

BRIEFING NOTE FOR THE PORTOLIO HOLDERS FOR PLANNING AND INFRASTRUCTURE

BREEDON ON THE HILL NEIGHBOURHOOD PLAN EXAMINATION

2 JANUARY 2025

1 Purpose of the Report

- 1.1 The purpose of this report is to consider the Examiner's recommendations into the Breedon on the Hill Neighbourhood Plan.

2 Background

- 2.1 Breedon on the Hill Parish was designated as a Neighbourhood Plan Area by North West Leicestershire District Council on 14 October 2020.
- 2.2 The Breedon on the Hill Neighbourhood Plan (BotHNP) was formally submitted to NWLDC on 7 June 2024. A six-week public consultation was held between 16 July and 27 August 2024. A total of 20 responses were received, including one from North West Leicestershire District Council (NWLDC).

3 Neighbourhood Plan Examination

- 3.1 With the agreement of Breedon on the Hill Parish Council, Wendy Burden BA (Hons) DipTP MRTPI was appointed as the independent Examiner of the plan. She was satisfied that the Neighbourhood Plan could be examined in writing, i.e., without the need for a public hearing.
- 3.2 The final Examiner's Report was received on 4 December 2024. The report recommends that, subject to certain modifications, the BotHNP should proceed to a referendum. A schedule of the examiner's proposed modifications and the subsequent revisions to the BotHNP are set out in **Appendix A**.
- 3.4 The modifications (in order to meet the 'Basic Conditions') are required to ensure that the Neighbourhood Plan conforms with the adopted North West Leicestershire Local Plan and has proper regard to national policy and guidance. Some modifications are also required for the purposes of clarity and accuracy.
- 3.5 As the local planning authority, NWLDC must decide whether to accept the examiner's recommendations. **A decision is required within 5 weeks of receiving the Examiner's Report, i.e., by 7 January 2025.**
- 3.6 The Local Plan Committee of 14 August 2024 agreed 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."
- 3.7 Officers have considered the examiner's recommendations in **Appendix A** and are of the view that the proposed modifications are appropriate. There are also a number of minor amendments necessary to the text as a consequence of the recommended modifications. These include renumbering of policies and paragraphs, amendments to supporting text and policies map for consistency and a change to the introductory section the plan to reflect the stage that the plan is at. These minor modifications are not included within Appendix A and were not explicitly identified within the examiner's report. However, the examiner advised that these minor amendments, alongside any other minor non-material changes or updates, can be made in agreement between Both Parish Council and NWLDC. This has taken place, and a Referendum Version of the Neighbourhood Plan has been prepared.

4. Steps to Referendum

- 4.1 If the Council agrees with the examiner's recommendations, it must publish a Decision Statement detailing its intention to send the Neighbourhood Plan to referendum.
- 4.2 The date for the referendum is provisionally set for **20 March 2025**. To accord with the Neighbourhood Planning (General) Regulations 2012, publication of the final version of the Plan and Information Statement would be required by **10 February 2025** and the publication of the Notice of Referendum no later than **13 February 2025**.
- 4.3 The referendum will follow a similar format to an election. All the registered electors in Breedon on the Hill Parish will be given the opportunity to vote and will receive a ballot paper with the question:

Do you want North West Leicestershire District Council to use the neighbourhood plan for Breedon on the Hill to help decide planning applications in the neighbourhood area?

- 4.4 Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (i.e. adopt the Plan so it becomes part of the Development Plan for Breedon on the Hill alongside the adopted North West Leicestershire Local Plan).

5 Recommendation

- 5.1 It is recommended that:

a) the amended Breedon on the Hill Neighbourhood Plan, incorporating the Examiner's proposed modifications should proceed to a referendum of voters within the Neighbourhood Plan area to establish whether the Plan should form part of the Development Plan for the North West Leicestershire District.

