



Retail

Supplementary Planning Document

Adopted 18th January 2011

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1. Introduction

- 1.1 There are a number of towns and villages across the district which provide a range of shopping and related facilities which meet the needs of local communities. The two largest centres are Coalville and Ashby de la Zouch which serve both a local need and a wider catchment. At a more localised level there are the local centres of Castle Donington, Ibstock, Measham and Kegworth. These centres cater for a local population, providing access to a more limited range of local shops and services. It is important to maintain the vitality and viability of these town and local centres, for the economy of the District as well as those who live in, work in or visit North West Leicestershire.
- 1.2 The Council is committed to maintaining the retail role of these centres as their primary function. However pressures are being experienced for the change of use of shops to other services, such as restaurants, takeaways and offices. There is concern that future proposals resulting in a loss of shop may have a negative impact on the existing centres. In light of the specific challenges that are being faced by the District's centres, this guidance has been prepared to protect their retail function and character.

2. Purpose of the Guidance

- 2.1 It is the intention of this guidance to supplement the adopted Local Plan and will apply to change of use applications as well as development for new 'town centre' uses in Ashby de la Zouch, Castle Donington, Ibstock, Measham and Kegworth. Coalville is not included as the Council is developing a long term strategy for the regeneration of its town centre. This will look separately at the specific issues, challenges and opportunities faced by Coalville.

3. Status of the Guidance

- 3.1 The Council recognises that as this guidance is not part of the development plan, it cannot be afforded full weight in the decision making process. However this document has been subject to public consultation and consequently adopted as a Supplementary Planning Document (SPD). Therefore proposals that conflict with the key principles within the SPD will need to demonstrate the circumstances why the Council should depart from this guidance.
- 3.2 This SPD provides advice to saved Policies R4 and R19 of the adopted North West Leicestershire Local Plan. It will be a material consideration to be taken into account in determining applications.

4. Consultation

- 4.1 The draft SPD was initially formally published in July 2010 for a six week consultation period from the 29th July 2010 to 10th September 2010. In order to ensure that all the various legal requirements and regulations which govern SPDs were complied with the Draft SPD was re-consulted on for a further four week period from 8th November 2010 to 8th December 2010. consultation on this document runs for a period of 6 weeks from 29 July 2010 to 10 September 2010. Responses to the consultation will be taken into consideration within a revised document, which the Council then intends to adopt.
- 4.2 Copies of the guidance are available on the Council's Website or by clicking [here](#)

Alternatively you can request a copy by emailing planningpolicy@nwleicestershire.gov.uk or writing to:

Planning Policy
North West Leicestershire District Council
Council Offices
Coalville
LEICS
LE67 3FJ

5. Objectives of the SPD

- To provide guidance to add to Policies R4 and R19 of the adopted North West Leicestershire Local Plan 2002, particularly in light of the changes to the Use Classes Order which have separated Class A3 into three separate Use Classes
- To protect and enhance the vitality and viability of our existing centres, particularly in terms of their retail function whilst also supporting an appropriate range of complementary uses.
- Support and enhance the role of Ashby de la Zouch as a 'service' centre, protecting its strong retail function but also offer a range of leisure/entertainment and service related facilities.
- Support and enhance the role of our local centres, protecting their retail function along with the provision of complementary services, in order to meet day to day needs of local communities

6. Policy Context

6.1 The following is a brief summary of national and local policies which are of relevance in respect of this guidance. At the time of writing this SPD the Regional Plan had been abolished by the Coalition Government. Following a legal challenge the Regional Plan was subsequently reinstated. The Coalition Government has made it clear that Regional Plans will be removed as part of the Localism Bill. No reference has been made to the Regional Plan in this SPD in view of the above. However the Regional Plan can be viewed here.

Use Classes Order

6.2 The Town and Country Planning (Use Classes) Order 1987 puts uses of land and building into various classes of land use. Planning permission is not needed for change of uses within the same use class. Table 1 (Appendix 1) sets out the current use classes that are relevant to and most commonly found in the districts town and village centres.

