

Title of Report	SWANNINGTON NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	National Planning Policy Framework (NPPF, 2021) Planning Practice Guidance (PPG) Swannington Neighbourhood Plan Submission Version (2022) Local Plan Committee 9 December 2021- Swannington Neighbourhood Plan – Proposed Response to Pre-Submission Draft	Public Report: Yes
Financial Implications	<p>The Swannington Neighbourhood Plan will incur direct costs to the District Council to support an independent Examination of the plan and, should the Examination be successful, a local referendum. Grant funding from central government (£30,000 per neighbourhood plan) is payable to the authority 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 District 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>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	<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 Local Plan Review.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p>	
Purpose of Report	To determine the District Council's response to the submission draft of the Swannington Neighbourhood Plan.	
Recommendations	1. THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT	

	<p>OF THE SWANNINGTON NEIGHBOURHOOD PLAN IN APPENDIX A.</p> <p>2. THAT THE COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE SWANNINGTON NEIGHBOURHOOD PLAN.</p> <p>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 PLANNING WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM.</p> <p>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 PLANNING WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE 'MADE'.</p>
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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), NWLDC has an important role to play in the neighbourhood plan process even though the Council 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
Reg 16	Publicise the draft neighbourhood plan (6 week consultation)
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 Swannington Neighbourhood Plan has reached the Regulation 16 stage. This report sets out a proposed consultation response for members to consider (see **Appendix A**).

2. SWANNINGTON NEIGHBOURHOOD PLAN

2.1 The Swannington Neighbourhood Plan Area covers the whole of the parish and was designated on 7 January 2019 (Regulation 6A). Swannington Parish Council consulted on a pre-submission version of the plan between 25 October and 6 December 2021 (Regulation 14). The District Council's [consultation response](#) was agreed by Local Plan Committee on 9 December 2021, subject to some additional comments described in the [minutes](#) of the meeting.

2.2 The Parish Council considered all the comments it received, amended the plan and it has now requested that the District 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 6-week period from **Monday 5 September to Monday 17 October 2022**. The submission version of the plan and the supporting documentation can be viewed on the District Council's [website](#).

2.3 In overview, the neighbourhood plan policies cover the following broad areas;

- the location of new development including an allocation for around 12 homes at St George's Hill (which would be incorporated into an amended Limits to Development)
- the design of new development
- housing mix, affordable housing and windfall development
- policies to protect the heritage and ecology of the parish, including the designation of Local Green Spaces
- transport, including parking
- the protection of, and support for, community facilities
- the protection of employment premises and support for new small-scale employment development

2.4 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 form this 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 be in conflict with one of the requirements 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.

2.5 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.

Next Steps

- 2.6 Subject to the Committee's decision, the response will be submitted before the consultation closing date. In the meantime, officers will be appointing an independent examiner to conduct the neighbourhood plan examination. The appointment process will be done in consultation with the Swannington Parish Council.
- 2.7 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.
- 2.8 Following receipt of the independent Examiner's Report, the District 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 District Council 5 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 Planning will exercise the executive power of making this decision as delegated to them in the Constitution (paragraph 5.2.1 of the Scheme of Delegation). This is allowed for in the recommendations.
- 2.9 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 8 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 would 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 Planning under the Scheme of Delegation.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of neighbourhood plans can impact on any and all of the council priorities: <ul style="list-style-type: none"> • Our communities are safe, healthy and connected • Local people live in high quality, affordable homes • Supporting businesses and helping people into local jobs • Developing a clean and green district
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 Swannington 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 and Climate Change:	Neighbourhood plans can also deliver positive

	environmental and climate change benefits as part of their wider objective to achieve sustainable development. The Swannington 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 Engagement:	Neighbourhood plans are subject to at least 2 stages of public consultation.
Risks:	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. This will bring clarity for all users of the plan in the future.
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APPENDIX B: OFFICER RESPONSE TO SWANNINGTON NEIGHBOURHOOD PLAN (SNP) SUBMISSION VERSION

Reg 14 Plan: Section/Policy Number	Reg 14 Plan: Planning Officers' and Conservation Officer's Responses	Reg 15 Plan Page number and Commentary	Reg 15 Plan: Objections / Comments
General	The document would benefit from paragraph numbers to assist the determination of planning applications.	Paragraph numbers have been added.	None
General	The National Planning Policy Framework (NPPF) was updated in July 2021. All references to the NPPF, including paragraph numbers, should be updated accordingly.	Whilst the SNP now references the 2021 NPPF, there are still some instances where corrections and or/ clarification are required.	<p>Comment</p> <p>Paragraph 48 For completeness, it would be better if NPPF paragraph 8 was referenced at SNP paragraph 48 rather than just NPPF paragraph 8b at SNP paragraph 51.</p> <p>Paragraph 112 Local Green Spaces are referenced at NPPF paragraphs 101-103 (rather than 99-101). Correction required.</p> <p>Paragraph 122 The reference to footnote 63 is incorrect and there is no footnote to NPPF paragraph 194. Correction required.</p> <p>Paragraph 131 NPPF paragraphs 155-157 relate to renewable energy, not flood risk. Correction required.</p> <p>Paragraph 159 Section 3 of the NPPF relates to Plan-making, not rural tourism. Correction required.</p>
Foreword (p.4)	The foreword states that the Swannington Neighbourhood Plan (SNP) will "take priority over nonstrategic policies in the Local Plan,	Page 4 No change, although these comments were made for the	None

