

APPENDIX B: OFFICER RESPONSE TO DRAFT ELLISTOWN AND BATTLEFLAT NEIGHBOURHOOD PLAN REVIEW (REGULATION 14)

Plan Section / Policy	Officer Response
General	It is recommended that paragraphs and policy sections are numbered throughout so that the Neighbourhood Plan (NP) can be accurately referenced in Planning Committee reports etc.
General	The Plan Period for the Draft North West Leicestershire (NWL) Local Plan is up to 2042.
General	The NP Review proposes the deletion of Policy S3: South -East Coalville Development Scheme. There are still a number of parcels of land to come forward as part of the Southeast Coalville Development Scheme. The Parish Council may wish to reconsider whether it would be useful to retain a policy to cover these remaining parcels.
Page 12	The Plan's vision makes reference to the years up to 2031, whereas the NP Review extends the period of the Neighbourhood Plan to 2041.
Policy SF1: Ellistown Limits to Development	<p>The Limits to Development boundary remain the same as the Made Neighbourhood Plan.</p> <p>Figure 2 identifies the Limits to Development. Suggest a north arrow and key is added to the Figure 2 to distinguish between the Limits to Development and the Neighbourhood Plan Area.</p> <p>The District Council have undertaken a review of the Limits to Development consultation. This review took place between February and March 2024. Following this consultation and consideration of comments received, a revised Limits to Development has been agreed by Local Plan Committee for inclusion within the Regulation 19 version of the draft Local Plan. The proposed Limits to Development in the Neighbourhood Plan Review do not fully accord with the proposed Limits to Development of the Draft Local Plan. These include the following differences:</p> <ul style="list-style-type: none"> • The proposed Limits to Development of the Draft Local Plan excludes an area of treed land to the east of St Christopher Park, whereas the NP Review includes this area within its Limits to Development. • Land to east and west of Midland Road has not been included in the Limits to Development in the Neighbourhood Plan Review. This includes two areas of land proposed as housing and employment allocations in the Draft Local Plan which are to be taken forward to the Regulation 19 Version of the Plan and included within the Limits to Development. Both proposed allocations are also the subject of current planning applications, 24/01618/OUTM and 24/01653/OUTM. • The proposed Limits to Development of the Draft Local Plan includes housing fronting onto East Lane, whereas the NP Review does not.

Plan Section / Policy	Officer Response
	<ul style="list-style-type: none"> The proposed Limits to Development of the Draft Local Plan extends to Bardon Road, whereas the NP Review shows the Limits to Development to run along the rear of the industrial units. <p>The proposed Limits to Development in the draft Local Plan can be found in the two following documents:</p> <p>Proposed Limits to Development for Consultation (January 2024) Local Plan Committee Report 29 January 2025</p> <p>We suggest the Limits to Development in the NP Review are amended to reflect the Limits to Development contained within the draft Local Plan.</p>
Page 17	<p>It would appear that the number of dwellings in the Ellistown part of South-East Coalville has been undercounted and it is our understanding that 1,420 dwellings will be in the Parish.</p>
Policy S2: Design	<p>The Neighbourhood Plan group has commissioned a Design Guidance and Code Document (Appendix 2) and Policy S2 states that all development proposals must have regard to this document. Whilst design codes can be prepared by neighbourhood plan groups and form part of a neighbourhood plan, guidance prepared by Locality is clear that (our emphasis):</p> <p>Neighbourhood plan design codes must have regard to codes that have been adopted by the local planning authority, including authority-wide design codes and other site-based design codes to which they relate, to avoid conflicting or overlapping requirements. Neighbourhood plan design codes are likely to be much shorter and more concise than those codes produced by a local planning authority, with fewer detailed requirements, and guidance that is specific for the neighbourhood area.”</p> <p>The District Council has adopted design guidance in the form of the Good Design SPD (2017) and is in the process of updating this guide so that it accords with the National Design Guide and National Model Design Code. In order to aid both applicants and decision makers, the Neighbourhood Plan should avoid conflict with the District Council’s design requirements.</p> <p>The Council’s Urban Designer has been asked to comment on the Neighbourhood Plan Design Guidance. These will be forwarded once they are available,</p>

