

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
LOCKINGTON-HEMINGTON NEIGHBOURHOOD PLAN
DECISION STATEMENT PROCEEDING TO REFERENDUM

1. Summary

- 1.1 Following an independent examination, North West Leicestershire District Council can confirm that the Lockington-Hemington Neighbourhood Plan will now proceed to a neighbourhood planning referendum subject to the modifications set out in **Appendix A**.
- 1.2 This decision statement can be viewed at North West Leicestershire District Council's **Customer Service Centre, Belvoir Road, Coalville (opposite Insomnia Coffee)**.

It can also be viewed at **Castle Donington Library, The Community Hub, 101 Bondgate, Castle Donington, Derby, DE74 2NR** during its normal opening hours:

Monday	10:00-16:00
Tuesday	10:00-14:00
Wednesday	10:00-14:00
Thursday	10:00-14:00
Friday	10:00-16:00
Saturday	10:00-13:00
Sunday	Closed

It can also be viewed online at:

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

2. Background

- 2.1 Lockington-Hemington Parish Council made an application to North West Leicestershire District Council (NWLDC) for a neighbourhood area to be designated in March 2021. The application was approved NWLDC and Lockington-Hemington Parish was designated as a Neighbourhood Plan Area on 5 May 2021.
- 2.2 Following the submission of the Lockington-Hemington Neighbourhood Plan to the Council, the Plan underwent a six-week public consultation from Friday 16 June to Friday 28 July 2023.
- 2.3 With the agreement of Lockington-Hemington Parish Council, Mr. Andrew S Freeman was appointed as the independent examiner of the plan. The purpose of the examination was to determine if the Lockington-Hemington Neighbourhood Plan meets the 'basic conditions' required to proceed to a referendum.

3. Decision and Reasons

- 3.1 The examiner published his report on 9 October 2023, where he recommended that, subject to certain modifications, the Lockington-Hemington Neighbourhood Plan should proceed to a referendum. A schedule of the examiner's proposed modifications is set out at **Appendix A**.
- 3.2 The Council has considered the examiner's recommendations in **Appendix A** and are of the view that the proposed modifications are appropriate.

3.3 With the incorporation of the modifications, officers conclude that the Neighbourhood Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

3.4 To meet the requirements of the Localism Act 2011 a referendum which asks:

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

will be held in the Lockington-Hemington Neighbourhood Plan area.

3.5 The date on which the referendum will take place is agreed as **Thursday 25 January 2024.**

Appendix A

Schedule of Proposed Modifications (PM) Recommended in the Examiner's Report

PM Ref.	NP Ref.	Proposed Modification	Reason for PM	Revised Text	NWLDC Consideration
PM1	Front cover and Page 7	Add the Plan period date "2023 – 2031" to the front cover. In Paragraph 21, replace "up to 2031" with "2023 to 2031".	For clarity and to conform with the legislation, the date should be added to the front cover of the Plan and Paragraph 21 amended.	Front cover to read: "Lockington-Hemington Neighbourhood Plan. 2023-2031 ". Para. 21 to read "The Plan is for the Parish as a whole and covers the period up 2023 to 2031".	Agreed.
PM2	Page 18. Policy H1 – Housing Mix	Replace the second sentence of Policy H1 – Housing Mix with the following: "The predominant need is for three-bed dwellings; also for bungalows and smaller dwellings suitable for young families."	To confirm the actual required mix.	Policy H1 to read "New development should provide for a mixture of housing types as evidenced in the neighbourhood Plan Housing Needs Assessment 2022 (Appendix 1) or more recent documents updating this report. The provision of bungalows suitable for elderly people and dwellings of up to three bedrooms for young families will be particularly supported. The predominant need is for three-bed dwellings; also for bungalows and smaller dwellings suitable for young families. "	Agreed.
PM3	Page 20 Policy H2 - Design Quality	In the second paragraph of Policy H2 - Design Quality, delete the words "consider the prevailing character area in	To remove reference to prevailing character areas as these have not been specifically defined.	The second paragraph of Policy H2 to read "Any new development application should make specific reference to how the design	Agreed.

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		which the proposal resides and”.		guide and codes (as detailed in Appendix 3) has been taken into account in the design proposals. New development should consider the prevailing character area in which the proposal resides and seek to contribute to and enhance the existing character.”	
PM4	Page 21 Policy H3 – Affordable Housing	At the end of Policy H3 b), change “availability” to “viability”.	To correct an error.	Policy H3b) to read “b) The type and scale of affordable housing is justified by evidence of need from a local housing needs survey. If First Homes are provided, the discount should be 40%, subject to availability viability .”	Agreed.
PM5	Page 22 Policy H4 – Windfall Sites	In Policy H4 d, replace “a severe” with “an unacceptable”.	To comply with national guidance.	Policy H4d) to read “Provide for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in a severe an unacceptable direct or cumulative impact on congestion or road and pedestrian safety unless appropriate mitigation measures are undertaken.”	Agreed.
PM6	Pages 23 and 24 Policy ENV1 Sustainable Development	Replace Policy ENV 1 with the following: “Development proposals will help deliver the objectives for sustainability as set out in Section 2 of the NPPF. In taking decisions on	To ensure the policy is sufficiently clear that a decision maker can apply it consistently and with confidence when determining planning applications.	Policy ENV1 to read “Development proposals in Lockington Hemington must demonstrate that they are fully and locally sustainable (i.e. in conformity with NPPF (2021)	Agreed.

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		applications, account will be taken of past contributions to the economic objective and to countryside policy that is to be applied as set out in Policy S3 of the Local Plan.”		<p>paragraphs 10 and 11) in the context of the Plan Area by taking into account the disproportionately large area of land already developed for economic reasons and the consequent and enduring loss of natural, historic, other environmental, and social assets which has resulted.</p> <p>Development proposals will help deliver the objectives for sustainability as set out in Section 2 of the NPPF. In taking decisions on applications, account will be taken of past contributions to the economic objective and to countryside policy that is to be applied as set out in Policy S3 of the Local Plan.”</p>	
PM7	Page 49 Policy ENV12 – Local Areas of Separation	In the second line of Policy ENV 12, insert “Local” before “Area of Separation”.	For clarity, and to distinguish the Neighbourhood Plan policy from that in the Local Plan.	Policy ENV12 to read “The area of land identified Figure 18 is designated as an Local Area of Separation. Development within this area should be located and designed to maintain the separation of the settlements”.	Agreed.
PM8	Page 28 Policy ENV2 – Local Green Spaces	In Policy ENV 2, replace “other than in very special circumstances” with “unless consistent with policies for	To pay appropriate regard to the NPPF.	Policy ENV2 to read “Development proposals that would result in the loss of, or have an adverse effect on, Daleacre Hill, Hemington and	Agreed.

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		managing development in Green Belts”.		Daleacre Hill, Lockington (details Appendix 5; locations figure 4) will not be supported other than in very special circumstances unless consistent with policies for managing development in Green Belts . ”	
PM9	Page 32 Policy ENV4 – Sites and features of natural environmental significance	Replace the second paragraph of Policy ENV 4 with the following: “If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”	To reflect the provisions of NPPF paragraph 180.	The second paragraph of Policy ENV 4 to read “If significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts); adequately mitigated by net gain as above or compensated for, planning permission should be refused, in conformity with paragraph 175 of the NPPF (2021) resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. ”	Agreed.
PM10	Page 34 Policy ENV5 – Biodiversity and habitat connectivity.	In the first sentence of Policy ENV 5, replace the words “including those of local significance” with “of at least local significance, and to	<ul style="list-style-type: none"> • The policy should not apply to all habitats and species but to those of at least local significance. • To have regard to the NPPF, and to be 	Policy ENV5 to read “All new development proposals will be expected to safeguard habitats and species, including those of local significance of at least local significance,	Agreed.

PM Ref.	NP Ref.	Proposed Modification	Reason for PM	Revised Text	NWLDC Consideration
		<p>deliver a minimum of 10% biodiversity net gain.”</p> <p>Substitute the following for the second sentence: “If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”</p> <p>In the second paragraph, insert “appropriate” before “account”. Delete “current best practice regarding”.</p>	<p>consistent with Policy ENV 4, amended wording should be used in the policy.</p> <ul style="list-style-type: none"> • It is inappropriate to refer to best practice regarding plant disease and aftercare in circumstances where no appropriate sources are identified. • The Policy does not refer to the minimum 10% biodiversity net gain as sent out in the Environment Act 2021. 	<p>and to deliver a minimum of 10% biodiversity net gain. If significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), adequately mitigated, or dealt with through onsite or offsite enhancement (via biodiversity net gain) or compensation, planning permission should be refused, in conformity with paragraph 180a of the NPPF (2021) resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.</p> <p>When fulfilment of biodiversity net gain involves trees and hedges, compensatory plantings should be of native or suitable exotic/ornamental species and should take appropriate account of current best practice regarding plant disease control and aftercare.</p>	

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				Development proposals should not adversely affect the habitat connectivity provided by the wildlife corridors identified in figure 7.”	
PM 11	Page 43 Policy ENV9 – Important views	In Policy ENV 9, replace “them” at the end of the first sentence of the policy with “the identified views within the boundary of the Neighbourhood Plan”.	For the avoidance of doubt, and compliance with the legal requirements.	The first paragraph of Policy ENV9 to read “The following views (map figure 15, details Appendix 7) are important to the setting and character of the villages. Development proposals should respect and whenever possible protect them the identified views within the boundary of the Neighbourhood Plan. Development which would have an adverse impact on the identified views will not be supported.”	Agreed.
PM12	Page 37 Policy ENV7 – Ridge and Furrow.	In Policy ENV 7, delete the word “local”.	For the avoidance of any confusion, the term non-designated heritage assets should be used (as in the NPPF).	Policy ENV7 to read “The areas of ridge and furrow mapped in figure 11 are non-designated local heritage assets. Proposals for new development within the ridge and furrow fields shown on Figure 9 will not be supported unless the benefits arising from the development would outweigh the harm to the heritage asset concerned”.	Agreed.
PM13	Pages 46 and 47 Policy ENV11 – Flood risk,	Replace the third paragraph of Policy ENV 11 with the following: “All development	Amendment is necessary to have appropriate regard to Paragraph 162 of the NPPF, to reflect other policy and	The third paragraph of policy ENV11 to read “ Development proposals of one or more dwellings and/or for	Agreed.

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	resilience, watercourses and climate change.	<p>proposals shall demonstrate that:”.</p> <p>In the first sentence of subparagraph a., insert “reasonably” before “available”. Then add “Within the site, the most vulnerable development is located in areas of lowest flood risk.”</p> <p>Add a new criterion (j): “New development shall be designed to remain safe for occupants/users of the site in times of flood in accordance with the NPPF and PPG.”</p> <p>Replace Figure 17 with a figure based on the Flood Zones map included in the Environment Agency’s Regulation 16 representations.</p>	guidance in the NPPF and PPG and to take account of evidence from the Environment Agency (Regulation 16 representations).	<p>employment/agricultural development should All development proposals shall demonstrate that:”</p> <p>Amend criterion a) to read “a) if in a location susceptible to flooding from rivers or surface water, no alternative site with a lower risk of flooding is reasonably available. Within the site, the most vulnerable development is located in areas of lowest flood risk;”</p> <p>Add new criterion j) to read “j) New development shall be designed to remain safe for occupants/users of the site in times of flood in accordance with the NPPF and PPG”.</p> <p>Also replace Figure 17 with a figure based on the Flood Zones map included in the Environment Agency’s Regulation 16 representations.</p>	
PM14	Page 52 ENV13 – Renewable energy generation infrastructure	Substitute the following for the first sentence of the fourth bullet point of Policy ENV 13: “adverse effect on biodiversity or species and habitat sites of at least local significance (Policies ENV 4 and ENV 5 or	For clarity.	The 4 th bullet point of Policy ENV13 to read “Adverse effect on biodiversity or identified species and habitat sites. or species and habitat sites of at least local significance (Policies ENV 4 and ENV 5	Agreed.

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		as revealed in relevant ecological surveys).”		or as revealed in relevant ecological surveys). Proposals will be required to include a practical, measurable strategy to deliver a 10% biodiversity net gain (policy ENV 4 will apply)	
PM15	Page 60 Policy CFA1 – Retention of community facilities and amenities	For the first paragraph of Policy CFA1, substitute the following: “Development leading to the loss of Hemington Primary School, the Village Hall, St Nicholas’ Church, The Jolly Sailor Public House, the war memorial, Hemington Park, the sports field or the play areas (as described in this Neighbourhood Plan) will not be supported unless it can be demonstrated that.”.	To provide clarity about the scope of the policy.	The first paragraph of policy CFA1 to read “Development leading to the loss of existing community facilities including Hemington Primary School, the Village Hall, St Nicholas Church, The Jolly Sailor public house, the war memorial, Hemington Park, the sports field and the play areas (as described in this Neighbourhood Plan) will not be supported unless it can be demonstrated that.”	Agreed.
PM16	Page 61 Policy CFA2 – New and improved community facilities	In Policy CFA2, criterion e), replace “Takes into full account” with “Reflects”.	To reflect the wording in the NPPF.	Criterion e) of Policy CFA2 to read “e) Takes into full account Reflects the needs of people with disabilities.”	Agreed.
PM17	Page 62 Policy BE1 – Active encouragement for existing businesses and employment	In the first Paragraph of Policy BE1, replace “that provides employment or potential employment opportunities” with “(Use Classes B2, B8 and E(g))”. At the end of Policy BE1 a., replace “and with “or”.	To provide clarity about the uses to which the policy relates and to reflect the evidence (or lack thereof).	The first paragraph of Policy BE1 to read “There will be a strong presumption against the loss of commercial premises or land within the Parish that provides employment or potential employment opportunities (Use Classes B2, B8 and	Agreed.

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				<p>E(g)). Applications for a change of use to an activity that does not provide employment opportunities will only be supported if it can be demonstrated that:</p> <p>Criteria a) and b) to read “a) The commercial premises or land in question has not been in active use for at least 6 months; and or b). The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment-generating uses. This will be demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 6 months.”</p>	
PM18	Page 63 Policy BE1 – Active encouragement for new businesses and employment	In Policy BE2, delete criterion d). Relabel the 3 criterion from e) onwards d), e) and f).	To remove a requirement that goes further than Local Plan Policy S3 (Countryside) and is not supported by appropriate evidence.	Amend criterion d) onwards to read: d) Not involve the loss of dwellings; and e) d) provide sufficient on-site parking; and f) e) Ensure that no significant or adverse impact arises to nearby residence or other sensitive land uses from noise, fumes, light pollution or	Agreed.

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				other nuisance associated with the work activity; and g) f) Where appropriate, be well integrated into and complement existing businesses.	