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and examinations

Report on draft Ashby de la Zouch Neighbourhood Plan Review 2011 - 2031

An Examination undertaken for North West Leicestershire District Council with the support of Ashby de la Zouch Town Council on the January 2025 submission version of the draft Plan.

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Date of Report: 19 August 2025

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Main Findings - Executive Summary

From my examination of the Ashby de la Zouch Neighbourhood Plan Review (the Plan Review) and its supporting documentation, including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan Review has been prepared and submitted for examination by a qualifying body – Ashby de la Zouch Town Council;
- the Plan Review has been prepared for an area properly designated – the Ashby de la Zouch Neighbourhood Area (Figure 1 on Page 8 of the Plan Review);
- the Plan Review specifies the period to which it is to take effect – 2011 to 2031; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan Review, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan Review relates and have concluded that it should not.

1. Introduction and Context

Ashby de la Zouch Neighbourhood Plan Review 2011 – 2031

- 1.1 Ashby de la Zouch is a market town and civil parish within the administrative area of North West Leicestershire District Council in the county of Leicestershire, close to the borders with Derbyshire and Staffordshire. Swadlincote lies to the northwest whilst Leicester itself is some distance away to the southeast. The town is at the centre of the National Forest.
- 1.2 The Ashby de la Zouch Neighbourhood Area was approved by North West Leicestershire District Council on 27 February 2014. The Ashby de la Zouch Neighbourhood Plan 2011 – 2031 was subsequently prepared and was “made” on 29 November 2018. Ashby de la Zouch Town Council is now proposing a review of the made Plan. The Plan Review is the subject of this report.
- 1.3 The Ashby de la Zouch Neighbourhood Area covers the major part of the parish. There is, however, a separate made neighbourhood plan for the village and area of Blackfordby which lies between Ashby de la Zouch and Swadlincote.

- 1.4 Since the Ashby de la Zouch Neighbourhood Plan was made, the Local Plan has been the subject of a partial review, the United Kingdom has left the European Union and various changes have been made to the National Planning Policy Framework and Planning Practice Guidance. As such, in December 2022, the Town Council took a decision to review the Neighbourhood Plan and see how the policies were working and whether any additions or amendments were needed.
- 1.5 There followed three main rounds of consultation. First, volunteers were recruited for themed focus groups. Secondly, consultation was undertaken on the emerging policies in the draft Neighbourhood Plan review. Thirdly, formal consultation was undertaken under Regulation 14. The resultant Plan Review represents the output from these various activities.

The Independent Examiner

- 1.6 As the draft Plan Review has now reached the examination stage, I have been appointed as the examiner of the Ashby de la Zouch Neighbourhood Plan Review by North West Leicestershire District Council, with the agreement of the Ashby de la Zouch Town Council.
- 1.7 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan Review.

Submitted Documents

- 1.8 I have considered all policy, guidance and other reference documents relevant to the examination, including those submitted which comprise:
- the draft Ashby de la Zouch Neighbourhood Plan Review 2011-2031, January 2025, as proposed to be modified, and Appendices 1-5 (including the Design guidance and codes at Appendix 2);
 - the summary of the proposals and reasons for the modifications;
 - the statements from the qualifying body and local planning authority on the nature of the proposed modifications;
 - a map (Figure 1 on Page 8 of the Plan Review) which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - A copy of the extant Ashby de la Zouch Neighbourhood Plan 2011-2031, as made;
 - the Consultation Statement (undated);
 - the Basic Conditions Statement, November 2024;
 - the Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment Screening Report, July 2024;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and

- the request for additional clarification sought in my letter dated 24 June 2025 and the response received on 3 July 2025 from Ashby de la Zouch Town Council.¹

Planning Policy Context

- 1.9 The Development Plan for this part of North West Leicestershire District Council, not including documents relating to excluded minerals and waste development, is the North West Leicestershire Local Plan 2011-2031 (as amended by the Partial Review), adopted on 16 March 2021.
- 1.10 There is an emerging Local Plan in the form of the draft North West Leicestershire Local Plan. This is at the consultation stage including on additional proposed housing and employment allocations. However, publication of a draft Plan under Regulation 19 is not expected until March 2026.
- 1.11 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 12 December 2024 which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the December 2024 NPPF advises that it will only apply to neighbourhood plans submitted after 12 March 2025.
- 1.12 The Plan Review was submitted to North West Leicestershire District Council on 11 February 2025. Therefore, the substantive and applicable NPPF for the purposes of this examination is the December 2023 NPPF and its accompanying PPG. Notwithstanding this, I am conscious that the Town Council will wish the Plan Review to be as up to date as possible. To this end, where logical and practicable to do so, I have sought to recommend appropriate references to reflect the most recent December 2024 NPPF.

2. Procedural Considerations

Initial Determination

- 2.1 As the draft Plan has been submitted as a Plan Review, I have undertaken an initial determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) as to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace.
- 2.2 The purpose of the determination is to establish whether the modification proposal can be examined under the streamlined process for the making

¹ View at: https://www.nwleics.gov.uk/pages/ashby_neighbourhood_plan_review
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of the draft Plan as set out in Schedule A2 of the 2004 Act or, in the event that the proposal contains material modifications which change the nature of the Plan, it would be examined under the process set out in Schedule 4B of the Planning Act 1990 (as amended), requiring an examination and a referendum.

- 2.3 To inform this determination I considered all the relevant submitted documents, including the written statements on this matter provided by the qualifying body and the local planning authority to comply with Regulations 15(1)(f) and 17(e)(ii) respectively of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”) and the representations.
- 2.4 Ashby de la Zouch Town Council’s “Consideration of Minor (non-material)/Major (material) updates to the Made Ashby de la Zouch Neighbourhood Plan” (January 2025) refers to the three possible types of modifications outlined in Government guidance.² It concludes that the changes made fall into the second category, material modifications which do not change the nature of the plan.
- 2.5 In contrast, North West Leicestershire District Council considers that the changes fall into the third category, material modifications which do change the nature of the plan and which would require examination and a referendum. The particular points of principal relevance raised by North West Leicestershire District Council are as follows:
- there are new policies which have not been subject to a referendum (with specific reference to Policy ENV 7 which aims to designate substantial Areas of Local Separation in three locations at the edge of the town);
 - there is the inclusion of land proposed to be allocated in the emerging Local Plan in the Plan Review’s Limits to Development; and
 - there is the exclusion from the Plan Review’s Limits to Development of land at Money Hill which is allocated in the adopted Local Plan.
- 2.6 I agree with all these points. In my assessment, the proposed modifications contained in the Plan Review are so significant or substantial as to change the nature of the made Plan which the Plan Review would replace. Accordingly, I invited the Town Council as the qualifying body (in accordance with Paragraph 10(5) of Schedule A2) to decide whether it wanted to proceed with the examination of the Plan Review under the provisions of Schedule 4B to the 1990 Act 1990, which in turn would require a referendum prior to the Plan Review being made.
- 2.7 The Town Council confirmed on 24 June 2025 that it was happy to proceed with the examination on the basis that there would be a referendum. It is on that basis that I have undertaken my examination of the Plan Review. For clarification, my examination has also considered the entirety of the made Plan and has not been confined to those parts of

² PPG Reference ID: 41-106-20190509.

the Plan Review which contains modifications to the made Ashby de la Zouch Neighbourhood Plan 2011-2031.

The Scope of the Examination

- 2.8 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 2.9 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 2.10 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

2.11 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
- meet prescribed conditions and comply with prescribed matters.

2.12 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴

Site Visit

2.13 I made an unaccompanied site visit to the Neighbourhood Plan Area on 9 July 2025 to familiarise myself with it and to visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.14 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulate the objections to the Plan and present arguments for and against the suitability of the Plan Review to proceed to a referendum.

Examiner Modifications

2.15 Where necessary, I have recommended proposed modifications (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

3. Compliance Matters and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Ashby de la Zouch Neighbourhood Plan Review 2011-2031 has been prepared and submitted for examination by Ashby de la Zouch Town Council, which is a qualifying body for an area that was designated by North West Leicestershire District Council in 2014.
- 3.2 It is the only Neighbourhood Plan for the Plan area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2011 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.4 As indicated in Section 1 above, three main rounds of consultation were involved in the preparation of the Plan Review. Recruitment to themed focus groups followed publication of an article in Ashby Life, a local magazine, and on the Town Council's website and on Facebook. The focus groups held several meetings before agreeing amendments to existing policies and the development of new policies. These were reviewed at a Steering Group meeting after which remaining policies were also considered.
- 3.5 The new and amended policies emerging from the focus groups informed a first draft of the revised Neighbourhood Plan. Online public consultation was launched to inform residents and local businesses and to gain views on the amended policies. As a result of the views gained, the first draft of the Neighbourhood Plan Review was modified and the pre-consultation Regulation 14 version prepared.
- 3.6 Details of those consulted at the Regulation 14 stage (which ran from 5 August to 23 September 2024) together with an explanation of how they were consulted, the main points raised and how these matters were considered and addressed are set out in the Consultation Statement. In total, responses were received from 18 different respondents including statutory consultees, landowners and developers, community groups and members of the public.
- 3.7 At the Regulation 16 stage (which ran from 7 April to 19 May 2025), representations were made by some 17 separate parties, again including statutory consultees, landowners and developers, community groups and members of the public.
- 3.8 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has

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been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

3.9 The Plan Review sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

Excluded Development

3.10 The Plan does not include provisions and policies for “excluded development”.⁵

Human Rights

3.11 Ashby de la Zouch Town Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

4. Assessment of the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by North West Leicestershire District Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Report, I support this conclusion.
- 4.2 The Ashby de la Zouch Neighbourhood Plan Review was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The site is not in close proximity to a European designated nature site. Natural England agreed with this conclusion.⁶ From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having regard for the Ashby de la Zouch Neighbourhood Plan Review, the consultation responses and other evidence, and the site visit, I consider that there are six main issues relating to the Basic Conditions for this examination. These concern:
- Limits of Development
 - Design
 - Housing
 - Environment

⁵ See section 61K of the 1990 Act.

⁶ Email dated 14 May 2024 in Appendix 2 of the Screening Report.

- Transport
- Community Facilities.

- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Ashby de la Zouch Neighbourhood Plan Review should be seen in the context of the wider planning system. This includes the North West Leicestershire Local Plan 2011-2031 (as amended by the Partial Review) as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.⁷
- 4.5 Secondly, the Neighbourhood Plan Review does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan Review satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.
- 4.7 The following sections of my report set out the modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.⁸ Others are necessary in order to have closer regard to national policies and advice. In particular, plans should contain policies that are clearly written and unambiguous.⁹ In addition, the policies should be supported by appropriate evidence.¹⁰

Issue 1 – Limits to Development

- 4.8 Policy G1 identifies “limits to development” around the town of Ashby de la Zouch. Within the limits, development proposals will generally be viewed positively. The areas beyond the limits will be treated as open countryside and development will be carefully managed.
- 4.9 Unfortunately, the wrong plan (Figure 4) has been used to define the limits to development. In particular, Phase 2 of a strategic housing and employment allocation at Money Hill has been omitted. Figure 4 needs to be corrected as recommended in proposed modification **PM1**.

⁷ See NPPF (December 2023 and 2024), Paragraph 16 f).

⁸ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

⁹ NPPF (December 2023 and 2024), Paragraphs 15 and 16 d).

¹⁰ PPG Reference ID: 41-041-20140306.

4.10 I have considered whether other changes to the boundary, allowing for further growth and/or allocations, should be made. However, this is not a matter within the scope of the Plan Review or its evidence base. It is, nonetheless, being considered as part of the draft North West Leicestershire Local Plan. To my mind, detailed consideration as part of the emerging Local Plan is the most appropriate way forward on this subject.

Issue 2 – Design

4.11 Policy G2: Design is intended to be read in conjunction with the Ashby de la Zouch Design guidance and codes (Appendix 2 of the Plan). The policy refers to “the specific requirements contained in the design guidance and codes”. It continues by setting out 17 additional design principles that proposals for new development “will need to incorporate”.

4.12 I note that the codes are intended “to provide guidance for applicants” and to “set out the expectations for proposals”. It does not appear to me that they set out specific requirements or that any similar design guidelines should be applied in all cases. Indeed, as examples, the provision of open space (criterion i)) will not always be required; and not all developments will lend themselves to the use of energy efficient technology (criterion m)). In addition, to reinforce local architecture and historic distinctiveness (criterion e)) in all cases could be seen as stifling innovative design.

4.13 As to the requirement for all new homes to be “zero carbon” ready, I would normally expect such matters to be consistent with the Government’s zero carbon buildings policy and nationally described standards. Although there is scope for the setting of local standards, these would need to be based on robust and credible evidence and pay careful attention to viability.¹¹ I have seen no such evidence. In my opinion, reliance can be placed on Government policy and the provision in Policy G2 is unnecessary and unjustified.

4.14 In the light of the above, amendments are needed to make the policy less prescriptive and to remove reference to the need for “zero carbon ready” new homes. Suitable revisions are recommended in proposed modification **PM2**.

Issue 3 – Housing

4.15 Policy H1: Money Hill is concerned with the application of design guidance and codes at Money Hill, specifically through Policy G2: Design. However, although the supporting text recognises that a separate Design Code will be required for Money Hill Phase 2, this is not referenced in the policy. I recommend the necessary clarity would be added through proposed modification **PM3**.

¹¹ See PPG (Climate change section) Reference ID: 6-009-20150327.

- 4.16 Policy H3 on housing mix draws on the conclusions of the Ashby de la Zouch Housing Needs Assessment July 2023. Ashby de la Zouch is part of a wider housing market but the assessment results provide a useful steer to local requirements including the limited need, reflected in the policy, for one-bedroom dwellings and larger homes of four bedrooms and over.
- 4.17 With regard to dwellings for elderly people, and in the absence of a large volume of specialist supply, I can see that the provision of bungalows and other dwellings suitable for the elderly, would be of assistance. However, I have seen no evidence that supports such provision in any development over 10 houses (or any other number). A more general reference to support is needed as recommended in proposed modification **PM4**.
- 4.18 I now turn to consideration of Policy H4: Affordable Housing. First of all, there are a number of amendments that are necessary in the interests of clarity:
- The opening sentence of the policy should be deleted. It is descriptive in nature, not policy, and is leading to confusion.
 - The requirements to be met by on-site affordable housing should be re-ordered to include the criteria a), b), i and ii.
 - Whilst I am examining the Plan Review against the December 2023 NPPF, the inclusion of First Homes is no longer a requirement in affordable housing provision under the terms of the December 2024 NPPF. For the reasons set out in paragraph 1.12 above, I consider the reference to First Homes (criterion iii) should be removed to avoid confusion.
 - The paragraph on commuted sums should be moved to the end of the policy and amended so as to recognise the possibility of provision outside the neighbourhood area.
- 4.19 There remains the vexed question of whether those with a local connection should be given priority in nominations. In this regard, there are a number of related issues: whether the principle of giving priority to those with a local connection is appropriate; if so, should *all* affordable properties be subject to such rights; and what should be the mechanism for giving effect to these provisions?
- 4.20 To my mind, it is appropriate to give priority to local residents and others with a local connection when choosing the occupants of affordable housing. Notwithstanding the difficulties, policies of this nature are to be found increasingly in neighbourhood plans. They reflect the fact that, if neighbourhoods are to be the recipients of new housing, local nomination rights can be one of the positive benefits.
- 4.21 As to whether all affordable housing should be the subject of local nomination rights, I note that the amount of forthcoming development is “a greater than proportionate share” (Plan Review, Paragraph 10.4); and,

at the time the Local Plan was being prepared, “there was a residual need for at least a further 600 dwellings. The 2,050 houses allocated for Money Hill considerably exceeded that residual housing need” (Plan Review, Paragraph 10.5).

- 4.22 These figures suggest to me that much of the new housing within the designated area is serving a district-wide need rather than meeting any local housing requirement. It would be appropriate for the majority of the affordable housing to serve a catchment wider than Ashby de la Zouch. In the light of the available evidence, I judge that 25% of the affordable housing within the neighbourhood area should be made available for local occupancy.
- 4.23 In terms of the mechanism that should be used to give effect to these provisions, I consider that the approach of the Town Council is flawed. The control of nomination rights is the responsibility of the housing authority or registered provider. It would be possible however, through the use of planning conditions, to restrict occupancy to those with a local connection. Along with other necessary amendments, this is the approach I recommend in proposed modification **PM5**. The meaning of “local connection” is also included, in line with the District Council’s allocations and lettings policy for the district.¹² This is more precisely drafted than the definition suggested by the Town Council.¹³

Issue 4 – Environment

- 4.24 The sites listed in Policy ENV 1: Local Green Spaces are the same as those included in Policy EN1 in the made Neighbourhood Plan (although some of the descriptions have changed) and I observed these extant designations as part of my site visit. However, in particular, I have looked again at the allocation of Bullen’s Field given substantial evidence that has been presented through the Regulation 16 representations.
- 4.25 First of all, and even though there is no public access to the site, I saw that Bullen’s Field is close to the community that it serves. Together with Ashby Bath Grounds, the Memorial Grounds and Prior Park Road Field, it forms an area of open space that is in the heart of Ashby de la Zouch and near to existing housing. Many people are drawn to the area and, in particular, pass the southern boundary of Bullen’s Field on accessing the popular Bath Grounds.
- 4.26 Secondly, Bullen’s Field is not an extensive tract of land. It is one of the smaller designated Local Green Spaces and local in character rather than anything of a larger scale.
- 4.27 Thirdly, although the site has a certain visual attractiveness, I would not describe it as “beautiful”. In terms of archaeology, there are medieval

¹² See Regulation 16 representations of North West Leicestershire District Council.

¹³ In its response dated 3 July 2025 to my questions.

fishponds (now filled in) and associations with the castle as well as the Bath Grounds. However, I would say that its historic significance is limited. The castle can be glimpsed across the southeastern corner of the site but, to my mind, such views do not contribute to a material appreciation of the castle or its setting. As to the richness of its wildlife, I have reviewed the Preliminary Ecological Appraisal that has been prepared for the site. I accept that the site is not of overriding significance in this regard.

- 4.28 Notwithstanding the above, I can see that the local community would regard the site as special. It holds particular local significance as one of a number of inter-connected open spaces, divided only by Prior Park Road. The openness and greenness of these spaces provides a welcome and peaceful contrast to the built-up surroundings. Bullen's Field has passive recreational value as an undeveloped continuation of the Local Green Space at the Bath Grounds and helps contribute to the area's tranquil environment.
- 4.29 In all the circumstances, I have no hesitation in confirming the allocation of Bullen's Field as a Local Green Space. In terms of the wording of the policy, I note that development proposals will not be permitted "other than in very special circumstances". This ignores the fact that there may be occasions when development is "not inappropriate". Some exceptions are set out in the second part of the policy. However, these examples would be rendered unnecessary if reference were made to consistency with national Green Belt policy.¹⁴ Proposed modification **PM6** refers.
- 4.30 The next policy, Policy ENV 2: Important Open Spaces for Sport, Recreation and Amenity contains an error. Supporting evidence is to be found in Appendix 3, not Appendix 4. The text would be corrected through proposed modification **PM7**.
- 4.31 A similar error occurs in Policy ENV 3: Sites of Historic Environment Significance. In addition, the policy refers to harm or loss of the features concerned being outweighed by "substantial" public benefits. There is no evidence to suggest that the benefits have to be substantial. If they outweigh the harm, that is sufficient. Appropriate amendments are recommended in proposed modification **PM8**.
- 4.32 Through Policy ENV 4: Sites and Features of Natural Environment Significance, Bullen's Field is shown amongst "Other sites of significance for biodiversity" (Figure 8). In the light of my conclusion on the comparative lack of significance of the site in the discussion on Policy ENV 1: Local Green Spaces, the site should be omitted from Figure 8 (modification **PM9**). The modification also clarifies the fact that "features present" is intended to refer to "other features of biodiversity importance".¹⁵

¹⁴ December 2023 NPPF, Paragraph 107 (Paragraph 108 of the December 2024 NPPF).