Plan Section / Policy	Officer Response
Policy H1: Windfall Development	<p>As with the Made NP, the NP Review does not propose a housing allocation. The first part of Policy H1: Windfall Development is essentially the same as the Made NP. It applies to small scale windfall sites (i.e. scheme of 5 or fewer dwellings) within the defined Limits to Development and supports scheme subject to specific criteria.</p> <p>New policy wording is introduced in relation to garden development, with tandem, and back land development not supported in these locations, where harm to amenity or residential amenity would result. Para 75 of the NPPF identifies “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”. Therefore, the Parish Council may wish to simplify the wording of the NP Policy and refer to ‘Proposals involving development in residential gardens’ or state that development that would be detrimental to the amenity of existing residents will be resisted.</p>
Policy H2: Housing Mix	<p>This policy is an update of Policy H3 of the Made Neighbourhood Plan. Policy H2 states “new development must have regard to local needs as identified in the Housing Needs Assessment (2024)”. It also identifies the predominant need of housing type.</p> <p>The Council’s Housing Strategy officers have a number of concerns regarding the methodology used in the HNA and detailed comments are to be provided. (Appendix C). Without consideration of these, there is a concern that the NP Review will not comply with national legislation or be in general conformity with local strategic planning policy. Given the number of concerns, further discussions with the report authors and the Council’s Housing Strategy Team would be beneficial.</p> <p>Local Plan Policy H6 relates to developments of 10+ dwellings whereas NP Review Policy H2 has no such threshold. There is some degree of conflict and there may be practical difficulties in securing a mix linked to local needs on schemes of 1-9 dwellings although it is noted the Housing Mix policy in the Made NP has no threshold either.</p> <p>It would be useful to clarify if this policy would apply to the whole of the Neighbourhood Area (including South-East Coalville) or only the part of the Neighbourhood Area that is outside of South-East Coalville.</p> <p>The meaning of the final sentence is unclear. Is the predominant need only for three-bed dwellings? Or is there a predominant need for three-bed dwellings, bungalow and smaller dwellings suitable for young families? Also, what dwelling type is a ‘smaller dwelling suitable for young families.?’</p>
Policy H3: Affordable Housing	<p>The policy wording has been carried forward from the made NP, with the addition of “The provision of First Homes at a discount of 30% is supported.”</p>

Plan Section / Policy	Officer Response
	<p>Concerns regarding the methodology used in the HNA and compliance of the NP Review with local strategic planning policy apply. (Detailed comments (Appendix C) from the Affordable Housing Enabling Officer are provided as a separate note, detailing their concerns)</p> <p>The following additional comments have been provided by the Council's Affordable Housing Enabling Officer:</p> <p>In addition, the proposed Policy H3: Affordable Housing is not in accordance with NWLDC adopted Allocations & Lettings Policy 2024</p> <p>North West Leicestershire operates a Choice Based Lettings Scheme. The Allocation & Lettings Policy works within the legal and regulatory framework governing the allocation of social housing. The Allocations & Lettings Policy ensures that those home seekers who are in urgent housing need are given reasonable preference within the Choice Based Lettings scheme. This Allocation Scheme is subject to periodic review to ensure that the allocation of properties continues to be fair and objective whilst meeting local need and statutory obligations.</p> <p>Home Seekers will normally only be accepted onto the housing register where they can demonstrate one or more connections to the District as defined below.</p> <p>A local (District) connection is established by a home seeker demonstrating one or more of the following:</p> <ul style="list-style-type: none"> • They have normally resided in settled accommodation in the District for at least twelve months at the time of application • they have lived in the District for three out of the last five years • they, or a member of their household is employed on a permanent basis or a temporary contract running for a minimum of twelve months, within the District (confirmation will be required from the employer) • They have parents (including Guardians), brothers, sisters, or adult children who have been living within the District for at least 5 years with whom they have an ongoing close relationship. The applicant will need to provide evidence to support this connection. Step equivalents will be allowed. • They have children under 18 years of age for whom they are not the primary carer but where there are formal access arrangements in place and living closer to the child(ren) would be in the child(ren)'s best interest. The applicant will need to provide evidence to support this connection. <p>The following groups of people are exempt from the rules on local (District) connection, people with:</p>