6.3 In 2005 amendments were made to some of the existing use classes and how they operate. This included Class A3 being split into three separate uses, resulting in use classes A3 (restaurants and cafes), A4 (public houses and wine bars) and A5 (hot food takeaways). Due to these changes, when food and drink uses (Class A3) are referred to in the Local Plan, this will now also include Classes A4 and A5.

- 6.4 In general, if the proposed use is within the same 'use class' as the existing use, then planning permission is not required to change. For example, shops, hairdressers, florists, sandwich bars, newsagents, travel agents and charity shops are all within class A1 (Shops). Therefore permission is not needed to change any of the uses to the other and these changes of uses are outside of the Council's planning authority control.
- 6.5 However permission is generally needed to make changes from one use class to another. For example, permission is needed to change from a shop to an estate agent, bank, building society, restaurant, café, pub and hot food takeaway. In addition permission is needed for the change of use from Class A3 to Class A4 or A5. However permission is not needed to change any of these uses to Class A1 Shops.
- 6.6 The revised A3 use class and the new A4 and A5 use classes gives the Council greater control over the number of restaurants and cafes, pubs and wine bars, and hot food takeaways, where it can be demonstrated that the proposed use would not support the vitality and viability of the centre. This is because planning permission is needed to change from one of these use classes to another whereas previously this was not the case and so the District Council as Local Planning Authority had less control. This allows consideration to be given to the different impacts of these uses on the function and character of town centres. These uses raise different amenity and environmental issues, such as litter and opening hours, as well as differing impacts on highway and pedestrian activity.

National Policy

- 6.7 National policies and advice in respect of town and village centres is contained within Planning Policy Statement 4: Planning for Sustainable Economic Growth. These policies seek to promote the vitality of town centres, as well as consumer choice and retail diversity.
- 6.8 It seeks for the vitality and viability of town centres to be protected by having retail development as the focus of these centres, and through appropriate restrictions on the loss of Retail (Class A1) uses to non-retail uses within the primary retail frontages.

Local Policies

- 6.9 Local policies are contained within the adopted North West Leicestershire Local Plan (2002).
- 6.10 Policy R4 identifies the uses that will be permitted within the Core Shopping Area of Ashby de la Zouch Town Centre, subject to environmental and traffic considerations. Suitable uses include shops

(Class A1), financial and professional services (Class A2), food and drink Uses (Class A3) and other appropriate uses where the services are provided principally to visiting members of the public. This policy was adopted prior to the recent changes to the Use Classes Order. Therefore reference to Class A3 in the context of Policy R4 now includes restaurant and cafes, drinking establishments and hot food take away uses in accordance with the Use Classes Order.

- 6.11 Policy R5 seeks to restrict the number of financial and professional services (Class A2) uses within specific frontages of Ashby de la Zouch town centre. These uses should not exceed 10% of the total frontages nor form a run of more than 3 adjacent units. It is acknowledged that along Market Street, financial and professional services (Class A2) have exceeded more than 10% of the total frontage. However Policy R5 is still the current planning policy and relevant applications will be considered on their individual merits and against other relevant policy and material considerations.
- 6.12 Policy R19 addresses ground floor frontage uses in the local centres of Castle Donington, Ibstock, Measham and Kegworth. In addition to shops (Class A1), uses that will be permitted within local shopping centres, subject to environmental and traffic considerations include financial and professional services (Class A2), food and drink uses (Class A3) and non-residential institutions (Class D1). The following criteria also have to be satisfied:-
- (i) Sufficient shops remain to serve the daily needs of the locality;
 - (ii) A shop window display frontage is included or retained, where appropriate;
 - (iii) The non-retail element does not prejudice the viability and attractiveness of the Local Centres as a shopping centre;
 - (iv) Non-retail uses do not occupy more than two adjacent shop window units. In the case of food and drink uses (Class A3) particular regard will be given to the likely impact of development on the amenities enjoyed by the occupiers of residential properties in the vicinity.

This policy was adopted prior to the recent changes to the Use Classes Order. Therefore reference to Class A3 in the context of Policy R19 now includes restaurant and cafes, drinking establishments and hot food take away uses in accordance with the Use Classes Order.

