

## 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)'. <u>(2021)</u> .	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>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>
	<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>	<p>N/A</p>
<p>Policy H3 Affordable Housing (page 22)</p>	<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>

	<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).</p> <p>National Planning Practice Guidance on <a href="#">Viability</a> recognised that planning policy requirements should not render sites undeliverable.</p> <p><u>“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”.</u> (emphasis added, Paragraph: 002 Reference ID: 10-002-20190509)</p> <p>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:</p> <p>“F. Viability: HNAs cannot take into consideration the factors which affect viability in the neighbourhood area or at</p>	<p>Criterion b) has been amended to ‘40% subject to availability’.</p>	<p>‘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.</p> <p>To avoid confusion, it is recommended that ‘well related’ is substituted for ‘adjacent to’ in Policy H3</p> <p><b>Objection.</b> Evidence.</p> <p>NPPG on <a href="#">First Homes</a> 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% <u>if they can demonstrate a need for this.</u> 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. <u>The assessment will enable an evidence-based planning judgement to be made about the need for a higher minimum discount level in the area,</u> and how it can meet the needs of different demographic and social groups.” (emphasis added) (Paragraph: 004 Reference ID: 70-004-20210524)</p> <p>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:</p>
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	<p>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).</p> <p>The HNA does give an initial consideration to the viability implications of increasing the First Homes discount level:</p> <p>“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)</p> <p>This analysis may not be sufficient evidence for the Examiner to conclude that the 40% discount level is deliverable. For example:</p> <ul style="list-style-type: none"><li>• 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?</li><li>• The analysis does not consider other costs on development e.g. infrastructure costs</li></ul>		<p>“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).</p> <p>The HNA does give an initial consideration to the viability implications of increasing the First Homes discount level:</p> <p>“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)</p> <p>This analysis may not be sufficient evidence for the Examiner to conclude that the 40% discount level is deliverable. For example:</p> <ul style="list-style-type: none"><li>• 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?</li></ul>
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	<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>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>

	<p>development. The policy as drafted appears not to acknowledge this wider context.</p>		<p>Derby and Nottingham, this area is of particular interest for commercial development. The policy as drafted appears not to acknowledge this wider context.</p>
<p>Policy ENV2 – Local Green Space (page 28)</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 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>
ENV4 sites and features of natural environment significance (page 32)	<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>	No amendments to the plan in response to these comments.	<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>
Para 126	<p>Comment: First sentence. The SSSI is of national importance.</p>	Amendment made.	N/A
Figure 7 Wildlife Corridors	<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>	No amendments to the plan in response to these comments.	<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>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>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>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>

	<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.</p> <p>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 &amp; 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.</p> <p>The size thresholds in the policy (30m/10ha) also have no clear basis leaving the last sentence of the policy without a clear justification.</p> <p>“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.</p> <p>Bullet 4 – see comments above re 10% biodiversity net gain</p>		<p>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.</p> <p>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.</p> <p>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.</p> <p>Policy ENV13 Bullet 4 – see comments above re 10% biodiversity net gain.</p> <p>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>
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	<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>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>
Policy BE2 – active encouragement for new business and employment	<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>
Policy T2 - electric vehicles	<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>	The first part of the policy has been deleted.	N/A

	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