

<b>Title of Report</b>	<b>LOCKINGTON-HEMINGTON NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION</b>	
<b>Presented by</b>	Councillor Keith Merrie Infrastructure Portfolio Holder <a href="mailto:keith.merrie@nwleicestershire.gov.uk">keith.merrie@nwleicestershire.gov.uk</a>	
<b>Background Papers</b>	<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
<b>Financial Implications</b>	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.  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.  <b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	None from the specific content of this report.  <b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	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.  Links with the Council's Priorities are set out at the end of the report.  <b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	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:

<b>Regulation</b>	<b>Stage</b>
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>