

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

HUGGLESCOTE & DONINGTON LE HEATH NEIGHBOURHOOD PLAN DECISION STATEMENT PROCEEDING TO REFERENDUM

1. Summary

- 1.1 Following an Independent Examination, North West Leicestershire District Council now confirms that the Hugglescote & Donington le Heath 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

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

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Friday	Closed
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Documents can also be viewed online at:

https://www.nwleics.gov.uk/pages/hugglescote_neighbourhood_plan

2. Background

- 2.1 In March 2017 Hugglescote & Donington le Heath 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 Hugglescote & Donington le Heath parish area. The Neighbourhood Area application was approved by North West Leicestershire District Council (the District Council) on 7 June 2017 in accordance with the Neighbourhood Planning (General) Regulations (2012).
- 2.2 Following the submission of the Hugglescote & Donington le Heath Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The six-week consultation period closed on 23 April 2021.
- 2.3 The Council, with the agreement of Hugglescote & Donington le Heath 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 July 2021. Having considered the Examiner's report and recommendations the District Council decided on 9 August 2021 that for the reasons set out in Appendix 1 of the Decision Statement, the Examiner's recommendations should be accepted and that the Hugglescote & Donington le Heath 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 Hugglescote & Donington le Heath to help it decide planning applications in the neighbourhood area?'

will be held in the Parish of Hugglescote & Donington le Heath.

- 3.3 The date on which the referendum will take place is agreed as Thursday 21 October 2021.

Appendix 1

Schedule of Proposed Modifications Recommended in the Examiner's Report

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
PM1	Policy G1 – Limits to development Figure 2.1	Replace the map at Figure 2.1 with the map agreed between the HDHPC and NWLDC. ¹	To enable effective development management and to minimise inaccuracies.	The map is available here: https://www.nwleics.gov.uk/files/documents/limits_to_development_map/Limits%20to%20Development%20map.pdf	Agree. This change is necessary to avoid unintentional differences with the Limits to Development in the adopted Local Plan.
PM2	Policy G3 b) - Design	Replace second sentence of b) with: “All new proposals for development should not cause an adverse negative impact on the local beauty of the countryside.”	The requirement for design analysis for small scale schemes of more than one unit is too onerous.	b) all development will enhance and reinforce the local character and sense of place of the specific location in which it is situated. All new proposals for developments of more than one unit must illustrate how the character, size density and layout of the proposed site will not cause an adverse negative impact on the local beauty of the	Agree. NWLDC submitted a representation on this point.

¹ Map provided to the examination by HDHPC and NWLDS on 17 June 2021:

https://www.nwleics.gov.uk/files/documents/limits_to_development_map/Limits%20to%20Development%20map.pdf

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				countryside <u>All new proposals for development should not cause an adverse negative impact on the local beauty of the countryside</u>	
PM3	Policy G3 p)	Replace p) with: “development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”	The requirement is excessively prescriptive and should reflect NPPF advice	p) all properties of three bedrooms or less should be provided with an electric vehicle charging point. All properties of four or more bedrooms should be provided with at least two connections where viable and appropriate to do so; <u>development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations;</u>	Agree. The PM more accurately reflects the NPPF.
PM4	Policy G3 r)	Replace r) with: “all properties will ensure appropriate provision for the storage of waste and recyclable materials and adequate space for household storage bins in locations convenient and	To enable effective development management.	r) all properties will ensure appropriate provision for the storage of waste and recyclable materials and adequate space for household storage bins; <u>all properties will ensure appropriate provision for the storage of waste and recyclable materials and</u>	Agree. The PM makes the policy more effective for development management.

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		accessible for collection and emptying."		<u>adequate space for household storage bins in locations convenient and accessible for collection and emptying; and</u>	
PM5	Policy H1 – Housing mix	Delete the second paragraph.	To remove excessive prescription and to ensure the policy has regard to national guidance and meets the Basic Conditions.	<p>New housing development proposals should provide a mixture of housing types specifically to meet the latest assessment of identified local needs in Hugglescote and Donington le Heath.</p> <p>Applications for single person accommodation (1 bed); small family homes (2 or 3 bedrooms) or homes suitable for older people will be supported. Larger homes (4 or more bedrooms) can feature in the mix of housing but will be expected to provide a minority of the total.</p>	Agree. NWLDC submitted a representation on the point about 4-bed properties.
PM6	Policy H2 – Affordable housing	Replace the final sentence with: "Where possible, new affordable housing shall be made available to eligible households	Aiming to limiting the local connection to the plan area (i.e. the parish) was considered too restrictive.	Where possible, new affordable housing within the Plan area shall be made available to eligible households with a	Agree. NWLDC submitted a representation on this point.

