

Title of Report	BREEDON ON THE HILL NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager ian.nelson@nwleicestershire.gov.uk	
Background Papers	National Planning Policy Framework (NPPF, 2023)	Public Report: Yes
	Planning Practice Guidance (PPG) Breedon on the Hill Neighbourhood Plan Submission Version (2024)	Key Decision: No
Financial Implications	<p>The Breedon on the Hill Neighbourhood Plan will incur direct costs to the Council to support an independent examination of the plan and then a local referendum, should the examination be successful. Grant funding from central government (£30,000 per neighbourhood plan) is payable to the Council to support this agenda but is unlikely to meet the costs in full.</p> <p>Once the neighbourhood plan is made it will form part of the Development Plan for North West Leicestershire. Should the document be subject to legal challenge, the Council will be responsible for meeting such costs. Any such costs would need to be met from the contingency budget held by the Planning Service.</p>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	<p>The report highlights the staff resources required to support neighbourhood planning in the district. Much of this work is done within the Planning Policy team which is also responsible for the delivery of the Local Plan Review.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p>	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To determine the Council's response to the submission draft of the Breedon on the Hill Neighbourhood Plan.	
Recommendations	<ol style="list-style-type: none"> 1. THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT OF THE BREEDON ON THE HILL NEIGHBOURHOOD PLAN IN APPENDIX A. 2. THAT THE COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE BREEDON ON THE HILL NEIGHBOURHOOD PLAN. 	

	<p>3. THAT THE COMMITTEE NOTES THAT FOLLOWING RECEIPT OF THE INDEPENDENT EXAMINER’S REPORT, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR INFRASTRUCTURE WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM.</p> <p>4. THAT THE COMMITTEE NOTES THAT FOLLOWING THE REFERENDUM AND IF TIME DOES NOT ALLOW FOR A REPORT TO THIS COMMITTEE, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR INFRASTRUCTURE WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE ‘MADE’.</p>
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1. BACKGROUND

- 1.1 Neighbourhood planning was introduced under the Localism Act 2011 to give local communities a more hands-on role in the planning of their neighbourhoods. It introduced new rights and powers to allow local communities to shape new development in their local area. Neighbourhood Plans can be prepared by a parish or town council (or neighbourhood forums in areas not covered by a parish or town council) once they have been designated as a neighbourhood area by the district council.
- 1.2 Neighbourhood Plans should consider local and not strategic issues and must have regard to national and local planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want. The Plan’s policies must meet a set of [‘basic conditions’](#) which include:
- having regard to national planning policies and guidance;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies of the development plan; and
 - being in line with EU obligations and human rights requirements.
- 1.3 As the Local Planning Authority (LPA), the Council has an important role to play in the neighbourhood plan process even though it is not responsible for its preparation. The key stages in producing a neighbourhood plan, as governed by The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2015, are:

Regulation	Stage
Reg 6A	Designate a neighbourhood area
	Prepare a draft neighbourhood plan
Reg 14	Pre-submission publicity and consultation
Reg 15	Submit the neighbourhood plan to the LPA
Reg 16	Publicise the draft neighbourhood plan (six week consultation)
Reg 17	Submit the draft plan for independent examination
Reg 18	Publish the Examiner’s Report and decide if the plan can proceed to referendum
Para 12, Sch 4B TCPA 1990	Referendum
Reg 19	Decision to ‘make’ the neighbourhood plan
Reg 20	Publicise the made neighbourhood plan

1.4 The Breedon on the Hill Neighbourhood Plan has reached the Regulation 16 stage. This report sets out a proposed consultation response for members to consider (see **Appendix A**).

2. BREEDON ON THE HILL NEIGHBOURHOOD PLAN

2.1 The Breedon on the Hill Neighbourhood Plan Area covers the whole of the parish and was designated on 14 October 2020 (Regulation 6A). Breedon on the Hill Parish Council consulted on a pre-submission version of the plan between 30 October and 11 December 2023 (Regulation 14). As there was no available Local Plan Committee, due to the timescale of the consultation period, the Council's consultation response was agreed in consultation with the Portfolio Holder for Planning before being submitted to the Parish Council.

2.2 The Parish Council considered all the comments it received, amended the plan and it has now requested that the Council organise formal consultation on the submission draft version to the plan and then submit it for Examination (Regulations 15, 16 and 17). This consultation has been arranged for a six-week period from **Tuesday 16 July to Tuesday 27 August 2024**. The submission version of the plan and the supporting documentation can be viewed on the Council's [website](#).

