

Appendix B

Page	Policy/Paragraph	Comment	Reason
Throughout		Need to be clear which Local Plan is being referred to. The Draft Local Plan carries no weight; the Neighbourhood Plan should be in general conformity with the adopted Local Plan (2002).	For clarity
Throughout		Reference is made to the Plan, the Parish and Ashby, are these one and the same or should it just refer to the 'Plan Area'	For clarity
2		Forward should be Foreword	Factual
4	1.2	Suggest that reference should be made to the County and Local Authority Area in which the Neighbourhood Plan Area sits to provide context	For clarity
6	1.3, last paragraph	It is not clear whether the Neighbourhood Plan has been screened to assess whether it may have significant environmental effects? If so, has an SEA been produced as part of the evidence pack referred to?	For clarity
6	1.4	The NP refers to the timeframe as 2016-2031 which conflicts with Policy H1 which states that the plan period is 2011-2031.	Consistency
7	1.5	The reference to focus groups and the role of NWLDC Officers is misleading as officers only attended in an advisory capacity and were not involved in preparing objectives or policies in the NP	Factual
10	3.1	As written it is not clear that the key issues are key issues but rather objectives. In addition, it isn't clear how these relate to the Vision. Were the key issues raised by local people through the preparation of the NP, how are they justified? Clarification would be helpful.	For clarity
11	1.1, 3 rd paragraph	Query why some buildings are mentioned when there are others equally and/or more important e.g. Royal Hotel, Medieval Buildings on Market Street with Georgian facades. A generic statement relating to heritage assets would cover both designated and undesignated heritage assets.	For clarity
12	Policy S1	As written the final paragraph suggests the NP overrides all other considerations where the NP has a relevant policy. All planning applications have to be determined in accordance with the Development Plan (which would include the NP when it is made) and any other material considerations. Suggest removing 'without delay' as Ashby Town Council doesn't determine	Conflict with national policy

		planning applications.	
13	1.3, 1 st paragraph	spelling error Donnington should be Donington	For clarity
13	1.3 (4 th Paragraph)	The last part of the last sentence refers to the Neighbourhood Plan supporting the Draft Local Plan. However, later policies do not necessarily do this.	Consistency
14	1.4 (4 th Paragraph)	Refers to the Limits to Development in the Draft Local Plan but the proposed Limits to Development in the Neighbourhood Plan are different	For clarity
14	Policy S2 (Limits to Development)	As written the policy conflicts with the NPPF and the adopted LP where it refers to a local need. It is not clear what 'other land' is referring to.	Conflict with NPPF
15	1.5 (2 nd Paragraph)	This conflicts with the NPPF which only refers to isolated new homes in the countryside being allowed in exceptional circumstances (NPPF Para 55) not development per se as suggested in the NP (This also applies to NP Policy S3). Should refer to less sustainable forms of development.	Conflict with NPPF
16	1.6, 1 st paragraph	This would require a design code to back it up. It is not clear as to whether the innovative means of reducing water runoff is referring to the use of SUDS? If so, are the Town Council taking SUDS for adoption and maintenance? If not, consider removing the last sentence of the paragraph.	For clarity
16	1.6, 2 nd paragraph	Consider rewording "high standards of architectural design since the Georgian period". More appropriate wording might be <i>'The built form of Ashby de la Zouch boasts an interesting mix of architectural styles which adds to the town's vibrancy and informs its character'</i> . Second sentence – consider adding <i>'and development proposals'</i> after <i>'determining planning policy'</i>	For clarity
15/16	Policy S4	A Design and Access Statement is only required for major applications and on schemes in Conservation Areas. The criteria in the policy are far more onerous than the legislative requirements. There is no apparent evidence base for requiring an Architectural Review on any scheme. Who would fund these and who would be the 'independent body'? Requiring an architectural review would have an impact on viability contrary to	Conflict with NPPF Potential viability issues