	<p>giving our community a real and lasting tool to influence the future of our neighbourhood.” Whilst this is the case at the point the SNP is ‘made’ (adopted), it should be noted that neighbourhood plan policies can be superseded by strategic/non-strategic Local Plan policies that are adopted subsequently (NPPF, paragraph 30). The government’s Planning Practice Guidance (PPG) provides further clarity on this issue, stating that “<i>policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.</i>” (Paragraph: 084 Reference ID: 41-084-20190509).</p> <p>The North West Leicestershire Local Plan (NWLLP) is currently being reviewed and will cover the period up to 2039. Should the NWLLP be adopted after the SNP, it could result in policies in the SNP becoming out-of-date.</p>	<p>Parish Council’s information only.</p> <p>General The SNP has been updated to cover the period up to 2039.</p>	<p>Comment: It is now proposed that the Local Plan will cover the period 2020 to 2040. For consistency, the SNP could be amended to cover the same period.</p>
<p>A Vision for 2031 & Objectives (p.10)</p>	<ul style="list-style-type: none"> • What road and footpath safety infrastructure is being referred to and is this capable of being delivered through the SNP? • How will the SNP improve public transport links? • What is meant by ‘social hub scheme’? • What is meant by promoting community areas which address age and gender needs? • Is the community information scheme something which can be delivered through the planning system? 	<p>Page 10 & Paragraphs 40-46 No change.</p>	<p>Comment: It would help the reader if there was greater clarity/specificity in these sections.</p>

	In addition, the links between the vision and objectives could be clearer.		
Planning Context (p.11)	It would be useful for this section to reference the requirements for the SNP to meet several 'basic conditions' which are set out in planning legislation and summarised in the PPG (Paragraph: 065 Reference ID: 41-065-20140306).	Paragraph 47 (second bullet point) Amendments have been made accordingly.	None
A Social Role (p.11)	The description of the social role has been recently updated by paragraph 8b of the NPPF (2021). For consistency, it is recommended that the SNP is updated accordingly.	Paragraph 51 This has been amended to reference the new paragraph 8b	Comment See comment made in relation to SNP paragraph 112 above.
Housing Provision (p.12)	<p>The information on completions and commitments in the first paragraph is out-of-date and as such, it is suggested that it would be appropriate to delete the 3rd sentence onwards.</p> <p>Given that there is no housing requirement for Swannington in the adopted Local Plan, further explanation should be provided with regards to the proposal to allocate a site for housing so that readers of the plan are clear how this decision was reached.</p> <p>One of the basic conditions for the SNP is that it should be in general conformity with the strategic policies contained in NWLLP.</p> <p>The adopted NWLLP (2017) does not contain a housing requirement for Swannington. However, NWLDC officers are in the process of reviewing the NWLLP, including the overall housing requirement for the District and where housing should be located. We are in the process of testing different growth scenarios</p>	<p>Paragraph 54 The completions and commitments data has been removed.</p> <p>Paragraph 56 Some additional explanation is provided which reflects the housing figures provided as part of the pre-submission consultation (an update of figures provided at an earlier date).</p> <p>Paragraph 57 A new paragraph has been added which estimates 2 dwellings a year can be delivered from windfall sites and that this would result in an additional 34 dwellings</p>	<p>None</p> <p>Comment The SNP makes allowance for around 12 dwellings in the Neighbourhood Plan. Whilst this is at the lower end of the spectrum of the indicative figures provided, it is a figure based on evidence and the SNP has had sufficient regard to NPPF paragraph 67.</p> <p>Comment NPPF paragraph 71 requires "compelling evidence that [windfall sites] will provide a reliable source of supply." Given that the settlement boundary is drawn tightly around the settlement, it is not clear how an additional 34 dwellings can be accommodated over the plan period.</p>