- 6.13 With regard to Ashby de la Zouch the SPD applies to the following parts of its Core Shopping Area (as defined in the Local Plan) – Market Street, Bath Street, Kilwardby Street, Derby Road, Brook Street and courtyards to the rear. These streets are considered to form the main shopping and

commercial streets of Ashby (Appendix 2 – Map 1). With regard to the centres of Castle Donington, Ibstock, Measham and Kegworth, the SPD applies to their local centre boundaries as defined in the Local Plan (Appendices 3-6)

Relationship with Local Development Framework

- 6.14 This SPD will support the relevant Local Plan policies. The Local Development Framework however will ultimately, in time, replace the Local Plan. When Local Plan policies are no longer applicable the SPD will be reviewed. However until such time the SPD is a material consideration in the decision making process.

7. Issues

There are two principal reasons why it is felt that there is a need for this guidance:

Ashby de la Zouch

- 7.1 Concerns have been expressed locally over the perceived proliferation of hot food takeaways in Ashby de la Zouch town centre and the negative impact on amenity and loss of shops and the reduction in consumer choice. Through its licensing function, the Council has introduced a 'saturation' policy which seeks to restrict the number of establishments in the area. This has been primarily due to concerns from the Police regarding anti-social behaviour, litter and car parking problems. As a licensing authority, the Council operates according to four licensing objectives, to make sure that licensable activities are carried out in the public interest:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

For further information on this issue the Licensing Team can be contacted at licensing@nwleicestershire.gov.uk

- 7.2 Concerns have also been raised by residents of Ashby about the number and impact of take aways in the town. In response to this concern the Council conducted a public consultation on takeaways in Ashby. The results showed respondents were concerned about the number and concentration of takeaways and felt this impacted negatively on the variety of shops in Ashby.

- 7.3 Other problems highlighted included litter, anti-social behaviour and inappropriate parking. These issues are being dealt with through awareness raising, and enforcement where necessary, with both takeaways owners and their customers.

Use Classes Order

- 7.4 With the disaggregation of the previous A3 use class and the placement of restaurant and cafes (A3), pubs and wine bars (A4) and hot food take aways (A5) into separate use classes, local authorities have greater control over their number subject to planning considerations. It is recognised that these uses can contribute to the attractiveness of a centre as well as serve the needs of local communities. However if there is not an appropriate balance between these uses or their concentration is too high, harmful impacts can result, including detriment to amenity and an areas vitality. Each application is assessed on its individual merits and its potential impacts. However their separation into different uses classes, now allows consideration to be given to their differing impacts on the locality and their influence on the character of the town centre, whilst seeking to retain, as well as enhance, the primary retail role of the districts centres.

8. Evidence Base

- 8.1 In response to the above, and to identify the issues faced by the district's centres, an audit has been undertaken of the ground floor commercial uses within the town and village centre boundaries. A record of these audits is attached as Appendices 2– 6. It should however be noted that this is a record of a specific moment in time and uses and operators may change. The audit also identifies if the premises has an extant planning permission.

A summary of the findings for each of the centres is provided below:-

Ashby de la Zouch

- 8.2 There is a strong retail presence in Ashby Town Centre with a good range of shops, selling convenience (foods and groceries) and comparison goods (high value non-food goods e.g. clothes, furniture). Retail accounts for 60% of the total units within the surveyed frontages. The centre serves a wider catchment area as well as the local community. There is also a wide range of other uses, including banks, building societies, bookmakers, solicitors, restaurants and cafes, public houses and bars as well as hot food takeaways.