		<p>national policies and it would also potentially conflict with Policy S1 which refers to decision being approved without delay (where they accord with other policies within the NP).</p> <p>This policy fails to explain what the Town Council would expect from a new development in terms of its design; it only explains what the Town Council would expect from a development proposal in terms of the information that it should contain.</p> <p>Chapter 7 of the NPPF already expects new development to “respond to local character and history” in terms of its overall characteristics (density, layout, scale, materials etc); the county council’s historic landscape characterisation (HLC) provides evidence to inform this policy. Policy S4 should explain how the expectations of the NPPF would apply in the specific context of Ashby-de-la-Zouch. It could offer specific advice on the density, layout, scale and materials of new development including new site allocations.</p> <p>CABE is now referred to as Design Council since the merger in 2011.</p> <p>Suggest using the District Council’s design policy and Building for Life.</p>	
16	1.7 (1 st Paragraph)	Reference is made to derelict sites and empty buildings in the Plan area, it would be useful to identify where these sites currently are.	For clarity
16	1.7 (3 rd Paragraph)	Reference is made to Policy E36 of the adopted Local Plan. This is inconsistent as the majority of the NP refers to the Draft Local Plan.	Consistency
16	Policy S5	<p>No guidance is provided as to what type of uses would be preferred on brownfield sites.</p> <p>As worded the policy conflicts with the NPPF as no reference is made in the Policy to brownfield land which may be of environmental value and hence not suitable for development.</p> <p>Suggest ‘prioritised’ should be changed to ‘encouraged’ as it is not clear how the re-use of brownfield sites would be prioritised and over what other</p>	<p>Conflict with NPPF</p> <p>Ambiguous</p>

		development.	
17	2.2 (3 rd Paragraph)	The methodology conflicts with the adopted Local Plan which identifies Ashby as being a settlement within the Transport Choice Corridor, where development would be appropriate. The amount of development proposed in Ashby in the NP would, if the same approach were applied to the draft Local Plan, result in the distribution of development being kept at a constant and so result in development in locations which are not as suitable as Ashby, contrary to the principles of sustainable development which the NP seeks to support. In addition, limiting the overall amount of housing development will impact upon the ability to provide affordable housing which the NP recognises is needed.	Conflicts with adopted Local Plan
18	2.2 (1 st Paragraph)	Factually incorrect that Ashby is to take more development than Coalville in numerical and/or percentage terms. A housing background paper to the draft Local Plan identifies that Coalville would see about 3,900 new dwellings up to 2031, compared to 3,100 in Ashby which would represent 35% and 28% of all growth respectively.	Factual
18	Policy H1	The minimum need of 58 dwellings will be exceeded by the proposed allocation at Arla Dairy (154 dwellings) and assumed windfalls (100 dwellings). As drafted this policy conflicts with Draft LP. This issue is considered in more detail in the main report. Policy H1 refers to a period 2011-2031 however, Para 1.4 (page 6) refers to a NP period of 2016 to 2031.	Policy in conflict with the draft Local Plan
19	2.2 (1 st Paragraph)	The SHLAA does not allocate sites but rather identifies potential sites only.	Factual
19	Policy H2	This repeats Policy H1 to some extent. It is not clear as to why part (b) only refers to water voles and not other protected species. This matter is covered by legislation so is not necessarily required. Part (d) would need to comply with CIL regulations; it is not clear as to whether this is reasonable in scale and would potentially raise viability issues.	Conflicts with NPPF Potential viability issues
19	2.2 (2 nd Paragraph)	It is not clear how the NP will acknowledge and reflect the new Local Plan. Furthermore, it is not clear what stage of the Local Plan is being referred	For clarity

