend policy DM10 and supporting text:</i></p> <p><del>4.42 This policy requires a proportion of plots on large housing sites to be provided as serviced plots and to be marketed to self and custom builders</del> <b><u>supports proposals for self and custom build housing in suitable locations.</u></b></p> <p><del>4.45 Serviced building plots are shovel ready parcels of land with planning permission, laid out and ready for construction with access and utilities/services provided to the plot boundary.</del></p> <p>4.47 The Self-build and custom housebuilding register provides valuable information on the demand for self-build and custom housebuilding in Blaby District. It forms a key part of the evidence base of demand for this type of housing. The register shows that between 1st April 2016 and 1st April <del>2017</del> <b>2018</b>, <del>14</del> <b>34</b> individuals were accepted for entry on the register for Blaby District. Of these, <del>5</del> <b>13</b> individuals indicated that they had also applied to enter the registers for one or more nearby areas.</p> <p><del>4.49 From a development point of view, key issues with this market are associated with skills and risk: whilst there may be a notable number of people with an 'interest' in self-build, there is in some circumstances a significant financial outlay, risk and time-cost associated with self-build.</del></p> <p><del>4.50 The HEDNA considers that most new delivery will be on small windfall sites but also recognises that there</del></p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p>is some potential through policy to encourage developers of larger schemes to designate parts of these as plots available for self and custom build. However, it is likely to be difficult to demonstrate concrete evidence of demand at a local level, albeit those local authorities are required to maintain registers of those with an interest in doing so.</p> <p>4.51 Taking this information into account, the Council will seek to provide self and custom build plots by:</p> <ul style="list-style-type: none"> <li>• Requiring developers to supply 5% of dwellings on sites over 100 dwellings as serviced plots <b><u>Supporting proposals</u></b> for self and custom build housing <b><u>in suitable locations</u></b> and to market those plots;</li> <li>• Investigating whether the Council has any land for self and custom build housing opportunities;</li> <li>• Making available details of sites with planning permission through the annually produced Residential Land Availability Report.</li> </ul> <p><del>4.52 The policy requires a proportion of plots on large housing sites to be provided as serviced plots and to be marketed for self and custom builders. In order to ensure adequate plots are marketed, the policy sets out a minimum size. Analysis of those included on the Council's Self-build and Custom Housebuilding Register reveals that 50% require a plot size of 300sqm or above and 33% require plot size of between 150 and 300sqm. The minimum plot requirements reflect this in terms of the number of bedrooms.</del></p> <p><del>4.53 The marketing of the plots should include contact with people on the Council's Self-build and Custom Housebuilding Register and via the National Custom and Self-build Association (NaCSBA) portal or similar. The price of marketed plots must be made available at their market value or less.</del></p> <p>DEVELOPMENT MANAGEMENT POLICY 10 Self and Custom Build Housing Proposals for self and custom build housing will be supported in suitable locations. The Council will maintain a register of prospective self and custom house builders and have regard to the register in its decision making, plan making, housing and regeneration functions.</p> <p><del>Development proposals over 100 dwellings will require developers to supply 5% of a site's dwelling capacity as serviced plots for self and custom build housing unless the Self-build and Custom Housebuilding Register shows a lower level of demand. The plots will be provided in accordance with the following criteria:</del></p> <p>a) <del>With at least outline planning permission;</del></p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p><del>b) At least 5 dwellings in a single site location to be developed in accordance with an agreed design code submitted with the planning application;</del></p> <p><del>c) Self and custom build plots should be of a size at least equal to that of those for dwellings of 2, 3 and 4 bedrooms on the main development site. The split will be determined by the Council based on examination of the Self-build and Custom Housebuilding Register;</del></p> <p><del>d) Marketed plots will be made available at their market value or less; and</del></p> <p><del>e) Where it has been demonstrated that plots have been made available and marketed appropriately for at least 12 months and have not sold for self and custom build housing, the plot(s) may either remain on the open market or be built out by the developer.</del></p>
