



Report on the Long Whatton and Diseworth Neighbourhood Plan 2020 – 2040

**An Examination undertaken for North West Leicestershire District
Council with the support of Long Whatton and Diseworth Parish Council
on the January 2025 submission version of the Plan.**

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Date of Report: 20 May 2026

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Main Findings - Executive Summary

From my examination of the Long Whatton and Diseworth Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Long Whatton and Diseworth Parish Council;
- the Plan has been prepared for an area properly designated – Map 1 on Page 2 of the Plan;
- the Plan specifies the period to which it is to take effect – 2020 to 2040; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, 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 relates and have concluded that it should not.

1. Introduction and Background

Long Whatton and Diseworth Neighbourhood Plan 2020 - 2040

- 1.1 Long Whatton and Diseworth is a civil parish within the administrative area of North West Leicestershire District Council. The parish is divided by the A42, entering the parish from the west, and the M1 motorway which cuts through the area from southeast to north. They meet at motorway Junction 23a, to the west of which is Donnington Park Services.
- 1.2 The northern tip of the parish falls within the area of East Midlands Airport with a small part of the East Midlands Gateway freight terminal in the extreme north. The village of Long Whatton lies to the east of the M1 whilst Diseworth village is north and west of the A42.
- 1.3 The parish was designated as a neighbourhood area in October 2020. Although work was disrupted by the COVID-19 pandemic, plan preparation continued under the leadership of the Parish Council with professional help from planning consultants. Importantly, the process was informed by a questionnaire survey, delivered to all households. The resultant Plan has an overarching vision, ten objectives and 32 policies under nine discrete topic headings.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Long Whatton and Diseworth Neighbourhood Plan by North West Leicestershire District Council, with the agreement of Long Whatton and Diseworth Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over fifty 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.

The Scope of the Examination

- 1.6 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.
- 1.7 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 Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). Principally, 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 is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - it does not include provisions and policies for "excluded development";

- it is designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change¹; and
 - it takes account of any local nature recovery strategy, under Section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area.²
 - 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”).
- 1.8 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

- 1.9 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;
 - not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made³;
 - be compatible with, and not breach, assimilated obligations⁴; and

¹ This additional requirement was commenced on 25 March 2026 by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which brought into force section 98 of the Levelling-up and Regeneration Act 2023.

² See footnote above.

³ This Basic Condition applies from 25 March 2026 by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which brought into force section 99 of the Levelling-up and Regeneration Act 2023. This replaces the former Basic Condition which required a neighbourhood plan to be in general conformity with the strategic policies of the development plan for the area.

⁴ See: The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023, which replaced the previous reference to ‘EU’ obligations.

- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁵

2. Approach to the Examination

Planning Policy Context

- 2.1 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.
- 2.2 There is an emerging Local Plan in the form of the draft North West Leicestershire Local Plan. Consultation on additional proposed housing and employment allocations took place in the spring of 2025. However, the publication of a draft plan under Regulation 19 has not yet taken place.
- 2.3 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.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
 - the draft Long Whatton and Diseworth Neighbourhood Plan 2020 - 2040, January 2025;
 - a map which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - Long Whatton and Diseworth Neighbourhood Plan Design Code, 2024;
 - the Consultation Statement, February 2025;
 - the Basic Conditions Statement, February 2025;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) & Habitat (*sic*) Regulations Assessment Screening Report, December 2023, prepared

⁵ 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.

- by North West Leicestershire District Council on behalf of Long Whatton and Diseworth Parish Council;
- the request for additional clarification sought in my letters dated 17 February 2026 and 11 March 2026 and the response from North West Leicestershire District Council dated 2 March 2026 and from Long Whatton and Diseworth Parish Council dated 2 March 2026 and 24 March 2026 ; and
- the responses to my letter of 16 March 2026 concerning the revisions to the legal compliance and Basic Conditions requirements from North West Leicestershire District Council , from Long Whatton and Diseworth Parish Council and from six other parties who took the opportunity to comment.⁶

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 8 March 2026 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.7 Where necessary, I have recommended modifications to the Plan (**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. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Long Whatton and Diseworth Parish Neighbourhood Plan has been prepared and submitted for examination by Long Whatton and Diseworth Parish Council, which is a qualifying body for an area that was designated by North West Leicestershire District Council on 14 October 2020.

⁶ View at:

https://www.nwleics.gov.uk/pages/long_whatton_and_diseworth_neighbourhood_plan

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- 3.2 It is the only Neighbourhood Plan for Long Whatton and Diseworth Neighbourhood 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 2020 to 2040.

