

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

SWANNINGTON NEIGHBOURHOOD PLAN

DECISION STATEMENT PROCEEDING TO REFERENDUM

1. Summary

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

It can also be viewed at **Coalville Library, High Street, Coalville, LE67 3EA during its normal opening hours:**

	Smart	Staffed	Smart
Monday	0800-1000	1000-1300	1300-1900
Tuesday	0800-1000	1000-1700	1700-1900
Wednesday	0800-1000	1000-1700	1700-1900
Thursday	0800-1000	1000-1700	1700-1900
Friday	0800-1900		
Saturday	0800-1000	1000-1400	1400-1800
Sunday	Closed		

It can also be viewed online at:

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

2. Background

- 2.1 Swannington Parish Council made an application to North West Leicestershire District Council (NWLDC) for a neighbourhood area to be designated in November 2018. The application was approved NWLDC and Swannington Parish was designated as a Neighbourhood Plan Area on 7 January 2019.
- 2.2 Following the submission of the Swannington Neighbourhood Plan to the Council, the Plan underwent a six week public consultation between 5 September 17 October 2022.
- 2.3 With the agreement of Swannington Parish Council, Mr Andrew Mead was appointed as the independent examiner of the plan. The purpose of the examination was to determine if the Swannington Neighbourhood Plan meets the 'basic conditions' required to proceed to a referendum.

3. Decision and Reasons

- 3.1 The examiner published his report on 19 December 2022, where he recommended that, subject to certain modifications, the Swannington 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. However, we are of the view that some further minor modifications are required for Policy H4. Minor (non-material) modifications are those which would not materially affect the policies in the plan. Such modifications do not

require consultation or re-examination. The minor (non-material) modifications proposed by officers are set out at **Appendix B** and the redrafted Policy H4 (incorporating both the examiner's proposed modifications and officer's minor modifications) is set out at **Appendix C**.

3.3 With the incorporation of both sets of 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 Swannington to help it decide planning applications in the neighbourhood area?'

will be held in the Swannington Neighbourhood Plan area.

3.5 The date on which the referendum will take place is agreed as **Thursday 2 March 2023**.

Appendix A

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 H2	Amend second paragraph to become: "...land or buildings within the settlement boundary will be supported...".	As all other references in the Plan are to the 'settlement boundary' rather than 'the village envelope' this will avoid confusion.	Development proposals for the redevelopment or change of use of redundant land or buildings within the village envelope settlement boundary will be supported, provided the site concerned has limited environmental, landscape or ecological value.	Agreed
PM2	Policy H2	Amend third paragraph to become: "...development will be carefully controlled, or supported as appropriate , in line with..."	To ensure that Policy H2 has regard to NPPF paragraph 80, generally conforms with Local Plan Policy S3 and meets the basic conditions.	Land outside the settlement boundary will be treated as open countryside, where development will be carefully controlled, or supported as appropriate , in line with local and national strategic planning policies.	Agreed
PM3	Policy H3	Delete the second sentence from the policy.	The policy is being too prescriptive by commenting on the expectation of 4 bedroomed homes making a minor contribution. The deletion would ensure the policy conforms with Local	New housing development shall provide a mixture of housing types which meets identified current local needs in Swannington Parish. Development incorporating new dwellings of three or	Agreed

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
			Plan Policy H6, NPPF paragraph 62 and meets the Basic Conditions.	fewer bedrooms and/or single storey accommodation suitable for older people will be supported, whilst dwellings of four or more bedrooms will be supported only where they are subservient in number to any one, two or three bedroom accommodation in any development	
PM4	Policy H4	Substitute Policy H4 as provided by SPC on 21 November 2022 in response to [the examiner's] questions for Policy H4 in the Plan, subject to the following modifications: h. Add at end of sentence: "... where possible. " i. Delete the requirement. l. Amend to: "Garages should be well related to each house...".	Part h. and l. require amending so that they are more flexible. Part i. is now covered by the Building Regulations (see PM11 below).	See Appendix C	Some additional, minor modifications are considered necessary by officers – see Appendix B.
PM5	Policy H5	Delete: "...as will be the provision of affordable housing for people with a local connection."	This part of the policy does not generally conform with Local Plan Policy H4.	Development proposals which include affordable housing should provide a mix of housing types and sizes to help meet the identified	Agreed