MM8	44	DM11/para 4.58	<p><i>Amend policy DM11 and supporting text:</i></p> <p>4.58 The information from the datasets shows that the optional building regulation M4(2) for accessible and adaptable homes is justified. The evidence points to a requirement of 15% of new homes to meet the building regulation M4(2) would be the minimum considered appropriate. Three options for the requirement for the optional building regulations M4(2) of 5%, 10% and 15% were tested for viability. The final figure takes account of the viability testing. For larger sites, over <del>35</del> <b>20</b> dwellings, 5% of the dwellings will need to meet the higher building standard regulations (M4(2) for accessible and adaptable dwellings. This will apply to all tenures.</p> <p>DEVELOPMENT MANAGEMENT POLICY 11  Accessible and Adaptable Homes  <del>M4(2) Accessible and Adaptable Homes</del>  Development proposals for housing of <del>35</del> <b>20</b> dwellings or more must meet the Building Regulations Standard M4(2) for 5% of the dwellings unless:</p> <p><b>a)</b> site specific factors such as vulnerability to flooding, site topography, and other circumstances make a specific site less suitable for M4(2) compliant dwellings, particularly where step free access cannot be achieved or is not viable; <b>and/or,</b></p> <p><b><u>b) the applicant can demonstrate that the use of this Building Regulation Standard is not viable through an independent viability assessment to be submitted with the application.</u></b></p>
MM9	46	DM12	<p><i>Amend policy DM12:</i></p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p>DEVELOPMENT MANAGEMENT POLICY 12 Designated and Non-designated Heritage Assets</p> <p><del>Where a development proposal affects a heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas or other non-designated heritage assets, or the setting of such assets, the applicant will need to submit a heritage impact assessment to demonstrate:</del></p> <p><del>a) An understanding of the heritage asset and its significance;</del>  <del>b) The impact of the development proposal on the heritage asset and its setting and the harm to the significance of the asset;</del>  <del>c) How any harm will be outweighed by the substantial public benefits of the proposal; and</del>  <del>d) How the proposal is consistent with the points (a) to (c), where appropriate, in Core Strategy Policy CS20.</del></p> <p><b><u>All new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported.</u></b>  <b><u>All proposals affecting either a designated or non-designated heritage asset and/or its setting will need to submit a statement which includes the following:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>a description of the heritage asset and its setting, proportionate to its significance;</u></b></li> <li>• <b><u>a clear identification of the impacts of the development proposal on the heritage asset and its setting;</u></b></li> <li>• <b><u>a clear justification as to why the impacts could be considered acceptable; and</u></b></li> <li>• <b><u>demonstrate how the proposal is consistent with Core Strategy Policy CS20</u></b></li> </ul> <p><b><u>The Council will consider the submitted information having regard to the importance of the heritage asset(s) as follows:</u></b>  <b><u>Designated heritage assets</u></b>  <b><u>Designated heritage assets and their settings (including Listed Buildings, Scheduled Monuments and Conservation Areas) will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.</u></b>  <b><u>Where substantial harm is identified, proposals will only be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified the scale of harm will be weighed against the public benefits of the proposal.</u></b></p> <p><b><u>Non-designated heritage assets</u></b></p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<b><u>A balanced consideration will be applied to proposals which may impact non-designated heritage assets. Proposals will be supported where the benefits of the scheme are considered to outweigh the scale of any harm or loss, having regard to the significance of the heritage asset.</u></b>
