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Meeting	<b>LOCAL PLAN COMMITTEE</b>
Time/Day/Date	6.00 pm on Wednesday, 5 July 2023
Location	Abbey Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services 01530 454512

### AGENDA

Item		Pages
<b>1</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2</b>	<b>DECLARATION OF INTERESTS</b>	
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
<b>3</b>	<b>PUBLIC QUESTION AND ANSWER SESSION</b>	
	To receive questions from members of the public under rule no.10 of the Council Procedure Rules.	
<b>4</b>	<b>MINUTES</b>	
	To confirm and sign the minutes of the meeting held on 16 March 2023	<b>3 - 6</b>
<b>5</b>	<b>LOCAL PLAN - HOUSING AND EMPLOYMENT LAND UPDATE</b>	
	Report of the Planning Policy Team Manager	<b>7 - 12</b>
<b>6</b>	<b>LOCKINGTON AND HEMINGTON NEIGHBOURHOOD PLAN - RESPONSE TO SUBMISSION VERSION</b>	
	Report of the Planning Policy Team Manager	<b>13 - 36</b>

Circulation:

Councillor J G Simmons (Chair)  
Councillor P Lees (Deputy Chair)  
Councillor D Bigby  
Councillor D Everitt  
Councillor J Legrys  
Councillor R L Morris  
Councillor P Moulton  
Councillor C A Sewell  
Councillor L Windram  
Councillor A C Woodman  
Councillor M B Wyatt

MINUTES of a meeting of the LOCAL PLAN COMMITTEE held in the Board Room, Council Offices, Coalville on THURSDAY, 16 MARCH 2023

Present: Councillor J Bridges (Chairman)

Councillors J G Simmons, D Everitt, D Harrison, J Legrys, R L Morris and N Smith

In Attendance: Councillors R Johnson

Officers: Mr I Nelson, Mr C Elston, Ms J Althorpe and Ms R Haynes

## **26 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors D Bigby, AC Saffell and M Wyatt. Councillor J Hoult also gave apologies and Councillor A Woodman acted as substitute.

## **27 DECLARATION OF INTERESTS**

There were no interests declared.

## **28 PUBLIC QUESTION AND ANSWER SESSION**

There were no questions received.

## **29 MINUTES**

Consideration was given to the minutes of the meeting held on 8 December 2022.

It was moved by Councillor D Harrison, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 8 December 2022 be approved and signed by the Chairman as a correct record.

## **30 LOCAL PLAN REVIEW - RESPONSE TO CONSULTATION**

The Planning Policy and Land Charges Team Manager presented the report and outlined the consultation which had taken place from January to March 2022. It was noted that at this stage, nothing had been finalised and although recommendations had been made, these could be subject to change

### **Housing – Self-Build and Custom Housing**

A member suggested that the policy for allocating sites within a development would not be good and asked if land could be made available as a self build area. Officers responded that the demand would be varied within the district and the lack of guidance which had been given to local authorities was highlighted. A member raised concerns that allowing self builds on developer plots would lead to security issues as developer sites need to be secured, but self builds would potentially entail some element of weekend or evening working.

A member suggested that a plot be allocated solely for self builds as opposed to designating space on developer sites however officers responded that North West Leicestershire does not own a lot of land. A member requested clarification on the term “self-build” and officers advised that it was more akin to “custom build”, for example individuals must have had an input into the design.

### **Housing-Space Standards**

The Principal Planning Officer outlined the views which had been sought on including in the policy a minimum space standard.

Members raised concerns around viability and also noted that on some of the new developments, buildings had been really small. An officer stated that single bedroom houses had been particularly problematic in terms of floor space. A member expressed their wish to fully support this policy and felt it should be used to specify the number of square feet a developer is allowed to build in the hopes that this would encourage more smaller, and consequently more affordable, houses to be built. Issues with damp in older housing stock was discussed as was the need to ensure that new build properties are well ventilated in order to mitigate this kind of problem.

### **Housing – Acceptable and Adaptable Housing**

Views were sought on whether the Local Plan should include a policy requiring new residential developments to meet accessible and adaptable standards of the Building Regulations.

A member asked if this would apply to all new dwellings including social homes and stated that they would like to see the potential for accessibility adaptations to be built in. Concern was also raised around the potential of exemptions being available.

### **Health and Wellbeing/Health Impact Assessments**

Views on a proposed policy regarding how health and wellbeing issues would be addressed were discussed, including the important role planning had to play within healthy communities. Health Impact Assessments were discussed, which consider things like how well connected a development would be to community facilities or public transport, for example. A member raised concerns around allowing developers to lead with these assessments but officers offered assurance that health professionals both within the authority and externally, would be involved when considering the assessments.

### **Renewables and Low Carbon**

This part of the policy considered a range of matters around the subject of climate change. A member noted that Government Policy also covered some of the considerations within this policy. It was asked that should a developer wish to instal their own wind farm on their site to generate energy if this would be supported. Officers confirmed that it would be in principle and noted that some larger developments covering more land would have more opportunity to do something like this.

A member suggested heat recovery as a source of energy, for example developing an estate near to a building such as a hospital, where heat recovery opportunities were abundant. It was suggested that this would work better in an urban than rural setting.

### **Energy Efficiency**

It was suggested that this would be something which would be better covered under Building Regulations as opposed to the Local Plan following changes in the Building Regulations announced by the Government in 2022.

## **Reducing Carbon**

A member asked whether “Lifecycle Carbon Assessments” included the entire process, from manufacture of materials to demolition. Officers replied that it did and took into consideration the full footprint from beginning to end.

## **Overheating**

It was noted that following changes in the Building Regulations announced by the Government in 2022 that this issue would now not need to be covered in the Local Plan.

## **Demonstrating that new development is addressing climate change**

It was mentioned that adhering to the housing quality mark had been suggested as part of the consultation but had been questioned by developers.

## **Reducing Carbon Emissions**

A member raised concerns around offsetting carbon emissions and felt that this was needed in built up areas. Officers responded that it had to be a matter of last resort and would not be the first thing a developer could go to. A member asked if it would be possible to prescribe this as part of a good design, for example to insist that open spaces and trees be included on developments in order to keep it local. It was noted that officers needed to do more work around the reduction of carbon emissions and would continue to explore it. Members felt that carbon offsetting would need to be kept locally.

## **Water Efficiency**

A member asked whether grey water could be included as a policy as part of the local plan and officers advised that this could be included as part of the design work.

## **Other Matters**

A member felt that it was important to ask communities about their needs and their demands, as opposed to only asking developers.

It was highlighted that local communities would be given adequate opportunities to respond to consultation and that sites proposed for development would be featured in the draft plan to allow communities to engage in the process.

A member said that they had been disappointed at the lack of responses to the consultation but wished to thank officers and the team for producing this report.

It was moved by Councillor D Harrison, seconded by Councillor R Morris and

**RESOLVED THAT:**

1. Responses to the consultation be noted.
2. Revisions to the proposed self and custom housebuilding policy set out at Appendix A of this report be agreed.
3. A requirement regarding space standards in new housing, subject to the completion of work referred to at Paragraph 3.7 of the report continuing to demonstrate that such standards are justified and to also include supporting text as outlined in Appendix B of this report be agreed.
4. The proposal from government to mandate the current M4(2) requirements in building regulations as a minimum standard for all new homes be noted.

