

NWLDC Consultation Response on the Draft Local Plan

Appleby Environment

What are the Issues?

1. Are there any other issues which the Local Plan has not identified? If so what are these and what is the evidence to support it?

There are other issues

Please provide further comments:

We feel that the issue of a 'sense of place' through 'place-making' / characteristics of settlements deserves identification. This has elements of landscape, nature conservation and heritage – and the relationship between all of them. It is also about identity and community (and what holds them together). This is covered to some extent in Objective 10 (next question) so if it is to be an objective it should relate to the issues which proceed them.

2. Do you agree that the identified strategic objectives are appropriate for North West Leicestershire? Should any changes be made? If so, please identify what changes should be made.

Yes

No

Please provide further comments;

These objectives are not well formulated in a way that would allow one to assess whether these objectives were being met or undermined.

Strategy

3. Do you agree that the preferred approach provides a good basis for applying the presumption in favour of sustainable development? If not, what changes do you suggest?

Yes

No

Please provide further comments;

This section does not explain how the plan policies will distinguish 'sustainable development' from other forms of development. It needs a more thorough definition of sustainability drawing on key policy sources such as DEFRA's 'Securing the Future' which remains the most definitive approach accepted by successive governments. (<https://www.gov.uk/government/publications/securing-the-future-delivering-uk-sustainable-development-strategy>). A useful overview is also provided by the Parliamentary Office of Science and Technology (POST) in 'Seeking Sustainability' PostNote No.408, March 2012 (<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/POST-PN-408#fullreport>)_

The section does not relate the concept of sustainable development to the characteristics, issues and objectives for North West Leicestershire. For example, how is the insight that NW Leicestershire has particularly high carbon emissions due to transport in comparison with other LA s built into an assessment of what sustainable development means in NWL?

4. Do you agree with the amount of housing development we propose to make provision for? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

5. Do you agree with the amount of employment development we propose to make provision for? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

6. Do you agree with the amount of retail development we propose to make provision for? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

7. Do you agree with our suggested settlement hierarchy? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

We agree with the basic concept of the settlement hierarchy as stated in Background paper 2 which is “to promote as sustainable a pattern of development as possible by encouraging close links between homes, jobs and services and to provide a framework for reducing the need to travel, consistent with the NPPF” (3.3). However we do not agree that the way it has been implemented in the past couple of years (part of the plan period) achieves this goal, nor that policy S3 in this draft local plan will achieve it in the future.

At the conceptual level we feel **the concept of a ‘sustainable village’ is misguided and should be dropped**. A sustainable village is supposed to have “services and facilities which are largely to meet the day-to-day needs of the immediate locality” (Background paper 2). The villages identified as ‘sustainable’ can only be considered to meet this requirement if one assumes that day to day needs are minimal – or are fully anticipated by their residents’ regular car journeys to urban centres. In practice all residents are dependent on purchases made outside these villages for their day to day living and socialising. For those without cars – particularly the old and young – they are reliant on others and / or socially isolated. It would be more honest to just say that the definition of a sustainable village is only met by the places defined as Local Service Centres.

In practice **the council has not been applying this settlement hierarchy** to recent planning decisions (since 2011 which this plan's housing locations is intended to cover). Decisions in Appleby have been based on **granting permissions for houses at the same level of proportional increase as for every other settlement** in the District. As we have argued consistently this is not in line with either the concept of sustainable villages or with sustainable development as defined in the NPPF.

The new Draft Local Plan has compounded these trends by decisions in three areas:

1. The first is included in the definition of 'sustainable villages' (part of policy S3) the clause **'suitable for a limited amount of growth, including infilling and / or physical extension of the settlement.'** To take the term **'physical extension of the settlement'** first, this can never be the basis of a 'limited amount of growth' since it is infinitely extendible. We have already experienced this along Measham Rd in Appleby where granting permission on one site just led to an application on the next field along. It also contradicts the underlying plan approach that says that housing needs have been properly identified and sites allocated. **The clause 'physical extension of the settlement' should be removed.**

The term **infilling** is also problematic since it does not define what it includes. It should say explicitly that **infilling refers to building within the limits to development which are compatible with the existing settlement patterns and do not have adverse effects on its character and heritage.** Otherwise it can be used to link areas of built development whose separation are part of the characteristics of the settlement pattern. For example in Appleby it should prevent developers pursuing detrimental 'squaring off' proposals.

