



Planning Inspectorate

Report to Leicester City Council

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Inspectors appointed by the Secretary of State

Date: 5 February 2026

Planning and Compulsory Purchase Act 2004 (as amended)
Section 20

Report on the Examination of the Leicester Local Plan 2020 to 2036

The Plan was submitted for Examination on 26 September 2023

The Examination Hearing was held between 1 and 3, 8 and 10, and 15 and 16
October, and 12 and 14, and 19 and 21 November 2024

File Ref: PINS/W2465/429/2

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Abbreviations used in this report

2004 Act	Planning and Compulsory Purchase Act 2004 (as amended)
AA	Appropriate Assessment
AM	Additional Modification
BNG	Biodiversity Net Gain
CDA	Central Development Area
<i>the Council</i>	Leicester City Council
DtC	Duty to Co-operate
dpa	dwellings per annum
FEMA	Functional Economic Market Area
FRA	Flood Risk Assessment
GTAA	Gypsy and Traveller Accommodation Assessment
ha	hectares
HIA	Heritage Impact Assessment
HMA	Housing Market Area
HRA	Habitats Regulation Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LHN	Local Housing Need
LPA	Local Planning Authority
LWS	Local Wildlife Site
m	metres
MAG	Members' Advisory Group
MM	Main Modification
NE	Natural England
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RAG	Red/Amber/Green
SA	Sustainability Appraisal
SAC	Special Areas of Conservation
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SHELAA	Strategic Housing and Economic Land Availability Assessment
SoCG	Statement of Common Ground
SPA	Special Protection Areas
SPD	Supplementary Planning Document
sqm	square metres
SRN	Strategic Road Network
SuDS	Sustainable Drainage Systems
TA	Transport Assessment
VA	Viability Appraisal
WPVA	Whole Plan Viability Assessment

Non-Technical Summary

This Report concludes that the Leicester Local Plan 2020 to 2036 provides an appropriate basis for the planning of the City, provided that a number of Main Modifications (MMs) are made to it. Leicester City Council (the Council) has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the Hearing, the Council prepared a schedule of the proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs were subject to public consultation over a seven week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the SA and HRA of them, and all the representations made in response to consultation on them.

The Main Modifications that are necessary can be summarised as follows:

- Changes to clearly identify the strategic policies throughout the Plan and to confirm which development plan policies the Plan will supersede;
- Modifications to ensure that the Plan's vision, strategy and presumption in favour of sustainable development are justified, effective and consistent with national policy;
- A new policy to make it clear that a review of the Plan should commence upon adoption and be completed within three years;
- Modifications to ensure that the housing 'target' is expressed as a minimum and to update the components of housing provision to reflect the latest site capacity figures;
- Changes to update the housing land supply for the Plan period, including the 5-year housing land supply, as well as the inclusion of a detailed housing trajectory;
- Amendments to the employment land requirement and supply figures, including making it clear that the unmet need will be met in full in Charnwood Borough;
- Changes to the policies on the Strategic Sites to ensure that they are effective in respect of the requirements for any future development proposals;
- Modifications to include the non-strategic housing site allocations within Policy Ho01, and the site-specific requirements for development proposals to meet;
- Amendments to other housing policies to ensure that they are justified, effective and consistent with national policy, including policies on housing mix, affordable housing, housing densities, older persons' housing, self-build and custom built housing, internal space standards, student accommodation, retention of family housing, houses in multiple occupation, and Gypsy and Traveller accommodation;
- Changes to ensure that the policies and proposals for employment land and development are justified, effective and consistent with national policy, including the updated Use Classes Order;
- Modifications to ensure that the strategy and policies for town centres and retail development are justified, effective and consistent with national policy;
- Modifications to policies and proposals for the Central Development Area in Leicester, in order that the Plan is positively prepared and is justified, effective and consistent

with national policy, including improving opportunities for walking, cycling and public transport; safeguarding key viewpoints; and ensuring clarity in respect of the requirements for development proposals in this area;

- Changes to ensure that the policies for climate change and flood risk are positively prepared and are justified, effective and consistent with national policy;
- Amendments to the policies and proposals for health and wellbeing in Leicester, including clarity around the types of development which would require a Health Impact Assessment;
- Modifications to the policies for delivering design quality to ensure that a clear approach to development proposals is set out in the Plan;
- Changes to the policies for heritage to ensure that they are clear and consistent with national policy;
- Amendments to the policies for culture and tourism in order that development proposals meet the needs of local communities and to ensure that constraints and mitigations are addressed;
- Modifications to ensure that policies and proposals for open space, sports and recreation in Leicester are effective and provide wider benefits and enhancements;
- Changes to the policies for the natural environment are positively prepared, justified, effective and consistent with national policy, including the requirement for BNG;
- Amendments to transport policies and proposals, including the deletion of the reference to the workplace parking levy; updated air quality objectives, guidelines and targets; the delivery of a sustainable transport network; park-and-ride facilities; and sustainable freight opportunities;
- Changes to clarify the Council's intention to produce a separate Minerals and Waste Local Plan, but to ensure that minerals and waste needs are effectively addressed by this Plan;
- Modifications to make clear what infrastructure could be funded by planning contributions;
- Changes to ensure the policy and supporting text for enforcement are clear;
- Amendments to ensure the Plan has an effective Monitoring Framework, which is consistent with national policy; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This Report contains our assessment of the Leicester Local Plan 2020 to 2036 in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework (September 2023) (NPPF) makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised version of the NPPF was published in December 2024, alongside revisions to the Planning Practice Guidance (PPG), which, amongst other things, include a new standard method for calculating local housing need. The policies in the 2024 version of the NPPF apply to local plans from 12 March 2025. However, under the transitional arrangements in paragraphs 234 and 235 of the 2024 NPPF, because the Plan was submitted before this date, it is being examined under the relevant version of the NPPF at the time the Plan was submitted, which is the September 2023 version. Therefore, unless stated otherwise, references in this Report are to the September 2023 version of the NPPF.
3. The starting point for the Examination is the assumption that Leicester City Council (the Council) as the local planning authority has submitted what it considers to be a sound and legally compliant Plan. The Leicester Local Plan 2020 to 2036 (the Plan), submitted on 26 September 2023, is the basis for our Examination. It is the same document that was published for consultation in January 2023 [SD/2]. References in [square brackets] are to document numbers in the Examination library.

Main Modifications

4. In accordance with Section 20(7C) of the 2004 Act, the Council requested that we recommend any Main Modifications (MMs) necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. Our Report explains why the recommended MMs are necessary. The MMs are referenced in bold in the Report in the form **MM1**, **MM2**, etc, and are set out in full in the Appendix.
5. Following the Examination Hearing, the Council prepared a schedule of proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MM schedule was subject to public consultation for seven weeks. We have taken account of the consultation responses in coming to our conclusions in this Report and, in this light, we have made some amendments to the detailed wording of the MMs and added consequential modifications, where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes, SA and HRA that have been undertaken. Where necessary, we have highlighted these amendments in the Report.

Policies Map

6. 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 Plan. In this case, the submission Policies Map comprises the map identified as the Leicester Local Plan Policies Map (January 2023) [SD/3]. In addition, the Council submitted an Atlas of Changes to the Policies Map [SD/10] illustrating the changes to the adopted Proposals Map (2006).
7. The Policies Map is not defined in statute as a development plan document, and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective. These further changes to the Policies Map were published for consultation alongside the MMs (Leicester Local Plan Policies Map Changes) [EXAM 117].
8. 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 all the changes proposed in the Leicester Local Plan Policies Map (January 2023) and the Atlas of Changes, as well as the further changes published alongside the MMs in the Leicester Local Plan Policies Map Changes. For clarity and effectiveness, an amendment to the wording of paragraph 1.17 of the Plan is also necessary to delete the reference to the Atlas of Changes and to make clear that the Policies Map is the geographic illustration of the Plan's policies [MM2].

Context of the Plan

9. The Plan is proposed to replace the Leicester Local Development Framework Core Strategy (adopted in November 2010 and revised in 2014) and the saved policies from the 2006 City of Leicester Local Plan. On adoption, it will form the development plan for the City of Leicester, together with the Leicester and Leicestershire Waste Development Framework Core Strategy and Development Management Policy Document (2009).
10. The City of Leicester is the principal settlement in the county of Leicestershire and the largest city in the East Midlands. The urban area of Leicester extends beyond the administrative boundary of Leicester Council and includes the adjoining suburbs and settlements of Thurmaston, Birstall, Glenfield, Braunstone Town, Glen Parva, Wigston, Oadby and Bushby. Approximately 368,300 people live within the Council's administrative area, whereas the population of the urban area is around 650,000.
11. The Plan covers the area of Leicester that lies within the City's administrative boundary only. Development in the remainder of the urban area is managed through local plans for the adjacent Districts and Boroughs of Blaby; Charnwood; Harborough; Hinckley and Bosworth; and, Oadby and Wigston. Therefore, planning for the urban area of Leicester

requires considerable cross-boundary joint working between the Council and its adjoining local planning authorities (LPAs). We deal with this as part of our assessment of the Duty to Co-operate (DtC) below.

12. Leicester is one of the fastest growing cities in the country, with an ethnically and culturally diverse population. It has two universities, which contribute over 43,000 students to the City, giving it a relatively youthful population with a median age lower than many of the other major cities in England. The City is well connected by road and rail, located at the junction of the M1 and M69, and within an hour's journey time from central London on the Midland Mainline railway. These factors, allied to a local economy traditionally strong in manufacturing and small businesses, and recent jobs growth in IT, financial and business services, create significant pressure for development within Leicester's tightly constrained administrative boundaries.
13. Leicester benefits from a generous network of open space, which occupies almost 25% of the City's administrative area. A substantial portion of this is made up of green wedges, which serve strategic purposes in preventing the merging of Leicester with surrounding settlements, guiding development form within the City and providing green lungs from the countryside into the urban area. However, the pressure for development to meet the needs of Leicester's growing population and economy, threatens to erode the vital contribution that the City's green infrastructure makes to its urban character.
14. Leicester also boasts a large city centre, with a Central Development Area (CDA) located between the River Soar to the west and the railway line to the east, and extending from the King Power Stadium in the south to the National Space Centre in the north, comprising a range of different character areas. Whilst the CDA offers opportunities for regeneration and higher density development, it is also constrained by areas of flood risk along the River Soar and the City's heritage and archaeology, including from its Roman, Saxon and Medieval periods, with numerous listed buildings, Scheduled Monuments and conservation areas concentrated in the city centre.
15. These factors, together with the impacts of development on traffic levels, air quality, health and infrastructure, present a challenging context for the Plan.

Public Sector Equality Duty

16. Throughout the Examination, we have had due regard to the aims of the Public Sector Equality Duty expressed in S149(1) of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Council submitted an Equality Impact Assessment, dated September 2022 [SD/5], which demonstrates that the policies of the Plan would not have a disproportionately negative impact on people with protected characteristics.
17. There are specific policies in the Plan which seek to provide for the needs of people who share a protected characteristic. These include: providing for the accommodation needs of Gypsies and Travellers and Travelling Showpeople (Policy Ho12); requiring

the mix of new housing to include supported living for older people and homes to be built to wheelchair accessible and adaptable standards (Policy Ho03); guiding the location of new hostels to meet special housing needs (Policy Ho11); ensuring new development is designed to be inclusive, enabling use by all people, including those with a protected characteristic (Policy DQP03); seeking to retain places of worship to support faith and religious groups (Policy CT05); expecting development to provide for the access needs of people with limited mobility (Policy T03); and seeking to ensure that developments reduce health inequalities (Policies HW01 and HW02). In this way the disadvantages suffered by people who share a protected characteristic would be minimised and their needs met insofar as they are different from those without a relevant protected characteristic.

18. We deal with the soundness of the policies which address the needs of these groups in the Report below. Subject to the recommended MMs, there is no compelling evidence that the Plan, as a whole, would bear disproportionately or negatively on people who share protected characteristics.

Assessment of Duty to Co-operate (DtC)

19. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with the DtC imposed on it by section 33A in respect of the Plan's preparation. Paragraphs 24 to 27 of the NPPF and the PPG set out what is expected of LPAs to maintain effective co-operation under the duty.
20. It is clear that there has been close co-operation over an extended period of time between the Council and its neighbouring LPAs, Leicestershire County Council and other prescribed bodies, on a range of strategic matters. This is confirmed and evidenced by the Council's Statement of Compliance with the DtC [SD/12], which sets out the strategic issues, co-operation mechanisms and ongoing engagement, and is supplemented by a chronology of the various DtC meetings that have taken place in preparing the Plan [EXAM 57].
21. The Council is part of an established sub-regional partnership with other local authorities in Leicestershire and the Leicester and Leicestershire Local Enterprise Partnership (LEP). Joint strategic planning work is overseen by a Members' Advisory Group (MAG), comprising a councillor from each of the local authorities, and an observer from the LEP. The MAG has been meeting regularly since 2014 and has been supported by a series of officer groups, including senior officers responsible for planning and transport policy within Leicester and Leicestershire.
22. Whilst agendas and minutes for these meetings were not provided as part of the evidence, it is clear from the output of the partnership that effective co-operation has been taking place. This includes the Leicester and Leicestershire Strategic Growth Plan 2018 (LLSGP) [EXAM 1], which was prepared jointly and approved by all of the local authorities and the LEP. It is a non-statutory plan, intended to shape the future of the Leicester and Leicestershire Housing Market Area (HMA) and Functional Economic Market Area (FEMA) in the period to 2050. It provides a long-term vision and a framework on cross-boundary matters, including the delivery of new housing,

economic growth and essential infrastructure, and the protection of the environment and built heritage, which the LPAs can use to inform the preparation of their development plans.

23. Through the joint work of the partnership, Statements of Common Ground (SoCG) on the key strategic issues of housing, employment and strategic warehousing needs, have been agreed between the Council and the Leicestershire authorities. The SoCG relating to Housing and Employment Land Needs 2022 [SD/1], agrees an apportionment of Leicester's unmet housing and employment land needs to be addressed in the emerging local plans of the other Leicestershire LPAs. How this is accommodated within those areas is a matter for the preparation and examination of the relevant local plans.
24. Although at the time of submission the SoCG had not been signed by two out of the nine authorities, it is evident that constructive engagement between the Council and its neighbours took place on these matters prior to submission, with the expectation that the formal ratification of Harborough and Hinckley and Bosworth Councils would follow. Subsequently, during the course of the Examination, the remaining signatures were provided.
25. The DtC Statement goes on to detail how the Council has co-operated on a range of other strategic matters, as appropriate. This includes joint work on transport modelling and mitigation, infrastructure requirements, climate change, flood risk, the historic environment, the natural environment and biodiversity, health service planning, burial space, open space and playing pitch provision, and utilities. The Statement also describes the nature and outcomes of co-operation on these matters with the other prescribed bodies, including the Environment Agency, Historic England, Natural England, Homes England, the Leicester, Leicestershire and Rutland Clinical Commissioning Groups, the Leicestershire Partnership NHS Trust and University Hospitals of Leicester NHS Trust, NHS England, Network Rail, Highway Authorities, National Highways, and Sport England.
26. Overall, we are satisfied that the evidence shows that, where necessary, the Council has engaged constructively, actively, and on an on-going basis in the preparation of the Plan and, therefore, that the DtC has been met.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

27. Section 19(1) of the 2004 Act requires development plan documents to be prepared in accordance with the Local Development Scheme (LDS). The scope and content of the Plan are consistent with the submitted Leicester Council LDS, adopted in 2022 [SD/13], except in respect of the policies for waste and minerals. 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, whereas the LDS lists only a replacement Waste Local Plan to be prepared.

28. The Council confirmed that this was an error in the LDS and submitted an updated LDS for 2024 to 2027 to remedy this [EXAM 5]. It confirms that a separate Minerals and Waste Local Plan will be prepared, and that the limited waste and minerals policies within the Plan are purely to guide the City in determining any applications related to waste and minerals submitted before the adoption of a new Minerals and Waste Local Plan. Accordingly, the updated LDS ensures the content of the Plan now accords with the LDS, satisfying the legal requirement.

Consultation

29. Development plans must be prepared in accordance with the statutory requirements for consultation, which are set out in the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations). The Council's Regulation 22 Statement of Consultation (updated January 2024) [EXAM 4], provides a comprehensive record of the consultation undertaken at the various stages of preparation of the Plan.
30. This demonstrates that the Council consulted on the preparation and publication of the Plan in accordance with Regulations 18 and 19, using a range of electronic, written, and face to face consultation methods, as set out in the Council's Statement of Community Involvement (dated 2019) (SCI) [SD/11]. The Regulation 18 consultation took place from September to December 2020, during the COVID-19 Pandemic. However, the Council adapted its consultation methods to suit, as set out in the SCI Temporary Addendum [SD/11a], which the Regulation 22 Statement and the Council's Hearing statement on Matter 1 confirm were followed.
31. We are satisfied that the consultation processes for the Plan were adequate. The evidence shows that the Council took appropriate steps to ensure local residents and businesses were engaged. This included sending a leaflet to every residential property and business within the City's boundaries and in the adjoining areas. The Council provided a map of the area covered by the leaflet drop [EXAM 35].
32. It is clear from the Regulation 22 Statement that representations made at the Regulation 18 stage of consultation were taken into account in preparing the Publication version of the Plan, in accordance with Regulation 18(3).
33. Overall, therefore, we are satisfied that the consultation on the Plan was carried out in accordance with the Council's adopted SCI and the 2012 Regulations.

Sustainability Appraisal (SA)

34. The 2004 Act and 2012 Regulations require LPAs to carry out an appraisal of the sustainability of a local plan, prepare a report of its findings, consult on it alongside the publication plan, and submit this with the plan for examination. Paragraph 32 of the NPPF requires that plans should be informed throughout their preparation by an SA that meets the relevant legal requirements, including the Strategic Environmental Assessment (SEA) Regulations.
35. The Council submitted an SA of the Plan, dated September 2022 [SD/4 and SD/4a-f]. However, a number of errors in the SA report and appendices were identified during

the Examination. In particular, the strategic sites allocated in Policies SL02 to SL06 of the Plan were listed in Table 6.2 of the SA as being removed from the Plan between the pre-submission and submission stages of its preparation, due to significant sustainability issues. In addition, the overall Red/Amber/Green (RAG) ratings for several of the strategic sites and the RAG ratings for some individual criteria were inconsistent between different tables in the SA. The SA criteria for assessing the sustainability of sites in transport terms also erroneously included the impact on the road network, when in fact this was separately assessed by the Council through traffic and transport modelling evidence.

36. These along with other errors in the SA were discussed at the Hearing. In response, the Council submitted a revised SA correcting the errors [EXAM 21 and 21A-G], along with notes explaining them and their implications for the site selection process [EXAM 20 and 34], and how transport impacts were appraised [EXAM 98]. The SA, as revised, was also updated to appraise the effects of the Proposed MMs on the sustainability of the Plan [EXAM 115]. These documents were published for consultation alongside the Proposed MMs, and we have taken into account the representations made on them in assessing the legal compliance of the SA.
37. With respect to the errors in the submitted SA, the Courts have established that deficiencies in the SA process can be corrected during the Examination. The SEA Regulations also require that the environmental assessment must be carried out and taken into account before the Plan's adoption, meaning that it is reasonable to consider amendments to the SA during the Examination process. In the light of the Council's explanation of the errors in the SA, it is clear that they are drafting errors, rather than fundamental flaws in the SA process. The inconsistencies between the RAG ratings of certain sites and criteria are not such as to suggest that, if the revised SA report and tables had been before the Council in preparing the Plan, any of the sites would not have been allocated.
38. In reaching this conclusion, we have been mindful of the fact that the SA is one of several sources of evidence taken into account by the LPA in the process of selecting development sites. Section 6.5 of the SA explains that the choice of development sites was an iterative process, with the findings of the SA being taken into account alongside assessments of the suitability, availability, and deliverability of sites in the Strategic Housing and Economic Land Availability Assessment (SHELAA) [EB/HO/3], as well as responses to the Regulation 18 consultations. So, even though the SA scores some of the strategic sites as 'least sustainable', it is reasonable that other factors determined that these sites should be selected to meet housing needs.
39. Accordingly, we are satisfied that the revised SA and explanatory notes rectify the errors in the submitted SA. We have, therefore, taken them into account in reaching our conclusions on the soundness of the Plan.
40. Taken together, the SA documents, including the revised SA report and explanatory notes, are comprehensive and detail the appraisal work undertaken at each stage of the Plan preparation process. In terms of the requirements of the SEA Regulations,

the SA contains appropriate baseline information about the environmental, social, and economic characteristics of the City and an outline of other relevant plans, policies, and programmes. It identifies the key sustainability issues for the City from which the SA objectives have evolved. It uses a framework of 16 sustainability objectives and 20 site criteria, covering the issues set out in the SEA Regulations, against which the policies and site allocations in the Plan were appraised and likely significant effects evaluated. A Non-Technical Summary is also included within the SA reports.

41. The Plan's scale of growth and spatial strategy were assessed against a range of reasonable alternatives, on an equal basis using the same SA objectives, and reasons were given for selecting the preferred approaches and rejecting alternatives. Likewise, a range of alternative policy approaches to the key issues of affordable housing, city centre retail and leisure uses, shopping centres, and transport infrastructure were appraised on the same basis. All site allocations were also appraised alongside other suitable and available sites, using the same set of site criteria. The evidence for, and results of, this are summarised in chapter 6 of the SA, with the detailed appraisals set out in Appendices A to D. Whether or not the spatial strategy, policies, and site allocations in the Plan are justified in the light of their SA scores is a soundness issue, which is considered as part of our assessment of soundness below.
42. Overall, we are satisfied that a robust and proportionate SA of the Plan has been carried out, which has assessed the likely environmental, social, and economic effects of the Plan and incorporates the requirements for SEA. Accordingly, we conclude that the SA work undertaken on the Plan is adequate.

Habitats Regulations Assessment (HRA)

43. An HRA Screening Report (September 2022) [SD/6] was submitted with the Plan, which assessed the likely effects of the Plan, both on its own and in combination with other plans and projects, on the ecological integrity of any European or internationally protected habitat sites. The report confirms that there are no such qualifying sites within the administrative boundary of Leicester Council. It identifies three sites within 25km of the boundary – the River Mease and Ensor's Pool Special Areas of Conservation (SAC) and the Rutland Water Special Protection Area (SPA) and Ramsar site. However, the report confirms that these three sites are sufficiently far away from Leicester, such that the Plan would not be likely to have any significant effects on them, either alone or in combination. Accordingly, the report concludes that a full Appropriate Assessment (AA) of the Plan is not required.
44. Natural England (NE) was consulted on the HRA Screening Report, as the statutory body responsible for nature conservation, biodiversity, and habitats. NE agreed with the conclusion that the Plan will not have a likely significant effect on any European sites and that an AA is not required.
45. The impact of the Plan's policies and proposals on the Green Wedge in and around Leicester is a soundness issue, rather than a matter relating to the legal compliance of the HRA. As such, it is considered as part of the soundness assessment below.

46. The HRA Screening Report was updated in April 2025 to take account of the MMs to the Plan [EXAM 116] and published for consultation alongside the MMs. It concludes that the MMs would have no new likely significant effects on any European sites, either alone or in-combination, and therefore does not change the findings of the 2022 Report. Again, NE were consulted on the updated Report and agreed with the conclusions.
47. On this basis, we conclude that the potential for likely significant effects on European habitats sites arising from the Plan's policies and proposals, has been appropriately considered through the HRA Screening Report. We are satisfied that this work has been undertaken in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019. Accordingly, we find that the Plan is legally compliant with respect to the Habitats Regulations.

Other Legal Requirements

48. Sections 19(1B) and 19(1C) of the 2004 Act require development plans, taken as a whole, to include policies to address the strategic priorities for the development and use of land in the LPA's area. Chapter 4 of the Plan contains the strategy for Leicester, including Policy SL01, which establishes the type, scale, and broad location of development proposed in the City, together with a series of policies for the key strategic sites in the Plan (Policies SL02-SL06). However, the Plan does not make clear which other policies are intended to address the strategic priorities for the development and use of land in the Plan area. Chapter 19 and Table 9 of the Plan list policies that are deemed to be not strategic for neighbourhood plan preparation purposes. However, for clarity and effectiveness, **MM190** and **MM191** are necessary to clearly identify the strategic policies throughout the Plan. With these MMs, we are satisfied that the Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the LPA's area.
49. Section 19(1A) of the 2004 Act requires that development plan documents must, taken as a whole, include policies designed to ensure that the development and use of land in the LPA's area contribute to the mitigation of, and adaptation to, climate change. Several policies in the Plan are designed to help ensure this. Chapter 6 of the Plan addresses climate change and flood risk. Policy CCFR01 establishes a strategic approach to sustainable design and construction. Policy CCFR02 relates to whole life-cycle carbon emissions, and Policy CCFR03 requires the submission of energy statements. Policy CCFR04 ensures that developments select the most appropriate heating/cooling systems, and Policy CCFR05 supports the delivery of renewable and low carbon energy projects. Other policies deal with individual elements of climate change, including sustainable transport (Policy T01); managing air quality (Policy T02); balancing climate change with the need to conserve and enhance the historic environment (Policy HE01); provision of green and blue infrastructure (Policy NE03); and managing flood risk and sustainable drainage systems (Policy CCFR06). We address the soundness of these policies below, but taken as a whole they meet the statutory requirement under section 19(1A) of the 2004 Act.

50. Regulation 8(5) of the 2012 Regulations, requires the Plan to make clear which policies of the adopted development plan it will supersede. Paragraph 1.6 of the Plan states that it will replace the existing Core Strategy (2014) and saved policies from the 2006 Local Plan. However, it is evident that the Plan will also replace some policies in the Leicestershire & Leicester Waste Development Framework. Therefore, to ensure the Plan is compliant with the Regulations in this respect, a new Appendix is necessary to make clear which development plan policies the Plan will supersede **[MM202]**.
51. The Plan complies with all other relevant legal requirements, including those in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

52. Taking account of all the representations, the written evidence, and the discussions that took place at the Examination Hearing, we have identified 18 main issues upon which the soundness of the Plan depends. This Report deals with these main issues. It does not respond to every point or issue raised by representors, nor does it refer to every policy, policy criterion, or allocation in the Plan.

Issue 1 – Is the Plan’s overall vision and strategy positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

Leicester Urban Area

53. Diagram 1 of the Plan comprises a map defining the Leicester Urban Area, which extends beyond the Council’s administrative boundaries. However, the map fails to distinguish the areas which are part of the contiguous urban area of Leicester, from those which constitute separate surrounding settlements. The administrative boundary of the City is also too faint on the map. Consequently, Diagram 1 creates an ambiguous spatial context for the strategy and policies of the Plan that follow. For clarity and effectiveness, therefore, Diagram 1 should be replaced with a new map which clearly shows the administrative boundary of the City and the correct extent of the Leicester Urban Area **[MM1]**. Following the MMs consultation, for clarity and effectiveness, we have amended the term ‘Principal Urban Area’ to ‘Leicester Urban Area’ in the key to the new Diagram 1 map at Annex G of the MMs Schedule.