¹⁵ See Town Council's answers dated 3 July 2025 to my questions.

- 4.33 There are instances where Policy ENV 5: Biodiversity and Habitat Connectivity contains requirements that are too onerous or unjustified. One example is where development proposals adversely affecting trees and the like will be resisted. Another is where both protection and enhancement of wildlife corridors is expected. In both cases, circumstances may dictate that a more relaxed approach would be appropriate. Caveats are included in proposed modification **PM10** which also includes updated reference to the December 2024 NPPF (see paragraph 1.12 above).
- 4.34 Policy ENV 6 aims to respect and protect important views. There may be cases in the future where development allocations need to be taken into account. Such eventualities should be recognised in the policy (modification **PM11**).
- 4.35 Policy ENV 7 seeks to introduce Areas of Local Separation and, effectively, to reinstate a policy which was deemed unacceptable by the examiner of the made Neighbourhood Plan (Policy S6).
- 4.36 The reasons why the examiner of the made Neighbourhood Plan recommended deletion of the previous policy on Areas of Local Separation are summarised in paragraph 4.52 of his report:¹⁶
- the policy was not supported by sufficient evidence;
 - the policy would have had the effect of seeking to extend the influence of the Plan beyond the designated area; and
 - Policies S2 and S3 in combination would provide adequate protection to prevent coalescence.
- 4.37 With regard to the first point, I asked the Town Council to direct me to the principal sources of evidence.¹⁷ I was told that, "The only evidence needed to support the policy is, in our view therefore, the simple fact that two or more settlements are close enough to one another that there is a risk of such coalescence as a result of piecemeal proposals/permissions or strategic allocations."¹⁸
- 4.38 In this regard, I acknowledge that local areas of separation policies can be a legitimate tool in matters such as avoiding the coalescence of built-up areas. I have supported such policies in two other neighbourhood plans within North West Leicestershire for which I was the examiner. One was the Blackfordby Neighbourhood Plan 2019 – 2031 (within the parish of Ashby de la Zouch). The other was the Lockington-Hemington Neighbourhood Plan 2023 – 2031.
- 4.39 In both cases, the circumstances were quite different. For example, the gaps between the built-up areas that could be vulnerable to coalescence

¹⁶ Ashby de la Zouch Neighbourhood Plan 2011-2031, Examination Report, 2 August 2018.

¹⁷ The request for additional clarification sought in my letter dated 24 June 2024.

¹⁸ See Town Council's answers dated 3 July 2025 to my questions.

are relatively narrow; and, there would be an obvious loss of visual separation following built development in the gap.

- 4.40 In the present case, I appreciate that the policy would no longer seek to apply to areas outside the designated area. However, the Areas of Local Separation would be treated, under Policy G1, as open countryside, with “development carefully managed in line with local and national strategic planning policies”. In addition, matters such as housing allocations are advancing and should be determined through the Local Plan process. The Neighbourhood Plan should not be used to frustrate the possibility of strategic allocations.
- 4.41 In all the circumstances, I recommend Policy ENV 7 and all related references should be deleted from the Plan Review. Such changes would be given effect through proposed modification **PM12**.

Issue 5 – Transport

- 4.42 Under Policy T4: Walking and Cycling, new and/or enhanced footpaths, with a maintenance contract, and cycleways, will be expected in appropriate association with new developments. There is no evidence to support such an approach in all cases. For example, a maintenance contract would not be required if a footpath was adopted by the Highway Authority. A less prescriptive form of wording is required is recommended in proposed modification **PM13**.