5. It be agreed to include a requirement for the provision of M4(3) wheelchair-user dwellings subject to the outcome of the whole plan viability assessment.
6. The revisions to the proposed Health Impact Assessment Policy as set out in paragraphs 7.15 – 7.18 of this report be agreed.
7. It be agreed to amend the proposed renewable energy policy as set out at paragraphs 7.6 – 7.10 and Appendix F of this report.
8. It be agreed to amend the requirement in respect of energy efficiency to reflect the changes in the building regulations as set out at paragraphs 7.15-7.18 of the report.
9. It be agreed to not include a requirement at this stage for a lifecycle carbon assessment as set out at paragraphs 7.23-7.30 of the report, but that the matter be kept under review.
10. The Reducing Carbon Emissions Policy in respect of overheating as set out in paragraphs 7.35-7.37 of the report be amended.
11. It be agreed to remove out reference to HQM and BREEAM in the Reducing Carbon Emissions Policy and to instead develop a checklist as set out in paragraphs 7.42 – 7.44 and Appendix J of the report.
12. It be noted that work is ongoing in respect of the issue of carbon offsetting as set out at paragraphs 7.49-7.53 and Appendix K of the report.
13. It be agreed to include a policy in respect of water efficiency as set out at paragraphs 7.57-7.60 and Appendix L of this report.
14. The issues raised in respect of Question 26 and officers response as set out at paragraphs 8.6-8.9 and Appendix M of the report be noted.

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.45 pm

## LOCAL PLAN COMMITTEE – 5 JULY 2023

<b>Title of Report</b>	<b>LOCAL PLAN – HOUSING AND EMPLOYMENT LAND UPDATE</b>	
<b>Presented by</b>	Councillor Keith Merrie 07596 112270 <a href="mailto:Keith.merrie@nwleicestershire.gov.uk">Keith.merrie@nwleicestershire.gov.uk</a>	
<b>Background Papers</b>	<p>Authority Monitoring Report <a href="#">Authority Monitoring Report - North West Leicestershire District Council (nwleics.gov.uk)</a></p> <p>Local Plan Committee – 12 July 2022 <a href="#">Agenda for Local Plan Committee on Tuesday, 12th July, 2022, 6.00 pm - North West Leicestershire District Council (nwleics.gov.uk)</a></p> <p>Statement of Common Ground <a href="#">Publication of Statement of Common Ground relating to Housing and Employment Land Needs - Strategic Growth Plan LCC   Strategic Growth Plan LCC (llstrategicgrowthplan.org.uk)</a></p> <p><a href="#">North West Leicestershire: the need for employment land (November 2020)</a></p> <p><a href="#">Development Strategy and Policy Options consultation document</a></p> <p><a href="#">National Planning Policy Framework (publishing.service.gov.uk)</a></p>	<p><b>Public Report:</b> Yes</p> <p><b>Key Decision:</b> No</p>
<b>Financial Implications</b>	<p>The cost of monitoring and updating information regarding housing and employment land are met from within existing budgets.</p> <p><b>Signed off by the Section 151 Officer:</b> Yes</p>	
<b>Legal Implications</b>	<p>The Local Plan must be based on robust and up to date evidence.</p> <p><b>Signed off by the Monitoring Officer:</b> Yes</p>	
<b>Staffing and Corporate Implications</b>	<p>None identified.</p> <p><b>Signed off by the Head of Paid Service:</b> Yes</p>	

<b>Purpose of Report</b>	This report provides an update for Local Plan Committee in respect of the position as of April 2023 regarding both housing and employment land requirements.
<b>Recommendations</b>	<b>THAT THE LOCAL PLAN COMMITTEE NOTES THE POSITION AS AT APRIL 2023 REGARDING BOTH HOUSING AND EMPLOYMENT LAND AS SET OUT IN THE REPORT.</b>

## 1.0 BACKGROUND

- 1.1 A key aspect of the new Local Plan will be to ensure the provision of sufficient housing and employment land to meet the identified needs for the plan period (2020-40). This report outlines the position as of April 2023. In doing so it takes account of up-to-date information regarding completions and sites with planning permission so as to identify the remaining amount of land that will need to be identified as part of the Local Plan.
- 1.2 A future report to this committee will identify the preferred sites that it is suggested be taken forward for consultation with local communities and other stakeholders.

## 2.0 HOUSING

- 2.1 The provision of land for housing is monitored by officers on an ongoing basis. Updates are reported as part of the Authority Monitoring Report (AMR) which is published in late December each year. This covers the period 1 April in the preceding year up to 31 March in the current year. The latest therefore covers the period 1 April 2021 to 31 March 2022.
- 2.2 As outlined above, this Committee will shortly be presented with a report which identifies those sites which officers consider should be proposed as part of the new Local Plan. However, rather than relying upon data from 2022, it will be based on more up to date information as at 1 April 2023. This report summarises the current position.
- 2.3 In terms of the overall amount of new housing to be provided in the plan period (2020-40) , this is based on the figure in the Statement of Common Ground (SoCG) that has been proposed to address the issue of unmet needs in Leicester City. The meeting of this Council on 6 September 2022 formally considered and agreed the SoCG. Therefore, the housing requirement for the Local Plan is confirmed as being 686 dwellings each year.
- 2.4 This committee has previously also agreed (12 July 2022) to include a flexibility allowance equal to 10% of the residual housing requirement.
- 2.5 Based on the above, the following table represents the position in respect of housing supply as at 1 April 2023.

Table 1 – housing land position as at 1 April 2023

Annual requirement	686 dwellings	A
Total requirement 2020-40 (A x 20)	13,720	B
Completions 2020-22	2,396	C
Remaining as at April 2021(B – C)	11,324	D
Flexibility allowance @ 10% of D	1,132	E
Projected completions 2023-31	4,711	F
Projected completions 2031-40	1,426	G
Total projected completions 2022-40 (F + G)	6,137	H
Remaining provision required (D + E - H)	6,319	

- 2.6 Therefore, based on the above, the Local Plan will need to make provision for a minimum of 6,319 dwellings. This will require the identification of sufficient sites to be confident that the



required number will be achieved. Therefore, it is unlikely that the sites put forward will match this figure exactly; such an exact approach is not appropriate.

### 3.0 EMPLOYMENT LAND

#### General employment

- 3.1 As for housing, officers monitor progress on sites which have planning permission for employment uses. For these purposes, planning permissions are monitored for 'general employment', namely offices, industry and smaller-scale warehousing/distribution. The latter relates to units of up to 9,000sqm floorspace. Strategic-scale warehousing (9,000+ sqm) is also monitored and this is discussed further below. Monitoring is updated at April each year.
- 3.2 One of the key pieces of evidence for the new Local Plan is an updated assessment of how much additional general employment land is needed to meet the needs of the economy 2017-2039. The [North West Leicestershire: the need for employment land \(November 2020\)](#) ('the Stantec study') quantifies the amount of floorspace/land needed for offices and for industry/small scale warehousing combined. The Committee agreed that the Stantec study is primary evidence for the new Local Plan at its meeting on 12 July 2022.
- 3.3 The Stantec study was prepared at a point when the proposed end date of the new Local Plan was 2039. Subsequently the Committee decided to extend this by a year to 2040. In response, officers have 'rolled forward' the Stantec requirement by an additional year.
- 3.4 When considering the amount of employment land to plan for, it is common practice to add a losses allowance to compensate for the amount employment land which will be put to alternative uses over the lifetime of the plan (empty offices being converted to homes for example). A flexibility allowance is also a prudent contingency against planning permissions not coming forward when expected and/or delivering less floorspace than anticipated. The Committee has seen and noted this approach previously (12 July 2022). The table below sums the three elements to establish how much additional floorspace is needed for the period 2017-2040.

Table 2: General employment land requirements

		Offices sqm	Industrial/non- strategic Warehousing sqm
A	Stantec Requirement (2017-40)	59,590	195,500
B	Losses allowance (2025-40)	3,716	60,088
C	Flexibility margin	11,819	84,206
<b>D</b>	<b>TOTAL REQUIREMENT (A+B+C)</b>	<b>Up to 75,125sqm</b>	<b>At least 339,794sqm</b>

- 3.5 As the Stantec requirement starts from 2017, the floorspace that has been built or has been granted planning permission in the meantime needs to be deducted, up to the end of March 2023. Employment land which is allocated at Money Hill, Ashby in the adopted Local Plan (Policy Ec2) also needs to be accounted for to establish the overall supply position at April 2023.

