

**Leicestershire and Leicester Waste Core Strategy and
Development Control Policies**

**Leicestershire Minerals Core Strategy and
Development Control Policies**

Submission of Further Material December 2008

Charnwood Borough Council

Leicestershire Minerals Core Strategy and Development Control Policies

Spatial Vision and Objectives

5. Should there be reference to the Green Infrastructure strategies for the 6Cs area and the role that minerals could play in respect of biodiversity and other aspects of Green Infrastructure?*

**The numbering of the above questions relates to the numbering as set out in the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies Examination – Next Steps Document*

Charnwood Borough Council's representation on the submission draft of the Leicestershire Minerals Core Strategy and Development Control Policies stated:

"Policies CS12, CS13, DC20 DC 18 and DC19 and DC21 deal with the Strategic River Corridors, National Forest, Charnwood Forest, the reclamation and aftercare of minerals sites and planning obligations respectively. The effectiveness of these policies in supporting the National Forest and Charnwood Forest is questioned, as it is unclear how they follow from the spatial vision in the Core Strategy.

The spatial strategy and vision need to refer to Green Infrastructure strategies for the 6Cs area, and the substantial role that mineral sites may be able to play in bringing about a net gain in biodiversity and other aspects of Green Infrastructure".

Further Clarification

For the reasons that are set out below the Leicestershire and Leicester Waste Development Framework Core Strategy & Development Control Policies are not effective and do not meet the tests of soundness set out in paragraphs 4.44 to 4.45 in PPS12 June 2008.

Planning Policy Statement 12 – creating strong safe and prosperous communities through Local Spatial Planning (DCLG June 2008 para 2.1) describes the nature of spatial planning as: "a process of place shaping and delivery" whose aims are to "produce a vision for the future of places that is based on [inter alia] evidence and a sense of local distinctiveness".

It is considered that Leicestershire's Green Infrastructure is a fundamental part of Leicestershire's local distinctiveness. The Leicestershire Minerals Core Strategy has a substantial role to play in bringing about a net increase in green infrastructure.

PPS12 (para 4.45) also states that:

"Core Strategies should show how the vision, objectives and strategy for the area will be delivered and by whom, and when".

PPS12 thus indicates that there should be strong continuity between vision and objectives for an area, and the more detailed aspects of the Core Strategy. As such it is considered that the key elements which make Leicestershire unique and which the Leicestershire Minerals Core Strategy can have a strong influence should be included in the spatial vision and objectives. This is to ensure there is continuity throughout the document, and that these important issues are given their necessary weight.

The purpose of a spatial vision and objectives is to set out an ambitious and tangible view of what Leicestershire may be like at the end of the plan period as a result of the Minerals Development Framework. Such a vision needs to be worded in such a way so that it is clear after the end of the plan period as to whether or not a vision has been achieved. The spatial vision needs therefore to specifically refer to the National Forest and the Charnwood Forest, and how the Minerals Development Framework can contribute to these wider strategies.

The spatial vision needs therefore to specifically refer to the various aspects of Green Infrastructure and to supporting any regional, sub-regional or local green infrastructure strategies.

6. Should the protection and enhancement of Charnwood Forest be a specific objective?*

**The numbering of the above questions relates to the numbering as set out in the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies Examination – Next Steps Document*

It is considered necessary to have a separate objective relating to the opportunities or added value that mineral sites can bring in terms of complementing other strategies such as the National Forest (WAS 34), Charnwood Forest Regional Park. It is not necessary to have a separate objective only covering the Charnwood Forest.

Introductory, Background and Key Diagram Points

6. Should the land east of Thurmaston be identified as a sustainable urban extension?*

**The numbering of the above questions relates to the numbering as set out in the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies Examination – Next Steps Document*

Charnwood Borough Council's representation on the submission draft of the Leicestershire Minerals Core Strategy and Development Control Policies stated:

"There is concern that a specific location of a sustainable urban extension at land East of Thurmaston. Charnwood Borough Council has not yet published its Submission Draft of its Core Strategy. Land East of Thurmaston has not been agreed by the Borough Council, and remains one option only. It is suggested that alternative notation is used which doesn't commit to a specific location".