	<p>which includes the potential for new housing in the Sustainable Villages (which includes Swannington).</p> <p>As the review of the NWLLP is at an early stage, officers are not yet in a position to provide a housing requirement for Swannington (as required by NPPF paragraph 66). In such circumstances, NPPF paragraph 67 advises that neighbourhood planning bodies can request an indicative figure from the local planning authority.</p> <p>It is within the above context that planning policy officers provided a range of indicative housing figures to Swannington Parish Council (SPC) in September 2020. Three scenarios were provided which were based upon the housing land supply position at 1 April 2020 (included as Appendix 1). These ranged in requirements between 8 and 51 dwellings in the period up to 2031. Given the time that has elapsed since these scenarios were provided to SPC, they have been updated based on the position at 1 April 2021 (Appendix 2) which results in a requirement of between 9 and 43 dwellings.</p> <p>It is noted that SPC has opted for the lowest of the housing growth options. Whilst this option is based in evidence, it would be helpful to provide some justification on why it has been chosen over the other options provided by NWLDC. In order to meet this need, it is proposed to allocate a site at St George's Hill. Further comments on this allocation are made in respect of Policy H1 below.</p> <p>As advised earlier this year, NWLDC policy officers are, as part of the NWLLP Review,</p>	<p>being delivered over the plan period.</p>	
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	<p>testing various housing growth and distribution scenarios, which could result in a higher housing requirement figure for Swannington. NPPF paragraph 29 is clear that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. As such, officers will keep SPC updated on this issue and advise on any implications for the Neighbourhood Plan.</p>		
<p>Policy H1 (p.13)</p>	<p>Officers welcome SPC's proposal to allocate a site for housing as it represents positive planning which is based in evidence. Expressing the dwelling requirement as a minimum is also supported.</p> <p>To ensure the Neighbourhood Plan is clearly written and unambiguous, the following revisions should be made:</p> <ul style="list-style-type: none"> • Consider allocating the site for a minimum of 9 dwellings (based upon the updated evidence at Appendix 2). • Remove the reference to a maximum dwelling figure - this is too restrictive given that the proposed mix (i.e. bedroom sizes) of dwellings is unknown at this stage. • Amalgamate the policy requirements for the site into a single list and remove the heading 'planning conditions' (to avoid confusion with the planning conditions attached to any future planning permission) • Confirm affordable housing will be sought in accordance with NWLLP Policy H4 rather than express an affordable housing requirement in this policy. If a scheme of 11 or more homes comes forward at this site, affordable housing will be required. If the 	<p>Policy H1, page 13</p> <p>The site is now allocated for 'around 12' dwellings.</p> <p>Reference to a maximum quantum of development has been removed.</p> <p>The 'planning conditions' list has been removed.</p> <p>Confirmation that affordable housing will be sought in accordance with Policy H4 of the North West Leicestershire Local Plan has been included.</p>	

	<p>total is 10 dwellings or less there will be no requirement to provide affordable housing.</p> <ul style="list-style-type: none"> Acknowledge that some existing planting will need to be removed to accommodate access to the site. <p>In addition, what are the 'heritage aspects' referred to in the policy and what 'high quality' design and elevational treatment should be provided? The developer of the site needs to be clear what is expected from the scheme so it would be useful to provide additional guidance</p> <p>Given the proximity of the site to Windmill View, the local highways authority should be consulted on whether a safe and suitable access is achievable.</p>	<p>The criterion relating to existing planting has not been changed.</p> <p>The reference to heritage aspects and high quality design have been removed.</p> <p>The highways authority (Leicestershire County Council) has been consulted on highways requirements.</p>	<p>Comment Consider adding 'as far as possible' after "The existing planting will be retained' in part b).</p> <p>Comment The reference to heritage and high quality design has been removed. Whilst these factors will still be relevant to the determination of any planning application at this site, the SNP has perhaps missed an opportunity to set some design requirements for the site, particularly as the proposed allocation sits next to a row of houses which the SNP identifies as a non designated heritage asset (ENV 6).</p> <p>Comment No comments have been provided by highways on the proximity to Windmill View point.</p>
<p>Policy H2: Settlement Boundary (p.15)</p>	<p>With regards to the second paragraph of Policy H2, it should be noted that there will be some changes of use of buildings that constitute permitted development and would not require planning permission.</p>	<p>Policy H2 No changes have been made, although this comment was for the Parish Council's information only.</p>	<p>Comment Although we did not comment on this last time, the second paragraph of Policy H2 refers to the 'village envelope' – this is not defined anywhere and leads to uncertainty for the decision maker. It is referred to again at SNP paragraph 60 where it seems to be another term for the settlement boundary. If this is the case, to avoid confusion, any reference to the 'village envelope' should be replaced with 'settlement boundary'.</p> <p>Comment It should be noted that Local Plan Policy S3 considers that the re-use and adaption of buildings is as an acceptable form of development in the countryside (not just within the settlement boundary).</p>

<p>Figure 3: Updated Settlement Boundary (p.16)</p>	<p>The inclusion of the proposed allocation site within the settlement boundary is considered acceptable given that there is evidence for more housing in Swannington over the plan period.</p> <p>Elsewhere, the settlement boundary should accord with the Limits to Development in the adopted NWLLP and it would be helpful to confirm that this is the case.</p>	<p>Figure 3 There is no confirmation that the limits to development are consistent with the Local plan (aside from the proposed allocation), but they look to be consistent.</p>	<p>Comment Aside from the addition of S3, the Settlement Boundary appears to be consistent with the Limits to Development in the adopted Local Plan. It should be noted that the Local Plan is being reviewed which could result in some additional changes to the Limits to Development.</p>
<p>Policy H3: Housing Mix (p.17)</p>	<p>SNP Policy H3 seeks to support development which incorporates three or fewer bedrooms and/or single storey accommodation, whilst only supporting dwellings of four or more bedrooms where they are subservient in number to any one, two or three bedroom accommodation in any development.</p> <p>The policy is not considered to be in general conformity with NWLLP Policy H6. Firstly, Policy H6 applies to developments of 10 or more dwellings rather than 'any development'. Secondly, Policy H6 seeks a mix which is informed by a range of evidence, including the HEDNA. Whilst the HEDNA indicates a need of 10-20% 4 bed dwellings, the supporting text at NWLLP paragraph 7.47 recognises "there may be a need for local variations". It should be noted that the examiner for the Hugglescote and Donington le Heath Neighbourhood Plan recommended that a similar policy on housing mix was too prescriptive. It is recommended that the second sentence of Policy H3 is deleted.</p>	<p>Policy H3 No changes to this policy have been made.</p>	<p>Objection NWLDC objects to this policy for the reasons given at the pre-submission (Regulation 14) stage.</p> <p>Reason The policy is not in general conformity with the strategic policies of the Local Plan. It should be noted that at paragraph 13.5 of the adopted Local Plan (2017) it is confirmed that <i>"The policies in this Local Plan are the strategic policies that Neighbourhood Plans will be required to be in conformity with."</i></p>
<p>Design Quality (p.17)</p>	<p>Should be Grade II (not Grade 11)</p>	<p>Paragraph 73 This has been amended.</p>	<p>None</p>

<p>Policy H4: Design Quality (p.20/21)</p>	<p>The SNP should reference the NWL Good Design SPD (2017).</p> <p>i) The aspiration for car charging points is supported. However, in line with NPPF paragraph 112e, it is recommended that this is amended to read “new development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”.</p> <p>k) it is suggested that it would be appropriate to add the following text to the end of the clause - “in locations convenient and accessible for collection and emptying”</p> <p>m) the proposed development at St George’s Hill could provide 10 or more dwellings. Would three storey dwellings be appropriate at that site?</p>	<p>Policy H4</p> <p>i) no change</p> <p>k) amendments have been made</p> <p>m) No changes have been made to part m).</p> <p>q) No changes</p>	<p>Comment</p> <p>i) It should be noted that electric vehicle charging is now covered by Part S of the Building Regulations (which came into effect on 15 June 2022). The NPPF advises (paragraph 16f) that plans should not avoid unnecessary duplication of policies. To ensure clarity for applicants and decision makers, the reference to charging points could be deleted from the SNP.</p> <p>Comment</p> <p>k) It would also be helpful to specify that ‘appropriate’ provision is that which meets the <u>District Council’s waste and recycling requirements.</u> For example, “<i>Design should ensure appropriate provision for the storage of waste and recyclable material, with sufficient space to meet the District Council’s requirements and in locations convenient and accessible for collection and emptying.</i>”</p> <p>Comment</p> <p>m) The St George’s Hill allocation is realistically the only opportunity for 10 or more dwellings in Swannington. This policy therefore implies that three storey dwellings would be appropriate at the site. The SNP has perhaps missed an opportunity to decide if three storey dwellings are appropriate at the site or if development should be limited to two storey and below.</p> <p>Comment</p> <p>q) It is not possible to impose or enforce the proposed timings for security lighting. In addition,</p>
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	<p>q) Light itself, and minor domestic light fittings, are not subject to planning controls</p>	<p>two different sets of best practice guidelines are quoted in parts q) and r) which is potentially confusing for applicants and decision makers. Parts p), q) and r) could be amalgamated in order to make the policy clear and concise.</p> <p>Comment We also wish to make comments on additional parts of Policy H4.</p> <p>b) There is a potential conflict between parts b) and m). Part b) seeks a consistent design approach in terms of materials, fenestration and rooflines, whereas part m) supports innovative designs with varied materials, styles and details. Part b) and m) could be amalgamated and it should be made clearer what is expected from new development.</p> <p>f) There is a potential conflict between this part of the policy and part o), leaving uncertainty for the applicant/decision maker. Part f) seeks the enclosure of plots by either native hedging, wooden fencing, or stone/brick wall, whereas part o) requires property boundaries to be in the form of hedges or fences with ground level gaps. Parts f) and o) could be amalgamated in order to make the policy clear and concise.</p> <p>g) There is some overlap between parts g) and j). Part g) relates to sustainable design, renewable and low carbon energy, whereas part j) deals with flooding and drainage. The reference to “<i>and minimise surface water run-off and risk of flooding</i>” does not sit well in part g) and should be moved to part j).</p> <p>h) Add ‘where possible’ to the end of this section to make the policy sufficiently flexible.</p>
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			<p>j) As stated above, the reference to “<i>and minimise surface water run-off and risk of flooding</i>” which is currently in part g) would be better incorporated into part j).</p> <p>l) It would be helpful to replace the requirement for garages from being ‘adjacent’ to being “<u>well related</u>” as there could be occasions where garages are either integral or not directly adjacent (i.e. set back from the dwelling).</p>
<p>Policy H5: Affordable Housing Provision (p.22).</p>	<p>The provision of affordable housing is a strategic policy matter. The quantum/tenure of affordable housing provision therefore needs to be in accordance with the requirements of NWLLP Policy H4.</p> <p>It is proposed that this requirement for a local connection should be deleted from this policy for the following reasons; a) it does not accord with the affordable housing eligibility criteria applied by the district council’s Housing team. The criteria require a connection to the district, not to the local area; and b) it is not in general conformity with NWLLP Policy H4 which includes no such local connection requirement. On a practical level, a consequence of a local connection requirement is that people in housing need who come from places with no/limited new development would never have their needs met. Local connection requirements can also constrain Registered Providers’ ability to secure funding for new affordable housing schemes.</p>	<p>Policy H5 No changes have been made to this policy.</p>	<p>Objection The reference to a ‘local connection’ does include the clause ‘where appropriate’. However, as stated at pre-submission stage, this does not accord with the Council’s affordable housing eligibility criteria. NWLDC does not support a reference to local connection in the policy.</p> <p>Reason To give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p> <p>Comment Elsewhere in the policy, it is suggested that “based on the latest assessment of affordable housing need (2019)” is changed to “<u>having regard to the Parish’s Council’s</u> latest assessment of affordable housing need.”</p>

	<p>It is also objected to because it would require the NWLDC, as the housing authority, to review the Allocations Policy every two years. This is matter for the District Council and is goes beyond the remit of a Neighbourhood Plan.</p> <p>A similar approach has been advocated in other Neighbourhood Plans in the district and has not been supported by Examiners. Supprting such an approach would be inconsitent.</p>		
Windfall Sites (p.22)	Windfall sites are defined in the 2021 NPPF as “Sites not specifically identified in the development plan” (Annex 2: Glossary).	No change	Comment It would aid consistency if the NPPF definition was used.
Policy H6: Windfall Sites (p.22)	<p>For clarity, it is recommended that this policy should apply to development in the settlement boundary rather than ‘infill and redevelopment sites’. Any development outside the settlement boundary is covered by Policy S3 of the NWLLP.</p> <p>Any overlap with Policy H4: Design (for example part e) should be removed.</p>	<p>Policy H6 The policy now applies to development proposals in the settlement boundary.</p> <p>The rest of the policy has not been amended.</p>	<p>Objection Part a) seeks windfall development to “help meet the identified housing requirement for Swannington in terms of housing mix”. Whilst the source of the ‘identified housing requirement’ is not clear, windfall development within the settlement boundary is likely to be less than 10 dwellings. There is the potential for conflict with NWLLP Policy H6 which seeks a mix of housing types, size and tenures in new housing developments <u>of 10 or more dwellings.</u></p> <p>Reason Part a) is not in general conformity with the Local Plan</p> <p>Comment There is repetition between part d) of SNP Policy H6 and part d) of SNP Policy H4.</p> <p>The ‘amenity of neighbours’ is referred to in both parts e) and f).</p>

Figure 5 (p.26)	A key/marked up plan would aid the reader as it is unclear precisely what this figure shows.	A key has been included	None
Local Green Space (p.27)	<p>For context, it would be useful to highlight the three tests which need to be met for a piece of land to be able to be designated as Local Green Space (paragraph 102 of the NPPF):</p> <p><i>a) in reasonably close proximity to the community it serves;</i></p> <p><i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i></p> <p><i>c) local in character and is not an extensive tract of land.</i></p> <p>The PPG provides further guidance in terms of criteria a) and c) – the LGS should normally be within easy walking distance of the community served if public access is a key factor. In addition, it should not comprise blanket designation of open countryside adjacent to settlements (Paragraph: 014 Reference ID: 37-014-20140306 & Paragraph: 015 Reference ID: 37-015-20140306).</p>	<p>Paragraph 112 This has not been done and the NP continues to refer NPPF paragraphs 99-101. Not all of these paragraphs relate to Local Green Spaces</p>	<p>Comment For the avoidance of doubt, the correct NPPF paragraph numbers (101-103) should be included at paragraph 112.</p>
Appendix F: Environmental Inventory	<p>The use of a quantitative scoring system to help identify sites for designation as Local Green Space is considered overly complicated.</p> <p>To be identified as a Local Green Space, the site must meet the three criteria at NPPF paragraph 102. The inventory at Appendix F assesses sites against all five examples in the</p>	<p>Appendix F & Paragraphs 108-111 No change</p>	<p>Comment Paragraph 111 Reference is made to the seven criteria for Local Green Space selection in the NPPF. Sites are only required to meet three criteria (NPPF paragraph 102).</p>

	<p>demonstrably special test at NPPF 102b which means it is assessed against seven criteria in all and gives each site a quantitative score out of 25.</p> <p>It is unclear why different criteria have different scores available; for example under beauty, sites can score up to 3 points but under tranquillity, sites score up to 2 points.</p> <p>In addition, sites that are of national/regional/county significance in historical and ecological terms are given a higher score, when the test is merely to be demonstrably special to the local community.</p> <p>A site could be demonstrably special to the local community solely if it offers a place of tranquillity, but this system appears to penalise sites that do not score well across the five 'demonstrably special' categories.</p> <p>There is a risk that sites which are capable of meeting the three Local Green Space tests at NPPF paragraph 102 have not been identified as such because of the chosen scoring system.</p>		<p>Appendix F Our previous comments, which have also been made in relation to the Blackfordby Neighbourhood Plan and the Hugglescote and Donington le Heath Neighbourhood Plan, still stand; the scoring process is overly complex when what is actually required is demonstrating that sites meet the three criteria at NPPF paragraph 102. The scoring is somewhat arbitrary and may have limited the potential for Local Green Spaces in Swannington.</p>
<p>Policy ENV1: Local Green Space (p.27)</p>	<p>Two sites have been identified as Local Green Spaces (Swannington Playing Field and Gorse Field) with the supporting text identifying they scored highly (17/25 or 70%).</p> <p>It is agreed that these sites appear to meet the NPPF paragraph 102 tests. They are in reasonable proximity to the local community and are not extensive tracts of land. However, so it can be clearly demonstrated that the SNP is consistent with national policy it would be more</p>	<p>Policy ENV1 No change</p> <p>Appendix G Some text has now been added to Appendix G to make clear why the two proposed Local Green Space sites are considered special.</p>	<p>None</p> <p>None</p>

	helpful for the evidence to explicitly state what makes these sites demonstrably special.		
Policy ENV2: Important Open Space (p.28/29)	<p>This policy also seeks to protect open spaces but affords a lower level of protection than a Local Green Space; any development proposals on these sites will be resisted but they are not protected for the duration of the plan period. The policy seeks to protect these spaces from development “unless the open space is replaced by equivalent or better provision in an equally suitable location, or unless the open space is no longer required by the community.”</p> <p>Swannington Playing Field is identified as a LGS in ENV1. The same audit reference (302) is used for Main Street/Jeffcoates Lane Playing Field in Policy ENV2. Are these the same site? If so, why is it featured in both policies?</p> <p>For the remainder of the sites identified in this policy, it is not clear why these have failed to meet the Local Green Space criteria at NPPF paragraph 102.</p> <p>Walkers Wood offers recreation opportunities and is stated on the National Forest website to incorporate a range of different wildlife habitats (woodland, meadow, wildflower species, wetland area and hedgerows) yet in the inventory is not considered to have any natural environment significance (it scores a 0). Notwithstanding the fact that a site does not need to be of national/regional/county significance to be demonstrably special to the local community, has an error been made?</p>	<p>Policy ENV2 (page 29) There is now a note that Main Street/Jeffcoates Lane Recreation Ground will be deleted from this policy if it approved as a Local Green Space but the sites themselves remain the same.</p>	<p>Comment Our previous comments stand.</p> <p>In addition, the site references in brackets are confusing. They should just relate to the numbers shown on Figure 7. There is no reference in Policy ENV2 for Swannington School Grounds. For consistency, it should be given a numerical reference.</p> <p>The reference to “(and Figure 7) should be amended to read “(shown on Figure 7)” for the purposes of clarity.</p>

	It is recommended that the assessment of open spaces is revisited so that they are assessed against the three NPPF 102 criteria alone.		
Policy ENV3: Sites of Natural Environment Significance and Policy ENV4: Protecting & Enhancing Biodiversity (p.30/31)	<p>The SNP goes on to identify site of Natural Environment Significance; those which scored 3 or higher in the Environmental Inventory (i.e. at least of county significance). The policy seeks to protect such sites and says that “The significance of the species, habitats or features present should be balanced against the local benefit of any development that would adversely affect them.”</p> <p>This part of the policy is inconsistent with the NPPF. The correct test to be applied is at NPPF paragraph 180 and applies to all biodiversity interest rather than just statutory sites. The paragraph 180 test has been incorporated in Policy ENV4 and as such it is queried whether Policy ENV3 is necessary or whether it could be amalgamated with Policy ENV4.</p>	<p>Policy ENV3 & ENV4 (page 29-31) These policies have been amended to refer to NPPF paragraph 180.</p>	<p>Comment There is a degree of repetition between these two policies and our previous comments, that the policies could be amalgamated still stand.</p>
Historic Environment (p31 - 34)	<p>The Council's Conservation Officer comments that:</p> <p>“It is not clear as to why “non-designated heritage assets” have been subdivided into two separate categories (“sites of historic environment significance” and “local heritage assets”) subject to two separate plan policies. The categorisation should be omitted and non-designated heritage assets should be subject to one plan policy.</p> <p>A neighbourhood plan should identify clear criteria for the identification of heritage assets.</p>	No change	<p>Comment As they have not been addressed, the previous comments of the NWLDC Conservation Officer still stand.</p> <p>Policy ENV5 For clarity, the sites in Figure 9 should be listed and referenced, as done in Policy ENV6.</p>

	<p>The [SNP] contains no criteria for identifying “local heritage assets”.</p> <p>The [SNP] contains criteria for identifying “sites of historic environment significance” but the criteria are broad and opaque. The “environmental inventory” contains eighteen sites that score at least 3/5 for the “history criterion”. Does figure 9 indicate all eighteen sites?</p>		
<p>Statutorily Protected Heritage Assets</p>	<p>I appreciate there is no policy for these assets as listed buildings are afforded protection by other areas of the planning system However, if they are to be included in the NP, I suggest that they are listed and mapped in the document itself to avoid the need to cross reference.</p> <p>The term “designated heritage asset” would be preferable to the term “statutorily protected heritage asset”.</p> <p>Page 32 refers to designated heritage assets and says that development should take into account “their settings as defined (on a case-by-case basis) by Historic England”. Historic England has defined the term “setting” but it is not responsible for defining the setting of designated heritage assets “on a case-by-case basis”.</p>	<p>No changes</p>	<p>Comment The assets in Figure 10 should be listed/referenced to for the purposes of clarity. They are currently listed in Appendix H but it is still not clear which building is which on the plan.</p> <p>To correspond with the NPPF, it would help if this section (at paragraph 121) was called ‘Designated Heritage Assets’ in line with the Conservation Officer’s comments.</p> <p>Reference to ‘on a case-by-case basis’ should be deleted.</p>
<p>Policy ENV6: Local Heritage Assets (p.33/34)</p>	<p>The draft NP refers to “local heritage assets” or “non-designated local heritage assets” and this terminology should be corrected to “non-designated heritage assets”. This approach has been supported at other recent Neighbourhood Plan examinations in the district.</p>	<p>Policy ENV6: Non-Designated Heritage Assets</p> <p>The policy name has changed but otherwise no changes have been made.</p>	<p>Comment Given that they have not been addressed, the previous comments of the NWLDC Conservation Officer still stand.</p>

	<p>Policy ENV6 should reflect the test at NPPF paragraph 203 with regards to non-designated heritage assets: <i>“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”</i></p> <p>The Council's Conservation Officer has commented that:</p> <p>“The District Council has identified three local heritage assets: The former National School, the former Primitive Methodist Chapel and the former vicarage house on Loughborough Road. Policy ENV6 refers to the school and the chapel but it does not refer to the vicarage house. In May 2021 the examiner [for the Hugglescote Neighbourhood Plan] asked a question about local heritage assets that had been excluded from the relevant NP policy and “the justification to exclude them”.</p> <p>I would support the recognition of the Station Inn and the former Bulls Head Inn. I would not support the recognition of the Robin Hood PH, which is a standard late nineteenth century public house. I wonder whether the former Fountain PH was considered for recognition.</p> <p>I would support the recognition of Manor Farm. I am surprised that the draft NP does not recognise 32 Main Street, which is dated 1706 and is adjacent to a listed building. I am surprised that it does not recognise 45 and 47 Main Street, which were built in the early nineteenth century and which were used as a post office in the early twentieth century.</p>		
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	<p>I would not support the recognition of 12 to 16 Hough Hill, "Station Row" (15 to 41 Station Hill), "Station Terrace" (64 to 70 Station Hill) or "St George's Terrace" (2 to 18 St George's Hill). These are terraced houses erected after 1846 on sites outside the historic settlement envelope. There are similar terraced houses inside the historic settlement envelope (4 to 16 Spring Lane; 19 to 23 Main Street; 61 to 69 Main Street); were these houses considered for recognition?"</p>		
<p>Policy ENV7: Important Views (p.35/36).</p>	<p>The views listed in this policy (and shown in the photographs at Appendix I) are of general countryside rather than of specific landmarks or structures. The views are therefore so widespread that this effectively amounts to a strategic policy, which is inappropriate for a neighbourhood plan.</p> <p>The examiner for the Hugglescote Neighbourhood Plan recommended modifying a similar policy to read "<i>development proposals which would significantly harm the rural setting of the village will not be supported</i>" and it is advised that Policy ENV7 is amended accordingly.</p>	<p>No change</p>	<p>Objection In addition to our comments made at pre-submission stage, there is lack of evidence to justify the specific identification of these views.</p> <p>If the examiner considers this policy is non-strategic and the protection of views is acceptable, we would point out that reference to an 'unacceptable' impact is deemed to be subjective and doesn't help the reader. Greater clarity is required to aid the decision maker in understanding why these views are important and how proposals could potentially impact upon them and provide appropriate mitigation.</p> <p>Reason This is a strategic matter whereas, as directed by the NPPF, Neighbourhood Plans should focus on non-strategic policies.</p> <p>To give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p>
<p>Footpaths bridleways and byways (p.36)</p>	<p>Policy ENV8 seeks to protect the existing public right of way network. NWLDC's Health and Wellbeing Team have advised that it is currently</p>	<p>Paragraph 127 A paragraph has been added which provides support for</p>	<p>Comment It would be helpful for the reader if this was identified on Figure 13 as a 'Proposed cycle route'</p>