Table 3: General employment land supply as at April 2023

		Offices sqm	Industrial/non- strategic Warehousing sqm
E	Net completions (2017-23)	23,069	112,667
F	Net permissions at 31 March 2023	9,570	69,925
G	Allocation (Money Hill)	31,980	42,640

<b>H</b>	<b>TOTAL SUPPLY (E+F+G) at 1 April 2023</b>	<b>64,619sqm</b>	<b>225,232sqm</b>
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- 3.6 The Total requirement (D) minus the Total supply (H) gives us the amount that the new Local Plan needs to make provision for (I) shown in Table 4 below.

Table 4: General employment land requirement – April 2023

		<b>Offices sqm</b>	<b>Industrial/non-strategic Warehousing sqm</b>
<b>I</b>	<b>Residual requirement (2023-40) at 1 April 2023</b>	<b>Up to 10,506sqm (=1.75Ha)*</b>	<b>At least 114,562sqm (=28.64Ha)*</b>

- 3.7 This reveals that a substantial proportion of the total requirement for both offices and industrial/smaller warehousing has already been secured through the permissions granted to date and the land allocated at Money Hill.

### Strategic Distribution

- 3.8 By way of a recap, the Development Strategy and Policy Options consultation document (January 2022) contained an initial policy option which proposed that 50% of the outstanding Leicester and Leicestershire requirement for road-served strategic distribution floorspace be met in the district. This would equate to approximately 106,000sqm. Having reviewed the consultation responses, the Committee reaffirmed this as a working provisional figure at its meeting on 12 July 2022.
- 3.9 This position pre-dates current work by the Leicester and Leicestershire authorities on an apportionment of the outstanding Leicester and Leicestershire requirement across the authorities' area. This work is on-going but not yet complete.
- 3.10 Officers would hope to have the benefit of this work before advising Members further on the approach to Strategic B8 for the new Local Plan. However, if any Leicestershire-wide work is not completed promptly, or if agreement cannot be reached between the authorities on the distribution, it remains a risk that the Committee will need to take a unilateral decision on the approach to take.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Support for businesses and helping people into local jobs</li> <li>- Local people live in high quality, affordable homes</li> </ul>
Policy Considerations:	The National Planning Policy Framework requires that plans meet the development needs of their area.
Safeguarding:	None discernible
Equalities/Diversity:	An Equalities Impact Assessment of the Local Plan review will be undertaken as part of the Sustainability Appraisal.
Customer Impact:	No issues identified
Economic and Social Impact:	The decision, of itself, will have no specific impact. The new Local Plan as a whole will aim to deliver positive economic and social impacts and these will be recorded through the Sustainability Appraisal.
Environment and Climate Change:	The decision, of itself, will have no specific impact. The new Local Plan as a whole will aim to deliver

	positive environmental and climate change impacts and these will be recorded through the Sustainability Appraisal.
Consultation/Community Engagement:	None
Risks:	None applicable – this report is to be noted only and no decision is required.
Officer Contact	Ian Nelson Planning Policy and Land Charges Team Manager <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a>

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Title of Report	<b>LOCKINGTON-HEMINGTON NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION</b>	
Presented by	Councillor Keith Merrie Infrastructure Portfolio Holder <a href="mailto:keith.merrie@nwleicestershire.gov.uk">keith.merrie@nwleicestershire.gov.uk</a>	
Background Papers	<a href="#">National Planning Policy Framework (NPPF, 2021)</a>  <a href="#">Planning Practice Guidance (PPG)</a>  Lockington-Hemington Neighbourhood Plan Submission Version (2023)  <a href="#">Lockington cum Hemington Neighbourhood Plan - North West Leicestershire District Council (nwleics.gov.uk)</a>  <a href="#">Lockington Hemington Neighbourhood Plan Pre-Submission consultation - Decision 23 February 2023</a>	<b>Public Report:</b> Yes          <b>Key Decision:</b> No
	Financial Implications	<p>The Lockington-Hemington 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 (up to £30,000 per neighbourhood plan) is payable to the authority to support this agenda but is unlikely to meet the costs in full.</p> <p>Once the 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>
<b>Signed off by the Section 151 Officer:</b> Yes		
Legal Implications	None from the specific content of this report.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
Staffing and Corporate Implications	<p>The report highlights the staff resources required to support neighbourhood planning in the district. Much of this work is done within the Planning Policy team which is also responsible for the delivery of the new Local Plan.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p>	
	<b>Signed off by the Head of Paid Service:</b> Yes	
Purpose of Report	To determine the District Council's response to the submission	

	draft of the Lockington-Hemington Neighbourhood Plan.
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. <b>THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT OF THE LOCKINGTON-HEMINGTON NEIGHBOURHOOD PLAN IN APPENDIX A.</b></li> <li>2. <b>THAT THE COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE LOCKINGTON-HEMINGTON NEIGHBOURHOOD PLAN.</b></li> <li>3. <b>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 INFRASTRUCTURE WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM.</b></li> <li>4. <b>THAT THE COMMITTEE NOTES THAT FOLLOWING THE REFERENDUM AND IF TIME DOES NOT ALLOW FOR A REPORT TO THIS COMMITTEE, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR INFRASTRUCTURE WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE ‘MADE’.</b></li> </ol>

## 1. BACKGROUND

- 1.1 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. 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.
- 1.2 Neighbourhood Plans should consider local and not strategic issues and must have regard to national and local planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want. The Plan’s policies must meet a set of [‘basic conditions’](#) which include:
- having regard to national planning policies and guidance;
  - contributing to the achievement of sustainable development;
  - being in general conformity with the strategic policies of the development plan; and
  - being in line with EU obligations and human rights requirements.
- 1.3 As the Local Planning Authority (LPA), North West Leicestershire District Council (NWLDC) 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, are:

Regulation	Stage
Reg 6A	Designate a neighbourhood area
	Prepare a draft neighbourhood plan
Reg 14	Pre-submission publicity and consultation
Reg 15	Submit the neighbourhood plan to the LPA

<b>Reg 16</b>	<b>Publicise the draft neighbourhood plan (6 week consultation)</b>
Reg 17	Submit the draft plan for independent examination
Reg 18	Publish the Examiner's Report and decide if the plan can proceed to referendum
Para 12, Sch 4B TCPA 1990	Referendum
Reg 19	Decision to 'make' the neighbourhood plan
Reg 20	Publicise the made neighbourhood plan

- 1.4 The Lockington-Hemington Neighbourhood Plan has reached the Regulation 16 stage. This report sets out a proposed consultation response for members to consider (see **Appendix A**).

## 2. LOCKINGTON-HEMINGTON NEIGHBOURHOOD PLAN

- 2.1 The Lockington-Hemington Neighbourhood Plan Area covers the whole of the parish and was designated on 7 January 2019 (Regulation 6A). Lockington-Hemington Parish Council consulted on a pre-submission version of the plan between 30 January and 13 March 2023. (Regulation 14).
- 2.2 The District Council's [consultation response](#) was agreed by the Strategic Director of Place on 23 February 2023 in consultation with the Portfolio Holders for Planning and for Infrastructure and was then sent to the Parish Council.
- 2.3 The Parish Council considered all the comments it received, amended the plan and it has now requested that the District Council organise formal consultation on the submission draft version to the plan and then submit it for Examination (Regulations 15, 16 and 17). This consultation has been arranged for a six-week period from **Friday 16 June to Friday 28 July 2023**. The submission version of the plan and the supporting documentation can be viewed on the District Council's [website](#).
- 2.4 In overview, the neighbourhood plan contains policies covering the following broad areas;
- Housing and the Built Environment
  - The Natural, Historic and Social Environment
  - Community Sustainability
- 2.5 Officers have reviewed the submission version of the plan, taking account of the comments that were made by this Council at the previous stage. The schedule in **Appendix A** sets out those previous comments and identifies where changes have been made in response. The final column in the schedule identifies the outstanding matters which officers recommend should form this Council's response to the submission draft plan and which, in due course, will be considered by the examiner. These matters are categorised as either an 'objection' or as a 'comment':
- an **objection** is made where an aspect of the plan is considered to conflict with one of basic conditions listed in paragraph 1.2 above.
  - a **comment** relates to a less fundamental aspect but which, if it were addressed, could improve the application of the plan's policies. It will be at the Examiner's discretion whether they choose to take account of these points.
- 2.6 Matters in the first category include:
- a) Concern that there has been insufficient viability testing of a First Homes discount of 40% (the national default is 30%).
  - b) Concern that the proposed Local Green Space designation does not comply with the National Planning Policy Framework (NPPF).
  - c) Concern that that the detailed requirements and thresholds in Policy ENV13 – Renewable Energy are not adequately justified.

- 2.7 The Committee is invited to consider these objections and comments and, with amendments as appropriate, to agree them as the District Council's response to the submission plan.

### Next Steps

- 2.8 Subject to the Committee's decision, the response will be submitted before the consultation closing date. In the meantime, officers will begin the process of appointing an independent examiner to conduct the neighbourhood plan examination. The appointment process will be done in consultation with the Lockington-Hemington Parish Council.
- 2.9 At the close of the consultation, the neighbourhood plan documentation and any representations received will be sent to the examiner. Neighbourhood Plan examinations are usually undertaken by means of written representations, but the examiner could decide to hold hearings if the matters at issue are more complex. The examiner will set out conclusions on the plan in an Examiner's Report.
- 2.10 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). Regulation 17A(5) of the 2016 Regulations gives the District Council five weeks from receipt of the Examiner's Report to decide whether or not to proceed with the referendum. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for Infrastructure 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). This is allowed for in the recommendations.
- 2.11 Should the plan be sent to referendum, and residents vote in favour of the Neighbourhood Plan, then the District Council is required to 'make' (i.e. adopt) the plan within eight weeks of the referendum (Reg 18A(1) of the 2016 Regs). The decision to adopt is an executive decision. If time permits, then a report would be brought to a future meeting of this Committee first. However, in view of the timescales required to make such a decision, it is likely that this would be done by the Strategic Director of Place, in consultation with the Portfolio Holder for Infrastructure under the Scheme of Delegation.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	The preparation of neighbourhood plans can impact on any and all of the Council priorities: <ul style="list-style-type: none"> <li>• Our communities are safe, healthy and connected</li> <li>• Local people live in high quality, affordable homes</li> <li>• Supporting businesses and helping people into local jobs</li> <li>• Developing a clean and green district</li> </ul>
Policy Considerations:	Adopted North West Leicestershire Local Plan (2017) National Planning Policy Framework (2021)
Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	Neighbourhood plans in general can deliver positive economic and social impacts for local communities as part of their wider objective to achieve sustainable development.



	The Lockington-Hemington Neighbourhood Plan specifically contains policies that will help support the local economy, local community facilities and the provision of affordable housing amongst other things.
Environment and Climate Change:	Neighbourhood plans can also deliver positive environmental and climate change benefits as part of their wider objective to achieve sustainable development. The Lockington-Hemington Neighbourhood Plan specifically contains policies that seek to conserve biodiversity and heritage assets in the parish and will potentially enable additional EV charging points.
Consultation/Community Engagement:	Neighbourhood plans are subject to at least two stages of public consultation.
Risks:	The proposed response at <b>Appendix A</b> concludes that in a limited number of instances, the neighbourhood plan is considered to be in conflict with policies in the adopted Local Plan. Bringing this to the attention of the independent Examiner enables them to assess these matters and to reach a reasoned conclusion. This will bring clarity for all users of the plan in the future.
Officer Contact	Sarah Lee Principal Planning Policy Officer 01530 454791 <a href="mailto:sarah.lee@nwleicestershire.gov.uk">sarah.lee@nwleicestershire.gov.uk</a>

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## LOCKINGTON-HEMINGTON NEIGHBOURHOOD PLAN

Reg. 14 Plan Section	NWL comments on the Pre-submission version of the Plan (February 2023)	Commentary on the Submission version of the Plan (July 2023)	Objections/Comments on the Submission version of the Plan (July 2023)
Paragraph 17	Comment: This appeal was allowed in January 2023.	Amendment made.	N/A
Para 69 (page 16)	Comment: For clarity, consider inserting the date after 'Strategic Housing and Employment Land Availability Assessment (2021).	Amendment made	N/A
Para 71 (page 16)	Comment: Para. 71 states “the Advisory Committee decided after careful consideration not to introduce Settlement Boundaries for the villages of Lockington and Hemington”. To note, including settlement boundaries for the two villages would have created a conformity issue with the adopted Local Plan Policy S2. Lockington and Hemington are identified as 'Small Villages' in the settlement hierarchy in Policy S2 and this category of settlement does not have Limits to Development. The statement at paragraph 71 should be omitted.	Para. 68. This sentence has been retained in the submission version. Whilst NWL officers and the NP group disagree about whether a conformity issue would be created, the neighbourhood plan does not include settlement boundaries for the two villages so this is not an issue.	N/A
Policy H1 – Housing Mix	Evidence; conformity: Re second paragraph of the policy: this approach is not supported by the Housing Needs Assessment 2022 (Appendix 1) which, whilst acknowledging the need for choice, recommends a significant increase in 3-bed properties and an increase in the proportion of 4-bed homes (paragraphs 203-205).	The relevant section has been deleted from the submission version of the plan.	N/A

<p>20</p>	<p>Further, Examiners have responded in different ways to similarly worded neighbourhood plan policies. The Blackfordby Examiner retained a similarly worded policy whereas the Examiners for Hugglescote &amp; Donington le Heath NP (July 2021) and Swannington NP (Dec 2022) considered the wording too prescriptive and required its deletion to conform with Local Plan Policy H6. The council agrees that H3 as currently worded is not in conformity with the strategic Local Plan Policy H6 and, in addition, is not adequately justified by the evidence.</p> <p>If the second part of the policy is retained, the supporting text should explain how the policy should be applied to a one or two dwelling scheme.</p>		
<p>Policy H2 Design Quality (page 19)</p>	<p>Effective decision making:</p> <p>This policy is lengthy and contains duplication which will make it difficult to apply in practice. Clear and succinct policies which can be easily understood by applicants, planning officers and members are likely to be more effective.</p> <p>The council recommends that the policy wording is rationalised, for example:</p> <ul style="list-style-type: none"> <li>• For a user of the plan, what is the practical difference between Design Principles (DP) and Design Guidelines (DG)? Could they be combined and, if not, can the distinction be explained in the text?</li> <li>• DP g) – what is meant by 'retained features'? Does this relate to heritage or to something else?</li> </ul>	<p>Policy H2 has been significantly simplified and requires the demonstration of high-quality design, layout and use of materials. However, Policy H2 now also includes reference to a Design Guide and Codes (Appendix 3 to the plan). This is not something that was included in the previous version of the plan.</p>	<p><b>Appendix 3 - Design Guide &amp; Codes.</b></p> <p><b>Objection</b> Effective decision making</p> <p>The Design Guide and Codes document is a valuable resource and much of it is in line with good practice.</p> <p>On a specific point, there is a standard in the Street Typologies section (pages 39/40) which appears to set a 6m carriageway width, irrespective of whether it is a general street or a rural/edge lane.</p> <p>LCC highways vary the width of the carriageway in their <a href="#">current design guidance</a>. LCC and has 'secondary roads' between 4.8m and 5.5m and 'tertiary roads' have an overall corridor</p>