Vision for Leicester

54. The Plan’s vision statement is primarily focused on the City’s ambition for sustainable growth, but is not balanced against the need to combat climate change and enhance the natural environment and biodiversity as set out in the NPPF. Therefore, a further sentence is required to ensure the Plan’s vision is consistent with the priorities of the NPPF, in terms of climate change and the natural environment, and aligns with the thrust of the Plan in tackling the climate emergency and meeting national and regional targets **[MM3]**.

55. The 10 objectives supporting the vision are constructed from the spatial portrait. However, they do not include an objective on the reuse of brownfield sites, which is an important priority of the Plan, to support regeneration and maximise the capacity of the City to meet its housing and employment needs. Accordingly, to ensure the Plan's strategy is justified, a new objective relating to the reuse of brownfield sites is necessary [MM3].

Presumption in Favour of Sustainable Development (Policy VL01)

56. Policy VL01 seeks to apply the presumptions in favour of the development plan and sustainable development, set out in legislation and national policy, to the consideration of planning applications within the City. However, in doing so, parts c) and d) of the policy do not accurately reflect the wording of these presumptions, as set out in section 38(6) of the 2004 Act and paragraphs 2 and 11d of the NPPF. Accordingly, changes to the wording of parts c) and d) of Policy VL01 are necessary to ensure it is consistent with the 2004 Act and national policy [MM4].

Plan Period

57. Paragraph 22 of the NPPF expects strategic policies to look ahead over a minimum 15-year period from adoption, and policies for larger scale developments, such as significant urban extensions, to be set within a vision that looks at least 30 years ahead. The Plan period, defined in paragraph 1.6 and Policy SL01 of the Plan, is 2020-2036. So there would be just over 10 years of the Plan period remaining at adoption, assuming the Plan were adopted in early 2026. This would not accord with the wording of paragraph 22 of the NPPF.
58. To address this, the Plan period would need to be extended to 2041 or beyond. However, this would require the evidence base to be updated, delaying the Plan's adoption and holding up the progress of planning and development in the City. Due to the Council's tightly drawn administrative boundaries, it is reliant on cross-boundary strategic planning with the neighbouring LPAs to provide for the growth of Leicester that cannot be met within those boundaries. Therefore, reviewing the evidence base for Leicester to enable the Plan period to be extended would also require the agreements within the SoCG on housing and employment land needs for Leicester and Leicestershire to be revisited, which would cause a delay in the progress of plan-making across Leicestershire.
59. A review of housing requirements would have to be informed by an up to date assessment of Local Housing Need (LHN), conducted using the latest standard method calculation published in December 2024. The latest LHN figure for Leicester removes the 35% urban uplift, which applies to Leicester for this Examination under the September 2023 version of the NPPF, resulting in a very different set of LHN figures for Leicester and the Leicestershire Districts. It has taken a number of years for the LPAs in Leicester and Leicestershire to reach agreement on the apportionment of Leicester's unmet needs. Oral evidence at the Hearing suggested that it could take as much as another four years to agree a revised apportionment, using the latest LHN figures. Such a delay would prevent the sites allocated in the Plan and other emerging Leicestershire local plans from coming forward in a timely manner to meet needs to

2036. Leicester cannot currently identify a five-year supply of deliverable housing land and, as such, the most important policies for determining applications are deemed to be out of date under paragraph 11d of the NPPF. Continuing such a housing land supply position would be contrary to the Government's objective, in paragraph 60 of the NPPF, to significantly boost the supply of housing.

60. The alternative, which we recommend here, would be to enable the Plan to proceed to adoption with a 2036 end date, allowing proposed housing allocations to progress to delivery, but to ensure an early review of the Plan is undertaken with policies looking forward at least 15 years. The 2012 Regulations require local plans to be reviewed every five years, and paragraph 33 of the NPPF states they are likely to require earlier review if the LHN is expected to change significantly in the near future, which is the case in Leicester and Leicestershire.
61. On this basis, a new policy is necessary, which requires a review of the Plan to be commenced upon its adoption, with the expectation that the review would be complete within three years of adoption **[MM196]**. This would also ensure a new Plan with a 15-year time horizon would be in place sooner than would potentially be the case if the Plan, subject to this Examination, were paused to allow the evidence base to be updated and the Plan period extended.
62. On balance, therefore, and in the interests of pragmatism, we have concluded that, with a commitment to an early review of the Plan, a less than 15-year Plan period would be justified as an appropriate strategy taking into account the alternatives, in that it would be more effective in boosting the supply of housing within the Plan period, and ensuring an up to date Plan is in place for Leicester. Overall, we consider this would be consistent with national policy, in enabling the delivery of sustainable development, in accordance with the policies of the NPPF taken as a whole.

Strategy for Leicester

63. Chapter 4 of the Plan sets out the Strategy for Leicester. It defines the amount and broad location of development proposed across the City (Policy SL01), and allocates five strategic sites (Policies SL02 to SL06), which comprise the key areas for additional growth in the City, providing new homes, employment uses, shops and services, infrastructure, and open space.
64. We consider each policy in turn below, identifying the MMs that are necessary for soundness and the cumulative effects of the development proposed in the Plan on transport, infrastructure, and the environment as part of the other main issues. Our conclusions about the soundness of the strategy as a whole are set out at the end of this section in the light of our findings here and elsewhere.
65. The Strategy is visually set out in Diagram 2. However, paragraph 4.1 of the Plan does not adequately explain the context or significance of this diagram. To ensure the Plan is positively prepared, **MM5** provides an additional sentence to describe Diagram 2 and link it to the strategy.

Location of Development (Policy SL01)

66. The first sentence of Policy SL01 states that development will be located as shown on Diagram 2. However, Diagram 2, which is entitled 'Growth in the Leicester Urban Area', shows Strategic Growth Areas located both within and outside the City's administrative boundaries. This includes part of the strategic allocation on the Former Western Park Golf Course (Policy SL02) within Blaby District, and Strategic Growth Areas located wholly in parts of the Leicester Urban Area that lie within neighbouring districts.
67. The Plan's policies only apply to areas within the City's administrative boundary. This needs to be clearly stated and unambiguous within the strategy, given the extent of the Leicester Urban Area that sits outside the boundary. Therefore, a change is required to the first sentence of Policy SL01 to state that it applies to development within the Leicester City administrative boundary **[MM11]**.
68. Diagram 2 should also be amended to distinguish between Strategic Growth Areas within the Plan and those which are committed in neighbouring LPAs, and to delete the part of the Former Western Park Golf Course site that lies within Blaby District **[MM9]**. MM9 also amends the annotation on Diagram 2 to distinguish between the Strategic Growth Areas in Leicestershire and those within adjoining Districts. As this was not apparent in the MM schedule that was consulted upon, we have amended **MM9** to clarify this. As with the MM to Diagram 1, for clarity and effectiveness, we have also amended the term 'Principal Urban Area' to 'Leicester Urban Area' in the key to the modified Diagram 2 at Annexe G of the MMs Schedule.
69. So that the policy is justified and effective, an additional bullet point is required in the supporting text to explain the role of Policy SL01 in tackling the key strategic planning issues affecting the City, and in meeting the overall objectives of sustainable development in paragraph 8 of the NPPF **[MM10]**.

Housing Need and Requirement

70. Policy SL01 sets out the overall housing need and requirement for Leicester. The housing need figure of 39,424 dwellings or 2,464 dwellings per annum (dpa) over the Plan period is based on the standard method calculation of LHN at the time the Plan was submitted, plus a 35% urban uplift, which was required in national policy at that time for major cities. This LHN figure is appropriately evidenced in the Leicester Housing Needs Assessment (February 2022) [EB/HO/1] and the Update Addendum (September 2022) [EB/HO/1a].
71. Paragraph 66 of the NPPF requires strategic policy-making authorities to establish a housing requirement figure for their area, which shows the extent to which their identified housing need can be met over the plan period. Due to its tightly drawn administrative boundaries, the Council area is unable to meet its LHN in full, a position that is agreed by the other LPAs in Leicestershire. Accordingly, the Council has worked closely with its neighbouring authorities to agree the extent of Leicester's housing need that can be met within its boundaries, and the amount of unmet need to be accommodated elsewhere in Leicestershire. The evidence is set out in the

Leicester & Leicestershire Authorities SoCG on Housing and Employment Land Needs (June 2022) [SCG/1], which has been signed by all of the Leicestershire LPAs.

72. On this basis, Policy SL01 sets a housing 'target' of 20,730 dwellings or 1,296 dpa to be met within the administrative boundaries of Leicester over the Plan period, with an unmet need of 18,694 dwellings to be accommodated within the other authorities in the Leicestershire HMA. The SoCG states that the unmet need figure is subject to testing through this Examination, for which we set out our conclusions below.
73. The capacity of the City to accommodate 20,730 dwellings is reliant on a number of components of housing land supply, including existing commitments, strategic allocations, non-strategic allocations, windfall and capacity within the Central Development Area (CDA) of the City. We consider the deliverability and developability of the components of the housing land supply elsewhere in our Report, but in summary the Plan identifies a supply of 23,010 dwellings over the Plan period, which has been adjusted down to the figure of 22,732 dwellings, following the site by site review conducted in this Examination. This amounts to a 10% surplus over the housing target of 20,730 dwellings, which is a reasonable buffer that would allow for lapses in planning permissions and ensure choice and competition in the market for land.
74. The figure for housing capacity within the CDA, of 6,286 dwellings, is based on evidence set out in the CDA Capacity Study (2022) [EB/CD/10]. Essentially it comprises sites without planning permission in the CDA, drawn from the SHELAA and Brownfield Register. Site capacities are based on a density-led approach, using building heights and footprints and a range of layout formats, from example schemes in different city centre environments, such as high rise, town houses, and duplex apartments, to estimate individual site capacity. The capacity figure has also been adjusted down to 6,178 dwellings, following the site by site review conducted in this Examination. Overall, the capacity study follows a robust assessment methodology, and we are satisfied that the revised figure represents a realistic estimate of the housing capacity of the CDA over the Plan period.
75. We conclude elsewhere in the Report that the identified housing land supply is justified based on the evidence. We have seen little evidence to suggest that the City has any other sources of housing land supply that could be brought forward within the Plan period, to increase its capacity to accommodate growth. Accordingly, we find that a housing requirement of 20,730 dwellings and an unmet need of 18,694 dwellings are positively prepared and justified by the evidence.
76. We are satisfied that the proposed distribution of residential development, in Policy SL01, is justified as an appropriate strategy, taking into account the alternatives. It strikes a reasonable balance between maximising the use of brownfield within the CDA, enabling residential values to support regeneration in the City centre, and meeting the housing needs of Leicester.
77. Notwithstanding our conclusions in respect of the Plan's housing need and requirement figures, for overall soundness, a number of MMs are necessary to the

wording of Policy SL01 and its supporting text in respect of housing provision **[MM6, MM8 and MM11]**. The housing 'target' should be expressed as a minimum requirement to comply with national policy. For effectiveness, the figures for the various components of housing provision should be updated to reflect the latest site capacity figures in the Housing Trajectory and Deliverability evidence [EXAM 9 and EXAM 110], and the provision for windfall housing should be added as a component of the strategy. To ensure that the provision for unmet need is justified against the evidence, the policy should reflect the position as agreed in the SoCG between the Leicestershire authorities, rather than state it remains a matter to be agreed.

78. Finally, in respect of housing, Policy Ho08 of the Plan supports the provision of purpose-built student accommodation to meet an ongoing need for additional student bedspaces in the City over the Plan period. It was established through the Examination that this is an important component of the Plan's strategy to support the two universities and free up family housing currently in use as Houses in Multiple Occupation (HMOs). However, the need and provision for student accommodation is not currently referenced in Policy SL01, and therefore it is not positively prepared in this regard. Accordingly, it is necessary to add a new bullet point to the policy to reference this **[MM11]**. We have amended the wording of this bullet point as it was published for consultation, to remove the reference to a need for 4,800 bedspaces, which has been superseded by the evidence in the LHNA Update Addendum (September 2022) [EB/HO/1a]. This is in line with MM48 to the supporting text of Policy Ho08, which is explained in paragraph 274 of the report below.

Employment Need and Requirement

79. Policy SL01 sets an overall employment land requirement for the City comprising 67 hectares (ha) of industrial and small-scale storage and distribution space and 46,000 square metres (sqm) of offices. This is supported by evidence in the Leicester Economic Development Needs Assessment (EDNA), dated June 2020, which models future employment floorspace need in the City based on job growth forecasts and historic land take-up. The preferred approach uses take-up rates as they best reflect real world market conditions in Leicester, patterns of redevelopment and the constrained nature of land uses in the City.
80. On this basis, we are satisfied that the need identified in the EDNA is justified as appropriate, taking into account the alternatives. However, the figure of 67 ha for industrial and small scale storage and distribution land specified in Policy SL01 is incorrect, as this is the gross requirement for employment uses forecast in the EDNA, including office floorspace, which the policy identifies separately. Accordingly, it is necessary to amend the figure to 65 ha in Policy SL01 to ensure it is justified, based on the evidence **[MM11]**.
81. As with housing, due to the City's tightly drawn administrative boundaries, it is unable to accommodate Leicester's employment floorspace needs in full over the Plan period. The SoCG on Housing and Employment Land Needs confirms the agreement of the Leicestershire authorities that Leicester's unmet need for employment land amounts to 23 ha, which would be met in full within Charnwood

Borough. Although Policy SL01 refers to the unmet need being redistributed as agreed in the SoCG, it does not specify the amount of land, nor that it is to be met in Charnwood. For effectiveness, this should be made clear in the policy **[MM11]**.

82. The Plan identifies a supply of 29.08 ha of additional employment land for industrial and storage/distribution purposes in Leicester, listed in Table 8. This comprises allocations within the strategic sites at the Former Western Park Golf Course (Policy SL02), the Land to the east of Ashton Green (Policy SL03) and at Beaumont Park (Policy SL06), and a series of non-strategic allocations at Thurcaston Road and Mountain Road (Policy E01) and east of Samworth's Bradgate Bakery (Policy E03), the soundness of which we consider later in our Report. In addition, a further 7.6 ha of land, forming part of the extant planning permission for the Ashton Green urban extension, has been the subject of a Section 73 application to change its use from residential to employment land, adding to the supply.
83. Currently Policy SL01 states that 44 ha of land is to be provided within the City's boundaries. However, the sum of the allocations (29.08 ha) and the Section 73 permission (7.6 ha) is 36.68 ha. Accordingly, for clarity and effectiveness, an MM is required to specify the correct figure **[MM11]**.
84. In total the quantum of employment land to be provided in Leicester and Charnwood amounts to only 59.68¹ ha of employment land, which would fall short of the land requirement by just over 5 ha. However, a further Technical Note provided by the Council during the Examination **[EXAM 55]**, reveals that in converting the employment floorspace need into a land area, the EDNA uses a relatively low density of 3,900 sqm/ha (a plot ratio of 0.39). In reality employment uses can be developed at higher densities, particularly on smaller sites, which are likely to require less circulation and parking space. Table 1 of the Technical Note shows that by increasing the plot ratio to 0.44 on the non-strategic sites, which is a reasonable increase in density, and assuming the same plot ratio for the land required for unmet need, the employment floorspace need of 253,660 sqm identified in the EDNA would be met.
85. On this basis, the supply of employment land proposed in the Plan would be adequate to meet the identified need, and as such it would be positively prepared. However, in order that Policy SL01 is justified and clear in respect of its provision for employment uses, the figure for need to be met within the City's boundaries should be corrected to 36.7 ha, the need and supply figures should be expressed in sqm of floorspace as well as ha, and each component of supply should be specified, including the Section 73 application site at Ashton Green, the non-strategic sites, and the apportionment of unmet need **[MM11]**. Consequential modifications are required to the employment land figures in Chapter 12 of the Plan on Employment, including a new table to replace Table 8 **[MM123, MM124]**.
86. With regard to new office development, Policy SL01 identifies two allocations within the CDA, at Campbell Street and Phoenix Square, where a minimum of 40,000 sqm of floorspace would be provided. The Council explained that there are further office

¹ The sum of 29.08 ha + 7.6 ha + 23 ha

opportunity sites within the Waterside Regeneration area, where the remaining 6,000 sqm of identified need could be provided. However, this is not stated in Policy SL01, and to ensure it is positively prepared and clear in respect of office provision, an additional sentence is required **[MM11]**.

87. In terms of large scale strategic distribution, the Leicester & Leicestershire Authorities SoCG on Strategic Warehousing & Logistics Need, dated September 2021 [SCG/4], identifies a need for 2.57 million sqm of additional floorspace across the FEMA between 2020 and 2041. Due to the constraints of the City's administrative area and the requirements of the logistics sector in terms of size and location of sites, Policy SL01 makes clear that land for strategic distribution uses will not be provided within the City's administrative boundary. However, this is not explained or justified in the supporting text, even though it is an agreed position amongst the Leicestershire LPAs, with whom the Council has been working to address the need. Therefore, additional supporting text is necessary to make this clear **[MM7]**. The paragraph in the Schedule of MMs that was published for consultation suggested the Council is only working with Charnwood Borough Council (CBC) to address this need, when in fact it is working with all of the Leicestershire LPAs to agree how it will be accommodated. Accordingly, we have amended the first sentence of MM7 to make this clear.

Strategic Site 1: Former Western Park Golf Course (Policy SL02)

88. Policy SL02 allocates 52.1 ha of land on the Former Western Park Golf Course for mixed-use development comprising 412 dwellings, a 7-pitch Gypsy and Traveller site, 9.74 ha of employment land, a household waste recycling centre, and 3.48 ha of public open space. The site is designated as a Green Wedge in the adopted development plan for Leicester and forms part of the Kirby Frith Green Wedge, which extends across the City boundary into Blaby District. It also contains areas of woodland and a Local Wildlife Site (LWS), which provide habitats for protected species, and the area is used for informal recreation by local residents in the adjoining communities of Glenfield. As such, it is a valued local amenity, significant areas of which would be lost if the site were developed. For clarity and effectiveness, the size of the Strategic Site should be amended to reflect that its extent is 52.85 ha rather than 52.1 ha **[MM12]**.
89. Despite the loss of Green Wedge that would result, and the other constraints, subject to appropriate mitigation measures, which we consider below, we are satisfied that the need for housing outweighs the impacts, and that the site is justified as appropriate, taking into account the reasonable alternatives and the SA assessment. However, the supporting text to Policy SL02 does not provide this reasoned justification. Therefore, to ensure that the allocation is appropriately justified, additional supporting text is required to explain how its development would contribute to the Plan's strategy and the objectives of sustainable development, as required by national policy **[MM13]**.
90. Policy SL02 sets out a series of criteria for the development of the land on the Former Western Park Golf Course. However, it does not specify the full range of facilities needed to support the development, nor all of the measures required to

mitigate its impacts, as identified in the Strategic Sites Proposed for Allocation [SD/18]. As such, the policy is not consistent with national policy in ensuring the delivery of sustainable development, nor justified based on the evidence, nor would it be clear and effective in enabling an applicant or decision maker to determine what would be required for development to be permitted.

91. Consequently, a number of changes are necessary for this allocation to be sound. In relation to development capacity, Policy SL02 should refer to the need to deliver 'at least' 412 homes to ensure a sufficient supply of housing, as well as 10.75 ha of employment development and approximately 32,200 sqm of employment floorspace. During the course of the Examination, the Council confirmed that there is no longer an operational requirement for a new household waste recycling centre on the site, and therefore it should be deleted. Given the number of new homes on the site, it should also support small-scale retail where this is required and justified. In respect of infrastructure, the policy should specify the need for the development to provide: new health, education and community facilities; around 4.5 ha of new informal open space on site; green and blue infrastructure, including the retention of approximately 19 ha of existing natural greenspace and the introduction of Sustainable Drainage Systems (SuDS) on site; and sustainable transport measures, all of which should link to the relevant Local Plan policies. Further changes are required to ensure any future development seeks to protect the LWS located on the site, delivers biodiversity net gain in accordance with Policy NE02, and preserves and enhances heritage assets and archaeology in line with Policy HE01. These changes are necessary to ensure the policy is positively prepared, justified, effective, and consistent with national policy. **[MM17]**
92. Whilst the site would no longer be designated as part of the Green Wedge, the evidence base establishes the importance of the development having due regard to the functions of the former Green Wedge – namely to prevent the merging of settlements, guide development form, provide a green lung into urban areas, and provide a recreational resource. However, this is not set out in the policy or the supporting text. Accordingly, Policy SL02 and its supporting text should be amended to ensure that the design and layout of future development proposals on the site have regard to the four functions of green wedges within any future masterplan. This change is necessary for effectiveness **[MM14, MM17]**.
93. This Strategic Site forms part of a larger area which lies within Blaby District Council's administrative boundary. As such, the Council and Blaby District Council will need to work together to bring forward the wider area and to ensure that infrastructure is delivered cohesively. The supporting text to the policy should be amended in that regard for effectiveness, including the need for agreement between the two Councils and Leicestershire County Council to ensure the necessary enhancements to Ratby roundabout are achieved **[MM15]**.
94. The policy also expects delivery of the site to be based on a masterplan, without specifying a framework for it. Therefore, for effectiveness, the policy should specify the content and role of the masterplan and include an indicative diagram of the intended distribution of land uses on the site, which the masterplan should have regard to **[MM17]**.

95. To support the delivery of the site and enable applicants and decision makers to prepare and determine proposals respectively, the supporting text should specify which documents and assessments are required to support planning applications for the site, so that impacts can be quantified and mitigation requirements established. These changes are necessary for effectiveness **[MM16]**.
96. The Housing Allocations and Commitments - Deliverability and Developability document [EXAM 9A] indicates that housebuilding will not begin until 2031/32, with 100 dwellings to be completed in each year from 2032/33 to 2034/35, and 62 in 2035/36. This would require more than one outlet, which is realistic on a site of this size. Although the site does not yet have planning permission, it is owned by the Council and is being actively promoted for development. The trajectory reflects the need for significant site-wide infrastructure to be installed over the first 12-18 months of construction. However, the Whole Plan Viability Assessment (WPVA) [EB/DI/3] shows greenfield sites such as this would be viably able to support the affordable housing and strategic infrastructure costs. As such, we are satisfied that the site is developable within the Plan period.

Strategic Site 2: Land to the east of Ashton Green (Policy SL03)

97. Policy SL03 allocates 53 ha of Land to the east of Ashton Green for a mixed-use development comprising 670 dwellings, a 1,200 student capacity secondary school, 2.4 ha of employment land, and 4.94 ha of open space. It forms an extension to the existing mixed-use development at Ashton Green. The site is designated as a Green Wedge in the adopted development plan for Leicester. It is bordered to the north by the A46 (Western Bypass) and to the west by Ashton Green Road. To the east is the Great Central Railway and to the south is Greengate Lane. The allocated area includes a mixture of rough grassland, tree copses, and arable farmland. In addition to the existing Green Wedge designation, constraints within the allocation include mature hedgerows and trees, protected species, potential for archaeological remains, and field drains/ditches.
98. Despite the loss of Green Wedge that would result, and the other constraints, subject to appropriate mitigation measures, which we consider below, we are satisfied that the need for housing outweighs the impacts, and that the site is justified as appropriate, taking into account the reasonable alternatives and the SA assessment. However, the supporting text to Policy SL03 does not provide this reasoned justification. Therefore, to ensure that the allocation is appropriately justified, additional supporting text is required to explain how its development would contribute to the Plan's strategy and the objectives of sustainable development, as required by national policy **[MM18]**.
99. Policy SL03 sets out a series of criteria for the development of the Land to the east of Ashton Green. However, it does not specify the full range of facilities needed to support the development, nor all of the measures required to mitigate its impacts, as identified in document SD/18. As such, the policy is not consistent with national policy in ensuring the delivery of sustainable development, nor is it justified based on the evidence, nor would it be clear and effective in enabling an applicant or decision maker to determine what would be required for development to be permitted.

100. Therefore, a number of changes are necessary for Policy SL03 to be sound. In relation to development capacity, the policy should expect 'at least' 670 homes to be delivered, as well as 2.4 ha of employment development and approximately 11,200 sqm of employment floorspace, to ensure a sufficient supply of housing and employment land. In respect of infrastructure, the policy should specify the need for the development to provide: green and blue infrastructure, including the retention of approximately 5 ha of existing natural green space and the introduction of SuDS on site; approximately 5 ha of new informal open space on site; sustainable transport measures; and health and community facilities, all of which should link to the relevant wider Local Plan policies. Further changes are required to ensure any future development is designed to deliver biodiversity net gain and to preserve and enhance heritage assets and archaeology, in accordance with Policies NE02 and HE01. These changes are necessary to ensure Policy SL03 is positively prepared, effective, and consistent with national policy. **[MM21]**
101. Whilst the site would no longer be designated as part of the Green Wedge, the evidence base establishes the importance of the development having due regard to the functions of the remaining Green Wedge – namely to prevent the merging of settlements, guide development form, provide a green lung into urban areas, and provide a recreational resource. However, this is not set out in the policy or the supporting text. Accordingly, Policy SL03 and its supporting text should be amended to ensure that the design and layout of future development proposals on the site have regard to the four functions of green wedges within any future masterplan. This change is necessary for effectiveness **[MM19, MM21]**.
102. The site allocation adjoins Charnwood Borough Council's administrative area. As such, the neighbouring authority will have a role to play in implementing the effective delivery of the site, particularly in relation to the cross-boundary green infrastructure matters. However, neither the policy nor the supporting text explicitly refers to the neighbouring authority. The policy also expects delivery of the site to be based on a masterplan, without specifying a framework for the masterplan. Therefore, for effectiveness, changes are required to the supporting text and the policy, to specify the content and role of the masterplan and include an indicative diagram of the intended distribution of land uses on the site, which the masterplan should have regard to. The policy and supporting text should also recognise the role of Charnwood Borough Council, and require the masterplan to be prepared in consultation with them as the neighbouring LPA. **[MM19, MM20, MM21]**
103. To support the delivery of the site and enable applicants and decision makers to prepare and determine proposals respectively, the supporting text should specify which documents and assessments are required to support planning applications for the site, so that impacts can be quantified and mitigation requirements established. These changes are necessary for effectiveness **[MM20]**. We have amended the wording of the MM as it was published for consultation, to add a Heritage Assessment to the list of documents required, given the potential for development to affect nearby heritage assets.

104. The Deliverability and Developability document [EXAM 9A] indicates that housebuilding will begin in 2029/30, increasing to 120 dwellings from 2032/33 to 2034/35, and 90 in 2035/36. This would require two or three delivery outlets, which is realistic on a site of this scale. Although the site does not yet have planning permission, it is owned by the Council and an application is expected within two years of the Plan's adoption. As a greenfield site, the WPVA shows it would be viably able to support affordable housing and strategic infrastructure costs. On this basis, we consider that the delivery trajectory is realistic and that the site is developable within the Plan period.