Neighbourhood Plan Preparation and Consultation

- 3.4 Long Whatton and Diseworth parish was designated as a neighbourhood area by North West Leicestershire District Council on 14 October 2020. Public engagement in plan preparation was limited by the COVID-19 pandemic. However, as the major event in canvassing local opinion, a questionnaire survey was issued to all households.
- 3.5 The feedback from the questionnaire helped inform plan preparation as led by the Parish Council, assisted by planning consultants. A pre-submission draft of the plan was subsequently prepared and this formed the basis of formal consultation under Regulation 14 between 12 February and 25 March 2024.
- 3.6 The consultation process is described in the Parish Council's Consultation Statement dated February 2025. Details of the persons and bodies consulted are set out in Paragraphs 4.3 to 4.4 of the statement and in Appendix 1. Paragraphs 4.6 to 4.10 of the statement contain an explanation of how consultation took place. A summary of the main issues and concerns raised is set out in Paragraphs 4.11 to 4.12 and, in Paragraph 4.13, a description of how the issues and concerns were addressed.
- 3.7 Appendix 3 tabulates a summary of the consultation responses and the recommended changes. In total, 46 representations were received from a variety of individuals and organisations (see Appendices 2 and 3).
- 3.8 At the Regulation 16 stage consultation ran from 20 October to 1 December 2025. Responses were received from 17 different bodies. As well as the district and county councils, these were essentially statutory consultees, local land owners, developers and other corporate bodies. No representations were received from individual members of the public.
- 3.9 During the examination, changes were made to the legal compliance requirements and Basic Conditions, applying from 25 March 2026.⁷ In order to provide an opportunity for North West Leicestershire District Council, Long Whatton and Diseworth Parish Council and any other interested parties to comment, North West Leicestershire District Council

⁷ See paragraphs 1.7 – 1.9 above and the associated footnotes.

contacted those who had made representations at the Regulation 16 stage.

- 3.10 A 2-week period was advertised by North West Leicestershire District Council on its website inviting further comments, focused only on the legislative changes. Eight responses were received, including those from North West Leicestershire District Council and Long Whatton and Diseworth Parish Council. I have taken these into account in my assessment.
- 3.11 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.12 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act and does not exceed the appropriate scope of a neighbourhood plan.⁸

Excluded Development

- 3.13 Whether the Plan contains provisions and policies for “excluded development” is a matter of dispute.⁹ This is addressed under the main issues below (Issue 1).

Local Nature Recovery Strategy

- 3.14 North West Leicestershire District Council has advised that a nature recovery strategy is in place in relation to the Long Whatton and Diseworth Neighbourhood Area. In my assessment, none of the Plan’s policies are in direct conflict with the strategy.

Climate Change

- 3.15 Having regard to the responses received to my letter of 16 March 2026, I am satisfied that overall the Plan policies do not conflict with the aims of securing development which contributes to the mitigation of, and adaptation to, climate change.

Human Rights

- 3.16 Long Whatton and Diseworth Parish 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.

⁸ See s.38B(A1) and s.38B(2C)(a) of the 2004 Act.

⁹ The meaning of ‘excluded development’ is set out in s.61K of the 1990 Act.

4. Compliance with the Basic Conditions

Assimilated Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by North West Leicestershire District Council. The Screening Report acknowledges that the provisions could, potentially, have an environmental effect but that, on balance, this is not likely to trigger the requirement for full SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.
- 4.2 The Long Whatton and Diseworth Parish Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), bearing in mind that the catchment of the River Mease Special Area of Conservation (SAC) is about 7 km away. It was concluded that there is unlikely to be any significant effect upon the River Mease SAC or on any other Natura 2000 sites and that, as such, a full HRA is not required. This conclusion was supported by Natural England.¹⁰ From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having regard to the Long Whatton and Diseworth Parish Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are ten main issues relating to the Basic Conditions for this examination. These concern:
- Excluded development
 - Natural Environment
 - Local Green Space
 - Heritage and Design
 - Flood Risk
 - Services and Facilities
 - Transport
 - Noise and Air Pollution
 - Housing
 - Employment and Business

¹⁰ See email dated 14 November 2023 in Appendix 2 of the Screening Report.
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- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Long Whatton and Diseworth Parish Neighbourhood Plan should be seen in the context of the wider planning system. This includes the Local Plan as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.¹¹ Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Long Whatton and Diseworth.
- 4.5 Secondly, the Neighbourhood Plan 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 are 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 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, notwithstanding their potential utility.
- 4.7 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.¹² Others are necessary in order to have closer regard to national policies and advice. In particular, plans should be succinct and contain policies that are clearly written and unambiguous.¹³ A decision maker should be able to apply them consistently and with confidence when determining planning applications. In addition, the policies should be supported by appropriate evidence.¹⁴

Issue 1 – Excluded Development

- 4.8 This issue examines whether Policy LW&D30: Employment Development in the Countryside, includes provision about development that is “excluded development”, contrary to Section 38B(1)(b) of the 2004 Act. In question is development that may consist (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008).¹⁵
- 4.9 I examine other matters relevant to Policy LW&D30 under Issue 10 below. The discussion here is solely about the question of excluded development.