Issue 6 – Community Facilities

- 4.43 In Policy CF6: Community Infrastructure, and to reflect the available evidence, a number of changes are needed:
- Paragraph a) should refer to “significant” negative impacts. There may be minor negative impacts that are not in themselves material.
 - Paragraph b) should refer to “appropriate” contributions. It will be necessary to meet the tests set out in Paragraph 57 of the December 2023 NPPF.¹⁹
 - In line with modification PM2, the reference to ‘zero carbon’ ready homes should be deleted.
 - The way in which effects on local community services as a result of development at Money Hill Phase 2 are to be assessed needs to be changed. Community infrastructure needs will be determined by the local planning authority.

I recommend the Appropriate amendments in proposed modification **PM14**.

¹⁹ Paragraph 58 of the December 2024 NPPF.

Other Policies

- 4.44 There remain a number of policies that have not been the subject of scrutiny in the above report. These are Policy H2 (Windfall Sites); Policy H5 (Promoting Self Build); Policy ENV 8 (Flood Risk Resilience); Policy E1 (Employment Land and Buildings); Policy E2 (Business Development); Policy E3 (Homeworking); Policy E4 Tourism); Policy E5 (Broadband Infrastructure); Policy TC1 (Town Centre Uses); Policy TC2 (Shop Frontages); Policy TC3 (Legible Signage); Policy TC4 (Residential Development); Policy T1 (Traffic Management); Policy T2 (Public Car Parking); Policy T3 (Travel Plans); Policy T5 (Leicester to Burton Railway Line); Policy CF1 (Important Community Facilities); Policy CF2 (New or Improved Community Facilities); Policy CF3 (Assets of Community Value); Policy CF4 (Schools); and Policy CF5 (Health and Wellbeing).
- 4.45 To a greater or lesser extent, these topics are covered in the December 2023 NPPF in Section 5 (Delivering a sufficient supply of homes); Section 6 (Building a strong, competitive economy); Section 7 (Ensuring the vitality of town centres); Section 8 (Promoting healthy and safe communities); Section 9 (Promoting sustainable transport); and Section 14 (Meeting the challenge of climate change, flooding and coastal change). I find that there has been regard for national policy and that the Basic Conditions have been met.

Other Matters

- 4.46 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. In its response to my questions²⁰, the Town Council has indicated its preparedness to accord with amendments suggested by North West Leicestershire District Council and others. I have no objection to the incorporation of minor (non-material) changes that do not affect the Basic Conditions.²¹ Consequential amendments, corrections and up-dates will also be necessary, prior to the referendum, at the Councils' discretion.

5. Conclusions

Summary

- 5.1 The Ashby de la Zouch Neighbourhood Plan Review has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan Review meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

²⁰ See Town Council's answers dated 3 July 2025 to my questions.

²¹ PPG Reference ID: 41-106-20190509.

- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Ashby de la Zouch Neighbourhood Plan Review as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the review of this Plan and I congratulate those who have been involved. The Plan Review should prove to be a useful tool for future planning and change in Ashby de la Zouch over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

Proposed modification (PM) number	Page no/ other reference	Modification
PM1	Page 22	Amend Figure 4 (Policy G1) in line with the boundary shown on the plan at Appendix 3 of the Regulation 16 representations of North West Leicestershire District Council.
PM2	Pages 24 and 25	<p>In Policy G2, change the text ahead of the 17 design guidelines (a) to q)) so that it reads:</p> <p>“In addition to referencing the design guidance and codes, development proposals should, as appropriate, incorporate the following design guidelines for new development:”.</p> <p>Delete design guideline q) (All new homes should be ‘zero carbon’ ready).</p>
PM3	Page 27	<p>Replace the second sentence of Policy H1 with the following:</p> <p>“Precedence will be given to any Design Code for Money Hill Phase 2 approved by the District Council.”</p>
PM4	Page 29	<p>Substitute the following for the final paragraph of Policy H3:</p> <p>“The provision of dwellings suitable for elderly people, including bungalows, will be supported.”</p>
PM5	Pages 30 and 31	<p>Replace Policy H4 with the following:</p> <p>“POLICY H4: AFFORDABLE HOUSING - Subject to viability, a target of 30% of high-quality affordable homes shall be delivered on new greenfield housing developments comprising 10 or more dwellings. On previously developed land, the target shall be 15% above a threshold of 30 dwellings or 1ha. On-site affordable housing shall:</p>

