

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LOCAL PLAN COMMITTEE – WEDNESDAY 12 SEPTEMBER 2018**

Title of report	<b>ELLISTOWN AND BATTLEFLAT NEIGHBOURHOOD PLAN – PROPOSED RESPONSE TO SUBMISSION DRAFT</b>
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Purpose of report	To determine the District Council’s response to the submission draft of the for Ellistown and Battleflat Neighbourhood Plan
Council Priorities	Businesses and Jobs Homes and Communities Green Footprint Challenge
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p>	<p>The Ellistown and Battleflat Neighbourhood Plan will incur direct costs to the District Council to support an independent examination of the plan and, should the examination be successful, a local referendum. Grant funding from central government (£30,000 per neighbourhood plan) is payable to the authority to support this agenda, but is unlikely to meet the costs in full. Once the Ellistown and Battleflat Neighbourhood Plan is made it will form part of the Development Plan for North West Leicestershire. Should the document be subject to legal challenge, the District Council will be responsible for meeting such costs. Any such costs would need to be met from the contingency budget held by the Planning Service.</p> <p>None</p> <p>The ultimate decision on how to proceed in respect of the Neighbourhood Plan rests with Ellistown and Battleflat Parish Council. As currently set out there are some issues with the Submission version Neighbourhood Plan which represent a risk to the success of the Neighbourhood Plan. It is appropriate for the District Council to work with Ellistown and Battleflat Parish Council to seek to minimise risks to the Neighbourhood Plan.</p>

Equalities Impact Screening	Not applicable
Human Rights	No discernible impact
Transformational Government	Not applicable
Comments of Head of Paid Service	The Report is Satisfactory
Comments of Section 151 Officer	The Report is Satisfactory
Comments of Deputy Monitoring Officer	The Report is Satisfactory
Consultees	None
Background papers	<p>Ellistown and Battleflat Submission Neighbourhood Plan  <a href="https://www.ellistown.org.uk/uploads/eb-np-submission-version.pdf">https://www.ellistown.org.uk/uploads/eb-np-submission-version.pdf</a></p> <p>National Planning Policy Framework 2012  <a href="http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2">http://webarchive.nationalarchives.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p>
Recommendations	<ol style="list-style-type: none"> <li>1. THAT THE COMMITTEE ENDORSES THE SUGGESTED RESPONSE TO ELLISTOWN AND BATTLEFLAT PARISH COUNCIL AT APPENDIX B;</li> <li>2. THAT THE COMMITTEE NOTES THAT THE STRATEGIC DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING &amp; REGENERATION WILL: <ol style="list-style-type: none"> <li>A) PUBLISH THE PLAN FOR A SIX WEEK PERIOD AND INVITE REPRESENTATIONS;</li> <li>B) NOTIFY CONSULTATION BODIES; AND</li> <li>C) APPOINT AN INDEPENDENT EXAMINER TO CONDUCT THE EXAMINATION OF THE NEIGHBOURHOOD PLAN</li> </ol> </li> <li>3. THAT THE COMMITTEE NOTES THAT FOLLOWING RECEIPT OF THE INDEPENDENT EXAMINER'S REPORT, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING &amp; REGENERATION WILL DETERMINE WHETHER THE</li> </ol>

	<b>CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM</b>
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## **1.0 INTRODUCTION**

- 1.1 Ellistown and Battleflat Parish Council has published a submission draft (Regulation 16) of its Neighbourhood Plan. The purpose of this report is to agree the Council's response to the Plan which will then be forwarded to the Examiner appointed to examine the plan.

## **2.0 BACKGROUND**

- 2.1 Neighbourhood planning was introduced under the Localism Act 2011 to give local communities a more hands on role in the planning of their neighbourhoods. It introduced new rights and powers to allow local communities to shape new development in their local area.
- 2.2 Neighbourhood Plans can be prepared by a Parish or Town Council (or neighbourhood forums in areas not covered by a Parish or Town Council) once they have been designated as a neighbourhood area by the District Council.
- 2.3 Neighbourhood Plans should consider local and not strategic issues and must be in line with higher level planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want but they must be in line with European Union obligations and human rights requirements; they must have regard to national planning policy and must be in general conformity with strategic policies in the adopted development plan in force for the local area.
- 2.4 The District Council as Local Planning Authority has an important role to play in the neighbourhood plan process even though the council is not responsible for its preparation. The key stages in producing a neighbourhood plan as governed by The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2015 together with the District Council's role are summarised in the Table at Appendix A of this report.