		to. It is not clear how or when the NP would be amended to reflect a successful appeal decision.	
20	2.3 (2 nd Paragraph)	The Draft Local Plan does not recommend a housing mix but merely summarises the SHMA	Factual
20	2.3 (2 nd Table)	This would benefit from a 'total' row so a comparison can be made between the figures in table 2 and table 3	For clarity
21	Policy H2 (Housing Mix)	Policy numbering (there are 2 Policy H2's). The requirements in this policy would potentially impact on viability contrary to national policies (Para 173 of the NPPF).	Conflicts with NPPF Potential viability issues
22/23	Policy H3	As worded this policy would conflict with the Government's previously expressed preferred approach which is to restrict seeking affordable housing to developments of 10 or more. Whilst this was successfully challenged in the High Court the government is now appealing to the Court of Appeal to overturn this decision. It will be important to bear this in mind in considering the content of the pre-submission NP. The policy also conflicts with that set out in the draft Local Plan and the adopted Supplementary Planning Document. The draft Local Plan was the subject of a viability assessment which suggests that 40% in Ashby would be at best marginal. This policy would potentially impact on viability contrary to national policies. Part (a) of the policy conflicts with the District Council's current policy for commuted sums to be used to meet affordable housing need across the whole district although this may be subject to review. Restricting where commuted sums can be invested increases the risk that they might be lost. In respect of part (b) it should be noted that the bedroom need on the housing register is based for the main part on minimum requirement based on the Housing Benefit bedroom allowance. Some of this need is attributable to elderly single residents, or elderly couples. Although these households may want to	Conflicts with NPPF Potential viability issues

		<p>downsize from larger 3 and 4 bed homes, they may need 2 bed homes because of their current or future health / care issues. As worded this policy would reduce the flexibility of affordable housing providers in meeting future housing need in a changing environment.</p> <p>The proposal to restrict affordable homes in Ashby to those with an Ashby connection would conflict with the district council's allocations policy of allocating affordable housing to those in most housing need on a district wide basis.</p> <p>1 bed properties may not be attractive to the RSL's.</p>	
24	Policy H4	<p>The need to have a local connection would contradict what is in the draft Housing and Planning Bill.</p> <p>It is not clear what information would be expected to 'demonstrate' these requirements as part of a planning application. Such requirements could not be secured by conditions on a planning permission, and if they were secured through a Section 106 Agreement they could be changed.</p> <p>Unsure how a period of 2 years for completion would be enforced.</p> <p>Unsure how the provisions of the last paragraph would be enforced as the parish council cannot control the sale of land.</p>	<p>Conflict with national policy and draft legislation (Draft Housing and Planning Bill)</p> <p>For clarity</p>
25	3.1 (3 rd Paragraph)	Donnington should be Donington.	For clarity
25	3.1 (final Paragraph)	It is not clear what the second sentence is referring to: what policies can the NP simplify, streamline and/or reduce? How can the NP make the planning system more efficient?	For clarity
26	3.2 (2 nd Paragraph)	It should be noted that the Lounge site is potentially affected by HS2	Factual
26	Policy E1	How will it be 'shown' that existing sites are no longer viable? Conflicts with NPPF Para 22 which states that " <i>Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose</i> ". Also that " <i>applications for alternative uses of land or buildings</i>	<p>Conflicts with NPPF</p> <p>Ambiguous</p>

		<i>should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.</i>	
27	Policy E3	How will the NP encourage small business and start-ups? Appear to be more an aim or objective rather than a policy? Consider amalgamating with Policy E2 to form one policy.	Ambiguous
27	Policy E4	Part (a) conflicts with the CIL tests in terms of whether it is necessary to make the development acceptable in planning terms and potentially falls foul of ‘pooling’ restrictions. Part (b) refers to Parish rather than Plan Area Part (c) It is not clear who will fund travel plans, they are separate to planning if they are related to an existing use and not to a development proposal.	Conflicts with national policy and with legislation
28	6 th Paragraph	In the draft Local Plan for the purposes of town centre policies, Coalville and Ashby are identified as town centres. However the draft Local Plan is clear that priority is for further retail development to be located in Coalville town centre.	For clarity
29	Policy TC1	Reference is only made to some of the main town centre uses as defined in the NPPF, and excludes other uses such as leisure and entertainment uses, for example. As worded Part (d) could also apply to shops (A1 use) which is inconsistent with national policies and is not presumably what is intended. Also not clear as how an ‘over concentration’ is defined/measured? Part e) ‘Generally’ is not definitive, grammatically confusing. How would crime/anti social behaviour be demonstrated/measured? What would be the cut off to make it unacceptable? Last Paragraph – rather than ‘exceptional circumstances’ consider that it may be better to reference the sequential approach in the NPPF	Internal inconsistency
30	4.3 (1 st paragraph)	First sentence refers to the NPPF promoting the ‘separation of’ shopping areas within the Town Centre, whereas the NPPF (Para 23) refers to defining the extent of primary and secondary frontages.	Conflicts with national policy