¹¹ See NPPF Paragraph 16 f).

¹² Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

¹³ NPPF, Paragraphs 15 and 16 d).

¹⁴ PPG Reference ID: 41-041-20140306.

¹⁵ See Sections 61K and 61J (d) of the 1990 Act.

- 4.10 Policy LW&D30 covers an area that includes a "Freeport" area, the "East Midlands Airport and Gateway Industrial Cluster" (EMAGIC). The Freeport boundary is also largely coincident with what is known as the "East Midlands Gateway Phase 2" (EMG2). Under the policy, the Freeport/EMG2 sites within the parish fall within an area of medium-high sensitivity to employment development (Clause B of Policy LW&D30 and Appendix 1).
- 4.11 It is common ground that the part of the Freeport known as EMG2 is a Nationally Significant Infrastructure Project (NSIP). The Parish Council indicates that, notwithstanding, the policy does not contain a provision about a nationally significant infrastructure project, whether wholly or partly. Thus, it is not contrary to Section 38B(1)(b) of the 2004 Act.
- 4.12 In February 2024, the Secretary of State Issued a Direction that the EMG2 proposals met the criteria under Section 35(1) of the Planning Act 2008 and should be treated as a development of national significance for which development consent is required. Applications for a Development Consent Order (DCO) for EMG2, including associated strategic highway works, have now been submitted. These applications were accepted in November 2025 and are now the subject of an examination which commenced on 10 March 2026.¹⁶
- 4.13 As to the policy itself, uses including general industry, storage and distribution would only be supported within the area of medium-high sensitivity to employment development if the development were 7 metres or less in height or 2 hectares or less in size. These restrictions are out of kilter with the type of development envisaged in the Freeport area.
- 4.14 Be that as it may, the question here is whether the policy contains a provision about a nationally significant infrastructure project. To my mind, it does not. The policy is about employment development in the countryside. There is no mention of Nationally Significant Infrastructure Projects. It is a general policy that applies, in Clause B, to employment development. It is not drafted so as to include (or exclude) categories of development which are in themselves likely to be described as Nationally Significant Infrastructure Projects.
- 4.15 Such general policies are common in development plans. It does not matter that they could conceivably cover some type of excluded development. That is not their purpose. In the words of the legislation, they are not *about* some form of excluded development even though some aspect of excluded development could, incidentally, be drawn into the scope of the policy. By way of analogy, a countryside policy in a neighbourhood plan could easily cover minerals or waste development, other forms of excluded development.
- 4.16 The circumstances may seem to be slightly anomalous. Policy LW&D30 would, if and when the neighbourhood plan is made, become part of the

¹⁶ See Regulation 16 representations on behalf of SEGRO, Paragraphs 2.4 and 2.5.
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Development Plan; but it is the Development Plan as a whole which stands to be considered. Also, the regime under which the development proposal is being considered is relevant. I see no reason to make sure that any incidental application of Policy LW&D30 to any aspect of excluded development is scrupulously avoided. I return to the point that the policy is not *about* excluded development.

- 4.17 In the light of the above discussion, I conclude that excluded development does not need to be addressed in any modification. The Plan does not include provisions and policies for excluded development.

Issue 2 – Natural Environment

- 4.18 Policy LW&D1 concerns the countryside. However, the policy is lacking in clarity in a number of respects:

- The SEGRO Logistics Park East Midlands is referenced in the policy but is not clearly identified on Map 3.
- Whilst the Long Whatton and Diseworth Limits to Development are shown on Map 3, the boundary detail is not clear. Reference should be made to Maps 19 and 20 where the boundaries are shown at a larger (and clearer) scale.
- The policy indicates that development in the countryside will be controlled in accordance with Local Plan Policy S3. To avoid any impression that this is the only relevant policy, reference should also be made to Neighbourhood Plan Policy LW&D30 (Employment Development in the Countryside).

- 4.19 The above matters are addressed in proposed modification **PM1**.