Strategic Site 3: Land north of the A46 Bypass (Policy SL04)

105. Policy SL04 allocates 33 ha of land north of the A46 western bypass for 420 new homes, together with open space and infrastructure required to support the development. The site is currently designated as part of the Castle Hill Green Wedge in the adopted development plan for Leicester. As such, it serves an important purpose in preventing the permitted extent of Leicester at Ashton Green and Glebelands from merging with the village of Thurcaston, in the Borough of Charnwood to the north. The land comprises fields of arable farmland and pasture, divided by hedgerows and tree copses. It is bounded to the north and east by the gardens of residential properties on the edge of Thurcaston, by the A46 to the south, and by Anstey Lane to the west. In addition to its Green Wedge status, the proposed allocation is constrained by: the adjacent Thurcaston Conservation Area and listed buildings within whose setting the site lies; the potential for archaeological remains on site; the ecological value of its hedgerows, trees, and field drains/ditches; traffic noise from the A46; and its relative remoteness in terms of sustainable transport.
106. Despite the loss of Green Wedge that would result, and the other constraints, subject to appropriate mitigation measures, which we consider below, we are satisfied that the need for housing outweighs the impacts of development, and that this site allocation is justified as appropriate, taking into account the reasonable alternatives and the SA assessment. However, the supporting text to Policy SL04 does not provide this reasoned justification. Therefore, to ensure that the allocation is appropriately justified, additional supporting text is required to explain how its development would contribute to the Plan's strategy and the objectives of sustainable development, as required by national policy [MM22].
107. Policy SL04 as submitted sets out a series of criteria for the development of the land north of the A46. However, it does not specify the range of infrastructure and facilities needed to support the development, nor the measures required to mitigate its impacts, as identified in document SD/18. In particular, the policy and supporting text are silent on how the impact of development on the rural setting of the Conservation Area and the Green Wedge would be mitigated, the amount of open space required to support the development, and how it would be made sustainable in transport terms. Consequently, Policy SL04 is not consistent with national policy in ensuring the delivery of sustainable development, nor would it be clear and effective in enabling an applicant or decision maker to determine what would be required for its development to be permitted.

108. Therefore, a number of changes are necessary for Policy SL04 to be made sound. In relation to development capacity, the policy should expect 'at least' 420 homes to be provided, in order to ensure a sufficient supply of housing. In respect of infrastructure, it should specify the need for the development to provide: approximately 12 ha of open space on site, including retained natural green space, trees and woodland; new health and community facilities to support the needs generated by the development; SuDS to manage surface water flood risk and ensure no increase in flooding off site; and sustainable transport measures to offer a genuine choice of transport modes to future occupants. **[MM25]**
109. Changes to the policy and supporting text are also required to ensure any future development is designed and laid out to: mitigate the loss of Green Wedge and maintain the separation between Thurcaston and Leicester; preserve and enhance the setting and significance of Thurcaston Conservation Area and any archaeology discovered on site; safeguard habitats, including the adjacent LWS; and deliver BNG. These changes are necessary to ensure Policy SL04 is positively prepared, effective, and consistent with national policy. **[MM23, MM25]**
110. With regard to the delivery of the site, Policy SL04 expects this to be based on a masterplan, without specifying a framework for the masterplan. Therefore, for effectiveness, changes are required to the supporting text and the policy, to specify the content and role of the masterplan and include an indicative diagram of the intended distribution of land uses on the site, which the masterplan should have regard to. The policy also states that the Council will work with development partners to ensure the timely delivery of the site, but does not mention the need for joint working with Charnwood Borough Council as the adjoining LPA, particularly in relation to the cross-boundary heritage impacts and infrastructure. As such, the policy and supporting text should be modified to require the masterplan to be prepared in consultation with Charnwood Borough Council. **[MM23, MM25]**
111. To support the delivery of the site and enable applicants and decision makers to prepare and determine proposals respectively, the supporting text should specify which documents and assessments are required to support planning applications for the site, so that impacts can be quantified and mitigation requirements established. These changes are necessary for effectiveness. **[MM24]**
112. The Deliverability and Developability document [EXAM 9A] indicates that housebuilding will begin on site in 2028/29, with 50 dwellings to be completed in the first year, 80 dwellings completed in each year from 2029/30 to 2032/33, and 50 dwellings in 2033/34. This would require more than one outlet, which is realistic on a site of this size. Although the site does not yet have planning permission, it is being actively promoted, with an outline planning application imminent. Although a site-specific viability appraisal was not available, as a greenfield site, the WPVA indicates that it would be viably able to support both affordable housing and strategic infrastructure costs. Therefore, we are satisfied that the site is deliverable, with a realistic prospect that housing will be delivered in the first five years of the Plan period.

Strategic Site 4: Land west of Anstey Lane (Policy SL05)

113. Policy SL05 allocates 17 ha of Land west of Anstey Lane for 336 dwellings with associated green infrastructure, open spaces and sustainable urban drainage systems. The site comprises three parcels of land located north of Billesdon Close, at The Paddock, and south of Gorse Hill Hospital, and is designated as a Green Wedge in the adopted development plan for Leicester. The site is bordered to the north by the A46 (Western Bypass), to the south and west by existing housing, and to the east by Gorse Hill Ambulance Station and an NHS healthcare facility along Anstey Lane. The allocated area includes a mixture of rough grassland, ponds, mature hedgerows and trees, and agricultural land. In addition to the Green Wedge designation, constraints within the allocation include: mature hedgerows and trees, some of which benefit from a Tree Preservation Order; protected species; severance of green infrastructure; and the potential for impacts on heritage assets, including locally listed structures and archaeological remains.
114. Despite the loss of Green Wedge that would result, and the other constraints, subject to appropriate mitigation measures, which we consider below, we are satisfied that the need for housing outweighs the impacts of development, and that this site allocation is justified as appropriate, taking into account the reasonable alternatives and the SA assessment. However, the supporting text to Policy SL05 does not provide this reasoned justification. Therefore, to ensure that the allocation is appropriately justified, additional supporting text is required to explain how its development would contribute to the Plan's strategy and the objectives of sustainable development, as required by national policy **[MM26]**.
115. Policy SL05 sets out a series of criteria for the development of the site. However, it does not specify the full range of facilities needed to support the development, nor all of the measures required to mitigate its impacts, as identified in document SD/18. As such, the policy is not consistent with national policy in ensuring the delivery of sustainable development, nor would it be clear and effective in enabling an applicant or decision maker to determine what would be required for development to be permitted.
116. Therefore, a number of changes are necessary for Policy SL05 to be sound. In relation to development capacity, the policy should expect 'at least' 336 homes to ensure a sufficient supply of housing. In terms of infrastructure provision, the policy should specify the need for the development to provide: approximately 1.8 ha of new informal open space on site; green and blue infrastructure, including the retention of approximately 2 ha of existing natural green space, minimising impacts on the adjacent LWS and TPO trees, and the introduction of SuDS on site; new health and community facilities; and sustainable transport measures, all of which should link to the relevant wider Local Plan policies. It should also ensure any future development is designed to deliver biodiversity net gain and to preserve and enhance heritage assets and archaeology, in accordance with Policies NE02 and HE01. These changes are necessary to ensure the policy is positively prepared, effective, and consistent with national policy **[MM29]**.

117. Whilst the site would no longer be designated as part of the Green Wedge, the evidence base establishes the importance of the development having due regard to the functions of the former Green Wedge – namely to prevent the merging of settlements, guide development form, provide a green lung into urban areas, and provide a recreational resource. However, this is not set out in the policy or the supporting text. Accordingly, Policy SL05 and its supporting text should be amended to ensure that the design and layout of future development proposals on the site have regard to the four functions of green wedges within any future masterplan. This change is necessary for effectiveness **[MM27, MM29]**.
118. The site adjoins site allocations in the neighbouring areas of Blaby District and Charnwood Borough, with the three sites requiring a comprehensive transport and access solution. Although Policy SL05 and its supporting text refer to this, they do not recognise that the solution will need to be agreed with the adjoining LPAs and the highway authorities. To ensure effective joint working on this cross-boundary strategic matter, the supporting text should make clear that the access arrangements will need to be agreed between the respective authorities **[MM27]**.
119. To support the delivery of the site and enable applicants and decision makers to prepare and determine proposals respectively, the supporting text should specify which documents and assessments are required to support planning applications for the site, so that impacts can be quantified and mitigation requirements established. These changes are necessary for effectiveness **[MM28]**. We have amended the wording of the MM as it was published for consultation to add a Heritage Assessment to the list of documents required, given the potential for development to affect nearby heritage assets.
120. The Deliverability and Developability document [EXAM 9A] records that the site is being promoted by a volume house builder, who jointly owns the site with the local NHS Trusts. Although the site does not yet have planning permission, a hybrid application is imminent, with housebuilding scheduled to start in 2029/30, with 42 dwellings completed in that year, 62 dwellings in each year from 2030/31 to 2032/33, 57 dwellings in 2033/34, and 51 dwellings in 2034/35. This would require two or three delivery outlets, which is realistic on a site of this scale. As a greenfield site, the WPVA shows its viability to support affordable housing and strategic infrastructure costs. On this basis, we consider that the delivery trajectory is realistic and that the site is developable within the Plan period.

Strategic Site 5: Beaumont Park (Policy SL06)

121. Policy SL06 allocates 19.72 ha of land within Beaumont Park for employment development and a Gypsy and Traveller transit site. The land is currently designated as Green Space in the adopted development plan for Leicester, and is identified in the Open Spaces Sport and Recreation (OSSR) Study (2017) [EB/OS/3] as part of the supply of parks and gardens in the north-west area of the City. Beaumont Park is located adjacent to Beaumont Leys Shopping Centre and to the west of a large employment area. It is valued by the local community as an area of parkland, serving the neighbourhood of Beaumont Leys. There are also significant areas of woodland

and tree copses in the Park, providing wildlife and ecological habitats, as well as sports and recreation facilities, including the Leicester Speedway Arena and sports pitches belonging to De Montfort University to the north west. Other constraints on development include the potential for land contamination from historic uses and air pollution due to the surrounding road network.

122. Although the proposed allocation would result in the loss of some of Beaumont Park to development, this would be limited to around 8 ha for employment development and the transit site, with approximately 12 ha of the allocation remaining as park land. However, Policy SL06 does not make this clear. Furthermore, the amount of land required for employment is not accurately stated in the policy. The figure of 7.14 ha in the Plan was reduced to 6.64 ha by the Council during the course of the Examination, and the 25,000 sqm of industrial and distribution floorspace stated in the submitted policy would be provided on that land, not in addition to it. The policy and allocation are ambiguous in this regard. Therefore, modifications to Policy SL06 are required to ensure the mix of uses is clear and the policy is effective. **[MM32]**
123. In the light of these changes, we have weighed the need for employment land and a Gypsy and Traveller transit site, and the economic and social benefits that would arise from this, with the loss of around 8 ha of open space. The OSSR Study shows there is a significant surplus of open space in the north-west of the City, including a surplus of around 18 ha of parks and gardens. Whilst we acknowledge Beaumont Park is a valued local amenity, the loss of 8 ha of the park would not cause a deficiency of open space locally. Further by focussing employment development in the least attractive areas of the Park, such as on the former BMX track, and with appropriate mitigation measures, which we consider below, the proposed development could be used to secure improvements and enhancements to the remaining areas of Beaumont Park. On this basis, we consider the need for employment floorspace outweighs the impacts of development, and that the allocation is justified as appropriate, taking into account the reasonable alternatives.
124. However, the supporting text to Policy SL06 does not provide this reasoned justification for the proposed allocation. Therefore, to ensure that the allocation is appropriately justified, additional supporting text is required to explain how its development would contribute to the Plan's strategy and the objectives of sustainable development as required by national policy **[MM30]**.
125. In terms of mitigation measures, other than a general statement that development will need to address ecology, trees, land contamination, design quality, and sports provision, Policy SL06 does not specify the measures required to mitigate the impacts of development, as identified in document SD/18. Consequently, the policy is not consistent with national policy in ensuring the delivery of sustainable development, nor would it be effective in enabling an applicant or decision maker to determine what would be required for its development to be permitted.
126. Therefore, a number of further changes are necessary for Policy SL06 to be made sound. It should specify the need for the development to: provide sustainable transport measures to offer a genuine choice of transport modes; retain and enhance

approximately 12 ha of open space on site, including retained natural green space, trees, and woodland; provide SuDS to manage surface water flood risk and ensure no increase in flooding off site; and deliver BNG. It should also deal with the relationship between the proposed Gypsy and Traveller transit site and other uses on the site and in the surrounding area. **[MM32]**

127. With regard to the delivery of the site, Policy SL06 expects this to be based on a masterplan, without specifying a framework for the masterplan. Therefore, for effectiveness, changes are required to the supporting text and the policy, to specify the content and role of the masterplan and include an indicative diagram of the intended distribution and location of land uses on the site, which the masterplan should have regard to. **[MM32]**
128. To support the delivery of the site and enable applicants and decision makers to prepare and determine proposals respectively, the supporting text should specify which documents and assessments are required to support planning applications for the site, so that impacts can be quantified and mitigation requirements established. These changes are necessary for effectiveness. **[MM31]**

Overall Conclusion on Strategic Sites

129. We have considered each of the strategic site allocations in turn, taking into account all of the evidence provided, and concluded that individually they are justified and consistent with national policy, in using Green Wedge and other greenfield land to meet the housing and employment needs of Leicester. However, it is important to conclude on the cumulative effects, particularly given that they are all located in the north-west of the City.
130. The work undertaken on transport modelling, which we consider in more detail elsewhere in the report, demonstrates that transport would not be a barrier to the delivery of the planned growth with the appropriate mitigations in place. The modelling illustrates that the development proposed in the Plan can be delivered over the whole Plan period, without an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. Although collectively the five strategic sites would reduce open space in the City and affect a number of Green Wedges, the north-west and western areas of the City have a sufficient surplus of open space to accommodate this loss. Other impacts are capable of mitigation on a site-by-site basis.

Conclusion

131. Consequently, subject to the MMs set out above, the Plan's overall vision and strategy, including its strategic site allocations, are positively prepared, justified, effective, and consistent with national policy in enabling the delivery of sustainable development.

Issue 2 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in meeting the housing needs of all groups in Leicester over the Plan period?

Site Selection Process

132. The Council's approach to selecting both strategic and non-strategic housing sites is set out in the Strategic Housing and Economic Land Availability Assessment (SHELAA) [EB/HO/3], the Housing & Sites Topic Paper [TP/5], and the Housing Sites Methodology [EB/HO/5]. The SHELAA initially identified 433 sites as potentially suitable for allocation. Around 200 were excluded because they already had planning permission or lie within functional floodplain. The remaining sites were assessed and RAG-rated against criteria such as biodiversity, flood risk, pollution, Green Wedge designation, and impacts on roads and neighbouring uses. Following this process, 83 sites were consulted on at Regulation 18 stage, and 58 sites at Regulation 19 stage, including the five strategic sites. The reasons for discounting sites are set out in Appendix C of the SHELAA, with detailed appraisals in Appendices C1 and C2 of the Sustainability Appraisal. Overall, the methodology for housing site selection was thorough, robust and appropriate.

Non-Strategic Housing Allocations (Policy Ho01)

133. Policy Ho01 sets out the criteria for assessing non-strategic housing allocations. The policy and supporting text currently refer to the allocations listed in Appendix 6 of the Plan. Appendix 6 provides site details including address, location, whether the site is brownfield or greenfield, and housing capacity. For the policy to be effective, these details should be incorporated into Policy Ho01 and the reference to Appendix 6 should be deleted. **[MM37, MM38, MM200]**
134. Criterion f) of Policy Ho01 requires proposals on non-strategic sites to address site-specific issues identified in the allocation documents. This refers to the Non-Strategic Sites Proposed for Allocation in the Draft Leicester Local Plan (2023) [SD/19], which sets out constraints and the mitigations needed to make development acceptable. However, SD/19 is not part of the Plan, so the suggested mitigations do not carry statutory weight in the determination of planning applications. As a result, it would not be clear to an applicant or decision maker what is required for development to be permitted on these sites.
135. To ensure Policy Ho01 is effective and consistent with national policy, the constraints and mitigations for each site, as set out in SD/19, should be included in the policy **[MM38]**. For clarity, the wording should also confirm that site allocations are shown on the Policies Map and that development will be supported where site-specific constraints and mitigations are addressed. In addition, the policy should include a general requirement to deliver Biodiversity Net Gain in line with Policy NE02 **[MM38]**. Further site-specific requirements, not referred to in SD/19, are set out in respect of the consideration of individual allocations below.

Non-strategic housing site allocations in Policy Ho01 (Appendix 6) - Inner and South Areas

Land to south of Augustine Road / west of Duns Lane – Site 15

136. Land to the south of Augustine Road and west of Duns Lane is identified for residential development of 44 dwellings. However, the site already has full planning permission for 466 student bedspaces, equivalent to 349 dwellings using the student formula. For clarity and effectiveness, the site description should be amended to reflect this **[MM38]**. The Housing Allocations and Commitments – Deliverability and Developability document [EXAM 9A] indicates that development will begin in 2025/26, with 100 dwellings completed in each of 2025/26, 2026/27 and 2027/28, and the remaining 49 units delivered in 2028/29. Based on the evidence, the site is deliverable within the first five years of the Plan period, and the allocation is justified.

Velodrome, Saffron Lane – Site 19

137. Velodrome on Saffron Lane is a previously developed vacant site, adjacent to the Saffron Lane Athletics Stadium, and recent housing development. The site has planning permission for residential development of 38 dwellings, which should be reflected in the site description in Policy Ho01, to ensure the allocation is justified and effective **[MM38]**. Given the planning status of the site, and its suitability for housing development, we consider that the site is deliverable within the first five years of the Plan period, and that the allocation is justified.

Evington Valley Road (Former Dunlop Works) – Site 222

138. The Former Dunlop Works is a locally listed building containing a number of active commercial uses. It is identified in document SD/19 as suitable for a mixed-use conversion, including 48 dwellings. Whilst planning permission has been granted for a change of use to a shop on a small part of the site, this should not affect the overall capacity. Around 30% of the site is within Flood Zone 3b, and at high risk of flooding. However, the remainder of the site allows sufficient space to accommodate the proposed dwelling number. The need for regeneration of the site and the benefits of active residential uses to the area, suggest the Exceptions Test could be satisfied, subject to demonstrating it would be safe for its lifetime. To ensure the allocation is justified, effective and consistent with national policy, Policy Ho01 should specify the flood risk constraints and requirements, and the indicative capacity of 48 units for this allocation. **[MM38]**

139. The Deliverability and Developability evidence [EXAM 9A] indicates that development will begin in 2027/28, with 16 dwellings completed in each of 2027/28, 2028/29 and 2029/30. Pre-application discussions have taken place, including site assessment work, and there is firm progress towards the submission of a planning application. Based on this evidence, we consider the site is deliverable within the first five years of the Plan period and the allocation is justified.

114-116 Western Road – Site 240

140. 114-116 Western Road is a previously developed site, which is identified for five dwellings, due to a number of constraints including flood risk, the presence of a Local Wildlife Site with notable species, and a heritage asset. To ensure the allocation is justified and effective, the site description in Policy Ho01 should specify these details and the capacity constraints **[MM38]**.
141. The Deliverability and Developability evidence [EXAM 9A] suggests that development will begin in 2027/28, with all five dwellings completed in that year. Pre-application discussions have taken place, including site assessment work. On this basis, we are satisfied that the site is deliverable within the first five years of the Plan period and the allocation is justified.

Sturdee Road, The Exchange – Site 297

142. This is a previously developed site, to the rear of a local centre on Sturdee Road, in the Eyres Monsell ward of the City. It is allocated for 20 dwellings, on 82.5% of the 0.7 ha site, at a density of 35 dph. To ensure the allocation is justified and effective, the site description in Policy Ho01 should specify these capacity and site requirement details **[MM38]**. The site had outline planning permission for housing, which expired. However, this history, its location close to the local centre and its previously developed status, make it a suitable location for housing.
143. The Deliverability and Developability evidence [EXAM 9A] indicates that development will begin in 2026/27, with all 20 dwellings completed in that year. Pre-application discussions have already commenced and firm progress is being made towards submission of a planning application. On this basis, the site is deliverable within the first 5 years of the Plan period and the allocation is justified.

Manor House Playing Fields, Narborough Road – Site 335

144. Manor House Playing Fields contains the playing fields associated with St Mary's Fields Primary School, which are around 2.24 ha in area. The allocation is for 14 dwellings on just 0.4 ha of land on the front part of the site, at a density of 35 dph, with the remainder of the site to be retained and enhanced as open space to serve the school. To ensure the allocation is justified and effective, the site description in Policy Ho01 should specify these capacity and site requirement details **[MM38]**.
145. The allocation would lead to a reduction in sports fields and open space at Manor House Playing Field, but the Playing Pitch Strategy (EB/OS/4) identifies existing spare capacity here. Nevertheless, to ensure the Plan is effective in mitigating the loss of open space, the requirements to retain and enhance the remaining open space and to improve other nearby sports facilities should be included in Policy Ho01 **[MM38]**. On this basis, the allocation would meet the tests in paragraph 99 of the NPPF regarding the loss of open space.
146. The Deliverability and Developability evidence [EXAM 9A] indicates that development will begin in 2030/31, with all 14 dwellings completed in that year. Based on this evidence, the site is developable within the Plan period, and the allocation is justified.

Neston Gardens green space/Mud Dumps – Site 626

147. Neston Gardens green space/Mud Dumps is an area of informal open space in the Saffron ward, to the south of the City centre, located between housing to the west and the Midland Mainline railway line to the east. It is allocated for 47 dwellings on approximately 82.5% of the land at a density of 35 dph, with the remainder to be retained as open space. To ensure the allocation is justified and effective, the site description in Policy Ho01 should specify these details **[MM38]**.
148. The allocation would lead to a reduction in open space in a ward that is already deficient in this regard, although the wider OSSR study area has a surplus of open space. The SA site appraisal [SD/4b SA] highlights that the open space requires significant improvement as very little maintenance is carried out. Evidence presented at the Hearing also indicated that the area is affected by anti-social behaviour. The development of housing on part of the site, would contribute to the enhancement of the remaining open space. So that Policy Ho01 is effective, this should be included as a policy requirement **[MM38]**. On this basis, we are satisfied that the allocation would meet the tests set out at paragraph 99 of the NPPF regarding the loss of open space.
149. The Deliverability and Developability evidence [EXAM 9A] suggests that this site will commence in 2034/35, with 30 dwellings completed in that year, followed by a further 17 dwellings in 2035/36. Based on this evidence, the site is developable within the Plan period, and the allocation is justified.

Ranworth Open Space – Site 647

150. Ranworth Open Space is an informal open space in the Abbey ward, in the north-west of the City, that contributes to the character of the surrounding residential area. The site is allocated for 36 dwellings on approximately 82.5% of the land at a density of 35 dph. To ensure the allocation is justified and effective, the site description in Policy Ho01 should specify these details **[MM38]**.
151. The allocation would lead to a reduction in open space in a ward that currently has surplus open space provision. The site suitability summary in document SD/19 highlights that there are nearby alternatives at Heacham Drive Open Space, Heard Walk Open Space, Peppercorn Walk Open Space, and Hefford Gardens, albeit that the spaces are not as large. However, to ensure the Plan is effective in mitigating the loss of open space, requirements to retain and enhance the remaining open space on site, including the mature tree groups, should be included in Policy Ho01 **[MM38]**. On this basis, we are satisfied that the allocation would meet the tests set out at paragraph 99 of the NPPF regarding the loss of open space.
152. The Deliverability and Developability evidence [EXAM 9A] suggests that this site will commence in 2028/29, with 18 dwellings completed in each of 2028/29 and 2029/30. Pre-application discussions have commenced and there is firm progress being made towards the submission of a planning application. Based on this evidence, the site is deliverable within the first 5 years of the Plan period and the allocation is justified.

Spendlow Gardens – Site 669

153. Spendlow Gardens is an informal open space in the Eyres Monsell ward of the City that contributes to the character of the surrounding residential area. The site is allocated for partial development for 11 dwellings, requiring half of the 0.61 ha, with the remainder of the land to be retained and enhanced as open space, as set out in SD/19. To ensure the allocation is justified and effective, the site description in Policy Ho01 should specify these details **[MM38]**.
154. The allocation would lead to a reduction in open space in a ward that is deficient, although the wider OSSR study area has a surplus of open space, with Sturdee Road Recreation Park providing alternative provision nearby. However, to ensure the Plan is effective in mitigating the loss of open space, requirements to retain and enhance the remaining open space on site should be included in Policy Ho01 **[MM38]**. On this basis, we are satisfied that the allocation would meet the tests in paragraph 99 of the NPPF, regarding the loss of open space.
155. The Deliverability and Developability evidence [EXAM 9A] suggests that this site will commence in 2029/30, with all the 11 dwellings completed in 2031/32. Based on this evidence, the site is developable within the Plan period and the allocation is justified.

Land West of Bede Island Road – Site 960

156. Land West of Bede Island Road (Braunstone Gate) is located in the centre of Leicester, on the edge of the CDA, on land either side of the River Soar. Due to flood risk constraints only 0.15 ha of the site is developable. Hence based on a density of 35 dph it is allocated for only 5 dwellings. However, pre-application enquiries indicate that the site could accommodate 20 units, at a higher density given its location next to the CDA. Therefore, to ensure the Plan is positively prepared and consistent with national policy, the site description should include an indicative capacity of 20 units on a development area of 0.15 ha. **[MM38]**
157. The Deliverability and Developability evidence [EXAM 9A] indicates that this site will commence in 2027/28, with all the 20 dwellings completed in that year. Pre-application discussions have commenced, and the site is being promoted by a developer. Based on this evidence, we consider the site is deliverable within the first 5 years of the Plan period, and the allocation is justified.

Welford Road Playing Fields – Site 961

158. Welford Road Playing Fields is a greenfield site allocated for 14 dwellings. In total the playing fields are 3.8 ha in area, but at a density of 35 dph only 0.5 ha of land is required for development. The description for this site in Policy Ho01 should specify these details to ensure the allocation is justified and effective **[MM38]**.
159. The allocation would lead to a reduction in the playing pitch space at Welford Road Playing Fields, where the Playing Pitch Strategy (EB/OS/4) states that there is existing spare off peak capacity. However, the pitches and facilities would benefit from improvement. Therefore, to ensure that the Plan is effective in mitigating the loss of open space, Policy Ho01 should include requirements for the remainder of the

land to be retained and enhanced as open space or for sports use, alongside improvements to and reopening of the existing outdoor sports facility and replacement of the existing pavilion [MM38]. On this basis, we consider that the allocation would meet the tests in paragraph 99 of the NPPF regarding the loss of open space.

160. The Deliverability and Developability evidence [EXAM 9A] suggests that this site will commence in 2028/29, with all the 14 dwellings completed in that year. Pre-application discussions have commenced and there is firm progress being made towards the submission of a planning application. Based on this evidence, the site is deliverable within the Plan period, and the allocation is justified.

Southfields Infant School and Newry Specialist Learning Centre – Site 963

161. Southfields Infant School and Newry Specialist Learning Centre is a brownfield site allocated for 35 dwellings. Demolition of the existing buildings on site is now complete, and planning permission has been granted, with contractor selection in progress in order to achieve a start on site for the building of new affordable Council housing. To ensure the Plan is positively prepared, the site description should be amended to reflect the grant of planning permission for 53 dwellings [MM38].

