

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ELLISTOWN & BATTLEFLAT NEIGHBOURHOOD PLAN DECISION STATEMENT PROCEEDING TO REFERENDUM

1. Summary

1.1 Following an Independent Examination, North West Leicestershire District Council now confirms that the Ellistown & Battleflat Neighbourhood Plan will proceed to Neighbourhood Planning Referendum subject to the modifications set out in Appendix 1.

1.2 This decision statement can be viewed at:

North West Leicestershire District Council Offices

Whitwick Road,
Coalville,
Leicestershire,
LE67 3FJ

Open – Monday to Wednesday and Friday: 8.45am – 5pm
Thursday: 9.30am – 5pm

At Coalville Library, High Street, Coalville, LE67 3EA during its opening hours:

	Smart Hours	Staffed	Smart Hours
Monday	8am – 10 am	10am – 1pm	1pm – 7pm
Tuesday	8am – 10 am	10am – 5pm	5pm – 7pm
Wednesday	8am – 10 am	10am – 5pm	5pm – 7pm
Thursday	8am – 10 am	10am – 5pm	5pm – 7pm
Friday	8am – 7pm		
Saturday	8am – 10 am	10am – 2pm	2pm – 6pm
Sunday	Closed all day		

At Ibstock Library, Ibstock Junior School, Melbourne Road, Ibstock, LE67 6NP during its opening hours:

Monday 3pm – 6pm
Tuesday – Thursday Closed
Friday 3pm – 4.30pm
Saturday 10am – noon
Sunday Closed

Documents can also be viewed online at:

www.nwleics.gov.uk/ellistown_neighbourhood_plan

2. Background

- 2.1 In December 2013 Ellistown & Battleflat Parish Council, as the qualifying body, applied to North West Leicestershire District Council for a designation of a Neighbourhood Plan Area for the purpose of preparing a neighbourhood plan for the Ellistown & Battleflat parish area. The Neighbourhood Area application was approved by North West Leicestershire District Council (the Council) on 27 February 2014 in accordance with the Neighbourhood Planning (General) Regulations (2012).
- 2.2 Following the submission of the Ellistown & Battleflat Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The six-week consultation period closed on 8 November 2018.
- 2.3 The Council, with the agreement of Ellistown & Battleflat Parish Council, appointed an independent examiner, Mr Andrew Mead, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.
- 2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

- 3.1 The District Council received the Examiner's Report on 8 March 2019, and a revised version on 28 March 2019 with a minor correction. Having considered the Examiner's report and recommendations the District Council decided on 12 April 2019 that for the reasons set out in Appendix 1 of the Decision Statement, that the Examiner's recommendations should be accepted and that the Ellistown & Battleflat Neighbourhood Plan (as modified) should proceed to referendum.
- 3.2 Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question

'Do you want North West Leicestershire District Council to use the Neighbourhood Plan for Ellistown & Battleflat to help it decide planning applications in the neighbourhood area?'

will be held in the Parish of Ellistown & Battleflat.

- 3.3 The date on which the referendum will take place is agreed as 27 June 2019.

Schedule of Modifications Recommended in the Examiner's Report

Modification Reference	Policy	Submission Draft Policy Text	Suggested Modification	Suggested Revised Policy Text	Reasons for modification
PM1	Page 17 Figure 2		Supplement Figure 2 with a map(s) showing the Limits of Development at the scale of Figure 4. This could be achieved by either one map covering the whole area or two separate Inset maps, one for the west and one for the east.		For clarification
	Policy S1: ELLISTOWN LIMITS TO DEVELOPMENT	In order to make a positive contribution to sustainable development and help meet local needs, future development proposals in the Neighbourhood Plan Area shall be focused within the built-up area of Ellistown as defined in Fig 2 by the Limits to Development. Development proposals on sites within the Limits to Development will be supported where they comply with the policies of this Plan.		No proposed modifications	
	Policy S2:	Land outside the Ellistown Limits to Development,		No proposed modifications	