- 4.20 Policy LW&D3 addresses “locally important views” within the Neighbourhood Area “as identified in Appendix 2”. Having studied Appendix 2, I would expect the important views to be those identified on the plans “Detailed Review of Diseworth” and “Detailed Review of Long Whatton”; and in the series of panoramic photograph taken from numbered viewpoints. However, the relevant viewpoints and the arc of view of concern are not entirely clear.

- 4.21 First, the plans to which reference is made in the preceding paragraph are at a scale too small to enable accurate interpretation. Better plans are available within the body of the Plan (Maps 4 and 5) but these do not show the arc of vision that is of concern. In addition, the plans in Appendix 2 include viewpoints that are outside the boundary of the Neighbourhood Area although this would be covered by the term “...development proposals within the neighbourhood area...”.

- 4.22 Secondly, and with regard to Representative Viewpoint 14, there is no panoramic photograph or description of the view within Appendix 2. I have not been able to confirm whether or not this viewpoint should

benefit from the provisions of Policy LW&D2. In the absence of such evidence, it should be deleted.

- 4.23 I am also concerned that several viewpoints fall within, or will be affected by, the Freeport area. Within the Freeport, the focus is upon economic development, not safeguarding the landscape per se. Essentially, the two matters are not compatible. However, in my opinion, and given its credentials, development at the Freeport should not be subservient to a policy on important local views. The potentially affected views should be deleted.
- 4.24 By way of modifications (**PM2**), and in addition to deleting viewpoints affected by the Freeport, and viewpoint 14, I consider that the policy should refer to the viewpoints shown on Maps 4 and 5 (and illustrated in Appendix 2). However, the extent of the sensitive view (arc of vision) should be added to the numbered viewpoints on the maps.
- 4.25 Policy LW&D5: Ecology and Biodiversity, refers to local ecological features and habitats which *include* those shown on Map 7. This suggests that there are others that haven't been included on the map. However, in its answers to my questions¹⁷, the Parish Council has confirmed that there are no other Local Wildlife Sites or Wildlife Corridors. The position can be clarified through modified wording of the policy.
- 4.26 On a further point, the policy refers to "the upper catchment of Diseworth" without any clarification as to what this is and where relevant information is to be found. Again, this matter has been clarified in the Parish Council's answers to my questions.¹⁸ This is essentially a cross-reference to the Long Whatton & Diseworth Flood Risk Mitigation & Resilience Improvement Project, a link to which can be provided. All matters can be addressed through proposed modification **PM3**.

Issue 3 – Local Green Space

- 4.27 Policy LW&D7 seeks to designate 21 areas as Local Green Space. For the most part, I am happy that these spaces meet the criteria set out in the NPPF at Paragraphs 106 to 108. It is important, however, that applicants and decision takers know the geographical extent of the spaces to which the policy will be applied. In the case of Spaces 4 (Sherwood Court Play Area) and 5 (Cawdell Drive Playground), suitable plans need to be included within the Neighbourhood Plan.
- 4.28 The same matter applies to Space 21, Historic verges, Diseworth. In this regard, I have been referred to the pro forma that has been completed for each site. Included are plans showing the verges but there is a lack of internal consistency. The large-scale plans show the appropriate detail (and should be used in the Neighbourhood Plan). However, the overall

¹⁷ See response from the Parish Council dated 2 March 2026.

¹⁸ See footnote above.

plan identifies a pattern of verges that is slightly different from those shown at a larger scale.

- 4.29 My main concern relates to Site 20 (Paddock, Lady Gate, Diseworth). In this regard, both Appendix 4 of the Neighbourhood Plan and the relevant pro forma identify the site's beauty, its recreational value and its particular local significance.
- 4.30 I would not describe the site as beautiful in any way. In recent times, its appearance may have been better than it is now; but the site that I saw is unkempt and uncared-for with areas of long grass, tall weeds and brambles. Littered across the site is detritus associated with a former use as well as some structures (including a container) and equipment (including play equipment), possibly stored in the open, possibly dumped.
- 4.31 In terms of the site's recreational value, it has a certain passive value as an area of open space that can be seen from Lady Gate and The Green. It can also be seen and experienced from a footpath that crosses the site. However, any value is marred by the site's appearance. In addition, there is no obvious evidence of regular use of the footpath such as a cleared route through the undergrowth.
- 4.32 As to the final consideration, I can see that the site "exemplifies the cultural essence of this rural village which is rapidly disappearing". To some extent, this is recognised by the site's inclusion within the Conservation Area. I appreciate that the Parish Council has approved the proposed designation; but there is no significant evidence of wider appreciation of the site's local significance. Notwithstanding the connection with a bygone age, I do not consider that the site meets the NPPF criteria.
- 4.33 A final matter concerns the wording of the policy. It is stated that "The construction of new buildings would be inappropriate and should not be approved except in very special circumstances." However, this ignores the fact that, under the NPPF, certain buildings may be "not inappropriate" and that the demonstration of very special circumstances is not necessary. The wording should align with Green Belt policy.
- 4.34 Amendments are needed to include plans of an adequate scale to show the extent of Local Green Spaces 4, 5 and 21; reference to Local Green Space 20 (Paddock, Lady Gate) should be deleted; and the policy should reflect Green Belt policy. These matters are addressed in proposed modification **PM4**.