## **3.0 ELLISTOWN AND BATTLEFLAT NEIGHBOURHOOD PLAN**

- 3.1 The Ellistown and Battleflat Neighbourhood Plan Area covers the whole of the Parish and was designated in April 2014.
- 3.2 The Parish Council published a pre-submission Neighbourhood Plan (Regulation 14) for consultation between 7 August and 20 September 2017. In accordance with the Council's constitution officer comments were submitted to the Parish Council in response to this consultation.
- 3.3 The majority of issues about the Neighbourhood Plan, which have previously been raised by the District Council, have now been addressed. Remaining concerns have been listed in Appendix B attached:

- 3.4 Members will be aware that the National Planning Policy Framework (NPPF) has recently been revised (July 2018). This includes a six month transitional arrangement, until 24 January 2019, whereby plans submitted to a local planning authority before the end of the transitional period will be examined against the previous 2012 NPPF. The comments made at Appendix B, therefore, are in the context of the 2012 NPPF rather than the new version.
- 3.5 It should be noted that this does introduce an element of risk for the Neighbourhood Plan in that if there are any aspects not consistent with the new NPPF, then this would reduce the weight given to these aspects of the Neighbourhood Plan once it has been made.

#### **4.0 NEXT STEPS**

- 4.1 As set out at Appendix A the District Council's role at this stage is to be a consultee but to also arrange for a further round of consultation, subject to the plan meeting the various legal requirements. In this respect officers have sought some additional information from the Parish Council regarding the previous consultation and is also awaiting details of who was consulted as the District Council is required to re-consult those previously consulted. Once this information is received then a further 6 week consultation will be undertaken.
- 4.2 The District Council is then required to appoint an independent examiner (with the agreement of the Parish Council) who will examine the plan. Given the technical / procedural nature of these various tasks, it is recommended that they be delegated to the Strategic Director of Place, in consultation with the Portfolio Holder for Planning & Regeneration.
- 4.3 Following receipt of the independent examiner's report, the District Council must formally decide whether to send the plan to referendum (with or without modifications proposed by the examiner or NWLDC). Reg 17A(5) of the 2016 Regs gives the District Council 5 weeks from receipt of the Examiners report to decide whether to proceed with the referendum or not. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for Planning & Regeneration will exercise the executive power of making this decision as delegated to them in the Constitution (paragraph 5.2.1 of the Scheme of Delegation).
- 4.4 Should the plan be sent to referendum, and the referendum declares in favour of the Neighbourhood Plan, then the District Council is required to make (i.e. adopt) the plan within 8 weeks of the referendum (Reg 18A(1) of the 2016 Regs). While the decision to adopt is an executive decision, it is anticipated that a specific report will be brought to a future meeting of this committee at the appropriate time to allow this committee to advise the executive prior to the decision being taken.

**APPENDIX A**

<b>Regulation</b>	<b>Stage of neighbourhood plan process</b>	<b>District Council role</b>
Reg 6A	Designating a neighbourhood area	To agree to the designation of a neighbourhood area
	Preparing a draft neighbourhood plan (the current stage)	To provide advice and assistance
Reg 14	Pre-submission publicity & consultation	To be a consultee
Reg 15	Submission of a neighbourhood plan to the local planning authority	<p>Ensure that the submitted draft neighbourhood plan is accompanied by the following</p> <p>(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;</p> <p>(b) a consultation statement;</p> <p>(c) the proposed neighbourhood development plan; and</p> <p>(d) a statement explaining how the proposed neighbourhood development plan meets the “basic conditions” (requirements of paragraph 8 of Schedule 4B to the 1990 Act). Basic conditions are:</p> <p>(a) That it has regard to national policies and advice;</p> <p>(b) That it contributes to the achievement of sustainable development;</p> <p>(c) That it is in general conformity with the strategic policies in the local Development Plan;</p> <p>(d) That it is compatible with EU obligations; and</p> <p>(e) That it is not likely to have a significant effect on a European site or a European offshore marine site</p>
Reg 16	Publicising a plan proposal	Organise and undertake consultation on the draft neighbourhood plan for a 6 week period
Reg 17	Submit the draft plan for independent examination	Arrange for an independent examination including the appointment of an examiner in consultation with the Parish or Town Council.