Plan Section / Policy	Officer Response
	<ul style="list-style-type: none"> • No local connection but are owed a relief duty under the homelessness legislation and the Council is not intending to make a local connection referral to another Local Authority. • Armed Forces and former service personnel. • Bereaved spouse/civil partners of members of the Armed Forces leaving services accommodation following the death of their spouse partner; or • Serving or former members of the Reserve Forces suffering from a serious injury, medical condition or disability sustained (wholly or partly) as a result of their service (e) divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence where a move into the district enables them re-engage with family and support networks. • Care Leavers who were accommodated by Leicestershire County Council where LCC owes them duties as a former relevant child regardless of the locality in which they were placed will be deemed to have a local connection to NWLDC. This local connection category will apply until the care leaver's 21st birthday or they are pursuing a course of education set out in their pathway plan, until that course of education is finished. <p>Only those developments that have been permitted in accordance with Local Plan Policy H5 Rural Exception Sites for Affordable Housing have a town, Village or Parish Connections criteria. Only these developments, that have been permitted as an exception to normal planning policies to meet identified affordable housing needs of a specific settlement, have planning restrictions requiring that vacancies should go in the first instance to people who have a connection with the town, village or parish.</p> <p>All new major developments over 10 units within the NWLDC Area are expected to meet the needs identified at the District level and allocated according to need, in line with the adopted Allocations & Lettings Policy 2024.</p> <p>Applying a town, Village or Parish Connections criteria to any or all developments would restrict & harm North West Leicestershire District Council ability to meet its statutory obligations & also its aims to allocate available housing fairly and objectively as outlined in the Allocation & Lettings Policy 2024. Given the existence of an existing adopted NWLDC policy, which follows national legislation and guidance, we would request that reference to a “local parish connection” is removed from this proposed policy”</p>
Policy ENV1: Area of Local Separation	Retaining the separation between settlements is a strategic matter which is covered in criterion (ii) of Local Plan Policy S3. However, the designation of local areas of separation has been accepted by the examiners of the Lockington and Hemington and the Blackfordby Neighbourhood Plans. For Lockington and Hemington, the examiner concluded that the

Plan Section / Policy	Officer Response
	<p>separation between Hemington and Castle Donington could be compromised by developments deemed acceptable by Local Plan Policy S3. In that case the distance between the two settlements is some 370m. In the case of Blackfordby, the examiner concluded that the area was an important gap which prevented the coalescence of two built-up areas (the distance between which is around 135m).</p> <p>Policy ENV1 of the Ellistown NP Review proposes to designate a local area of separation to the north of Ellistown to prevent the coalescence of Ellistown with Hugglescote and Donington le Heath. Factors such as distance, topography, the presence of vegetation, views, character and setting all contribute to the importance of keeping settlements separate as well as physical barriers. Any areas of local separation in the Ellistown Neighbourhood Plan Review need to be sufficiently justified by reference to factors such as those outlined in the previous sentence.</p> <p>The proposed Area of Local Separation does not encompass any of the allocations (housing or employment) proposed for inclusion within the Regulation 19 version of the draft Local Plan.</p> <p>In terms of the policy wording, the reference to 'only the types of development recognised in National Planning Policy as appropriate for open countryside' is not considered sufficiently clear.</p>
Policy ENV2: Local Green Space	<p>The made NP identifies 2 x LGS at Beveridge Lane Open Space and Penny Wakefield Community Woodland. The NP Review now identifies only a single Local Green Space (LGS), which encompasses these 2 designated LGS in addition to an area of land identified as Beveridge Lane Open Space, Sport and Recreation site. This additional area of land is located between the 2 x LGS identified in the made NP.</p> <p>The NP Review supporting text makes reference to the tests which need to be met for a piece of land to be able to be designated as Local Green Spaces (para 107 of the NPPF). However, the resulting Local Green Space, due to its scale, could be construed as an extensive tract of land. Therefore, we would suggest that evidence/justification is provided to support the various statements in respect of this revised area of Local Green Space, and how the LGS meets the relevant criteria.</p>
Policy ENV3: Important Open Spaces	<p>This is a new policy. Clarification on the policy title is sought. Page 5 states Policy Env3: Open Space, Sport and Recreation Sites, whereas Page 26 states Policy ENV3: Important Open Spaces.</p> <p>The Made NP identified and mapped a number of open spaces but did not include a policy to protect their functions and amenities. This policy seeks to address this.</p>