	<ul style="list-style-type: none"> <li>• DG b) duplicates DP d)</li> <li>• Overlap between DGc) and DPb); between DPc), e) and DGd);</li> <li>• DPh), DGk) &amp; l) &amp; n) could be combined.</li> <li>• DPe) and DGf) and g) could be combined.</li> <li>• DPf) duplicates DGj).</li> </ul>		<p>width of 7.5m, which doesn't separate out a footway but allows pedestrian access along a softer lane (see <a href="#">Part 3 – Design Guidance</a>, Table DG1, pages 3-4)</p> <p>While the text on page 40 of the Design Guide and Code document broadly corresponds with this, Figure 41 illustrates a footway and 6m carriageway, which is not what our aspiration is and would result in a wider Edge Lane as a result. It is suggested that Figure 41 be amended so that for the carriageway it states “Variable (6m shown)”. This would be consistent with the remainder of the diagram. It would also be consistent with the text which states that “The land width can vary...”.</p>
21	<p>Comment: All the other policies in this chapter deal with housing only. H2 is the only one which is concerned with commercial development as well. Coupled with the fact that it has the prefix 'H', there is a risk that non-residential applicants will mistakenly assume that this policy is not relevant to their proposal.</p> <p>To avoid this, policy could be moved to a different chapter or, alternatively, insert 'Design' as a chapter in its own right.</p>	<p>Although the NP hasn't been amended in response to this comment, it is not a sufficiently significant issue to ask the Examiner to consider.</p>	N/A
Policy H3 Affordable Housing (page 22)	<p>Conformity, evidence: Criterion a) does not conform with the adopted Local Plan Policy H5 or NPPF and NPPG. The adopted LP policy H5(1)(b) requires development to be <u>well related</u> to a settlement, not to adjoin it.</p>	<p>Criterion a) – 'adjoins' has been replaced with 'is adjacent to'.</p>	<p><b>Policy H3</b> (page 21) <b>Objection.</b> Conformity, evidence.</p> <p>Although the wording has been changed, 'adjacent to' still does not have the same meaning as 'well related to' and could be interpreted to mean</p>

Criterion b) states that “If First Homes are provided, the discount should be 40%”. This is a increase from the 30% national minimum discount and is based on the findings of the Neighbourhood Plan Housing Needs Assessment 2022 (e.g. paragraph 101).

National Planning Practice Guidance on [Viability](#) recognised that planning policy requirements should not render sites undeliverable.

“Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision-making stage”. (emphasis added, Paragraph: 002 Reference ID: 10-002-20190509)

The HNA acknowledges this and identifies that viability is one of a number of considerations to think about in the development of housing mix policy:

“F. Viability: HNAs cannot take into consideration the factors which affect viability in the neighbourhood area or at

Criterion b) has been amended to ‘40% subject to availability’.

‘contiguous’, ‘nearby’, ‘adjoining’ or ‘bordering’ for example. The term is considered to be more limiting than wording in strategic Policy H5 in the adopted Local Plan.  
To avoid confusion, it is recommended that ‘well related’ is substituted for ‘adjacent to’ in Policy H3

**Objection.** Evidence.

NPPG on [First Homes](#) confirms that a change to the percentage must be justified at plan-making stage:  
“However, the First Homes Written Ministerial Statement does give local authorities and neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this. As part of their plan-making process, local planning authorities should undertake a housing need assessment to take into account the need for a range of housing types and tenures, including various affordable housing tenures (such as First Homes). Specific demographic data is available on open data communities which can be used to inform this process. The assessment will enable an evidence-based planning judgement to be made about the need for a higher minimum discount level in the area, and how it can meet the needs of different demographic and social groups.” (emphasis added) (Paragraph: 004 Reference ID: 70-004-20210524)

The HNA acknowledges this and identifies that viability is one of a number of considerations to think about in the development of housing mix policy:

the site-specific level. Viability issues are recognised in the Local Plan and it is acknowledged that this may affect the provision of affordable housing, the mix of tenures provided and the discounts that can be sought on First Homes properties” (paragraph 124).

The HNA does give an initial consideration to the viability implications of increasing the First Homes discount level:

“Note that discounted market sale homes may be unviable to develop if the discounted price is close to (or below) build costs. Build costs vary across the country but as an illustration, the build cost for a 2-bedroom home (assuming 70 sq. m and a build cost of £1,750 per sqm would be around £122,500. This cost excludes any land value or developer profit. This would appear to be an issue in Lockington-Hemington with First Homes at a 50% discount.” (HNA Appendix 1, paragraph 278)

This analysis may not be sufficient evidence for the Examiner to conclude that the 40% discount level is deliverable. For example:

- The build costs quoted a) relate to the UK as a whole; and b) are at the bottom of an indicative range. How would the position change if more local figures were used?
- The analysis does not consider other costs on development e.g. infrastructure costs

“F. Viability: HNAs cannot take into consideration the factors which affect viability in the neighbourhood area or at the site-specific level. Viability issues are recognised in the Local Plan and it is acknowledged that this may affect the provision of affordable housing, the mix of tenures provided and the discounts that can be sought on First Homes properties” (paragraph 124).

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“Note that discounted market sale homes may be unviable to develop if the discounted price is close to (or below) build costs. Build costs vary across the country but as an illustration, the build cost for a 2-bedroom home (assuming 70 sq. m and a build cost of £1,750 per sqm would be around £122,500. This cost excludes any land value or developer profit. This would appear to be an issue in Lockington-Hemington with First Homes at a 50% discount.” (HNA Appendix 1, paragraph 278)

This analysis may not be sufficient evidence for the Examiner to conclude that the 40% discount level is deliverable. For example:

- The build costs quoted a) relate to the UK as a whole; and b) are at the bottom of an indicative range. How would the position change if more local figures were used?

	<p>The council recommends that a more specific viability assessment is undertaken before the plan is submitted. Subject to its findings, this will give the Examiner evidence that the 40% discount is achievable.</p>		<ul style="list-style-type: none"> <li>The analysis does not consider other costs on development e.g., infrastructure costs</li> </ul> <p>The council considers that a specific viability assessment is required to demonstrate that a 40% discount is achievable.</p>
<p>Policy H4 Windfall sites (page 22)</p>	<p>Comment: a) is unnecessary. It duplicates Policy H1 b) &amp;c) are unnecessary. They duplicate H2</p>	<p>Although the NP hasn't been amended in response to this comment, it is not a sufficiently significant issue to ask the Examiner to consider.</p>	<p>N/A</p>
<p>Policy ENV1 Sustainable development (page 23/24)</p> <p>24</p>	<p>NPPF; effective decision making:  The concept of development being 'locally' sustainable is not reflected in the NPPF. Also, NPPF paragraph 16d) requires policies to be clearly written and unambiguous so that decision makers know how to apply the policy in practice.  It is unclear how this policy could be used in decision-making. The supporting text states that development be balanced against what is already in the area, but how should that be done?  It would be better to rely on identifying and protecting specific qualities rather than a notion of a more equalised allocation of development to an area. Development is never equally spread because different locations have different planning attributes and constraints. With its strategic transport links, the airport and its proximity to Derby and Nottingham, this area will be of particular interest for commercial</p>	<p>No amendments to the plan in response to this comment.</p>	<p><b>Policy ENV1</b> (page 23/24) <b>Objection</b> NPPF; effective decision making.  The concept of development being 'locally' sustainable is not reflected in the NPPF. Also, NPPF paragraph 16d) requires policies to be clearly written and unambiguous so that decision makers know how to apply the policy in practice.  It is unclear how this policy could be used in decision-making. The supporting text states that development be balanced against what is already in the area, but how should that be done?  It would be better to rely on identifying and protecting specific qualities rather than a notion of a more equalised allocation of development to an area. Development is never equally spread because different locations have different planning attributes and constraints. With its strategic transport links, the airport and its proximity to</p>



