**INDEPENDENT EXAMINATION OF THE LOCKINGTON - HEMINGTON**

**NEIGHBOURHOOD DEVELOPMENT PLAN**

EXAMINER: Andrew S Freeman BSc (Hons) DipTP DipEM FRTPI

Councillor Darren Green

Lockington-Hemington Parish Council

Gary Kirk

Lockington-Hemington Parish Council

Sarah Lee

North West Leicestershire District Council

Via email

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|  | Examination Ref: 01/AF/LHNP  21 August 2023 |

Dear Councillor Green, Mr Kirk and Ms Lee

LOCKINGTON - HEMINGTON NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Lockington-Hemington Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Lockington-Hemington Parish Council (the Qualifying Body/Parish Council) to which I would like to receive a written response by **Friday 8 September 2023**,if possible.

1. Examination Documentation

I can confirm that I am satisfied I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment/Habitats Regulations Assessment Screening Opinion and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed

1. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 11 September 2023. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

1. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Parish Council.

I have 17 questions seeking further clarification, which I have set out in the Annex to this letter.

I would be grateful if you can seek to provide a written response by**Friday 8 September 2023**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for ‘fact checking’) within around 6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and North West Leicestershire District Council websites.

Thank you in advance for your assistance.

Yours sincerely

Andrew Freeman

Examiner

**ANNEX**

From my initial reading of the Lockington-Hemington Neighbourhood Plan, the supporting evidence and the representations that have been made to the Plan, I have the following questions for the Qualifying Body. I have requested the submission of responses **by Friday 8 September 2023**,although an earlier response would be appreciated if practicable. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

1. Basic Conditions Statement – Section 3.13: Please confirm that the Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998).
2. What is the Plan period? Should it be taken as 2023 – 2031?
3. Policy H1 – mixture of house types as evidenced by the Housing Needs Assessment: For clarity, is it possible to state the requirements in the policy? Is the need for three-bed dwellings predominantly; also for bungalows and smaller dwellings suitable for young families?
4. Policy H2: Where specifically are the ‘prevailing character areas’ identified?
5. Policy H2: Please comment on the objection of North West Leicestershire District Council (NWLDC) regarding the Design Guide and Codes (Figure 41).
6. Policy H3: Please comment on the objection of NWLDC regarding the wording “adjacent to”.
7. Policy H3 – First Homes – 40% discount: Please comment on the objection of NWLDC regarding the sufficiency of the evidence.
8. Policy H3: Is only one rural exceptions site contemplated?
9. Policy H4 d – *severe* impact on congestion and safety: Is this an appropriate test? Would the requirement be better expressed as material or significant impact?
10. Policy ENV 1 – I’m not sure what are the intended implications of this policy for developers. Is large-scale ‘economic’ development to be resisted but ‘environmental’ and ‘social’ development favoured? What does the policy mean in terms of determining planning applications? Please give examples of compliant/non-compliant development.
11. Policy ENV 2 – Were the landowners of the proposed Local Green Space at Daleacre Hill, Lockington (023) contacted at an early stage about the proposed designation?[[1]](#footnote-1) Please provide full details of any responses received. Are the sites protected by any other designations (other than local wildlife site/priority habitat)? Please comment on the representations submitted on behalf of the Smisby Parochial Charity.
12. Policy ENV 3: Please comment on the representations of Sport England.
13. Policy ENV 5: How are habitats and species of significance to be recognised by developers? Where are they recorded? Where is ‘best practice’ concerning plant disease and aftercare to be found?
14. Policy ENV 11: Please comment on the representations of the Environment Agency.
15. Policy ENV 13 – fourth bullet point: What are the identified species and habitat sites?
16. Policy CFA1: Please identify any other community facilities, not listed, that would be the subject of the policy.
17. Policy BE1: How would you define “commercial premises”? How is an applicant to know what the competent authorities would regard as ‘land providing potential employment opportunities’?

1. See Planning Practice Guidance Reference ID: 37-019-20140306. [↑](#footnote-ref-1)