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		with a local connection according to the eligibility criteria administered by NWLDC."		connection to the Plan area. <u>Where possible, new affordable housing shall be made available to eligible households with a local connection according to the eligibility criteria administered by NWLDC.</u>	
PM7	Policy H3 – Windfall sites	Delete: "... (individual dwellings or small groups of dwellings up to 5) ...".	To overcome a conflict with the NPPF.	Proposals for infill and redevelopment sites (individual dwellings or small groups of dwellings of up to 5) will be supported where.....	Agree. NWLDC submitted a representation on this point.
PM8	Policy ENV1 – Protection of Local Green Space	Amend the Donington Fields Local Green Space by the deletion of land other than plot nos. 086, 087, 088 and 089 as shown in Appendix 5, Survey 5, dated 4 April 2018.	To ensure that the designated Local Green Spaces in the plan meet the criteria in the NPPF.	-	Agree. The PM ensures consistency with the NPPF.
PM9	Policy ENV 2 – Protection of sites of environmental significance	Replace the second paragraph with: "The environmental value of these sites (See Appendix 5) will be balanced against the benefits of any proposed	For consistency with the rest of the policy and to accord with national guidance.	The environmental value of these sites will be balanced against the benefits of any proposed or strategic development affecting them; damage or destruction of the identified environmental features (Appendix 5, Environmental	Agree. The PM avoids any conflict with national guidance.

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		development affecting them.”		Inventory) should be avoided. The environmental value of these sites (See Appendix 5) will be balanced against the benefits of any proposed development affecting them	
PM10	Policy ENV2 Figures 5.1 & 5.2	Add beneath each map a list of the sites identified with a reference to their location in Appendix 5.	To make the policy more effective for development management.	-	Agree. The PM adds clarity and will help the use of the policy in development management.
PM11	Policy ENV2 Figures 5.1 & 5.2	Delete from the maps sites which have planning permission for development.	To make the policy more effective for development management.	-	Agree. The PM adds clarity and will help the use of the policy in development management.
PM12	Policy ENV4 – Local heritage assets	Replace “Local Heritage Assets” with “ Non designated heritage assets ” in the policy heading and within the policy.	For accuracy and clarity.	POLICY ENV 4: LOCAL NON DESIGNATED HERITAGE ASSETS – The structures and buildings listed here (map Figure 10) are local non designated heritage assets. They are important for their contribution to the layout and characteristic mix of architectural styles in the village, and their features and settings will be protected wherever possible. The benefits of a	Agree.

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				development proposal, or of a change of land use requiring planning approval, will need to be judged against their significance as heritage assets.....	
PM13	Policy ENV5 – Ridge & furrow	At the beginning of the second sentence, delete the phrase at: "Any loss or damage arising from a development proposal (or a change of use requiring planning permission) is to be avoided;".	To accord with national guidance.	<p>The areas of ridge and furrow earthworks mapped here (Figure 9.3) are non-designated local heritage assets.</p> <p>Any loss or damage arising from a development proposal (or a change of land use requiring planning permission) is to be avoided; the benefits of such development must be balanced against the significance of the ridge and furrow features as heritage assets.</p>	Agree. The PM avoids any conflict with national guidance. In addition, the word 'local' is proposed to be omitted to be consistent with the Examiner's proposed modification PM12.
PM14	Policy ENV6 – Biodiversity and habitat connectivity	Replace the second sentence of the second paragraph with: "Significant harm to biodiversity should be avoided. If significant harm cannot be avoided, on-site mitigation is	To remove ambiguity and to ensure the policy has regard to NPPF, strategic policies and meets the Basic Conditions.	Development proposals will be assessed by balancing the development's intrinsic economic and societal value against any resulting biodiversity loss. In cases where the development is determined to outweigh	Agree. NWLDC submitted a representation on this point.