Further Clarification

For the reasons that are set out below the Leicestershire and Leicester Waste Development Framework Core Strategy & Development Control Policies are not effective and do not meet the tests of soundness set out in paragraphs 4.44 to 4.45 in PPS12 June 2008, and in particular is not consistent with other relevant plans and strategies relating to adjoining areas.

Charnwood Borough Council Cabinet met on 25th September 2008 and approved the Core Strategy Development Plan Document and supporting documents for public consultation. The Cabinet resolved: (Minute N^o 73 08/09 enclosed).

"7. that it be noted that two sites were identified in the officers' report on the basis of evidence currently available, as the ones best fitted to enable Charnwood to provide the housing the Borough would be required to provide;

8. that it be accepted there were arguments for and against each of the sites described in the documents and that any choice must be made by evaluation of all the evidence available;

9. *that everyone who was interested be invited to submit their views during the consultation and to submit any evidence which they believe has been overlooked;*

10. *that a further report be submitted to Cabinet after the consultation period, incorporating the outcomes of the consultation, and at that stage Cabinet would decide upon a recommendation to full Council; and*

11. *that it was recognised a meeting of full Council would decide upon the final submission document."*

For these reasons Charnwood Borough Council maintains its position that alternative notation should be used which doesn't commit to a specific location.

Environmental Matters

7. Do the various policies give sufficient support to the National Forest and to Charnwood Forest? Should Policy CS14 be more positive in terms of establishing and improving the National Forest? Is the supporting text relevant and does it clearly identify and support the policy intention?*

**The numbering of the above question relates to the numbering as set out in the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies Examination – Next Steps Document*

Further Clarification

For the reasons that are set out below the Leicestershire and Leicester Waste Development Framework Core Strategy & Development Control Policies are not effective and do not meet the tests of soundness set out in paragraphs 4.44 to 4.45 in PPS12 June 2008.

The Borough Council considers that the effectiveness of these policies would be improved by reference to National Forest and the Charnwood Forest, in the spatial vision and objectives within the Core Strategy. There should be reference back to the spatial vision in the supporting text to policies CS13.

10. Is the level of protection afforded to Green Wedges (para 4.104) very similar to that of Green Belt policy?

Charnwood Borough Council's representation on the submission draft of the Leicestershire Minerals Core Strategy and Development Control Policies stated:

"This approach [as set out in paragraph 4.104) does not accord with national or regional policy. Following the Examination In Public, the Draft Regional Plan (November 2007) [WAS 25] found that green wedges "do not have the national policy status of the Green Belt and it seems that there is justifiable concern that they should not be regarded a unduly restrictive" [paragraph 14.48]"

Further Clarification

For the reasons that are set out below the Leicestershire and Leicester Waste Development Framework Core Strategy & Development Control Policies are not effective and do not meet the tests of soundness set out in paragraphs 4.51 to 4.52 in PPS12 June 2008, as it does not accord with national planning policy.

Charnwood Borough Council maintains its position that paragraph 4.104 does not accord with national or regional planning policy.

Minerals – Monitoring

Whether there are clear arrangements for managing and monitoring the delivery of the strategy

6. How is the effectiveness of Policy CS13 (Charnwood Forest) to be secured?*

**The numbering of the above questions relates to the numbering as set out in the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies Examination – Next Steps Document*

Charnwood Borough Council's representation on the submission draft of the Leicestershire Minerals Core Strategy and Development Control Policies stated:

"Policy CS 12 Charnwood Forest is not mentioned in the monitoring framework, and so it is not clear how the effectiveness of this policy is to be assessed"

Further Clarification

For the reasons that are set out below the Leicestershire and Leicester Waste Development Framework Core Strategy & Development Control Policies are not effective and do not meet the tests of soundness set out in paragraph 4.47 in PPS12 June 2008.

