

LCC Response to Inspectors' Initial Questions

Duty to Co-operate

1. We note that the Leicester & Leicestershire Statement of Common Ground (SoCG) on Housing and Employment Need [SCG1] is awaiting agreement from Harborough and Hinckley & Bosworth Councils, in respect of the apportionment of Leicester's unmet development needs. Please would the Council confirm when or whether the formal agreement of these two authorities is expected. If agreement is not forthcoming, what would the implications be for the spatial strategy of the Plan?

Leicester and Leicestershire councils have been engaging and co-operating on cross boundary strategic matters for a number of years. The partners within Leicester & Leicestershire Housing Market Area also have an agreed vision for future development up to 2050 within the Strategic Growth Plan.

The Council has been in continuous engagement with Harborough District Council and Hinckley & Bosworth Borough Council throughout the production of the emerging plan. Harborough Council has now agreed the Statement of Common Ground at its meeting on 18th December 2023; and Hinckley are expected to consider the SoCG soon after in January 2024, at its meeting on 30th January 2024.

Both councils are seeking to consult on their own Local Plan reviews imminently so have a clear incentive to address the matter of unmet need ahead of confirmation of the new Government policies to replace the Duty to Co-operate and deal with unmet need.

Other than the locations identified in the Location of Development (Policy SL01), spatial strategy includes the unmet need (18,694) to be accommodated in neighbouring districts as part of their local plan targets through continuous engagement with the districts. If the agreement is not reached, no significant deliverable spatial strategy alternatives exist within the City boundary to meet the need so the unmet need would fall to be considered through other emerging plans in the Housing Market Area, informed by a joint Review of the Statement of Common Ground in line with paras 5.4 and 5.5 of the Statement.

The City Council believes it has done everything to exhaust all options with regard to housing and employment supply, within highly constrained boundaries and capacity, and to work with all partners in the HMA to agree an evidence based redistribution of unmet need in line with the applicable NPPF at time of submission. This has been done through various mechanisms

which were in place, please see the Duty to Cooperate Statement (SD/12). The Duty is a Duty to Co-operate as opposed to a duty to agree.

The council proposes to start an immediate review after the Plan adoption, which will address any matters that will not have been addressed through the proposed Plan.

Local Development Scheme and Minerals and Waste Policies

2. The adopted Local Development Scheme (LDS) [SD13] lists a separate Waste Local Plan to be prepared, and paragraph 1.8 of the Plan states that policies for both waste and minerals will be set out in a separate Leicester Waste and Minerals Local Plan. However, the Plan includes some policies for waste and minerals, including Policy FMWN03 which designates mineral safeguarding areas, and Policy SL02, which allocates land for a waste recycling centre. There are two initial questions which arise from this:

a). Has the Plan been prepared in accordance with the LDS¹, given that it does not contain all planning policies and proposals to manage Leicester's mineral resource needs, including the allocation of sites for mineral extraction to contribute to the region's supply needs, and the LDS does not indicate that these will be set out in a separate minerals local plan?

The current situation is as follows: the waste plan for Leicester is the joint Leicester and Leicestershire waste development framework core strategy and development management policies document, which was adopted in 2009. The city's partner in this work Leicestershire County Council, has since adopted a separate waste and minerals plan superseding the joint waste plan in relation to the County areas. However, the city has not superseded this plan and therefore the city part of the 2009 plan is still the adopted waste plan for Leicester.

The council, through the adopted LDS, is committed in due course to prepare a replacement new waste and minerals plan to replace the 2009 plan. Noting the end date of the currently adopted plan of 2021 and due to uncertainty around the process and content of future waste plans and the time it will take to prepare a separate, replacement waste plan, the local authority thought it appropriate to provide a limited update to the waste and minerals policies within this plan to guide development and allow the city to determine the small number of county applications related to waste and minerals in the short term before the adoption of a future waste and minerals plan.

The Council has submitted an amended LDS to reflect changes in timescales, in particular regard to the Waste and Minerals Local Plan. Taking the above into account, the Council has clarified that it will be a 'Waste and Minerals Local Plan' rather than a 'Waste Local Plan'.

b). Where is the evidence to justify the designation of mineral safeguarding areas and the allocation of land for a household waste recycling centre in the Plan?

