

# HUGGLESCOTE & DONINGTON LE HEATH NEIGHBOURHOOD PLAN EXAMINATION

## NWLDC RESPONSES TO EXAMINERS QUESTIONS

### **Status and correct title/date of the adopted Local Plan**

#### Question to North West Leicestershire District Council (NWLDC)

1. Is the following paragraph accurate?

*“The development Plan for this part of NWLDC, excluding policies relating to minerals and waste development, includes the North West Leicestershire Local Plan (NWLLP), initially adopted in November 2017, which set out a strategy for delivering homes, jobs and infrastructure needed in the district between 2011 and 2031. However, Policy S1 of the NWLLP, which considered future housing and economic development needs, included the statement that a review of the plan would commence by the end of January 2018 or within 3 months of its adoption (whichever is the later) and it would be submitted for examination within two years from the commencement of the review. The review of the plan is being undertaken in two parts, a Partial Review and a Substantive Review. The Partial Review, which sought only to amend Policy S1 and its supporting text, has been completed and the North West Leicestershire Local Plan (as amended by the Partial Review) was adopted by the Council on 16 March 2021.”*

**NWL response:** Yes, this is accurate.

### **Limits to Development (LtD)**

#### Question to NWLDC and the Parish Council (PC)

2. I note LtD inaccuracies on Figure 2.1 of the Plan referred to by NWLDC in the Regulation 16 representation. Indeed, one inaccuracy can be identified by the comparison of Figures 2.1 and 2.2. Please could a revised Figure 2.1 be agreed between NWLDC and the Parish Council and submitted showing the accurate LtD?

**NWL response:** NWLDC and the PC are liaising on this matter and will supply a response as soon as possible.

### **Policy H2: Affordable Housing**

#### Question to NWLDC

3. What are the affordable housing eligibility criteria applied by the Housing team of NWLDC?

**NWL response:** The Council's housing allocation policy can be accessed using the link below. This confirms at Section 20 (page 46) that the connection criteria applied relate to the District and not to a specific locality or settlement.

[https://www.nwleics.gov.uk/files/documents/allocations\\_policy\\_2018/Allocations%20Policy%202018%20Final%20v2.pdf](https://www.nwleics.gov.uk/files/documents/allocations_policy_2018/Allocations%20Policy%202018%20Final%20v2.pdf)

The Examiner for the Ashby de la Zouch Neighbourhood Plan, which is also within North West Leicestershire District, considered a similar matter and his deliberation is set out in pages 52-53 of his report

[https://www.nwleics.gov.uk/files/documents/ashby\\_de\\_la\\_zouch\\_neighbourhood\\_plan\\_inspectors\\_report/Ashby%20de%20la%20Zouch%20NP%20Examination%20Report.pdf](https://www.nwleics.gov.uk/files/documents/ashby_de_la_zouch_neighbourhood_plan_inspectors_report/Ashby%20de%20la%20Zouch%20NP%20Examination%20Report.pdf)

He concluded:

"I have concerns that the "Local Connections," content of draft Policy H5 does not properly relate to town planning policy issues but is a housing and social policy matter for the District Council. I note in this regard that in 2017, the Council undertook consultation on a new draft housing allocations and lettings policy to supersede the current policy which dates from 2013. This sets out who can apply for social housing in North West Leicestershire and how the Council decides who is selected for social housing. In order to meet the Basic Conditions test, neighbourhood plans can only provide guidance on land use planning matters and this policy strays too far in matters relating to housing policy and housing allocations. For this reason, I recommend that the local connections element of the policy should be removed." (paragraph 4.92)

#### **Policy ENV 4: Local Heritage Assets**

11. Should they be more accurately referred to as non-designated heritage assets?

**NWL response:** Yes. A neighbourhood plan should not contain a list of local heritage assets but the plan-making process ("the work in preparing a neighbourhood plan") may identify non-designated heritage assets and the LPA may subsequently include these assets on a local list provided they meet the LPA's criteria. The District Council has published its criteria here

[https://www.nwleics.gov.uk/pages/list\\_of\\_local\\_heritage\\_assets](https://www.nwleics.gov.uk/pages/list_of_local_heritage_assets)

12. On page 36 (paragraph 1) of the Plan, a statement is made that "LCC has identified five other buildings and structures in the built environment of Hugglescote and Donington le Heath that are considered of local significance for architectural, historical or social reasons". Are they included within the list of "Local Heritage Assets" under Policy ENV 4?