The indicators that are listed below are part of the monitoring framework for the Leicestershire Minerals Core Strategy and Development Control Policies. It is suggested that each of those indicators listed below are also reported on where they specifically affect areas within the Charnwood Forest.

- *Number of applications refused due to impact on Open Countryside*
- *Areas of new landscaping and woodland planting*
- *Number of applications adversely affecting public rights of way without mitigation or compensation.*

List of Appendices

Charnwood Borough Council Minutes 25th September 2008

CABINET
25TH SEPTEMBER 2008

PRESENT: The Leader (Councillor Shepherd)
The Deputy Leader (Councillor Bush)
Councillors Fryer, Hampson, J. Hunt, Lewis, Preston, Slater and Snartt.

69. DISCLOSURES OF PERSONAL INTERESTS

Disclosures of Personal Interest were made as follows:

- (i) by Councillors Fryer, Preston, Shepherd and Slater – Personal Interest in Item 4A – Questions Under Council Procedure Rules 30(ii) and 40: Provision of Swimming Facilities DCMS Funding for Free Swimming;
- (ii) by Councillors Lewis, Shepherd and Snartt – Personal Interest in Item 6 – Charnwood 2026 – Core Strategy DPD Further Consultation Report;
- (iii) by Councillors Hampson, Shepherd and Snartt – Personal Interest in Item 7 – Charnwood Sustainable Community Strategy;
- (iv) by Councillor J. Hunt – Personal Interest in Item 17 – Office Accommodation Strategy – Creation of a Long Lease for the Southfields Annex Site;
- (v) by Councillors Lewis, Shepherd, Preston and Snartt – Personal Interest in items relating to Leicestershire County Council; and
- (vi) by Councillor Shepherd – Personal Interest in items relating to the East Midlands Regional Assembly.

70. LEADER'S ANNOUNCEMENTS

The Leader made the following announcement:

The Sunday Times awards – Loughborough University

“I should like to offer my congratulations to the Vice-Chancellor, the staff and the students of Loughborough University on being named University of the Year for 2008/09 in The Sunday Times awards, and I am sure that everyone at Charnwood Borough Council would wish to join me in doing so”.

“This is a real tribute to the University and an important recognition of its achievements. It is further evidence of the standing which the University has achieved and is continuing to develop”.

71. MINUTES

The minutes of the meeting held on 4th September 2008 were confirmed and signed.

72. QUESTIONS UNDER COUNCIL PROCEDURE RULES 30(ii) and 40

The following question was received in accordance with Council Procedure Rule 30(ii).

A. Councillor Edwards – Provision of Swimming Facilities

“The announcement in June that the government was allocating £140 million to provide free swimming for the over 60’s was welcome. The Press announcement on Wednesday September 14th that Charnwood is in talks with Serco, in order to offer free swims at our Leisure Centres, is also welcome”.

“Coincidentally, Longslade Pool in Birstall recently had to close some public sessions that had been particularly valued by older users. The Early Bird session in particular, had seasonal attendance variations, but was primarily used by such swimmers. However, the school could not legally subsidise the Pools annual £25k loss on public sessions”.

“Stephanie Creighton of the Department for Culture Media and Sport writes that: *‘It is critical that Local Authorities plan strategically for the future, to ensure that all community needs are catered for. This includes undertaking an assessment of existing provision and its ability to meet current and projected demand.’*”

“Can Cabinet please confirm that such assessment work exists in Charnwood, and includes the availability of Community Swimming pools?”

“How much of the £46,000 grant awarded to Charnwood will be available for use in school based community pools?”

The Lead Member, Councillor Lewis, replied:

“Charnwood has assessed need, projected demand and provision of swimming pools. The assessment for the Borough has been undertaken and is based on Sport England’s Facilities Planning Model (FPM). It identifies the extent to which current provision of swimming pools in the Borough meets the needs of the population. The assessment identified that core public supply, at three sites (Loughborough Leisure Centre, Soar Valley Leisure Centre and South Charnwood Swimming Pool) is adequate to meet the needs of Charnwood residents, with 91.9% of demand being satisfied. The three sites are geographically well spread. There are reasonable levels of satisfaction amongst customers accessing the facility on foot and public transport”.

