

Title of Report	HUGGLESCOTE & DONINGTON LE HEATH NEIGHBOURHOOD PLAN (SUBMISSION DRAFT) AND NEIGHBOURHOOD PLANNING UPDATE	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	National Planning Policy Framework	Public Report: Yes
	Planning Practice Guidance Hugglescote & Donington le Heath Neighbourhood Plan Local Plan Committee January 2020 - draft Hugglescote & Donington le Heath Neighbourhood Plan	Key Decision: No
Financial Implications	<p>The Hugglescote & Donington le Heath 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.</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>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report.	
	Signed off by the Monitoring Officer: 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 Local Plan Review.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p>	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	<p>A) To determine the District Council's response to the submission draft of the Hugglescote & Donington le Heath Neighbourhood Plan; and</p> <p>B) To provide a more general update on neighbourhood planning in the district.</p>	
Recommendations	<p>THAT THE COMMITTEE:</p> <p>1. AGREE THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT OF THE HUGGLESCOTE & DONINGTON LE HEATH NEIGHBOURHOOD PLAN IN APPENDICES A AND B.</p>	

	<p>2. NOTES THAT THE STRATEGIC DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING & INFRASTRUCTURE WILL:</p> <p>A) PUBLISH THE PLAN FOR A SIX WEEK PERIOD AND INVITE REPRESENTATIONS;</p> <p>B) NOTIFY CONSULTATION BODIES; AND</p> <p>C) APPOINT AN INDEPENDENT EXAMINER TO CONDUCT THE EXAMINATION OF THE NEIGHBOURHOOD PLAN</p> <p>3. NOTES THAT, FOLLOWING RECEIPT OF THE INDEPENDENT EXAMINER’S REPORT, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING & INFRASTRUCTURE WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM;</p> <p>4. AGREES 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 PLANNING & INFRASTRUCTURE WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE ‘MADE’;</p> <p>5. NOTES THE PROGRESS BEING MADE WITH NEIGHBOURHOOD PLANS IN THE DISTRICT.</p>
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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 be in line with higher level planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want, and the plan’s policies must;

- a) have regard to national planning policies and guidance;
- b) contribute to the achievement of sustainable development;
- c) be in general conformity with the strategic policies of the development plan; and
- d) be in line with EU obligations and human rights requirements.

1.3 The district council as Local Planning Authority (LPA) 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
Reg 16	Publicise the draft neighbourhood plan (6 week consultation)
Reg 17	Submit the draft plan for independent examination
Reg 18	Publish the examiner's report and decision whether the plan can go forward 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 This report considers two matters:

- a) the district council's proposed response to the submission draft Hugglescote & Donington le Heath Neighbourhood Plan; and
- b) a more general update on neighbourhood planning progress.

2. HUGGLESCOTE & DONINGTON LE HEATH NEIGHBOURHOOD PLAN

2.1 The Hugglescote & Donington le Heath Neighbourhood Plan Area covers the whole of the parish and was designated in June 2017. The parish council consulted on a pre-submission version of the plan in November/December 2019 and the District Council's response to the plan agreed by Local Plan Committee on 15 January 2020 can be viewed via the following link; [Local Plan Committee January 2020 - draft Hugglescote & Donington le Heath Neighbourhood Plan](#). 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 (Regs 15,16,17). This consultation has been arranged for a 6-week period from Friday 12 March – Friday 23 April. The draft submission version of the plan, and the supporting documentation, can be viewed on the District Council's website using the following link: [Hugglescote & Donington le Heath Neighbourhood Plan](#)

2.2 In overview, the neighbourhood plan policies cover the following broad areas;

- the location of new development including a specific policy for South East Coalville
- the design of new development
- housing mix, affordable housing and windfall development
- policies to protect the heritage and ecology of the parish, including the designation of areas as Local Green Space
- transport, including parking
- the protection of, and support for, community facilities
- the protection of employment premises and support for new small-scale employment development

2.3 It does not allocate any additional land for development.

2.4 Officers have reviewed the draft submission 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 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 be in conflict with one of the requirements 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 he/she decides to take account of these points in his/her consideration.

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

Next Steps

- 2.6 Subject to the Committee's decision, the response will be submitted before the consultation closing date. In the meantime, officers will be appointing an independent Examiner to conduct the neighbourhood plan examination. The appointment process will be done in consultation with the parish council.
- 2.7 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.
- 2.8 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). This is allowed for in the recommendations.
- 2.9 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). 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 Planning & Infrastructure under the Scheme of Delegation.

3. NEIGHBOURHOOD PLANS UPDATE

- 3.1 In addition to Hugglescote & Donington le Heath, there is a considerable amount of neighbourhood planning activity elsewhere in the district.

Neighbourhood Plan Area Designations

- 3.2 Within the past 12 months, neighbourhood plan areas have been designated for the parishes of Breedon on the Hill (September 2020) and Long Whatton & Diseworth (October 2020). A designation request from Lockington and Hemington Parish Council is expected shortly.

Plan Preparation

- 3.3 In addition to Hugglescote & Donington le Heath, there are 4 Neighbourhood Plans currently in preparation.