The council does not currently have an adopted minerals plan for Leicester with the previous policies being contained in the 2006 City of Leicester Local Plan which were superseded on the adoption of the 2010 & 2014 Core Strategy.

The council however prepared and consulted on an evidence base for minerals safeguarding, initially in 2009 which focused on protection of sand and gravel, then again in 2015 specifically looking at locations for brick clay. This evidence base has now been submitted so that it is made available on the examination website. The council believes the situation has not changed significantly since 2015 due to the extremely limited mineral resources in the city. It is therefore of the opinion that the evidence is still up to date due to the fact that these sites are still protected.

In relation to the household waste recycling centre: the council is currently preparing a new Waste Strategy for the City and in addition to existing evidence including the current waste needs assessment, the new Household waste recycling centre allocation is required due to the evolving landscape and operational requirements of the waste industry locally, regionally and nationally. So whilst the 'waste' site requirements in the City are being reviewed at this time need for this provision is considered extremely likely, so in the context of planning positively, future provision of a new site within the Local Plan period is considered justifiable.

Consultation

3. The Statement of Community Involvement (SCI) [SD11] states that the Council will actively seek to engage with 'seldom heard' groups, who find it difficult to engage in the participation process, listing smaller minority ethnic communities, recent arrivals in the City, and disabled, elderly and young people. What has the Council done to actively engage these groups in the consultation process on the Local Plan, given that the Regulation 22 Statement of Consultation [SD9] does not make this explicit?

The council has through the various consultation stages of the plan made extensive efforts as set out in the SCI to actively engage with 'seldom heard' groups.

Throughout the process of consultation a significant number of presentations were made to relevant Scrutiny Commissions and Committees. These meetings seek to engage with all sectors of the Community and a wide range of stakeholders and organisations representing diverse interests are invited as appropriate.

During the regulation 18 stage, meetings were held with smaller minority ethnic communities such as the Belgrave Business Association (4th September 2017); Racial Minority VCS Assembly (30th August 2017). The council held an exhibition in Highcross Shopping Centre between August and November 2017 which generated around 960 responses with a large proportion of these coming from retired people. The council held ward meeting at Beaumont Leys, Castle, North Evington, Knighton; Saffron Western and specific constituency meetings for the Leicester East and Leicester West constituencies.

To reach younger people, social media posts were made on Twitter, Instagram and Facebook which generated over 380 interactions and officers from the Council visited schools to give specific talks on the Local Plan.

A specific workshop was held on The Economy, where the Highfields Business Association, Belgrave Business Association, Leicester Asian Business Association, Federation of Small Businesses, Leicester African Caribbean Business Association Limited were in attendance.

The council maintains a comprehensive database of consultees including those who would be classified as 'seldom heard'. During this consultation the council received comments back from various seldom heard groups such as Age UK; Federation of Muslim Organisations (FMO); Racial Minority Voluntary Sector Assembly; the NHSF De Montfort Hindu Society; Leicester Council of Faiths and Shelter Housing Aid and Research Project (Leicester). Presentation to groups representing persons with disabilities such as Vista and hard of hearing groups were also made.

A leaflet detailing the consultation was sent to every resident and business address in the city as well as residents and businesses in close vicinity to, but just outside the city administrative boundary. The same leaflet was also sent to community groups and offers were made to have briefing sessions on the Local Plan. Assistance with translation services has been offered through the process.

A similar approach as a above took place at the Regulation 19 consultation and in addition at this stage the council completed a whole plan Equality Impact Assessment which outlines how the consultation was conducted considering impacts to groups with protected characteristics (SD/5).

Further presentations were also offered to different groups including a hard of hearing group in Regulation 19 consultation. Dialogue with hard to reach groups was sought through local councillors and through ward and community meetings which have a wide range of community stakeholder groups attending. These well attended meetings were held in community centres accessible to those most affected in wards such as Aylestone, Westcotes, Beaumont Leys, Thurncourt and Abbey.

