



Leicester  
City Council

**WARDS AFFECTED**  
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

<b>Planning and Development Control Committee</b>	<b>9<sup>th</sup> November 2010</b>
<b>OSMB</b>	<b>18th November 2010</b>
<b>Cabinet</b>	<b>22nd November 2010</b>
<b>Council</b>	<b>25<sup>th</sup> November 2010</b>

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**Local Development Framework:  
Adoption of Core Strategy and Revision of Local Development Scheme**

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**Report of the Strategic Director, Development, Culture and Regeneration**

**1. Purpose of Report**

- 1.1. This report considers the adoption of the Local Development Framework Core Strategy which will provide the overarching planning policies to guide development in the City to 2026. It also seeks approval for a revised Local Development Scheme which sets out policies that need to be saved alongside the Core Strategy.

**2. Recommendations**

- 2.1. Cabinet is requested to:

1. recommend to Council acceptance of the Inspector's report and to adopt the Core Strategy as amended by the changes set out in the Inspector's report (see paragraph 3.1)
2. approve a revision of the current Local Development Scheme to ensure that it is in conformity with the adopted Core Strategy.

**3. Summary**

- 3.1. The Council has been successful in securing approval from an Independent Planning Inspector of its Local Development Framework Core Strategy. In doing so it becomes one of only five councils and the only city in the East Midlands to have a Core Strategy rated as sound. The Inspector's report is available to view at [www.leicester.gov.uk/corestrategy](http://www.leicester.gov.uk/corestrategy) or in the Members' Areas.
- 3.2. The Local Development Framework Core Strategy will provide the overarching planning vision and strategy for the City to 2026 and will guide decisions on planning applications and encourage investment in the City in relation to housing, employment, retail and other land uses. It also provides a policy context for protecting and enhancing the environment.

When adopted, the Core Strategy will replace some of the policies of the current City Local Plan.

- 3.3. Following extensive public consultation the Draft Core Strategy was submitted to the Secretary of State in December 2009. An independent Planning Inspector conducted an examination, which included public hearings in April 2010, to assess the 'soundness' of the document and to consider the comments made during consultation. The Council proposed changes to the Core Strategy during the examination to meet legal and statutory requirements or for clarity.
- 3.4. The Planning Inspector has judged it to be effective in the way it plans for the homes, job opportunities required for the city's families and growing population over the next 15 years. The proposed changes ensure that the Core Strategy is sound and can be adopted.
- 3.5. The Core Strategy includes a list of existing Local Plan policies that will be replaced. This list has been revised following advice from the Inspector. The Council's Local Development Scheme (LDS), adopted in March 2010 needs to be revised to ensure that it is compliant with the Core Strategy.
- 3.6. Copies of the Inspector's report; the Core Strategy, incorporating the changes, and the revision to the LDS will be made available in Members' Areas.

#### **4. Report**

- 4.1. The Local Development Framework (LDF) is the planning system that replaces the Local Plan. The Core Strategy will be the key document of the LDF, setting out an overarching, high level planning strategy for development of the city, with a diagrammatic plan instead of a detailed Proposals Map. It will provide certainty for investors and developers.
- 4.2. The Core Strategy will be the instrument for delivering the land use implications of the 25 year vision for the city set out in the 'One Leicester' Sustainable Community Strategy. Therefore the Core Strategy incorporates the One Leicester vision and this has contributed to the Core Strategy objectives.
- 4.3. Public involvement is at the heart of the new planning system and the Core Strategy was the subject of extensive public consultation at various stages of production. The Inspector was satisfied that this consultation was compliant with the Council's Statement of Community Involvement adopted in 2006.
- 4.4. Council approved the submission Draft Core Strategy in September 2009. Public consultation took place between 18 September and 30 October 2009 when 250 representations were received from 56 respondents. The strategy was submitted for examination to the Secretary of State in December 2009 with copies of the representations and all the Council's evidence.

#### **Examination**

- 4.5. The details of the examination including all the submission documents, consultation and statements made during the examination are available at [www.leicester.gov.uk/corestrategy](http://www.leicester.gov.uk/corestrategy)

- 4.6. The examination included Public Hearings over 2 weeks, from 20<sup>th</sup> to 29<sup>th</sup> April 2010, when objectors were able to put their case to the Inspector in person. During the course of the examination the Planning Inspector considered whether changes were needed to make the Core Strategy sound, taking account of objections made during the public consultation and the Council's responses.

### **Changes to the Core Strategy**

- 4.7. The Council proposed changes that could overcome some of the objections and provide more information to satisfy the Inspector. These changes were of a technical nature or clarified issues and did not change the substantive policy stance in the document. A list of Proposed Changes was published on 12 April with Further Proposed Changes published on 24 May. Each list was subject to six weeks public consultation and the Inspector took account of all the comments made.

### **Inspector's Report**

- 4.8. In her report the Inspector identifies seven main issues on which the soundness of the Core Strategy depends:
- Whether it deals adequately with uncertainty
  - Whether it makes sound provision for housing
  - Whether it makes appropriate provision for employment
  - Whether it provides a sound framework for the city centre and for retail needs
  - Whether the policy for open space is appropriate
  - Whether the policies on sustainable construction and renewable energy developments are appropriate and justified
  - Whether the plan gives sufficient guidance on the provision of infrastructure required to support development
- 4.9. The Inspector was satisfied that the Core Strategy is sound in respect of all these issues subject to a limited number of changes that are needed to meet legal and statutory requirements. All but one of the changes recommended in her report are based on the proposals put forward by the Council in response to points raised and suggestions discussed during the public examination or in response to the revocation of the Regional Spatial Strategy (see paragraphs 4.14). The Inspector wanted one additional change, to make it clear that affordable housing targets will be reviewed if the housing market improves.
- 4.10. The Core Strategy provides the policy support for development at Ashton Green and for housing led regeneration in the central areas of the City. It makes a clear statement on the threshold for requiring affordable housing on new developments, reducing it from 25 dwellings to 15 and establishes affordable housing targets based on viability. These figures will be used to negotiate the provision of affordable housing through S106 agreements in respect of planning applications. The Core Strategy requires all new dwellings to be designed to 'Lifetime Homes' standards where feasible.
- 4.11. Policies to address the challenges of climate change are integral to the Core Strategy and are supported by the Inspector. The Council will now be able to seek more stringent

standards of energy efficiency and renewable energy for new development to contribute towards the achievement of the One Leicester targets for zero carbon development.