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	LAND OUTSIDE OF ELLISTOWN LIMITS TO DEVELOPMENT	as in Figure 2, is identified as countryside, where development will be carefully controlled in line with local and national strategic planning policies.			
PM2	Policy S3: SOUTH-EAST COALVILLE DEVELOPMENT SCHEME	In relation to the part of the South-East Coalville Development Scheme that is within the Plan Area, the Plan requires: a) That the development is functionally and physically integrated with the wider Parish; b) Adequate measures are put in place to mitigate the harm caused by any significant increase in traffic through Ellistown village centre, especially along Whitehill Road, including signage to direct traffic away from Ellistown; c) Important areas of bio-diversity are conserved and opportunities to enhance its bio diversity through for example the	Add the following to the end of criterion d: "... trees and hedgerows, where possible. Where existing trees and hedgerows of good arboricultural, biodiversity and amenity value are removed, these should be replaced with others of at least equivalent landscape and ecological benefit.	In relation to the part of the South-East Coalville Development Scheme that is within the Plan Area, the Plan requires: a) That the development is functionally and physically integrated with the wider Parish; b) Adequate measures are put in place to mitigate the harm caused by any significant increase in traffic through Ellistown village centre, especially along Whitehill Road, including signage to direct traffic away from Ellistown; c) Important areas of bio-diversity are conserved and opportunities to enhance its bio diversity through for example the	To provide flexibility and clarity
PM3			Delete from criterion e: "... and the wider area."		To be consistent with the Plan area

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		<p>creation of new wildlife habitat maximised;</p> <p>d) High quality design and layout which minimises its impact on the surrounding landscape and maintains and enhances existing woodland, trees and hedgerows;</p> <p>e) A mix of housing types and sizes, including affordable, to meet the current and future needs of people in the Parish and the wider area;</p>		<p>creation of new wildlife habitat maximised;</p> <p>d) High quality design and layout which minimises its impact on the surrounding landscape and maintains and enhances existing woodland, trees and hedgerows, where possible. Where existing trees and hedgerows of good arboricultural, biodiversity and amenity value are removed, these should be replaced with others of at least equivalent landscape and ecological benefit;</p> <p>e) A mix of housing types and sizes, including affordable, to meet the current and future needs of people in the Parish;</p>	
	<p>POLICY H1: HOUSING PROVISION</p>	<p>There is no specific housing requirement for Ellistown and Battleflat. Proposals for small scale windfall sites (defined as schemes of five or fewer dwellings) within the Limits of Development for Ellistown village, will be</p>		<p>No proposed modifications</p>	

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		<p>supported where the development proposal can demonstrate that it has considered how it:</p> <ul style="list-style-type: none"> a) Respects the local character, having regard to scale, density, massing, height, landscape, layout, materials and access, as appropriate; b) Has taken into account and does not adversely impact upon the amenity of the neighbouring occupiers, including daylight/sunlight, privacy, air quality, noise and light pollution; and c) Has safe and suitable access to the site for all people, including those with disabilities. 			
	<p>POLICY H2: AFFORDABLE HOUSING</p>	<p>Development proposals which include affordable housing should provide a mix of housing types and sizes to help meet the identified needs of the Parish. The provision of smaller homes, especially for young families and young people and for</p>		<p>No proposed modifications</p>	

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		older people who wish to downsize, will be supported, as is the provision of affordable housing for people with a local connection.			
	POLICY H3: NEW HOUSING MIX	Housing development proposals should provide a mix of housing types, sizes and tenures to help meet the identified needs of the Parish. The provision of smaller homes, especially for young families and young people and for older people who wish to downsize, will be supported.		No proposed modifications	
PM4	POLICY E1: SUPPORT FOR EXISTING EMPLOYMENT OPPORTUNITIES	There will be a presumption against the loss of commercial and retail premises or land (A and B-class) which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will be	Rephrase first sentence to: "There will be a presumption against the loss of commercial premises or land (Class B) which provides employment or future potential employment opportunities." Rephrase the final part of the second sentence to: "... and as	There will be a presumption against the loss of commercial premises or land (Class B) which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will be supported if it can be	For clarification, correction and to ensure consistency with the adopted North West Leicestershire Local Plan.