Sustainability Appraisal and Site Selection

4. We are concerned that, at present, the evidence contained within the submitted Sustainability Appraisal (SA) and Strategic Housing and Economic Land Availability Assessment (SHELAA) does not provide a clear enough audit trail to explain the selection of strategic and non-strategic sites for allocation against the reasonable alternatives. In particular, we note from Table 7.2 of the SA that only one of the eight strategic sites allocated in the Plan has been appraised as 'most sustainable' and that four of the eight have been appraised as the 'least sustainable'. Likewise, six of the non-strategic sites in the same table have been appraised as 'least sustainable'. Table 6.4 explains why four of the 'unsustainable' sites have been selected, but does not deal with the others. We would be grateful for further explanation of how the Council has arrived at its decisions and judgements on each of the sites considered.

The Council have produced a Housing Sites Topic Paper (TP/5) and Sustainability Appraisal (SD/4).

The City has a tight local authority boundary with very few remaining strategic site opportunities. Therefore, the council has been under immense pressure to find deliverable sites and had to make some difficult decisions in order to minimise unmet need. In the appraisal process, the overall strategic benefit of accommodating as much housing and employment development as possible has been weighed and balanced against the environmental and social impacts of site allocations. Substantial environmental and biodiversity enhancements will be deployed to help mitigate what is lost and significant public benefits will be delivered through careful masterplanning processes on the strategic sites.

The reasons for site selection and decisions have been included in the Housing Sites Topic Paper (TP/5) in paras 4.9-4.14 also including reasons why we have had to deviate from SA advice. Some sites were also put forward for partial allocation in response to SA feedback which will allow mitigation such as open space, landscape, play and Biodiversity Net Gain enhancements to be delivered adjacent to the allocation. Suitable mitigations from SA and sites assessments have been considered and included for each site within the Sites Allocations Documents (SD/18 and SD/19). The Sites Assessment Spreadsheet (SD/20) provides the SA RAG ratings and mitigations which compares to our overall site assessment.

An audit trail of site selection from Emerging Options stage in 2017 till the Submission Plan is included in section 2 of the Housing Sites Topic Paper. This follows a process of analysis identified in the SHELAA site assessment methodology for districts in Leicester and Leicestershire (EB/HO/3).

As it is anticipated the Council will act as Master Developer of the Strategic Sites in its ownership, and promoter/developer of many of the non-strategic sites, there is a significant opportunity to promote exemplar developments

and further development and deliverability assessment information can be provided through the Examination process to demonstrate this.

Plan Period

5. The Plan period runs from 2020-2036, meaning that, by the time it is adopted, there will be around 11-12 years of the Plan period remaining. Paragraph 22 of the National Planning Policy Framework (the NPPF) expects strategic policies to look ahead over a minimum 15-year period from adoption and for larger scale developments, including significant extensions, policies should be set within a vision that looks at least 30 years ahead. As such the Plan would not be consistent with national policy in these respects. What alternatives have been considered to respond to the long-term requirements of Leicester? Should the Plan be looking ahead over 30 years in respect of its cross-boundary strategic allocations?

The Plan vision has been prepared alongside and is consistent with the Leicester and Leicestershire Strategic Growth Plan (SGP) which covers the period to 2050 and establishes Leicester's role as its Central City. The Council would be happy to consider modifications to the Plan to expand upon and clarify its consistency with the SGP.

The council's current Core Strategy is dated 2014, which considered to be 'out of date' under the current planning regulations, particularly regarding key objectives for the city regarding Housing, employment and climate change amongst others.

The main reason the council has had to reduce the plan period was as a result of having to respond to the late introduction of the 35% Urban Uplift following our Regulation 18 Consultation. This substantially increased the level of unmet need from that consulted upon at the Regulation 18 stage and required substantial review of the draft Plan and Evidence base. Consequential work to revise and agree the SoCG on the justification for distribution of unmet need with partner authorities was required, to allow progression of not just the City Council's Local Plan, but also to give certainty to enable councils across Leicestershire to proceed with Plan making in line with the Government's deadline to have a Plan in place by the end of 2024.