2.3 In overview, the neighbourhood plan policies cover the following broad areas:

- the protection of the countryside, the landscape and locally important views
- the identification of Areas of Separation
- policies to protect the heritage and ecology of the parish, including the designation of Local Green Spaces
- the management of water and flood risk
- the protection of, and support for, community facilities
- the provision of new or improved infrastructure, including financial contributions where appropriate
- the design of new development
- the location of new development including the allocation of around 13 homes at Land north of Southworth Road, Breedon on the Hill (within the existing Limits to Development) and the allocation of around ten homes at Moor Lane, Tonge
- designation of a new Limits to Development at Breedon on the Hill and a Settlement Boundary for Wilson
- housing mix, affordable housing and windfall development
- policies to support the development of rural housing, the residential conversion of rural buildings, rural worker accommodation and replacement dwellings in the countryside
- policies to support the business conversion of rural building and development to facilitate working from home

2.4 As a point of clarification:

- the pre-submission version of the Neighbourhood Plan proposed the allocation of around 15 dwellings at Land South of Priory Close, Breedon on the Hill. This allocation has been removed.
- the proposed new Limits to Development for Breedon on the Hill are intended to replace those within the currently adopted Local Plan. The proposed boundary takes account of new development that has been permitted in the village since the adoption of the Local Plan as well as some minor changes to reflect existing curtilages. These changes will also be picked up by the ongoing work on the new Local Plan and the proposed changes to Limits to Development.

2.5 Officers have reviewed the submission version of the plan, taking account of the comments that were made by this Council at the previous stage. The schedule in **Appendix A** sets out those previous comments and identifies where changes have been made in response. The

final column in the schedule identifies the outstanding matters which officers recommend should form this Council's response to the submission draft plan and which, in due course, will be considered by the examiner. These matters are categorised as either an 'objection' or as a 'comment':

- an **objection** is made where an aspect of the plan is considered to conflict with one of basic conditions listed in paragraph 1.2 above.
- a **comment** relates to a less fundamental aspect but which, if it were addressed, could improve the application of the plan's policies. It will be at the examiner's discretion whether they choose to take account of these points.

2.6 The Committee is invited to consider these objections and comments and, with amendments as appropriate, to agree them as the Council's response to the submission plan.

Next Steps

2.7 Subject to the Committee's decision, the response will be submitted before the consultation closing date. In the meantime, officers will be appointing an independent examiner to conduct the neighbourhood plan examination. The appointment process will be done in consultation with the Breedon on the Hill Parish Council.

2.8 At the close of the consultation, the neighbourhood plan documentation and any representations received will be sent to the examiner. Neighbourhood Plan examinations are usually undertaken by means of written representations, but the examiner could decide to hold hearings if the matters at issue are more complex. The examiner will set out conclusions on the plan in an Examiner's Report.

2.9 Following receipt of the independent Examiner's Report, the Council must formally decide whether to send the plan to referendum (with or without modifications proposed by the examiner or NWLDC). Regulation 17A(5) of the 2016 Regulations gives the Council five weeks from receipt of the Examiner's Report to decide whether or not to proceed with the referendum. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for Infrastructure will exercise the executive power of making this decision as delegated to them in the Constitution (paragraph 5.2.1 of the Scheme of Delegation). This is allowed for in the recommendations.

2.10 Should the plan be sent to referendum, and residents vote in favour of the Neighbourhood Plan, then the District Council is required to 'make' (i.e. adopt) the plan within eight weeks of the referendum (Reg 18A(1) of the 2016 Regs). The decision to adopt is an executive decision. If time permits, then a report would be brought to a future meeting of this Committee first. However, in view of the timescales required to make such a decision, it is likely that this would be done by the Strategic Director of Place, in consultation with the Portfolio Holder for Infrastructure under the Scheme of Delegation.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of neighbourhood plans can impact on any and all of the Council priorities: <ul style="list-style-type: none"> • Our communities are safe, healthy and connected • Local people live in high quality, affordable homes • Supporting businesses and helping people into local jobs • Developing a clean and green district
Policy Considerations:	Adopted North West Leicestershire Local Plan National Planning Policy Framework

Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	Neighbourhood plans in general can deliver positive economic and social impacts for local communities as part of their wider objective to achieve sustainable development. The Breedon on the Hill Neighbourhood Plan specifically contains policies that will help support the local economy, local community facilities and the provision of affordable housing amongst other things.
Environment and Climate Change:	Neighbourhood plans can also deliver positive environmental and climate change benefits as part of their wider objective to achieve sustainable development. The Breedon on the Hill Neighbourhood Plan specifically contains policies that seek to conserve biodiversity and heritage assets in the parish and will potentially enable additional EV charging points.
Consultation/Community Engagement:	Neighbourhood plans are subject to at least two stages of public consultation.
Risks:	The proposed response at Appendix A concludes that in a limited number of instances, the neighbourhood plan is considered to be in conflict with policies in the adopted Local Plan. Bringing this to the attention of the independent examiner enables them to assess these matters and to reach a reasoned conclusion. This will bring clarity for all users of the plan in the future.
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APPENDIX A: OFFICER RESPONSE TO BREEDON ON THE HILL NEIGHBOURHOOD PLAN (BotHNP) SUBMISSION VERSION