**NWL response:** We think the reference to LCC relates to the Historic Environment Record which LCC holds and which incorporates heritage assets identified by the District Council on its local lists. The District Council has adopted local lists of commemorative structures, education buildings, recreational buildings and suburban and small country houses

[https://www.nwleics.gov.uk/pages/list\\_of\\_local\\_heritage\\_assets](https://www.nwleics.gov.uk/pages/list_of_local_heritage_assets). The neighbourhood plan area contains five identified local heritage assets which are St James Churchyard, Hugglescote Community Centre, Newbridge High School, Hugglescote Social Club and Gordon Houses so it is assumed that

these are what is being referred to in the neighbourhood plan. Huggelecote Community Centre is included in Policy ENV 4, the others are not.

13. If they are not included, what is the justification to exclude them? It seems to me that, for the sake of consistency, those which are identified for architectural or historic reasons should be included? Please could they be identified?

**NWL response:** NWL does not have any further comments to make.

14. What is the evidence to justify the inclusion of 01 Smith's Farm and 02 Nos. 12 -16 Holt's Lane as Local Heritage Assets under Policy ENV 4? They do not appear in Appendix 7.

**NWL response:** NWL does not have any further comments to make.

15. Following advice in Historic England Advice Note 7 (paragraphs 33 and 55), have the owners of the proposed non designated assets been consulted about the inclusion of their properties in the Policy ENV 4 list? I appreciate that the Advice Note was published in January 2021, but it is a revision of the 2016 edition in which advice was similar.<sup>1</sup>

**NWL response:** NWL does not have further comments to make.

#### Question to NWLDC

17. Is NWLDC satisfied that the evidence in Appendix 7 justifies the inclusion of the properties listed in Policy ENV 4 as non designated heritage assets? I would also be grateful for any comments which the District Council might have on questions 11 – 15 above.

**NWL response:** No. Appendix 7 says that identification is 'at the discretion of the list author'; the list includes assets 'of archaeological, historical or architectural interest' or 'likely to be of interest to people of the parish'. These criteria are somewhat vague which makes it difficult to demonstrate how they have been applied consistently.

#### **Policy ENV 6: Biodiversity**

##### Questions to NWLDC (numbers 20-22)

20. Figure 10 shows a delineated inner core and an outer shaded green "fuzzy area". Is the District Council content that this imprecision is adequate for effective development management? If not, should this fuzzy area be deleted from the map?

**NWL response:** The council agrees that the interpretation of Policy ENV6 in development management would be more effective if the wildlife corridor was more definitely defined by the deletion of the 'fuzzy area'.

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<sup>1</sup> View at: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

## **Policy ENV 7: Important Views**

21. Is the District Council content that, given the very broad coverage of the general surrounding countryside from the viewpoints listed in Policy ENV 7, the policy is not effectively strategic and inappropriate for a neighbourhood plan?

**NWL response:** The views identified in the policy and shown in Figure 11 are generally over tracts of open countryside. In this respect the District Council considers that the policy acts more as a countryside protection policy which is a function performed by Local Plan Policy S3 – Countryside (page 27) and is a strategic matter. Strategic matters should not be replicated in the Neighbourhood Plan.

Policy S3 controls development in countryside locations and, in addition to listing the forms of development which would be acceptable, specifies 6 further requirements for development to be supported including:

- (i) *the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced. Decisions in respect of impact on landscape character and appearance will be informed by the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence; (emphasis added)*

The safeguarding and enhancement of the views outside the Limits to Development is achieved by strategic Policy S3. This being the case, it would be reasonable for the NP to identify (with clear justification) the key views in the plan area to aid the interpretation of Policy S3 locally through the development management process.

22. Does the District Council consider that the views obtained from the viewpoints listed in the Plan and from which photographs were taken and shown in Appendix 9 are adequately defined for effective development management?

**NWL response:** Many of the photos show expansive tracts of countryside and undeveloped open space. The appendix does not, of itself, provide clear justification for why the views have been identified (e.g. which are the distinctive features in the view which make it notable) and also does not provide an idea of their extent. The policy would be difficult to apply effectively in development management decisions without a clear understanding of what it is specifically about these views that the Neighbourhood Plan is aiming to safeguard.