If the council is unable to progress with its plan using its current plan period, this will cause uncertainties around unmet need for other local authorities within the housing market area which will likely mean that other Plans will be unable to progress preventing co-ordinated strategic planning across the HMA. To address this, the council will consider an immediate review of the plan to address the short Plan period as per the Grand Union Investments v Dacorum BC [2014] EWHC 1894 (Admin) case.

It is also worth noting that the evidence supports the plan covers only up to the period to 2036.

The issue about the shorter-term plan period is also addressed more fully in the Housing and Sites Topic Paper (TP/5).

The Council is expanding on deliverability information for the sites as per the Inspectors requests by producing a detailed trajectory which will be submitted before the end of February. The trajectory will specify which cross boundary strategic sites will be coming forward beyond the end of the plan period with updates from site promoters. These sites are considered to be consistent with the adopted Strategic Growth Plan spatial strategy. Due to substantial existing allocations, commitments and permissions in the adjacent districts around the city boundary there are no significant deliverable strategic sites within or adjacent to the City which are considered could form a deliverable alternative spatial strategy for the Plan.

A map of these commitments can be provided if needed.

In terms of considering wider longer term spatial development options across Leicestershire, active work is currently being progressed by the Leicester and Leicestershire Councils to in the form of a Strategic Growth Options Study and a Strategic Transport Assessments which are expected to be published early in 2024.

Any long-term requirements of Leicester and cross-boundary allocations beyond 2036, will be the subject of the next plan review, in the context of the existing Strategic Growth Plan, but also in the context of changing housing policy requirements, as set out in the NPPF and Levelling Up and Regeneration Act (2023).

Strategy for Leicester

6. Paragraph 20 of the NPPF expects strategic policies to set out the overall strategy for the pattern, scale and design of places, including provision for development, infrastructure, community facilities and the conservation and enhancement of the environment. We are concerned that at present, chapter 4 of the Plan, comprising the Strategy for Leicester, does not do this adequately in terms of strategic policies. Whilst it contains policies for the location of development and strategic sites across the City, the following strategic policy matters appear to be lacking from chapter 4:

a). Policy setting out the strategic infrastructure requirements for the City to support the proposed growth, in particular key transport schemes and sustainable transport measures, such as modal shift, flood management schemes, and the mechanisms for their delivery, taking account of the Council's declared climate emergency and the

City's dependence on strategic sites within adjoining local authority areas.

The plan strategy chapter sets out how the council expects both the plan and the strategic sites to be delivered. The infrastructure requirements are currently set out in appendix 4.

The reason that no key transport schemes are currently set out in the plan is because the evidence supporting the plan, states that no strategic highways infrastructure is required to deliver the plan. This is also the same for flood management, where no major flood management improvements are required to support the development options in the city.

In regard to the other infrastructure mentioned, the council is confident that this is set out and evidenced in other chapters of the plan. However, the council would be willing to set out potential modifications either via improved cross referencing, amendments to the infrastructure delivery policy (supplementing or replacing policy DI01), or if deemed required, a specific strategic policy(s) infrastructure within the plan strategy chapter.

b). Policy setting out the strategic requirements for new and improved community facilities to support proposed growth, in particular for education and healthcare, and the mechanisms for their delivery where facilities would be required to meet cross-boundary development needs.

As above. Substantial Education investment is consented and programmed and information can be provided to update this provision. In terms of health infrastructure, the ongoing dialogue with the Integrated Care Board has confirmed that detailed programmes for spatial and asset management strategies are not sufficiently developed to allow specific requirements to be made in the Plan. Proactive s106 Decision taking in respect of ICB funding is however deployed and further information can be provided in respect of how this is proposed to be maintained and developed as ICB estate management and investment programmes are progressed. Active and ongoing dialogue with the Leicester University Hospitals Trust is maintained and substantial changes to the Regulation 18 Plan were made to accommodate the changing position in respect of their Transformation Programme. Confirmation of substantial Government investment in their reconfiguration programme is awaiting funding confirmation in March 2024 but dialogue to date has confirmed no further Local Plan allocation or specific Infrastructure expectations at this stage Further updates and information in respect of health requirements can be considered and confirmed through the Examination process.

c). A strategic policy for the central development area and City centre clearly setting out their role within the overall spatial and development strategy for the City.