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
		Amend the first paragraph to: "...identified needs of the parish, <u>having regard to the Parish Council's latest assessment of housing need.</u> "	For reasons of clarity to assist development management.	needs of the parish, based on the <u>having regard to the Parish Council's latest assessment of housing need</u> (2019). The provision of smaller homes especially for young people and young families and older people who wish to downsize will be supported; as will be the provision of affordable housing for people with a local connection where appropriate.	
PM6	Policy ENV2	Delete: Main Street/Jeffcoats Playing Field.	Policy ENV2 includes a statement that if the Main Street/Jeffcoats Lane Playing Field becomes a Local Green Space under Policy ENV1, it can be deleted as an Important Open Space. The examiner has concluded that the site is acceptable as a LGS and can be deleted from Policy ENV2.	The following text will be deleted from the policy: Main Street / Jeffcoats Lane Playing Field (inventory reference 302; NWLDC OSSR audit Local Open Space) Note: to be deleted if approved as Local Green Space.	Agreed

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
PM7	Policy ENV7	<p>Delete Important View 2.</p> <p>Rephrase the third sentence to: "Development which would <u>significantly harm the rural setting of the village within</u> the identified views will not be supported without appropriate mitigation."</p>	<p>View 2 is too widespread and covers extensive open countryside.</p> <p>The previous use of the word "unacceptable" was deemed very ambiguous by the examiner.</p>	<p>The following views (and figure 12; details in Appendix I) are important to the setting and character of the village within the Plan Area. Development proposals should whenever possible respect and protect them. Development which would have an unacceptable impact on <u>significantly harm the rural setting of the village within</u> the identified views will not be supported without appropriate mitigation.</p> <p>1. From field 048 (inventory reference) on the track forming the east side of an area of woodland, east over the village to the wooded hills on the far parish boundary</p> <p>2. From the high points in field 002 on footpath N25, extensive view northwest across the head of the valley in which Swannington is situated towards the high ground in the direction of Coleorton Moor, and southwest to the Plan Area boundary.</p> <p>2. 3. From Hough Hill at the entrance to Swannington</p>	Agreed

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
				(field 004), east-northeast across the high ground in the south of the Plan Area 3. 4. From field 005 at the back of the Hough Hill area of the village, extensive views northeast over the eastern half of the Plan Area including the route of the Leicester & Swannington railway and the site of Calcutta mine and pumping engine	
PM8	Policy ENV9	Amend the third paragraph to: <u>“Major development should demonstrate that it takes the effects of climate change into account.”</u>	Whereas major development should incorporate sustainable drainage systems as advised in NPPF paragraph 169, some of the requirements in Policy ENV9 should apply to all development. The examiner considers that in view of the comprehensive advice in the NPPF and the wide ranging NWLLP Policies Cc2 and Cc3, the third paragraph should be deleted, other than	<u>Major development should demonstrate that it takes the effects of climate change into account.</u> a. if in a location susceptible to flooding from rivers or surface water, no alternative site to meet the local residential development need is available; b. its location and design respect the geology, flood risk and natural drainage characteristics of the immediate area and is accompanied by a hydrological study whose	Agreed

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
			the final requirement about climate change.	<p>findings must be complied with in respect of design, groundworks and construction;</p> <p>e. it includes a Surface Water Drainage Strategy which demonstrates that the proposed drainage scheme, and site layout and design, will prevent properties from flooding from surface water, including allowing for climate change effects, and that flood risk elsewhere will not be exacerbated by increased levels of surface water runoff and will not threaten other natural habitats and water systems;</p> <p>d. its design includes, as appropriate, sustainable drainage systems (SuDS) with ongoing maintenance provision, other surface water management measures and permeable surfaces;</p> <p>e. it does not increase the risk of flooding to third parties;</p> <p>f. proposed SuDs infrastructure includes, where practicable, habitat creation comprising e.g. landscaping,</p>	