MM 10	48	DM13	<p><i>Amend policy DM13:</i>  DEVELOPMENT MANAGEMENT POLICY 13  Land Contamination and Pollution  Development proposals will be required to clearly demonstrate that any <b>unacceptable</b> adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.  For the following circumstances, development proposals will be supported where it is <b>they are</b> accompanied by a detailed investigation of the issues and appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas:</p> <ul style="list-style-type: none"> <li>a) Land that is (or has the potential to be) subject to land contamination or land stability issues;</li> <li>b) Close to an aquifer or surface water feature that may result in groundwater or surface water pollution;</li> <li>c) Close to or within an air quality management area or key transport corridors that may be affected by air quality;</li> <li>d) Close to a source of noise or light pollution and/or the proposal may be a source of noise or light pollution;</li> <li>e) Soils of high environmental value, including best and most versatile agricultural land.</li> </ul>
MM 11	50-51	DM15/Para 8.87	<p><i>Amend policy DM15 and supporting text:</i>  4.87 The Minerals Safeguarding Areas will be defined by Leicestershire County Council in the emerging Minerals and Waste Local Plan. Detailed policies for Minerals Safeguarding Areas are set out in the Minerals and Waste Local Plan. <del>To enable</del> <b>Policy DM15 is included to help</b> developers to understand <b>the general locations</b> where these policies will apply. <del>The Minerals Safeguarding Areas will set out on the Policies Map when the details are available. Leicestershire County Council has published areas for mineral safeguarding as part of work on the emerging Minerals and Waste Local Plan.</del></p>

Ref.	Page No	Policy / Paragraph	Main Modification
			<p>DEVELOPMENT MANAGEMENT POLICY 15 Minerals Safeguarding Areas Development will not be supported in locations where it would sterilise or prejudice the viable extraction of mineral reserves as <b><u>proposals in areas identified for mineral safeguarding will need to ensure that mineral resources of national or local significance are not needlessly sterilised by non-mineral development. The policy approach is</u></b> set out in the Minerals and Waste Local Plan. The locations will be set out on the Policies Map <b><u>minerals safeguarding areas are set out in the Minerals and Waste Local Plan</u></b> and include:</p> <p>a) Land in Soar <b><u>and Sence</u></b> Valleys; b) Land in the vicinity of Croft Quarry.</p>
MM 12	61	Monitoring Framework Policy CS1	<p><i>Amend the Policy to include reference to Policy LPR1 Local Plan Review.</i> <i>Amend the Target for Policy CS1 – Strategy for locating new development:</i> By 31 March 2021: a) <del>6,195</del> <b><u>6,029</u></b> houses in the District b) <del>2,472</del> <b><u>2,362</u></b> houses in the PUA c) <del>3,723</del> <b><u>3,667</u></b> houses in the non-PUA By 31 March 2026: a) <del>8,486</del> <b><u>8,568</u></b> houses in the District b) <del>4,616</del> <b><u>4,635</u></b> houses in the PUA c) <del>3,870</del> <b><u>3,933</u></b> houses in the non-PUA</p>
MM 13	63	Monitoring Framework Policy CS5 Policy SA2	<p><i>Amend the target for Policy CS5 – Housing Distribution and New Housing Land Allocations SA2:</i> Number of new houses completed on small site housing land allocations SA2 by: a) 31 March 2023 – <del>37</del> <b><u>0</u></b> houses b) 31 March 2028 – <del>165</del> <b><u>128</u></b> houses c) 31 March 2029 – <del>0</del> <b><u>128</u></b> houses</p>
MM 14	64	Monitoring Framework Policy CS7	<p><i>Amend the Target for Policy CS7 – Affordable housing:</i> Number of affordable houses in the District by: a) 31 March 2016 – 696 dwellings b) 31 March 2021 – <del>1,242</del> <b><u>1,201</u></b> dwellings</p>

Ref.	Page No	Policy / Paragraph	Main Modification
			c) 31 March 2026 – <del>1,726</del> <b>1,766</b> dwellings d) 31 March 2019 – 1,960 dwellings