The council is of the opinion that policy CDA01 carries out this function. Modifications to expand this policy can be considered, to provide further clarification if required.

d). A single spatial strategy for the protection and enhancement of green infrastructure across the City, bringing together green wedges, open spaces and wildlife sites, and opportunities for the growth or extension of the network into and within the City.

If these are matters which the Council considers are already set out in strategic policies in the Plan, we would be grateful to be directed to the relevant policies. If not, does the Council consider main modifications would be necessary to make the Plan sound?

A single spatial strategy, strategic policy is already written in the plan. For clarification purposes, the Council will be willing to provide cross referencing to each of these issues. Modifications can be considered to clarify and address this.

Housing Need and Supply

7. The Plan identifies a housing need of 39,424 homes over the Plan period 2020-36, but a target of 20,730 homes to be delivered from a supply of 23,010 homes within the administrative boundaries of Leicester (paragraph 4.10 and Policy SL01 of the Plan). The remaining unmet need of 18,694 dwellings is to be provided for within adjoining districts in Leicestershire. Two initial questions arise from this:

a). How is the level of unmet need justified against a supply which exceeds the target by 2,280 dwellings (or 11%)?

An 11% buffer has been considered over the target, within the anticipated supply (23,010 homes), to account for any delays or delivery failures. With approximately 11% buffer, it leaves us with an unmet need of 18,694. Having a different buffer would impact the level of unmet need. This is explained within the Housing Topic Paper (TP/5).

The unmet need (18,694) has been a derivative of having applied the 11% buffer (2,280 homes over the target). A minimum buffer of 11% has been proposed as opposed to anything higher or different. The Council believes that having a lower buffer would not provide sufficient flexibility considering any potential delays in the delivery of any sites, and having a higher buffer would lead to increase in housing unmet need. Previous cases or examinations have suggested buffers between the range of 10-20%, including other authorities in the Leicester and Leicestershire HMA. Charnwood Borough Council, who have recently taken their Local Plan through an examination, have provided a 10% buffer to address any unforeseen circumstances, Harborough District council have provided an additional 15% contingency in their supply of housing land.

Without having any buffer, the target would be same as supply and the unmet need would be considerably less, however that approach would not be pragmatic as that would not take into account any failures, or delay in delivery of sites.

b). Is the target intended to be a ceiling, or a minimum requirement as expected by paragraph 61 of the Framework?

It's a minimum requirement as per paragraph 61 of NPPF. The City Council have considered the maximum that could be delivered, considering all key constraints and the agreed housing methodology. This is the reason that we have an 11% buffer so that we can meet this anticipated supply.

8. The Housing Trajectory at Appendix 1 of the Plan appears to be based on the timeframes for the delivery of committed and allocated housing sites in Appendices A and B of the SHELAA [EB/HO/3]. Please could the Council provide the evidence to substantiate the deliverability and/or developability of the sites comprising the housing supply and the estimated timeframes for their completion?

This is being produced as per the Inspectors' initial request and will be submitted before the end of February. This will be made available as part of the examination documents.

9. The allowance for housing provision from windfall sites included in Table 1 of the Plan and in the Trajectory at Appendix 1, is based on evidence of past windfall completions for sites of fewer than 10 dwellings (at Figure 3 of the Leicester SHELAA [EB/HO/3]). The non-strategic housing allocations at Appendix 6 of the Plan also include sites of less than 10 dwellings. Therefore, it would appear that the housing supply from small sites of less than 10 dwellings has been double counted in the windfall allowance. Please would the Council clarify the evidence on this point?

The windfall allowance coming forward in the future years of the plan will not be the same as the identified allocations. Any supply coming through windfall allowance on small sites will be assessed against policy Ho02 as that will be outside any small sites allocations. The small sites allocations will be determined on the basis of Policy Ho01 alongside the Sites Allocations documents, which will be separate from any windfall coming through. The supply from overall allocations has been considered separately from windfall coming forward. Also to avoid the element of double counting, no windfall has been considered for the initial years of the plan period. Monitoring will be assessed separately for each policy.

10. Paragraph 69 of the Framework expects local planning authorities to identify at least 10% of their housing requirement on small and medium sized sites of 1ha or less. What proportion of the Plan's proposed housing requirement for Leicester would be accounted for by sites of this size and where is the evidence to support this?

Approximately 29% (28.77%) of Leicester's housing requirement will be met on small and medium sized sites of 1ha or less. This is reflected in our allocations (367 from sites less than 1 ha) and our commitments (to be included in the trajectory which will be submitted in due course), where about 5,598 homes will be through commitments on sites less than 1 ha.

Student Accommodation

11. Paragraph 5.36 of the Plan identifies a need for 4,800 bedspaces for student accommodation in the City, but there do not appear to be any sites allocated to meet this need? Please would the Council explain how student accommodation needs would be met over the Plan period?

Leicester has not allocated any specific sites for student accommodation, since it is expected that if not all, the majority will be delivered within the Central Development Area (CDA), where we have not made any specific residential allocations. Previous levels of delivery have shown high levels of student accommodation provision in and around the Universities and within the Strategic Regeneration Area (SRA) and CDA. There continues to be a high level of active promotion and provision of student schemes in current planning applications and pre-application advice submissions. It is also worth noting that we have had no specific 'call for sites' responses from student housing developers wishing to allocate sites and the draft character area policies make it clear where student accommodation would and would not be acceptable. Most such developments are generally brownfield PDL schemes which are in principle policy compliant and not reliant on-site allocations. They are therefore promoted speculatively and subject to development options on a shorter and more responsive timescale, than through local plan promotion. The draft plan also contains Policy H08 'Student Development' which will be used to ensure that policy compliant development will be delivered within the city.

In regard to the actual delivery, the requirement is 436 bed spaces per annum for the plan period, over the last 5 years, which even taking into account the impacts of Covid on student numbers at universities and colleges, the city has delivered around 490 bed spaces per annum.

Gypsy and Traveller Accommodation

12. The Gypsy and Traveller Accommodation Assessment 2017 and the 2019 Addendum (GTAA) [EB/HO/2 and 2a] identify accommodation needs for 28 Gypsy and Traveller households and 3 Travelling Showpeople households. However, the Plan only allocates land within Strategic Site 1 (Policy SL02) for 7 permanent pitches for Gypsy and Traveller households that meet the planning definition in the Planning Policy for Traveller Sites (PPTS). In drawing up the submission Plan and its policies for Gypsy and Traveller accommodation, what account has been taken of the Court of Appeal judgement on the Smith vs SSLUHC & Ors case², which post-dates the GTAA and establishes that the definition of Gypsies and Travellers in the 2015 PPTS is unlawfully discriminatory? In the light of this judgement and the related legislative context, how does the Plan make provision for the accommodation needs of Gypsy and Traveller and Travelling Showpeople households identified in the GTAA that either did not meet the PPTS definition or where this was undetermined?

The Council has commissioned updated evidence to take into account the Smith vs SSLUHC case and the change to the definition of “gypsies and travellers” in the update of the Planning Policy for Traveller Sites, published by the Government on 19 December 2023. This is being undertaken jointly with a number of districts within the H.M.A. The study is still in early stages so it isn’t expected to be available to publish for a number of months. The council is aware of the preparation work required for the hearing sessions and will therefore continue to try its utmost to get the GTAA update to the Planning Inspectorate as soon as is possible. It is the councils opinion that the GTAA does not directly impact strategic matters within the plan and whilst the council expects to have this updated study ready for the start of the hearings in June, it is of the opinion that it does not preclude the examination continuing at this point. The Council will provide a programme for the preparation of the updated study and regular updates on progress between now and the hearings and would consider appropriate modifications if required.

Employment

13. Paragraph 4.14 of the Plan justifies the provision of 23 ha of employment land need being met outside of the City boundaries on the basis that the provision of housing sites is a priority. However, at paragraph 4.4 of the Employment Topic Paper [TP/2], the Council proposes to change the use of 13 ha of residential land at Ashton Green to employment to meet a shortfall within the City. Given the shortfall in housing land in the City, what alternative strategies have been considered in order to avoid further increasing that shortfall in this way?

- The City Council has both an unmet employment need, as well as an unmet housing need and needs to balance both of these

considerations, within a very tightly defined boundary. Charnwood Borough Council has agreed to take 23 ha of the unmet employment need.

- The 13 ha subject to the imminent Section 73 application is predominantly already identified for employment, as is confirmed in the most recent outline planning application for Ashton Green (see figure 1 below). Excluding the green wedge, around 5.7ha was identified for employment land (shown highlighted purple), 4.4ha was identified for residential use and 2.6ha was identified for a school (shown highlighted blue). The subsequent housing shortfall at Ashton Green from these changes has already been considered as a reduced supply from this commitment, so the section 73 application will not increase the housing shortfall any further.
- Extract from DAS 20190796

Figure 1 – Indicative layout of plots for residential development at Ashton Green



Supplementary Planning Documents and Planning Obligations

14. We note that in a number of places the Plan refers to supplementary planning documents (SPDs) containing policy requirements. Whilst the Planning Practice Guidance (PPG) permits the use of SPDs to provide more detailed advice or guidance on policies in an adopted Plan, in line with paragraph 34 of the NPPF, it states that planning obligations should be clearly set out in plans and examined in public, so that they can be accurately accounted for in the price paid for land, and that it is not appropriate to set out formulaic approaches to planning obligations in SPDs³. Paragraph 5.28 of the Plan states that SPD will be relied upon to determine the

amount of commuted sums for affordable housing in lieu of on-site provision, and paragraph 18.10 says that the Council intends to produce a developer contributions SPD after the adoption of the Plan. We are clear that including such contributions or the method for calculating them in SPD would not be consistent with national policy on development contributions. We would invite the Council to consider how this should be addressed in suggested modifications to the Plan.

The local plan has been subject to both a whole plan viability study and also infrastructure studies, covering both general infrastructure and also specific transport infrastructure.

The infrastructure required to support the plan, can be currently found within appendix 4 of the draft plan. Whilst the plan references SPD's as a potential method for providing guidance around developer contributions, it is not the intention of the council to use this as a way of superseding the evidence supporting the plan, nor the current infrastructure list, but as a method of ensuring an up to-date policy position can be achieved, before the review of the next plan. The council however would be willing to provide further clarification within the plan policies, regarding developer contributions via a plan modification, and would be happy to agree a timescale for producing potential draft main modifications on this matter.

Schedule of Representations and Main Modifications

15. In Schedule 2 to Appendix 4 of the Regulation 22 Statement of Consultation (SD9), the Council has indicated potential changes to the Plan, in response to representations made on the Regulation 19 pre-submission consultation. Does the Council wish us to consider these under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 as modifications necessary to make the Plan legally compliant and/or sound? If so, we would be grateful if the Council would submit the suggested wording for these changes in the form of a draft schedule of Main Modifications (MMs), to which other MMs can be added as the Examination progresses.

The Council confirms that it wishes to make modifications necessary to make the Plan sound or legally compliant under Section 20(7C) of the Planning and Compulsory Purchase Act 2004. A draft schedule of main modifications will be submitted before the end of February.

16. We have also requested a fuller summary of the representations in Schedule 2 and the Council's responses to them. We look forward to receiving this in due course.

The Council has provided this.

Policies Map

17. The Regulations require that the adopted Policies Map must illustrate geographically the application of the policies in the adopted plan. We note from the Atlas of Changes to the Policies Map [SD10a/b/c] that several designations are proposed to be removed from the Policies Map, some of which relate to policies in the Plan. These include: Conservation Areas (Policy HE01); Archaeological Alert Areas (Policy HE02); SSSIs, Regionally Important Geological Sites, LNRs and LWSs (Policy NE01); Park & Ride sites (Policy T04); and Flood Risk Zones (Policy CCFR06). These are examples, but there may be others. We would be grateful for the Council’s explanation of this, as currently it does not appear that the Policies Map is legally compliant nor that the geographical illustration of all of the Plan’s policies is clear.