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
				<p>access and egress for aquatic and terrestrial animals, and native species planting; and including a management plan for these measures, and</p> <p>g. it takes the effects of climate change into account.</p>	
PM9	Policy ENV10	<p>Rephrase the first section of the policy to: “Proposals for single small scale (turbines less than 30m), particularly those that are local resident, business, amenity or community initiated, solar and wind generation...”</p> <p>Amend the first paragraph to: “...areas enclosed by the red line on Figure 15 and complying with...”.</p>	For clarity	<p>Proposals for single small-scale (turbines less than 30m), particularly those that are local resident, business, amenity or community-initiated, solar and wind generation infrastructure will be supported, subject to their being outside the areas enclosed by the red line on figure xx Figure 15 and complying with the environmental protection conditions listed in NWLDC Local Plan (2017) Policy Cc1.</p>	Agreed
PM10	Policy E2	Delete h).	Criterion h) is too ambiguous to assist in effective development management.	The following text will be deleted from the Policy:	Agreed

Proposed Modification No. (PM)	Policy Reference	Proposed Modification	Reason for Proposed Modification	Revised Policy Text	NWLDC Consideration
				h) Be well integrated into and complement existing businesses.	
PM11	Policy T3	Delete the policy	Policy T3 overlaps with the approved Building Regulations Part S which came into effect in June 2022 and offers a much more comprehensive set of requirements than the first paragraph of the policy.	N/A	Agreed

Appendix B

During the drafting of this report, it became clear to officers that some further redrafting of Policy H4 was required so that the policy was clearer for applicants and the decision maker. These are considered to be **minor (non-material) modifications** as they have been made for the purposes of clarity and do not materially affect the overall policy.

These proposed minor (non-material) modifications are set out in the table below. They have been accepted by Swannington Parish Council (email correspondence dated 14 January 2023).

Please note that the policy references below (e.g. 'part f') relate to the Submission Version of the Neighbourhood Plan. These references may change due to the various amendments made to the policy during the course of the examination. The final wording of Policy H4 (incorporating changes made by Swannington Parish Council during the examination process, the examiner's proposed modifications and planning policy officers' proposed minor modifications) is set out in full at **Appendix C**.

Policy Reference	Proposed Minor Modification	Reason for Proposed Minor Modification	Revised Policy Text
H4 parts f) and o)	Amalgamate parts f) and o)	There is a potential conflict between parts f) and o), leaving uncertainty for the applicant/decision maker. Part f) seeks the enclosure of plots by either native hedging, wooden fencing, or stone/brick wall, whereas part o) requires property boundaries to be in the form of hedges or fences with ground level gaps. The policy would be clearer and more concise if parts f) and o) were amalgamated.	f) Where possible, enclosure of plots should be of native hedging, wooden fencing, or stone/brick wall. <u>Where appropriate, hedges (or fences with ground-level gaps) should be used for property boundaries to maintain connectivity of habitat for hedgehogs and other terrestrial animals.</u> o) Hedges (or fences with ground-level gaps) should be used for property boundaries to maintain connectivity of habitat for hedgehogs and other terrestrial animals.
H4 parts g) and j)	Move the reference to surface water run off and flood risk in part g) to part j).	There is some overlap between parts g) and j). Part g) relates to sustainable design, renewable and low carbon energy, whereas part j) deals with flooding and drainage. The reference to " <i>and minimise</i>	g) Development is encouraged to incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low

