

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**  
**LOCAL PLAN COMMITTEE – 19 NOVEMBER 2025**



<b>Title of Report</b>	<b>LONG WHATTON AND DISEWORTH NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION</b>	
<b>Presented by</b>	Ian Nelson Planning Policy and Land Charges Team Manager	
<b>Background Papers</b>	<a href="#">National Planning Policy Framework (2024)</a>  <a href="#">Planning Practice Guidance (PPG)</a>  Long Whatton and Diseworth Neighbourhood Plan Submission Version (2024)  <a href="#">Submission Version v3b.pdf</a>  <a href="#">Long Whatton &amp; Diseworth Neighbourhood Plan - North West Leicestershire District Council</a>	<b>Public Report:</b> Yes
<b>Financial Implications</b>	<p>The Long Whatton and Diseworth Neighbourhood Plan will incur direct costs to the Council to support an independent examination of the plan and then a local referendum, should the examination be successful. Grant funding from central government (£30,000 per neighbourhood plan) is payable to the Council to support this agenda but is unlikely to meet the costs in full.</p> <p>Once the neighbourhood plan is made it will form part of the Development Plan for North West Leicestershire. Should the document be subject to legal challenge, the Council will be responsible for meeting such costs. Any such costs would need to be met from the contingency budget held by the Planning Service.</p>	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	None from the specific content of this report.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	<p>The report highlights the staff resources required to support neighbourhood planning in the district. Much of this work is done within the Planning Policy team, which is also responsible for the delivery of the new Local Plan.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p>	

	<b>Signed off by the Head of Paid Service: Yes</b>
<b>Purpose of Report</b>	To determine the Council's response to the submission draft of the Long Whatton and Diseworth Neighbourhood Plan.
<b>Recommendations</b>	<ol style="list-style-type: none"> <li><b>1. THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT OF THE LONG WHATTON AND DISEWORTH NEIGHBOURHOOD PLAN AS SET OUT IN APPENDIX A.</b></li> <li><b>2. THAT THE COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE LONG WHATTON AND DISEWORTH NEIGHBOURHOOD PLAN.</b></li> <li><b>3. THAT THE COMMITTEE NOTES THAT FOLLOWING RECEIPT OF THE INDEPENDENT EXAMINER'S REPORT, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR INFRASTRUCTURE WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM.</b></li> <li><b>4. THAT THE COMMITTEE NOTES THAT FOLLOWING THE REFERENDUM AND IF TIME DOES NOT ALLOW FOR A REPORT TO THIS COMMITTEE, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR INFRASTRUCTURE WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE 'MADE'.</b></li> </ol>

## **1 BACKGROUND**

- 1.1 Neighbourhood planning was introduced under the Localism Act 2011 to give local communities a more hands-on role in the planning of their neighbourhoods. It introduced new rights and powers to allow local communities to shape new development in their local area. Neighbourhood Plans can be prepared by a parish or town council (or neighbourhood forums in areas not covered by a parish or town council) once they have been designated as a neighbourhood area by the district council.
- 1.2 Neighbourhood Plans should consider local and not strategic issues and must have regard to national and local planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want. The Plan's policies must meet a set of '[basic conditions](#)' which include:
  - having regard to national planning policies and guidance;
  - contributing to the achievement of sustainable development;
  - being in general conformity with the strategic policies of the development plan; and
  - being in line with EU obligations and human rights requirements.
- 1.3 As the Local Planning Authority (LPA), the Council has an important role to play in the neighbourhood plan process even though it is not responsible for its preparation. The key stages in producing a neighbourhood plan, as governed by The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2015, are:

Regulation	Stage
Reg 6A	Designate a neighbourhood area
	Prepare a draft neighbourhood plan
Reg 14	Pre-submission publicity and consultation
Reg 15	Submit the neighbourhood plan to the LPA
<b>Reg 16</b>	<b>Publicise the draft neighbourhood plan (six week consultation)</b>
Reg 17	Submit the draft plan for independent examination
Reg 18	Publish the Examiner's Report and decide if the plan can proceed to referendum
Para 12, Sch 4B TCPA 1990	Referendum
Reg 19	Decision to 'make' the neighbourhood plan
Reg 20	Publicise the made neighbourhood plan

- 1.4 The Long Whatton and Diseworth Neighbourhood Plan has reached the Regulation 16 stage. This report sets out a proposed consultation response for members to consider (see **Appendix A**).