162. The Deliverability and Developability evidence [EXAM 9A] suggests that this site will commence in 2025/26, with 28 dwellings completed in that year, with the remaining 25 units built out in 2026/27. Given that the site has planning permission and the majority of the planning conditions have been discharged, the site is deliverable within the Plan period, and the allocation is justified.

Land to the west of Dysart Way – Site 1030

163. Land to the west of Dysart Way is an area of open space landscaped with mature trees, which provides a visual amenity separating housing to the west from an industrial estate to the east. It is allocated for 9 dwellings, which would take up the full 0.25 ha of land at a density of 35 dph. For clarity and effectiveness, this should be specified in the site description [MM38].
164. The development of housing would result in the loss of the amenity land, in an area with a deficiency of open space. Whilst alternative provision is available at Kamloops Crescent Open Space nearby, Policy Ho01 should include criteria to ensure that the loss is mitigated and, as far as possible, that the trees on site are retained. Subject to this, we consider that the allocation would meet the tests in paragraph 99 of the NPPF regarding the loss of open space.
165. The Deliverability and Developability evidence [EXAM 9A] indicates that this site will commence in 2027/28, with all 9 dwellings completed in 2028/29. Pre-application discussions have taken place and there is firm progress being made towards the submission of a planning application. Based on this evidence, we consider the site is deliverable within the first five years of the Plan period, and that the allocation is justified.

Bisley Street / Western Road – Site 1039

166. Bisley Street / Western Road is a brownfield site allocated for 17 dwellings. To ensure the Plan is positively prepared and consistent with national policy, the site description should state that the capacity of the site is based on a density of 35 dph and that the indicative site capacity is 17 units **[MM38]**. The Deliverability and Developability evidence [EXAM 9A] suggests that this site will commence in 2032/33, with all the 17 dwellings completed in that year. Based on this evidence, the site is developable within the Plan period, and the allocation is justified.

Gilmorton Community Rooms / Hopyard Close Shops – Site 1051

167. Gilmorton Community Rooms / Hopyard Close Shops Site is a brownfield site allocated for 9 dwellings. However, the evidence presented states that the site is no longer available for development and so it should be removed from the Plan. **[MM200]**

Non-strategic housing site allocations in Policy Ho01 (Appendix 6) – North East and South East Areas

Land rear of Rosedale Avenue/Harrison Road allotments – Site 219

168. Land to the rear of Rosedale Avenue and the Harrison Road allotments is allocated for 53 dwellings. The site comprises greenfield land, formerly allotments that have been decommissioned. Although there is an undersupply of allotment space in the north-east area of the City, the Technical Note on Leicester's Allotment Strategy [EXAM 90] shows that overall there is a surplus of allotment plots in the city. The site is designated as a Biodiversity Enhancement Site. Therefore, for Policy Ho01 to be effective, development proposals should be required to mitigate this by off-site BNG in line with Policy NE02. Access to the site would be from Wyvern Avenue, which also serves Wyvern Primary School. The Highway Authority has not raised an objection in principle, but so that Policy Ho01 is effective and consistent with national policy on this issue, it should require planning applications to ensure that any new access arrangement maintains safe access to the school. Subject to these modifications, we consider the allocation is justified. **[MM38]**

169. The evidence on Deliverability and Developability [EXAM 9A] indicates that, due to the need to resolve the access issues with the school, development will not commence until 2031/32. Delivery is expected to comprise 27 dwellings in 2031/32 and 26 in 2032/33. On this basis, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**.

Mary Gee Houses, 101-107 Ratcliffe Road – Site 307

170. Mary Gee Houses is a former student halls of residence, which has been vacant and unused since 2018 [EXAM 106]. The site is located within a residential area and, therefore, is suitable for residential development. It is allocated for 40 dwellings, based on a density of 35 dph, but has the capacity to accommodate a higher number of units in the form of apartments. However, the site is in the Stoneygate Conservation Area

and contains mature trees, which contribute to the character of the area. As such, to ensure Policy Ho01 is effective, it should require future development proposals to assess and mitigate any adverse impacts on heritage, landscape, and character.

[MM38]

171. The evidence on Deliverability and Developability [EXAM 9A] indicates delivery of 10 dwellings on the site in 2026/27 and 30 dwellings in 2027/28. Planning permission has recently been granted for the demolition of the existing buildings and construction of 94 retirement apartments. On this basis, the site is deliverable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Brent Knowle Gardens – Site 481

172. Brent Knowle Gardens is an informal open space in the Thurncourt ward of the City that contributes to the character of the surrounding residential area. The site is allocated for partial development for 12 dwellings, requiring half of the 0.68 ha, with the remainder of the land to be retained and enhanced as open space, as set out in SD/19.
173. Paragraph 99 of the NPPF expects that existing open space should not be built upon unless the open space is surplus to requirements, or its loss would be replaced by equivalent or better provision elsewhere in terms of both quantity and quality. However, the Open Space, Sport and Recreation Study (OSSR) 2017 [EB/OS/3] shows that there is a surplus of informal open space in the north eastern area of the City. The site is also a short walk from Willowbrook Open Space, a large open space with ample facilities. On this basis, we are satisfied that the proposed allocation meets the expectations of paragraph 99 of the NPPF, and is justified. To ensure the Plan is effective in mitigating the loss of open space, the requirements for partial development and the retention and enhancement of the remaining open space should be included in Policy Ho01. **[MM38]**
174. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council and could form part of its ongoing Local Authority New Build Programme, with housebuilding completed in 2029/30. On this basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Carter Street/Weymouth Street/Bardolph Street East – Site 488

175. This is a brownfield site, occupied by industrial and commercial premises in active employment use. It is allocated for redevelopment for 30 dwellings. However, during the Examination, the landowners confirmed to the Council that the site is no longer available for redevelopment. Accordingly, it should be deleted from the Plan as a housing site and designated as a General Economic Development Area on the Policies Map [see Policies Map Changes, EXAM 117]. **[MM38, MM200]**

Croyland Green – Site 501

176. Croyland Green is an informal open space in the Thurncourt area of Leicester that contributes to the character of the surrounding residential estate. The site is allocated for partial development of nine dwellings, requiring half of the 0.51 ha site area, with the remainder retained and enhanced as open space [see SD/19].
177. Although the development of this site would result in a loss of open space, the OSSR Study 2017 shows there is a surplus of informal open space within the north east area of the City. The site is also close to Willowbrook Open Space, a large open space with extensive facilities. As such, we are satisfied that the allocation meets the expectations of paragraph 99 of the NPPF, in respect of the loss of open space, and is justified. To ensure the Plan is effective in mitigating the loss of open space, the requirements for partial development, alongside retention and enhancement of the remaining open space, should be specified in Policy Ho01. **[MM38]**
178. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Construction of nine dwellings is not expected to be completed until 2029/30. On that basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Judgemeadow Community College Playing Fields – Site 559

179. The site comprises greenfield land forming the southern tip of the playing fields at Judgemeadow Community College, and lies within the Evington Green Wedge. It is allocated for 13 dwellings on approximately half of the site (0.28 ha), with the western part of the site safeguarded as part of a potential route for the Eastern District Distributor Road (EDDR) linking Stoughton Lane and Biggin Hill Road.
180. The partial development of the site would not result in the loss of any playing pitches, nor would it significantly affect the role and function of the Green Wedge given its overall scale. However, to ensure Policy Ho01 is effective for development management purposes, criteria should be included to ensure any loss of sports pitches or harm to the Green Wedge that might arise from future proposals would be adequately mitigated. For effectiveness and consistency with national policy, the policy should also require the assessment and mitigation of effects on nearby heritage assets, including the Evington Village Conservation Area and archaeological remains, and the protection of trees and hedgerows on site **[MM38]**. Subject to these requirements, we are satisfied that the allocation of the site for housing meets the expectations of paragraph 99 of the NPPF, and is justified.
181. The evidence of Deliverability and Developability [EXAM 9A] indicates that development will not commence until 2033/34, due to the time needed to confirm the alignment of the EDDR. However, the site is owned by the Council, with the potential to form part of its ongoing Local Authority New Build Programme. On that basis, we are satisfied that the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Land adjacent Keyham Lane/Preston Rise – Site 577

182. This site comprises informal open space adjacent to the highway. While it has limited recreational use, it provides amenity value through mature shrubs and trees that act as a buffer against noise and air pollution between nearby residential properties along Elms Farm Cottages and the highway infrastructure to the north. The site is allocated for 23 dwellings on 82.5% of the land, allowing scope for retention of existing landscaping. To ensure Policy Ho01 is effective at the planning application stage, the requirements for partial development and retention of mature trees and shrubs should be set out in the policy **[MM38]**. Although development on the site would result in the loss of open space, the OSSR Study shows a surplus of this type of provision in the north east of the city. On this basis, we are satisfied that the allocation of the site for housing meets the expectations of paragraph 99 of the NPPF, and is justified.
183. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Housebuilding is expected to start in 2029/30 and be completed in 2030/31. On this basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Morton Walk Open Space – Site 620

184. The site comprises informal open space fronting Hastings Road and a play area on the rear part of the site. The site area is 0.76 ha in total. It is allocated for nine dwellings, to be developed on 0.25 ha of the informal open space fronting Hastings Road. The remainder would be retained and enhanced as formal and informal open space, including improved access arrangements and natural surveillance to the play area. Whilst a partial development of the site would result in a loss of informal open space, the OSSR Study shows a surplus of this type of provision in the north east of the city. However, to ensure Policy Ho01 is effective in minimising the impact on the open space resource, the requirements for partial development and retention and enhancement of the remaining open space must be clearly set out in the policy **[MM38]**. On this basis, we are satisfied that the allocation of the site for housing meets the expectations of paragraph 99 of the NPPF, and is justified.
185. The site is also opposite an industrial area. Therefore, proposals for residential development should include a landscape buffer along Hastings Road, to ensure any future occupiers are not adversely impacted. For effectiveness, this should be included as a requirement in Policy Ho01. **[MM38]**
186. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Housebuilding is expected to start in 2030/31, with a planning application in 2029. On this basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Netherhall Road Open Space – Site 629

187. This site is a large area of informal open space, either side of the Scraftoft Brook, located in the Humberstone and Hamilton ward, where the OSSR study shows there is a surplus of informal open space. It is allocated for 77 dwellings, on half the site area (3.48 ha). At a density of 35dph, which Policy Ho05 applies to area of the city outside of the CDA, only 2.2 ha (or 62.5%) of the land would be required for development, with the remainder to be retained as open space, including the play area in the north east corner of the site, and the areas around the Brook. However, this detail is not made clear in Appendix 6. Neither are the measures suggested in document SD/19, which would serve to mitigate the impacts of development, including re-naturalising the brook channel, restoring natural features and retaining the landscape buffer adjacent to the brook.
188. To ensure Policy Ho01 is effective in minimising the loss of open space and mitigating the impacts of development on the remainder of the open space, the proposed development area, density and mitigation measures should be included as policy requirements for any future planning applications to satisfy **[MM38]**. Subject to this, we are satisfied that the allocation of the site for housing meets the expectations of paragraph 99 of the NPPF, and is justified.
189. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Housebuilding is expected to start in 2030/31, with a planning application in 2029. On this basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Newlyn Parade/Crayford Way – Site 631

190. This site comprises a green surrounded and overlooked by houses in Newlyn Parade, Crayford Way, Limehurst Road, and Selby Avenue. It is located in the Humberstone and Hamilton ward, where the OSSR study shows there is a surplus of informal open space. The site is 0.72 ha in area and is allocated for 13 dwellings, which would require around half of the land at a density of 35 dph, with the remainder to be retained as informal open space. Whilst the green is not required to meet a quantitative need for informal open space in the area, it has amenity that contributes to the character of the surrounding residential area. To ensure that Policy Ho01 is effective in mitigating the effect on character and amenity, it should specify the retention and enhancement of at least half of the green **[MM38]**. Subject to this, we are satisfied that the allocation of the site for housing meets the expectations of paragraph 99 of the NPPF, and is justified.
191. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Housebuilding is expected to start in 2030/31, with a planning application in 2029. On this basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Rayleigh Green – Site 648

192. Rayleigh Green is an informal open space in the Netherhall area of Leicester, that also sits within a residential estate, surrounded by houses on three sides and a care home to the south. It is 0.64 ha in area and is allocated for 18 dwellings, which would occupy around 82.5% of the land at a density of 35 dph.
193. The site is located in the Humberstone and Hamilton ward, where OSSR Study 2017 shows there is a surplus of informal open space. Whilst the site is not required to address a shortfall in open space in the area, it does provide visual amenity value, which contributes to the character of the surrounding residential area, in particular the stand of mature trees on the northern part of the green. Therefore, it is important that the land that is not required for development, including the mature trees, is retained as green space, to mitigate the loss of the rest of the green. These mitigations are not specified in SD/19, but should be included in Policy Ho01, as policy requirements to be addressed at the planning application stage **[MM38]**. Subject to this, the allocation of the site for housing meets the expectations of paragraph 99 of the NPPF, and is justified.
194. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Construction of houses is not expected to start until 2029/30. On that basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Land adjacent to Evington Leisure Centre – Site 684

195. This site comprises part of an area of amenity grassland, in the south-east area of Leicester, adjacent to Evington Leisure Centre, and backing onto the City of Leicester College site and playing fields. The allocation identifies the front half of the grassland facing Downing Drive, an area of 0.5 ha of land, for 15 dwellings, with an area of grassland at the rear, which does not form part of the allocation site, retained as green space.
196. The land is not identified as part of the open space provision for Leicester in the OSSR study. Therefore, its development for housing would not alter the supply of open space quantified in the study. Rather it would bring the land at the rear into use as accessible open space, increasing the usable supply of open space in this part of the City. To ensure that Policy Ho01 is effective in this regard, it should include a requirement for the development on this site to be designed to secure the land at the rear as usable open space **[MM38]**. Subject to this, the allocation of the site for housing meets the expectations of paragraph 99 of the NPPF, and is justified.
197. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Construction of houses is not expected to start until 2029/30. On that basis, we consider the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Land north of Gartree Road – Site 715

198. This is a greenfield site comprising 2.36 ha of grassland, which is currently designated as part of the Evington Green Wedge. It is allocated for 35 dwellings, which SD/19 indicates would require 1.2 ha of the site. Due to its location at the edge of the Green Wedge, with extensive areas of open land to the north and residential development to the south, development at the scale proposed would not have a significant effect on the purposes or function of the Green Wedge. It would not cause a break or interruption in the connectivity of Evington Green Wedge with those in the adjoining areas of Oadby & Wigston Borough and Harborough District, nor would it threaten coalescence with any other settlements. On this basis, and given the need for housing, the loss of a small area of the Green Wedge is justified.
199. There are other constraints on the site. It is identified as a Local Wildlife Site (LWS). However, ecological surveys undertaken by the site promoter indicate that the grassland is of low value, and that it no longer meets the criteria for LWS status. The boundary hedgerows are of biodiversity value, but development on around half of the site would allow for these to be retained and biodiversity enhancement of the remainder of the site. The site is also in an area of potential archaeological interest, with a Scheduled Ancient Monument around 400 metres to the north. However, no evidence has been presented to suggest that heritage impacts would be more than less than substantial, and not capable of mitigation. Overall, therefore, subject to these constraints and mitigations being included in Policy Ho01 as development requirements [MM38], we are satisfied that this allocation is justified and effective.
200. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is in private ownership. However, the landowner is actively promoting the site, with a planning application being prepared for submission following the adoption of the Plan, and housing building projected to start in 2029/30. We are satisfied this timescale is realistic, based on the evidence. Therefore, the site is deliverable, and the delivery timescale set out in EXAM 9A should be reflected in the new Housing Trajectory at Appendix 1 to the Plan [MM197].

Amenity land between Coleman Road and Goodwood Road – Site 962

201. This is a greenfield site comprising two linked areas of informal amenity space fronting Goodwood Road and Coleman Road. It is 0.26 ha in area and is allocated for 9 dwellings at a density of 35 dph. The land is not identified as part of the open space provision for Leicester in the OSSR study. Therefore, its development for housing would not alter the supply of open space quantified in the study.
202. The site has a number of constraints, which would need to be addressed as part of any planning application. It contains a number of mature trees, which, subject to condition surveys, would need to be retained as they contribute to the character and appearance of the area. The north western part of the site also contains a Biodiversity Enhancement Area, notable for broadleaf woodland and some priority habitats, which would require assessment and mitigation. Goodwood Road is also an Air Quality Management Area (AQMA) so any scheme would need to include measures to mitigate the effects on and of air quality. In addition, there is a

requirement for any development to be set back from the frontage of Goodwood Road to leave space for road improvements as part of the EDDR.

203. Notwithstanding these constraints, the site appears capable of accommodating a development of 9 dwellings, in the form of a flatted scheme fronting Goodwood Road, reflecting the scale and form of the adjacent development. For effectiveness, these constraints and mitigations should be included in Policy Ho01 **[MM38]**. Subject to this, the allocation of the site for housing is justified.
204. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme, for which the Council confirmed at the time of the Hearing it was exploring options. Accordingly, a planning application is anticipated in 2026/27, with housebuilding projected to start in 2027/28. Whilst this is a relatively advanced timescale, given its size and Council ownership, and the evidence of delivery on other schemes in the City under the Local Authority New Build Programme, we are satisfied that the site would be deliverable, in line with this timescale, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

VRRE/Gipsy Lane – Site 1035

205. This is a brownfield site occupied by commercial premises that are in active employment uses. It is allocated for redevelopment for 12 dwellings. However, during the Examination, the landowners confirmed to the Council that the site is no longer available for redevelopment. Accordingly, it should be deleted from the Plan as a housing site and redesignated as an Economic Development Area on the Policies Map [see Policies Map Changes, EXAM 117]. **[MM38, MM200]**

Spence Street – Site 1037

206. This is a brownfield site, containing a number of commercial and business premises, which are in active use. It is located in an area of mixed residential and employment uses, which supports its proposed allocation for housing. The site is 1.12 ha in area, but has a number of development constraints, which limit its development capacity. The most significant of these is that part of the site lies within Flood Zone 3, at risk of fluvial flooding from Willow Brook. However, the majority of the site is in Flood Zone 1 and the Strategic Flood Risk Assessment 2022 (SFRA) [EB/CC/2] establishes that the site is capable of meeting both the sequential and exception tests. To comply with these tests, a partial development solution is proposed, with only 82.5% of 0.77 ha of the total site area to be built on. At a density of 35 dph, this would amount to 22 dwellings for which the site is allocated.
207. The site is also near to an AQMA at Uppingham Road, and within the setting of a number of nearby heritage assets. However, neither of these would be insurmountable, subject to appropriate assessment and mitigation at planning application stage. To ensure Policy Ho01 is effective to guiding development on this site, the limitations on site coverage and the mitigations should be included as development requirements in the policy **[MM 38]**. Subject to this, the allocation of the site for housing is justified.

208. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is in multiple ownership, including the Council. Consequently, housing building is not projected to start until 2034/35, to allow time for the land to be assembled and the constraints addressed. Therefore, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Land off Hazeldene Road adjacent to Kestrel's Field Primary School – Site 1041

209. This is a greenfield site comprising 0.74 ha of grassland, which sits to the rear of houses on Laverton Road, and to the east of the playing fields to Kestrel's Field primary school. The site is located in the Humberstone and Hamilton ward where there is a surplus of informal open space. The mature hedge on the western boundary of the site has been identified as a potential LWS, with the ability to contribute to local ecological networks. Some trees within the hedgerow are subject to Tree Preservation Order. However, the site is allocated for 21 dwellings, which represents a density of less than 30 dph (or 35 dph on 82.5% of the site area). At this scale the Council confirmed that the trees and hedgerow could be retained and the site's wildlife value safeguarded. To ensure that Policy Ho01 is effective in this regard identified development quantum and the protection of the trees and hedgerow should be made policy requirements **[MM 38]**. On this basis, the allocation of the site for housing is justified, and meets the expectations of paragraph 99 of the NPPF.

210. Access is another development constraint in that the site does not adjoin a public highway. However, there is potential for access to be gained from Laverton Road or Hazeldene Road. The adjacent land also has known Late Iron Age and Roman settlement activity, and therefore an Archaeological Assessment including a Desk Based and Field Evaluation would be necessary as part of any planning application. Neither of these issues are considered to be insurmountable. However, to ensure Policy Ho01 is effective in securing a safe access to the highway and protection of archaeological remains, these should be included in the policy as development requirements **[MM38]**.

211. The evidence on Deliverability and Developability [EXAM 9A] confirms that the site is owned by the Council, with potential to form part of its ongoing Local Authority New Build Programme. Housing building projected to start in 2032/33, with an application in 2031, allowing time to resolve the access issue. On this basis the site is developable, and the delivery timescale set out in EXAM 9A should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Non-strategic housing site allocations in Policy Ho01 (Appendix 6) – North West and West Areas

Lanesborough Road (Former Allotments) – Site 190

212. This site, which was formerly used as allotments, is located on the northern side of Lanesborough Road. Planning permission was granted in 2022 for the construction of 37 dwellings. A Local Wildlife Site is present on the north western part of the site, with possible protected species present. For Policy Ho01 to be effective, any

development proposals should therefore be required to seek to protect the Local Wildlife Site and protected species. Furthermore, there are a number of trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment, the former of which should also take account of the Public Right of Way running through the site. **[MM38]**

213. The Deliverability and Developability document [EXAM 9A] suggests that this site will commence in 2025, with 10 dwellings completed in 2025/26 and the remaining 27 dwellings completed in 2026/27. We are satisfied that, although the anticipated start date of Spring 2025 may be delayed, due to the requirement to manage the existing ecology and biodiversity in line with the required reports and surveys, given that these are underway, it is unlikely that any delay would impact upon the proposed timeframe for completions. On this basis, the site is deliverable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan **[MM197]**.

Allextion Gardens Open Space – Site 449

214. This site comprises open space, however, it is located within an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Western Park provides nearby alternative provision. Nevertheless, to ensure the Plan is effective in mitigating the loss of this open space, Policy Ho01 should include a requirement for offsite enhancements to nearby open spaces, including at Western Park. Furthermore, given the mature trees and a street tree group to the west of the site, a requirement for any proposal to submit a Landscape Plan for the site which seeks their retention would be necessary for the policy to be effective **[MM38]**. Subject to these requirements, the allocation of the site for housing is justified.
215. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2028, with commencement and completion of all 25 dwellings during 2030/31. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Fulford Road Open Space – Site 525

216. Fulford Road Open Space is a greenfield site, currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. A Local Wildlife Site is present on the northern part of the site, with possible protected species present. Any development proposals should therefore be required to seek to protect the Local Wildlife Site and protected species. Furthermore, there are a number of landscape features, including protected trees, across the site, which should be retained. In order for Policy Ho01 to be effective, it should therefore include a requirement for any proposal to submit a Landscape Plan and Arboricultural Assessment for the site, which seek their retention along with the

provision of a green buffer along Scudamore Road between any housing and the existing industrial units, to encourage biodiversity linkages and minimise noise and air pollution from the neighbouring use **[MM38]**

217. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2028, with commencement during 2029/30 and the completion of 30 dwellings in 2029/30 and the remaining 28 dwellings in 2030/31. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Glovers Walk Open Space – Site 529

218. This site is currently used as informal open space and includes a play area on the northern part. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Partial development of the site is proposed (around 1.18ha) with the remainder to be retained as open space. The play area would also be retained. For effectiveness, this should be made clear in Policy Ho01. **[MM38]**
219. In addition, the site includes a number of landscape features, including trees and mature hedgerows, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. Furthermore, in order that the policy is effective and consistent with national policy, requirements for both a Heritage Impact Assessment and a Transport Assessment to be submitted with any planning application are necessary to assess the impact on nearby heritage assets and on the highway access. **[MM38]**
220. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2032, with commencement during 2033/34 and the completion of 17 dwellings in 2033/34 and the remaining 17 dwellings in 2034/35. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Hockley Farm Road Open Space – Site 549

221. Hockley Farm Road Open Space is currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Partial development of the site is proposed (around 0.22ha) with the remainder to be retained as open space. For effectiveness, this should be made clear in Policy Ho01. **[MM38]**

222. In addition, a large proportion of the site is made up of a group of street trees, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. Furthermore, in order that the policy is effective and consistent with national policy, requirements for both a Heritage Impact Assessment and a Transport Assessment to be submitted with any planning application are necessary to assess the impact on nearby heritage assets and on the highway access. **[MM38]**
223. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2032, with commencement during 2033 and the completion of 8 dwellings in 2033/34. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Ingold Avenue Open Space – Site 557

224. This site is currently used as informal open space and includes a play area. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Partial development of the site is proposed (around 2.46ha) with the remainder to be retained and enhanced as informal open space including the existing play area. For effectiveness, this should be made clear in Policy Ho01. **[MM38]**
225. In addition, there are a number of trees across the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. Furthermore, in order that the policy is effective and consistent with national policy, requirement for a Transport Assessment to be submitted with any planning application is necessary to ensure the access onto Beaumont Leys Close or along Ingold Avenue is acceptable in highway safety terms. **[MM38]**
226. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2027, with commencement during 2028/29 and the completion of 10 dwellings in 2029/30; 26 dwellings in 2030/31; and, 18 dwellings in 2031/32. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Krefeld Way/Darenth Drive Open Space – Site 569

227. Krefeld Way/Darenth Drive Open Space is currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Keepers Lodge Park provides nearby alternative provision. There are

a number of trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment, the former of which should also take account of the Public Right of Way running through the site. Furthermore, in order that the policy is effective, reference to noise mitigation being incorporated in the design and layout of any proposal in line with Policy DQP06, is necessary given the site's proximity to Krefeld Way. **[MM38]**

228. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2027, with commencement during 2028/29 and the completion of 4 dwellings in 2028/29; 16 dwellings in 2029/30; and, 13 dwellings in 2030/31. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Land to the east of Beaumont Leys Lane – Site 589

229. Land to the east of Beaumont Leys Lane is currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Peppercorn Walk Open Space and Ledbury Green provide nearby alternative provision. There are a number of trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. **[MM38]**

230. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2029, with commencement during 2029/30 and the completion of 4 dwellings in 2029/30; 16 dwellings in 2030/31; and, 14 dwellings in 2031/32. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Rancliffe Gardens – Site 646

231. This site at Rancliffe Gardens is currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Braunstone Park and Bronte Close Open Space provide nearby alternative provision. There are a number of trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. **[MM38]**

232. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2032, with commencement during 2033/34 and the completion of 26 dwellings in 2033/34; and the remaining 26 dwellings in 2034/35. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Woodstock Road – Site 992

233. Woodstock Road is a greenfield site, currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Ingold Avenue Open Space and Hefford Gardens provide nearby alternative provision. There are a number of trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. **[MM38]**

234. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2030, with commencement and completion of all 5 dwellings in 2031/32. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Phillips Crescent – Site 1001

235. Phillips Crescent is currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Astill Lodge Park provides nearby alternative provision. There are a number of preserved trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment, the former of which should also take account of the Public Rights of Way running through the site. **[MM38]**

236. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2030, with commencement and completion of all 5 dwellings in 2031/32. The Council will explore options for delivery and routes to market for this site, including the New Build programme, joint venture delivery, disposal to a Registered Provider, or sale on the open market. Given this, the site is developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Glazebrook Square – Site 1007

237. This site at Glazebrook Square is currently used as informal open space. It is located in an area identified in the OSSR study [EB/OS/3] as having sufficient open space. Stokeswood Park and Western Park provide nearby alternative provision. The Council proposes to retain ownership of this site, to facilitate the provision of affordable housing.
238. The Deliverability and Developability document [EXAM 9A] suggests that a planning application for the development of this site is expected around 2026, with commencement expected in 2027/28 and completion of all 12 dwellings in 2028/29. The Council proposes to retain ownership of this site, to facilitate the provision of affordable housing. Given this, the site is deliverable and developable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Forest Lodge Education Centre, Charnor Road – Site 1034

239. Forest Lodge Education Centre on Charnor Road is a brownfield site which was identified as having a capacity of 26 dwellings in Appendix 6 of the submitted Plan. However, following the submission of a planning application for 33 dwellings, in order for Policy Ho01 to be effective, the capacity of this site should be amended to 33 dwellings. **[MM38]**
240. In addition, there are a number of trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. Furthermore, in order that the policy is effective and consistent with national policy, requirement for a desk-based Archaeological Report to be submitted with any planning application is necessary to ensure archaeological remains have appropriate mitigations during development in line with Policy HE01. **[MM38]**
241. Demolition and remediation of the site and structures is underway. The Deliverability and Developability document [EXAM 9A] suggests that development will commence during 2024/25 with the completion of 3 dwellings in 2024/25 and the remaining 30 dwellings in 2025/26. Given this, the site is deliverable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Land off Heacham Drive (Phase 2) (Former Playing Fields) – Site 1042

242. This greenfield site, formerly used as playing fields, forms part of a wider housing development in the area. There are a number of trees on the site, which should be retained. As such, in order that Policy Ho01 is effective, it should include a requirement that any development proposal is accompanied by a Landscape Plan and an Arboricultural Assessment. **[MM38]**
243. The Deliverability and Developability document [EXAM 9A] suggests that delivery of housing is expected to start within 18 months of planning permission being secured, with pre-application discussions underway and the completion of 27 dwellings expected

in 2027/28 and the remaining 26 dwellings in 2028/29. Given this, the site is deliverable, in line with the delivery timescale set out in EXAM 9A, which should be reflected in the new Housing Trajectory at Appendix 1 to the Plan for effectiveness. **[MM197]**

Overall Conclusion on Non-Strategic Housing Sites

244. Although many of the Non-Strategic Housing Sites are currently used as open space, given the significant housing need in Leicester, along with the existing provision of open space, which is sufficient in most areas, and the proposed site-specific mitigation measures to enhance/improve existing open space, we find that, subject to the MMs set out above, these allocations are justified, effective and consistent with national policy.