- 8.3 Of the non-retail uses, financial and professional services occupy the most number of premises and account for 12% of the total number of units. Restaurants and cafes account for 8% of units, public houses and bars together account for 4% of units as do hot food takeaways.
- 8.4 Market Street can be considered to be the central part of the commercial area of Ashby de la Zouch. When the mix of uses along the Market Street frontage alone is looked at, the proportion of retail use falls to 52% (including a shared retail/café use) whereas the prominence of financial and professional services increases accounting for 19%. Restaurants and bars remain at 8%, pubs and bars increase to 6% and hot food takeaways also increase to 7%.
- 8.5 The concentration and grouping of non-retail uses also appears to be an issue in Market Street. Although Class A2 uses are located throughout Market Street, there is a concentration of these uses within its central part. There is also a noticeable concentration of hot food take aways within the eastern end of Market Street. In this area there are a number of hot food takeaways within close proximity to one another. This is in addition to a number of restaurants that also offer take away facilities.
- 8.6 It is fair to conclude that overall Ashby has a strong retail function and no particular non-retail use adversely dominates the town centre to the detriment of the area. Of the non-retail uses, financial and professional uses account for the most number of units. Hot food takeaways alone account for a comparatively small proportion of the commercial units.
- 8.7 There are however potential future concerns relating to the lower percentage of retail units within the Market Street frontage. Retail uses only account for just over 50% of the units and any significant further loss could potentially undermine the retail function and vitality of Market Street. There are also a comparatively high number of financial and professional service uses in Market Street, which is compounded in places due to the grouping of these uses. Policy R5 of the Local Plan seeks to prevent groupings of financial and professional services. However the restrictions sought in the policy have already been exceeded although this is still a relevant planning policy and material consideration in determining a planning application. Hot food take aways account for a smaller number of the non-retail uses although there is a concentration of these uses in part of Market Street. Hot food takeaways do contribute to the mix of town centre and provide a service to local communities. However a further concentration and grouping of these A5 uses could further break up the retail frontage of Market Street, detract from its retail function and create an inactive shopping frontage during the day. Other potential impacts include noise and disturbance, cooking smells, traffic and parking.

Castle Donington

- 8.8 A local centre that provides a good range of shops and services that cater for people's day to day needs. Over half of the units are occupied by retail premises. The number of convenience stores is limited, however the supermarket within Borough Street is of a reasonable size and sells a good range of goods. Of all the local centres, Castle Donington has the most variety in the number of comparison stores. There is a reasonable range of other services, including pubs, restaurant, takeaways and banks and estate agents. No one particular non-retail use dominates this local centre nor are there considered to be unacceptable groupings of uses.

Measham

- 8.9 A local centre that provides a good range of shops and services that cater for people's day to day needs. Over half of the units are occupied by retail premises with a good range of convenience stores, including supermarket shops, butchers, pharmacy, post office and newsagent. However the number of comparison shops is small although this does not detract from Meahsam's role as a local centre catering for people's day to day needs. Other services available include financial and professional services, cafes and hot food takeaways. No one particular non-retail use dominates this local centre nor are there considered to be unacceptable groupings of uses.

Kegworth

- 8.10 A small local centre that provides a limited range of shops and services that cater for people's day to day needs. Half of the units are occupied by retail premises. There is a good range of convenience stores for a centre of this scale, including a supermarket, butchers, pharmacy and post office. The number of shops providing comparison goods is limited as is the number of other services but this does not detract from Kegworth fulfilling its role as a local centre. In addition, no one particular non-retail use dominates this local centre nor are there considered to be unacceptable groupings of uses.

lbstock

- 8.11 A small low key centre that provides a limited range of shops and services that caters for people's day to day needs. Less than half of the units are occupied by retail uses. Although shop numbers are limited a number of these meet day to day needs, including a convenience store, butchers, post office, pharmacy and grocers. The comparison shops are specialist in nature and other services are generally limited but do include public houses, taxi firm, solicitors and dental practice. However there is a high

concentration of hot food take aways in this local centre, and these account for nearly 20% of the total number of units. The two main issues relating to Ibstock are the lack of retail uses and the number of hot food take aways.

9. Principles

- 9.1 As previously noted, Policies R4, R5 and R19 seek the provision of appropriate uses in our town and village centres and to protect their primary retail role. The following section sets out a number of key principles which will be used in the determination of planning applications. It is also appreciated that there will be instances when a use may not fit comfortably within one of the main use classes. In these cases, the principles of the SPD will be applied, with regard given to the nature and potential impact of the use.