2. The second refers specifically to Appleby and involves the redrawing of the limits to development in 3 places, all of which make it likely that further development will be approved in a village which has already had more development post 2011 than is warranted under the policies of this draft local plan:
 - i. **Measham Rd.** The boundary of the site H1a refers to the original application site not to the area where planning permission has been granted under H1a. Since this is a detailed application there can be no doubt as to which area will be built on. Leaving the boundary as shown on the current inset map is only encouraging an extension of the site. **The boundary should be re-drawn to follow the boundary of site for which planning permission has been granted.**
 - ii. **Botts Lane.** The houses on one side of Botts Lane have for the first time been included in the limits to development. The houses are separated from the core village by a field which is part of the ancient settlement pattern of fields coming into the heart of the old village and fronts the Conservation Area. This characteristic is recognised in the conservation appraisal and in the Appleby Magna Village Design Statement. Given permissions that have been granted on Snarestone Lane since the map cut off date this is in danger of making this field appear to be potential 'infill'. This is exacerbated by absence of any policy equivalent to the 'sensitive site' policy (E1) in the existing local plan. **The houses on Botts Lane should be removed from the limits to development.**

- iii. **Black Horse Hill.** The limits to development have been extended in the properties on the East side. This can only have the results of encouraging development on this edge of the village. These are not normally sized gardens where it could be argued that policy now requires limits of development to follow property boundaries. Instead they are extensive land which extends into what is currently countryside.

The limits to development on Black Horse Hill should be reinstated.

3. The third relates to the failure to identify heritage assets on the inset map for Appleby (and perhaps for other settlements). **We argue that the heritage assets of the village should be properly indicated in order for the sensitivity of their setting to be made apparent. The ancient monument site in the heart of the village should continue to be shown on the inset map and the Conservation area and listed buildings should also be clearly identified. Otherwise the map, quite wrongly, implies similar status to all sites within the limits to development.**

8. Do you agree with our suggested approach to development in the countryside? If not what changes do you suggest?

- Yes
 No

Please provide further comments;

S4(1) should additionally include: **its contribution to the characteristics of settlements**

S4(1) has far too many options for justifying development in the countryside. In particular **the following should be removed:**

(g) Affordable Housing – The plan makes generous provision for housing and within this for affordable housing. Including this clause only encourages developers to underprovide affordable housing within permitted sites and then apply for development in the countryside. See further comments in relation H5 (Q14).

(i) Extensions to existing businesses – if businesses are expanding then they should move to sites allocated for economic activity under the plan.

9. Do you agree with our suggested approach to the design of new development? If not what changes do you suggest?

- Yes
 No

Please provide further comments;

Policy S5 should give recognition to community initiatives such as Village Design Statements or Neighbourhood plans which provide guidance on appropriate design.

Housing

10. Do you agree with our suggested approach in respect of housing sites with planning permission? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

11. Do you agree with our suggested approach in respect of housing sites with a resolution to grant planning permission? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

12. Do you agree with our proposed housing allocations? If not what change would you suggest?

- Yes
- No

Please provide further comments;

13. Do you agree with our suggested approach to the issue of affordable housing? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Policy H4(2) The policy should detail of how viability is to be assessed. If a developer wishes to seek exemption on this ground then they should be required to make their submission and its evidence base public.

14. Do you agree with our suggested approach to the issue of rural exceptions sites for affordable housing? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Modify Policy H5 to say 'Rural Exception Sites will not be allowed in villages where there has already been allocation of housing sites with affordable housing in the plan period'.

H5(3) Delete – this policy is inappropriate. Allowing a site outside the limits of development provides land at agricultural prices which is already a significant 'subsidy for the scheme' and so there is no need to allow market housing.

15. Do you agree with our suggested approach to the issue of house types and mix ? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

16. Do you agree with our suggested approach to the issue of making provision for gypsies and travellers? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Economic

17. Do you agree with our suggested approach in respect of employment sites with planning permission? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

18. Do you agree with our proposed employment allocations? If not what change would you suggest?

- Yes
- No

Please provide further comments;

19. Do you agree with our suggested approach in respect of existing employment areas? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

20. Do you agree with our suggested approach in respect of brickworks and pipeworks? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

21. Do you agree with our suggested approach in respect of East Midlands Airport? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

22. Do you agree with our suggested approach in respect of safeguarding at East Midlands Airport? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

23. Do you agree with our suggested approach in respect of Public safety Zones at East Midlands Airport? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

24. Do you agree with our suggested approach in respect of Donington Park? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

25. Do you agree with our suggested Town Centre hierarchy and our approach to main town centre developments? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

26. Do you agree with our suggested thresholds? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

27. Do you agree with our suggested approach to Primary Shopping Areas? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

28. Do you agree with our suggested approach to Hot Food Takeaways? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

29. Do you agree with our suggested approach to Primary and Secondary Frontages? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

30. Do you agree with our suggested approach to Local Centres? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

31. Do you agree with our suggested approach to Tourism and Cultural development? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Infrastructure and Facilities

32. Do you agree with our suggested approach to securing infrastructure as part of new development? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

33. Are there any other general items of infrastructure we should be seeking to secure?

- Yes
- No

Please provide further comments;

34. Is there a lack of any infrastructure in specific parts of the district? If so what are these and what evidence is there to demonstrate this?

- Yes
- No

Please provide further comments;

35. Do you agree with our suggested approach to Community Facilities? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

36. Do you agree with our suggested approach to Open Space, Sport and Recreation facilities? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

37. Do you agree with our suggested approach to Transport Infrastructure and new development? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

IF4(2)c- Public transport to villages has declined to the point where it no longer provides any viable service. This leads to a vicious circle whereby the service is so inconvenient and inappropriate that it is under-used and hence developers can reasonably argue that their housing will not overstretch existing provision. This may be true but is not the same as saying that 'accessibility by non-car modes is maximised'. A different approach needs to be found to the provision of non-car transport for rural locations or there needs to be a recognition that development is inappropriate in locations where there is no viable public transport routes to at least 'Key service centre' level.

38. Do you agree with our suggested approach to the Leicester to Burton rail line? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

39. Do you agree with our suggested approach to the Ashby Canal? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

40. Do you agree with our suggested approach to parking provision as part of new development? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Environment

41. Do you agree with our suggested approach to Nature Conservation issues? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Policy EN1(2) Presume you mean Irreplaceable habitats (rather than habits). In which case these by definition cannot be compensated for and should not be destroyed.

Policy EN1 This should include a clause for the designation of Local Green Spaces. In contrast to current para 9.6 this should commit the Council to designating such spaces as part of the Local Plan process.

The NPPF allows Local Plans to use this designation and we see no justification for the Council just leaving this to local communities under Neighbourhood Plans. Such plans are long term projects and may not be feasible or appropriate for smaller communities. Council officers have previously not been encouraging about these being undertaken. In contrast the Council is well able to incorporate this in the new Local Plan and could start by carrying forward those areas which were previously covered by E1 Sensitive Site designation under the existing Local Plan or where community initiatives have identified such spaces as important. In Appleby this would cover three areas: the field behind the Church Hall and bounded by Bowley's Lane and Rectory Lane; the land between Top Street & Botts Lane; and the land at the heart of the village.