Issue 4 – Heritage and Design

- 4.35 With regard to Policy LW&D8: Non-Designated Heritage Assets, Features of Local Heritage Interest are listed in the policy, shown on Maps 12 and 13 and assessed in Appendix 5. Known archaeological remains are also referenced in Appendix 6. However, "Diseworth's Crofts", although listed

in the policy, are not identified on the maps or described in the appendices. There is no evidence that justifies their inclusion. However, the Parish Council has sent me additional information that underpins the inclusion of the crofts.¹⁹ Proposed modification **PM5** refers.

- 4.36 Policy LW&D9: Design, requires developers to reflect the design code at Appendix 7. Having read the design code, it is clear that this is directed at residential development. This should be made clear in the policy (proposed modification **PM6**).

Issue 5 – Flood Risk

- 4.37 Policy LW&D10: Water Management, refers to the Long Whatton and Diseworth Flood Risk Mitigation studies as something to be taken into account. For their part, applicants will need to know where the relevant information can be found. Although the text refers to “a desktop Catchment Study” (Paragraph 7.6) and to the Flood Risk Mitigation & Resilience Improvement Project (Paragraph 7.9), it is not clear whether these are the same as the Long Whatton and Diseworth Flood Risk Mitigation studies. Clarity needs to be provided.
- 4.38 The second half of Policy LW&D10 sets out water management requirements “where the construction area is of 100sq.m or more”. This requirement does not reflect policy in the NPPF (Paragraph 182) which refers to SuDS proportionate to the scale and nature of the proposal. Amendment is necessary.
- 4.39 Clause D of the policy refers to the retention of watercourses or dry ditches. I can envisage circumstances where an alternative approach would be workable. There is no evidence to suggest otherwise. Inclusion of the phrase “as appropriate” would be justified.
- 4.40 Finally, Clause F says that SuDS design should take account of any air safety requirements. This provision is too vague. I understand that the concern relates to bird strike.²⁰ This should be made explicit in the policy.
- 4.41 Appropriate amendments to the policy would be effected through proposed modification **PM7**.

Issue 6 – Services and Facilities

- 4.42 With regard to Policy LW&D12: New Long Whatton Community Centre, I have considered whether the site should be included within the development limits. In advance of the construction of the centre, I believe that this would be premature. The centre is justified on its own rights. Other developments that could benefit from inclusion within the

¹⁹ Email dated 24 March 2026.

²⁰ See response from the Parish Council dated 2 March 2026.

development limits have not been justified. Amendment of the boundary would not be appropriate.

- 4.43 As to the content of the policy, I note that there is reference to Sport England's guidance notes on villages and community halls. There is uncertainty as to whether this guidance is still available.²¹ As such, the reference should be deleted. Proposed modification **PM8** refers.
- 4.44 Proposed modification PM8 also adds reference, within the policy, to a flood risk assessment. In this regard, the northern part of the site is essentially within Flood Zone 2.

Issue 7 – Transport

- 4.45 In regard to nuisance parking, Policy LW&D15 aims to control "Major new development at East Midland Airport". However, only part of the airport lies within the Neighbourhood Area. The provision should be qualified accordingly (proposed modification **PM9**).

Issue 8 – Noise and Air Pollution

- 4.46 Policy LW&D16: Noise Impact, opens with reference to "Development proposals that have the potential to raise issues of disturbance". I find this wording to be too imprecise. It would be more appropriate to refer to developments potentially giving rise to adverse effects from noise.
- 4.47 Clause A of the policy concerns "New buildings, including change of use: within Use Classes E and F". For clarity, this would be better expressed as "New buildings within Use Classes E and F and changes of use to uses within those classes".
- 4.48 Clause D of the policy addresses "energy generation development including wind turbine development". In this regard, the policy concerns noise impacts. There are energy generation developments that have no significant impact on noise, for example, solar panels. Amendment of the policy is necessary.
- 4.49 Appropriate changes to the policy are set out in proposed modification **PM10**.

Issue 9 – Housing

- 4.50 Policy LW&D18 states the housing requirement for the Neighbourhood Area. For the avoidance of doubt, this should be expressed as a minimum of 13 dwellings at each of the villages of Long Whatton (Policy LW&D20) and Diseworth (Policy LW&D21). Proposed modification **PM11** refers.

²¹ See response from the Parish Council dated 2 March 2026.

- 4.51 Policy LW&D19 refers to the Limits to Development as identified on Maps 19 and 20. I note that the sites allocated for housing purposes under Policies LW&D20 and 21 are intended to be within the Limits to Development. However, this is not clear from perusal of the maps. Clarity would be provided through proposed modification **PM12**.
- 4.52 In regard to Policy LW&D20: Hathern Road, Long Whatton, two clarifications are needed:
- It needs to be made clear that the number of self-build plots is included within the total allocation. Relative to the housing requirement figure, the allocation is generous. I see no need for the self-build plots to be additional to the housing allocation.
 - In Clause E, there is reference to “the relevant regulations”. These are the Community Infrastructure Levy Regulations 2010.²² This should be made clear within the policy.
- 4.53 Appropriate amendments are included within proposed modification **PM13**.
- 4.54 In Policy LW&D21, a modification (proposed modification **PM14**) similar to that recommended for Policy LW&D20, is needed to clarify that the number of self-build plots is included within the total allocation.
- 4.55 I note that the site would be something of an outlier, projecting into the open countryside. Nevertheless, I can envisage that a carefully designed scheme could demonstrate successful integration with the site’s open surroundings. Given the acceptability of this site and the fact that the housing requirement for the Neighbourhood Area would be met and exceeded, it is not necessary to consider potentially competing allocations.
- 4.56 Amongst other things, Policy LW&D22: Self-Build and Custom Build Housing, states that plots can be used to discount the affordable housing and housing mix requirements. I am not clear what this means. In proposed modification **PM15**, I have re-written this requirement to add clarity.
- 4.57 Policy LW&D23 sets out a housing mix to be broadly reflected in major housing schemes. I am aware that viability could be an issue. As such, the policy should make clear that viability is a consideration, as in proposed modification **PM16**.
- 4.58 I now turn to Policy LW&D24: Affordable Housing. In this regard, there are a number of questions to consider:
- Is it appropriate to give priority to local residents and others with a local connection when choosing the occupants of affordable housing?

²² See response from the Parish Council dated 2 March 2026.

- Is it appropriate for a neighbourhood plan to seek to control the allocation of affordable housing?
 - What is the full definition of “people with a local connection”?
 - What is to happen if there are no qualifying occupiers?
- 4.59 On the first question, I consider that 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.
- 4.60 Regarding the second question, the policy attempts to control the allocation of affordable housing. The control of allocations 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.
- 4.61 On the third question, the Parish Council has supplied a fuller definition of what would qualify as a local connection.²³ This should be modified to exclude workers at East Midlands Airport or at the Gateway Industrial Cluster (Footnote 9 of the Neighbourhood Plan). Nevertheless, the proposed wording provides a sound basis for added clarity in the interpretation of the policy. To this can be added provision for the occupation of the affordable housing should there be no qualifying occupiers (the fourth question).
- 4.62 In its Regulation 16 representations, the District Council suggests that the matter is not supported in other neighbourhood plan examinations. Three examinations are referenced – Blackfordby Neighbourhood Plan, Swannington Neighbourhood Plan and the Ashby de la Zouch Neighbourhood Plan Review. I happened to be the Examiner for both the Blackfordby and Ashby plans and can comment as follows.
- 4.63 In the Blackfordby case, I noted that the relevant policy would need the cooperation of the District Council and its housing team. It was clear from the representations of North West Leicestershire District Council in that case that such cooperation would not be forthcoming and that there was objection to the policy. In the circumstances, I found that the provisions would not be workable and should be deleted.²⁴
- 4.64 In the Ashby case, I *did* conclude that the control of nomination rights was the responsibility of the housing authority or registered provider. However, I found workable solutions to the problems raised including the

²³ See response from the Parish Council dated 2 March 2026.

²⁴ View at:

https://www.nwleics.gov.uk/files/documents/blackfordby_neighbourhood_plan_examiners_report/Blackfordby%20Neighbourhood%20Plan%20Examiner%20Report%20FINAL.pdf

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use of planning conditions (rather than nomination rights) to restrict occupancy to those with a local connection.²⁵ The present case is similar and I support the policy subject to the amendments set out in proposed modification **PM17**.