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		supported if it can be demonstrated that the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.	demonstrated through the results of a marketing campaign lasting for a continuous period of at least six months."	demonstrated that the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results of a marketing campaign lasting for a continuous period of at least six months.	
PM5	POLICY E2: SUPPORT FOR NEW EMPLOYMENT OPPORTUNITIES	New employment-generating opportunities will be supported where it: a) Falls within the boundary of the limits of development unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven	Delete second criterion b):	New employment-generating opportunities will be supported where it: a) Falls within the boundary of the limits of development unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven	Lack of evidence and for clarification

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		<p>exceptional circumstances; and b) Reuses land or buildings wherever possible; and c) Is of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the Neighbourhood Plan area, including the countryside; and d) Does not involve the loss of dwellings; and e) Does not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property; and f) Does not generate unacceptable levels of traffic movement; and g) Contributes to the character and vitality of the local area; and h) Is well integrated into and complement existing businesses</p>		<p>exceptional circumstances; and b) Reuses land or buildings wherever possible; and c) Is of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the Neighbourhood Plan area, including the countryside; and d) Does not involve the loss of dwellings; and e) Does not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property; and f) Does not generate unacceptable levels of traffic movement; and g) Contributes to the character and vitality of the local area; and h) Is well integrated into and complement existing businesses</p>	

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		<p>The following types of employment development will be supported:</p> <p>a) The small-scale expansion of existing employment premises across the Parish;</p> <p>b) Small-scale new build development within the Limits to Development.</p>		<p>The following types of employment development will be supported:</p> <p>a) The small-scale expansion of existing employment premises across the Parish.</p>	
	<p>POLICY E3: CONNECTING LOCAL BUSINESSES AND PEOPLE TO THE NEW ECONOMIC AND EMPLOYMENT OPPORTUNITIES</p>	<p>The Neighbourhood Plan supports and encourage actions aimed at maximising opportunities for local people to access jobs and meet the needs of the economy, including the promotion of local employment and training opportunities such as local labour agreements or similar; improved public transport, cycling and walking provision; travel plans and supporting the development of micro and start- up businesses.</p>		<p>No proposed modifications</p>	

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	POLICY SCF1: EXISTING SHOPS AND COMMUNITY FACILITIES	Development proposals that result in the loss, or have a significant adverse effect on, an existing shopping use or community facility will not be permitted unless (i) appropriate alternative provision of equal or better community benefit is provided in the Parish, or (ii) it can be demonstrated to North West Leicestershire District Council in consultation with Ellistown and Battleflat Parish Council that the facility is no longer required by the community and/or viable, and that suitable alternative community uses have been considered.		No proposed modifications	
	POLICY SCF2: NEW SHOPS AND COMMUNITY FACILITIES	Development proposals that involve provision of new or the enhancement of an existing community facility such as a new village hall, medical		No proposed modifications	

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		facility or shop will be supported where it meets a local need and subject to transport, environmental, amenity and landscape considerations.			
	POLICY SCF3: ASSETS OF COMMUNITY VALUE	The Parish Council will support the listing of Assets of Community Value, and once listed will work to support their longevity. Development proposals that support their longevity will be encouraged.		No proposed modifications	
	POLICY NE1: LOCAL GREEN SPACES	The following sites (Figure 4) are designated as Local Green Spaces, where development is ruled out other than in very special circumstances. 2 - Beveridge Lane Open Space 15 - Penny Wakefield Community Woodland		No proposed modifications	
PM6	POLICY NE 2: BIODIVERSITY	Development proposals which conserve, restore or enhance bio-diversity in and around them will be encouraged.	Delete: "(especially Ellistown Tip)".	Development proposals which conserve, restore or enhance bio-diversity in and around them will be encouraged.	For simplification
PM7		Development proposals	Add final sentence: "Where this is	Development proposals	For flexibility and to

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		will be expected to maintain and, where possible enhance sites (especially Ellistown Tip), networks, hotspots and features (such as water courses, disused railways lines, trees and hedgerows) of bio-diversity importance.	unavoidable, harmful effects on sites of biodiversity importance should be minimised and suitable mitigation and enhancement should be included as part of the proposals.”	will be expected to maintain and, where possible enhance sites, networks, hotspots and features (such as water courses, disused railways lines, trees and hedgerows) of bio-diversity importance. Where this is unavoidable, harmful effects on sites of biodiversity importance should be minimised and suitable mitigation and enhancement should be included as part of the proposals.	ensure consistency with National Guidance
	POLICY NE 3: TREES AND HEDGEROWS	Opportunities to enhance and promote the coverage of trees and hedgerows, including in partnership with the National Forest Company, will be encouraged. Trees and hedgerows of good arboricultural, biodiversity and amenity value should be protected from loss or damage as a result of development. Wherever possible the planting of trees and		No proposed modifications	