	development. The policy as drafted appears not to acknowledge this wider context.		Derby and Nottingham, this area is of particular interest for commercial development. The policy as drafted appears not to acknowledge this wider context.
<p>Policy ENV2 – Local Green Space (page 28)</p> <p>25</p>	<p>Evidence, NPPF compliance:</p> <p>Appendix 4 uses 7 criteria whereas the NPPF (paragraph 102) specifies 3</p> <ul style="list-style-type: none"> <li>• Proximity to community</li> <li>• Special significant to the local community (e.g beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife)</li> <li>• Local in character and not an extensive tract of land</li> </ul> <p>By the approach used, a green space which is locally very important for recreation, could not score as well as a site which is medium importance for other factors.</p> <p>The NP identifies Daleacre Hill as a LGS (Figure 4). It is split into Dalacre Hill Hemington and Daleacre Hill Lockington but, the result is the designation of an expansive area spreading from the western fringes of Lockington much of the way to Hemington to south of Hemington/Lockington Lane and north of Church Lane/Dark Lane. This is an area in the region of 20.5Ha. Splitting the area into two area does not overcome the net effect that it is a continuous area for which LGS designation is being sought.</p> <p>The NPPG confirms that:</p>	<p>No amendments to the plan in response to this comment</p>	<p><b>Policy ENV2</b> (page 28)  <b>Objection:</b> Evidence, NPPF compliance.</p> <p>Appendix 4 uses 7 criteria whereas the NPPF (paragraph 102) specifies 3</p> <ul style="list-style-type: none"> <li>• Proximity to community</li> <li>• Special significant to the local community (e.g beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife)</li> <li>• Local in character and not an extensive tract of land</li> </ul> <p>By the approach used, a green space which is locally very important for recreation, could not score as well as a site which is medium importance for other factors.</p> <p>The <a href="#">Hugglescote &amp; Donington le Heath Examiner</a> expressed reservations about a similar approach used in that plan (paragraphs 4.19-4.20) as did the <a href="#">Swannington Neighbourhood Plan Examiner</a> (paragraph 4.14).</p> <p>The NP identifies Daleacre Hill as a LGS (Figure 4). It is split into Dalacre Hill Hemington and Daleacre Hill Lockington but, the result is the designation of an expansive area spreading from the western fringes of Lockington south much of the way to Hemington to south of</p>

	<p>“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed”.</p> <p>But it continues:  “However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation <u>should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate.</u>”  (emphasis added, Paragraph: 015 Reference ID: 37-015-20140306)</p> <p>This is an extensive tract of land lying between the two villages and the council considers that its proposed designation does not comply with the NPPF criteria.</p>		<p>Hemington/Lockington Lane and north of Church Lane/Dark Lane. This is an area in the region of 20.5Ha. Splitting the area into two area does not overcome the net effect that it is a continuous area for which LGS designation is being sought.</p> <p>The <a href="#">NPPG</a> confirms that:  “There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed”.</p> <p>But it continues:  “However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation <u>should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate.</u>”  (emphasis added, Paragraph: 015 Reference ID: 37-015-20140306)</p> <p>This is an extensive tract of land lying between the two villages and the council considers that its proposed designation does not comply with the NPPF criteria.</p>
<p>Fig 6 - sites and features of natural environment significance</p>	<p>Evidence:</p> <ul style="list-style-type: none"> <li>• In the absence of information about the current biodiversity value of Historic LWS, these should be omitted</li> <li>• LWS 11958 and 92015 are not included in NWL’s records of LWS. The latter area is part of the site which has planning permission for up</li> </ul>	<p>No change</p>	<p><b>Fig. 6</b> (page 31)  <b>Comment</b></p> <ul style="list-style-type: none"> <li>• In the absence of information about the current biodiversity value of Historic LWS, these should be omitted</li> <li>• LWS 11958 and 92015 are not included in NWL’s records of LWS. The latter area is part of the site</li> </ul>

	<p>to 78,967sqm of storage and distribution (20/00316OUT   Land At Netherfields Lane Sawley)</p> <p>For accuracy, the Council recommends that the Group checks the status of all these with the LCC Ecology team.</p> <p>Also, the scale of the map means it is not particularly easy to read. Consider whether to replace Figure 6 with two or more larger scale maps, rather than users of the plan having to resort to supporting documents.</p>		<p>which has planning permission for up to 78,967sqm of storage and distribution (20/00316OUT   Land At Netherfields Lane Sawley)</p> <ul style="list-style-type: none"> <li>• Also, the scale of the map means it is not particularly easy to read. Consider whether to replace Figure 6 with two or more larger scale maps, rather than users of the plan having to resort to supporting documents.</li> </ul> <p>Also, any changes to Fig 6 may need to be carried forward to Fig 7</p>
<p>ENV4 sites and features of natural environment significance (page 32)</p>	<p>NPPF compliance:</p> <ul style="list-style-type: none"> <li>• Suggest moving the first two sentences into the supporting text as they are scene-setting rather than policy.</li> <li>• Biodiversity net gain, when introduced, will apply to certain forms of development. Until the full details are known, suggest “Development should also facilitate biodiversity net gain” would comply with NPPF paragraph 179b.</li> <li>• The correct NPPF reference in the final sentence of the policy is paragraph 180a</li> </ul>	<p>No amendments to the plan in response to these comments.</p>	<p><b>Policy ENV4</b> (page 32) <b>Objection.</b> NPPF compliance. Biodiversity net gain, when introduced, will apply to certain forms of development. Until the full details are known, suggest “Development should also facilitate biodiversity net gain” would comply with NPPF paragraph 179b.</p> <p><b>Comment</b> It is considered that a better NPPF reference in the final sentence of the policy would be paragraph 180a.</p>
<p>Para 126</p>	<p>Comment: First sentence. The SSSI is of national importance.</p>	<p>Amendment made.</p>	<p>N/A</p>
<p>Figure 7 Wildlife Corridors</p>	<p>Evidence, effective decision making:</p> <ul style="list-style-type: none"> <li>• Changes to Fig 6 may need to be carried forward to Fig 7</li> <li>• What is the evidence for the biodiversity corridors shown? A corridor is shown to run through the built-up area of two villages – is this</li> </ul>	<p>No amendments to the plan in response to these comments.</p>	<p><b>Figure 7 Wildlife Corridors</b> (page 33) <b>Objection.</b> Evidence, effective decision making.</p> <p>What is the evidence for the biodiversity corridors shown? A corridor is shown to run through the built-up area of two villages – is this supported by evidence?</p>

	<p>supported by evidence? Lockington Book and Hemington Brook perhaps?</p> <ul style="list-style-type: none"> <li>Examiners' feedback on such wildlife corridors has been mixed. The Blackfordby Examiner was content with the approach whereas the Hugglescote &amp; Donington le Heath Examiner judged that presentation of the wildlife corridors – which is similar to that in the L&amp;H plan - lacked sufficient clarity for effective development management purposes and he required the figure to be amended to show the core corridor (see paragraph 4.30 of the Examiners report).</li> </ul>		<p>Lockington Book and Hemington Brook perhaps?</p> <p>Examiners' feedback on such wildlife corridors has been mixed. The Blackfordby Examiner was content with the approach whereas the Hugglescote &amp; Donington le Heath Examiner judged that presentation of the wildlife corridors – which is similar to that in the L&amp;H plan - lacked sufficient clarity for effective development management purposes and he required the figure to be amended to show the core corridor (see paragraph 4.30 of the <a href="#">Examiners Report</a>).</p>
<p>ENV5 Biodiversity &amp; habitat connectivity</p>	<p>Effective decision making:</p> <p>ENV4 and ENV5 have elements of duplication and either should be rationalised into a single policy, or biodiversity could be covered in its own policy to deal with both identified nature conservation sites and biodiversity in general in one place. It is important that the policies are clear and straightforward to apply. This will make decision-making more efficient and effective. Currently the policies have different but similar wording, for example:</p> <p>ENV4 says If significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), <u>adequately mitigated by net gain as above or compensated for</u>, planning permission should be refused, in conformity with <u>paragraph 175</u> of the NPPF (2021).</p>	<p>No amendments to the plan in response to these comments.</p>	<p><b>Policies ENV 4 &amp; 5 Objection.</b> Effective decision making.</p> <p>ENV4 and ENV5 have elements of duplication and either should be rationalised into a single policy, or biodiversity could be covered in its own policy to deal with both identified nature conservation sites and biodiversity in general in one place. It is important that the policies are clear and straightforward to apply. This will make decision-making more efficient and effective. Currently the policies have different but similar wording, for example:</p> <p>ENV4 says “If significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), <u>adequately mitigated by net gain as above or compensated for</u>, planning permission should be refused, in conformity with <u>paragraph 175</u> of the NPPF (2021).”</p>