Plan Section / Policy	Officer Response
	<p>A number of 'Important Open Spaces' are identified and mapped in Figure 6.</p> <p>Land use designations need to be clearly identified on a policies map, which would not be the case for those future sites referred to in the two final paragraphs of the policy. Furthermore, and unlike the existing sites referred to in 1st part of the policy, these future sites will not be subject to an inventory, consultation or examination. As such the final parts of this policy are ambiguous. In any event, open space within new development is often identified and protected as open space/recreation in a Section 106 agreement and therefore it is questionable as to whether they need to be identified as part of the neighbourhood plan.</p>
Policy ENV4: Sites and Features of Natural Environment Significance	<p>Figure 7 identifies sites of natural environmental significance including Priority Habitats, Local Wildlife Sites and Historic Wildlife Sites. Broadly the policy requires for adverse effects on the biodiversity of these sites to be balanced against the benefits of development. If harm to biodiversity cannot be avoided planning permission should be refused.</p> <p>The Policy goes on to state that "Development proposals will be required to include evidence based, measurable proposal for biodiversity net gain at a minimum of 10%...."</p> <p>1 - query whether this section is needed. BNG will be a requirement throughout the NP area, not just on the sites identified in Fig 7.</p> <p>2 – not all development is required to achieve BNG. Suggest the policy is amended to "Development proposals (unless exempted) on the identified sites..."</p> <p>It would be useful to clarify if historic Local Wildlife Sites are still designated sites. If they are no longer designated would suggest that they are not included.</p>
Policy ENV5: Biodiversity Across the Neighbourhood Area	<p>As above for Policy ENV4, the policy requires all development to deliver biodiversity net gain whereas some proposals will be exempt.</p> <p>The second sentence of the first paragraph mirrors NPPF paragraph 193a) but with the addition of "or dealt with through onsite or offsite enhancement (via biodiversity net gain at 10%)". Biodiversity net gain would be required in addition to mitigation for significant harm.</p> <p>"Development proposals that adversely affect trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value, will be resisted. New development should be designed to retain such trees and hedges wherever possible". The second sentence rightly acknowledges that it may not be feasible to</p>

Plan Section / Policy	Officer Response
	<p>retain all trees/hedgerows. In contrast, the first sentence says that where this happens, development should be resisted (presumably refused). Any individual tree or hedge will have a degree of biodiversity/historical/ landscape/amenity value meaning this test is unreasonably onerous. As written, the policy is contradictory and with not be effective in development management decisions.</p> <p>The final sentence refers to “current best practice regarding plant disease control and aftercare”. It would be useful to clarify for development management purposes, as well as for other users of the NP, to clarify what is expected in this respect.</p>
Policy ENV6: Sites of Historic Environment Significance	<p>Fig 8 shows sites of historic environment significance. It would help users of the plan to list the source of these features. It is assumed that these are Sites in the Leicestershire HER and are non-designated heritage assets (as defined in the NPPF).</p> <p>The wording of the final sentence of the policy appears to mirror the wording of NPPF para 214 but this part of the NPPF applies specifically to where there would be substantial harm to a designated heritage asset. Whereas it is Paragraph 216 of the NPPF that deals specifically with non-designated heritage assets and states that “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”. As written this policy is inconsistent with national policy in the NPPF. It would be more appropriate for the policy wording to refer to the scale of any harm or loss and the significance of the heritage asset.</p> <p>This policy now identifies an archaeological feature on the application site area associated with 24/01653/OUTM which was not previously referred to in the made Neighbourhood Plan. Evidence to justify this inclusion should be provided.</p> <p>Comments from the Council’s Senior Conservation Officer:</p> <p>The plan makes a false distinction between “non-designated heritage assets” (buildings) and “sites of historic environment significance” (not buildings). It is unclear why non-designated heritage assets have been subdivided into two separate categories subject to two separate plan policies. The categorisation should be omitted and non-designated heritage assets should be subject to one plan policy.</p>

Plan Section / Policy	Officer Response
Policy ENV7: Non-Designated Heritage Assets	<p>Figure 9 identifies 5 non-designated heritage assets, all of which are identified as non-designated heritage assets in the Made NP.</p> <p>The wording of the final sentence of the policy appears to mirror the wording of NPPF para 214 but this part of the NPPF applies specifically to where there would be substantial harm to a designated heritage asset. Whereas it is Paragraph 216 of the NPPF that deals specifically with non-designated heritage assets and states that “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”. As written this policy is inconsistent with national policy in the NPPF. It would be more appropriate for the policy wording to refer to the scale of any harm or loss and the significance of the heritage asset.</p> <p>Comments from the Council’s Senior Conservation Officer:</p> <p>The plan makes a false distinction between “non-designated heritage assets” (buildings) and “sites of historic environment significance” (not buildings). It is unclear why non-designated heritage assets have been subdivided into two separate categories subject to two separate plan policies. The categorisation should be omitted and non-designated heritage assets should be subject to one plan policy.</p> <p>For your information, the Council have adopted thematic lists of local heritage assets (link) including lists of commemorative structures, education buildings, places of worship and suburban and small country houses.</p> <p>Comments from the Council’s Senior Conservation Officer:</p> <p>We welcome the identification of selection criteria which reflect Historic England’s advice about Local heritage listing (link). The selection criteria has been applied to five buildings that had already been identified as key buildings. However, it is unclear why they have not been applied to the “sites of historic environment significance” or to any ‘candidate assets’.</p> <p>The Ellistown Hotel was erected before 1883. It was erected on the site of the Slip Inn, which appears on the 1815 OS drawing (link). The wing addressing Whitehill Road was added in about 1902. Appendix 4 should clarify whether the 1902 wing meets the selection criteria.</p> <p>The Local Planning Authority has identified the Church of St Christopher as a local heritage asset; the draft amended plan does not reflect this. Would not describe the church building as ‘stand-alone’. The neighbouring building is the former</p>