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		hedgerows should be integrated into the design of development proposals.			
PM8 PM9	POLICY HBE1: BUILDINGS AND STRUCTURES OF LOCAL HERITAGE	<p>Development proposals that affect the buildings and structures of local historic or architectural interest listed below, or their setting, will be expected to conserve the historic and architectural interest in those development proposals.</p> <p>New Ellistown Hotel; The Parish Church of St Christopher; The South Leicestershire Pit Wheel; The War Memorial; and The Wesleyan Chapel</p>	<p>Reword the first sentence as follows: “Development proposals that affect the buildings and structures listed below, or their setting, will be expected to conserve the significant features which make them important.”</p> <p>Add the following sentence: “In weighing applications that affect directly or indirectly a building or structure in the list below, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the building or structure.”</p>	<p>Development proposals that affect the buildings and structures listed below, or their setting, will be expected to conserve the significant features which make them important. In weighing applications that affect directly or indirectly a building or structure in the list below, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the building or structure.</p> <p>New Ellistown Hotel; The Parish Church of St Christopher; The South Leicestershire Pit Wheel; The War Memorial; and The Wesleyan Chapel</p>	<p>For accuracy</p> <p>To ensure the need for a balanced judgment is included</p>

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PM10	POLICY GA1: ROAD SAFETY AND CONGESTION	<p>Development proposals should be designed to ensure that the current problems with congestion and road safety are not exacerbated and, where possible, reduced.</p> <p>The Parish Council will work with the Highway Authority, District Council and other partners to assess the benefits and costs of improved traffic management schemes. Schemes include: (i) establishing 20mph speed limits on roads central to the village; (ii) slowing traffic entering Ellistown to establish safe travel; (iii) re-routing traffic near to the Primary School; and (iv) minimising safety impacts from on-road parking.</p> <p>The inclusion of traffic calming, or shared space features will be supported.</p>	<p>Move the second sentence of the policy (beginning with the words 'The Parish Council will work ..') into the preceding text of justification.</p>	<p>Development proposals should be designed to ensure that the current problems with congestion and road safety are not exacerbated and, where possible, reduced.</p> <p>Schemes include: (i) establishing 20mph speed limits on roads central to the village; (ii) slowing traffic entering Ellistown to establish safe travel; (iii) re-routing traffic near to the Primary School; and (iv) minimising safety impacts from on-road parking.</p> <p>The inclusion of traffic calming, or shared space features will be supported.</p>	To remove non policy text
PM11	POLICY GA2: CAR PARKING IN ELLISTOWN	<p>Development proposals that result in the loss of, or adversely affect, the existing car parking</p>	<p>Add to the second sentence: "Where highway safety is an issue and where it is not</p>	<p>Development proposals that result in the loss of, or adversely affect, the existing car parking</p>	For clarification

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		<p>provision along Whitehill Road and Istock Road will not be supported unless they provide for more or at least the same number of existing parking spaces lost, ideally within or adjacent to the curtilage of that development. Where it is not possible to provide car parking on or adjacent to the site a funding requirement will be sought toward providing public facilities or traffic management schemes in Ellistown.</p>	<p>possible to provide car parking, etc...".</p>	<p>provision along Whitehill Road and Istock Road will not be supported unless they provide for more or at least the same number of existing parking spaces lost, ideally within or adjacent to the curtilage of that development. Where highway safety is an issue and where it is not possible to provide car parking on or adjacent to the site a funding requirement will be sought toward providing public facilities or traffic management schemes in Ellistown.</p>	
	<p>POLICY GA3: WALKING AND CYCLING</p>	<p>The provision of new and /or the enhancement of existing footpaths and cycleways will be supported especially where these provide safe and attractive routes to the new major employment and residential areas from Ellistown village and/or connect to the existing network of such routes.</p>		<p>No proposed modifications</p>	

Modification Reference	Policy	Submission Draft Policy Text	Suggested Modification	Suggested Revised Policy Text	Reasons for modification
	POLICY CC1: SUSTAINABLE DESIGN AND CONSTRUCTION	Development proposals will be encouraged to maximise opportunities for sustainable design, construction techniques and practices.		No proposed modifications	