	<p>ENV5 says If significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), <u>adequately mitigated, or dealt with through onsite or offsite enhancement (via biodiversity net gain) or compensation</u>, planning permission should be refused, in conformity with <u>paragraph 180a</u> of the NPPF (2021).</p>		<p>ENV5 says “If significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), <u>adequately mitigated, or dealt with through onsite or offsite enhancement (via biodiversity net gain) or compensation</u>, planning permission should be refused, in conformity with <u>paragraph 180a</u> of the NPPF (2021).”</p> <p>The wording in Policy ENV5 is considered to be more consistent with the approach in the NPPF.</p>
<p>ENV9 – Important Views (page 43)</p> <p>29</p>	<p>Conformity, effective decision making:</p> <p>The views shown in Figure 15 are generally over tracts of open countryside. In this respect the council considers that the policy acts more as a countryside protection policy which is a function performed by Local Plan Policy S3 – Countryside (page 27) and is a strategic matter. Strategic matters should not be replicated in the Neighbourhood Plan.</p> <p>Further, the policy would be difficult to apply effectively in development management decisions without a clear understanding of what it is specifically about these views that the Neighbourhood Plan is aiming to safeguard and what types of development would adversely impact on the view. Is it nothing in that line, something small etc? Appendix 7 does not, of itself, provide clear justification for why the views have been identified (e.g.</p>	<p>No amendments to the plan in response to these comments.</p>	<p><b>Policy ENV9</b> (page 43) <b>Objection.</b> Conformity, effective decision making.</p> <p>The views shown in Figure 15 are generally over tracts of open countryside. In this respect the council considers that the policy acts more as a countryside protection policy which is a function performed by <a href="#">adopted Local Plan Policy S3 – Countryside</a> (page 27) and is a strategic matter. Strategic matters should not be replicated in the Neighbourhood Plan.</p> <p>Further, the policy would be difficult to apply effectively in development management decisions without a clear understanding of what it is specifically about these views that the Neighbourhood Plan is aiming to safeguard and what types of development would adversely impact on the view. Is it nothing in that line, something small etc? Appendix 7 does</p>

	<p>which are the distinctive features in the view which make it notable) and also does not provide an idea of their extent.</p> <p>The Hugglescote NP Examiner considered a similarly worded policy (see paragraphs 4.31-4.33 of his report) and required its replacement with a policy focused on protecting the rural setting of the villages. The Swannington NP Examiner also recommended a form of words based on significant harm to the rural setting of the village within the Important Views</p>		<p>not, of itself, provide clear justification for why the views have been identified (e.g. which are the distinctive features in the view which make it notable) and also does not provide an idea of their extent.</p> <p>The Hugglescote NP Examiner considered a similarly worded policy (see paragraphs 4.31-4.33 of his <a href="#">report</a>) and required its replacement with a policy focused on protecting the rural setting of the villages. The <a href="#">Swannington NP Examiner</a> also recommended a form of words based on significant harm to the rural setting of the village within the Important Views</p>
<p>ENV11 – Flood risk, climate change</p> <p>30</p>	<p>Conformity; NPPF compliance:</p> <p>First paragraph - planning for flood risk is a strategic matter which is dealt with in Policy Cc2 of the adopted Local Plan. Strategic matters do not need to be replicated in the Neighbourhood Plan.</p> <p>Also, planning for flood risk is explained in quite a lot of detail in the NPPF and NPPG which also do not necessarily need repeating (or paraphrasing) at a more local level [and that would equally apply to the new Local Plan which is something we are considering].</p> <p>If the policy is retained, the sequential test is applied to ‘Major’ and ‘Non-major development’ in areas at risk of flooding, but there are exceptions (see <a href="https://www.gov.uk/guidance/flood-risk-and-coastal-change#the-sequential-approach-to-the-location-of-development">https://www.gov.uk/guidance/flood-risk-and-coastal-change#the-sequential-approach-to-the-location-of-development</a> including Paragraph: 027 Reference ID: 7-027-20220825)</p>	<p>The first paragraph of the policy has been amended.</p>	<p><b>Policy ENV11</b> (page 47) <b>Objection.</b> NPPF compliance</p> <p>Third paragraph Part a) is more onerous than the NPPF paragraph 162 “Development should not be allocated or permitted if there are <u>reasonably available sites appropriate for the proposed development</u> in areas with a lower risk of flooding.” (emphasis added)</p>

	<p>A more accurate first sentence could be “A sequential test will be required for development in areas at risk from flooding as set out in National Planning Practice Guidance.”</p> <p>Third paragraph  a) this is different to what the NPPF says at paragraph 162 “Development should not be allocated or permitted if there are <u>reasonably available sites appropriate for the proposed development</u> in areas with a lower risk of flooding.”</p>		
<p>ENV12 - Area of Separation</p> <p>51</p>	<p>Conformity; effective decision making:</p> <p>Retaining the separation between settlements is a strategic matter which is covered in criterion (ii) of Local Plan Policy S3 – Countryside “it does not undermine.... the physical and perceived separation and undeveloped character between nearby settlements...”. Policy ENV12 introduces different criteria which do not confirm with Policy S3.</p> <p>There is some precedent, however. The Examiner for the Blackfordby Neighbourhood Plan considered an Area of Separation Policy, albeit applying to a much smaller area. (see page 14 of the <a href="#">Examiners Report</a>). He concluded that “notwithstanding the fact that countryside policies would apply, the policy serves to reinforce the function of this local space.</p>	<p>The final sentence of the policy has been amended to omit the word ‘enhance’.</p>	<p><b>Policy ENV12</b> (page 49)  <b>Objection.</b> Conformity</p> <p>Retaining the separation between settlements is a strategic matter addressed in Local Plan Policy S3 – Countryside which states that particular categories of development will be supported provided “(ii) it does not undermine.... the physical and perceived separation and undeveloped character between nearby settlements...”.</p> <p>Policy S3 was determinative in the dismissed appeal at Land at Carnival Way, Castle Donington in November 2020 (APP/G2435/W/20/3246990). The proposal was for employment development on land between Castle Donington and Hemington within Castle Donington parish. The Inspector concluded “I can only therefore conclude that the appeal scheme, as a contiguous extension to Castle Donington, would</p>