		The examination will normally take the form of written representations rather than formal hearings, although the examiner can undertake hearings if considered necessary.
Reg 18	Publication of examiner's report and plan proposal decisions	<p>To receive the examiner's report and decide to:</p> <ul style="list-style-type: none"> <li>(a) Decline to consider a plan proposal</li> <li>(b) To refuse a plan proposal</li> <li>(c) What action to take in response to the recommendations of an examiner regarding a NP</li> <li>(d) What modifications if any they are to make to the draft plan</li> <li>(e) Whether to extend the area to which a referendum is to take place</li> <li>(f) That they are not satisfied with the plan proposal</li> </ul> <p>As soon as possible after making a decision referred to above, the District Council must publish on their website and elsewhere as appropriate</p> <ul style="list-style-type: none"> <li>(a) The decision and the reasons (the decision statement)</li> <li>(b) Details of where and when the decision statement may be inspected</li> <li>(c) The report made by the examiner</li> </ul>
Para 12, Sch 4B TCPA 1990	Referendum	<p>If the District Council is satisfied that the draft plan meets the basic conditions, a referendum on the plan <b>must</b> be held where this reflects the advice of the Examiner.</p> <p>The District Council is responsible for arranging and paying for the cost of the referendum.</p>
Reg 19	Decision on a plan proposal	<p>As soon as possible after deciding to make a neighbourhood development plan (or refusing to make a plan), the District Council must:</p> <ul style="list-style-type: none"> <li>(a) Publish on their website or elsewhere as appropriate <ul style="list-style-type: none"> <li>(i) a statement setting out the decision and their reasons (the decision statement)</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>(ii) details of where and when the decision statement may be inspected</li> <li>(b) Send a copy of the decision statement to <ul style="list-style-type: none"> <li>(i) The qualifying body</li> <li>(ii) any person who asked to be notified of the decision</li> </ul> </li> </ul>
Reg 20	Publicising a neighbourhood development plan	<p>As soon as possible after making a neighbourhood development plan, the District Council must:</p> <ul style="list-style-type: none"> <li>(a) Publish on their website and elsewhere as appropriate <ul style="list-style-type: none"> <li>(i) the neighbourhood development plan</li> <li>(ii) details of where and when the neighbourhood development plan may be inspected</li> </ul> </li> <li>(b) Notify any persons who asked to be notified of the making of the neighbourhood development plan that it has been made and where and when it may be inspected.</li> </ul>

## APPENDIX B

Plan Section	Council Comments
<b>Section 1 What is a Neighbourhood Plan and why are they important?</b>	
<p>The Submission draft states:  <i>The National Planning Policy Framework (NPPF) states that a Neighbourhood Plan gives the community “direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need” (NPPF para 183).</i></p>	<p>The NPPF has just been replaced, however the Neighbourhood Plan will be considered in accordance with the provisions of the previous NPPF (2012) as it was submitted to the local planning authority before January 2019.. It is considered that it would be prudent if it was made clear that the references to the NPPF in the Neighbourhood Plan are referring to the 2012 NPPF.</p>
<b>5. What we want the Neighbourhood Plan to achieve</b>	
<p>The Submission draft refers to the Neighbourhood plan covering the period up to 2031, which is the same period as the Local Plan.</p>	<p>It is noted that the Neighbourhood Plan plan period has changed from 2015-2031 to 2018-2031 neither of which are consistent with the plan period of the adopted Local Plan (2011-2031), but would have the same end dates.</p>
<p>The Consultation draft had a statement that the Neighbourhood Plan would take precedence if there was a conflict with existing non strategic policies in the Local Plan.</p>	<p>On the Consultation draft we commented that Planning Policy Guidance (PPG) advises that the last document to become part of the development plan has precedence.</p> <p>The reference has been removed.</p>