	<p>consulting on a new Walking and Cycling Strategy (2022-2032). The document identifies a potential cycling route (p.22) which travels through Swannington, utilising the disused rail line north-west of Coalville to connect to the Cloud Trail.</p> <p>It is noted that there is nothing in the SNP as drafted that would prevent this cycleway being delivered. However, the SNP could make reference to and provide support to this potential new route.</p>	<p>this potential new cycling route</p>	
<p>Policy ENV9: Flood Risk Resilience and Climate Change (p.38/39)</p>	<p>It is suggested that consideration be given as to whether this policy is needed given that flood risk is adequately dealt with in national and local planning policy.</p> <p>Figure 14 – should make clear to the reader what the different blue areas represent.</p> <p>The inclusion of a balancing test in the first paragraph of Policy ENV9 is inconsistent with the NPPF.</p> <p>The requirements in the third part of the policy are in places inconsistent with NPPF paragraphs 167, 168 and 169 of the NPPF as well as being too onerous for minor development.</p> <p>To avoid conflict and potential confusion to applicants, I would suggest deleting this policy from the SNP.</p>	<p>Policy ENV9</p> <p>Figure 14 – a key has been added</p> <p>The balancing test has been removed and reference to NPPF 161 has been added.</p> <p>The criteria at parts a) to g) now apply to major development only</p>	<p>Comment</p> <p>Flood risk and drainage are matters which are covered extensively in national policy as well as the Local Plan. To include a further policy in this neighbourhood plan is unnecessary duplication and is potentially confusing for applicants / decision makers.</p>
<p>Policy ENV10: Renewable Energy Generation</p>	<p>The figure reference is currently missing from the policy.</p>	<p>No change</p>	<p>Comment</p> <p>We would reiterate the comments made at pre-submission stage. The wording in the policy is not clear and the figure reference is still missing.</p>

Infrastructure (p.40/1)	Currently, the policy reads that if a proposal it is not locally initiated then it would not be acceptable. It is suggested that the policy is reworded to read "Proposals for single small-scale (turbines less than 30m), particularly those that are local resident, business, amenity or community-initiated..."		
Policy CF2: New or Improved Community Facilities (p.43)	Should this refer to the relevant design criteria in Policy <u>H4</u> ?	Policy CF2 This has been amended	None
Policy E1: Support for Existing Employment Opportunities (p.44/45)	The vacancy period of 12 months in Policy E1 is inconsistent with NWLLP Policy Ec3 which requires a vacancy of at least 6 months. The SNP should be amended to ensure consistency with the NWLLP – a similar change was requested by the examiner of the Hugglescote Neighbourhood Plan.	Policy E1 This has been amended	None
Policy E2: Support for New Employment Opportunities	Part a) is inconsistent with NWLLP Policy S3 which confirms that employment land is an appropriate use in the countryside, subject to the provisions of NWLLP Policy Ec2.	Policy E2 No change	<p>Comment</p> <p>a) Whilst there is inconsistency with the Local Plan, the wording in part a) was recently considered acceptable by an examiner in the Blackfordby Neighbourhood Plan so we don't propose objecting to the policy.</p> <p>Comment</p> <p>h) As recently raised in the Blackfordby Neighbourhood Plan examination, there is no reasoning or justification in land use terms for part h) 'be well integrated into and complement existing businesses'. A decision maker would have difficulty in deciding what was expected. The criterion should be deleted.</p>

<p>Policy E6: Broadband</p>	<p>It is recommended that the requirement at part a) is reworded so that it is a preference rather than a fixed requirement. Alternatively, the requirement for at least 30Mbps could be removed. This is to ensure there is no conflict with NWLLP Policy IF1.</p>	<p>Policy E6 Part a) has been amended</p>	<p>None</p>
<p>Policy T4: Electric Car Charging</p>	<p>There is no Policy T3 in this document. In relation to the first part of the policy, please see the comments made above in relation to Policy H4. With regards to the second part of the policy, there is the potential to conflict with the General Permitted Development Order. Schedule 2, Part 2, Class D & Class E confirms the installation of electrical charging outlets in lawful off-street parking areas constitute permitted development (subject to certain requirements).</p>	<p>Policy T3 Other than a new policy reference, no changes have been made to the policy.</p>	<p>Comment See comments made in relation to Policy H4 above. Car charging is now covered by the Building Regulations, meaning this policy could be deleted to avoid unnecessary duplication.</p>