Reg 14 Plan: Section/Policy Number/Page Number	Reg 14 Plan: NWLDC Responses	Reg 15 Plan: Section/Policy Number/Page Number and Commentary	Reg 15 Plan: Objections / Comments
Para 1.1	Query why the word 'given' is underlined. Is this supposed to be a link?	Para 1.1 The formatting has been corrected and the underline removed.	None.
Para 1.8	The NPPF has since been revised in September 2023.	Para 1.8 This section has been updated to refer to the NPPF updates in September 2023 and December 2023.	None.
Page 4	Suggest that the Principal Town (on the diagram) be amended from 'Coalville' to 'Coalville Urban Area.'	Page 4 Diagram has been amended in accordance with these comments.	None.
Para 1.16	The Local Plan Review is seeking to identify land for a minimum of 5693 dwellings. Therefore, suggest replacing 'provide for' with 'identify land for' in the following sentence: <i>Having regard to the Leicester and Leicestershire Strategic Growth Plan, the Local Plan Review is looking to <u>identify land for an additional minimum of 5,693 houses</u></i>	Para 1.16 Amendments have been made in accordance with these comments.	None.
Para 2.5 (page 10)	<u>Comments from the Conservation Officer</u> The height of a physical feature is usually presented as a height above ordnance datum (AOD), not above sea level. The summit of Breedon Hill is more than 125m AOD. This height is meaningless if it is presented out of context. It would be more meaningful if it was presented in the context of the settlement core, which occupies a shallow basin between 70m and 75m AOD.	Para 2.5 (Page 9) No changes have been made.	Comment The comments raised are noted and have not been resolved. However, the wording used in the Neighbourhood Plan would not result in the Plan not meeting the set of basic conditions.

Para 2.5 (page 10)	<p><u>Comments from the Conservation Officer</u></p> <p>Breedon Hill is an outcrop of the Cloud Hill and Milldale dolostone formations (the latter formation is quarried for aggregate). Dolostone is the preferred geological term, although the SSSI notification continues to refer to carboniferous limestone grassland. Magnesian limestone is a non-preferred geological term (there is no such thing as 'magnesium limestone').</p>	<p>Para 2.5 (Page 9) No changes have been made.</p>	<p>Comment The comments raised are noted and have not been resolved. However, the wording used in the Neighbourhood Plan wouldn't result in the Plan not meeting the set of basic conditions.</p>
Para 2.15	Suggest that the bus service is defined as infrequent/only twice daily.	<p>Para 2.15 Makes reference to an infrequent bus service.</p>	None.
Policy BotH1: Countryside (Page 17)	Last line of the policy. Replace Policies S3 with Policy S3	<p>Policy BotH1: Countryside (Page 16) Policy refers to Policy S3.</p>	None.
Policy BotH1: Countryside (Page 17)	<p>This policy provides a Limits to Development for Breedon on the Hill and a Settlement Boundary for Wilson. These issues are addressed below under Policies BothH15 and BotH17.</p> <p>It may help the user of the document if the LTD plans followed this policy rather than being in the housing chapter, particularly as they relate to more than just housing?</p>	<p>Policy BotH1: Countryside (Page 16) No changes have been made and the Limits to Development and Settlement Boundary Plans are shown in the Housing Chapter and on the Policies Map at the end of the document.</p>	<p>Comment These comments were only advisory in nature and the layout of the Neighbourhood Plan would not result in it not meeting the set of basic conditions.</p>
Policy BotH2: Protecting the Landscape and Locally Important Views	<p>Some of the views listed in this policy and shown on maps 2- 4 appear to be generally over tracts of open countryside. In this respect the Council considers that the policy acts more as a countryside policy which is a function performed by Local Plan Policy S3 – Countryside and is a strategic matter which is inappropriate for a neighbourhood plan.</p> <p>Further, the policy would be difficult to apply effectively in development management decisions without a clear understanding of what it is special about these views that</p>	<p>Policy BotH2: No changes have been made.</p>	<p>Objection The Council objects to this policy for the reasons given at the pre-submission (Regulation 14) stage.</p> <p>Views 1 and 2 appear to be generally over tracts of open countryside. In this respect the council considers that the policy acts more as a</p>