Plan Section	Council Comments
<b>7. Neighbourhood Plan Policies</b>	
<b>1 - Strategy</b>	
<b>1.1 Introduction</b>	
<p>The Consultation draft referred to the emerging Local Plan and that it was due to be adopted in 2017.</p>	<p>On the Consultation draft we commented that this may need to be amended if the Local Plan had been adopted before the submission of the Neighbourhood Plan.</p> <p>The references to the emerging plan have been removed</p>
<b>1.2 Presumption in favour of Sustainable Development</b>	
<p>The Consultation draft included an unnumbered policy on a general policy principle of a presumption in favour of sustainable development.</p>	<p>On the Consultation draft we commented that there was no policy number and that it is not essential to include a policy on the presumption in favour of sustainable development.</p> <p>The suggestion has been addressed by converting the policy to supporting text.</p>
<p>The Consultation draft misquoted Policy S2 of the Local Plan</p>	<p>The supporting text has been changed to reflect the correct wording.</p>
<b>1.3 Directing Development to the most Sustainable Locations</b>	
<p>The Consultation draft referred to significant employment schemes adjacent to the village.</p>	<p>On the Consultation draft we commented that if the text was referring to the Amazon development then the text needed to reflect that it was now complete.</p> <p>The supporting text has been changed to reflect the correct tense.</p>
<b>1.4 Ellistown Limits to Development</b>	

Plan Section	Council Comments
<p>The Consultation draft supporting text included two paragraphs regarding whether updating the Limits to Development was appropriate for the Neighbourhood Plan.</p>	<p>On the Consultation draft we asked if this explanation was necessary and that if it was kept in it would need to be reworded as the Limits to Development had been reviewed and published by the District Council.</p> <p>The suggestion has been addressed by changing the supporting text to a single statement about the status of the Limits to Development.</p>
<p>The supporting text refers to the South East Coalville Development Scheme which has a resolution to grant planning permission in 2014</p>	<p>The section of the development that is within the parish was granted outline permission on 26 September 2016.</p>
<p>Submission draft:  <i>POLICY S1: ELLISTOWN LIMITS TO DEVELOPMENT – In order to make a positive contribution to sustainable development and help meet local needs, future development proposals in the Neighbourhood Plan Area shall be focused within the built-up area of Ellistown as defined in Fig 2 by the Limits to Development. Development proposals on sites within the Limits to Development will be supported where they comply with the policies of this Plan.</i></p>	<p>The last sentence has been added to the Policy since the Consultation draft of the Plan. The additional wording seeks to tie the Policy to the other policies in the plan.</p> <p>It is considered that the additional wording is appropriate.</p>
<p><b>1.5 Development outside the Ellistown Limits to Development</b></p>	
<p>The Consultation draft discussed the location of development in relation to the countryside,</p>	<p>On the Consultation draft we suggested some reworded to the supporting text to clarify Ellistown’s position as a sustainable village.</p> <p>The supporting text has been amended to reflect the suggestion.</p>

Plan Section	Council Comments
<p>Submission draft:  <b>POLICY S2: LAND OUTSIDE OF ELLISTOWN LIMITS TO DEVELOPMENT</b> – Land outside the Ellistown Limits to Development, as in Figure 2, is identified as countryside, where development will be carefully controlled in line with local and national strategic planning policies</p>	<p>On the Consultation draft we the wording seeking to protect the character, beauty and heritage of the countryside was questioned as no evidence had been provided to justify this approach and so would not be compliant with the NPPF.</p> <p>The Policy has been amended to address this concern.</p>
<p><b>1.6 South East Coalville Development Scheme</b></p>	
<p>The Submission draft supporting text refers to the South East Coalville Development Scheme which has a resolution to grant planning permission in 2014 and that around a 1000 dwellings will be in the Parish with 1600 constructed in the Plan period</p>	<p>The section of the development that is within the parish was granted outline permission on 26 September 2016. There would be approximately 1500 dwellings in the Parish with just over 600 constructed in the plan period, according to the Masterplan data.</p>
<p>The Consultation draft referred to the need for the South East Coalville Development to look towards the Parish and not away from it</p>	<p>On the Consultation draft we commented that this needs explaining.</p> <p>The supporting text has been expanded to cover some of the main infrastructure links and developer contributions that have been secured for the Parish which addresses the suggestion.</p>
<p>Submission draft:  <b>POLICY S3: SOUTH-EAST COALVILLE DEVELOPMENT SCHEME</b> – In relation</p>	<p>On the Consultation draft we commented that several of these criteria had been</p>