Breedon on the Hill	The Parish Council has commenced work on building its evidence base with a view to undertake community engagement during the period of December 2020 to March 2021. Thereafter, the parish council has provided the following indicative timetable: August 2021: Pre-submission Neighbourhood Plan approved by
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	<p>the Parish Council</p> <p>September 2021 to December 2021: Consultation on the Pre-Submission Plan</p> <p>January 2022: Submission of the Neighbourhood Plan to North West Leicestershire District Council</p> <p>January–March 2022: 6-week consultation on the draft submission plan</p> <p>April –July 2022: Independent Examination</p> <p>September 2022: Neighbourhood Plan Referendum</p> <p>October 2022: North West Leicestershire District Council makes the Neighbourhood Plan</p>
Long Whatton & Diseworth	<p>The Parish Council has commenced work on building its evidence base with a view to undertake community engagement during the period of December 2020 to March 2021. Thereafter, the parish council has provided the following indicative timetable:</p> <p>August 2021: Pre-submission Neighbourhood Plan approved by the Parish Council</p> <p>September 2021 to December 2021: Consultation on the Pre-Submission Plan</p> <p>January 2022: Submission of the Neighbourhood Plan to North West Leicestershire District Council</p> <p>January–March 2022: 6-week consultation on the draft submission plan</p> <p>April –July 2022: Independent Examination</p> <p>September 2022: Neighbourhood Plan Referendum</p> <p>October 2022: North West Leicestershire District Council makes the Neighbourhood Plan</p>
Blackfordby	<p>Having completed a pre-submission (Reg 14) consultation in 2019, the town council has been advised that an Appropriate Assessment will be required. Consultants have been commissioned to prepare this as part of a Strategic Environmental Assessment but the work is still in preparation. The plan will be submitted to the District Council (under Reg 15) when this work is complete, along with any changes to the plan required as a result.</p>
Swannington	<p>The Swannington Neighbourhood Plan Area was designated in January 2019. The preparation of the draft Neighbourhood Plan is underway, supported by planning consultants. In line with national policy, in 2020 the Neighbourhood Plan steering group consulted NWLDC on an indicative housing figure for the area and is assessing potential sites for possible allocation in the plan. The steering group expects to carry out consultation on the draft Neighbourhood Plan (Reg14) in March/April 2021. Whilst there is no fixed timetable beyond this, it would be reasonable to expect the Neighbourhood Plan to be submitted to NWLDC for Regulation 15 consultation in summer/autumn 2021.</p>

- 3.4 Whitwick Parish Council is also understood to be considering whether to prepare a neighbourhood plan.
- 3.5 This level of local community activity is welcome and demonstrates a considerable local interest in, and commitment to, planning to shape local areas. Neighbourhood Plans are particularly valuable at providing a level of detail and local specificity which it is not possible to incorporate into a Local Plan. Members have also been keen to see neighbourhood planning supported and promoted.
- 3.6 Whilst many neighbourhood planning groups employ expert consultants to assist and guide the preparation of the plan, input from the officers from the Planning Policy & Land Charges team is also required at key stages, in particular:
- to designate the neighbourhood plan area

- to undertake Strategic Environmental Assessment/Habitat Regulations Assessment Screening and to consult on this with expert consultees
- to check the submission documentation is in order
- to organise consultation on the submission draft plan (Reg 16)
- to prepare NWLDC comments at Reg 16 stage
- to organise the examination, including the appointment of the Examiner

3.7 Additionally, the team can be asked:

- to provide mapping for the neighbourhood plan area
- to advise on consultation contacts, the content of the pre-submission plan (Reg 14) and Reg 15 plan
- to give presentations to groups considering whether to prepare a plan

3.8 Importantly, neighbourhood plan work does not only impact on the Planning Policy & Land Charges team. Democratic Services have responsibility for organising neighbourhood plan referenda, whilst the Community Focus team provide advice about, and promote, Neighbourhood Plans to local communities. Depending upon the specific policies and proposals in a Neighbourhood Plan it may also be necessary to seek input from other council services, for example Strategic Housing.

3.9 Ultimately the District Council does not have any control over the timetable for the various Neighbourhood Plans; this is in the gift of the Neighbourhood Plan groups. This means that officers are having to be reactive and from a resource point of view this can then result in a conflict between assisting and progressing neighbourhood plan work and other core work of the Planning Policy team, namely the Local Plan Review. In view of this, together with an increase in work at a strategic (i.e. Leicester and Leicestershire) level and the impact of the covid-19 pandemic, consideration is currently being given to the issue of resources in the Planning Policy team to provide additional capacity in the short to medium term, particularly in respect of the Local Plan Review.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of Neighbourhood Plans can impact on any and all of the council priorities: <ul style="list-style-type: none"> • Supporting Coalville to be a more vibrant, family-friendly town • Our communities are safe, healthy and connected • Local people live in high quality, affordable homes • Supporting businesses and helping people into local jobs • Developing a clean and green district
Policy Considerations:	Adopted North West Leicestershire Local Plan National Planning Policy Framework
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 Hugglescote & Donington le Heath 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 Hugglescote & Donington le Heath Neighbourhood Plan specifically contains policies that will help 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 2 stages of public consultation.
Risks:	The proposed response in Appendices A and B identify 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 him/her 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	Ian Nelson - Planning Policy and Land Charges Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk