

Ellistown and Battleflat Neighbourhood Plan

Summary of Responses Received at Submission stage

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Respondent 1 : Hinckley and Bosworth Borough Council	
Part of document	Comments
General	Thank you for consulting Hinckley and Bosworth Borough Council on the above Plan. I have considered the Neighbourhood Plan in relation to any impact it may have on the administrative area of Hinckley and Bosworth only. There are no proposals within the Plan which will directly impact on the Borough and therefore no comments are raised.

Respondent 2 : Anglian Water	
Part of document	Comments
General	It would appear that Ellistown and Battleflat Parish is located outside of our area of responsibility. We serve part of Leicestershire (Melton Borough and Harborough District) but not North West Leicestershire including Ellistown and Battleflat Parish. Therefore we have no comments relating to the content of the Draft Plan.

Respondent 3 : Coal Authority	
Part of document	Comments
General	<p>The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.</p> <p>As you will be aware the Neighbourhood Plan area lies within the current defined coalfield.</p> <p>According to the Coal Authority Development High Risk Area Plans, there are recorded risks from past coal mining activity in the form of 2 mine entries. However, the Neighbourhood Plan does not propose to allocate any sites for future development and therefore we have no specific comments to make.</p>

Respondent 4 : Natural England	
Part of document	Comments
General	Natural England does not have any specific comments on this draft neighbourhood plan. However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

Respondent 5 : National Grid	
Part of document	Comments
General	<p>National Grid has identified the following high voltage overhead powerline as falling within the Neighbourhood area boundary:</p> <ul style="list-style-type: none"> • ZL Route - 400kV from Coventry substation in Coventry to ZL010 Tower in South Derbyshire <p>From the consultation information provided, the above overheads powerline does not interact with any of the proposed development sites.</p> <p>Whilst there are no implications for National Grid Gas Distribution’s Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites.</p>

Respondent 6 : Severn Trent Water	
Part of document	Comments
General	<p>We currently have no specific comments to make, but please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.</p> <p>For your information we have set out some general guidelines that may be useful to you.</p>

Respondent 7 : Leicestershire County Council	
Part of document	Comments
Highways	<p>P20: Policy S3: South-East Coalville Development Scheme - I think we just need to reiterate what you've already said in the general highways comments about how measures will be prioritised where they will be the greatest benefit, and will need to be fully funded by third party funding. Also, that any such contributions must meet various legal criteria and that must directly mitigate the impact of the development not necessarily to seek to address alleged problems locally.</p> <p>Traffic and Signals comments</p> <p>Policy S3 part B - Leicestershire County Council as the highway authority would ensure that signage is only used for the legitimate reasons it is required for. Directing traffic away from a destination is not normally signed; however, positive route signing prior to Ellistown could be used. Ellistown has a significant traffic flow due to it linking through to other villages such as Ibstock, Hugglescote and Bagworth; and links to the south-western area of Coalville. It is difficult to see how this policy will work given that these locations will still be able to be accessed from Ellistown.</p> <p>Comments on parking & Policy Ga2: Car Parking In Ellistown - Developments are designed not to impede the existing highway and where they do, mitigation is sort by the highway authority. As described in the plan Ellistown does have narrow streets with many properties without off road parking available. To restrict parking where there are already pressures on kerbside space would likely be met with opposition from residents. If there is a safety implication due to parking, this would need to be demonstrated to the highway authority through a data lead approach. This should show that there is an accident problem rather than a perceived one.</p> <p>Policy Ga1: Road Safety And Congestion - It is unlikely that a 20mph speed limit would be supported by the highway authority. 20mph zones are only supported if they are self-enforcing to keep speeds below 20mph through traffic calming features such as chicanes, speed bumps, speed humps and priority working facilities. Given the nature of the roads and the volume of traffic Leicestershire County Council would not be supportive of such traffic calming features. The parish should also be aware of the costs involved in traffic calming schemes circa £100K.</p>

	<p>When implementing a new speed limit Leicestershire County Council, as the Highway Authority need to ensure that limit is appropriate for the environment, as an unrealistic speed limit is likely not to be adhered to by motorists. Only where there is evidence of a speeding or accident issue will a speed limit proposal be supported by the highway authority.</p> <p>Part (iii) is unclear as it does not appear to be an alternative to the current road network.</p> <p>General Comments</p> <p>The County Council recognises that residents may have concerns about traffic conditions in their local area, which they feel may be exacerbated by increased traffic due to population, economic and development growth.</p> <p>Like very many local authorities, the County Council's budgets are under severe pressure. It must therefore prioritise where it focuses its reducing resources and increasingly limited funds. In practice, this means that the County Highway Authority (CHA), in general, prioritises its resources on measures that deliver the greatest benefit to Leicestershire's residents, businesses and road users in terms of road safety, network management and maintenance. Given this, it is likely that highway measures associated with any new development would need to be fully funded from third party funding, such as via Section 278 or 106 (S106) developer contributions. I should emphasise that the CHA is generally no longer in a position to accept any financial risk relating to/make good any possible shortfall in developer funding.</p> <p>To be eligible for S106 contributions proposals must fulfil various legal criteria. Measures must also directly mitigate the impact of the development e.g. they should ensure that the development does not make the existing highway conditions any worse if considered to have a severe residual impact. They cannot unfortunately be sought to address existing problems.</p> <p>Where potential S106 measures would require future maintenance, which would be paid for from the County Council's funds, the measures would also need to be assessed against the County Council's other priorities and as such may not be maintained by the County Council or will require maintenance funding to be provided as a commuted sum.</p>
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	<p>With regard to public transport, securing S106 contributions for public transport services will normally focus on larger developments, where there is a more realistic prospect of services being commercially viable once the contributions have stopped i.e. they would be able to operate without being supported from public funding.</p> <p>The current financial climate means that the CHA has extremely limited funding available to undertake minor highway improvements. Where there may be the prospect of third party funding to deliver a scheme, the County Council will still normally expect the scheme to comply with prevailing relevant national and local policies and guidance, both in terms of its justification and its design; the Council will also expect future maintenance costs to be covered by the third party funding.</p> <p>Where any measures are proposed that would affect speed limits, on-street parking restrictions or other Traffic Regulation Orders (be that to address existing problems or in connection with a development proposal), their implementation would be subject to available resources, the availability of full funding and the satisfactory completion of all necessary Statutory Procedures.</p>
<p>Flood Risk Management</p>	<p>The County Council are fully aware of flooding that has occurred within Leicestershire and its impact on residential properties resulting in concerns relating to new developments. LCC in our role as the Lead Local Flood Authority (LLFA) undertake investigations into flooding, review consent applications to undertake works on ordinary watercourses and carry out enforcement where lack of maintenance or unconsented works has resulted in a flood risk. In April 2015 the LLFA also became a statutory consultee on major planning applications in relation to surface water drainage and have a duty to review planning applications to ensure that the onsite drainage systems are designed in accordance with current legislation and guidance. The LLFA also ensures that flood risk to the site is accounted for when designing a drainage solution.</p> <p>The LLFA is not able to:</p> <ul style="list-style-type: none"> • Prevent development where development sites are at low risk of flooding or can demonstrate appropriate flood risk mitigation.

<ul style="list-style-type: none">• Use existing flood risk to adjacent land to prevent development.• Require development to resolve existing flood risk. <p>When considering flood risk within the development of a neighbourhood plan, the LLFA would recommend consideration of the following points:</p> <ul style="list-style-type: none">• Locating development outside of river (fluvial) flood risk (Flood Map for Planning (Rivers and Sea)).• Locating development outside of surface water (pluvial) flood risk (Risk of Flooding from Surface Water map).• Locating development outside of any groundwater flood risk by considering any local knowledge of groundwater flooding.• How potential SuDS features may be incorporated into the development to enhance the local amenity, water quality and biodiversity of the site as well as manage surface water runoff.• Watercourses and land drainage should be protected within new developments to prevent an increase in flood risk. <p>All development will be required to restrict the discharge and retain surface water on site in line with current government policies. This should be undertaken through the use of Sustainable Drainage Systems (SuDS). Appropriate space allocation for SuDS features should be included within development sites when considering the housing density to ensure that the potential site will not limit the ability for good SuDS design to be carried out. Consideration should also be given to blue green corridors and how they could be used to improve the bio-diversity and amenity of new developments, including benefits to surrounding areas.</p> <p>Often ordinary watercourses and land drainage features (including streams, culverts and ditches) form part of development sites. The LLFA recommend that existing watercourses and land drainage (including watercourses that form the site boundary) are retained as open features along their original flow path, and are retained in public open space to ensure that access for maintenance can be achieved. This should also be considered when looking at housing densities within the plan to ensure that these features can be retained.</p>
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	<p>LCC, in its role as LLFA will not support proposals contrary to LCC policies.</p> <p>For further information it is suggested reference is made to the National Planning Policy Framework (March 2012), Sustainable drainage systems: Written statement - HCWS161 (December 2014) and the Planning Practice Guidance webpage.</p> <p>Flood risk mapping is readily available for public use at the links below. The LLFA also holds information relating to historic flooding within Leicestershire that can be used to inform development proposals.</p> <p>Risk of flooding from surface water map: https://flood-warning-information.service.gov.uk/long-term-flood-risk/map</p> <p>Flood map for planning (rivers and sea): https://flood-map-for-planning.service.gov.uk/</p>
<p>Developer Contributions</p>	<p>If there is no specific policy on Section 106 developer contributions/planning obligations within the draft Neighbourhood Plan, it would be prudent to consider the inclusion of a developer contributions/planning obligations policy, along similar lines to those shown for example in the Draft North Kilworth NP and the draft Great Glen NP albeit adapted to the circumstances of your community. This would in general be consistent with the relevant District Council’s local plan or its policy on planning obligations in order to mitigate the impacts of new development and enable appropriate local infrastructure and service provision in accordance with the relevant legislation and regulations, where applicable.</p> <p>www.northkilworth.com/wp-content/uploads/2016/01/nk-draft-low-resolution-1.pdf</p> <p>http://www.harborough.gov.uk/downloads/file/3599/great_glen_referendum_version_2pdf</p>
<p>Mineral & Waste Planning</p>	<p>The County Council is the Minerals and Waste Planning Authority; this means the council prepares the planning policy for minerals and waste development and also makes decisions on mineral and waste development.</p> <p>Although neighbourhood plans cannot include policies that cover minerals and waste development, it may be the case that your neighbourhood contains an existing or planned minerals or waste site. The County Council can provide information on these operations or any future development planned for your neighbourhood.</p>

	<p>You should also be aware of Mineral Consultation Areas, contained within the adopted Minerals Local Plan and Mineral and Waste Safeguarding proposed in the new Leicestershire Minerals and Waste Plan. These proposed safeguarding areas and existing Mineral Consultation Areas are there to ensure that non-waste and non-minerals development takes place in a way that does not negatively affect mineral resources or waste operations. The County Council can provide guidance on this if your neighbourhood plan is allocating development in these areas or if any proposed neighbourhood plan policies may impact on minerals and waste provision.</p>
Education	<p>Whereby housing allocations or preferred housing developments form part of a Neighbourhood Plan the Local Authority will look to the availability of school places within a two mile (primary) and three mile (secondary) distance from the development. If there are not sufficient places then a claim for Section 106 funding will be requested to provide those places.</p> <p>It is recognised that it may not always be possible or appropriate to extend a local school to meet the needs of a development, or the size of a development would yield a new school. However, in the changing educational landscape, the Council retains a statutory duty to ensure that sufficient places are available in good schools within its area, for every child of school age whose parents wish them to have one.</p>
Adult Social Care	<p>It is suggested that reference is made to recognising a significant growth in the older population and that development seeks to include bungalows etc of differing tenures to accommodate the increase. This would be in line with the draft Adult Social Care Accommodation Strategy for older people which promotes that people should plan ahead for their later life, including considering downsizing, but recognising that people's choices are often limited by the lack of suitable local options.</p>
Environment	<p>With regard to the environment and in line with the Governments advice, Leicestershire County Council (LCC) would like to see Neighbourhood Plans cover all aspects of the natural environment including climate change, the landscape, biodiversity, ecosystems, green infrastructure as well as soils, brownfield sites and agricultural land.</p>
Climate Change	<p>The County Council through its Environment Strategy and Carbon Reduction Strategy is committed to reducing greenhouse gas emissions in Leicestershire and increasing Leicestershire's resilience to the predicted changes in climate.</p>

	Neighbourhood Plans should in as far as possible seek to contribute to and support a reduction in greenhouse gas emissions and increasing the county's resilience to climate change.
Landscape	The County Council would like to see the inclusion of a local landscape assessment taking into account Natural England's Landscape character areas; LCC's Landscape and Woodland Strategy and the Local District/Borough Council landscape character assessments. We would recommend that Neighbourhood Plans should also consider the street scene and public realm within their communities, further advice can be found in the latest 'Streets for All East Midlands ' Advisory Document (2006) published by English Heritage.
Biodiversity	<p>The Natural Environment and Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their duties, to the purpose of conserving biodiversity. The National Planning Policy Framework (NPPF) clearly outlines the importance of sustainable development alongside the core principle that planning should contribute to conserving and enhancing the natural environment and reducing pollution. Neighbourhood Plans should therefore seek to work in partnership with other agencies to develop and deliver a strategic approach to protecting and improving the natural environment based on local evidence and priorities. Each Neighbourhood Plan should consider the impact of potential development on enhancing biodiversity and habitat connectivity such as hedgerows and greenways.</p> <p>The Leicestershire and Rutland Environmental Records Centre (LRERC) can provide a summary of wildlife information for your Neighbourhood Plan area. This will include a map showing nationally important sites (e.g. Sites of Special Scientific Interest); locally designated Wildlife Sites; locations of badger setts, great crested newt breeding ponds and bat roosts; and a list of records of protected and priority Biodiversity Action Plan species. These are all a material consideration in the planning process. If there has been a recent Habitat Survey of your plan area, this will also be included. LRERC is unable to carry out habitat surveys on request from a Parish Council, although it may be possible to add it into a future survey programme.</p>
Green Infrastructure	Green infrastructure (GI) is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities, (NPPF definition). As a network, GI includes parks, open spaces, playing fields, woodlands, street trees, cemeteries/churchyards allotments and private gardens as well as streams, rivers, canals and other water bodies and features such as green roofs and living walls.

	<p>The NPPF places the duty on local authorities to plan positively for a strategic network of GI which can deliver a range of planning policies including: building a strong, competitive economy; creating a sense of place and promote good design; promoting healthier communities by providing greater opportunities for recreation and mental and physical health benefits; meeting the challenges of climate change and flood risk; increasing biodiversity and conserving and enhancing the natural environment. Looking at the existing provision of GI networks within a community can influence the plan for creating & enhancing new networks and this assessment can then be used to inform CIL (Community Infrastructure Levy) schedules, enabling communities to potentially benefit from this source of funding.</p> <p>Neighbourhood Plan groups have the opportunity to plan GI networks at a local scale to maximise benefits for their community and in doing so they should ensure that their Neighbourhood Plan is reflective of the relevant Local Authority Green Infrastructure strategy. Through the Neighbourhood Plan and discussions with the Local Authority Planning teams and potential Developers communities are well placed to influence the delivery of local scale GI networks.</p>
<p>Brownfield, Soils and Agricultural Land</p>	<p>The NPPF encourages the effective use of brownfield land for development, provided that it is not of high environmental/ecological value. Neighbourhood planning groups should check with DEFRA if their neighbourhood planning area includes brownfield sites. Where information is lacking as to the ecological value of these sites then the Neighbourhood Plan could include policies that ensure such survey work should be carried out to assess the ecological value of a brownfield site before development decisions are taken.</p> <p>Soils are an essential finite resource on which important ecosystem services such as food production, are dependent on. They therefore should be enhanced in value and protected from adverse effects of unacceptable levels of pollution. Within the governments “Safeguarding our Soils” strategy, DEFRA have produced a code of practice for the sustainable use of soils on construction sites which could be helpful to neighbourhood planning groups in preparing environmental policies.</p> <p>High quality agricultural soils should, where possible be protected from development and where a large area of agricultural land is identified for development then planning should consider using the poorer quality areas in preference to the higher quality areas. Neighbourhood planning groups should consider mapping agricultural land classification</p>

	<p>within their plan to enable informed decisions to be made in the future. Natural England can provide further information and Agricultural Land classification.</p>
<p>Impact of Development on Civic Amenity Infrastructure</p>	<p>Neighbourhood planning groups should remain mindful of the interaction between new development applications in a district area and the Leicestershire County Council. The County’s Waste Management team considers proposed developments on a case by case basis and when it is identified that a proposed development will have a detrimental effect on the local civic amenity infrastructure then appropriate projects to increase the capacity to off-set the impact have to be initiated. Contributions to fund these projects are requested in accordance with Leicestershire’s Planning Obligations Policy and the Community Infrastructure Legislation Regulations.</p>
<p>Communities</p>	<p>Consideration of community facilities is a positive facet of Neighbourhood Plans that reflects the importance of these facilities within communities and can proactively protect and develop facilities to meet the needs of people in local communities. Neighbourhood Plans provide an opportunity to;</p> <ol style="list-style-type: none"> 1. Carry out and report on a review of community facilities, groups and allotments and their importance with your community. 2. Set out policies that seek to; <ul style="list-style-type: none"> • protect and retain these existing facilities, • support the independent development of new facilities, and, • identify and protect Assets of Community Value and provide support for any existing or future designations. 3. Identify and support potential community projects that could be progressed. <p>You are encouraged to consider and respond to all aspects community resources as part of the Neighbourhood Planning process. Further information, guidance and examples of policies and supporting information is available at www.leicestershirecommunities.org.uk/np/useful-information.</p>

Ellistown and Battleflat Neighbourhood Plan – Summary of responses to Submission Stage Consultation

Economic Development	We would recommend including economic development aspirations with your Plan, outlining what the community currently values and whether they are open to new development of small businesses etc
Superfast Broadband	<p>High speed broadband is critical for businesses and for access to services, many of which are now online by default. Having a superfast broadband connection is no longer merely desirable, but is an essential requirement in ordinary daily life.</p> <p>All new developments (including community facilities) should have access to superfast broadband (of at least 30Mbps) Developers should take active steps to incorporate superfast broadband at the pre-planning phase and should engage with telecoms providers to ensure superfast broadband is available as soon as build on the development is complete. Developers are only responsible for putting in place broadband infrastructure for developments of 30+ properties. Consideration for developers to make provision in all new houses regardless of the size of development should be considered.</p>
Equalities	<p>While we cannot comment in detail on plans, you may wish to ask stakeholders to bear the Council’s Equality Strategy 2016-2020 in mind when taking your Neighbourhood Plan forward through the relevant procedures, particularly for engagement and consultation work. A copy of the strategy can be view at:</p> <p>www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/30/equality-strategy2016-2020.pdf</p>

Respondent 8 : Gladman	
Part of document	Comments
General	<p>1.1.1 Gladman Developments Ltd (hereafter referred to as “Gladman”) specialises in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.</p> <p>1.1.2 These representations provide Gladman’s response to the submission version of the Ellistown and Battleflat Neighbourhood Plan (EBNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.</p> <p>1.1.3 Through these representations, Gladman provides an analysis of the EBNP and the policy decisions promoted within the Plan. Comments made by Gladman through these representations are provided in consideration of EBNP’s suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG1.</p> <p>1.1.4 In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the National Planning Policy Framework (the Framework) and the wider strategic policies for the area set out in the Council’s adopted Development Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.</p> <p>1.1.5 The EBNP should only be progressed if it meets the Neighbourhood Plan Basic Conditions, supported by a robust and proportionate evidence base.</p> <p>1.1.6 The revised National Planning Policy Framework (NPPF2) was published by the Ministry of Housing Communities and Local Government on the 24th July 2018. As outlined in paragraph 214 of NPPF2, the transitional arrangements supporting this publication state that plans submitted before 24th January 2019 should continue to be examined against</p>

the policies in the previous Framework (March 2012). Whilst NPPF2 is a material consideration when dealing with planning applications, it is against the previous Framework (March 2012) that this response has been prepared.

1.1.7 The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent sustainable development opportunities from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the development needs for the area and assist local authorities in delivering full Objectively Assessed Needs (OAN) for housing. Policies that are not clearly worded or intended to place an unjustified constraint on further sustainable development from taking place are not consistent with the requirements of the Framework or the Neighbourhood Plan Basic Conditions.

1.1.8 The EBNP should not seek to include policies in the Neighbourhood Plan that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals contained in the EBNP should be designed to add value to existing policies and national guidance, as opposed to replicating their requirements.

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

2.1.1 Neighbourhood Plans must be prepared against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that a neighbourhood plan must meet are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- d) The making of the order contributes to the achievement of sustainable development.

e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

2.2 National Planning Policy Framework, & Planning Practice Guidance

National Planning Policy Framework

2.2.1 As outlined in the introduction of this submission, whilst the revised version of the NPPF was published on 24th July 2018, given the transitional arrangements set out within this it is on the basis of the previous NPPF (March 2012) that these representations have been drafted.

2.2.1 The National Planning Policy Framework (the Framework) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it provides guidance on the requirement for the preparation of neighbourhood plans to be in general conformity with the strategic priorities for the wider area and defines the role which neighbourhood plans can play in delivering sustainable development.

2.2.2 At the heart of the Framework, is a “presumption in favour of sustainable development” which, as outlined in paragraph 14, should be seen as a golden thread running through both planmaking and decision taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet Objectively Assessed Needs for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.

2.2.3 Paragraph 16 of the Framework makes clear that the presumption in favour has implications for how communities engage in neighbourhood planning, stating that neighbourhoods should;

- “Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

	<ul style="list-style-type: none"> • Plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and • Identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.” <p>2.2.4 Furthermore, paragraph 17 sets out that neighbourhood plans should define a succinct and positive vision for the future of the area and that neighbourhood plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. In addition, neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.</p> <p>2.2.5 Further guidance for groups involved with the production of neighbourhood plans is specified at paragraph 184;</p> <p>“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”</p> <p>Planning Practice Guidance</p> <p>2.2.6 It is clear from the requirements in the Framework that neighbourhood plan policies should be prepared in general conformity with the strategic requirements for the wider areas, as confirmed in an adopted Development Plan. The requirements set out in the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).</p>
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2.2.7 The PPG also emphasises that; "...blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence"

2.2.8 With further emphasis that; "... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence."

2.2.9 Accordingly, the EBNP will need to ensure that it takes into account the latest guidance issued by the SoS so that it can be found to meet basic conditions (a) and (d).

3 DEVELOPMENT PLAN

3.1 Adopted Development Plan

3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

3.1.2 The adopted development plan relevant to the preparation of the EBNP area, and the development plan which the EBNP will be tested against is the North-West Leicestershire Local Plan which was adopted on the 21th November 2017. The document sets out the visions, objectives, spatial strategy and overarching policies to guide development in the area up to 2031.

3.1.3 Within the adopted Local Plan, the village of Ellistown is designated as a Sustainable Village which is able to accommodate sustainable growth opportunities. However, it is important to note that the Council is required to undertake a review of its Local Plan in accordance with Policy S1 which makes clear that the Plan Review will be submitted for examination within two years from the commencement of the review. Through the Local Plan Review the Council is required to identify additional employment land in accordance with its Housing and Economic Development Needs Assessment (HEDNA) and the potential for additional housing arising from the unmet housing needs of Leicester City.

3.1.4 The EBNP should be mindful that changes in circumstance may occur over the duration of the next two years whilst the emerging Local Plan is being prepared. Ellistown is considered to be a sustainable village and as such may be

required to assist in delivering further housing land to assist the Local Planning Authority in meeting its OAN in full. Accordingly, the policies contained in the EBNP should be worded as flexibly as possible so that the neighbourhood plan is not overridden upon adoption of the Local Plan review; as Section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

“If to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).”

4 ELLISTOWN AND BATTLEFLAT NEIGHBOURHOOD PLAN

4.1 Context

4.1.1 These representations are made in response to the current consultation on the submission version of the EBNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

4.2 Neighbourhood Plan Policies

4.2.1 This section of Gladman’s representations is made in response to those policies which need to be addressed and amended through modification and/or deleted to meet the basic conditions, allowing a flexible and positive approach consistent with the requirements of national policy and guidance.

Policy S1: Ellistown limits to development and Policy S2: Land outside of Ellistown limits to development

4.2.2 The above policies only allow for development to be focused within the built-up area of Ellistown. Gladman is concerned that such an approach is likely to hinder the delivery of sustainable development opportunities. Indeed, this approach runs counter to the proactive approach required by the Framework and the need to boost significantly the supply of housing. The Framework is clear that development that is sustainable should go ahead without delay in accordance with the presumption in favour of sustainable development. In reality, the use of development limits creates

a 'presumption against development' in all areas beyond an arbitrary line which will act to confine the physical growth of the settlement and hinder its vitality and viability.

4.2.3 Given that the Council is currently progressing a Local Plan review and that further housing land is likely to be needed, this policy should be revisited in order to provide a more positive and flexible approach to development on the edge of Ellistown. The following wording is submitted for consideration:

"Sustainable development within the built form, or immediately adjacent to Ellistown will be supported if the adverse impacts do not significantly and demonstrably outweigh the benefits of development."

Policy H1: Housing Provision

4.2.4 The above policy does not identify a housing requirement figure. As such, this policy requires windfall/infill development to meet the neighbourhood area's needs over the plan period.

Gladman is concerned that without identifying any housing land the Plan may fail to deliver its vision of ensuring 'that the area develops and grows in a way that is sustainable economically, socially and environmentally, and which enhances and improves the Parish in which we will.' Accordingly, this reinforces the need for flexibility to be built in to the plan with regards to development limits as suggested in paragraph 4.2.3 of these representations.

Policy H2: Affordable Housing

4.2.5 Gladman welcomes the inclusion of Policy H2 which seeks to ensure that new development include affordable housing and mix of housing types to meet identified needs of the Parish.

4.2.6 Although the principle of the above policy is supported, we would question how the neighbourhood plan will seek to achieve the delivery of affordable housing given that it does not allocate any sites for development and limits the ability of infill development to a maximum of 5 dwellings. It is therefore unrealistic to presume that development will be able to come forward and deliver a proportion of affordable housing as this will likely have an adverse impact on the viability of a development proposal. Furthermore, the policy wording suggests that there is an identified affordable housing need yet it is not supported by a robust assessment of housing needs. If the Parish Council wishes to secure affordable housing as

part of development proposals then consideration of sites beyond the development limit should be considered especially when affordable housing is likely to be delivered as a proportion of mixed market and affordable housing developments.

Policy SCF3: Assets of Community Value

4.2.7 Although the principle of identifying assets of community value is supported, a list of assets has not been identified. At present, the above policy appears to be an aspirational policy and should therefore not be included in the main body of the EBNP and should be moved to an appendix to the plan.

5 SITE SUBMISSION

5.1 Land between Midland Road and Leicester Road, Ellistown

5.1.1 The Parish Council are aware of Gladman’s land interest at land between Midland Road and Leicester Road. Gladman has considered the development options of the site to provide a comprehensive development scheme. A vision document demonstrating how the site could come forward can be found at appendix 1 of these representations. In summary, Gladman believes that the site can deliver the following benefits:

- The delivery of up to 185 new homes comprising a mix of house types and sizes to meet local housing needs.
- A policy compliant 20% affordable housing on site.
- Circa 30% of the site is proposed as open space for recreational activities including new footpaths and an equipped children’s play area.
- Green infrastructure will play a key role in the delivery of the scheme and will seek to protect biodiversity and provide new hedgerow and tree planting through formal and informal green spaces. Overall, it is considered that the proposals will achieve a net gain in biodiversity.
- The creation of a high quality residential development which provides enhanced permeability within the local area, through the creation of footpath and cycle links whilst respecting the character of the surrounding area.

	<p>- Financial contributions will be made (where necessary) to local education, medical and library facilities helping to sustain the viability and vitality of the settlement over the plan period. Furthermore, contributions could also be made to local clubs and groups or other projects for the benefit of the local community.</p> <p>5.1.2 The above represents only some of the benefits of the proposed scheme and we would welcome its consideration as a proposed allocation in the neighbourhood plan prior to the Plan being submitted for examination.</p> <p>6 CONCLUSIONS</p> <p>6.1.1 Gladman recognises the Government’s ongoing commitment to neighbourhood planning and the role that such plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the EBNP must be consistent with national planning policy.</p> <p>6.1.2 In order for the Plan to proceed and meet all of the neighbourhood plan basic conditions, the Parish Council must ensure that its policies are based on robust and justified evidence and contain policies that provide sufficient flexibility. Through this consultation response, Gladman has identified a need for further flexibility to be drafted in to the policies of the Plan for the EBNP to meet the basic conditions. These modifications are considered necessary to ensure that the plan is compliant with national policy and allow for a degree of flexibility to assist North West Leicestershire in meeting its housing needs in full.</p> <p>6.1.3 Should the examiner consider it necessary to discuss these issues in public, then Gladman formally request to participate at the hearing session(s).</p>
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Respondent 9 : Harworth Group	
Part of document	Comments
General	<p>1. INTRODUCTION</p> <p>1.1 The Ellistown and Battleflat Parish Neighbourhood Plan 2018-2031 (Submission Version) (EBPNP) has been prepared under the neighbourhood planning regime established through the Localism Act and the National Planning Policy Framework (NPPF). It is an ambitious document that will inform and guide decision making in the Parish of Ellistown and Battleflat until 2031. It will form part of the Development Plan, requiring planning applications to be determined in accordance with the Neighbourhood Plan policies unless material considerations indicate otherwise; awarding it the same status as Local Plans in decision making.</p> <p>1.2 It is a requirement that the Neighbourhood Plan must meet the Basic Conditions as set out in the Localism Act 2011. These are that the EBPNP must:</p> <ul style="list-style-type: none"> • Have regard to the national policies and advice contained in guidance issued by the Secretary of State; • Contribute to the achievement of sustainable development; • Be in general conformity with the strategic policies of the development plan for the area (North West Leicestershire Local Plan adopted November 2017); and • Be compatible with the European Union and European Convention on Human Rights obligations. <p>1.3 These submissions made on behalf of Harworth Group Plc, one of the largest land and property regeneration companies in the UK, and the owner of the land associated with the South East Coalville SUE, which partly falls within the designated neighbourhood plan area. It is of note that the South East Coalville SUE falls within both Hugglescote and Donington le Heath Parish Council, and Ellistown and Battleflat Parish Council.</p> <p>1.4 The proposals now have outline planning permission which was granted on 26 September 2016 under reference 13/00956/OUTM (see decision notice and S106/278 Agreements attached at Appendix 1). Extensive consultation was</p>

carried out before and during the outline planning application with Hugglescote and Donington Le Heath Parish Council, and Ellistown and Battleflat Parish Council. The the applicants have also discharged the site wide conditions attached to the decision notice including conditions 5, 7, 8, 11, 16, 26, 27, 30 and 34 (see confirmation attached alongside the masterplan for the site at Appendix 2 and 3).

Reserved matters have also been submitted for phases of the South East Coalville SUE that fall outside the boundaries of Ellistown and Battleflat Parish Council.

1.5 These representations review the extent to which the EBNP meets the Basic Conditions. In this case, our submissions focus on the effectiveness of the 'Regulation 14' consultation requirements and the extent to which the EBNP has had regard to national policies and advice, and the contribution to the achievement of sustainable development.

1.6 Whilst there has been considerable engagement with the local population as part of producing the EBNP, it is noted that Harworth Group Plc have not been consulted even though they have a major land interest within the designated neighbourhood plan area and is affected by one of the main policies within the EBNP.

1.7 In this respect, there are significant concerns raised with Policy S3: South-East Coalville Development Scheme and the unrealistic pressures on the costs and deliverability of this development given that there has been no input by the developer and landowner.

1.8 The Parish Council must be able to demonstrate that the draft Neighbourhood Plan contributes towards promoting sustainable development. This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. The Planning Practice Guidance (PPG) makes it clear at paragraph 072 (Reference ID: 41-072-20140306) that a qualifying body must demonstrate how its plan will contribute to improvements in environmental, economic and social conditions and that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset.

	<p>1.9 Crucially the guidance states that in order to demonstrate that a draft neighbourhood plan contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan guides development to sustainable solutions.</p> <p>1.10 We have concerns, as set out below, with the implications of the policy requirements of Policies S3 and NE2, which conflict with the outline planning permission and also subject the South East Coalville development scheme to a policy burden that will threaten the ability to viably develop the proposals and subsequently the neighbourhood plan’s contribution to the achievement of sustainable development</p> <p>1.11 Accordingly, these representations suggest re-wording or deletion where appropriate to ensure that the policies and plan overall is deliverable in accordance with Paragraph 005 (Reference ID: 41-005-20140306) of the PPG.</p>
<p>Consultation</p>	<p>2. CONSULTATION</p> <p>2.1 Schedule 15 of the Neighbourhood Planning (General) Regulations 2012 (the Regulations) requires the qualifying body to submit a Consultation Statement with the plan to the local planning authority. A Consultation Statement has been submitted with the EBNP, which details the consultation process, who has been consulted, and summarises the issues raised and how these have been addressed in the EBNP. The stakeholder list appended to Appendix CS10 of the Consultation Statement refers to “Organisations with a land interest (Get list from District Council?)” however, Harworth Group Plc have received no communication from the Parish Council.</p> <p>2.2 Schedule 14(a) of the Regulations requires the qualifying body, before submission of a plan proposal to the local planning authority, to “publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area” The PPG provides further clarification at Paragraph 048 (Reference ID: 41-048-20140306) outlining that the consultation bodies set out in Schedule 1 of the Regulations must be consulted whose interest it considers may be affected. The paragraph goes on to state that:</p> <p>“Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable</p>

	<p>development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.” (our emphasis)</p> <p>2.3 Given that Harworth Group Plc is one of the major landowners and developers within the designated neighbourhood plan area, there are significant concerns that Harworth Group Plc have not been consulted particularly due to the potential implications of the plan on the deliverability of the South East Coalville development scheme.</p> <p>2.4 Although Harworth Group Plc is not one of the consultation bodies set out in Schedule 1 of the Regulations, the PPG makes it clear that landowners and the development industry should be involved to ensure the plan is deliverable. Given that Policy S3: South-East Coalville Development Scheme and Policy NE2:</p> <p>Biodiversity have direct implications to the proposals at South East Coalville development scheme (that falls within the designated Neighbourhood Plan area), Harworth Group Plc are surprised that no communication has been made with them during the Neighbourhood Plan process.</p> <p>2.5 Accordingly, in its current form, the EBNP would therefore fail to meet the Basic Conditions as the plan has not had regard to national policies and advice and will not contribute to the achievement of sustainable development. It is therefore considered that amendments to Policies S3 and NE2 are required to avoid the unrealistic pressures on the cost and deliverability of the South East Coalville development scheme and ensure the EBNP contributes to the achievement of sustainable development, as discussed in further detail below.</p>
<p>POLICY S3: SOUTH-EAST COALVILLE DEVELOPMENT SCHEME</p>	<p>3.1 This policy is made up of 5 criteria which seek to shape the development at South- East Coalville. These representations focus on criteria b), d) and e).</p> <p>Criterion b)</p> <p>3.2 This requires the South East Coalville development scheme to provide adequate measures to mitigate harm caused by any significant increase in traffic through Ellistown village centre. It should be noted that the development now has outline planning permission under reference 13/00956/OUTM, which is subject to S106 and S278 Agreements. It is also of note that the application was subject to a detailed transport assessment and detailed viability appraisal. The transport</p>

	<p>assessment evaluated the highways impact resulting from the development on the key junctions that were agreed with Leicestershire County Council, as highway authority. The requirements of the highways mitigation are outlined within the S106/S278 Agreements and relevant conditions attached to the decision notice.</p> <p>3.3 The S278 Agreement requires the relevant developer/s to pay the Coalville Transport Infrastructure Package (CTIP) contribution to the Highway Authority at certain phases of the development to mitigate the impact of vehicular movements arising from the proposals. The agreement outlines the works that will be undertaken by the Highway Authority, which will be funded by the CTIP contribution and includes (in no particular order): -</p> <ol style="list-style-type: none">1. Bardon Link Road through the development approved by the Planning Permission linking to the A511 Bardon Road and a principal junction within the Bardon Grange Development;2. Coalville to Leicester bus service;3. Forest Road/London Road junction improvements;4. Ibstock to Coalville bus service;5. A511/Broom Leys Junction;6. Underpass under the railway embankment to the east of the Site;7. Hugglescote crossroads;8. A511/Swannington Roundabout (Hoo Ash);9. A511/Whitwick Road Roundabout;10. A511/Thornborough Road Roundabout;11. A511/Copt Oak Road Junction (Flying Horse);
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	<p>12. A511/Grange Road Roundabout (Birch Tree);</p> <p>13. A511/ Beveridge Lane Roundabout (Stardust);</p> <p>14. M1 J22; and</p> <p>15. A42 J13</p> <p>3.4 In addition, condition 34 of the outline planning permission requires a scheme of mitigation measures at the Beveridge Lane/Whitehill Road/Midland Road/Ibstock Road double mini-roundabout junction in Ellistown, which is required to mitigate the vehicular impact of the development. This condition has now been discharged (see Appendix 2).</p> <p>3.5 Accordingly, the contributions to the highways improvement works and the relevant conditions attached to the decision will mitigate the vehicular impact associated with the development. In addition, there is now no mechanism to require further highways mitigation measures as the outline planning permission has been granted.</p> <p>3.6 In addition, any additional policy requirements over and above the agreed works would threaten the viability and delivery of the development scheme. Paragraph 005 (Reference ID: 41-005-20140306) outlines that “The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” In this respect, placing additional obligations on developers to provide further highways infrastructure, particularly when it is not clear whether this has been justified by robust highways and viability evidence, will provide additional burden that would affect the ability of the South East Coalville development scheme to be developed viably.</p> <p>3.7 Accordingly, the EBNP has not had adequate regard to national guidance and the policy is not necessary to contribute to the achievement of sustainable development. This criterion would therefore fail to meet this Basic Condition and so it is therefore suggested that this criterion is deleted.</p> <p>Criterion d)</p>
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3.8 This requires the developer to minimise its impact on the surrounding landscape and maintain and enhance existing woodland, trees and hedgerows.