30	Policy TC2	Part (b) is too onerous as it does not allow for other main town centre uses. Shops are allowed under the General Permitted Development Order 2015 to change to a range of other uses (including restaurants and cafes, financial and professional services) without requiring planning permission. Therefore, as worded this policy cannot be implemented and conflicts with the national approach.	Conflicts with national policy and legislation
31	4.4 (Last paragraph)	Suggest inserting 'local' before distinctiveness.	For clarity
32	1 st Paragraph	It is not clear as to whether the reference to illuminated signs refers to illuminated signs inside shops which are permitted development, or to internally illuminated box signs which are fixed externally to a building.	For clarity
32	Policy TC3	This policy prohibits the use of internally illuminated signage. This term is not defined; does the Town Council intend to prohibit the use of internally illuminated box signs only, or also the use of (e.g.) 'fret cut' or 'halo' illuminated signs? Should the last paragraph state that illuminated 'external' signage will 'not normally be permitted' – see comment on 1 st Para on page 32. Concerns that the policy mixes planning requirements and advertisement consent requirements within one policy. It would be beneficial to look at the District Council's shop front guidance.	For clarity
32	Policy TC4	It is not clear what is meant by 'access'. Changes to the GDPO 2015 mean that conversion of some upper floors to residential where not in the conservation area (but still in the town centre) would not require planning permission	Ambiguous Factual
33	Policy TC5 (Tourism)	It is not clear what is meant by tourism facilities. It is not clear why the last paragraph only applies in the town centre? As worded in the final paragraph a proposal for a new tourist facility would not be supported if it was to result in the loss of an existing tourist facility. It is not clear if this is what is intended.	Ambiguous
34	Policy TC6 (Legible Signage)	Unclear what the 'local style' is? And what the 'legible signage strategy' would consist of? Unsure why and if businesses would contribute to a signage strategy, potential	For clarity

		issues regarding CIL compliance.	
36	Policy T1 (Sustainable Development)	Policy is too ambiguous. Not clear where the sustainable and accessible locations are.	Ambiguous
36	Policy T2 (Travel Plans)	Not clear as to what is meant by 'significant amount of travel'? It would be for the Highway Authority to determine whether a travel plan was required as part of a new development proposal (if one was not submitted). Potential CIL compliancy issues.	Ambiguous
37	Policy T3 (Safer Routes to Schools Schemes)	Not clear what is meant by a 'known traffic problem'.	For clarity
38	Policy T4 (Walking and Cycling)	It is understood that Leicestershire County Council are preparing a cycling strategy for Ashby. It would be useful to include a plan showing the routes suggested in this.	For clarity
39	Policy T6 (Public Transport)	May also need to refer to Highways England.	For clarity
42	Policy ELWB 1 (Existing Green spaces will be Protected)	It would be useful to map the sites referred to for the avoidance of doubt. It is not clear whether the policy is referring to all existing green spaces or just those referenced. It is not clear what 'for non-green space purposes' means?	For clarity
43	Policy ELWB 2 (Open Space in new Housing Development)	Conflicts with National Policy. Approach may lead to viability issues. Ambiguous - how much space would be required? What is adequate? Could end up with very small unusable spaces. Unsure whether it refers to open space and/or equipped space. Consider whether it should be projects for Section 106 inclusion rather than policy as suggested. How is 'reasonable walking distance' defined?	Conflicts with NPPF Potential viability issues Ambiguous
43	6.4 (1 st Sentence)	Consider adding 'and encourage biodiversity'.	For clarity
44	Policy ELWB 3 (Allotment Provision in new Development)	Ambiguous – would raise viability issues; query how much space would be required? What is the evidence base for the requirement? Would this be in addition to the open space requirements included within the overall total? Suggest an alternative threshold, major applications (10 plus dwellings).	Conflicts with NPPF Potential viability issues Ambiguous
44	Policy ELWB 4 (Biodiversity)	Conflict with National policy – would need to show a relationship between the site and the site of ecological interest.	Conflicts with NPPF