	<p>the Neighbourhood Plan is aiming to safeguard. Suggest that justification is provided detailing why these views are highly characteristic of the area and what it is that they display.</p> <p><u>Comments from the Conservation Officer</u></p> <p>Policy BOTH2 identifies five “locally important views”. The Breedon conservation area appraisal identifies key views including a view “northwards along Worthington Lane” (4.23). The Tonge appraisal identifies “fine views [from] the western entrance to the hamlet to the parish church on Breedon Hill” (4.23). This evidence does not appear to have contributed to your own understanding of “locally important views” in the plan area.</p>		<p>countryside policy which is a function performed by Local Plan Policy S3 – Countryside and is a strategic matter which is inappropriate for a neighbourhood plan.</p> <p>However, there is no objection to the principle of the Views 3,4, & 5, as they are views within settlement and not over tracts of open countryside.</p> <p>However greater clarity is needed to aid the decision maker in understanding why these views are important and how proposals could potentially impact upon them and provide appropriate mitigation.</p> <p>Reason This is a strategic matter whereas, as directed by the NPPF, Neighbourhood Plans should focus on non-strategic policies.</p> <p>To give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p>
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<p>Policy BotH3: Areas of Separation</p>	<p>Retaining the separation between settlements is a strategic matter which is covered in criterion (ii) of Local Plan Policy S3 – Countryside “it does not undermine....the physical and perceived separation and undeveloped character between nearby settlements...”.</p> <p>There is some precedent, however. The Examiner for the Blackfordby Neighbourhood Plan considered an Area of Separation Policy. (see page 14 of the Examiners Report). He concluded that “notwithstanding the fact that countryside policies would apply, the policy serves to reinforce the function of this local space. The Examiner changed the title of this designation to ‘Local Area of Separation’ in order to distinguish it from the Local Plan.</p> <p>However, it is unclear how a Provisional Area of Separation can be identified and designated in the absence of the allocation of a new settlement. It is suggested that the issues this policy is seeking to address are better dealt with in the Local Plan should land be allocated for a new settlement.</p> <p>Alternatively, it needs to be clear at what stage in the Local Plan process, for example Regulation 19, when the designation may change from a Provisional Area of Separation to an actual Area of Separation.</p>	<p>Policy BotH3: Areas of Separation No change has been made to these physical designations.</p> <p>Although, the following additional wording has been added to the policy to provide the trigger when this policy requirement would apply to the Provisional Area of Separation.</p> <p><i>The above requirements will also apply to the Provisional Area of Separation to the north of Tonge, as defined on Map 5, should proposals for a new settlement to the north of the Neighbourhood Area be progressed through either a planning application or the Regulation 19 Draft version of the North West Leicestershire Local Plan.</i></p>	<p>Objection The Council objects to this policy for the reasons given at the pre-submission (Regulation 14) stage.</p> <p>Retaining the separation between settlements is a strategic matter which is covered in criterion (ii) of Local Plan Policy S3 – Countryside “it does not undermine....the physical and perceived separation and undeveloped character between nearby settlements...”.</p> <p>It is noted that the Examiner for the Blackfordby Neighbourhood Plan considered an Area of Separation Policy. He concluded that “notwithstanding the fact that countryside policies would apply, the policy serves to reinforce the function of this local space.’</p> <p>If the examiner considers this policy is non-strategic and the designation of the area of separation is acceptable, we request that the policy should refer to a Local Area of Separation.</p>
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			<p>However, it remains unclear how a Provisional Area of Separation can be identified and designated in the absence of a new settlement. The Neighbourhood Plan cannot provide certainty on this matter and is dependent on the outcome of the new Local Plan. The strategic matter would be better dealt with in the Local Plan should land be allocated for a new settlement.</p> <p>Reason This is a strategic matter whereas, as directed by the NPPF, Neighbourhood Plans should focus on non-strategic policies.</p>
<p>Policy BotH4: Countryside Access</p>	<p><u>Comments from the Health and Well Being Team</u></p> <p>There are no significant sporting/leisure facilities, and it is unlikely a development would be large enough to warrant a contribution or need to develop a new facility.</p> <p>Support reference to walking and cycling in Policy BotH4 and the creation of new links. Is there an opportunity to seek improvements to the walking network through new developments? Suggested improvements could be in the form of footpath widening, additional crossings.</p> <p>Would support greater detail around design and developments are designed to encourage active modes of transport such as cycling and walking. Developments should be designed so that wheelchairs and mobility</p>	<p>Policy BotH4: Countryside Access</p> <p>No changes have been made and these comments were only advisory in nature.</p>	<p>Comment</p> <p>It is noted that this is an enabling policy and accessibility improvements are sought where opportunities arise. These comments were only advisory in nature.</p> <p>Paragraph 8.28 mentions the Cloud Trail and the Parish Council's support for the extension of the Trail. Therefore it may be useful for the Neighbourhood Plan to acknowledge the North West</p>

	<p>scooter can be used to access the existing network and local facilities.</p> <p>Does the Neighbourhood Plan provide an opportunity to protect cycling routes?</p>		<p>Leicestershire Cycling and Walking Strategy and the North West Leicestershire Local Cycling and Walking Infrastructure Plan which provides the evidence base and prioritisation of the Cloud Trail. In addition, there is the Ashby de la Zouch Town Council Cycling and Walking Strategy 2022.</p>
<p>Policy BotH5: Ecology and Biodiversity</p>	<p>Having checked the Council's records of Local Wildlife Site (LWS)_ against Map 8 of the Neighbourhood Plan the following is advised:</p> <ul style="list-style-type: none"> • It is difficult to see the extent of the site 75570 on Map 8 • There is 75198 south west of Breedon and the green dot covers another number. • Is 91421 south west of Breedon centre all three dots? • Our records show Site Ref 75101 and this is detailed in Appendix 1 but does not seem to appear on Map 8 • Map 8 details 75092 and 75023 as a run of hedgerow. Council records show this hedgerow to comprise of 75023, 74931, 74967, 75029, 74974 and 75092. Furthermore 75023 is only identified as a potential LWS. <p>For accuracy, the Council recommends that the NP Group checks these discrepancies with the LCC Ecology team.</p>	<p>Policy BotH5: Ecology and Biodiversity: Map 5 has been amended where possible following a recheck of the discrepancies identified. 75023 is confirmed as a LWS. LWS 91421 and 75101 have been amended.</p> <p>However, as some of the LWS are very small and it is impractical to show all of them at a large scale.</p>	<p>Comment</p> <p>The availability of maps showing more detail would be of benefit to the user.</p> <p>The Neighbourhood Plan identifies Historic Local Wildlife Sites as 'having important wildlife value in the past but have not been surveyed since the 1980s/90.' It would be useful to clarify their current wildlife value.</p>