	<p>What kind of development could 'enhance' separation? The policy as worded would be difficult to apply in decision making.</p>		<p>undermine the physical and perceived separation and open and undeveloped character between it and Hemington. As such the proposed development would harm the character and appearance of the area, contrary to Policy S3 of the Local Plan" (Decision letter, paragraph 14).</p> <p>Whilst the District Council considers that Policy S3 is sufficient, the appeal case could be regarded as evidence of development pressure in this area, justifying a more locally-specific policy in the Neighbourhood Plan.</p> <p>It is noted that the Examiner for the Blackfordby Neighbourhood Plan considered an Area of Separation Policy, albeit applying to a much smaller area. (see page 14 of the <a href="#">Examiners Report</a>). He concluded that "notwithstanding the fact that countryside policies would apply, the policy serves to reinforce the function of this local space."</p> <p>As a minimum, the policy should refer to a <u>Local</u> Area of Separation.</p>
<p>ENV13 – Renewable energy (page 51)</p>	<p>Conformity, evidence:</p> <p>The Local Plan identifies areas potentially suitable for small scale/medium and larger scale wind energy generation extending to much of the NP area with the exclusion of the villages themselves. The assessment is based on 3 headline planning constraints (see paragraph 12.11 of the <a href="#">adopted Local Plan</a>) and the Local Plan</p>	<p>Additional information about the identification of sensitive and less sensitive areas and areas suitable for renewables development has been included at paragraphs 156-158.</p> <p>The first sentence of Policy ENV13 has been removed.</p>	<p><b>Policy ENV13</b> (page 51/52) <b>Objection.</b> Conformity, evidence.</p> <p>The Local Plan identifies areas potentially suitable for <a href="#">small scale</a> and for <a href="#">medium and larger scale wind energy generation</a> extending to much of the NP area with the exclusion of the villages themselves. The assessment is based on 3 headline planning constraints (see paragraph 12.11 of the adopted Local</p>



confirms that further detailed assessment would be required as part of the planning process and that proposals will need to be assessed on a site-by-site basis. Local Plan Policy Cc1 - Renewable energy sets out the considerations which will apply to renewable energy proposals.

The NP does not explain the basis for the identification of sensitive and less sensitive areas and areas suitable for renewables development in Figures 19 & 20. What planning factors were used and how have they been assessed? Further, turbine and solar arrays are very different forms of development which would have very different landscape impacts yet they are treated the same in Fig 20.

The size thresholds in the policy (30m/10ha) also have no clear basis leaving the last sentence of the policy without a clear justification.

“POLICY ENV 13: RENEWABLE ENERGY GENERATION INFRASTRUCTURE – During the lifetime of this Neighbourhood Plan (i.e. until any Review’s submission) proposals for....”. This sentence is incorrect as a ‘made’ NP is still extant (i.e. it is part of the Development Plan) until a revised/replacement NP is itself ‘made’. For accuracy, the first part of the sentence should simply be deleted.

Bullet 4 – see comments above re 10% biodiversity net gain

Plan) and the Local Plan confirms that further detailed assessment would be required as part of the planning process and that proposals will need to be assessed on a site-by-site basis. Local Plan Policy Cc1 - Renewable energy sets out the considerations which will apply to renewable energy proposals.

The NP (paragraph 154) reports that landscape sensitivity has been assessed by the community and the considerations which have been applied are described in paragraphs 157 and 158. In the Council’s view, these are general in nature and not sufficiently transparent to provide clear justification for the areas and site thresholds identified in the plan. Unless this is done, the Council believes that a) Figure 20 is out of conformity with the areas identified in the Local Plan; and b) the size thresholds in the policy (30m/10ha) do not have a sufficient evidential basis, leaving the last sentence of the policy without a clear justification.

Further, turbine and solar arrays are very different forms of development which would have very different landscape impacts yet they appear to be assessed on the same basis in Fig 20/Policy ENV13.

Policy ENV13 Bullet 4 – see comments above re 10% biodiversity net gain.

The penultimate paragraph of the policy is concerned with solar arrays exclusively. It refers to assessments of matters that are also dealt with in the

	<p>The penultimate paragraph of the policy talks about assessments of matters that are dealt with in the first part of the policy (e.g. ecological impacts, landscape impact, heritage). Also, it is not clear why these assessments would be required for solar arrays but not for turbines.</p>		<p>first part of the policy (e.g. ecological impacts, landscape impact, heritage). Also, it is not clear why these assessments would be required for solar arrays but not for turbines.</p>
<p>Policy CFA2 – new and improved community facilities</p> <p>34</p>	<p>NPPF The NPPF requires planning policies to reflect the housing needs and transport needs of people with disabilities (paragraphs 62 and 112). Criterion e) as currently worded exceeds national planning policy. Matters such as disabled access into community buildings is a matter for the Building Regulations regime, not planning applications/policy.</p>		<p><b>Policy CFA2</b> (page 61) <b>Objection.</b> NPPF compliance. The NPPF requires planning policies to <u>reflect</u> the housing needs and transport needs of people with disabilities (paragraphs 62 and 112). Criterion e) as currently worded is considered to exceed national planning policy with the phrase ‘takes into full account’. Also, issues such as disabled access into community buildings are a matter for the Building Regulations regime, not planning applications/policy.</p>
<p>Policy BE1 – Active encouragement for Existing businesses and employment opportunities</p>	<p>Effective decision making:</p> <ul style="list-style-type: none"> <li>• The policy or supporting text should specify what is meant by ‘commercial premises’. Is it offices, industrial and warehousing uses or would the policy apply to, for example, self-catering holiday accommodation, B&amp;Bs, shops etc?</li> <li>• The second sentence of b) explains how the first sentence could be demonstrated and it could be part of the supporting text instead.</li> </ul>		<p><b>Policy BE1</b> (page 61) <b>Objection.</b> Conformity The Policy exceeds the provisions of Local Plan Policy Ec3(3) in the following respects:</p> <ol style="list-style-type: none"> <li>a) ‘Commercial premises’ is not defined and could include for example, self-catering holiday accommodation, B&amp;Bs, shops etc. Policy Ec3(3) relates to the former B class uses only.</li> <li>b) The policy includes land/premises that provide ‘<u>potential</u> employment opportunities’ (added emphasis). This is beyond the scope of Ec3(3) and it is not clear what circumstances this would apply to and how realistic the potential would need to be. The</li> </ol>

			<p>phrase should be omitted from the policy.</p> <p>c) The policy requires the land/premises to be vacant <u>and</u> with no potential for reuse. This conflicts with Ec3(3) where factors are given as alternatives. Also 'no potential for reuse' is too general a phrase and difficult to apply in practice.</p> <p><b>Comment</b></p> <ul style="list-style-type: none"> <li>The second sentence of b) explains how the first sentence could be demonstrated and it could be part of the supporting text instead.</li> </ul>
<p>Policy BE2 – active encouragement for new business and employment</p>	<p>effective decision making:</p> <ul style="list-style-type: none"> <li>For clarity, rephrase first sentence to “new development which provides additional employment will be supported where...” [subsequent criteria will need to be amended]</li> <li>d) does not accord with NPPF or the Local Plan</li> </ul>		<p><b>Policy Be2</b> (page 63) <b>Objection</b> NPPF, conformity Criterion d) does not accord with NPPF or Local Plan Policy S3 – Countryside.</p> <p><b>Comment</b> For clarity, rephrase first sentence to “new development which provides additional employment will be supported where...” [subsequent criteria will need to be amended]</p>
<p>Policy T2 - electric vehicles</p>	<p>NPPF:</p> <p>The first sentence exceeds NPPF requirements (paragraph 112e) and is considered too prescriptive in the absence of any specific NP evidence. The Hugglescote Examiner took a similar view and recommended that it is replaced with “Development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient</p>	<p>The first part of the policy has been deleted.</p>	<p>N/A</p>

	locations". The Swannington Examiner identified that electric vehicle charging is now covered by Building Regulations Part S (June 2022) and recommended the deletion of the requirement for 7kW cabling.		
<b>General</b>	<p>Comment:</p> <p>There will be occasions when cross-references to the NPPF paragraphs/Local Plan policies are necessary. However its worth bearing in mind that some of these will become outdated when both documents are replaced</p>	No change.	N/A