“The assessment also looked at core public supply plus other swimming pools on educational facilities. The FPM report noted that these pools are of poorer quality. FPM also reported that these pools have limited access for the general public who would want to use these facilities on a casual basis. This access has been reducing further over the past few years”.

“Within the limitations of this funding, and the projected demand upon these facilities, Charnwood will not be in a position to resource public swimming in other pools, from this grant from Government”.

As a supplementary question, Councillor Edwards asked that “given that our officer’s study concluded that our Community pools have poorer facilities, is it not desirable that this Council should accept the second part of the recent two part government funding package, the Challenge Fund, which looks to provide free swimming for the under 16s, as well as the over 60’s covered by the first part, as doing so would enable us to apply for capital funding grants to improve Community Pools?”

In response, the Lead Member, Councillor Lewis, stated that there was a political will and an acknowledgment of the demand to improve swimming facilities for under 16s. It was important to recognise that school swimming facilities were often in poor condition and were ultimately the responsibility of School Governors. However, he undertook to do as much as he could to address this issue and stated that he would ask the Director of Leisure and Environment to look into the implications of accepting the second part of the recent two part government funding package, the Challenge Fund, as to whether this would allow for such improvements.

73. CHARNWOOD 2026 – CORE STRATEGY DPD FURTHER CONSULTATION REPORT

A report of the Director of Development was submitted in respect of the Charnwood 2026 Local Development Framework for the Borough, which would establish the planning strategy for the period 2001-2026, and requested approval of the Core Strategy Development Plan Document and supporting documents for public consultation (item 6 on the agenda, filed with these minutes).

A report setting out the comments and recommendations of the Scrutiny Commission, following consideration of this matter at its meeting held on 23rd September 2008, was submitted (filed with these minutes).

In accordance with Overview and Scrutiny Procedure Rule 8 (c), Councillor M. Hunt, as Chair of the Scrutiny Commission, addressed Cabinet.

RESOLVED

- 1. that the Core Strategy DPD Further Consultation Report attached as Appendix I to the report be approved for consultation;**
- 2. that delegated authority be given to the Director of Development, in consultation with the Lead Member for Development, to make any minor revisions to the consultation report and supporting papers subsequently identified prior to the start of consultation and to prepare a foreword for the consultation document;**
- 3. that officers be thanked for all their work;**
- 4. that the Scrutiny Commission be thanked for its scrutiny of the draft Core Strategy and the comments provided for the assistance of Cabinet in considering this issue;**
- 5. that it be noted Charnwood would be required by the Government, through the Draft East Midlands Regional Plan, to provide 10,000 more house than already planned by 2026;**
- 6. that it be noted the documents now in the public domain would be available for everyone to see and make use of during the forthcoming period of consultation;**
- 7. that it be noted that two sites were identified in the officers' report on the basis of evidence currently available, as the ones best fitted to enable Charnwood to provide the housing the Borough would be required to provide;**
- 8. that it be accepted there were arguments for and against each of the sites described in the documents and that any choice must be made by evaluation of all the evidence available;**
- 9. that everyone who was interested be invited to submit their views during the consultation and to submit any evidence which they believe has been overlooked;**
- 10. that a further report be submitted to Cabinet after the consultation period, incorporating the outcomes of the consultation, and at that stage Cabinet would decide upon a recommendation to full Council; and**
- 11. that it was recognised a meeting of full Council would decide upon the final submission document.**