Appendix A

Schedule of Proposed Modifications (PM) Recommended in the Examiner’s Report

Proposed Modification No. (PM)	Policy/Paragraph Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
PM1	Policy BotH3 Map 5	Delete Provisional Area of Separation. Delete final clause of the Policy.	In the absence of any certainty as to the designation of a new settlement and the limits of that settlement in the emerging Local Plan, it would be premature for the BotHNP to include the designation of a Provisional Area of Separation to the north of Tonge. This matter would more appropriately be pursued through the emerging policies of the new Local Plan alongside the consideration of the new settlement proposals. With this modification the policy would meet the Basic Conditions.	Delete the Provisional Area of Separation from Map 5. The following final clause will be deleted from Policy BotH3: The above requirements will also apply to the Provisional Area of Separation to the north of Tonge, as defined on Map 5, should proposals for a new settlement to the north of the Neighbourhood Area be progressed through either a planning application or the Regulation 19 Draft version of the North West Leicestershire Local Plan.	Agreed.
PM2	Policy BotH5	Delete clause 2 and insert: “New development will be expected to provide a net gain in biodiversity consistent with any national policy prevailing at the time that a planning application is determined.”.	To ensure that Policy BotH5 relates to the most up to date policy position and compliance with the Basic Conditions.	Policy BotH5: Ecology and Biodiversity: Development should conserve, restore and enhance the network of local ecological features and habitats which include (as shown on Map 8) Local Wildlife Sites (including	Agreed

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				<p>historical sites), Geology Sites and Wildlife Corridors.</p> <p>New development will be expected to secure measurable net gains for biodiversity in accordance with Schedule 7A of the Town and Country Planning Act 1990 through the following opportunities:</p> <p>A. The integration of features such as bat boxes, bird boxes and hedgehog highways;</p> <p>B. Natural flood management in the upper catchment at Breedon on the Hill;</p> <p>C. Woodland, hedgerow and tree planting;</p> <p>D. Enhancement of ponds and watercourses; and</p> <p>E. Creation of meadow and grassland habitats.</p> <p>New development will be expected to provide a net gain in biodiversity consistent with any national policy prevailing at the time that a planning application is determined:</p>	

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PM3	Policy BothH11	Delete "Locally Valued" in the title and in the first line of the policy and replace with "Non-designated".	To ensure consistency with the terminology adopted in national and Development Plan policies. With the modification the policy complies with the Basic Conditions.	<p>Policy BothH11: Locally Valued Non – designated Heritage Assets</p> <p>Development proposals that will affect the following locally valued Non-designated heritage assets or their setting will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset:</p>	Agreed.
PM4	Map 13: Local Green Spaces (Breedon on the Hill) Policy BothH 13	<p>Amend the site of LGS 3 to accord with the area shown on the Policies Map.</p> <p>Amend the site of LGS 4 to delete the area to the South West of the public footpath.</p> <p>Delete the final clause of the policy and insert:</p> <p>"The construction of new buildings would be inappropriate and should not be approved except in very special circumstances."</p>	<p>To ensure consistency between Map 13 and the Policies Map.</p> <p>The examiner has concluded that part of LGS 4 has little recreational value and is not acceptable as a LGS.</p> <p>To accord with policies for the management of development in the Green Belt.</p>	<p>Update Map 13 in terms of LGS 3.</p> <p>Delete part of LGS4 from Map 13 and the Policies Map.</p> <p>Policy BothH13: Local Green Spaces</p> <p>The following areas identified on Maps 13-15 are designated as Local Green Space:</p> <ol style="list-style-type: none"> 1. The Green, Breedon on the Hill 2. The Crescent, Breedon on the Hill 3. Breedon Hill 4. Brook and balancing pond, Ashby Road, Breedon on the Hill 	Agreed

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				<p>5. The Green, Tonge 6. Peters Close verge, Tonge 7. The Green, Wilson 8. Field between Park View and Lyndale, Wilson</p> <p>Development proposals within the designated local green spaces will only be supported in very special circumstances. The construction of new buildings would be inappropriate and should not be approved except in very special circumstances</p>	
PM5	Paragraph 9.11	In the second line delete “the housing requirement” and insert “an appropriate housing figure”.	To update the housing figure and its status, in the interest of clarity.	Based on an annual requirement of 686 dwellings, existing committed development and the emerging development strategy, North West Leicestershire District Council has indicated that the housing requirement an appropriate housing figure for Breedon on the Hill is 13 dwellings (to 2040) together with windfall development (sites not specifically identified in the development plan).	Agreed