Plan Section	Council Comments
<p><i>to the part of the South-East Coalville Development Scheme that is within the Plan Area, the Plan requires:</i></p> <p><i>a) That the development is functionally and physically integrated with the wider Parish;</i></p> <p><i>b) Adequate measures are put in place to mitigate the harm caused by any significant increase in traffic through Ellistown village centre, especially along Whitehill Road, including signage to direct traffic away from Ellistown;</i></p> <p><i>c) Important areas of bio-diversity are conserved and opportunities to enhance its bio diversity through for example the creation of new wildlife habitat maximised;</i></p> <p><i>d) High quality design and layout which minimises its impact on the surrounding landscape and maintains and enhances existing woodland, trees and hedgerows;</i></p> <p><i>e) A mix of housing types and sizes, including affordable, to meet the current and future needs of people in the Parish and the wider area;</i></p>	<p>addressed through the South East Coalville Development planning permission including bus routes and affordable housing.</p> <p>This change addresses the previous concerns raised.</p>
<p><b>2 - Housing</b></p>	
<p><b>2.2 New House Building</b></p>	
<p>The supporting text refers to the South East Coalville Development Scheme which has a resolution to grant planning permission in 2014 and that around a 1000 dwellings will be in the Parish with 1600 constructed in the Plan period</p>	<p>The section of the development that is within the parish was granted outline permission on 26 September 2016. There would be approximately 1500 dwellings in the Parish with just over 600 constructed in the plan period, according to the Masterplan data</p>
<p>The Consultation draft referred to a trend of windfall sites bringing forward dwellings at a rate of 1-2 a year</p>	<p>On the Consultation draft we asked if there was any evidence to support this statement.</p> <p>There has been no change to the text nor any evidence included Submission Plan.</p>
<p>Submission draft:  <i>POLICY H1: HOUSING PROVISION – There is no specific housing requirement for Ellistown and Battleflat. Proposals for small scale windfall sites (defined as schemes of five or fewer dwellings) within the Limits of Development for Ellistown village, will be supported where the development proposal can demonstrate that it has considered how it:</i></p>	<p>On the Consultation draft we suggested some minor changes to the wording of the policy.</p>

Plan Section	Council Comments
<p><i>a) Respects the local character, having regard to scale, density, massing, height, landscape, layout, materials and access, as appropriate;</i></p> <p><i>b) Has taken into account and does not adversely impact upon the amenity of the neighbouring occupiers, including daylight/sunlight, privacy, air quality, noise and light pollution; and</i></p> <p><i>c) Has safe and suitable access to the site for all people, including those with disabilities.</i></p>	<p>The Policy has been amended in line with the suggestions.</p>
<p><b>2.3 Affordable Housing</b></p>	
<p>The Consultation draft included text referring to affordable housing targets for the District and stated that the South East Coalville development would provide many hundreds of affordable homes which will meet the local need</p>	<p>On the Consultation draft we commented that as it was written the text implied that the South East Coalville development was providing 30% of all development as affordable units but in accordance with the S106 Agreement the figure was 7.6%.</p> <p>The supporting text has been amended to the correct percentages and areas.</p>
<p>Consultation draft:  <i>POLICY H3: AFFORDABLE HOUSING – All affordable housing will be subject to conditions, or a planning obligation will be sought, to ensure that when homes are allocated, priority is given to people with a local connection to Ellistown and Battleflat Parish (i.e. including those living, working or with close family ties in the Parish).</i></p> <p>Submission draft:  <i>POLICY H2: AFFORDABLE HOUSING – Development proposals which include affordable housing should provide a mix of housing types and sizes to help meet the identified needs of the Parish. The provision of smaller homes, especially for young families and young people and for older people who wish to downsize, will be supported, as is the provision of affordable housing for people with a local connection.</i></p>	<p>On the Consultation draft we commented that:</p> <p>The council would generally look at housing need from within parishes as a starting point on all applications (particularly small windfall sites) but to base housing need solely on parish need on larger applications (irrespective of which parish) would generally result in lower recorded need – which would undermine delivery across the wider district area</p> <p>Registered Providers have continuously</p>

Plan Section	Council Comments
	<p>indicated that restricting properties to village/settlement areas impacts on their ability to obtain funding at comparable levels to schemes where no restrictions are attached.</p> <p>If every settlement restricts the affordable housing to local residents it would impact on the Council's ability to match applicants, eg elderly/disabled, special needs, to suitable available housing on health grounds.</p> <p>The policy has been amended by replacing text with that included in the Housing Mix Policy and the policy is now repeats much of the wording of policy H3. As such it is considered that policies H2 and H3 could be combined to avoid this unnecessary repetition.</p>
<p><b>2.4 New Housing Mix</b></p>	
<p>The Submission draft supporting text refers to 'some of this need' created by first time buyers in the last paragraph on page 25</p>	<p>The need referred to does not relate to the previous paragraph and as such does not have context. The sentence could be reworded to state "Some of the need for new dwellings will be created...."</p>
<p>Submission draft:  <i>POLICY H3: NEW HOUSING MIX - Housing development proposals should provide a mix of housing types, sizes and tenures to help meet the identified needs of the Parish. The provision of smaller</i></p>	<p>On the Consultation draft we commented that there was no issue with developers submitting reports on</p>

Plan Section	Council Comments
<p><i>homes, especially for young families and young people and for older people who wish to downsize, will be supported.</i></p>	<p>housing mixes , but it was upto the District Council as the Strategic Housing Authority, to agree or negotiate a mix.</p> <p>The wording relating to housing mix reports has been omitted from the policy.</p> <p>As note this policy and policy H2 are repetitive.</p>
<p><b>3.2 Existing Employment Areas</b></p>	
<p>Consultation draft:  <b>POLICY E1: PROTECTION OF EXISTING EMPLOYMENT SITES AND BUILDINGS –</b>  <i>The Plan supports the retention of sites or buildings that provide employment or future potential employment opportunities.</i></p> <p>Submission draft:  <b>POLICY E1: SUPPORT FOR EXISTING EMPLOYMENT OPPORTUNITIES - There</b>  <i>will be a presumption against the loss of commercial and retail premises or land (A and B-class) which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will be supported if it can be demonstrated that the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.</i></p>	<p>On the Consultation draft we commented that it was not clear which sites were being supported.</p> <p>The Submission draft has not identified any sites either in a list or on a plan.</p> <p>The Policy has been redrafted, and now includes a reference to retail uses which are not an employment use, as such uses are restricted to those which fall in the B Use Class.</p> <p>The reference requiring the full valuation report is questioned. It is not clear as to the type of valuation report required or how that relates to the marketing. It is normal practice for a 6 month marketing period to be required as evidence.</p>

Plan Section	Council Comments
<p><b>3.2 Small Scale Employment Development</b></p>	
<p>Consultation draft:  <b>POLICY E2: SMALL SCALE EMPLOYMENT DEVELOPMENT-</b> <i>Small scale employment development in the Plan area will be encouraged through the appropriate extension of existing employment sites (subject to transport, environmental, amenity and landscape considerations) and through the conversion of buildings to other uses, including vacant and under-used agricultural buildings.</i></p> <p>Submission draft  <b>POLICY E2: SUPPORT FOR NEW EMPLOYMENT OPPORTUNITIES – New</b>  <i>employment-generating opportunities will be supported where it:</i>  <i>a) Falls within the boundary of the limits of development unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances; and</i>  <i>b) Reuses land or buildings wherever possible; and</i>  <i>c) Is of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the Neighbourhood Plan area, including the countryside; and d) Does not involve the loss of dwellings; and</i>  <i>e) Does not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property; and</i>  <i>f) Does not generate unacceptable levels of traffic movement; and</i>  <i>g) Contributes to the character and vitality of the local area; and</i>  <i>h) Is well integrated into and complement existing businesses</i>  <i>The following types of employment development will be supported:</i>  <i>a) The small-scale expansion of existing employment premises across the Parish;</i>  <i>b) Small-scale new build development within the Limits to Development.</i></p>	<p>On the Consultation draft we commented:  The Policy refers to “the conversion of buildings to other uses” does this mean other employment uses rather than any other use?  Potential for this policy to go further as per previous draft of Policy E2.</p> <p>The Submission policy has been renamed and redrafted which has led to significant concerns with the policy including:  The policy seems to only relate to small scale development, as the 1<sup>st</sup> point a) refers to small scale development outside the Limits to Development and the 2<sup>nd</sup> point b) refers to small scale development within the Limits to Development. The term small scale is also not defined. The term “exceptional circumstances” is not defined. Such clarification is required in order to enable an applicant to understand what they would need to do and the likelihood of an application being considered acceptable and similarly a decision maker (normally the local planning authority) requires clarity as to</p>