Balance of Uses

- 9.2 The town centre of Ashby de la Zouch contains a good range of shops, business and other services, such as cafes, restaurants and leisure facilities. It therefore performs a vital function in relation to its local communities as well as those who live in, work in or visit the district.
- 9.3 At a more localised level there are the village or local centres of Castle Donington, Ibstock, Measham and Kegworth. These centres have a smaller range of shop uses and other services and cater for a smaller local population. These centres cater for people's day to day needs such as top up shopping and provide a valuable service to local communities, particularly those who prefer to shop locally or are dependent on these local services and facilities. The provision and the accessibility of local facilities support the principles of sustainable development, particularly in terms of reducing the need to travel and enhancing people's quality of life.
- 9.4 Local Plan policies seek to protect the vitality and viability of those existing shopping centres, where shops should be the predominant use. In addition it recognises that a variety of other uses also contribute to the attractiveness of a centre as well as serving the needs of local communities. Therefore a balance is needed between the need to maintain an effective shopping role in these centres and the need to provide a range of other appropriate and complementary uses.

Key Principle 1 – Balance of Uses

In the town centre of Ashby de la Zouch, shopping uses should represent no less than 50% of all commercial uses within the main shopping and commercial streets, subject to this SPD. In the local centres of Castle Donington, Ibstock, Measham and Kegworth, shopping uses (Class A1) should represent no less than 50% of all commercial uses within the defined centres as identified in the Local Plan. In Ibstock proposals for additional shops (Class A1) within the defined centre will be supported subject to normal planning considerations, to achieve a better balance between shopping and non shopping uses.

Key Principle 2 – Balance of Uses

In considering applications for a change of use from shopping (Class A1) to non-shopping regard will be had to the following factors:

- The need to maintain an appropriate balance between shopping and non-shopping uses in accordance with Key Principle 1;
- The type and characteristics of other uses within proximity of the application site;
- Where a property is vacant and was previously used as a shop (Class A1), the length of time that the premise has been vacant and marketed for retail purposes. It should normally be demonstrated that marketing attempts have been made for a minimum period of 6 months;
- The impact of the proposal on the character and function of the centre, for example, would it create an active frontage, would the use bring visitors into the centre.

- 9.5 The principles above seek to support existing policy and support an appropriate balance of shopping and other commercial uses. Where reference is made to vacant units, written evidence should be submitted to show what attempts have been made to market the premises. This should include a statement detailing the marketing measures undertaken, any marketing particulars and the level of interest shown in the premises.

Takeaway Balance

- 9.6 Take away uses can serve the needs of local communities, by providing a service and can also contribute to the variety of uses that a centre can offer, as well as provide an active frontage during the evening when shops are less likely to be open. Food and drink uses can complement the retail

function of a centre but it is also recognised that they can also create harmful impacts. With specific reference to hot food takeaway uses (Class A5), these harmful impacts can include noise and disturbance to residents, litter, cooking smells, anti social behaviour as well as parking and traffic impacts. If too many of these uses occur within a centre, the retail function can be undermined to the detriment of the retail character and vitality and viability of the shopping centre. A restaurant use with an ancillary take away use may also exacerbate these issues. Therefore applications for this type of use should also be assessed against these Key Principles.

Key Principle 3 – Takeaway Balance

In the main shopping and commercial streets of Ashby de la Zouch, subject to this SPD and the defined local centres of Castle Donington, Ibstock, Measham and Kegworth, the Council will seek to ensure that no more than 10% of the total commercial units are occupied by hot food take away uses. No more than two A5 units should be located adjacent to each other.

Key Principle 4 – Takeaway Balance

When considering whether a proposed take away use would result in an over-concentration of such uses to the detriment of the vitality and viability of the centre, regard will be had to:

- The number of existing hot food take away establishments in the immediate area and their proximity to each other, in order to avoid clusters of hot food take aways ;
- The type and characteristics of other uses, such as housing, shops and public houses within proximity of the application site;
- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- The potential benefits of the proposal to the attractiveness of the centre and the wider community;
- Impact on amenity, traffic or safety issues arising from the proposal itself or cumulatively with the existing uses in the area;
- The provision of a litterbin on land within the premises, of which the proprietor will be responsible for its maintenance, emptying on a

regular basis and for the area adjacent to the premises to be kept clear. Where a litterbin cannot be provided within the curtilage of the premises, a commuted sum will be sought towards the provision of a litterbin within the locality.