Housing Land Supply

245. The introductory section of Chapter 5: Housing includes a paragraph on the Evidence Base, which lists the background studies that underpin the policies in this chapter. These include reference to the Gypsy and Traveller Accommodation Needs Assessment (2017) and the Gypsy and Traveller Accommodation Needs Assessment (Partial Update 2019). Both of these documents have been superseded by the Gypsy and Traveller Needs Assessment (2024). The list also includes reference to the Leicester and Leicestershire wide Housing and Employment Needs Assessment (2022) which should be deleted. In order for the Plan to be justified and effective the supporting text included in the Evidence Base part of Chapter 5 should be amended to reflect these changes. **[MM33]**
246. The introductory section of Chapter 5 also contains some supporting text in relation to Housing Requirements and Supply, which includes the housing provision from 2020-36 in Table 1. This indicates that the overall housing land supply at 31 March 2022 is 23,010 dwellings. It states that, at that time: a total of 9,410 dwellings (about 45%) would be met through commitments; around 6,286 dwellings (30%) from capacity in the CDA; 1,838 dwellings (9%) on the four strategic sites; and 1,230 dwellings (6%) on smaller allocations outside of the CDA. Furthermore, an allowance was made for 2,354 dwellings (11%) to come forward through the development of windfall sites in the City.
247. As part of the work undertaken to update the housing land supply figures during the course of the Examination, the Council has provided a more up to date housing trajectory [EXAM 110], which moves the base date of the housing and supply calculations to 1 April 2024. It confirms that from this date: a total of 7,188 dwellings will be met through commitments (about 32% of the total supply); 1,838 dwellings (8%) on strategic site allocations; 1,524 dwellings (7%) on non-strategic site allocations outside the CDA; and around 6,178 dwellings (27%) will be proposed in the CDA. Furthermore, an allowance for 1,875 dwellings (8%) is now likely to come forward through the development of windfall sites in the City, the reasons for which are set out below. In order for the Plan to be effective and justified, changes need to be made to Table 1 and the supporting text to update the housing land supply figures and calculations, including the additional completions in 2022/23 and 2023/24. **[MM34] [MM35]**

Housing Development on Unallocated Sites (Policy Ho02)

248. Policy Ho02 sets criteria for determining planning applications for windfall housing proposals. As submitted it requires proposals to comply with unspecified supplementary planning documents (SPD), design guides and codes. However, the PPG (Paragraph: 008 Reference ID: 61-008-20190315) makes clear that SPDs cannot introduce new policies into the development plan. By requiring proposals to 'comply with' SDPs and to be 'in accordance with' design guides and codes, gives them the weight of development plan policy. To ensure the policy is justified and consistent with national policy in this regard, it should be modified to expect proposals to take account of guidance in documents that sit outside of the Plan. In addition, for clarity and effectiveness, the requirement for proposals to provide new infrastructure should be cross referenced to Policy DI01. **[MM39]**

Windfall allowance

249. As submitted, Table 1 of the Plan includes an allowance of 2,354 dwellings from windfall sites in the projected housing supply for the Plan period. This is based on an average of 214 dpa from small sites of less than 10 dwellings, over the last 11 years of the Plan period. Paragraph 71 of the NPPF states that where an allowance is made for windfall sites as part of an anticipated housing supply, there should be compelling evidence that it will be a reliable source of supply going forward. We are satisfied that there is compelling evidence to support a figure of 214 dpa from this source, based on the evidence of past windfall completions in Figure 3 of the SHELAA 2022 [EB/HO/3].
250. However, it is important that the total windfall allowance does not duplicate commitments or allocations on small sites of less than 10 dwellings, which make up separate components of the housing land supply. To avoid this, the annual windfall allowance should not be applied for the first 3 years from the base date for housing supply calculations. Therefore, in this case the allowance would apply for 9 years from 2027/28 to 2035/36. In addition, allocated sites of less than 10 dwellings should be discounted from the windfall supply, as there are several amongst the non-strategic housing allocations under Policy Ho01.
251. The updated Housing Trajectory submitted by the Council [EXAM 110], correctly applies an annual allowance of 214 dwellings from 2027/28, and subtracts from that the housing numbers for allocated sites of less than 10 dwellings for 2027/28 to 2031/32. Therefore, the total allowance for windfall has reduced from 2,354 dwellings to 1,875 dwellings, but we are satisfied that this amounts to a realistic estimate, which is justified by the evidence. Accordingly, this should be reflected in the relevant parts of the Plan, including Policy SL01, Table 1, paragraph 5.10 of the supporting text in the Housing chapter and the new housing trajectory **[M11, MM34, MM197, MM198]**.

Central Area Capacity

252. We have discussed the evidence for future housing capacity within the CDA, in our consideration of the housing requirement above. We have concluded that the figure of 6,178 dwellings represents a realistic estimate of the housing capacity of the CDA over the remainder of the Plan period.

Commitments

253. The submitted Plan identified a total supply of 9,410 dwellings to be delivered through existing commitments, namely sites with planning permission at the point the Plan was submitted. These range from very large sites previously allocated in the local plan and now with permission, such as Ashton Green, to numerous small sites of less than 10 dwellings.
254. The evidence to support the deliverability of these sites was set out in the Deliverability and Developability schedule, originally submitted in April 2024, which was based on 2022/23 monitoring data [EXAM 9]. During the course of the Examination and following the close of the Hearing, the schedule was updated to include 2023/24 monitoring data, and reissued in December 2024 [EXAM 9A]. The revised total supply from commitments is 7,188 dwellings. All of the sites making up this total are projected to be completed or commence housebuilding in the first 5 years of the Plan period from the 1 April 2024 base date.
255. We have reviewed the evidence and are satisfied that all of these commitments meet the definition of 'deliverable' sites in the Glossary of the NPPF. Namely, they are available now, offer a suitable location for development, and will be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Consequently, so that the Plan is justified and effective, it should be updated to reflect the commitments data in EXAM 9A, including in Table 1, paragraph 5.10 of the supporting text in the Housing chapter and the Housing Trajectory at Appendix 1 [MM34, MM197, MM198].

5-year Housing Land Supply

256. Following the updated housing land supply figures discussed above and the provision of a new Housing Trajectory, the Council prepared a Note on its 5-year housing land supply preferred approach [EXAM 111]. This sets out the 5-year housing land supply position, using either the Sedgefield or Liverpool Method. The Sedgefield method demonstrates that at 1 April 2024 the Council can demonstrate 5.16 years' supply, compared to 5.62 years' supply using the Liverpool method, with a 20% buffer to address past under delivery. Given that the NPPF seeks to boost the supply of housing, we consider that the Sedgefield approach should be used to calculate the 5-year housing land supply position in this case, in order for the Plan to be justified and consistent with national policy.
257. For the avoidance of doubt, the 5-year housing land supply calculation should be added to the Plan for clarity and effectiveness through the addition of new supporting text and a New Table [MM36]. Furthermore, the addition of a New Appendix, which sets out the 5-year housing land supply calculations using the Sedgefield Method each year until 2031/32 is necessary for effectiveness [MM198]. This New Appendix demonstrates that supply drops below 5 years in 2025/26, 2026/27, 2027/28 and 2028/29, before a 5 year supply can be demonstrated again in 2029/30. This is likely to be due to the completion of development on the Strategic Sites coming forward later in the Plan period. As such, although a 5 year supply was demonstrated in the calculation from 1 April 2024, we cannot conclude that the Council will be able to demonstrate a 5-year housing land supply on adoption with a 20% buffer.

Overall Housing Land Supply

258. Appendix 1 of the submitted Plan contains a Housing Trajectory, which sets out the completions for 2 years up to 1 April 2022, followed by the total number of dwellings projected in Years 1 to 14 for each of the following categories: Commitments; CDA; Allocations; and, Windfall. As a consequence, the housing land supply shown in the trajectory is difficult to interrogate and monitor. A new trajectory is therefore required, for effectiveness, informed by the updated housing land supply figures referred to above, but shown on a site by site basis, with the exception of the dwellings likely to come forward in the CDA, where no specific allocations are included in the Plan. **[MM197]**
259. Although, as set out above, it will be challenging for the Council to demonstrate a 5- year supply of housing land early in the Plan period, due to the longer lead in times for the Strategic Sites, the new Housing Trajectory indicates that overall housing land supply would be 22,732 dwellings against a requirement of 20,730 dwellings as set out earlier in this Report. This represents a 9.7% surplus in supply over the requirement, which we consider is a robust housing land supply position over the Plan period.
260. We are satisfied that the Council has done all it reasonably can to identify a deliverable and developable supply of housing sites from a range of sources, making best use of brownfield capacity, and allocating a significant amount of greenfield land, in order to meet the City's housing needs. Notwithstanding the likelihood of a marginal 5-year housing land supply in the first few years of the Plan period, overall we conclude that the Plan is positively prepared, justified, effective and consistent with national policy in respect of its housing land supply.

Other Housing Policies

Housing Mix including Adaptable and Accessible Homes (Policy Ho03)

261. Policy Ho03 seeks to secure a mix of house types, tenures and sizes, based on needs identified in Tables 2 and 3 of the supporting text or any future update to housing mix evidence. To be effective and justified based on proportionate evidence, the policy and supporting text should be clear that the evidence on housing mix requirements is contained in the Local Housing Needs Assessment (LHNA) and that any future updated evidence to be taken into account should likewise be published by the Council. **[MM40, MM41]**
262. Criterion a) of the policy and paragraph 5.20 of the supporting text set out the range of housing mix and types necessary to achieve mixed and balanced communities. However, the policy neglects to include self and custom built plots and the supporting text excludes housing for older people. Both needs are identified in the LHNA for Leicester as important components of the city's housing mix, and paragraph 62 of the NPPF expects them to be reflected in policies. To ensure the policy is justified and consistent with national policy, therefore, self and custom built plots and housing for older people should be referenced in both the policy and supporting text. **[MM40, MM41]**

263. Paragraphs 5.22 - 5.23 of the supporting text refer to the accessibility standards in the Building Regulations, but do not make clear how the standards would be applied and implemented by Policy Ho03. Accordingly, amendments are necessary to the supporting text to clarify this, to ensure the Plan is justified and effective in securing compliance with the optional technical standards **[MM40]**. We have amended the wording of this MM as it was published for consultation, to correct the reference to the M4(3)(2)a and M4(3)(2)b standards for wheelchair user dwellings under Part M of the Building Regulations.

Affordable Housing (Policy Ho04)

264. Policy Ho04 requires affordable housing to be delivered as a proportion of development on qualifying sites. It sets percentages for affordable housing based on the type and location of sites and development, with 30% on greenfield sites for major schemes of 10 dwellings or more, and 10% on brownfield sites involving high density major schemes in the South East and Ashton Green areas of the City, as shown on the map in Diagram 3 of the Plan.

265. The evidence in the WPVA [EB/DI/3] shows that greenfield sites in Leicester are viably able to support 30% affordable housing across the city. It also shows that in the South East and Ashton Green areas of the City, brownfield typologies above 9 dwellings, that were tested at a higher density of 55 dph, are viably able to support 10% affordable housing. As such the affordable housing targets in Policy Ho04 are justified by the viability evidence. The tenure split of 75% affordable or social rented and 25% First Homes specified in criterion e) of Policy Ho04 was also tested as part of the WPVA appraisals and found to be viable at these affordable housing rates. We find the evidence for this to be robust.

266. However, as submitted Policy Ho04 is ambiguous in a number of respects. Firstly, the affordable housing requirements are grouped together in criterion a), but for clarity and effectiveness, the 30% and 10% requirements should form separate criteria. Secondly, the 10% requirement for brownfield sites should be reworded to make it clear that, at Ashton Green, it applies to the brownfield elements of that site, not high-density schemes. Thirdly, the policy allows affordable housing to be provided at levels below the policy targets, where it is justified on viability grounds, and evidenced through a site specific financial appraisal. Whilst this is consistent with national policy in paragraph 58 of the NPPF, for effectiveness, it should comprise a separate criterion within the policy, so it is clear this applies to all schemes delivering affordable housing. Finally, the policy should make clear that C2 residential institutions would not be required to provide affordable housing, since the WPVA shows this would not be viable. **[MM44]**

267. Criterion d) of Policy Ho04 expects affordable housing to be provided on site, and off-site contributions via commuted sums will only be accepted in exceptional circumstances. Whilst the priority for on-site provision is consistent with paragraph 63 of the NPPF, 'exceptional circumstances' is ambiguous and requires definition. Accordingly, so that criterion d) is effective, an addition to paragraph 5.24 of the supporting text is necessary to define the exceptional circumstances in which off-site contributions would be considered. **[MM42]**

268. The supporting text at paragraph 5.28 explains that commuted sums will be calculated in line with the existing Affordable Housing SPD and future guidance on commuted sums. However, the PPG states that SPDs should not add unnecessarily to the financial burdens on development (Paragraph: 008 Reference ID: 61-008-201903150). To ensure the policy is consistent with the PPG in this regard, the commuted sums should be set out in the supporting text. **[MM43]**.

Housing Densities (Policy Ho05)

269. Plan Policy Ho05 sets minimum housing density targets of 75 dph in the Central Development Area and 35 dph in the rest of the city. Whilst these would be higher than the minimum densities sought in the existing saved Leicester Local Plan, they would strike a balance between reflecting the local character and meeting housing needs. Paragraph 125 of the NPPF expects that in circumstances where there is insufficient land to meet identified housing needs, such as in Leicester, plans should contain policies to optimise the use of land, including the use of minimum densities. Accordingly, we find Policy Ho05 justified and consistent with national policy.

Older Persons' Housing (New Policy)

270. The Plan has specific policies for affordable, self-build and custom built housing, but does not include a separate policy for older persons' housing. Although Policy Ho03 identifies older persons' housing as part of the housing mix required in Leicester, given the importance of such housing in the overall housing land supply, as evidenced by the LHNA, it is an omission from the Plan not to have a separate policy on older persons' housing. So that the Plan is positively prepared, consistent with national policy and effective in meeting this need, a new policy setting out the approach to older persons' housing is necessary **[MM45]**.

Self-Build and Custom Build (Policy Ho06)

271. Policy Ho06 sets out the Plan's approach to the provision of self-build and custom housebuilding. However, as submitted, the policy only expects consideration to be given to the provision of this tenure in developments of 10 or more dwellings. Given the need for self-build and custom housebuilding plots in Leicester, based on the register, and the support given to this tenure in national policy, to ensure that Policy Ho06 is positively prepared to meet the need for this form of housing development, it should be modified to give positive support to the development of self-build and custom housebuilding plots **[MM46]**.

272. As drafted Policy Ho06 makes the provision of suitable plots for self-build and custom housebuilding subject to viability and site specific considerations. However, this caveat is vague and ambiguous, without any detail on the considerations that a decision maker would be expected to take into account. So that the policy is effective in ensuring that where plots are not taken up they do not undermine the delivery of housing, it should be modified to allow for plots to revert back to general market housing, when they have been marketed for at least 12 months without being sold **[MM46]**.

Internal Space Standards (Policy Ho07)

273. Policy Ho07 requires all new dwellings to meet the Nationally Described Space Standard (NDSS) as a minimum. Where a need for internal space standards is identified, the PPG requires LPAs to provide justification for internal space policies, taking account of the need, viability and timing of the policy requirement. The Council's NDSS report (2022) [EB/HO/4] shows that the majority of large major residential developments permitted in Leicester between 2019-2022 do not meet the NDSS as a minimum. The WPVA considered the viability implications of NDSS compliance, concluding that the requirement would not create a significant negative impact on the viability of residential schemes. We are therefore satisfied that there is a justification for the NDSS to be applied in the city.
274. The supporting text to Policy Ho07 provides flexibility for applicants to adapt the standards if it is demonstrated that it is not viably or technically feasible. However, for consistency with national policy, in line with the PPG (Paragraph: 020 Reference ID: 56-020-20150327), there should be a transitional period following adoption of the Plan to enable developers to factor the cost of space standards into future land acquisitions. A three-month transitional period would be adequate, given that the introduction of the policy has been the subject of previous consultation, and has a good level of awareness. **[MM47]**

Student Accommodation (Policy Ho08)

275. Policy Ho08 supports the provision of purpose-built student accommodation (PBSA). However, the evidence of a need for a further 4,800 bedspaces in the supporting text to the policy has been superseded by the LHNA Update Addendum (September 2022) [EB/HO/1a], which suggests a fall in demand for new PBSA. There remains a need for the policy, but so that it is justified, the supporting text should be amended to update the need figure **[MM48]**. The Addendum also reports a trend for PBSA developers seeking to change student accommodation to general residential use. In that context, it is important that student accommodation is built to the same standards as other housing types, to allow flexibility for it to be converted to residential use. For clarity and effectiveness, this should be specified in the supporting text to the policy **[MM49]**.
276. Finally, the wording of Policy Ho08 itself requires modification. The policy title of 'Student Development' is unclear and should be amended to refer to residential development, to avoid any ambiguity that it may apply to student support or administrative buildings as well. The references to policies T01 and T07 should also be clarified. In addition, the requirement for the occupation of such accommodation to be limited to students should be absolute and not 'where necessary', as this is ambiguous **[MM50]**.

Retention of Family Housing (Policy Ho09)

277. Policy Ho09 sets out the policy approach for the retention of family housing, inside and outside Article 4 Houses in Multiple Occupation (HMO) Control Areas. The policy is justified and consistent with national policy as submitted. However, for effectiveness a map of the Article 4 Direction Areas should be provided in the Plan **[MM203]**.

Houses in Multiple Occupation (Policy Ho10)

278. Policy Ho10 sets out the criteria for assessing proposals for HMOs. The supporting text to Policy Ho10 should be amended to include a reference to where Article 4 Direction areas can be found, and a plan of them included as a new appendix to the Plan, to make it clear to developers and decision makers where Article 4 Directions apply and planning permission will be needed. These changes are all required for clarity, effectiveness and consistency with national policy **[MM51, MM203]**.

Gypsy and Traveller Accommodation (Policy Ho12)

279. The Plan identifies a need for additional pitches and plots for Gypsies and Travellers and Travelling Showpeople over the Plan period, based on a 2017 Accommodation Assessment for Leicester and Leicestershire (GTAA) [EB/HO/2]. The GTAA identifies a need for 7 pitches for Gypsy and Traveller households who met the definition of 'Gypsies and Travellers' in the Planning Policy for Traveller Sites (PPTS) at that time, and 21 pitches for families that did not meet the definition. It also confirms the need for 3 plots for Travelling Showpeople and a transit site with a minimum of 12 caravan spaces for overnight accommodation.
280. However, during the course of the Examination, the Government published an update to the PPTS, in December 2023, with a revised definition of Gypsies and Travellers. The Council updated the GTAA for Leicester to take account of the revised definition. The updated GTAA, published in August 2024 [EXAM 18], shows an increase in accommodation needs for the period 2024-2038. It establishes a need for 35 permanent pitches for Gypsy and Traveller accommodation, of which 7 are for households that meet the revised definition, and 28 are for households that do not. It also identifies a need for 8 plots for Travelling Showpeople, including 6 for households that meet the revised definition, and 2 for 'undetermined' households that may meet the definition. In addition, there is a continuing need for a transit site for at least 12 caravan spaces.
281. Therefore, to ensure that the Plan is positively prepared and justified in making provision for the accommodation needs of Gypsies and Travellers and Travelling Showpeople, the supporting text at paragraphs 5.48-5.61 and Tables 4 and 5 should be modified to include the updated need data from the 2024 GTAA **[MM52]**.
282. The PPTS expects local plans to identify a 5-year supply of deliverable sites to meet the need for Gypsy and Traveller accommodation, and a supply of developable sites or broad locations for growth for years 6-10 and, where possible, years 11-15 of the Plan period. The Plan allocates a site for 7 permanent pitches for Gypsy and Traveller families as part of Strategic Site 1 on the Former Western Park Golf Course (Policy SL02). The exact location of the site is not identified in the indicative masterplan, but the strategic site is large enough and in a suitable location to accommodate 7 pitches. The updated Housing Trajectory shows housing on Site SL02 not being delivered until years 8-12 of the Plan period. However, the Gypsy and Traveller site is capable of being delivered in advance of that and within the first 5 years of the Plan period, given that the land is owned by the Council and the infrastructure costs would be less significant. On this basis, the allocation would

meet the accommodation needs for Gypsy and Traveller households who meet the PPTS definition, and amounts to a deliverable 5-year supply.

283. The Plan does not identify further sites for permanent pitches to meet the needs of Gypsies and Travellers who do not meet the PPTS definition. However, this is not a requirement of the 2015 PPTS, even with the 2023 revised definition, under which the Plan is being examined, and, therefore, is not a soundness issue. Instead, the needs of Gypsies and Travellers who do not meet the PPTS definition would be met through Policy Ho12, which supports proposals for new sites, subject to certain criteria.
284. However, as submitted, Policy Ho12 is not consistent with national policy, in that the criteria do not reflect a number of requirements for new sites that are contained in the PPTS. This includes not locating sites in areas at high risk of flooding, effective use of brownfield land, and ensuring the health and wellbeing of occupants through location, landscaping and play areas. The policy is also negatively worded with regard to impacts on the amenity of nearby uses. Consequently, revisions to Policy Ho12 are necessary to address these soundness issues **[MM53]**.
285. The 2024 PPTS further revises the definition of 'gypsies and travellers' to include 'other persons with a cultural tradition of nomadism or of living in a caravan', which will apply to decisions on applications for new sites submitted after the Plan is adopted. It is possible this may include sites to meet need arising from families identified in the 2024 Leicester GTAA update, who did not meet the planning definition at that time. The PPTS expects LPAs to determine applications for accommodation sites from any travellers, not just those with local connections.
286. Therefore, to ensure that the Plan is positively prepared, consistent with national policy and effective in guiding decisions on such applications, the Plan should support proposals from travelling or nomadic people who are in need of culturally appropriate housing, but who do not meet the planning policy definition of Gypsies and Travellers or Travelling Showpeople. As submitted, Policy Ho12 does not do this. Accordingly, for soundness, it should be amended to ensure that proposals from those who are in need of culturally appropriate housing, but do not meet the planning policy definition of Gypsies and Travellers or Travelling Showpeople, are considered against the same criteria. **[MM53]**
287. In terms the accommodation needs of Travelling Showpeople, 3 of the 8 plots identified in the GTAA are required in the first 5 years of the Plan period. Whilst no new sites are allocated for additional plots, the Council has confirmed that an existing yard at Bath Lane has the potential for expansion or intensification to meet the need. So that the Plan is positively prepared, this should be set out in the supporting text. **[MM52]**
288. Two sites are allocated in the Plan to meet the need for transit pitches – one at Beaumont Park as part of Strategic Site 5 (Policy SL06) and one at the Thurcaston Road employment allocation under Policy E01. There is a history of illegal encampments in Leicester, which justifies the need for a transit site in the city. Oral evidence given on behalf of the Council at the Hearing estimates that there are 20-30 illegal encampments in Leicester each year, comprising 6-12 caravans in each. Around 45% of them have been close to the Thurcaston Road site over the past year,

with a handful in the Beaumont Leys Ward, justifying the position of the two allocations. Whilst only one of these sites is required to meet the need identified in the GTAA, retaining the two allocations provides flexibility over the final location of the site. On this basis, we are satisfied that both allocations would be justified.

289. It is important that whichever site the transit facility for Leicester is located on, a minimum of 12 pitches should be provided to meet the need. So that the Plan is effective, this should be specified in Policies SL06 and E01 **[MM32, MM127]**.
290. Given the increase in need for Gypsy and Traveller accommodation, and the limited, albeit sufficient supply of sites to meet the need, it is important that provision for Gypsies, Travellers and Travelling Showpeople is kept under review. We have already recommended a new policy requiring a review of the Plan to be commenced upon its adoption, and completed in three years. The Council has confirmed this will include a review of the need for and supply of Gypsy and Traveller accommodation. For effectiveness, this should be specified in the new policy, to ensure this takes place. **[MM196]**
291. With the combination of allocated sites, a criteria-based policy and a commitment to complete a review of provision within 3 years of the Plan's adoption, we are satisfied that the Plan is positively prepared, effective and consistent with national policy in meeting the accommodation needs of Gypsies and Travellers and Travelling Showpeople over the Plan period.

Conclusion

292. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in meeting the housing needs of all groups in Leicester over the Plan period.

Issue 3 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for employment land and development in Leicester?