Reasons

1. To meet the requirements of Section 19 of the Planning and Compulsory Purchase Act 2004 and Regulation 25 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
2. To enable the timely publication of the Core Strategy and supporting documents for consultation.
3. To recognise officers' work in examining of the volume of evidence and analysing the complexity of the issues involved.
4. To record Cabinet's thanks to members of the Scrutiny Commission.
5. To acknowledge that the Core Strategy must be in general conformity with the regional spatial strategy.
6. To ensure that it was clear that the public and other stakeholders would be able to access the planning documents.
7. To clarify that the choice of the two preferred locations for growth has been evidence led and that new evidence would continue to be submitted.
8. To recognise that the choice of sites has been made taking a balanced view of all the currently available evidence.
9. To reinforce that this was a public consultation document and to ensure that the public and other stakeholders were aware of this further opportunity to make their views known and produce any evidence in advance of the Council finalising its Core Strategy for submission to the Secretary of State in due course.
10. To gauge stakeholder and public views of the Core Strategy consultation document.
11. To clarify the role of Council in finalising the Core Strategy in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004.

74. CHARNWOOD SUSTAINABLE COMMUNITY STRATEGY

A report of the Director of Partnerships and Customer Services was submitted in respect of the adoption of the new Charnwood Sustainable Community Strategy (item 7 on the agenda, filed with these minutes).

RESOLVED

1. that delegated authority be given to the Director of Partnerships and Customer Services, in consultation with the Leader of the Council, to make any minor amendments to the document, as required, prior to it being presented to Council.
2. **THAT IT BE RECOMMENDED TO COUNCIL** that the new Sustainable Community Strategy (SCS) for Charnwood be adopted; and

Reason

1. To allow for adjustments as appropriate following submission of final comments from the consultation.
2. To confirm Cabinet's support for the new Sustainable Community Strategy.

75. COMMUNITY HEALTH SERVICES REVIEW

A report of the Director of Partnerships and Customer Services was submitted, which set out a proposed response to the Leicestershire and Rutland Primary Care Trust Community Health Services Review in relation to health services in the Borough (item 8 on the agenda, filed with these minutes).

A supplementary report of the Director of Partnerships and Customer Services was also submitted, which set out the views and recommendations of the Charnwood Health and Well-being Partnership and Community and Partnerships Scrutiny Committee in respect of this matter (filed with these minutes).

RESOLVED

1. that the Council responds to the public consultation of the Leicestershire and Rutland Primary Care Trust Community Health Services Review stating:
 - i. that the Primary Care Trust's overall vision for Community Health Services and its proposals to develop Loughborough Hospital as a "hub", enhance the services of the Walk-in Centre and offer more services at GP surgeries is welcomed;
 - ii. that the PCT's proposals to co-locate the Loughborough Walk-in Centre with Loughborough Hospital be noted, however the Council has concerns about accessibility of the new site;
 - iii. that assurance be sought from the PCT that the Loughborough Walk-in Centre will continue to be provided 24 hours a day and seven days a week; and

- iv. that should the **Walk-in Centre** be transferred to the hospital site, consideration be given to transport solutions both in terms of public transport and parking facilities, to ensure the needs of patients were met; and
2. that **Charnwood Health and Well-Being Partnership Executive** be asked to explore accessibility and the current and future availability of **GP Surgeries and Clinics in Charnwood** as part of its **Work Programme**.

Reasons

1. To define the Council's response to the consultation.
2. To enable consideration of appropriate locations for GP Surgeries and Clinics in order to maximise accessibility and service provision.

76. COMMUNITY ASSETS PROGRAMME, GORSE COVERT COMMUNITY CENTRE

A report of the Director of Governance and Procurement was submitted in respect of considering an offer of a lead payment from the Community Assets programme to fund the development of the refurbishment project at Gorse Covert Community Centre (item 9 on the agenda, filed with these minutes).

THIS ITEM WAS WITHDRAWN

77. DISHLEY GRANGE, LOUGHBOROUGH

A report of the Director of Loughborough Regeneration was submitted in respect of progress on the Dishley Grange project and explaining why the scheme has been revised since it was last considered by Cabinet. The report also sought authority for disposing of land and implementing arrangements for the replacement of facilities in order to allow the revised scheme to go ahead (item 10 on the agenda, filed with these minutes).