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PM6	Policy BotH16	Amended Criterion D. Delete from “to” to “overall” and replace with “to ensure that flood risk is not increased elsewhere”	To reflect the wording in Paragraphs 170b) and 173c) of the NPPF.	Amend Criterion D to read: A sustainable drainage strategy for the site in accordance with Policy BotH7 to include an improvement in run-off water rates overall to ensure that flood risk is not increased elsewhere.	Agreed
PM7	Policy BotH18	Delete Policy BotH18	The development proposed in Policy BotH18 is not in general conformity with the North West Leicestershire Local Plan.	Policy Both18 is deleted.	Agreed.
PM8	Policy BotH20	Delete the final clause of the Policy.	This clause would be unduly restrictive and is not in general conformity with the Policies of the North West Leicestershire Local Plan.	Delete the following clause from Policy BotH20: - All affordable housing will be subject to conditions, or a planning obligation will be sought, to ensure that when homes are allocated, priority is given to people with a local connection to Breedon on the Hill Neighbourhood Area (i.e. including living, working or with close family ties in the Area).	Agreed
PM9	Policy BotH22 and paragraph 9.47, page 94-95	Delete criterion A. In criterion C. insert before “The” “Where appropriate”.	Criterion A is considered to be unduly onerous and unreasonable in the absence	Policy BotH22: Residential Conversion of Rural Buildings The re-use and adaptation of redundant or disused	Agreed.

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		Delete the first sentence of paragraph 9.47.	<p>of any significant local justification.</p> <p>To ensure consistency and conformity with national and Local Plan policy.</p>	<p>buildings for residential use will be supported where:</p> <p>A. The building is of architectural and historical interest;</p> <p>B. The building is structurally sound and capable of conversion without significant rebuild or alteration;</p> <p>C. Where appropriate, the development will maintain the character of the building, including the retention of important features;</p> <p>D. The use of the building by protected species is surveyed and mitigation measures are approved where necessary; and</p> <p>E. Any proposed extension (s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage.</p> <p>Amend paragraph 9.47 to read:</p> <p>Not all buildings are suitable for conversion or adaptation to housing as they may be of modern materials, poorly</p>	

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				<p>designed or constructed. Redundant buildings proposed for re-use should be structurally sound to ensure they are able and appropriate for conversion. This should be demonstrated through an up-to-date structural survey submitted with any planning application. Extensive works should not be required to make the building habitable. Demolition should be avoided to retain the character of traditional buildings.</p>	
PM10	Policy BotH23	<p>In the first clause after “accommodation” insert: “which will be temporary in the case of a new rural enterprise,”. Criterion A: after “existing” insert “or a new”. Rewrite Criterion B as follows: “In the case of an existing rural enterprise, it has been economically sustainable for a period of at least three years and has a clear prospect of remaining so. In the case of temporary worker accommodation for a new rural enterprise, evidence will be</p>	<p>To ensure policy has regard to national policy with respect to the provision of temporary accommodation.</p>	<p>Policy BotH23: Rural Worker Accommodation The provision of rural worker accommodation, which will be temporary in the case of a new rural enterprise, will be supported subject to the following criteria: A. It is essential for one or more workers to be readily available at most times for the proper functioning of an existing or a new rural enterprise and the worker(s) are in full-time, permanent employment which directly relates to the rural enterprise;</p>	Agreed.

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		<p>required to demonstrate ongoing viability and economic sustainability;”.</p> <p>In the final clause after “basis.” add:</p> <p>“In the case of temporary rural worker accommodation any permission will also be subject to a time limit.”.</p>		<p>B. The rural enterprise has been economically sustainable for a period of at least three years and has a clear prospect of remaining so; In the case of an existing rural enterprise, it has been economically sustainable for a period of at least three years and has a clear prospect of remaining so. In the case of temporary worker accommodation for a new rural enterprise, evidence will be required to demonstrate ongoing viability and economic sustainability;</p> <p>C. In the case of sites in isolated locations, the siting of the dwelling should closely relate to existing buildings on the enterprise and it must be demonstrated that there are no suitable alternatives such as:</p> <ul style="list-style-type: none"> i. an existing, nearby dwelling; ii. buildings suitable for conversion to residential use; or iii. sites within or adjoining the settlements of Breedon 	

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				<p>on the Hill, Tonge and Wilson; D. The proposed dwelling is of a size and scale no greater than is necessary to support the proper functioning and needs of the rural enterprise.</p> <p>Dwellings permitted under this policy will be subject to an occupancy condition restricting its occupation to a person who is directly employed by the rural enterprise on a permanent full-time basis. In the case of temporary rural worker accommodation any permission will also be subject to a time limit.</p>	
PM11	Policy BothH24	Delete criterion D.	To ensure the Policy is in general conformity with the Local Plan.	Policy BotH24: Replacement Dwellings A proposal for the demolition and rebuild of an existing dwelling will be supported where: A. It leads to an enhancement of the immediate setting and general character of the area; B. The design of the development conserves and	Agreed.

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				<p>enhances existing heritage assets where they exist;</p> <p>C. The new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage; and</p> <p>D. It will not result in the loss of two or three bedroomed accommodation.</p>	