The council is content that the policies map is an adequate representation of the draft local plan as written. The majority of the changes as proposed within the atlas of changes, are removal of layers that the council no longer proposes policies for, so no longer require a geographical representation. In the table below, the council provides more detailed reasons for the decisions taken pre-submission. However, the council will consider modifications to the policies map and/or additional signposting to where the documents can be found on the website in the Local Plan or where a geographical representation would help meet legal compliance in respect of relevant policies.

Designation deleted	Reason for deletion
Leicester Regeneration Company Intervention Areas	There are no intervention areas in the Local Plan
Potential Development Areas	There are no PDA’s in the Local Plan
Other Policy Areas	There are no other policy areas identified in the Local Plan
Primarily Residential Areas	There are no policies regarding primarily residential areas in the Local Plan
Key Employment Areas; Primarily Employment Areas; Proposed Business Parks; and Business Parks.	These have been replaced by the following new designations: High Quality Employment Development Areas;

Designation deleted	Reason for deletion
	General Employment Development Areas; and Neighbourhood Employment Development Areas
Primarily office areas	There are no policies regarding primarily office areas in the Local Plan
Storage and Distribution (B8) Zone	There is not a B8 restriction zone in the Local Plan
New Shopping Provision	There are no proposals for new shopping provision in the Local Plan
New Walk Area of Special Advertisement Control	This policy is no longer in use
Floodplain	Flood mapping is not shown because it's available on the mapping pages of the city council website and is subject to change independently from the Local Plan
Local nature reserves (LNR's)	LNR's are not shown because they are available on the mapping pages of the city council website and is subject to change independently from the Local Plan
Sites of importance for nature conservation (now called Local Wildlife Sites (LWS))	LWS's are not shown because they are available on the mapping pages of the city council website and is subject to change independently from the Local Plan
Biodiversity Enhancement Sites (BES)	BES are not shown because they are available on the mapping pages of the city council website and is subject

Designation deleted	Reason for deletion
	to change independently from the Local Plan
Regionally important geological site (RIG)	The RIG is not shown because it's available on the mapping pages of the city council website and is subject to change independently from the Local Plan
Site of special scientific interest (SSSI)	The SSSI is not shown because it's available on the mapping pages of the city council website and is subject to change independently from the Local Plan
Archaeological alert area (AAA)	The AAA is not shown because it's available on the mapping pages of the city council website and is subject to change independently from the Local Plan
Conservation areas	Conservation areas are not shown because they available on the mapping pages of the city council website and is subject to change independently from the Local Plan
Scheduled monuments	Formerly indicated using a symbol. Removed because full information is available in the mapping pages of the city council website
Proposed Community and Leisure Uses	There are no sites proposed for community and leisure use in the Local Plan
Community and Leisure	There are no policies regarding existing community and leisure uses in the Local Plan

Designation deleted	Reason for deletion
Land Allocated for Cemetery Use	There are no sites allocated for cemetery use in the Local Plan
Proposed Primary Schools	No primary schools are proposed in the Local Plan
Universities Areas of Influence	Universities areas of influence are no longer in use
Transport Schemes	In line with Para 110 of the December 2023 NPPF these are not considered relevant to the Plan as the associated highway schemes are not proposed to be delivered during the Local plan period.
Quality Bus Corridors	This policy is now contained within the local transport plan
City Centre Bus Corridor	Schemes have been delivered
Outer Ring Road/Melton Junction Improvements	Schemes have been delivered
Park and Ride Site	Policy T04 refers to potential for new p & r sites and extensions to existing p & r sites, none have been identified
Proposed Railway Station	No railway stations are proposed in the Local Plan
Potential Rail Freight Site	No potential rail freight sites are proposed in the Local Plan
Other Retail	There are no policies regarding other retail uses in the Local Plan

January 2024