<b>MM 15</b>	68	Monitoring Framework Policy DM8	<i>Amend the Policy reference from Policy DM8 to Policy DM10.</i> <i>Delete the second Indicator:</i> <del>Number of serviced plots of land offered by the landowner or developer for self- and custom-build housing, and the number subsequently developed</del>
<b>MM 16</b>	70	Updated Housing Trajectory	See page overleaf for updated trajectory



## APPENDIX - Blaby District Local Plan (Delivery DPD) Housing Trajectory (2006-2029) (at April 2018)

Year		06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	Total		
<b>DISTRICT</b>	Past Completions	218	329	197	180	206	269	294	305	405	733	743	588													4467	
	Large site commitments (sites of 10 or more dwellings)													213	215	261	200	135	80	40	25	0	0	0		1169	
	Small site commitments (sites of less than 10 dwellings)													77	101	65	53	24	0	0	0	0	0	0		320	
	Strategic Growth Area (adjoining the PUA)													150	200	250	315	315	315	315	315	315	315	315	315		3120
	Additional dwellings remaining to be planned													0	0	30	60	60	80	117	90	70	71	60		638	
	Total projected Provision													440	516	606	628	534	475	472	430	385	386	375		5247	
	Cumulative provision	218	547	744	924	1130	1399	1693	1998	2403	3136	3879	4467	4907	5423	6029	6657	7191	7666	8138	8568	8953	9339	9714			
	PLAN - Annual requirement	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380	380		8740
	Cumulative requirement	380	760	1140	1520	1900	2280	2660	3040	3420	3800	4180	4560	4940	5320	5700	6080	6460	6840	7220	7600	7980	8360	8740			
	MONITOR - No. of dwellings above or below cumulative requirement	-162	-213	-396	-596	-770	-881	-967	-1042	-1017	-664	-301	-93	-33	103	329	577	731	826	918	968	973	979	974			
MANAGE - Annual requirement taking into account of past completions and projections	380	387	390	400	411	423	432	440	449	453	431	405	388	383	369	339	298	258	215	151	57	-107	-599				
<b>PUA</b>	Past Completions	165	266	85	55	51	26	69	57	133	236	182	207													1532	
	Large site commitments (sites of 10 or more dwellings)													48	14	38	72	75	40	40	25	0	0	0		352	
	Small site commitments (sites of less than 10 dwellings)													29	40	31	30	9	0	0	0	0	0	0		139	
	Strategic Growth Area (adjoining the PUA)													150	200	250	315	315	315	315	315	315	315	315		3120	
	Additional dwellings remaining to be planned													0	0	30	60	60	80	117	90	70	71	60		638	
	Total projected Provision													227	254	349	477	459	435	472	430	385	386	375		4249	
	Cumulative provision	165	431	516	571	622	648	717	774	907	1143	1325	1532	1759	2013	2362	2839	3298	3733	4205	4635	5020	5406	5781			
	PLAN - Annual requirement	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250	250		5750
	Cumulative requirement	250	500	750	1000	1250	1500	1750	2000	2250	2500	2750	3000	3250	3500	3750	4000	4250	4500	4750	5000	5250	5500	5750			
	MONITOR - No. of dwellings above or below cumulative requirement	-85	-69	-234	-429	-628	-852	-1033	-1226	-1343	-1357	-1425	-1468	-1491	-1487	-1388	-1161	-952	-767	-545	-365	-230	-94	31			
MANAGE - Annual requirement taking into account of past completions and projections	250	254	253	262	273	285	300	315	332	346	354	369	383	399	415	424	416	409	403	386	372	365	344				
<b>NON-PUA</b>	Past Completions	53	63	112	125	155	243	225	248	272	497	561	381													2935	
	Large site commitments (sites of 10 or more dwellings)													165	201	223	128	60	40	0	0	0	0	0		817	
	Small site commitments (sites of less than 10 dwellings)													48	61	34	23	15	0	0	0	0	0	0		181	
	Additional dwellings remaining to be planned													0	0	0	0	0	0	0	0	0	0	0		0	
	Total projected Provision													213	262	257	151	75	40	0	0	0	0	0		998	
	Cumulative provision	53	116	228	353	508	751	976	1224	1496	1993	2554	2935	3148	3410	3667	3818	3893	3933	3933	3933	3933	3933	3933			
	PLAN - Annual requirement	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130	130		2990	
	Cumulative requirement	130	260	390	520	650	780	910	1040	1170	1300	1430	1560	1690	1820	1950	2080	2210	2340	2470	2600	2730	2860	2990			
	MONITOR - No. of dwellings above or below cumulative requirement	-77	-144	-162	-167	-142	-29	66	184	326	693	1124	1375	1458	1590	1717	1738	1683	1593	1463	1333	1203	1073	943			
	MANAGE - Annual requirement taking into account of past completions and projections	130	134	137	138	139	138	132	126	118	107	77	36	5	-16	-47	-85	-118	-151	-189	-236	-314	-472	-943			

The housing trajectory does not contain a windfall allowance