		<p>a) include a mix of types and tenures that reflects the type and nature of the identified need;</p> <p>b) be integrated with the design and layout such that they are externally indistinguishable from market housing on the same site;</p> <p>c) include provision of at least 40% affordable homes of one or two bedrooms; and</p> <p>d) contribute to the provision of affordable homes that are suited to the needs of older people and those with disabilities.</p> <p>At least 25% of all new affordable housing shall be occupied by households with a local connection to the designated area, both when first built and at the point of any subsequent re-occupation. In this context, a local connection means applicants who:</p> <ul style="list-style-type: none"> • have normally resided in the neighbourhood area for at least 12 months at the time of application; • have lived in the neighbourhood area for three out of the last five years; • are employed (or a member of their household is employed) within the neighbourhood area on a permanent basis or on a temporary contract running for a minimum of 12 months (confirmation will be required from the employer); • have parents (including guardians), brothers, sisters or adult children who have been living within the neighbourhood area for at least five years and with whom they have an ongoing close relationship. The applicant will need to provide evidence to support this connection. Step equivalents will be allowed; or • have children under 18 years of age for whom they are not the primary
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		<p>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> <p>In the event that there are no applicants that fulfil the local connection criteria, housing shall be allocated to other persons in accordance with North West Leicestershire District Council's allocations and lettings policy, or that of an affordable housing provider, whichever is appropriate.</p> <p>In exceptional circumstances, commuted sums may be acceptable with the neighbourhood area being seen as the preferred location for provision."</p>
PM6	Pages 33 and 34	<p>Amend the opening paragraph of Policy ENV 1 so that it reads:</p> <p>"Decisions on managing development within the following Local Green Spaces (details Appendix 5; locations figure 5) should be consistent with national policy for Green Belts. Support will be given to proposals that would enhance the value or significance of the Local Green Space."</p> <p>Delete all text after the list of Local Green Spaces.</p>
PM7	Page 35	<p>In Policy ENV 2, replace "Appendix 4" with "Appendix 3".</p>
PM8	Page 39	<p>In Policy ENV 3, replace "Appendix 4" with "Appendix 3".</p> <p>Delete the word "substantial" in the second paragraph of the policy.</p>
PM9	Page 40	<p>In Policy ENV 4, replace "features present" with "other features of biodiversity importance".</p> <p>Remove Site 025.1, Bullen's Field from Figure 8.</p>

PM10	Pages 42 and 43	<p>In the first paragraph of Policy ENV 5, replace "paragraph 186(a)" with paragraph 193 a)".</p> <p>In the second paragraph, insert "significantly" before "adversely affect trees".</p> <p>In the final paragraph, replace "and enhance" with "or where appropriate enhance".</p>
PM11	Page 44	<p>At the end of the first paragraph of Policy ENV 6, add:</p> <p>"...although future development allocations will be taken into account".</p>
PM12	Page 46	Delete from the Plan Review Policy ENV 7 and all related references.
PM13	Page 64	<p>Replace the first sentence of Policy T4 with the following:</p> <p>"As appropriate, new developments should provide new footpaths and/or enhanced existing footpaths, with a maintenance contract that is implemented, and cycleways."</p>
PM14	Page 70	<p>In Policy CF6, change "any negative impacts" to "significant impacts".</p> <p>At the commencement of criterion b), insert "as appropriate,".</p> <p>Delete the first bullet point (reference to 'zero carbon' ready homes).</p> <p>Replace the final paragraph of the policy with the following:</p> <p>"In the case of the major Money Hill Phase 2 development, proposals shall address the effects on local community services, facilities and the environment. Mitigation will be provided through appropriate planning conditions and section 106 obligations."</p>