Plan Section	Council Comments
	<p>what is considered acceptable.</p> <p>The Policy includes reference to leisure and tourism activities which are not employment uses, as such uses are restricted to those which fall in the B Use Class.</p> <p>The 1<sup>st</sup> point a) is repetitive of Policy E1</p>
<p><b>5 – Natural Environment</b></p>	
<p><b>5.2 Local Green Spaces</b></p>	
<p>The Submission draft refers to Local and National Planning Policy enabling a Neighbourhood Plan to designate Local Green Spaces</p>	<p>The Policy enabling the designation of Local Green Spaces is only set out in the NPPF</p>
<p>Consultation draft:  <i>POLICY NE1: LOCAL GREEN SPACES: Development proposals that adversely affect or result in the loss of an identified important Local Green Space (identified below and in Figure 4) will only be allowed in exceptional circumstances, where in accordance with national and District wide planning policies</i></p> <p>Submission draft:  <i>POLICY NE1: LOCAL GREEN SPACES: The following sites (Figure 4) are designated as Local Green Spaces, where development is ruled out other than in very special circumstances.</i></p>	<p>On the Consultation draft we commented:            What are the exceptional circumstances? Maybe better to say that development would not be permitted</p> <p>Whilst the policy has been amended it now refers to ‘very special circumstances’ but no clarification is provided as to what these might be. Such clarification is required in order to enable an applicant to understand what they would need to do and the likelihood of an application being considered acceptable and similarly a decision maker (normally the local planning authority) requires clarity as to what is considered acceptable.</p>

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<p>The Consultation draft listed 15 open spaces in and around Ellistown as Local Green Spaces within the Policy.</p> <p>The Submission draft lists 2 open spaces in and around Ellistown as Local Green Spaces within the Policy.</p>	<p>On the Consultation draft we commented that there was no methodology or justification as to how these areas had been identified.</p> <p>The Submission draft has reduced the proposed Local Green Spaces to 2 sites, with the scoring of the sites submitted as an additional document. Whilst there is still no methodology published, a weighing exercise has been undertaken to arrive at the chosen Local Green Spaces, therefore there is some justification for the choices.</p>
<p><b>a. Biodiversity</b></p>	
<p>Submission draft:  <i>POLICY NE 2: BIODIVERSITY - Development proposals which conserve, restore or enhance bio-diversity in and around them will be encouraged. Development proposals will be expected to maintain and, where possible enhance sites (especially Ellistown Tip), networks, hotspots and features (such as water courses, disused railways lines, trees and hedgerows) of bio- diversity importance.</i></p>	<p>On the Consultation draft we commented that the biodiversity sites needed to be identified for clarity.</p> <p>If the biodiversity sites for the Neighbourhood Plan Area are on Figure 5 it could provide clarity if the Policy referred to the plan as well as the supporting text.</p>
<p><b>b. Trees and hedgerows</b></p>	
<p><i>POLICY NE 3: TREES AND HEDGEROWS - Opportunities to enhance and promote the coverage of trees and hedgerows, including in partnership with the National Forest Company, will be encouraged. Trees and hedgerows of good arboricultural, biodiversity and amenity value should be protected from loss or damage as a result of development. Wherever possible the planting of trees and hedgerows should be integrated into the design of development proposals.</i></p>	<p>On the Consultation draft we commented that the previous version of the policy included the need for trees and hedgerows to be incorporated in to</p>

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	<p>the design of development</p> <p>This has been resolved by the addition of the last sentence of the Submission draft Policy</p>
<p><b>6– Heritage Assets</b></p>	
<p><b>d. Important Buildings and Structures</b></p>	
<p>The text in the Consultation draft:  <i>Sometimes known as locally listed buildings, they have formal recognition in the planning system. These buildings are shown in Fig 6 and identified through the Neighbourhood Plan as non-designated heritage sites in accordance with national and local planning policies to ensure that all interested parties are aware of their local importance and merit, and the need to protect and enhance this..</i></p> <p>The text in the Submission draft:  <i>Sometimes known as locally listed buildings, they have formal recognition in the planning system. These buildings are shown in Fig 6 and identified through the Neighbourhood Plan as non-designated heritage sites in accordance with national and local planning policies to ensure that all interested parties are aware of their local importance and merit, and the need to protect and enhance this. These buildings and structures are described in Appendix 6.</i></p>	<p>On the Consultation draft we commented that the Council was preparing a draft 'list of local heritage assets' which included the Church of St Christopher at Ellistown. In July 2016 the Council invited the Parish Council to nominate sites for inclusion on the 'list of local heritage assets' No reply was received from the Parish Council identifying potential sites. The Council's Conservation Officer identifies that local listing is the responsibility of the local planning authority. The NPPF indicates that this is the case in the Glossary and the National Planning Practice Guidance.</p> <p>The previous comments remain relevant, in that local listing is the responsibility of the Local Planning Authority and is not within the scope of a Neighbourhood Plan. The Council's Conservation Officer also suggests amending the supporting text as follows:</p> <p>Changing the title of the section to 'Key Buildings'; Paragraph 1 should say "Ellistown contains key</p>