- 4.12. The Inspector recognised that the City has limited capacity to meet its need for employment land. However she is satisfied that the Core Strategy takes an integrated approach to employment provision which includes working with neighbouring local authorities to address the potential shortfall.
- 4.13. Changes to the submission Core Strategy include the addition of a schedule of the primary infrastructure needed to support development, based on evidence produced by the Council. The Inspector is satisfied that this provides a reasoned and balanced approach to the provision of infrastructure as the framework for further negotiations with infrastructure providers on the level of developer contributions.

### **Changes to National and Regional Planning Policy**

- 4.14. Before the Inspector had completed her report on the examination, the Coalition government announced the revocation of the Regional Spatial Strategy (RSS) and issued a revised Planning Policy Statement 3: Housing (PPS3) to address the issue of 'garden grabbing'. The Council produced a statement that these changes in regional and national planning policy did not affect the Core Strategy. This is because RSS housing targets were based on evidence supplied by the Council on the capacity of the City to accommodate housing growth and the Core Strategy includes general guidance on protection of larger gardens in suburban areas. The Council proposed amendments to update the Core Strategy in respect of references to the RSS
- 4.15. In the letter accompanying her report, the Inspector thanked the Council's officers for the helpful and professional way in which they prepared for and contributed to the examination.

### **Revisions to Local Development Scheme**

- 4.16. The Council's Local Development Scheme (LDS), adopted in March 2010, includes a list of local plan policies that will be replaced by the Core Strategy. This was included in Appendix 2 of the Submission Core Strategy. The Inspector has endorsed changes to Appendix 2 of the Core Strategy that allow for more local plan policies to be saved so that the Proposals Map is not affected. They will be replaced by the Site Allocations and Development Management Policies DPD and a new Proposals Map which are scheduled for adoption in 2014.
- 4.17. As a result of the change to Appendix 2 of the Core Strategy the LDS must be revised to ensure that the Core Strategy is compliant with it. A copy of the LDS incorporating a revised list of replaced and saved local plan policies will be forwarded to the Secretary of State in compliance with Planning Regulations. The Secretary of State must notify the Council of any concerns relating to this revision.
- 4.18. The revised LDS will come into effect when the Core Strategy is adopted.

### **Next Stage**

- 4.19. Once Council has adopted the Core Strategy, the planning regulations require that a notice of adoption is published and that any person aggrieved by the adoption has 3 months in which to make an application to the High Court.

4.20. The next Development Plan Document (DPD), the Site Allocations and Development Management Policies DPD, will be started later this year. It will provide more detail on housing, employment and retail sites and will include a new Proposals Map.

**5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

**5.1. Financial Implications**

5.1.1. There are no direct financial implications arising from this report. Costs for the Local Development Framework process have been met from existing budgets.

Martin Judson; Head of Finance, Financial Services; Ext 297390

**5.2. Legal Implications**

5.2.1 The Core Strategy will be a local development document within the meaning of the Planning and Compulsory Purchase Act 2004. It has been prepared in accordance with statutory guidance and other statutory provision.

5.2.2 The Core Strategy has been subject to a sustainability appraisal and consultation. It has been submitted to the Secretary of State for independent examination in public for the purpose of determining whether or not the provisions are ‘sound’. The Council is bound by the recommendations made by the inspector appointed by the Secretary of State.

Anthony Cross, Head of Litigation Ext 296362

**5.3. Climate Change Implications**

5.3.1 Addressing the impacts and implications of Climate Change is at the heart of the Core Strategy. A Climate Change and Flood risk Policy sets out the requirements for development to meet national and One Leicester energy efficiency targets.

**6. Other Implications**

OTHER IMPLICATIONS	YES/ NO	Paragraph references within the report
Equal Opportunities	Yes	The document has been subject to an Equality Impact Assessment
Policy	Yes	The whole report refers to a policy document
Sustainable and Environmental	Yes	The document has been subject to a Sustainability Appraisal
Crime and Disorder	Yes	Design Policy, Neighbourhood policy, City Centre Policy
Human Rights Act	Yes	There is a requirement for public consultation
Elderly/People on Low Income	Yes	Housing policies

Corporate Parenting	No	
Health Inequalities Impact	Yes	The strategy promotes cycling and walking

**7. Risk Assessment Matrix**

<b>Risk</b>	<b>Likelihood L/M/H</b>	<b>Severity Impact L/M/H</b>	<b>Control Actions (if necessary/appropriate)</b>
That there will be a legal challenge to the adoption of the Core Strategy	L	M	The inspector was satisfied that all legal procedures were followed in the preparation of the Core Strategy.

**8. Background Papers – Local Government Act 1972**

**9. Consultations**

9.1. The Core Strategy has been the subject of extensive internal and public consultation

**10. Report Author**

10.1. Alison Bowen, Team Leader Planning Policy  
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<b>Key Decision</b>	Yes
<b>Reason</b>	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Executive (Cabinet)