

## LOCAL PLAN COMMITTEE – 8 SEPTEMBER 2021

<b>Title of Report</b>	<b>BLACKFORDBY NEIGHBOURHOOD PLAN (SUBMISSION DRAFT) AND NEIGHBOURHOOD PLANNING UPDATE</b>	
<b>Presented by</b>	Councillor Robert Ashman 01530 273762 <a href="mailto:robert.ashman@nwleicestershire.gov.uk">robert.ashman@nwleicestershire.gov.uk</a>	
<b>Background Papers</b>	<a href="#">National Planning Policy Framework</a> <a href="#">Planning Practice Guidance</a> <a href="#">Blackfordby Neighbourhood Plan</a> <a href="#">Local Plan Committee June 2019 - draft Blackfordby Neighbourhood Plan</a>	<b>Public Report:</b> Yes  <b>Key Decision:</b> No
<b>Financial Implications</b>	<p>The Blackfordby 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> <p><b>Signed off by the Section 151 Officer:</b> Yes</p>	
<b>Legal Implications</b>	<p>None from the specific content of this report.</p> <p><b>Signed off by the Monitoring Officer:</b> Yes</p>	
<b>Staffing and Corporate Implications</b>	<p>Support for the Neighbourhood Plan, including arranging an Examination is provided by officers from Planning Policy.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p> <p><b>Signed off by the Head of Paid Service:</b> Yes</p>	
<b>Purpose of Report</b>	To determine the District Council's response to the submission draft of the Blackfordby Neighbourhood Plan	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT OF THE BLACKFORDBY NEIGHBOURHOOD PLAN IN APPENDIX A;</li> <li>2. THAT THE LOCAL PLAN COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE BLACKFORDBY NEIGHBOURHOOD PLAN;</li> <li>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 &amp; REGENERATION WILL DETERMINE</li> </ol>	

	<p><b>WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM;</b></p> <p><b>4 THAT THE COMMITTEE NOTES THAT FOLLOWING THE REFERENDUM AND IF TIME DOES NOT ALLOW FOR A REPORT TO THIS COMMITTEE, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING &amp; REGENERATION WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE ‘MADE’;</b></p> <p><b>5 THAT COMMITTEE NOTES THE DECISION TO SEND THE HUGGLESCOTE AND DONINGTON LE HEATH NEIGHBOURHOOD PLAN TO REFERENDUM</b></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 be in line with higher level planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want, and the plan’s policies must;
- a) have regard to national planning policies and guidance;
  - b) contribute to the achievement of sustainable development;
  - c) be in general conformity with the strategic policies of the development plan; and
  - d) be in line with EU obligations and human rights requirements.

- 1.3 The district council as Local Planning Authority (LPA) 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;

<b>Regulation</b>	<b>Stage</b>
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 decision whether the plan can go forward 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 This report considers the suggested response of the district council to the submission draft Blackfordby Neighbourhood Plan.

## **2. BLACKFORDBY NEIGHBOURHOOD PLAN**

- 2.1 The Blackfordby Neighbourhood Plan Area covers that part of the Ashby Town Council area not the subject of the Ashby de la Zouch Neighbourhood Plan and was designated in January 2018. The Ashby Town Council consulted on a pre-submission version of the plan in May 2019 and the District Council's response to the plan agreed by Local Plan Committee on 26 June 2019 can be viewed via the following link from the background papers above.
- 2.2 The Ashby Town Council considered all the comments it received and has amended the plan. There has been a delay in the plan's preparation as it was necessary for the Town Council to commission a Strategic Environmental Assessment (SEA) in view of the potential impact of a proposed housing allocation on the River Mease SAC. Having completed this work and subsequently amended the plan, the Town Council has now requested that the District Council organise formal consultation on the submission draft version to the plan and then submit it for Examination (Regs 15,16,17). This consultation has been arranged for a 6-week period from Friday 23 August – 8 October 2021. The draft submission version of the plan, and the supporting documentation, can be viewed on the District Council's website using the following link: [Blackfordby Neighbourhood Plan](#)
- 2.3 In overview, the neighbourhood plan policies cover the following broad areas:
- the location of new development including defining Limits to development and proposing the allocation of one housing site
  - 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 areas as Local Green Space
  - the protection of, and support for, community facilities
  - the protection of employment premises, support for new small-scale employment development and home working
  - transport, including traffic management and footpaths
- 2.4 Officers have reviewed the draft submission 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 (s)he decides to take account of these points in his/her consideration.
- 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 draft 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 Ashby Town 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). Reg 17A(5) of the 2016 Regs gives the District Council 5 weeks from receipt of the Examiners report to decide whether to proceed with the referendum or not. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for Planning & Regeneration 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 the referendum declares 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 & Regeneration under the Scheme of Delegation.