Plan Section / Policy	Officer Response
	<p>clergy house, designed by Draper & Walters of Leicester and erected in 1911. We did not identify the clergy house as a local heritage asset, but it may be useful to treat it as a 'candidate asset' and to apply the selection criteria to it.</p> <p>We did not identify the Methodist chapel as a local heritage asset (generally "non-conformist chapels built after c.1870 are not suitable for inclusion on the local list"). We did not identify the Council School as a local heritage asset (generally schools erected between 1902 and 1944 "do not appear to have architectural or historic interest"). Again, it may be useful to treat the school as a 'candidate asset' and to apply the selection criteria to it.</p> <p>We did not identify the war memorial as a local heritage asset. The war memorial was found to be 'beyond the remit' of the local list (the DCMS says that "buildings less than 30 years old ... are not normally considered to be of special architectural or historic interest" – link). Appendix 4 includes a photograph of the 'compass points benches', not the war memorial.</p>
Policy E1: Support for Existing Employment Opportunities	<p>The policy wording has been carried forward from the made NP, with the addition of the policy referring to Class E as well, to reflect the changes to the Use Classes Order.</p> <p>Class E refers to a range of uses, i.e. shops as well as other commercial uses. For example, does this policy apply to shops? For the avoidance of doubt, it would be beneficial if the policy references the relevant parts of the Class E Use Classes Order, to which this policy would apply. In addition, there are some commercial uses that don't fall within either of these use classes and could be sui generis. Therefore, it would also be helpful to ensure loss of sui generis commercial uses are covered by the policy and this is referenced within the policy.</p>
Policy E2: Support for New Employment Opportunities	The policy wording has been carried forward from the Made NP. No further comments to make.
Policy E3: Connecting Local Business and People to the New Economic and Employment Opportunities	The policy wording has been carried forward from the made NP. No further comments to make.

Plan Section / Policy	Officer Response
Policy SCF1: Existing Shops and Community Facilities	<p>The Policy title refers to Shops and Community Facilities however the policy wording only refers to the loss of an existing community facility. Question if this policy seeks the protection of shopping uses as in the Made NP.</p> <p>For clarification, the Local Plan definition of community facilities in the adopted Local Plan is “a building or space where community-led facilities for community benefit is the primary use”. Similarly, the NPPF at paragraph 20c) gives examples “community facilities (such as health, education and cultural infrastructure)”. If shops are to be protected under this policy, this should be explicit in the policy wording.</p> <p>The first part of the policy lists the criteria to be met should the loss of a community facility be supported. Policy IF2 of the Local Plan states (our emphasis added) <i>“the loss of key services and facilities will be resisted unless an alternative is provided or there is demonstrable evidence that the facilities is no longer required and/or viable and that suitable alternative community uses have been considered.”</i></p> <p>Therefore, there is conflict with Local Plan policy. In addition, questions are raised over what the first party of the policy would add to Local Plan policy and whether it is necessary. Would it be more appropriate for the NP policy to identify those community facilities to be protected?</p> <p>The second part of the policy addresses new community facilities or improved community facilities, and this should be reflected in the Policy Title which at present only refers to ‘Existing Community Facilities’. The meaning of criteria e) is somewhat unclear. What type of needs do the Parish Council have in mind, and how would they be evidenced? There is the potential that an application could include almost anything as part of a proposal and say that it meets the needs of the wider community. Clarity would be beneficial for development management purposes as well as for other users of the plan.</p>
Policy GA1: Road Safety and Congestion	The policy wording has been carried forward from the made NP. No further comments to make.
Policy GA2: Car Parking in Ellistown	The policy wording has been carried forward from the made NP. No further comments to make.
Page 37	Figure 10 - Some of the Rights of Way shown on Fig 10 are out of date.
Policy GA3: Walking and Cycling	The policy wording has been carried forward from the made NP. No further comments to make.