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	<p>buildings that are unique and irreplaceable ...". Paragraph 3 should refer to buildings that "contribute to the historic and architectural character of the parish ...". The reference to "special local character" is clumsy</p> <p>The whole of paragraph 4 should be struck out. The sentence "these buildings are shown in figure six" should be appended to paragraph 3.</p>
<p>Consultation draft:  <b>POLICY HBE1: BUILDINGS AND STRUCTURES OF LOCAL HERITAGE</b> - <i>The Plan identifies the buildings and structures listed below as „non-designated“ heritage assets. Development proposals will be required to consider the character, context and setting of the local heritage asset including important views towards and from it. The loss of, or substantial harm, to a locally important asset will be resisted, unless exceptional circumstance can be demonstrated.</i>  <i>New Ellistown Hotel;  The Parish Church of St Christopher;  The South Leicestershire Pit Wheel; The War Memorial; and  The Wesleyan Chapel</i></p> <p>Submission draft:  <b>POLICY HBE1: BUILDINGS AND STRUCTURES OF LOCAL HERITAGE</b> -  <i>Development proposals that affect the buildings and structures of local historic or architectural interest listed below, or their setting, will be expected to conserve the historic and architectural interest in those development proposals.</i>  <i>New Ellistown Hotel;  The Parish Church of St Christopher; The South Leicestershire Pit Wheel; The War Memorial; and  The Wesleyan Chapel</i></p>	<p>On the Consultation draft we commented:  Policy HBE1 refers to 'exceptional circumstances' – but it was not clear as to what these would be?  The policy referred to 'non-designated heritage assets' and also 'locally important asset' – it was not clear whether these were the same things?  It was also noted that the policy wording of HBE1 conflicted with the NPPF'.</p> <p>In the Submission draft the wording of the policy has been amended. While the Parish Council may wish to protect 'key buildings' through a neighbourhood plan policy, in doing so they should avoid references to 'heritage assets' which is defined in the NPPF as "assets identified by the local planning authority"</p> <p>It is suggested that it would be more appropriate for Policy HBE1 to say "development proposals that affect the buildings</p>

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	<p>and structures listed below ...”.</p> <p>In September 2017 The Council’s Conservation Officer noted that “there is no indication of the selection criteria used to identify these buildings”; this is still the case. Reference is made to an Appendix 6 but this has not been included in the submission documents. Therefore, it is difficult to tell if there are selection criteria included.</p>
<p><b>7 – Getting Around</b></p>	
<p><b>f. Road safety and congestion</b></p>	
<p>The Consultation draft cited accident statistics with a start date but no end date for both Ellistown and Battleflat</p>	<p>In the Submission draft the end date of the data for Ellistown has been supplied.</p>
<p><b>g. Car parking in Ellistown</b></p>	
<p>Consultation draft: &amp; Submission draft:</p> <p><i>POLICY GA2: CAR PARKING IN ELLISTOWN – Development proposals that result in the loss of, or adversely affect, the existing car parking provision along Whitehill Road and Ibstock Road will not be supported unless they provide for more or at least the same number of existing parking spaces lost, ideally within or adjacent to the curtilage of that development. Where it is not possible to provide car parking on or adjacent to the site a funding requirement will be sought toward providing public facilities or traffic management schemes in Ellistown.</i></p>	<p>On the Consultation draft we commented that it was not clear as to how the last part of the policy can be achieved unless highway safety was an issue</p> <p>The proposed policy is unchanged and our previous comments still apply. To secure funding would require a S106 Agreement to be entered into. It is considered that such a requirement would contravene the Community Infrastructure Levy Regulations whereby any requirement would be necessary to make a development</p>

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	<p>acceptable in planning terms; it is directly related to the development and fairly and reasonably related in scale and kind to the proposed development.</p>
<p>Other minor changes requested to supporting text have generally been made.</p> <p>There are some further minor grammatical changes that may be needed from earlier edits of the document.</p> <p>The referencing of the sections needs to be looked at for clarity and ease of use of the final document.</p>	