	It would be useful to clarify if historic Local Wildlife Sites are still designated sites. If they are no longer designated would suggest that they are not included.		
Policy BotH6: Trees and Hedgerows	No Comments	Not applicable.	None.
Policy BotH7: Water Management	Should the opening sentence refer to 'designed' rather than 'built'?	Policy BotH7: Water Management The opening sentence has been amended to refer to 'designed'	None.
Policy BotH8: Retention of Community Services and Facilities	No comments to make.	Policy BotH8: Retention of Community Services and Facilities Breedon Parish Hall has been added to this policy. This facility will be protected and development which assists its diversification and improvement will be supported.	None.
Policy BotH9: Ultrafast Connectivity	Should the policy also refer to technically unviable?	Policy BotH9: Ultrafast Connectivity No changes made as the second part of the policy refers to unviable development.	Comment Suggest that the policy recognises those instances when the provision of open access ducting to industry standards would be technically unfeasible.
Policy BotH10: Infrastructure	No comments to make.	Not applicable.	None.
Paragraphs 6.1 to 6.12 (pgs 46 -29)	<u>Comments from Conservation Officer</u> Paragraphs 6.1 to 6.12 reproduce paragraphs from the Breedon, Tonge and Wilson conservation area appraisals. The District Council should be credited as the source of this information.	Chapter 6 – Heading of Historic Development A footnote has been added crediting the Breedon, Tonge & Wilson Conservation Area Appraisals.	None

<p>Paragraphs 6.4 to 6.5</p>	<p><u>Comments from Conservation Officer</u></p> <p>Paragraph 6.4 refers to the quarry while paragraph 6.5 refers to “important landowners”. References to developments “by the turn of the nineteenth century” and “in the middle of the nineteenth century” are misleading. Paragraph 6.5 does not refer to Lord Donington or John Gillies Shields, who were instrumental in the development of the modern quarry. The following is my own account, although it relies heavily upon the account in <i>Hand-me-down hearsays</i> (2002).</p> <p><i>In 1641 the manor belonged to the first Earl of Stamford. In 1770 Nathaniel Curzon and the fifth Earl exchanged letters about the “lime works at Breedon”. In 1872 Nathaniel Curzon acquired Lockington Hall “and left Breedon Hall”. In 1873 the seventh Earl “put his Breedon property up for sale by auction”. It was bought by Charles Abney Hastings (d.1895), first Baron Donington.</i></p> <p><i>The Earl of Stamford had “let the lime works from year to year to the Bostock family”. Lord Donington let the quarries to Fielding Moore, who worked the quarries for three years “and then went bankrupt”. Lord Donington “decided to run the quarries himself”; he engaged John Stableford of Coalville, who managed the quarries in the 1880s “with ever decreasing success”.</i></p> <p><i>Lord Donington asked his agent, John Gillies Shields, to “take control of the quarries”. In 1896 the quarries were leased to Mr Shields for thirty years. In 1920 Mr Shields “was able to purchase the quarries and other land in the parish outright”. In the 1920s Breedon Hall “was let to Major Johnny Shields, who remained there until 1943 when his father [John Gillies] Shields died”. In 1944 “Captain Charles Shields (Johnny’s younger brother) bought Breedon Hall from John Curzon and moved in”.</i></p>	<p>Paragraphs 6.4 to 6.5 No changes have been made.</p>	<p>Comment The comments raised are noted and have not been resolved. However, the wording used in the Neighbourhood Plan would not result in the Plan not meeting the set of basic conditions.</p>
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Paragraph 6.19 (Page 52)	<p><u>Comments from Conservation Officer</u></p> <p>Paragraph 6.19 says that most buildings “built between 1700 and 1840” are listed. In fact since November 2018 the threshold has been 1850, not 1840 (link).</p>	<p>Paragraph 6.19 (Page 51) Text has been amended to reflect the guidance contained within the ‘Principles of selection for listed buildings’ (Department for Digital, Culture, Media and Sport)</p>	None
Page 53	The font for the LB building link for ‘Church of St Mary and St Hardulph, Breedon on the Hill’ is different to that used for the other links.	<p>Page 52 The formatting has been updated for consistency.</p>	None.
Section on Non-Designated Heritage Assets	<p><u>Comments from Conservation Officer</u></p> <p>Paragraph 6.27 refers to a list of ‘features of local heritage interest’, compiled from <i>Hand-me-down hearsays</i> (2002), the Leicestershire & Rutland HER, the Breedon, Tonge and Wilson conservation area appraisals and a 2021 questionnaire survey.</p> <p>Paragraph 6.29 says that the HER “identifies 10 historic buildings which are not already listed and 37 archaeological remains”. Policy BOTH11 contains a list of 10 ‘features of local heritage interest’ and a list of 37 ‘known archaeological remains’ and thus appears to be based solely on the evidence in the HER. I cannot see how the other three sources of evidence have contributed to this exercise.</p> <p>In response to an examiner’s question, in 2021 I said that a neighbourhood plan should “identify clear criteria for the identification of heritage assets”. The draft plan contains no such criteria.</p> <p>MLE19765 refers to a “brick cart shed built at some point between 1887 and 1903”; <i>prima facie</i> I can see no reason why it has been identified as a feature of local heritage interest.</p>	<p>Policy Both11: Locally Valued Heritage Assets MLE4399 and MLE23231 have been deleted as they relate to the scheduled monument.</p> <p>The Parish Council have advised that the brick-built cart-shed, as the District Council sought its retention as part of an approved development in the District.</p> <p>Clarification provided that the historic settlement cores for Breedon on the Hill, Tonge and Wilson are based on archaeological interest and serve a different purpose to Conservation Areas. The boundaries are different too.</p>	<p>Comment Policy Both11 identifies a number of non-designated heritage assets. This list has been compiled from a number of sources, including the HER.</p> <p>However, a neighbourhood plan should identify clear criteria for the identification of heritage assets. The [NP] contains no such criteria for identifying “local heritage assets”. The reasoning/ justification for the identification of specific assets is somewhat limited and lacks transparency.</p>