293. Chapter 12 contains the Plan's approach and policies for employment land provision, including the provision of new, and the retention of existing, employment land for business, industrial and distribution uses. For clarity and effectiveness, changes to the supporting text are necessary to reflect the priority in the NPPF to make best use of brownfield land, and to provide clarity on the Plan's approach to uses within Class E of the Use Classes Order, which do not require a sequential test, to ensure permitted development rights do not undermine the vitality and viability of town centres. **[MM125, MM126]**

Non-strategic Economic Development Areas (Policy E01)

294. Policy E01 allocates two non-strategic sites for employment development, at Thurcaston Road/Hadrian Road and Mountain Road, as extensions to the Ashton Green and Thurmaston employment areas. Both allocations would result in the loss of open space.

295. The land at Thurcaston Road is known locally as Mowmacre field, with a children's play area at its southern end, which is not included in the allocated site. In the OSSR Study [EB/OS/3], the field is identified as an area of informal open space, within the Abbey ward in the north-west area of the City, where there is a surplus of open space. There is also other open space provision nearby at Mowmacre Sports Ground and Ledbury Green. In addition, the assessment of Non-Strategic Sites Proposed for Allocation [SD19], indicates partial retention of the open space and possible mitigation for the loss of open space in the form of improvements to Mowmacre Sports Ground. Development of the Thurcaston Road site on this basis would be able to satisfy the expectations of paragraph 99 of the NPPF, which allows for open space to be built on where an assessment has been undertaken to show it is surplus to requirements.
296. The land at Mountain Road is identified in the OSSR Study as natural open space. It forms part of a LWS, known as Melton Brook Flood Meadow, which was formally designated in 2000 for meeting species-rich mixed grassland criteria. However, the evidence in the Note of LWSs [EXAM 92], explains that since its designation, scrub has developed on some areas of the LWS, including the land within the site allocation. The wet 'flood relief' basin, which is outside of the allocation boundary and adjacent to Melton Brook, has developed into 'wet woodland', which is a priority habitat within the Leicester Biodiversity Action Plan (BAP). The flood meadow is also connected to wider ecological networks by Melton Brook, which increases its ecological value as a component of local green infrastructure.
297. The Mountain Road site is allocated for employment development in the current adopted local plan, to enable the extension of a paper factory in the adjacent Troon Industrial Estate. The business is a key local employer and its expansion is important to the economy of Leicester. At the Hearing, it was explained that for operational reasons, the factory expansion must take place next to the existing facility. SD/19 identifies a number of mitigation measures, including the protection of the LWS on the flood relief basin and allowing an easement to the river for maintenance access. Given the reduction in the biodiversity value of the part of the LWS designation within the allocation boundary, and the potential for mitigation through off-site BNG, on balance this allocation is justified, to enable the expansion of the local business and contribute to meeting employment needs in the City.
298. As drafted Policy E01 does not specify any of the details or the mitigation measures suggested in SD/19 for these two site allocations. Therefore, to ensure Policy E01 is justified, based on the evidence, and effective in mitigating the impacts of development on open space, biodiversity, nearby residential areas and the amenity of the areas, it should include these requirements as site constraints and mitigations. For clarity, inset maps should also be included in the policy to define the site areas and locations relative to their surroundings, and the employment areas should be expressed in square metres. **[MM127]**

General Economic Development Areas (Policy E02)

299. The Council carried out a review of existing allocated employment areas in the EDNA 2020, as required under paragraph 122 of the NPPF. This recommends the retention of 16 secondary employment areas, as General Economic Development Areas (GEDAs), with some flexibility over allowing ancillary non-employment uses within them. Policy E02 seeks to safeguard the land within the GEDAs for industrial, storage and distribution uses. It allows for a range of other uses within Classes E, F1 and F2 of the Use Classes Order, as well as sui generis uses, such as car showrooms, builders merchants and car repair garages, where they involve the conversion of a building that is not portal framed. This restriction is justified as portal framed buildings are limited in supply and priority needs to be given for their use for industrial and warehouse uses.
300. The policy also seeks to restrict the change of use of buildings in Class E use from a business or light industrial use to a main town centre use, under permitted development rights, through the imposition of conditions. However, paragraph 54 of the NPPF states that planning conditions should not be used to restrict national permitted development rights, unless there is a clear justification to do so. Therefore, to ensure that Policy E02 is consistent with national policy, a change to its wording is necessary to only allow the use of conditions in this way, where it is demonstrated that it is necessary and reasonable to do so **[MM128]**.

Textile Area and Neighbourhood Employment Areas (Policy E05)

301. Policy E05 sets out the Council's approach to supporting the textile industry and safeguarding neighbourhood employment areas. Similar to Policy E02, it seeks to give priority to industrial, storage and distribution uses within these areas, whilst allowing flexibility for a range of other uses, to maintain their economic viability. However, as submitted, Policy E05 restricts housing within the neighbourhood employment areas, due to unspecified existing constraints. This is ambiguous, and for clarity and effectiveness requires deleting from the policy so that housing can be considered on its merits in neighbourhood employment areas. It also seeks to restrict the change of use of buildings in Class E use from a business or light industrial use to a main town centre use, under permitted development rights, through the imposition of conditions. As with Policy E02, to ensure that Policy E05 and its supporting text are consistent with national policy, amendments are necessary to only allow the use of conditions in this way, where it is demonstrated that it is necessary and reasonable to do so. **[MM129, MM130]**

St. George's Cultural Quarter (Policy E06)

302. Policy E06 encourages a mix of uses to support the development of the City's 'cultural quarter' for the arts, cultural industries and city centre living. However, the wording of part a) of the policy is ambiguous on what constitutes an appropriate mix of uses and sympathetic design. To ensure the policy is effective and justified, modifications are necessary so it is clear to applicants and decision makers that proposals with a mix of uses that are sympathetic to the character of the quarter will be encouraged **[MM131]**.

Employment: Support Strategies (Policy E07)

303. Policy E07 relates to the provision of employment and skills plans to support employment and training opportunities for local residents. However, the policy contains a number of criteria that do not serve a clear purpose in determining proposals for development, such that it be unclear how a decision maker should apply them to planning applications. Therefore, so that the policy is effective and justified in seeking to secure employment and skills plans for major developments, changes are necessary to move criteria a), c), d) and e) from the policy to the supporting text, to amend the title of the policy and to ensure it relates to the submission rather than the implementation of planning applications. **[MM132] [MM133]**

Vehicles Sales and Car Washes (Policy E08)

304. Policy E08 sets out the policy criteria against which proposals for car sales and car wash facilities will be considered. As written criterion a) is ambiguous in respect of the assessment of harm to living conditions, criterion d) is inconsistent with paragraph 111 of the NPPF in respect of highway safety and the road network, and the last sentence should refer to temporary planning permission rather than limited period consent. These elements of the policy require modification so it is effective and consistent with national policy **[MM134]**.

Conclusion

305. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for employment land and development in Leicester.

Issue 4 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for town centres and retail development in Leicester?

Retail Strategy and Floorspace

306. The strategy and policies for retail and main town centre uses are contained in Chapter 13 of the Plan. It focuses on three broad aims: to sustain the vitality and viability of Leicester's hierarchy of town centres; to ensure access to sustainable transport choices; and to minimise disturbance to residential areas.

307. Paragraph 13.3 sets out a background context to retail services in the City, referring to the network of shopping centres and facilities in the Leicester Urban Area, including key out of centre shopping parks in adjoining districts, such as at Fosse Park and Thurmaston. This is illustrated in plan form at Diagram 13. However, for clarity and effectiveness, paragraph 13.3 needs to refer to Diagram 13. **[MM135]**

308. The Plan does not seek to allocate new sites for retail floorspace in the City, given that the Leicester Retail and Leisure Study 2021 (LRLS) [EB/TC/1] identifies no quantitative need for additional convenience floorspace over the Plan period and only limited capacity for additional comparison retail floorspace after 2031. Instead, the

priority is to reoccupy existing vacant floorspace within the defined centres. This approach is justified, based on the evidence.

Hierarchy of Town Centres (Policy TCR01)

309. Policy TCR01 sets out a retail hierarchy within Leicester, the top tier being Leicester City Centre, followed by Beaumont Leys town centre, district centres and local centres. The second part of Policy TCR01 applies the sequential test in national policy to proposals for new retail uses in the City, prioritising locations within the designated centres. However, it is not consistent with the wording of the sequential test in paragraphs 86-88 of the NPPF and accordingly requires modification to ensure there is no conflict or ambiguity. In addition, to ensure that the sequential test can be effectively applied, the policy should refer to the definition of centres on the Policies Map.
310. For clarity, the references in Policies TCR01, TCR03, TCR04 and TCR07 to other policies in the Plan should be given in full, rather than just the policy number. **[MM136, MM140, MM141, MM144]**

Supporting Sustainable Town Centres – Impact Assessments (Policy TCR02)

311. Policy TCR02 requires impact assessments for retail proposals outside of town centres, where their floorspace exceeds a series of locally defined thresholds. This approach is consistent with paragraph 90 of the NPPF and the thresholds are justified by evidence in the LRLS. However, the justification for applying local thresholds in Leicester is not adequately explained in the supporting text, nor by reference to the LRLS. Therefore, additional explanatory text should be added to the Plan to ensure that Policy TCR02 and the local thresholds are justified as appropriate. **[MM137, MM138]**.
312. The policy itself refers to 'defined centres', but for effectiveness and to ensure that the locations where the policy applies are identified geographically, it should be modified to refer to the city, town, district, and local centres as shown on the Policies Map. **[MM139]**

City Centre (Policy TCR03)

313. Leicester city centre serves as the principal sub-regional centre for Leicestershire. It is the principal focus for retail, commerce, culture, and leisure in the HMA, the most accessible and sustainable location for main town centre uses, and has experienced a growth in residential development and in the number of people living in the city centre, which has added to its economic sustainability. Policy TCR03 seeks to maintain the city centre's sub-regional role and economic vibrancy, by supporting new development that makes a positive contribution to improving its vitality and visitor experience. It sets strategic policy for the development of shopping, leisure and cultural facilities, hotels, offices, housing, education and health, and for promoting sustainable transport initiatives and managing the city centre's heritage.
314. Policy TR03 is positively prepared and justified as an appropriate strategy for the city centre. However, a number of material changes are necessary for clarity,

effectiveness, and consistency with national policy. Firstly, the boundary of the city centre is illustrated in Diagram 15 and defined on the Policies Map, but so that it is effective, the policy should make this clear. Secondly, to ensure consistency with national policy, the paragraph on heritage should refer to 'preserving' rather than 'conserving' the historic environment, and, for effectiveness, should cross-reference Policy HE01 as the basis for determining proposals affecting heritage assets in the city centre. Thirdly, for clarity and effectiveness, reference to the 'Transforming Cities Fund' measures should reflect that it has already been implemented. **[MM140]**

Central Shopping Core (Primary Shopping Area) (Policy TCR04)

315. Policy TCR04 sets out the policy on proposals located within the Central Shopping Core, as defined on the Policies Map and in Diagram 15. In general, it is consistent with national policy in continuing to support new retail development and other Class E uses within the Central Shopping Core (CSC), as well as other main town centre uses that add to the vitality and viability of the centre.

316. However, the policy sets a number of criteria to guide proposals for non-retail uses, which are ambiguous or imprecise, so that the circumstances in which non-retail uses would be supported are not clear for applicants or decision makers. For example, the following are not specified: the length of time a unit would have to be vacant before a non-retail use would be permitted is not specified; the location or degree of prominence of the unit in which a non-retail use would be allowed is unclear; and the level of footfall required to justify a non-retail use; and the quality of design required. To ensure the policy is effective in guiding non-retail proposals in the CSC, criteria a), b), f) and g) should be deleted, and criteria c), d), h) and i) should be revised, as shown in **MM141**.

317. Criterion j) seeks to support non-retail uses that would help to enhance a heritage asset. However, to ensure consistency with national policy, the criterion should be modified so that such proposals would be expected to 'preserve or enhance the significance of' the heritage asset, and to include a cross reference to Policy HE01 on the historic environment **[MM141]**. We have amended the wording of criteria e) and j) as they were written in the MMs schedule for consultation, so that they scan correctly in the modified policy.

Town Centre Uses in Town/ District and Local Shopping Centres (Policy TCR05)

318. Policy TCR05 establishes a criteria-based approach to proposals for main town centre uses in the Town, District and Local Shopping Centres, as defined in Policy TCR01 and on the Policies Map. However, the policy is negatively worded and the criteria are ambiguous, so that it would not be clear to an applicant or decision maker on what basis main town centre uses would be supported in these centres. Accordingly, the policy requires redrafting to ensure it is positively prepared, effective, and consistent with national policy. **[MM142]**

Development for Food and Drink Purposes (Policy TCR06)

319. Policy TCR06 is entitled 'Development for Food and Drink Uses', but also covers proposals for hot food takeaways, and it is clear from the heading to the supporting

text that it applies in town, district and local shopping centres. Accordingly, for clarity and effectiveness, the title and wording of the policy should be amended to reflect this. Criterion a) of the policy refers to the impacts of hot food takeaways and food and drink uses on neighbouring residential occupiers. For clarity and effectiveness, this criterion should refer to the specific matters of living conditions and outlook. Finally, one of the aims of this policy is to ensure the diversity of uses in order to maintain and enhance the vitality and viability of centres. As such, for effectiveness, a criterion should be added to the policy to enable the decision maker to assess the impact of the proposal on the vitality and viability of a centre **[MM143]**. We have corrected the wording of the new criterion as it was written in the MMs schedule for consultation, to remove the word 'not' and ensure its effect is to safeguard the vitality and viability of centres, which was clearly the intention of adding it to the policy.

Neighbourhood Parades (Policy TCR07)

320. Policy TCR07 sets out the policy on proposals located within neighbourhood parades. It provides a criteria-based approach and supports commercial, business and service use, as well as community facilities. To ensure the Plan is positively prepared and effective, criterion c), relating to changes of use to residential on upper floors, should be positively worded. **[MM144]**

Main Town Centre Development Outside of Defined Centres (Policy TCR08)

321. Policy TCR08 sets out the policy for proposals for main town centre uses outside of defined centres. It provides a criteria-based approach and requires proposals to meet the sequential test as set out in Policy TCR01 and provide an impact assessment as set out in Policy TCR02. To ensure consistency with national policy, and criterion c) requires modification to ensure that the proposed development would not result in an unacceptable impact on highway safety. **[MM145]**

Planning Conditions: Main Town Centre Development and Class E Uses Outside of a Defined Centre (Policy TCR09)

322. The first retail aim of the Plan is to sustain and enhance the vitality and viability of Leicester's hierarchy of town centres. As such, Policy TCR09 sets out the approach for decision makers to consider using planning conditions to limit proposals that are town centre uses but located outside of a defined centre.

323. For effectiveness, the supporting text to Policy TCR09, at paragraph 13.45, should be amended to add additional reasoning to clarify the intention of criterion c). **[MM146]**

324. For effectiveness, criterion a of Policy TCR09 should be amended to delete the reference to specific items of convenience or comparison goods to ensure that the Policy retains its flexibility going forward. Criterion c should also be amended to add the reference to 'main town centre uses', to ensure consistency between the Plan policies. **[MM147]**

Conclusion

325. Subject to the MMs set out above, the Plan has been positively prepared and is it justified, effective, and consistent with national policy in respect of its policies and proposals for town centres and retail development in Leicester.

Issue 5 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the Central Development Area in Leicester?

Central Development Area

326. Objective 5 of the Plan seeks to ensure that new development is of a high-quality design and layout which reflects local context and circumstances. The Central Development Area (CDA) will be the key focus for much of the regeneration and economic growth for Leicester.

327. The CDA has been subdivided into nine distinct Character Areas and five Other Regeneration Areas, in order to direct, optimise and encourage investment, whilst also using high quality design to create certainty and developer confidence and maximising development on brownfield land.

Central Development and Management Strategy (Policy CDA01)

328. Policy CDA01 provides the strategic framework for the CDA, setting out the key requirements for future development. A clear requirement of this policy is to improve accessibility and sustainable transport options. However, the approach to the provision of transport is not demonstrated in the supporting text, particularly the need for developer contributions towards improved walking and cycling infrastructure.

329. The NPPF requires transport issues to be considered from the earliest stage of plan making so that opportunities for walking, cycling and public transport use are identified and pursued. To ensure consistency with national policy and the effectiveness of Policy CDA01 and the subsequent Character Area policies, additional text is necessary at paragraph 9.4 to explain that development within the CDA will be required to contribute to making this area as easily accessible via sustainable transport options as possible, and achieved by new development contributions as well as the 'ongoing' Council led improvement schemes. **[MM89]**

330. Diagram 6 sets out the spatial boundaries of the CDA, the nine Character Areas and the five Other Regeneration Areas. However, the land within the Walnut Street and Leicester City Football Club Other Regeneration Areas requires amendment, for clarity and effectiveness, to reflect land and property ownership in these locations. **[MM90]**

331. As Policy CDA01 sets out the strategic framework for the CDA, in order for it to be effective, it should clearly set out the expected delivery of 6,178 homes and a minimum of 40,000 sqm of office space, as justified by the evidence of need, including in the LHNA. The policy should also make clear that the aim is to benefit existing and future residents and those who work, visit and learn within the City and

to improve opportunities for walking, cycling and public transport through new and improved infrastructure and separation of modes. All this is required to ensure that the policy is consistent with national policy in the NPPF and that it is effective.

[MM91]

New Development within the Character Areas (Policy CDA02)

332. Policy CDA02 in the Plan as drafted deals with townscape design and its linkages with transport connectivity, heritage assets and green infrastructure, to ensure that new development is contextually appropriate. However, the Policy does not address the impacts from existing development, such as changes of use, which can have a significant adverse effect on the street scene. In this respect the NPPF establishes that Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. In addition, any infrastructure required to support development should also be referenced in the policy for effectiveness.
333. To ensure consistency with national policy in relation to heritage, the second bullet point of Policy CDA02 should refer to 'preserved and enhanced' rather than 'protected and enhanced'. Furthermore, for clarity and effectiveness, where other policies are referenced within Policy CDA02, they should be referred to as 'Policy' XXX. Accordingly, changes are required to Policy CDA02 to address these matters **[MM92]**.

Character Areas

334. Policies CHA001 to CHA09 set out various considerations against which proposals for development within the individual Character Areas will be assessed. In this respect the NPPF establishes that planning policies are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The detailed wording of these policies lacks some clarity and specificity to be capable of effective implementation in relation to the opportunities identified within the various evidence base documents [EB-CD1 to EB-CD9] and to define and safeguard key viewpoints which are significant to the urban fabric contributing to the area's distinctiveness.
335. Accordingly, changes are necessary to Policies CHA01 to CHA09 to ensure that they are clear and effective and capable of implementation **[MM93, MM94, MM95, MM97, MM98, MM100, MM102, MM104, MM106]**.
336. In addition to these changes, we set out any further MMs required to these policies and the supporting text below.

St Margaret's Character Area (Policy CHA03)

337. St Margaret's Character Area is located at the north of Leicester City centre, and as such it connects the City centre with the surrounding, mainly residential, neighbourhoods, and to Abbey Park, Leicester's largest central green open space.

338. To assist developers and decision makers, an explanation of the term 'subordinate', used within Policy CHA03, should be added to the glossary for clarity and effectiveness [MM201].

Wharf Street Character Area (Policy CHA04)

339. The Wharf Street Character Area is located on the northern edge of the City centre and connects the City centre with the surrounding residential neighbourhoods. The area contains a mix of uses including residential, retail and offices. The southern extent of the Character Area is located in a Conservation Area and contains many nationally and locally listed heritage assets.

340. The supporting text at paragraph 9.24 of the Plan sets out a number of objectives to provide the context for Policy CHA04. However, to respond to the character of the area it is important that the diversity of uses is maintained to ensure a sustainable community. To address this matter, an addition is required to the supporting text to Policy CHA04 for effectiveness. [MM96]

Leicester Royal Infirmary and De Montfort University Character Area (Policy CHA06)

341. The Leicester Royal Infirmary and De Montfort University Character Area is located on the south-west edge of Leicester City centre, and as such it connects the City centre with the surrounding, mainly residential, neighbourhoods, to the south-west. The area contains a number of heritage assets including The Castle Conservation Area. Part of this Conservation Area benefits from an Article 4 Direction that restricts permitted development rights for alterations at 15-21 The Newarke. However, this Article 4 Direction is currently not referred to in the supporting text to Policy CHA06.

342. The Character Area is home to the campuses of the De Montfort University and to the Leicester Royal Infirmary. As such, the area has a transient population, which can impact on creating vibrant, well-balanced communities as required by the NPPF. Accordingly, a crucial part of any policy for this area would be to recognise the potential of the wider neighbourhood to deliver homes of various typologies and tenures and to repair fragmented urban grain and thus reduce the negative impact of empty homes.

343. In order for Policy CHA06 to be effective and positively prepared, the points set out above should be added to the supporting text as objectives at paragraph 9.26, to include reference to the Council's Empty Home Strategy, to ensure that housing stock remains occupied; and, to the Article 4 Direction. [MM99]

St George's Cultural Quarter Character Area (Policy CHA07)

344. The St George's Cultural Quarter Character Area is located towards the eastern edge of Leicester City centre and connects the City centre with the surrounding residential neighbourhoods, situated to the east. The Council identified St. George's area as the location for the City's cultural quarter in 2000 which included the development of the LCB Depot and the Curve theatre, that were completed in 2008. Much of the Character Area falls within the St. George's Conservation Area and contains many nationally and locally designated heritage assets.

345. The supporting text at paragraph 9.28 sets out the minimum floorspace for an allocated office development. However, to respond to the cultural character of the area it is important that the careful balance of uses is maintained to support the growing numbers of visitors and residential community. To address this matter, an addition is required to the supporting text for effectiveness to provide the context for Policy CHA07. **[MM101]**

Old Town Character Area (Policy CHA08)

346. The Old Town Character Area is located at the south-western edge of Leicester City centre, and as such it connects the City centre with the surrounding, mainly residential neighbourhoods, to the west.

347. The Old Town is the City's historic core, with its street pattern and architecture being influenced by Roman, Medieval, Georgian and Victorian periods. The area also contains four Conservation Areas and many other heritage assets. Given this, the supporting text, at paragraph 9.31, should, for effectiveness, cross reference the national policy for heritage assets set out in the NPPF. There is no justification for the Plan to duplicate matters contained in national policy. Furthermore, to deliver the aims of Policy CHA08, the Council will need to work with a number of stakeholders, which for effectiveness should also be added to the supporting text at paragraph 9.31. **[MM103]**

New Walk Character Area (Policy CHA09)

348. The New Walk Character Area is located on the southern edge of Leicester's City centre and connects the City centre with the neighbouring residential areas. The New Walk Character Area accommodates a mix of uses, including residential and offices. The Character Area is almost entirely contained in a New Walk Conservation Area and contains a number of other heritage assets.

349. The supporting text at paragraph 9.33 provides the objectives of the Character Area. However, to respond to the unique character of the area it is important that the careful balance of residential and office uses is maintained. To address this matter, an addition is required to the supporting text for effectiveness to provide the context for Policy CHA09. **[MM105]**

Other Regeneration Areas

Abbey Meadows and Pioneer Park (Policy ORA01)

350. This policy supports proposals that would facilitate regeneration at Abbey Meadows and Pioneer Park, which are located close to the River Soar, approximately 2.5km north of the City centre.

351. However, at present it lacks clarity in respect of working with key stakeholders to facilitate the delivery of the policy's aims. In order for Policy ORA01 to be effective, additional text is therefore required to clarify this. **[MM107]**

Waterside (Policy ORA02)

352. The Waterside area is located to the west of the City centre, close to the River Soar. The supporting text to this policy, at paragraph 9.40, sets out the vision for the area and the expectations of any future development.
353. However, it is necessary to ensure that the development principles in relation to this regeneration area are clear, effective and sufficiently comprehensive having regard to the extent of any requirements for river and flood risk management adjacent to the River Soar. To address this matter, an addition is required to the supporting text to paragraph 9.40 for effectiveness and consistency with national policy. **[MM108]**

University of Leicester (Policy ORA03)

354. The University of Leicester regeneration area is located to the south of the City and is the main campus for the University. Policy ORA03 supports the continued development of the University and associated student accommodation. However, in order to improve the clarity and effectiveness of the policy and the supporting text, a number of amendments are required, including; to provide street names for where particular measures are required to improve the opportunities for sustainable transport; to have regard to future plans for the University's development; to change the title of the University masterplan to a 'vision for development'; and to address typographical shortcomings. **[MM109, MM110]**

Leicester City Football Club (Policy ORA04) and Walnut Street (Policy ORA05)

355. The Leicester City Football Club regeneration area is located to the southwest of the City and is a discreet parcel of land adjacent to the River Soar. The area is dominated by the football stadium, but there are other industrial and retail uses close by.
356. The Walnut Street regeneration area is located to the southwest of the City and provides a link between the Leicester Royal Infirmary and De Montfort University Character Area and the Leicester City Football Club regeneration area. This regeneration area borders the River Soar to the west and road to the east. The area is predominantly residential, which includes student accommodation.
357. Policy ORA04 and Policy ORA05 set out the planning policy approach to development within the regeneration area surrounding Leicester City Football Club, and the Walnut Street regeneration area respectively, as defined on Diagram 6. However, there are inconsistencies between the boundaries of Policy ORA04 and Policy ORA05 and as such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. A change is therefore required to the boundaries between these sites on Diagram 6 for clarity effectiveness. **[MM90]**

Conclusion

358. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for the Central Development Area in Leicester.

Issue 6 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for climate change and flood risk in Leicester?

Climate Change and Flood Risk

359. Chapter 14 of the NPPF establishes the role of the planning system in mitigating and adapting to climate change, through supporting the transition to a low carbon future, tackling flood risk and reducing water consumption. The Council declared a climate emergency in February 2019 and resolved to develop a programme of action to reduce greenhouse gas emissions and prepare for a changing climate. It is the Council's ambition that the city of Leicester become carbon neutral. Chapter 6 of the Plan sets out planning policies to ensure future development in Leicester addresses both climate change and the water environment.

Sustainable Design and Construction (Policy CCFR01)

360. Policy CCFR01 seeks to achieve high standards of sustainability and energy efficiency in the design and construction of new development. The supporting text refers to the Council's ambition to achieve net zero carbon emissions by 2030, but this timescale is no longer considered to be realistic, and needs to be modified accordingly, whilst retaining the net zero ambition **[MM54]**. The policy aims to achieve net zero in part by requiring new residential and non-residential development to achieve a proportion of the reduction in CO₂ emissions mandated by Part L of the Building Regulations, through passive, fabric, and energy efficient design measures alone. However, this is not clearly explained in the supporting text of the policy and how it relates to the requirements of Part L. Therefore, to ensure Policy CCFR01 is effective in this regard, further explanation is necessary in the supporting text to the policy **[MM54]**.

361. Amendments are also necessary to the wording of Policy CCFR01, to ensure it remains consistent with national policy as national energy efficiency targets are increased towards a zero carbon standard, through further changes to the Building Regulations or other statutory provisions **[MM55]**.