## 2. LONG WHATTON AND DISEWORTH NEIGHBOURHOOD PLAN

- 2.1 The Long Whatton and Diseworth Neighbourhood Plan Area covers the whole of the parish and was designated on 14 October 2020 (Regulation 6A). Long Whatton and Diseworth Parish Council consulted on a pre-submission version of the plan between 12 February and 25 March 2024 (Regulation 14). As there was no available Local Plan Committee, due to the timescale of the consultation period, the Council's consultation response was agreed in consultation with the Portfolio Holder for Planning before being submitted to the Parish Council.
- 2.2 The Parish Council considered all the comments it received, amended the plan and it has now requested that the Council organise formal consultation on the submission draft version to the plan and then submit it for Examination (Regulations 15, 16 and 17). This consultation has been arranged for a six-week period from **Monday 20 October to Monday 1 December 2025**. The submission version of the plan and the supporting documentation can be viewed on the Council's [website](#).
- 2.3 In overview, the neighbourhood plan policies cover the following broad areas:
- the protection of the countryside, the landscape and locally important views
  - policies to protect the heritage and ecology and biodiversity of the parish, including the designation of Local Green Spaces
  - the design of new development
  - the management of water and flood risk
  - the protection of, and support for, community facilities
  - the provision of new or improved infrastructure, including financial contributions where appropriate
  - transport, including the improvement of roadside services at Donington Park Services and nuisance parking
  - the impact of noise arising from new developments and requirements for Construction Method Statements
  - the location of new development including the allocation of around 90 homes at Hathern Road, Long Whatton (outside the existing Limits to Development) and the allocation of around 13 homes at Tea Kettle Hall, Diseworth
  - designation of new Limits to Development at Long Whatton and Diseworth
  - housing mix, affordable housing, Self-Build and Custom-Build housing and windfall development
  - policies to support the development of rural housing, the residential conversion of rural buildings, rural worker accommodation and replacement dwellings

- policies to support the retention of employment generating uses at the Harlow site at Long Whatton, employment development in the countryside, the business conversion of rural building and development to facilitate working from home

2.4 As a point of clarification:

- the proposed new Limits to Development for both Long Whatton and Diseworth are intended to replace those within the currently adopted Local Plan. The proposed boundaries take account of new development that has been permitted since the adoption of the Local Plan as well as some minor changes to reflect existing curtilages as well as incorporating the two proposed housing allocations into the Limits to Development. These changes will also be picked up by the ongoing work on the new Local Plan and the proposed changes to Limits to Development.

2.5 Officers have reviewed the submission version of the plan, taking account of the comments that were made by this Council at the previous stage. The schedule in **Appendix A** sets out those previous comments and identifies where changes have been made in response. The final column in the schedule identifies the outstanding matters which officers recommend should form the Council's response to the submission draft plan and which, in due course, will be considered by the examiner. These matters are categorised as either an 'objection' or as a 'comment':

- an **objection** is made where an aspect of the plan is considered to conflict with one of basic conditions listed in paragraph 1.2 above.
- a **comment** relates to a less fundamental aspect but which, if it were addressed, could improve the application of the plan's policies. It will be at the examiner's discretion whether they choose to take account of these points.

2.6 The Committee is invited to consider these objections and comments and, with amendments as appropriate, to agree them as the Council's response to the submission plan.

### 3. LEGAL ADVICE

3.1 Long Whatton and Diseworth Parish Council submitted the Submission Version of the Long Whatton and Diseworth Neighbourhood Plan (NP) to the District Council on 4 March 2025. Once submitted the District Council assessed the NP against a legal checklist to ensure it met the basic conditions of neighbourhood planning.

3.2 One of the legal requirements is "Does the 'Neighbourhood Development Plan' (as defined under Section 38A) include any provision relating to 'excluded development' as defined by Section 61k of the Town and Country Planning Act, 1990?". The meaning of excluded development (Part (d) of 61K) states "development that consists (whether wholly or partly) of a significant infrastructure project".

3.3 The East Midlands Gateway Phase 2 (often referred to as The Freeport) has been identified as a Nationally Significant Infrastructure Project (NSIP) and is wholly within the Long Whatton and Diseworth NP Area.

3.4 The Planning and Compulsory Purchase Act 2004, Section 38B (1)(b) states that "A neighbourhood development plan may not include provision about development that is excluded development".

3.5 The Long Whatton and Diseworth NP Policy LW+D30: Employment Development in the Countryside, specifically Criteria B, refers to landscape sensitivity and cross refers to the map in Appendix 1 of the NP which shows the landscape sensitivity of different areas (including the Freeport site).

3.6 The map in Appendix 1 identifies the Freeport site as being of medium-high sensitivity to employment development. Criteria B of Policy LW+D30 does not support employment developments containing buildings or structures higher than 7m and/or greater than 2 hectares in size within areas of medium-high sensitivity to employment development.

- 3.7 In this instance, whilst we acknowledge that the NP does not allocate a site for excluded development, it does contain a policy that would restrict/constrain the physical form of the development that is proposed as part of the Freeport.
- 3.8 Given the uncertainty as to whether the NP Policy would meet the basic conditions legal advice on the matter was sought.
- 3.9 Internal legal advice suggested that the policy was seeking to control development on the Freeport site, contrary to the intentions of section 38 despite its general application across the NP area. This legal advice was shared with the Parish Council (on 8 May 2025), and it was suggested that the Submission NP could be amended to include an exception to the application of the policy to the Freeport Site which would resolve the policy conflict.
- 3.10 The Parish Council sought their own advice which stated the following:
- "While I understand the reasoning process behind the Council's decision, I do not agree it is legally correct. My conclusion is that the Council has interpreted s.38B(1)(b) of the PCPA (and s.61K of the TCPA) too broadly.*
- The facts are particularly stark here, because it is known that a nationally significant infrastructure project will be proposed on land covered by policy LW&D30, and so it would be affected by the terms of that policy. However, the legal question is purely focussed on interpreting the policy on its own terms objectively. Objectively, it does not contain a provision about a nationally significant infrastructure project, whether wholly or partly. Thus, it is not contrary to s.38B(1)(b) of the PCPA."*
- 3.11 Given the legal advice they had received, The Parish Council requested that the NP be submitted for independent examination without further delay.
- 3.12 However, officers still had concerns in relation to the potential for NP to contravene the requirements of the legal checklist and so additional legal advice was sought. The additional legal advice requested related to the initial query, the Parish Council's response and whether it would be advisable for the NP progress as currently drafted.
- 3.13 Additional legal advice was received on 9 October 2025. The advice concluded:
- That the concerns of the District Council in relation to the condition in the Submission NP and in turn the Submission NPs compliance with the legal checklist are entirely valid.
  - That the response from the Parish Council would benefit from further explanation
  - That the Council as decision maker needs to consider the extent to which the plan fails the legal requirements, and it would be prudent for the Council to notify the Parish Council and the independent examiner as to their concerns regarding the Submission NP.
  - That the Parish Council considers amending the Submission NP to contain a 'carve-out' in relation to the application of the policy in relation to the Freeport to remove ambiguity.
- 3.14 The Parish Council were informed of the findings of the additional Legal Advice on 10 October 2025. Officers advised the Parish Council that in their view the most appropriate step would be to amend the plan to avoid the potential for conflict. On 15 October 2025 the Parish Council advised that they wished to proceed on the basis of the plan as submitted to the Council. Therefore, it is on this basis that the plan has been published for consultation.

#### **4. Next Steps**

- 4.1 Subject to the Committee's decision, the Council's response will need to be submitted for consideration as part of the Examination. Officers will be appointing an independent examiner to conduct the neighbourhood plan examination. The appointment process will be done in consultation with Long Whatton and Diseworth Parish Council.
- 4.2 At the close of the consultation, the neighbourhood plan documentation and any representations received will be sent to the examiner. Neighbourhood Plan examinations are usually undertaken by means of written representations, but the examiner could decide to hold hearings if the matters at issue are more complex. The examiner will set out conclusions on the plan in an Examiner's Report.
- 4.3 Following receipt of the independent Examiner's Report, the Council must formally decide whether to send the plan to referendum (with or without modifications proposed by the examiner or NWLDC). Regulation 17A(5) of the 2016 Regulations gives the Council five weeks from receipt of the Examiner's Report to decide whether or not to proceed with the referendum. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for Infrastructure will exercise the executive power of making this decision as delegated to them in the Constitution (Section G1 of Part 2, paragraph 11). This is allowed for in the recommendations.
- 4.4 Should the plan be sent to referendum, and residents vote in favour of the Neighbourhood Plan, then the District Council is required to 'make' (i.e. adopt) the plan within eight weeks of the referendum (Reg 18A(1) of the 2016 Regs). The decision to adopt is an executive decision. If time permits, then a report will be brought to a future meeting of this Committee first. However, in view of the timescales required to make such a decision, it is likely that this would be done by the Strategic Director of Place, in consultation with the Portfolio Holder for Infrastructure under the Scheme of Delegation.

Policies and other considerations, as appropriate	
Council Priorities:	<p>The preparation of neighbourhood plans can impact on any and all of the Council priorities:</p> <ul style="list-style-type: none"> <li>• Our communities are safe, healthy and connected</li> <li>• Local people live in high quality, affordable homes</li> <li>• Supporting businesses and helping people into local jobs</li> <li>• Developing a clean and green district</li> </ul>
Policy Considerations:	Adopted North West Leicestershire Local Plan National Planning Policy Framework.
Safeguarding:	None specific.
Equalities/Diversity:	None specific.
Customer Impact:	None specific.
Economic and Social Impact:	Neighbourhood plans in general can deliver positive economic and social impacts for local communities as part of their wider objective to achieve sustainable development. The Long Whatton and Diseworth Neighbourhood Plan specifically contains policies that will help support the local economy, local community facilities and the provision of affordable housing amongst other things.
Environment, Climate Change and zero carbon:	Neighbourhood plans can also deliver positive environmental and climate change benefits as part of their wider objective to achieve sustainable development. The Long Whatton and Diseworth Neighbourhood Plan specifically contains policies that seek to conserve biodiversity and heritage assets in the parish and will potentially enable additional EV charging points.
Consultation/Community/Tenant Engagement:	Neighbourhood plans are subject to at least two stages of public consultation.
Risks:	<p>The proposed response at Appendix A concludes that in a limited number of instances, the neighbourhood plan is considered to be in conflict with policies in the adopted Local Plan. Bringing this to the attention of the independent examiner enables them to assess these matters and to reach a reasoned conclusion.</p> <p>This will bring clarity for all users of the plan in the future.</p>
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