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		<p>preferable to compensation measures elsewhere (e.g. habitat creation of equal value elsewhere). Development should also facilitate biodiversity net gain."</p>		<p>biodiversity loss and avoidance of loss is therefore not possible (NPPF paragraph 175), the developer will be required to facilitate biodiversity net gain through mitigation (onsite) and/or compensation (habitat creation of equal biodiversity value, onsite or elsewhere). Significant harm to biodiversity should be avoided. If significant harm cannot be avoided, on-site mitigation is preferable to compensation measures elsewhere (e.g. habitat creation of equal value elsewhere). Development should also facilitate biodiversity net gain.</p>	
PM15	Policy ENV6 Figure 10	Delete from the map the "fuzzy" coloured areas outside the delineated wildlife corridors.	To make the policy more effective for development management.	-	Agree. NWLDC submitted a representation on this point.
PM16	Policy ENV7 – Protection of important views	Replace the policy with: <i>"The rural setting of Hugglescote and Donington le Heath in the</i>	To avoid the plan containing a policy which would, in effect, be a strategic policy	POLICY ENV 7: PROTECTION OF IMPORTANT VIEWS RURAL SETTING – The following views (Appendix 7	Agree. The PM removes a potential conformity issue with the adopted Local Plan.

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		<i>south and west of the Plan area is illustrated in Appendix 7. Development proposals which would significantly harm the rural setting of the villages will not be supported.</i>	which is inappropriate for a neighbourhood plan.	and figure 11) are important for defining the setting and character of Hugglescote and Donington le Heath and are valued by residents. To be supported, development proposals should not significantly harm them, or their publicly accessible viewpoints, and should include design statements setting out appropriate and effective mitigation measures. The rural setting of Hugglescote and Donington le Heath in the south and west of the Plan area is illustrated in Appendix 7. Development proposals which would significantly harm the rural setting of the villages will not be supported.	
PM17	Policy T1 – Transport assessment for new housing development	Delete from clause e): ‘...and Neighbourhood Plan Policy H8’.	To overcome a referencing error.	e) it incorporates adequate parking and manoeuvring space within the development in accordance with the Highway Authority’s standards and	Agree.

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				Neighbourhood Plan Policy H8; and	
PM18	Policy CF4 – Noisy sports	<p>Replace topic and policy titles with: “Sport and Recreation.”</p> <p>Replace the phrase “noisy sport” in the first sentence of Policy CF4 with “sport and recreation”.</p> <p>Replace c) with: “Planning conditions are used to define the operating hours to control any adverse impacts on residential amenity.”</p>	<p>To remove ambiguity and accord with the NPPF.</p> <p>To remove ambiguity and accord with the NPPF</p> <p>To accord with the NPPF in respect of the use of conditions.</p>	<p>POLICY CF4: NOISY SPORTS <u>SPORT AND RECREATION</u> - Proposals for the permanent use of land for noisy sport <u>sport and recreation</u> will be supported provided that: a) Their noise impact on noise sensitive development or areas valued for their tranquillity can be adequately mitigated through a scheme of noise mitigation measures;</p> <p>b) They would not result in excessive noise levels at the boundaries of noise sensitive development;</p> <p>c) A planning condition is attached to any approval to ensure that activities end by 10:00 pm so as not to have a detrimental impact on residential amenity. <u>Planning conditions are used to define the operating hours to control any adverse</u></p>	<p>Agree. The PM will make the policy more effective in development management.</p> <p>Agree. The PM will make the policy more effective in development management.</p> <p>Agree. NWLDC made a representation on this point.</p>

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				<u>impacts on residential amenity</u>	
PM19	Policy E1 – Support for existing employment opportunities	Replace "... (B – Class) ..." with: "... (offices, industry, storage/distribution) ..." .	To update the plan in the light of the changes to the Use Classes Order.	Where planning permission is required there will be a strong presumption against the loss of commercial premises or land (B-class offices, industry, storage/distribution) which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that:...	Agree.
PM20	Policy E1	Replace in the first bullet point "...for at least 12 months." with: "... for at least 6 months;" .	To ensure the policy is in general conformity with the adopted Local Plan and reflects national guidance.	<ul style="list-style-type: none"> • The commercial premises or land in question has not been in active use for at least 12 <u>6</u> months; and... 	Agree. NWLDC made a representation on this point.