362. Policy CCFR01 also requires new development to meet higher water efficiency standards. The need for this is evidenced by the Environment Agency's (EA) 'Water stressed areas – final classification 2021' report that shows Leicester is within an area of serious water stress. However, this is not set out in the supporting text. Accordingly, so that this element of the policy is justified as appropriate, reference to the EA evidence should be added to the supporting text. **[MM56]**

Whole Life-Cycle Carbon Emissions and Energy Statements (Policies CCFR02 and CCFR03)

363. Objective 2 of the Plan is to prepare for, limit and adapt to climate change. Paragraph 154 b) of the NPPF expects that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. To this end, Policies CCFR02 and CCFR03 set out requirements to minimise whole life-cycle carbon emissions and for the submission of an Energy Statement for all major developments.

364. However, these policies duplicate each other in respect of the assessment of whole life-cycle carbon emissions, which undermines their effectiveness. Accordingly, for clarity and effectiveness, the two policies should be combined to form a single policy on Energy Statements, but so that the assessment of whole life-cycle emissions forms part of the Energy Statement for developments of above 1000 sqm or 100 dwellings. **[MM58, MM59]**
365. The combined new policy refers to the production of an SPD, which would describe the level of detail expected in an Energy Statement. Nevertheless, on adoption of the Plan, in advance of the preparation of the SPD, there would be little guidance as to how an applicant or decision maker should respond to a submitted Energy Statement to ensure compliance. Therefore, for clarity and effectiveness, paragraph 6.10 of the supporting text should be amended to set out the minimum information requirements for an Energy Statement **[MM57]**.

Low Carbon Heating and Cooling (Policy CCFR04)

366. Policy CCFR04 establishes the requirements for heating and cooling systems in new development, by expecting them to incorporate low or zero carbon energy systems that accord with the Heating and Cooling Hierarchy set out in Figure 3 of the Plan, thereby reducing the reliance on fossil fuels as much as possible.
367. Leicester benefits from a number of District Heating Networks, identified in Diagram 4 of the Plan. These connect to a variety of university buildings, Council buildings and residential homes. Overall, the Networks supply approximately 10MWe of energy generation from two gas fired CHP units and additional biomass boilers. However, the Energy and Sustainable Design & Construction Study (EB/CC/1) explains that the planned phasing for the scope to increase capacity to 25-30 MWe of generation is uncertain.
368. A number of the District Heating Networks use fossil fuels and therefore would be rated low on the Technologies Hierarchy (in Figure 3). However, district networks offer a cost-effective route to decarbonisation, through the centralised generation of heat. As such, Figure 3 of the Plan should be amended for clarity, to remove the reference to district networks needing to have a decarbonisation plan **[MM60]**.
369. The supporting text to Policy CCFR04 at paragraph 6.13 establishes that major development will be expected to connect to both existing and planned district heating networks. However, given the lack of evidence of any planned heat networks coming forward, this approach is not justified. A preferred approach would be to ensure that where a district heat network connection was not possible, alternative technologies would be considered, as set out in Figure 3 of the Plan. For effectiveness and so that the policy is justified, paragraph 6.13 should be amended accordingly **[MM61]**.
370. Policy CCFR04 also requires modification to delete an erroneous 'that' and an addition of the word 'the' in the first sentence of the policy, for clarity and effectiveness **[MM62]**.

Delivering Renewable and Low Carbon Energy Projects (Policy CCFR05)

371. Paragraph 155 of the NPPF makes it clear that plans should provide a positive strategy for the supply of renewable and low carbon energy. Policy CCFR05 provides support for renewable and low carbon projects provided that they meet a number of criteria. However, it is not positively-worded. Therefore, amendments are necessary to Policy CCFR05 to reframe its approach to the consideration of renewable and low carbon projects, to ensure the policy is effective and consistent with national policy in this regard **[MM65]**.
372. To ensure that all potential locations for wind turbines and biomass technologies are positively assessed for in line with national policy, paragraph 6.17 of the supporting text should be amended to remove reference to the northwest of the city and instead any wind energy development proposals would be subject to a site-specific feasibility assessment. For effectiveness, paragraph 6.18 of the supporting text also requires amendment so that it is clear that it refers to the assessment of wind energy development. **[MM63]**
373. Diagram 5, in the supporting text, comprises a map showing the buffer zones around residential properties, for the purpose of a wind opportunity assessment. However, the diagram is not referenced in Policy CCFR05 and given its scale and pixelation does not have any meaningful value or provide any certainty for users. Accordingly, for clarity and effectiveness, Diagram 5 should be deleted **[MM64]**.

Managing Flood Risk and Sustainable Drainage Systems (Policy CCFR06)

374. Paragraph 153 of the NPPF establishes that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk. Leicester is at risk from fluvial flooding from the River Soar and its tributaries, as well as pluvial flooding from sewers and surface water run-off. Accordingly, a Strategic Flood Risk Assessment (SFRA) 2022 [EB/CC/2] was prepared, at both Levels 1 and 2, to inform the site selection and allocations process in the Plan.
375. The SFRA demonstrates that climate change has the potential to increase river flows in Leicester by up to 60% by the 2080s in the more pessimistic scenario. Therefore, site allocations should be directed towards areas of lower flood risk. However, the SFRA concludes that it would not be possible to accommodate all future growth in Leicester within Flood Zone 1, particularly in the Central Development Area, which contains the most sustainable locations in the City and where development is necessary for regeneration and to maximise the urban capacity of Leicester. Therefore, whilst site allocations have been steered towards areas of lower flood risk, a number are located partly within Flood Zones 2 and 3, where the Exception Test has been applied at a strategic level in Appendix H of the SFRA [EB/CC/2h]. The analysis concludes that provided flood risk issues are adequately accounted for within the design of new developments at these sites, it is likely that both elements of the Exception Test can be passed. This is sufficient at a strategic level to justify the sites being allocated in the Plan, but would need to be demonstrated at the planning application stage through a site-specific Flood Risk Assessment (FRA).

376. Policy CCFR06 sets out the principles for assessing development for sites in areas of flood risk and applying sustainable drainage systems. The supporting text in paragraphs 6.19 - 6.29 provides the evidence and justification for the policy approach. However, the wording of the policy and supporting text are not consistent with national policy in a number of respects, so that it would not be clear to a decision maker how to apply the policy to development proposals. This includes the provisions of the Sequential Test, the requirements for site-specific FRAs, the application of the Exception Test, reference to the flood risk vulnerability classifications in the PPG, and the requirements for sustainable drainage systems (SuDS). Accordingly, **MM67** and **MM69** are necessary to deal with these soundness issues.
377. As submitted the EA's Flood Risk Zones are not shown on the Policies Map. For legal compliance, to ensure it provides the geographic representation of the policy, Flood Risk Zones 2 and 3 need to be added to the Policies Map and referred to in the policy as such. However, given that the Flood Risk Zones are adjusted by the EA from time to time, for clarity and effectiveness, the policy and supporting text need to refer to the EA's mapping as well for the most up to date information. **[MM66] [MM69]**
378. The conversion of front gardens to parking areas is a particular problem in the urban areas of Leicester because of on-street parking pressures. The increase in areas of hardstanding can lead to increased risk of surface water flooding due to accelerated runoff. For effectiveness, an additional paragraph of supporting text is necessary to provide context to the application of Policy CCFR06 and ensure that these are built using SuDS techniques. **[MM68]**

Water Quality and Wastewater Treatment

379. Paragraph 6.29 of the supporting text is entitled 'Water Quality', but references both wastewater and water supply infrastructure. As drafted it lacks clarity on the requirement for additional wastewater treatment capacity and who will provide and fund the necessary infrastructure, particularly for growth in the north of the City. To ensure the Plan is clear and effective in respect of the provision of wastewater infrastructure, additional explanation is required in the supporting text **[MM70]**.

Conclusion

380. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for climate change and flood risk in Leicester.

Issue 7 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for health and wellbeing in Leicester?

381. The NPPF at paragraph 92 c) establishes that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs.

382. Objective 4 of the Plan, established from the Council's vision is to improve the health and wellbeing of local residents. To achieve this objective, chapter seven of the Plan sets out the policies relating to health and wellbeing and is supported by a number of background studies and strategies. To ensure the Plan is positively prepared and based on the most robust up to date reports, paragraphs 7.1 and 7.4 to 7.6 of the supporting text require amendment to delete reference to the Joint Health and Wellbeing Strategy 2019-2024, which is no longer extant, and include reference to the replacement strategy and two other documents that form part of the evidence base for the Plan. These amendments are captured in **MM71**, which also includes changes to rectify drafting errors.

A Healthy and Active City and Health Impact Assessments (Policies HW01 and HW02)

383. Policy HW01 sets out the Council's approach to reducing health inequalities, increasing life expectancy, improving quality of life and encouraging physical activity. However, as currently written the policy would not be effective in meeting these ambitions, as it fails to inform applicants and decision makers what would be expected in the development management process. Therefore, additional text is necessary to clarify precisely what is required from new development to create healthier communities, to remove duplication and to ensure that the policy cross references other relevant policies within the Plan. **MM72** addresses the above issues and is necessary to ensure the policy is effective.
384. Policy HW02 requires the provision of Health Impact Assessments (HIA) for major development proposals. The types of development comprising 'major' development for the purposes of this policy are listed in the supporting text at paragraph 7.17, but for clarity and effectiveness, the types of development requiring an HIA under Policy HW02 should be listed in the policy itself [**MM73** and **MM74**].
385. We have amended the wording of **MM72** and **MM73**, as they were subject to consultation, to delete the word 'major' from the description of the types of development to which the policies apply, to avoid any confusion with the definition of 'major development' in the glossary to the NPPF, which is different. We are satisfied that this change does not significantly alter the content of the MMs as published for consultation, nor undermine the participatory processes on them, since the type and scale of development to which the modified policies would apply remains the same.

Conclusion

386. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for health and wellbeing in Leicester.

Issue 8 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for delivering design quality in Leicester?

387. Chapter 8 establishes the Council's approach to delivering design quality in the city. The policies support Plan Objective 5, which seeks to ensure that new development is of a high-quality design and layout which reflects local context and circumstances.

However, the term 'high-quality design' used in both Objective 5 and throughout chapter 8, is ambiguous. For clarity and effectiveness, therefore, to assist developers and decision makers, a definition for the term 'high-quality design' should be added to the glossary **[MM201]**.

Design Principles (Policy DQP01)

388. Policy DQP01 sets out a number of overarching design principles for developers to take into consideration. However, as currently drafted the policy duplicates the design principles contained in the National Design Guide (NDG), the National Model Design Code (NMDC) and Building for a Healthy Life (BfHL). Paragraph 16f) of the NPPF establishes, that plans should avoid unnecessary duplication.
389. In order for the policy to be positively prepared, effective and consistent with national policy, modifications are necessary to remove duplication of the NDG, NMDC and BfHL, set out design principles that relate to sustainable placemaking in Leicester, and provide a clear approach to how proposals of ten or more dwellings should comply with the policy **[MM75]**.

Tall Development (Policy DQP02)

390. Policy DQP02 provides the approach to the design and location of tall development in the City. However, for effectiveness, so that it is clear to decision makers how to react to proposals for tall buildings, and to ensure the policy is adequately justified and consistent with national policy, a number of MMs are required to the policy and its supporting text.
391. Firstly, the supporting text should explain the context and justification for the policy, with reference to the evidence base on Tall Development in Leicester (2022) **[EB/QD/1]**. Secondly, the definition of what constitutes 'tall' and 'super tall' development in different areas of the City should be included in the policy itself. Thirdly, an additional criterion is necessary to ensure tall developments are adaptable to climate change, in respect of reducing energy demand and the prevention of overheating with a cross reference to Policy CCF03. Lastly, the requirement for proposals to be accompanied by an assessment of the policy considerations should be included in the policy as a validation requirement rather than a precondition for the grant of permission.
392. These modifications are reflected in **MM76** and **MM77**, and are necessary for soundness for the above reasons. We have amended the wording of MM76 to include the text to be deleted from paragraph 8.9 of the supporting text, which was missed off the end of the paragraph in the Schedule that was subject to consultation, and to remove paragraph 8.12, which was erroneously included in the MM, but is not subject to any change.

Inclusive Design (Policy DQP03)

393. Policy DQP03 promotes inclusive design in new development. This is broadly consistent with national policy in paragraph 130f) of the NPPF. However, the supporting text at paragraph 8.20 does not provide an adequate justification for the

policy so that it is clear to a developer or decision maker why and how the policy requirements should be met. Therefore, further explanation of what inclusive design means in the context of new development is necessary to address this **[MM78]**.

394. The wording of Policy DQP03 itself is also ambiguous, in that it would not be evident to a decision maker what standards of inclusive design are required to be met. Accordingly, **MM79** amends the opening sentence and criterion a) of the policy to ensure it is effective and consistency with national policy in this regard, and addresses the needs of the whole community, including people with a disability. We have made minor amendments to the wording of criteria b) and c) in the MMs Schedule, so that they are grammatically correct following the change to the first sentence of the policy.

Landscape Design (Policy DQP04)

395. Policy DQP04 seeks to ensure that there is an integrated approach to the consideration of existing landscape features alongside proposed hard and soft landscaping provided within new developments. However, the supporting text does not provide an adequate justification for the integrated approach set out in the policy, including the requirements for the retention of existing habitats, and the principles of sustainable design and drainage. To ensure the policy is appropriately justified in these regards, an additional paragraph in the supporting text is necessary to address this issue **[MM80]**.
396. The wording of Policy DQP04 is also not consistent with national policy in paragraph 180c) of the NPPF in the protection of irreplaceable habitats, such as ancient woodlands and veteran trees, and in not requiring tree-lined streets in new development, as expected by paragraph 131 of the NPPF. For clarity, it is also necessary to delete criterion g), which makes the provision of landscape design statement a development requirement, and reword it as a validation requirement, at the end of the policy. We have further amended this sentence as set out in the MMs schedule, so that it reads as such. These soundness issues are addressed by **MM81**.

Backland, Tandem and Infill Development (Policy DQP05)

397. Policy DQP05 seeks to guide proposals for backland, tandem and infill residential development. However, as submitted the wording of the policy only refers to backland development, so it is not clear whether or how it applies to tandem and infill development, as well. Given the importance of infill development in the City, in particular, as part of the planned housing land supply, modifications to the policy are necessary to ensure it is effective in dealing with all three forms of urban residential development **[MM82]**.

Residential Amenity (Policy DQP06)

398. Policy DQP06 sets out the matters to be taken into account when assessing the impact of proposals on residential amenity. However, the policy only requires a series of amenity factors to be considered, rather than stipulating that proposals should not cause unacceptable harm to the living conditions of surrounding residents. As such, it is not consistent with national policy in paragraph 130f) of the NPPF, which expects planning policies to ensure development achieves a high standard of amenity for

existing and future occupiers. In addition, the policy does not reflect the 'agent of change' principle, set out in paragraph 187 of the NPPF, which seeks to ensure that new and existing development can be integrated effectively. As such, changes are required to the policy for effectiveness and consistency with national policy **[MM83]**. We have made minor amendments to the wording of this MM that was subject to consultation, to ensure the revised policy reads correctly, and to delete the final criterion (g) relating to accessibility, which it was agreed at the Hearing does not contribute to the assessment of residential amenity.

399. To assist developers and decision makers in applying the policy, definitions for the terms 'living conditions' and 'outlook', used in Policy DQP06, should be added to the Glossary for effectiveness **[MM201]**.

Signs and Banners Advertisement Design and Location (Policy DQP09)

400. Policy DQP09 establishes the requirements for signs and banners requiring advertisement consent, which should be considered as an integral part of building design. However, the policy is negatively worded and ambiguous. As such, the modifications in **MM84** are necessary to address this and ensure the policy will be effective in minimising the potential adverse impacts of signs and banners on amenity, the natural environment, highway safety and the street scene.
401. Paragraphs 8.36 to 8.39 of the supporting text to Policy DQP09 relate to media screens and mesh wrap advertisements, and set criteria for the assessment of proposals for these types of advertisements, which are not reflected in the policy itself. To ensure the Plan is justified and effective in respect of these two forms of advertisement, new policies are necessary for Media Screens and Mesh Wrap Advertisements, incorporating criteria from the supporting text, in paragraphs 8.36 and 8.39, which can consequently be deleted **[MM85, MM86, MM87 and MM88]**.

Conclusion

402. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for delivering design quality in Leicester.

Issue 9 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for heritage in Leicester?

Historic Environment (Policies HE01 and HE02)

403. Policy HE01 is intended to be the overarching policy for all historic environment matters, apart from archaeology, which is set out in Policy HE02. However, in order to set out a positive strategy for the conservation and enjoyment of the historic environment, as required by the NPPF, and to avoid duplication and ensure clarity for applicants and decision makers, Policies HE01 and HE02 should be combined. **MM112** sets out the revised and amalgamated policy, and includes changes necessary to ensure consistency with national policy and legislation.

404. The supporting text relating to Policy HE01 is set out both before and after the relevant policy, meaning the flow of the text becomes disjointed and loses clarity. Accordingly, paragraphs 10.7 – 10.11 should be moved to follow paragraph 10.6, so that the reasoned justification is in one place before the new policy. Paragraph 10.9 also requires amendment to ensure it is consistent with national policy and to remove ambiguity. These changes are contained in **MM111**, which is necessary for clarity, effectiveness and consistency with national policy.

Conclusion

405. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for heritage in Leicester.

Issue 10 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for culture and tourism in Leicester?

Culture, Leisure and Tourism (Policy CT01)

406. Policy CT01 provides support for the development of cultural, leisure and tourism facilities, subject to a number of criteria. The supporting text to the policy describes the existing cultural facilities and tourist attractions in the City, but there is no reference to the evidence base on the need for new leisure facilities. To ensure the policy is appropriately justified, therefore, new supporting text is necessary to set out the findings of the Leicester Retail and Leisure Study 2021 [EB/TC/1] on the need for new leisure facilities in the City **[MM113]**.

407. Criterion a) of the policy expects proposals to satisfy the requirements of the sequential and impact tests, but for effectiveness it needs amendment to make clear that these are the tests relating to town centre development **[MM114]**. For effectiveness, criteria a) to d) also require amendment to ensure the cross-references to other policies in the Plan are clear and that all of the criteria apply to proposals for cultural, leisure and tourism development **[MM114]**.

408. Criterion e) expects all such proposals to 'enhance the local culture of the area'. However, this phrase is ambiguous, such that it would not be evident to decision makers how this would be assessed, and the Council was unable to provide evidence to demonstrate this. Therefore, for clarity and effectiveness, criterion e) should be deleted **[MM114]**.

409. Paragraph 93 of the NPPF expects planning policies to guard against the unnecessary loss of valued social, recreational and cultural facilities and services. Whilst Policy OSSR06 does this for built leisure facilities, the Plan does not contain a policy protecting cultural and community facilities from loss. For consistency with the NPPF, a new policy is required to offer this protection, unless the facilities are no longer required **[MM115]**. For clarity we have amended the final sentence of the policy, as it was worded in the Schedule of MMs issued for consultation, to ensure it refers to maintaining a 'cultural' as well as a leisure offer.

Assets of Community Value (Policy CT02)

410. Policy CT02 sets out a series of criteria for considering applications for 'assets of community value' (ACV) as defined in the Localism Act 2011. However, as drafted the policy does not serve a clear purpose in guiding decisions on development or planning applications. To ensure it is effective in this regard, the policy needs to be amended so that the criteria can be applied to applications for development affecting ACVs. For clarity, a footnote should also be added to the policy to direct people to the guidance on ACVs being transferred [MM116].

Protection of Public Houses (Class Sui Generis) (Policy CT03)

411. Policy CT03 seeks to protect public houses and requires robust and authoritative evidence for any change of use or redevelopment proposal. Overall, this is consistent with paragraph 93a) of the NPPF, which establishes that planning policies should plan positively for public houses, as part of the provision for the social, recreational and cultural facilities and services needed by communities. However, as drafted, the policy supports the demolition or change of use of public houses where any of the circumstances set out in criteria a) to c) apply. So even if there were still a need for a public house, the policy would not prevent its loss if one of the other criteria were met. **MM117** remedies this matter by replacing the word 'or' with 'and' between the criteria, to ensure all of the criteria must be satisfied to justify the loss of a public house.
412. For effectiveness, criterion a) should also be amended to clarify the requirement for evidence of marketing activity from the point of closure of a public house. Furthermore, to facilitate positive planning, and ensure the policy fully reflects national policy, an additional criterion should be added to the policy to reference the potential for change of use and shared spaces [MM117].

Great Central Railway Museum (Policy CT04)

413. Policy CT04 allocates 4.38 ha of land adjacent to the Red Hill roundabout, on the northern edge of the City, for tourism and leisure facilities associated with the Great Central heritage steam railway attraction, which runs between Loughborough and Leicester. The supporting text to the policy refers to proposals for a national railway museum on the site, but this is not now an active project. Therefore, for clarity, changes are necessary to the supporting text to refer more generically to cultural facilities [MM118].
414. The site has a number of development constraints, which are identified in the evidence on Non-Strategic Sites [SD/19]. It is located within the Thurstaston Road Green Wedge, and adjacent to the Red Hill Allotments, the Belgrave Cemetery and the Grade II listed Mobil Forecourt. There is also potential for archaeological remains under the allotments, a large part of the site is designated as a Local Wildlife Site (LWS), and its south-east corner lies within Flood Zone 2. Some of these constraints are referenced in the supporting text to Policy CT04, but the potential for development to cause harm to them is not addressed by the policy itself.

415. As such, Policy CT04 is not justified, effective or consistent with national policy, and requires modification. To ensure the policy is sound in these respects, **MM119** amends the policy wording to include the constraints and mitigations, and to require development proposals to address them. Subject to this, we are satisfied that any harmful impacts can be mitigated, given the type and scale of facilities that are planned for the site.
416. Policy CT04 also supports proposals for renewable energy on the site. This is intended to encourage new buildings to include renewable energy measures to achieve sustainable design, but could be taken to include free-standing renewable energy schemes, which would be inappropriate in this location. To avoid any ambiguity, therefore, amendments to the policy and supporting text are necessary, so it is evident how a decision maker should consider renewable energy as part of any planning application [**MM118** and **MM119**].
417. The policy currently refers to the site as shown on the Policies Map. However, this reference has been deleted in the MMs published for consultation. Given that the Policies Map as submitted shows the site, we have reinstated the text in the policy for clarity and effectiveness. For clarity, a map of the site should also be included within the policy itself [**MM119**].

Provision of new and retention of existing Places of Worship (Policy CT05)

418. Policy CT05 and its explanatory text set out the approach to the provision and retention of places of worship. Paragraph 11.18 is consistent with paragraph 93c) of the NPPF, where the council is seeking to guard against the unnecessary loss of valued services and facilities. To ensure the effectiveness of this approach it should be embodied within Policy CT05, rather than in the supporting text. Furthermore, the title of Policy CT05 is not sufficiently clear to alert the reader to the remit of the policy in respect of any facilities associated with the place of worship. Both **MM120** and **MM121** remedy these matters and are required for effectiveness.

Burial Space

419. Paragraphs 11.19 and 11.20 explain how the Council will address the decreasing availability of burial space in Leicester. Paragraph 11.20 recognises that, given the tightly drawn administrative boundaries of the City, the Council may need to work with adjoining authorities to accommodate its burial needs.
420. A 2021 SoCG between Charnwood Borough Council (CBC) and Leicester City Council [EXAM 105] confirms CBC has accepted in principle that it can meet Leicester's needs for burial space. Accordingly, the explanatory text is not up to date, effective or justified. Amendments to paragraphs 11.19 and 11.20 of the supporting text are necessary to remedy this issue, to refer to the SoCG and to delete superfluous and duplicated text for clarity and, therefore, effectiveness [**MM122**].
421. Setting out in the Plan the specific requirements for consultation and engagement with different faith communities on future burial space proposals is not necessary for soundness. Rather this is a matter for the Council to consider as part of its own consultation processes.

Conclusion

422. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for culture and tourism in Leicester.

Issue 11 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for open space, sports and recreation in Leicester?

Open Space, Sports and Recreation

423. Chapter 14 sets out the Plan's approach to Open Space, Sports and Recreation. It aligns with Objectives 4, 6 and 8, which in essence aim to improve the health and wellbeing of local residents by enabling the right infrastructure and protecting and enhancing the natural environment.

424. Plan paragraphs 14.2 - 14.6 provide the background to the policies within the chapter. However, the wording of paragraph 14.4 is not sufficiently clear, as it does not explain the contribution that the City's open spaces make to broader strategies seeking to enhance green infrastructure networks and build interconnectedness across the region. A change is therefore required to the supporting text to address this for effectiveness **[MM148]**. Again we have amended the wording of the MM as it was subject to consultation to update the reference to the LNRS which was published in August 2025.

425. Diagram 17 provides a spatial representation of the green and blue infrastructure both within Leicester and into the neighbouring Council areas. The supporting text at paragraph 14.6 explains that the open space network does not stop at the City's boundary, but is connected to wider networks in adjoining authorities. However, for effectiveness the supporting text following Diagram 17 should make it clear that the open space network designations shown beyond Leicester City's administrative boundaries are for illustrative purposes only, as these are outside the Plan area. Furthermore, changes are required to the diagram itself to better reflect the updated green wedge areas and ensure that the City boundary is clear and effective for users of the Plan. **[MM149]**

Green Wedges (Policy OSSR01)

426. Policy OSSR01 seeks to maintain those areas identified on the Policies Map as Green Wedges and sets out their purposes as being to prevent the merging of built settlements, help guide where development can take place, provide a green lung into urban areas and act as a recreational resource. The supporting text, at paragraph 14.11, sets out that Green Wedges also provide and link a range of uses. For clarity and effectiveness, it should make clear that this can help secure wider benefits such as supporting improved connectivity and promoting active and sustainable travel choices **[MM150]**.

427. As submitted, the policy would not be effective as it is not sufficiently clear to a decision maker about what would and would not be permitted. It should be amended therefore to strengthen and broaden the requirements for development proposals. It should also make it clear that, where development is otherwise acceptable within a Green Wedge, it should also meet a set of criteria which require any development to be of a high quality, in respect of boundary and frontage treatment, as well as to enhance, retain or create additional open space networks, enhance or retain public access to the Green Wedge, and enhance or create additional recreational and/or biodiversity areas within it **[MM151]**.
428. Finally, given the ecologically sensitive nature of the Green Wedges, development within them has potential to impact habitats and species without appropriate consideration at the earliest stages of development. As such, in order for the Plan to be effective, changes are required to Policy OSSR01 and the supporting text to include a requirement for any planning application for development in the Green Wedge to be accompanied by a Preliminary Ecological Appraisal **[MM150, MM151]**.