RESOLVED

- I. that the freehold of approximately 4.5 acres of recreational land at **Derby Road Playing Fields** be disposed of to **William Davis Limited** for industrial purposes, subject to the satisfactory provision by that **Company** of replacement facilities on approximately 4.5 acres of land at **Dishley Grange** as part of the development, such land to be transferred freehold to the **Council** on completion of the facilities;

2. that the Director of Loughborough Regeneration be authorised to enter into negotiations with William Davis Limited in relation to the proposed land disposal referred to in Recommendation 1, and also to establish the scope for the provision of additional recreation facilities, the relocation of the existing cricket pitch south of the Black Brook, and the relocation of the existing depot, pavilion, changing rooms and associated facilities as part of the new industrial development, thereby releasing the existing cricket field area and related facilities for further commercial development; and
3. that the Director of Leisure and Environment be authorised to enter into negotiations with Loughborough Football Club to agree terms for their occupation of the replacement facilities and for the ongoing management and maintenance of those facilities.

Reasons

1. To facilitate the implementation of the proposed industrial development in partial fulfilment of the adopted Local Plan and to ensure the provision of adequate replacement recreational facilities under the continuing control of the Borough Council.
2. To establish the potential for an enhanced and expanded scheme, which might provide additional employment land and improved recreational facilities.
3. To provide adequate replacement facilities for Loughborough Football Club as required by the Local Plan and to ensure appropriate arrangements for their ownership, management and maintenance.

78. RESPONSE TO SCRUTINY – HOUSING ALLOCATIONS

A report of the Director of Housing and Health was submitted, setting out the responses to the recommendations of the Housing Allocation Scrutiny Panel in respect of the Council's current Housing Allocations Policy and Procedure and possible alternative housing allocation arrangements (item 11 on the agenda, filed with these minutes).

RESOLVED that the responses to the Scrutiny Panel's recommendations, as set out in the report of the Director of Housing and Health, be approved.

Reason

To define the actions that were currently being taken and the actions that would be taken in response to the recommendations made by the Housing Allocations Scrutiny Panel.

79. NEIGHBOURHOOD MANAGEMENT AGENDA

A report of the Director of Partnerships and Customer Services was submitted in respect of Priority Neighbourhoods following consideration of the views of the Community and Partnerships Scrutiny Committee (item 12 on the agenda, filed with these minutes).

RESOLVED that the response to the recommendations, as set out in the report of the Director of Partnerships and Customer Services, be noted and that the steps being taken to strengthen the involvement of relevant ward Councillors (and County and Parish Councillors) in the neighbourhood improvement initiative, as recommended by the Community and Partnerships Scrutiny Committee be supported.

Reason

To agree action to be taken in light of the comments made by Community and Partnerships Scrutiny Committee.

80. CAPITAL PLAN AMENDMENT REPORT

A report of the Chief Financial Officer was submitted in respect of changes to the 2008/09 to 2009/10 Capital Plan, and its financing, prior to approval by Council (item 13 on the agenda, filed with these minutes).

RESOLVED THAT IT BE RECOMMENDED TO COUNCIL that the current Capital Plan for 2008/09 to 2009/10 in the sum of £26,927k. be approved.

Reason

To enable the Capital Plan to be the basis for capital spending by the Council and so that schemes may proceed.

81. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part I of Schedule 12A to the Local Government Act 1972.

- 81A – Loughborough Eastern Gateway
- 81B – Disposal of Land at Granite Way Mountsorrel
- 81C – Office Accommodation Strategy – Creation of a Long Lease for the Southfields Annex Site
- 81D - Fleet Provision and Maintenance Tender Arrangement

NOTE:

1. The decision in these minutes, which are not in the form of recommendations to Council, will come into effect at 5.00pm on Friday 3rd October 2008 unless called in under Overview and Scrutiny Procedure Rule 13.
2. Subject to note 1 above, no reference may be made at Council to the decision in these minutes, which are not in the form of recommendations to Council, unless notice to that effect is given to the Head of Democratic Services by five members of the Council by 5.00pm on Friday 3rd October 2008.