- 4.65 One of the considerations in Policy LW&D28: Replacement Dwellings, is the avoidance of the loss of two or three-bedroom accommodation. However, if there were a like for like replacement, such a loss of accommodation could be accepted. As such, the policy should refer to “net” loss (proposed modification **PM18**).

Issue 10 – Employment and Business

- 4.66 In regard to Policy LW&D29: Harlow, I have considered whether the site should be included within the Limits to Development of Long Whatton. I saw that Harlow Bros Timber Merchants is a significant established business in Long Whatton and that the provisions within the Neighbourhood Plan would be of assistance in helping the company to invest, expand and adapt.
- 4.67 The policy would allow for the erection, on the site, of new buildings (of sensitive design). The inclusion of the eastern part of the site as part of the Harlow site and within the village’s Limits to Development would be consistent with the policy objectives. I see no overriding reason to exclude the site from the Limits to Development. However, the policy can be modified to preclude the possibility of housing development (including windfall housing) should circumstances change. This is addressed in proposed modification **PM19**.
- 4.68 Finally, I turn to Policy LW&D30: Employment Development in the Countryside. I have already discussed this policy in the context of “excluded development” (see Issue 1 above). The point at issue is the lack of support under the policy for developments with buildings or structures higher than 7 metres or greater than 2 hectares in size.
- 4.69 For my part, I note that development outside these parameters would automatically fall foul of the policy. There would be no exceptions. However, taking the example of the SEGRO proposals for the East Midland Gateway Phase 2, I see that this matter has been considered in detail. In the representations²⁶, there is a mitigation strategy to minimise residual landscape and visual impacts. Having considered the supporting evidence, I am satisfied that there are workable solutions to the concerns of the Parish Council. In the circumstances, I consider that a satisfactory mitigation strategy would be a suitable exception (proposed modification **PM20**).

²⁵ View at:

https://www.nwleics.gov.uk/files/documents/ashby_de_la_zouch_neighbourhood_plan_review_examiners_report/Examiner%20Report%20Ashby%20Neighbourhood%20Plan%20Review%20%28August%202025%29.pdf

²⁶ Regulation 16 representations on behalf of SEGRO, December 2025, Paragraph 4.24. Intelligent Plans and Examinations (IPE) Ltd, Office 10, 5 Argyle Street, Bath BA2 4BA

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Other Policies

- 4.70 There remain a number of policies that have not been the subject of commentary in the above report. These are Policies LW&D2 (Landscape Sensitivity), 4 (Countryside Access); 6 (Trees and Hedgerows); 11 (Retention of Community Services and Facilities); 13 (Infrastructure); 14 (Donnington Park Services); 17 (Construction Method Statements); 25 (Rural Housing); 26 (Residential Conversion of Rural Buildings); 27 Rural Worker Accommodation); 31 (Business Conversion of Rural Buildings); and 32 (Working from home).
- 4.71 To a greater or lesser extent, these topics are covered in NPPF Sections 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport) and 15 (Conserving and enhancing the natural environment). I find that there has been regard for national policy and that the Basic Conditions have been met.

Other Matters

- 4.72 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes (that do not affect the Basic Conditions), including those suggested by North West Leicestershire District Council, as well as consequential amendments, corrections and up-dates, could be made prior to the referendum at the Councils' discretion.²⁷

5. Conclusions

Summary

- 5.1 The Long Whatton and Diseworth Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan 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.
- 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 Long Whatton

²⁷ PPG Reference ID: 41-106-20190509.

and Diseworth Parish Neighbourhood Plan 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 development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Long Whatton and Diseworth over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no	Modification
PM1	Page 21	Substitute the following at the opening of Policy LW&D1: "The Countryside is defined as land outside the Limits to Development of Long Whatton (Map 19) and Diseworth (Map 20) as well as East Midlands Airport, SEGRO Logistics Park East Midlands and Donnington Park Services (Map 3). The Countryside will be protected for the sake of..." In the last sentence of the policy, insert "and Neighbourhood Plan Policy LW&D30" after "Policy S3". Show the SEGRO Logistics Park East Midlands in the key on Map 3.
PM2	Page 28	In the first sentence of Policy LW&D3, for "at Appendix 2", substitute "shown on Maps 4 and 5 and illustrated in Appendix 2". At the end of the policy, delete "as identified at Appendix 2". On Maps 4 and 5, add to the various viewpoints the arc of vision that is of concern. For Viewpoint 08 on Map 5, exclude from the arc of vision any land that would fall within the Freeport area. Delete from the Plan, reference to viewpoints that would be affected by the Freeport development (Viewpoints 05, 06 and 07). Delete from the Plan reference to Viewpoint 14.
PM3	Page 35	In the opening paragraph of Policy LW&D5, delete "which include (as shown on Map 7)". At the end of the paragraph, insert "as shown on Map 7". In Clause B, for "in the upper catchment at Diseworth", substitute "Long Whatton &