- The potential impact upon the health of local residents where it can be demonstrated that the proposal will raise health issues.

9.7 Key Principle 4 requires the provision of a litter bin and this will be secured via appropriate means, including Section 106 agreements.

Ashby de la Zouch

9.8 Market Street forms the central part of the commercial area of Ashby de la Zouch and its primary shopping role contributes to the retail vitality and viability of the town centre. However there are concerns that its shopping role could be undermined to the detriment of the town centre.

9.9 The concentration of take away uses within Market Street is higher than that found within the centre as a whole. There is also a clustering of these uses within parts of Market Street. It is acknowledged that hot food take aways offer a local and complementary town centre service. However the concentration and grouping of take away uses can be to the detriment of the retail function and character of the area, displacing shops and breaking up the continuity of the retail frontage. The grouping of such uses can also exacerbate the detrimental impacts on amenity that can occur, for example, noise, smell and parking problems.

Key Principle 5 – Market Street, Ashby de la Zouch

Within the defined Market Street frontages of Nos 11 to 89, and Nos 6 to 108 (Appendix 2 – Map 2), the Council will ensure that no less than 50% of the commercial frontages are occupied by shops.

Within the defined Market Street frontage of Nos 67 to 89, and Nos 76 to 108 (Appendix 2 – Map 2), the Council will ensure that no new additional take aways are granted planning permission over and above those in existence or permitted at the time of the adoption of this SPD.

Ibstock

- 9.10 There is a high number of take away uses within the small local centre of Ibstock, with a concentration of these uses within the central part of the High Street. This detracts from the retail character of the centre and can displace both retail (Class A1) and non-retail uses that could meet other day to day needs. The concentration of such uses can also exacerbate the detrimental impacts on amenity that can occur, for example, noise, smell and parking problems.

Key Principle 6 – Take Away Uses in Ibstock

The concentration of take away uses will not be permitted to increase above the existing 19% of commercial uses within the Local Centre of Ibstock.

10. Monitoring, Implementation and Review

10.1 The effects of the principles in this SPD will be monitored by the Council on an annual basis. The results of the monitoring will be included in the Annual Monitoring Report (AMR) which will be made publicly available. Key indicators will be identified to assess and monitor the effectiveness of the principles within the SPD. These indicators will assess whether the desired outcomes are being achieved, identify whether any problems are arising from their implementation and possible actions needed to rectify these.

10.2 Such indicators may include:-

- Number of units in use as retail in the town and local centres
- Number of units in use as hot food takeaways in the town and local centres.
- The number and type of change of use applications that are permitted within the town and local centres.
- New development in the town and local centres

Surveys will be undertaken to update the audit for each of the centres.

10.3 Updated survey work will also be sought through site visits to proposal sites.

APPENDIX 1 –USE CLASSES ORDER

A1 Shops

Shops, post offices, travel agents, sandwich shops, hairdressers, funeral directors, dry cleaners and internet café.

A2 Financial and Professional Services

Banks, building societies, betting offices and other financial and professional services.

A3 Restaurants and Cafes

Use for the sale of food and light refreshments for consumption on the premises such as restaurants, snack bars and cafes.

A4 Drinking Establishments

Use as a Public House, Wine Bar or other drinking establishment.

A5 – Hot food takeaway.

Use for the sale of hot food for consumption on off the premises.

B1a – Offices

Offices other than those in Class A2

C1 – Hotels

Hotels, boarding and guest houses

C3 – Dwelling houses

Houses and flats

D1 – Non –Residential Institutions

Medical and health services, places of worship, museums and libraries

D2 – Assembly and Leisure

Cinemas, concert halls, bingo halls, gyms and sport uses

Sui Generis Uses

There are many uses that are not categorised by the main use classes. These are classified as sui generis. For example, theatres, taxi hire.

APPENDIX 2 – ASHBY DE LA ZOUCH: MAP AND AUDIT

APPENDIX 3 – CASTLE DONINGTON: MAP AND AUDIT

APPENDIX 4 – IBSTOCK: MAP AND AUDIT

APPENDIX 5 – MEASHAM: MAP AND AUDIT

APPENDIX 6 – KEGWORTH: MAP AND AUDIT