	<p>The 10 historic buildings “are not already listed”, but some of the 37 “known archaeological remains” are associated with designated heritage assets. MLE4399 and MLE23231 relate to the scheduled monument known as ‘The Bulwarks’.</p> <p>Historic settlement cores MLE4426, MLE9166 and MLE16894 relate to the conservation areas at Tonge, Breedon and Wilson respectively.</p> <p>Some of the “known archaeological remains” have been destroyed; for instance a cemetery (MLE4402) was excavated “in advance of destruction by quarrying”. Some of the “known archaeological remains” (including MLE4398 and MLE16871) are finds.</p>		
Policy BotH12: Design	No comment	None.	None
Policy BotH13: Local Green Spaces	<p>For context, it would be useful to highlight the tests which need to be met for a piece of land to be able to be designated as Local Green Space (paragraph 102 of the NPPF) and this is cross referenced to Appendix 3:</p> <p><i>a) in reasonably close proximity to the community it serves;</i> <i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i> <i>c) local in character and is not an extensive tract of land.</i></p> <p>It is suggested that evidence/justification is provided to support the various statements at Appendix 3 and how each sites meets the relevant criteria.</p>	<p>Appendix 3 Modified to include the Local Green Space designation criteria and which criteria each Local Green Space satisfies.</p> <p>Although no comments have been made on specific Local Green Spaces, three sites have been removed from Wilson. Wilson now only includes two Local Green Spaces.</p>	<p>Comment It would be beneficial to provide evidence/justification how each sites meets the identified criteria as this would aid decision making in the event of future planning applications.</p>

<p>HS2 Section (Paragraphs 8.9 to 8.11)</p>	<p>This section would benefit from an update now that the government has announced that it will no longer proceed with the eastern leg of HS2 which would have passed through the district.</p>	<p>Chapter 8: Transport The section on HS2 has been deleted. HS2 has been deleted from the maps throughout the Neighbourhood Plan.</p>	<p>None.</p>
<p>Paragraphs 9.3 and 9.4</p>	<p>The redevelopment of previously developed land for housing should be within or well related to the settlement boundary. This should be reflected in the text for clarity.</p>	<p>Paragraphs 9.3 and 9.4 Amendments have been made accordingly.</p>	<p>None.</p>
<p>Paragraphs 9.8 to 9.10 New Settlement</p>	<p>The reference to the potential for the new Local Plan to include a proposal for a new settlement is noted, as is the response to the questionnaire survey undertaken. It is not clear whether the reference at paragraph 9.8 to 30 years should be 20 years?</p>	<p>Paragraph 1.15 Paragraph 1.15 provides an update on the Draft Local Plan. Reference to 30 years remains in Paragraph 9.8</p>	<p>None</p>
<p>Policy BotH14: Housing Requirements</p>	<p>It is noted that the proposed Limits to Development do not fully accord with the Limits to Development in the adopted NWLLP. The Limits to Development boundary has been updated to account for new development that has been permitted in the village. The Council is also undertaking a review of the Limits to Development. Public consultation on this review will take place in January 2024 and also proposes the inclusion of approved development sites within the Limits to Development boundary. It is appreciated that this is only a consultation document but there is some difference in how the line has been drawn to reflect the Cameron Homes Development off Ashby Road/The Green. The Council is also proposing two further changes, one to reflect the office development that has been permitted at Pinnacle House and the other to follow a residential curtilage at the junction of Hollow Road and Melbourne Road.</p>	<p>Policy BotH14: Housing Requirements Following discussions with the Parish Council amendments have been made to the proposed Limits to Development for Breedon on the Hill. These can be summarised.</p> <ul style="list-style-type: none"> • Deletion of the proposed housing allocation at Land South of Priory Close and the redrawing of the line around the existing Cameron Homes Development off Ashby Road/The Green. • Minor changes to the northern boundary next to Manor Farm. • Redrawing of the boundary around the quarry site to reflect recent development and the exclusion of an area of hardstanding and Listed Building. 	<p>Comment These changes to the Breedon on the Hill Limits to Development are considered satisfactory. These changes will also be picked up by the ongoing work on the new Local Plan and the proposed changes to Limits to Development.</p>