Development of Open Spaces (Policy OSSR02)

429. The NPPF, at paragraph 99, establishes that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of three criteria is met.
430. Plan Policy OSSR02 provides a criteria-based approach to the development of open spaces. The evidence to support and inform Policy OSSR02 comprises the Open Space, Sport and Recreation Study 2017 (EB/OS/3), the Playing Pitch Strategy Assessment Report and Action Plan 2017 (EB/OS/4 & EB/OS/4a) and Addendum to Playing Pitch Strategy 2022 (EB/OS/4b).
431. To provide a clear basis for decision making in respect of providing suitable protection for open space, an amendment to Policy OSSR02 is necessary so that express reference to open spaces, other than those shown on the Policies Map, is set out. Moreover, for consistency with national policy, the thrust of Policy OSSR02 should be prohibitive of development on open space, whereas the submitted policy allows development on open space unless certain criteria are met. These matters, and typographical amendments, are addressed by **MM152** which is necessary for consistency and effectiveness.

Open Space in New Development (Policy OSSR03)

432. As set out above, the Plan has an evidence base of supporting documents relating to the assessment of open space, sport and recreational facilities to highlight deficits and surpluses across the City. As established in the NPPF, at paragraph 98, information gained from such assessments should be used to determine what open space is needed, which the Plan should then seek to accommodate.
433. Policy OSSR03, provides a criteria-based approach to the provision, quality and standard of open space required in new developments.

434. Plan paragraph 14.15 supports Policy OSSR03 and refers to the update of relevant supplementary planning guidance, which would confirm the qualitative and quantitative green space improvements standards and requirements. However, to provide clarity for an applicant and decision maker, the supporting text to Policy OSSR03 requires updating to refer to the provision of further detailed guidance on the application of the adopted open space standard being set out in an updated Supplementary Planning Document (SPD). Furthermore, the important role that allotments play and reference to the Greenspace SPD, should also be set out in the supporting text for effectiveness. This is achieved by **MM153**.
435. The strategic site allocations individually address the need for open space. Nevertheless, in respect of providing suitable provision of open space **MM154** is necessary for clarity and effectiveness, which would amend Plan Policy OSSR03 so that express reference to the strategic allocations is made, consistent with the purpose of the policy. A further amendment to add the reference to 'open space' at criterion (d) is also necessary for effectiveness [**MM154**].

Existing Playing Pitches (Policy OSSR04)

436. Policy OSSR04 relates to the protection of existing playing pitches, unless the proposal meets a number of criteria. The supporting text to this policy is provided, in part, at paragraph 14.20. To ensure that the Plan is based on the most robust and up to date evidence, paragraph 14.20 requires amendment to reflect the status of the Council's Playing Pitch Strategy, and the yet-to-be-developed built sports facilities strategy. These amendments are also necessary for effectiveness to ensure that applicants and decision makers know what will inform the consideration of any future planning applications [**MM155**].
437. In respect of providing suitable protection for sports and recreational buildings, and associated development ancillary to outdoor sports facilities, **MM156** is necessary. This would amend Policy OSSR04 so that express reference to the protection of such facilities is made, both to the title of the policy and to its content, consistent with the NPPF, rather than the policy solely referring to 'playing pitches'.
438. Criterion c) of the Policy as drafted is not consistent with the NPPF, at paragraph 99c) which highlights that the benefits of alternative provision clearly outweigh the loss of the current or former use. Furthermore, a number of amendments to criteria a) and d) are required to ensure clarity. **MM156** remedies these matters for the policy to be justified and effective.

Playing Pitches and Associated Facilities (Policy OSSR05)

439. Policy OSSR05 provides the framework for the consideration of playing pitches and associated facilities. A number of amendments are necessary for clarity, and thereby effectiveness, including cross-referencing other related Plan policies and confirmation of the status and author of the Playing Pitch Strategy and Action Plan [**MM157**].

Built Sports Facilities (Policy OSSR06)

440. Policy OSSR06 sets out the Council's approach to the development of new built sports facilities as well as enhancing existing provision. Due to the age of the evidence base originally used (2017), the Council commissioned an update to the evidence to support Policy OSSR06, which included a 'Playing Pitch Strategy Position Statement 2022' [EB/OS/4b].
441. We are satisfied that this provides an effective base for the consideration of future planning applications for built sports facilities. However, to ensure that applicants and decision makers are aware of the requirement to cross-reference other policies in the Plan the insertion of the word 'Policy' is necessary for effectiveness in criteria c) and d) [MM158].

Waterways (Policy OSSR07)

442. The River Soar and the Grand Union Canal run south to north through Leicester, forming a strong waterway corridor in the City, which plays an important role in terms of heritage and regeneration, as well as for leisure, recreation, biodiversity, flood management and transport. Policy OSSR07 allows for development to take place within the waterway corridors taking into account a range of objectives, which recognise their multifaceted role.
443. However, the policy is overly permissive and does not set a sufficiently robust and effective framework for managing the impacts of development within the waterway corridors. Accordingly, to ensure the policy is effective, **MM159** is necessary, turning the objectives into criteria, so that development within the waterway corridors is only permitted, where, amongst other things, it protects, maintains and enhances their nature conservation value, architectural quality, drainage, boating and flood management functions, and public access to the waterside.

Conclusion

444. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for open space, sports and recreation in Leicester.

Issue 12 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the natural environment in Leicester?

445. Chapter 15 of the Plan contains the proposed policies for the natural environment. Paragraphs 15.1 to 15.2 provide the evidence base and background for the chapter. Leicester has a complex network of habitats and biodiversity, the management and enhancement of which depend on working across administrative boundaries, particularly when considering strategic developments that may impact on designated sites. To ensure the Plan is effective in this regard, **MM160** is necessary to make clear in the supporting text the expectation that the Council will work jointly with other stakeholders and across boundaries to support the delivery of the Plan's strategic

ambitions and priorities for nature, including those set out in the Local Nature Recovery Strategy (LNRS). We have amended the wording of the MM as it was subject to consultation to make clear it is the LNRS for Leicestershire, Leicester and Rutland, which was published in August 2025. A consequential modification is also necessary to include a definition for the term 'Local Nature Recovery Strategy', in the Glossary **[MM201]**.

Protecting designated sites, legally protected and priority species, and priority habitats (Policy NE01)

446. Policy NE01 sets out the considerations for development proposals that affect the City's network of designated habitat sites and legally protected species and habitats. However, it is not consistent with national policy, particularly in respect of the ecological mitigation hierarchy set out in paragraph 180a) of the NPPF. Accordingly, **MM161** is necessary to ensure Policy NE01 is consistent with national policy and provides an effective basis for decision-making.

Biodiversity Net Gain (Policy NE02)

447. Policy NE02 sets out the requirements for new development to provide a minimum 10% Biodiversity Net Gain (BNG) in accordance with national legislation. However, at the time of submission in September 2023, the legislative requirements for BNG were still emerging. Since the commencement of the relevant provisions of the Environment Act 2021 for major and minor development in 2024, legislation and guidance for BNG are now established.

448. Accordingly, **MM162** and **MM163** are necessary to modify the policy and its supporting text to bring it into line with the legislation and guidance on BNG, and ensure an effective local policy framework for BNG, which is consistent with national policy, without duplicating it. This includes ensuring the appropriate application of the statutory biodiversity metric and Biodiversity Gain Hierarchy, and the requirement for Biodiversity Gain Plans, as well as the scale and types of development that are exempt from BNG, as well as requiring BNG proposals to be consistent with the LNRS. We have amended the wording of the MM as it was subject to consultation to make clear it is the LNRS for Leicestershire, Leicester and Rutland, which was published in August 2025. For clarity and effectiveness, consequential modifications to the Glossary are also necessary to explain the various BNG terms **[MM201]**.

449. Whilst a requirement for BNG above 10% was discussed at the Hearings, the evidence to support this as a requirement has not been demonstrated to be justified within the Plan. However, the policy supports proposals that make provision for BNG above the statutory minimum, in a way that is consistent with national policy.

Green and Blue Infrastructure (Policy NE03)

450. Policy NE03 seeks to ensure that existing and new green and blue infrastructure is integrated into development, in a way that connects to the wider network of green and blue infrastructure across the City. In broad terms this is consistent with national policy in paragraphs 92 and 175 of the NPPF, which expects Plans to maintain and enhance green infrastructure networks for their ecological and health benefits.

However, as submitted, the policy does not clearly apply to the determination of planning applications, it does not specify the mechanisms through which new green infrastructure would be managed and maintained, and does not reference the priorities and guidance for the establishment of green infrastructure set out in national and local strategies. As such, Policy NE03 is neither justified nor effective.

451. Accordingly, modifications are necessary to the supporting text and to the policy itself, to address these soundness issues [MM164, MM165]. We have amended the wording of MM165, as it was subject to consultation, to make clear it is the LNRS for Leicestershire, Leicester and Rutland that is relevant.

Ancient Woodland, Veteran Trees and Irreplaceable Habitats (Policy NE04)

452. Policy NE04 seeks to protect ancient woodland, veteran trees and irreplaceable habitats from the impacts of development. However, as submitted it is not consistent with national policy in its application of exceptions tests and the weighing of public benefits set out in paragraph 180c) and footnote 63 of the NPPF. Accordingly, **MM166** is necessary to ensure Policy NE04 is consistent with national policy.

Conclusion

453. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for the natural environment in Leicester.

Issue 13 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for transport in Leicester?

Transportation

454. Chapter 16 of the Plan addresses transportation, providing the transport policy and infrastructure requirements to support the development proposed in the Plan. The Strategic Site Allocations, in particular, will place additional demands on the key transport corridor routes into and out of the city, especially in the northwest and west of Leicester. In response, the Plan's approach is to reduce the impact of additional traffic, as far as possible, by providing real choice in transport modes.
455. An assessment of the transport impacts of the Plan and proposed growth was undertaken (EB/TR/1 and EB/TR/1a) using the Pan-Regional Transport Model, with data provided from the Council and neighbouring authorities, including Blaby and Charnwood. In addition to the housing and employment growth data, the Model also tested the impacts of a number of proposed transport schemes, which have received funding via the Transforming Cities Fund (Tranche 2) and focus on improving public transport and active travel provision. The Model reached a number of conclusions, which would need to be addressed through mitigation measures.
456. One of the principal findings of the Model was that at peak times and during the day the city is already congested and it is not possible, or desirable, to build capacity in this urban environment to support greater volumes of traffic. Accordingly, to support the sustainable travel approach adopted by the Plan, the Council is considering the

provision of attractive alternatives to the use of a car, rather than strategic highway interventions to free up capacity within the highway network.

457. The Transport Infrastructure Assessment 2020-2036 (EB/TR/2) provides an updated list of transport schemes, presented in three phases – infrastructure required by 2026; between 2027 to 2031; and between 2032 to 2036. It draws on evidence from Statements of Common Ground with neighbouring authorities and from consultation with National Highways. The funding for the proposed infrastructure will come from developer contributions, the Council's capital programme and from external sources. However, mitigating the impact of individual developments would be the responsibility of the developers of each scheme, which we have considered above and concluded are deliverable and developable.
458. From the evidence presented, the measures in the infrastructure plan show that up to 2031 transport would not be a barrier to the delivery of the planned growth. Moreover, the modelling illustrates that the development proposed in the Plan can be delivered over the whole Plan period, without an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe, with the proposed mitigations in place. The recommended infrastructure would aim to minimise the increase in car traffic and deliver measures that maximise the potential for travel by all sustainable modes for travel to, from and within the City.
459. Paragraphs 16.6 to 16.16 of the Plan describe the transport strategy for Leicester. Paragraph 16.14 states that the Council has consulted on a workplace parking levy and intends to determine the next steps in 2022. However, the Council is not currently considering the introduction of a workplace parking levy and, therefore, for clarity and effectiveness, paragraph 16.14 should be deleted **[MM167]**.
460. Paragraphs 16.21 to 16.24 provide the background to the Council's position on transport and air quality. The Council adopted an Air Quality Action Plan covering the period 2015-2026, which sets out the strategic approach to improving air quality. Paragraphs 16.22 to 16.23 provide the relevant air quality standards, however, these have since been update. Consequently, **MM168** provides modified text to update references to the national air quality objectives and Air Quality Guidelines, along with Leicester's compliance with the Government's PM2.5 targets.
461. Plan Diagram 18 sets out the spatial transport strategy for Leicester and its neighbouring authorities. The strategy builds on the Connecting Leicester Strategy and extends the Transforming Cities programme for sustainable transport infrastructure. In this respect, the diagram reflects the Transforming Cities programme and therefore, to ensure it is clear and effective, the title should be updated to reflect this **[MM169]**.
462. Diagram 18 shows the main settlements, transport corridors and transport facilities. However, it does not illustrate the settlement of Thorpebury, which is an established area for housing growth in Charnwood Borough Council, and includes the delivery within the City of an access road and enhancements to Hamilton Park that will provide improved connectivity to employment, housing, transport and accessible green infrastructure. As such Diagram 18 should be modified **[MM169]** to be clear, effective and justified.

Sustainable Transport Network (Policy T01)

463. Policy T01 seeks to secure sustainable transport and movement in the City, by supporting development in sustainable locations and ensuring it meets a number of criteria. As submitted the Policy does not identify how the Council will engage with key stakeholders to ensure the delivery of a sustainable transport network both inside and outside of the city boundary. A reference within the policy is necessary for effectiveness and this is achieved through **MM170**.
464. Further changes to the Policy are required to ensure consistency with national policy, including reference to the rights of way network (NPPF paragraph 100), that a wide range of sustainable transport options are considered in the recognition of changing transport technology (NPPF paragraph 104 b) and that sustainable locations are considered for development proposals (NPPF paragraph 105). **MM170** addresses these matters to ensure the policy is effective and consistent with national policy.

Climate Change and Air Quality (Policy T02)

465. The Council adopted an Air Quality Action Plan covering the period 2015-2026, which sets out the strategic approach to improving air quality. However, a number of air quality standards and documents have since been updated. Furthermore, the policy does not provide clear guidance to developers or to decision makers on the air quality targets that the policy is trying to meet. Consequently, amendments to Policy T02 are necessary to address these shortcomings and ensure it is effective and consistent with national policy [**MM171**].

Accessibility and Development (Policy T03)

466. Plan Policy T03 sets out the planning policy approach for the transport accessibility of new development, particularly considering sustainable transport modes and infrastructure improvements. We are satisfied that the policy is justified and consistent with national policy as submitted.

Park and Ride (Policy T04)

467. Policy T04 seeks to manage development proposals for new, and extensions to existing, Park and Ride sites. However, in order to consider the opportunities arising from existing and proposed transport infrastructure, as required by paragraph 104 b) of the NPPF, it is necessary for developers and decision makers to be aware of existing park and ride sites, as set out on Diagram 18, and how park and ride sites can address dependency on the private car. Therefore, **MM172** provides a new paragraph of explanatory text to address this for effectiveness. For clarity, we have added a reference to Diagram 18 into the wording of the new paragraph, as it was published for consultation in the MMs.

Freight (Policy T05)

468. Policy T05 relates to the provision of freight services and the protection of freight facilities, which is supported by paragraphs 16.65 to 16.69 of the Plan. **MM173** provides additional supporting text to encourage sustainable freight opportunities, which accords with the sustainable objectives of the Plan. This is necessary to provide clarity and consistency with national policy on the Plan's approach to freight.

469. Criterion a) of Policy T05 ensures that non-residential development has the facilities to support commercial vehicles. However, as currently drafted it does not refer to the need for electric vehicle charging points. Paragraph 107 e) of the NPPF sets out the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles, when considering parking standards for residential and non-residential development. Accordingly, **MM174** to criterion a) is necessary to ensure the policy is consistent with national policy in this regard. For clarity and effectiveness, we have amended the wording of the MM following consultation, to refer to electric vehicle 'charging' facilities, and to ensure the first sentence of the policy scans correctly.

Highways Infrastructure (Policy T06)

470. Policy T06 concerns mitigation for transport impacts resulting from development, particularly the provision of additional highways infrastructure. However, to ensure the policy is effective, additional explanatory text is necessary to articulate the role that highways infrastructure can play in reducing the significant impacts of development on the transport network and highway safety, to promote sustainable transport modes and the need for transport plans and assessments, and to explain the role of the Infrastructure Delivery Plan, which supports the Plan and identifies the City's infrastructure needs **[MM175]**.

Car Parking (Policy T07)

471. The Plan states, at paragraph 16.78, that the Council is investigating the potential for a workplace parking levy. However, the Council has resolved not to pursue such a scheme at this stage. Therefore, paragraph 16.78 is no longer necessary, and should be deleted to ensure the Plan is justified and effective **[MM176]**.

472. Policy T07 provides guidance on parking provision in new developments. Criterion b) sets out the design considerations which need to be taken into account when considering car parking. Given the importance of addressing flooding in Leicester and building resilience into new developments to prepare for the changing climate, to ensure the policy is justified and effective, it is necessary to include sustainable drainage in the design of parking proposals **[MM177]**.

Conclusion

473. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for transport in Leicester.

Issue 14 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for minerals and waste needs in Leicester?

Minerals and Waste Needs

474. As a Unitary Authority, Leicester is responsible for minerals and waste planning. It is the Council's intention to produce a separate Minerals and Waste Local Plan, but until that is adopted, the city's minerals and waste planning requirements are to be addressed in this Plan.

475. Paragraphs 17.1 to 17.13 provide the background and context for the minerals and waste planning needs and requirements of the city of Leicester. However, as drafted paragraph 17.7 does not recognise the importance of partnership working with statutory bodies, such as the Environment Agency, in order to deliver the waste infrastructure which Leicester needs. **MM178** remedies this matter through the inclusion of additional text, which is necessary for effectiveness.
476. The NPPF states, at paragraph 209, that it is essential for there to be a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Furthermore, Mineral Planning Authorities (MPAs) should plan for a steady and adequate supply of minerals (paragraphs 213 and 214 of the NPPF). It is acknowledged that Leicester has no operational minerals extraction sites. However, given that the Plan sets out a large number of allocations for development and policies for regeneration, both aggregate and industrial minerals will be required to support this. It will be necessary for the Council to work with neighbouring MPAs to ensure an adequate provision of minerals to support its ambitions and safeguard resources. **MM179** provides additional text at paragraph 17.9 to address these matters, which is necessary for effectiveness and consistency with national policy.
477. The NPPF, at paragraph 215, sets out the planning framework in respect of oil, gas and coal exploration and extraction, stating that MPAs should plan for the three phases of exploration, appraisal and production. The extraction of oil and gas can be termed as conventional or unconventional. Unconventional oil and gas are trapped within impermeable rocks such as shale or coal and can be released only after the shale is drilled and artificially fractured (also referred to as fracking). The government has set out a moratorium banning fracking, however this is not reflected in the Plan. **MM180** corrects this factual error in paragraph 17.13 of the supporting text, and provides additional text relating to the status of fracking licences in the city, which is necessary for clarity and consistency with national policy.

New Waste and Existing Waste Uses (Policy FMWN01)

478. Policy FMWN01 provides the planning policy requirements relating to new waste facilities and extensions to existing waste facilities. Paragraph 4 of the National Planning Policy for Waste (2014) states that waste planning authorities should identify broad type or types of waste management facility and, at Appendix B(e), that in testing the suitability of sites, factors such as conserving the historic environment should be considered. Furthermore, the NPPF, at paragraph 119, establishes that planning policies and decisions should promote the effective use of land, including the use of brownfield land. As drafted Policy FMWN01 does not have adequate regard to these requirements. Accordingly, **MM181** is necessary to address these matters, including reference to other relevant Plan policies, to ensure Policy FMWN01 is positively prepared, effective and consistent with national policy.

End of Life Vehicle Facilities (Policy FMWN02)

479. Policy FMWN02 sets out the planning policy approach to new, or extensions to existing, end of life vehicle processing facilities. For effectiveness, **MM182** is necessary to ensure that the reference to other Plan policies is clear and unambiguous.

Managing Leicester's Minerals Resources (Policy FMWN03)

480. As submitted Policy FMWN03 is not consistent with chapter 17 of the NPPF, in that, whilst it identifies mineral safeguarding areas, it does not explicitly prevent the sterilisation of minerals within them by non-mineral development or expect prior extraction of minerals, where this is practical and environmentally feasible. **MM183** revises the wording of the policy so that it is effective and consistent with national policy in enabling the extraction of minerals, where this would not harm the overall vision and strategy of the Plan.

Provision of New Aggregate Recycling Facilities (Policy FMWN04)

481. Policy FMWN04 addresses new aggregate recycling facilities, where the NPPF sets out, at paragraph 210 b), that planning policies should so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials. However, the importance of this approach is not made clear in the supporting text to Policy FMWN04. **MM184** provides a new paragraph of explanatory text to address this, which is necessary to ensure the policy is adequately justified and consistent with national policy. **MM185** is necessary to ensure the references to other Plan policies within Policy FMWN04 are clear and effective.

Conclusion

482. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for minerals and waste needs in Leicester.

Issue 15 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for infrastructure in Leicester?

Background and evidence base

483. Plan chapter 18 provides the justification and policies for the provision of infrastructure to support sustainable development. Over the Plan period, the City of Leicester will be the focus of substantial housing and employment growth, resulting in increased pressure on local infrastructure, services and facilities. Therefore, it is crucial that new infrastructure is provided to create sustainable communities.

484. The Infrastructure Assessment (Updated 2023) (the IA) [EB/DI/2] identifies all relevant infrastructure needs that are anticipated over the plan period, which can clearly be related to growth, to provide evidence that such need is both known and being actively planned for. The IA identifies that only around 10.5% of overall infrastructure costs are likely to be attributable to growth. However, this does not include transport mitigations, which were considered separately. The total projected infrastructure investment required for the Plan is £912.56 million.

485. The IA also identifies the funding sources and delivery partners that would be necessary to deliver the larger infrastructure projects, such as a 1,200-place

secondary school and five new primary healthcare complexes. As several of the sites allocated for housing and economic growth border neighbouring local authority areas, cross-boundary cooperation will be necessary, particularly on highway matters, to ensure infrastructure delivery. This is set out in the Strategic Growth Plan (2018).

486. The Whole Plan Viability Assessment May 2022 Refresh (WPVA) [ED/DI/3] concludes that the Council's proposed policies are deliverable and viable at the thresholds proposed. Overall, therefore, we are satisfied that there is Plan-wide viability to show that its site allocations and proposals can be realistically delivered, together with the necessary supporting infrastructure over the Plan period.
487. However, the Council does not at this stage intend to pursue the adoption of a Community Infrastructure Levy (CIL), based on the conclusions of the WPVA. As drafted paragraph 18.7 of the supporting text includes this as an option, as one of a range of funding sources for infrastructure. To ensure that the Plan is justified based on the evidence, the reference to the introduction of CIL should be deleted **[MM187]**.
488. Appendix 5 of the Plan sets out how the policies of the Plan will be delivered and implemented. This requires updating to include the new and modified policies recommended in this Report and the MMs Schedule **[MM199]**.

Developer Contributions and Infrastructure (Policy DI01)

489. Policy DI01 forms the overarching strategic policy for the provision of infrastructure required to support the development proposed in the Plan, to be funded and delivered in accordance with Section 106 and the CIL Regulations. However, as submitted, the policy is ambiguous and not consistent with national policy on developer contributions and viability. In particular, the policy and supporting text does not refer to the types of infrastructure that development will be expected to contribute to, although these are set out in Appendix 4 to the Plan; it makes no express reference to the tests for planning obligations set out in the NPPF and CIL Regulations; and it is unclear on the circumstances in which the viability of development proposals to support planning obligations will be considered at the planning application stage. Accordingly, MMs to Policy DI01 and its supporting text are required to ensure it is justified, effective and consistent with national policy in these respects. **[MM186, MM188, MM189]**
490. The supporting text at paragraph 18.10 indicates that the Council intends to produce a supplementary planning document (SPD) on developer contributions and infrastructure, following the adoption of the Plan. The PPG makes clear that it is not appropriate for new formulaic approaches to planning obligations to be set out in SPDs, as these would not be subject to examination (PPG Paragraph: 004 Reference ID: 23b-004-20190901). To ensure that the Plan is consistent with national policy in this regard, an MM is necessary to the supporting text to make clear that the SPD will not increase the expected developer costs beyond what is already set out within this plan **[MM188]**.

Conclusion

491. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for infrastructure in Leicester.

Issue 16 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for neighbourhood planning in Leicester?

Strategic Framework for Neighbourhood Plans

492. Chapter 19 of the Plan sets out the Council's approach to neighbourhood planning. As currently drafted Plan paragraph 19.3 sets out the policies that are not strategic and Table 9 lists the policies that do not need to be taken into account when preparing neighbourhood plans. However, paragraph 13 of the NPPF states that neighbourhood plans should support the delivery of strategic policies contained in local plans. Therefore, to ensure consistency with national policy and effectiveness, chapter 19 of the Plan should list the strategic policies that should be taken into account when preparing neighbourhood plans. **MM190** and **MM191** amend paragraph 19.3 and Table 9 of the Plan accordingly.

Conclusion

493. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for neighbourhood planning in Leicester.

Issue 17 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for planning enforcement in Leicester?

Planning Enforcement (Policy PE01)

494. Chapter 20 of the Plan provides the background to the Council's approach to enforcement and Policy PE01 sets out the planning policy approach to how any breaches of planning control will be investigated and addressed. The Town and Country Planning Act 1990 sets out the statutory powers for planning enforcement. For clarity and effectiveness, an additional paragraph in the supporting text is necessary to explain this and what constitutes a breach of planning control **[MM192]**.

495. The Council has adopted a Planning Enforcement Policy and Procedure, as recommended in paragraph 59 of the NPPF. Paragraph 2.3 of that document states that the LPA has a general discretion to take enforcement action. However, this is not recognised in Policy PE01. Accordingly, for clarity and effectiveness, it is necessary to reference this general discretion in Policy PE01 **[MM193]**.

Conclusion

496. Subject to the MMs set out above, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for planning enforcement in Leicester.

Issue 18 – Is the monitoring framework of the Plan effective and consistent with national policy?

497. Regulation 34 expects LPAs to produce an annual monitoring report (AMR) of progress with the preparation and implementation of Local Plans. Where a policy is not being implemented, the AMR must say why and what steps are to be taken to secure its implementation. The PPG (Paragraphs: 065 Reference ID: 61-065-20190723 and 073 Reference ID: 61-073-20190315) anticipates that the indicators against which the success of policies are monitored in the AMR should be set out within the development plan.

498. Chapter 21 of the Plan sets out the Council's approach to monitoring and review, including the publication of an Annual Monitoring Report. However, the Plan does not include any indicators against which the effectiveness and implementation of its policies and proposals can be monitored.

499. As such, to ensure the Plan is effective and consistent with national policy in this regard, it is necessary to replace the whole of chapter 21 with new explanatory text and a Monitoring Framework, setting out the indicators and targets against which the Plan will be monitored [**MM194** and **MM195**]. We are satisfied that the new Monitoring Framework (as set out in Annex E to the MMs Schedule) is sufficiently comprehensive and robust to enable the Council to identify any under-delivery requiring action, and that the inclusion of further milestones is not necessary for soundness.

Conclusion

500. Subject to the MMs set out above, the monitoring framework of the Plan will be effective and consistent with national policy.

Overall Conclusion and Recommendation

501. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

502. The Council has requested that we recommend MMs to make the Plan sound and legally compliant and capable of adoption. We conclude that the DtC has been met and that with the recommended MMs set out in the Appendix the Leicester Local Plan 2020 to 2036 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Karen Baker, Joanne Burston and Mike Hayden

Inspectors

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