		Many sites will already be protected by law (SSSI and protected species)	
45	Policy ELWB 5 (Trees and Woodland)	Consider re-ordering the policy – for example “require surveys to accompany proposals and where hedges etc of value are identified these should be integrated into development” Consider including at the end ‘ <i>and an assessment of impact on the trees</i> ’.	For clarity
46	Policy ELWB 6 (Building and Structures of Local Historical and Architectural Interest)	The character appraisal for the town centre (2001) identifies unlisted buildings of interest to the conservation area. These are not known as locally listed buildings and the District Council has not adopted a local list. Paragraph 135 of the NPPF asks a planning authority to take into account “the effect of an application on the significance of a non-designated heritage asset”. These assets may or may not have been identified prior to the application. In this context it is unfortunate that policy ELWB6 applies only to “identified buildings of local historical or architectural interest”. The legal phrase is “architectural or historic interest”, please note that; ‘historical’ does not have the same meaning as ‘historic’.	Factual
47	6.9 (4 th Paragraph)	Refer to Historic England not English Heritage	For clarity
47	Policy ELWB 8 (Area of High Archaeological Potential)	Like policy S4 above, this policy does not explain what the Town Council would expect from a new development in terms of its response to below-ground remains; it only explains what the Town Council would expect from a development proposal in terms of pre-application engagement. The policy identifies an area of high archaeological potential “coterminous with the conservation area boundary”. The County Council’s historic landscape characterisation identifies a “historic settlement core” at Ashby-de-la-Zouch. It appears that parts of the conservation area extend beyond the historic settlement core and vice versa. It is recommended that the Town Council contact the county archaeologist for further advice in respect of this matter.	Ambiguous
48	6.10 (2 nd Paragraph)	Reference is made to the decline in services such as medical facilities but no reference is made to the new health	Factual

		centre currently under construction	
48	Policy CF1 (Important Community Facilities)	Policy is ambiguous. What are considered to be important community facilities? This could just be addressed by generic reference e.g. schools. As drafted this policy would potentially prohibit a community facility being developed because it's outside the Limits to Development. Is this the intention?	Ambiguous
49	Policy ELWB 10 (Asset of Community Value)	There is no nationally prescribed requirement for an Asset of Community Value to be replaced. The Owners of listed assets cannot dispose of them without: <ul style="list-style-type: none"> • letting the local authority know that they intend to sell the asset or grant a lease of more than 25 years • waiting until the end of a six week 'interim moratorium' period if the local authority does not receive a request from a community interest group to be treated as a potential bidder • waiting until the end of a six month 'full moratorium' period if the local authority does receive a request from a community interest group to be treated as a potential bidder The owner does not have to sell the asset to the community group.	Conflict with national policies
49	Policy ELWB 11 (New Arts/Community Centre)	It is not clear whether any such facility could be outside the Limits to Development. Consider that this is more of a statement/objective than a policy; a policy should set out how it would seek to be achieved.	For clarity
50	Policy ELWB 12 (Education)	Will the need for contributions apply to all developments irrespective of scale? Perhaps need to qualify it with " <i>where a new development will have a demonstrable impact upon education provision in the Plan Area and to comply with CIL...</i> " although this is ultimately up to County Council education to determine.	For clarity
51	7.1	No reference to CIL. The prioritised infrastructure requirements are absent - The Planning Practice Guidance identifies that a NP " <i>should set out the prioritised infrastructure requirements to address the demands of the development identified in the Plan</i> ". It is not clear either how the consultation	Contrary to national policy

		will inform the prioritisation or whether there would be further consultation once the infrastructure requirements have been prioritised.	
51	7.1 (3 rd Paragraph)	Should this refer to 'Planning Practice Guidance' rather than 'Planning Policy Guidance'?	For clarity
52	8	Should the further review be in 2026 rather than 2027 as stated	For clarity