### **3.0 HUGGLESCOTE AND DONINGTON LE HEATH NEIGHBOURHOOD PLAN**

- 3.1 The Hugglescote and Donington le Heath Neighbourhood Plan was submitted to this council on 4 March 2021. Following initial verification checks, a six-week period of public consultation on the Plan was held from Friday 12 March to Friday 23 April 2021. A total of 16 responses were received to the consultation, including one from this council.
- 3.2 With the agreement of Hugglescote & Donington le Heath Parish Council, Mr Andrew Mead was appointed as the independent Examiner of the plan. All the representations received to the submission version of the Neighbourhood Plan and the neighbourhood plan documents were forwarded to the Examiner for his consideration. The Examiner was satisfied that all the responses could be assessed without the need for a public hearing.
- 3.3 The final Examiner's Report was received on 8 July 2021 and is available on this council's website  
[https://www.nwleics.gov.uk/files/documents/hugglescote\\_and\\_donington\\_le\\_heath\\_neighbourhood\\_plan\\_examiners\\_report/Hugglescote%20and%20Donington%20le%20Heath%20NP%20Examiner%20Report%20FINAL%208JULY2021.pdf](https://www.nwleics.gov.uk/files/documents/hugglescote_and_donington_le_heath_neighbourhood_plan_examiners_report/Hugglescote%20and%20Donington%20le%20Heath%20NP%20Examiner%20Report%20FINAL%208JULY2021.pdf). The report recommends that, subject to the modifications proposed by the Examiner, the Plan should proceed to a Referendum.
- 3.4 The Council is required to make a decision as to whether to a) accept the Examiner's recommendation and b) whether the Neighbourhood Plan should go forward to Examination within 5 weeks of receiving the Examiner's Report. As this date was 12 August 2021, the decision to agree the above was taken by the Portfolio Holder on 9 August 2021. This was allowed for in the decision of Local Plan Committee at its meeting on 15 January 2020.
- 3.5 The date for the referendum is provisionally set for Thursday 21 October.
- 3.6 The referendum will follow a similar format to an election. All the registered electors within the Neighbourhood Area (in this case Hugglescote & Donington le Heath parish) will be given the opportunity to vote in the Referendum. Local residents will receive a ballot paper with the question:

***Do you want North West Leicestershire District Council to use the neighbourhood plan for Hugglescote & Donington le Heath to help decide planning applications in the neighbourhood area?***

- 3.7 Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (i.e. adopt the Plan so it becomes part of the Development Plan for Hugglescote & Donington le Heath alongside the adopted North West Leicestershire Local Plan).

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	The preparation of neighbourhood plans can impact on the following council priorities: <ul style="list-style-type: none"> <li>• Our communities are safe, healthy and connected</li> <li>• Local people live in high quality, affordable homes</li> <li>• Supporting businesses and helping people into local jobs</li> <li>• Developing a clean and green district</li> </ul>
Policy Considerations:	Adopted North West Leicestershire Local Plan National Planning Policy Framework
Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	Neighbourhood plans in general can deliver positive economic and social impacts for local communities as part of their wider objective to achieve sustainable development. The Blackfordby 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 Blackfordby Neighbourhood Plan specifically contains policies that will help 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 in Appendix A identifies 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 him/her 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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