	<p>Please find a link to the Proposed Limit to Development that is to be the subject of public consultation in early 2024.</p> <p>A meeting to discuss this matter further would be helpful.</p>	<p>This policy now refers to the allocation of Land north of Southworth Road, Breedon the Hill for the development of approximately 13 dwellings in accordance with Policy BotH16.</p>	
<p>Policy BotH16: Land south of Priory Close, Breedon the Hill</p>	<p>Given that there is no housing requirement for Breedon on the Hill in the adopted Local Plan, planning policy officers have provided the Parsh Council with an indicative housing figure, having tested various housing growth and distribution scenarios, to provide a final figure of 13 dwellings for the plan period.</p> <p>Officers welcome the Parish Council's proposal to allocate a site for housing as it represents positive planning which is based in evidence. The site is for approximately 15 dwellings which would equate to 15 dwellings per hectare, a density that is not considered unreasonable, provided the design and layout of future development respects the character of the area.</p> <p>It is noted that the Housing Allocation was further informed by a 'Call for Sites' and Site Appraisal process.</p> <p>Would be useful to reference in policy that the boundary hedgerow to the front of the site is designated as Local Green Space.</p> <p><u>Comments from Development Management are as follows: -</u></p> <p><u>Planning History</u></p> <p>No Planning History – other than the site to which it adjoins to the north east</p> <p><u>Site Characteristics</u></p>	<p>Policy BotH16: Land south of Priory Close, Breedon the Hill</p> <p>This allocation has been deleted and been replaced with the allocation of 'Land north of Southworth Rd, Breedon on the Hill' for around 13 dwellings.</p> <p>Provided below is an extract from the Neighbourhood Plan Policies Map identifying the proposed housing allocation in dark purple .</p> 	<p>Comments</p> <p>Officers welcome the Parish Council's proposal to allocate a site for housing as it represents positive planning which is based on evidence. It is noted that the process of allocating a site was informed by a 'Call for Sites' and Site Appraisal process.</p> <p>The site is within the Limits to Development for Breedon on the Hill as currently defined in the Local Plan. There is no objection in principle to the allocation of this site, subject to other planning matters being resolved, including highway access, design, layout, impact on the character of the area and flooding.</p> <p>The allocation of a site within the Neighbourhood Plan agrees the principle of development. A planning application would need to be approved before development can begin.</p>

	<p>Greenfield site Access is assumed off Priory Close (in order to retain the tree belt) A number of trees on site, including a tree belt running perpendicular with Ashby Road and a hedgerow running through the middle of the proposed site Public Footpath running north to south on the underside of the tree belt and then along the southern edge of the site in a north westerly direction Pond to the south of the site (beyond it) High and medium risk of surface water flooding to the east of the site, along Ashby Road and lower risk extended into the site Flood Zone 1 Site levels unknown The frontage is to be designated as a Local Green Space in the Draft NP.</p> <p><u>Assessment</u></p> <p>There are a number of trees on site which would be lost as a result of any re-development which would need to be mitigated against – replacement planting proposed.</p> <p>This site would adjoin existing development and in principle would appear as a natural extension to the south from the existing built development it would adjoin on Priory Close. It would also not encroach any further to the south of the settlement than existing development to the eastern side of Ashby Road.</p> <p>However, the site appears to straddle across two existing parcels of land which are subdivided by an existing hedgerow. It would appear to make more sense to develop the eastern most part of the site, closest to the existing building development to the north east, and retain the existing hedgerow, and have that act as physical and visual separation from the countryside beyond.</p>	<p>This allocation is currently the subject of a full application (24/0007FULM) for 18 affordable homes. The planning application is still under consideration, with a number of matters still to be resolved.</p>	<p>The proposed allocation is the subject of a planning application and it is at this stage when the detail of the development will be considered. The planning application proposes 18 dwellings and it has yet to be determined if the site can accommodate this level of development in a satisfactory manner, having regard to matters such as design and layout, surface water drainage and access.</p>
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Breedon on the Hill contains a shop, community facilities etc and would be a sustainable location for a development of up to 15 dwellings. As such there could be support in principle for this site, however alternative siting as shown in blue below, is suggested.