		<p><i>surface water run-off and risk of flooding</i>" does not sit well in part g) and should be moved to part j).</p>	<p>carbon energy technology, as appropriate; and minimise surface run-off and risk of flooding.</p> <p>j) Development should <u>minimise surface run-off and risk of flooding and</u> incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change.</p>
H4 part m)	Amend the text with regards to three storey dwellings.	<p>An amendment to part m) was made by Swannington Parish Council during the course of the examination. It referenced 'the site' which did not make sense in a general design policy. Some flexibility was also considered necessary.</p>	<p><u>Three-storey dwellings may not be suitable for all sites</u> would be unsuitable for the site.</p>

Appendix C

During the course of the examination, the examiner requested that SPC redraft the policy taking into account the comments made by NWLDC in response to the Regulation 16 consultation. These changes were submitted by SPC to the examiner on 21 November 2022. In addition to these changes, the examiner's report includes some further modifications (PM4).

The text below shows Policy H4 as it was in the Submission Version of the SNP, with the combined modifications from SPC (21 November 2022) and the examiner (PM4). The minor modifications proposed by planning policy officers are shown in **red**.

POLICY H4: DESIGN QUALITY - Development proposals must **be in line with the NWL Good Design Guide SPD (2017) and** demonstrate a high quality of design, layout and materials in order to make a positive contribution to the special character of Swannington Parish.

a. New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, and proposals should clearly show how the general character, scale, mass, density and layout of the site and the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development minimises disruption of the visual amenity of the street scene nor impact negatively on any significant wider landscape views.

b. New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment.

c. Contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.

d. Proposals should minimise the impact on general amenity and careful consideration given to noise, odour and light. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient.

e. Development should enhance biodiversity and relate well to the topography of the area, with existing trees and hedges preserved whenever possible.

f. Where possible, enclosure of plots should be of native hedging, wooden fencing, or stone/brick wall. **Where appropriate, hedges (or fences with ground-level gaps) should be used for property boundaries to maintain connectivity of habitat for hedgehogs and other terrestrial animals.**

g. Development is encouraged to incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate; ~~and minimise surface run-off and risk of flooding.~~

h. Energy and communications connections should be sited below ground, **where possible**.

~~i. Cabling of at least 7kW is provided to the most practical point in the home to facilitate subsequent installation of a home electric vehicle charging point.~~

~~j.~~ Development should **minimise surface run-off and risk of flooding and** incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change.

~~j. k.~~ Design should ensure appropriate provision for the storage of waste and recyclable material in locations convenient and accessible for collection and emptying.

~~k. l.~~ Adequate off-road parking should be provided, with a minimum of two car parking spaces for dwellings of up to three bedrooms and three spaces for dwellings of four bedrooms or more, in line with Highways Authority requirements. Garages should be adjacent **well related** to each house and large enough to accommodate modern cars and SUVs. Blocks of garages remote from dwellings will not be supported.

~~l. m.~~ Innovative designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene will be supported. On developments of ten or more dwellings, housing development should be predominantly two-storey. ~~with any three-storey dwellings being spread throughout the development.~~ **Three-storey dwellings may not be suitable for all sites would be unsuitable for the site.**

~~m. n.~~ Roof and wall construction should incorporate integral bird nest boxes and bat breeding and roosting sites.

~~n. o.~~ **Hedges (or fences with ground-level gaps) should be used for property boundaries to maintain connectivity of habitat for hedgehogs and other terrestrial animals.**

~~n. p.~~ Avoidance of all unnecessary artificial lighting.

~~q.~~ ~~Security lighting, if essential, should be operated by intruder sensors and illuminated for no longer than 1 minute. Sports and commercial facility lighting should be switched off during agreed 'curfew' hours between March and October, following best practice guidelines in *Bats and Lighting* Leicestershire Environmental Records Centre, 2014.~~

~~o. r.~~ Lighting design, location, type, lux levels and times of use should follow current best-practice, e.g. by applying the guidelines in *Guidance note 08/18 Bats and artificial lighting in the UK*: Bat Conservation Trust / Institution of Lighting Professionals, 2018.