		Diseworth Flood Risk Mitigation & Resilience Improvement Project”. Provide a link to the relevant documents.
PM4	Pages 37 and 38	Within the Neighbourhood Plan, and for the following Local Green Spaces (Policy LW&D7), show the spaces on plans of an appropriate scale: 4. Sherwood Court Play Area, Long Whatton; 5. Cawdell Drive Playground, Long Whatton; and 21. Historic verges, Diseworth. In the Neighbourhood Plan, delete reference to Site 20, Paddock, Lady Gate, Diseworth. Replace the final paragraph of the policy with the following: “Decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts”.
PM5	Page 61	In Policy LW&D8, after “Diseworth’s Crofts” add “(Ref 17 on Map 9)”. To Appendix 5, add an assessment of Diseworth’s Crofts based on the material supplied to me on 24 March 2026 in answer to my questions.²⁸
PM6	Page 63	In the opening sentence of Policy LW&D9, insert “residential” after “sustainable”.
PM7	Page 68	In Policy LW&D10, add a link to the Long Whatton and Diseworth Flood Risk Mitigation studies. Replace the sentence that includes reference to “100sq.m or more” with the following: “As proportionate to the nature and scale of the proposal, incorporate:”. In Clause D, after the words “..should be retained”, insert “as appropriate,”. At the end of Clause F, add “(bird strike)”.

²⁸ View at:

https://www.nwleics.gov.uk/files/documents/long_whatton_and_diseworth_parish_councils_response_to_additional_questions/Parish%20Council%20Response%20to%20Additional%20Questions.pdf

PM8	Page 77	In Policy LW&D12, delete the sentence referring to Sport England's guidance notes on villages and community halls. At the end of the policy, add a new requirement: "D. Flood Risk Assessment."
PM9	Page 86	In Policy LW&D15, insert the words "Within the neighbourhood area," before "New major development".
PM10	Page 90	In Policy LW&D16, delete "have the potential to raise issues of disturbance". Replace with "would, potentially, give rise to adverse effects from noise". Replace Clause A with the following: "New buildings within Use Classes E and F and changes of use to uses within those classes." At the end of Clause D, add: ", but excluding active solar technology (photovoltaic and solar water heating)".
PM11	Page 94	In Policy LW&D18, change the wording so that it refers to "a minimum of 13 dwellings at each of the villages of Long Whatton (Policy LW&D20) and Diseworth (Policy LW&D21)".
PM12	Page 97	At the end of Policy LW&D19, add the following: "and which include the sites allocated under Policies LW&D20 and 21".
PM13	Page 98	In Clause B of Policy LW&D20, after "The provision", insert ",within the total,". In place of "relevant regulations", insert "Community Infrastructure Levy Regulations 2010".
PM14	Page 99	In Clause B of Policy LW&D21, after "The provision", insert ",within the total,".
PM15	Page 101	Replace criterion B iv in Policy LW&D22 with the following: "In calculating the need for affordable housing (Policy LW&D24), and in determining housing mix (Policy LW&D23), the total number of homes on the site shall be reduced by the

		number of self-build and custom housebuilding plots.”
PM16	Page 104	In Policy LW&D23, after “up to date evidence of housing need”, insert “and subject to viability”.
PM17	Page 108	Replace the first paragraph of Policy LW&D24 with the following two paragraphs: “New affordable housing shall not be occupied other than by those with a local connection, as defined in the accompanying text. “In the event that there are no applicants who fulfil the local connection criteria, housing shall be occupied by other persons in accordance with the District Council’s allocation procedure or those of an affordable housing provider, as appropriate.” In the accompanying text, add a definition of “local connection” in accordance with the Parish Council’s answers dated 2 March 2026 to my questions. Modify the definition to exclude workers at East Midlands Airport and Gateway Industrial Cluster.
PM18	Page 112	In Clause D of Policy LW&D28, insert “net” before “loss”.
PM19	Page 115	At the end of Policy LW&D29, add a new paragraph saying: “Although the site is included within Long Whatton’s Limits to Development, alternative development including windfall housing is not supported under the policy.”
PM20	Page 118	In Clause B of Policy LW&D30, after “(Appendix 1)”, add “unless satisfactory mitigation can be demonstrated”.