Field behind bounded by Church Street, Bowley's Lane and Rectory Lane. This field had 2 sensitive sites in the previous Local Plan (the corners of Bowley's Lane and Church St, and of Rectory Lane and Church St) and has recently been subject to a Village Green Claim supported by over 100 residents. While unsuccessful, the public use of this land was accepted by the Inspector who wrote "On balance the evidence was convincing ... that significant numbers of the inhabitants of Appleby Magna have come onto the fields of the application site for recreational activities". He also accepted that the use had been continuous for the last 20 years (the legal requirement) – and in practice considerably longer, and that in the legal terminology it was 'use as of right' (i.e. it was not secretive and the landowner never told people to stop). Further the Village Green claim established that residents did not just stick to the formal footpaths – and the report suggested that more footpaths could well be approved on the land. The application only failed on the grounds that the activities did not use the 'whole of the land'. That is people walked on some parts of the land but not on 'the land as a whole'. We feel that this is in the nature of the recreational activity of walking (the principal use) as opposed to something like football games. As such it meets the NPPF criteria for a Local Green Space in that it is in close proximity to the community it serves, it holds a particular significance to the local community through its use over generations for recreation, and is local in character.

The field bounded by Top Street, Snarestone Lane and Botts Lane. This is a sensitive site under the existing Local Plan. It bounds the Conservation Area (and hence part of its setting) and is part of the characteristic of the settlement pattern identified in the Village Design Statement (adopted as supplementary planning guidance) of the fields coming into the heart of the old village. This characteristic was also highlighted by English Heritage in relation to a neighbouring site as evidence of the direct historic relationship between the settlement and its agricultural setting. As such it has local significance because of its historical significance and is demonstrably special to the local community as reflected in the VDS. It also meets the other requirements of a Local Green Space.

The green area at the heart of the village bounded by Church Street, Mawbys Lane, Top Street and the footpath running between Eastgate House (Top Street) and the Crown pub (Church Street). This area is of critical importance to the village. It includes the Grade II* building, the Moat House, and land designated as an ancient monument. It is further surrounded by the Appleby Magna Conservation

Area. It is recognised by historians as an unusual and distinctive settlement pattern and should be properly acknowledged as such in the Local Plan.

42. Do you agree with our suggested approach to the river Mease Special Area of Conservation? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

43. Do you agree with our suggested approach to the National Forest? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

44. Do you agree with our suggested approach to the Charnwood Forest? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

45. Do you agree with our suggested approach to protect the open and undeveloped area between Coalville and Whitwick? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

46. Do you agree with our suggested approach to Land and Air Quality issues? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Historic Environment

47. Do you agree with our suggested approach to the Historic Environment? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

We are generally supportive of the approach towards the historic environment. However we would like to see the following additions.

Heritage assets such as Ancient monument sites and Conservation areas should be identified on the inset maps.

b) Retain buildings, **settlement patterns**, features and spaces

Climate change

Additional Comment

There should be a section on transport here since emissions from this area are significantly higher for the district than for the country as a whole. As such it needs to be part of the Council's climate change response. Suggesting that this is just dealt with through other policies as is implied by para 11.4 will only result in this dimension not getting appropriate attention – particularly as policy S3 does not give particular significance to public transport issues.

48. Do you agree with our suggested approach to Renewable Energy issues? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

49. Do you agree with our suggested approach to achieve sustainable Design and construction as part of new development? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

50. Do you agree with our suggested approach to dealing with flood risk as part of new development? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

51. Do you agree with our suggested approach to Sustainable Urban Drainage Systems? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

Implementation and Monitoring

52. Do you agree with our suggested approach to Implementation and monitoring? If not what changes do you suggest?

- Yes
- No

Please provide further comments;

It is unacceptable that this section, and thus by implication Policy IM1, makes no reference to engaging local people in implementing and monitoring the Local Plan. As a minimum the views of Parish Councils and established local community groups with an interest in planning issues should be sought as part of the Monitoring arrangements. They should also be part of the development of supplementary guidance in relation to the implementation of the plan which are referred to in a range of places within the draft plan.

53. Do you agree with our suggested distinction between strategic and local policies? If not, please explain why.

- Yes
- No

Please provide further comments;

Tell us about you

54. Name

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57. Please provide the name of your business or organisation;

Appleby Environment, a longstanding community organisation.