3.9 The outline planning permission for the South East Coalville SUE provides the framework that the reserved matters submissions will need to accord to. Conditions

5 and 8 of the outline planning permission require all development to be in accordance with the approved Masterplan and Design Code. The Masterplan and Design Code were approved by North West Leicestershire in September 2018 and provide a strong landscape-led framework to inform the design and layout. Paragraph 3.1.4 of the approved Design Code provides a requirement for existing hedgerows and trees to be retained as much as possible. It is acknowledged that in some instances there will be a need to remove and replace existing hedgerows and trees to ensure that there is an effective design and layout that meets the requirements of the Design Code. In this respect, the reserved matters proposals will seek to retain existing hedgerows and trees where possible and where there are instances that they need to be removed, they will be replaced and/or enhanced within the proposals. In addition, there will be significant enhancements provided along the River Sence corridor to mitigate any harmful biodiversity effects.

3.10 Accordingly, this criterion provides additional policy burden which conflicts with the existing outline planning permission and it is not necessary to achieve sustainable development. The EBPNP has not had adequate regard to national guidance and would therefore fail to meet this Basic Condition. This criterion should be amended to provide scope to retain existing hedgerows and trees where possible and to provide new planting to replace any removal of hedgerows and/or trees.

Criterion e)

3.11 This criterion requires the housing mix to meet the current and future needs of the Parish and the wider area. Firstly, the EBPNP can only control development within the designated plan area and therefore it is not legally possible for the policy to be applicable to 'the wider area'. Secondly, as the outline planning permission has now been granted, there is no longer a mechanism available to control the mix of housing. In addition, it is also not possible to control the mix of housing as part of the reserved matters approval (see Appendix 4 attached appeal decision notices).

	<p>The Inspector in the Denbighshire Appeal (Appeal ref: 3148873) consistent with the Case Law and Blaby Inspector, agreed that density and housing mix could not be considered a fundamental element of the reserved matters 'scale' and 'layout' respectively. He also confirmed at paragraph 9 that had the Council wished to control density or the housing mix, then further details should have been sought at the time of granting outline planning permission or appropriately worded conditions applied. He therefore concluded that as a result, there was no scope for him to reconsider these at the reserved matters stage as they should have been dealt with at the outline stage.</p> <p>3.12 Accordingly, the criterion should be deleted as it is not necessary to achieve sustainable development.</p> <p>Suggested modifications required</p> <ul style="list-style-type: none"> • Delete criterion b); • Amend criterion d) as follows <p>"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 to at least equivalent landscape and ecological benefit"; and</p> <ul style="list-style-type: none"> • Delete criterion e)
<p>POLICY NE2: BIODIVERSITY</p>	<p>4.1 One of the policy requirements is for development proposals to maintain and, where possible, enhance sites (especially Ellistown Tip) of biodiversity importance.</p> <p>4.2 An Environmental Statement was submitted with the outline planning permission, which assessed the ecological impacts of the South East Coalville Development Scheme. As part of this scheme, the Environmental Statement identified that the main potential significant negative effect arising at a local level is the loss of habitat forming part of the Ellistown Tip and Railway Triangle candidate Local Wildlife Sites.</p>

	<p>Natural England and Leicestershire County Council’s ecologist did not object to this impact subject to suitable mitigation as well as appropriate measures for biodiversity enhancement. The outline planning permission was approved on this basis. Schedule 4 of the S106 Agreement requires the developer to agree the specification of the biodiversity mitigation land.</p> <p>4.3 Accordingly, the requirement of Policy NE2 to maintain and enhance the Ellistown Tip alongside the other site identified on Figure 5 (pg.36) is onerous, unreasonable, and would affect the deliverability of the South East Coalville development scheme. In this respect, the EBPVP has not had sufficient regard to national policy and advice, and therefore the policy should be amended to remove the requirement to maintain and enhance the Ellistown Tip as this is not necessary to achieve sustainable development.</p> <p>Suggested modifications required</p> <ul style="list-style-type: none"> • “Development proposals which conserve, restore or enhance bio-diversity in and around them will be encouraged. Development proposals 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. 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.”
<p>CONCLUSION</p>	<p>5.1 There are strong objections to the requirements of policies S3 and NE2 and the impact on the South East Coalville SUE. It is necessary for policies to be deleted or amended to accord with the Basic Conditions.</p> <p>5.2 Suggestions of policy re-wording and deletions have been put forward to seek to address this so that the policies are in accordance with the NPPF and the EBPCP meets the Basic Conditions.</p> <p>5.3 As this is the first opportunity for Harworth Group Plc to comment on the EBPVP and due to the significant implications of the policies, it is considered that the examination should be via a hearing to ensure that there is adequate examination of the issues raised within this representation, in accordance with Paragraph 056 (Reference ID: 41-056-20180222).</p>

Respondent 10 : Environment Agency	
Part of document	Comments
General	I have had input to this plan at the draft and pre-submission stage and I find the plan acceptable as submitted.