Policy BotH17: Wilson – Windfall Housing Development

The Local Plan does not define a settlement boundary for the interpretation of Local Plan policy.

However, the approach taken in identifying the settlement boundary generally appears reasonable when considered against the adopted Local Plan and the new Local Plan. However, it would be helpful if the methodology used to define the settlement boundary is made available and published.

Please note a site visit has not been undertaken to Wilson but you may wish to give consideration to the inclusion in

Policy BotH17: Wilson – Windfall Housing Development

The Settlement Boundary for Wilson has been extended to include Thatched Cottage, Slack Lane. (Detailed on Map 18).

Comment

Support the changes to criterion E and the addition of Criterion F.

It would be beneficial for the methodology to be made available.

	<p>the settlement boundary of the property named Thatched Cottage, Slack Lanes.</p> <p>Queries are raised on Criteria E and what is being sought here. Must the previously developed land not be of high environmental value to satisfy this policy? What is meant by high environmental value? If this is a requirement of the policy this exceeds the requirement of Local Plan and National Policy.</p>	<p>Criterion E has been modified to only refer to the redevelopment of previously developed land.</p> <p>An additional criterion F has been added to refer to <i>'Affordable housing in accordance with Local Plan Policy H5 (Rural Exceptions Sites for Affordable Housing)'</i></p>	
<p>Policy BotH18: Brook Farm, Moor Lane, Tonge</p>	<p>Tonge is identified as a small village and Local Plan Policy S2 states that development in this village will be restricted to conversions of existing buildings or the redevelopment of previously developed land. The farmhouse on site could be considered as previously developed land, but the remainder of the buildings, glasshouses and associated land are greenfield. The allocation of this site would be contrary to Local Plan Policy S2.</p> <p><u>Comments from Conservation Officer</u> It is proposed to allocate land in the Tonge conservation area to "provide approximately ten dwellings". In 2020 it was proposed to develop six dwellings including four new buildings (20/01689/FUL). I said that the "high density and the loss of soft landscaping would not reflect the low density of the conservation area, its 'open paddock areas' or the agricultural landscape that 'penetrates into the hamlet'". Hence an amended proposal was submitted for the development of three dwellings. In this context a development of ten dwellings would be beyond the pale.</p> <p><u>Comments from Development Management</u></p> <p><u>Brook Farm, Moor Lane, Tonge</u></p>	<p>Policy BotH18: Brook Farm, Moor Lane, Tonge No changes have been made to this housing allocation.</p> <p>Objections still remain on the grounds of impact on heritage assets, and the allocation of this site, considered to be largely greenfield.</p> <p>Criteria B of the Policy states that the site will be treated as previously developed land for the purposes of affordable housing. It is assumed that this is purely used to calculate affordable housing provision and not an acceptance that the site is classed as previously developed land.</p>	<p>Objection NWLDC objects to this policy for the reasons given at the pre-submission (Regulation 14) stage.</p> <p>Local Plan Policy S2 states that development in this village will be restricted to conversions of existing buildings or the redevelopment of previously developed land. The farmhouse on site could be considered as previously developed land, but the remainder of the buildings, glasshouses and associated land are greenfield. The allocation of this site would be contrary to Local Plan Policy S2.</p> <p>The redevelopment of the site would also be unacceptable in terms of its impact on the</p>

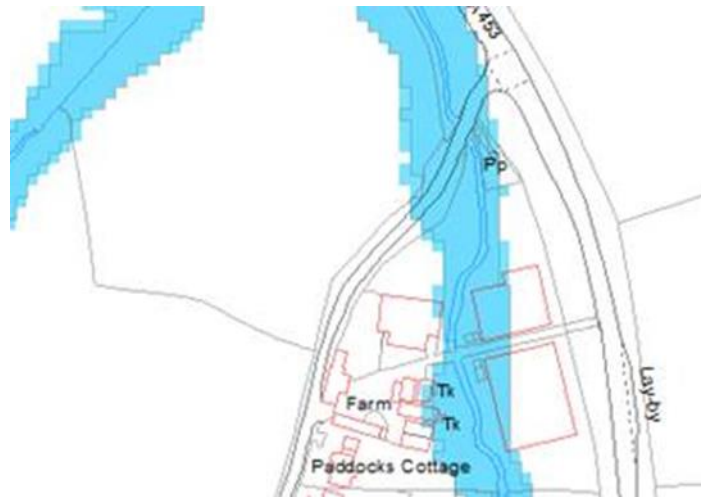
	<p><u>Planning History</u></p> <p>20/01766/FUL - Demolition of existing glasshouses and change of use of former commercial plant nursery for the keeping of horses and the erection of a stable block was approved on 23.12.2021</p> <p>20/01689/FUL – Originally submitted for eight residential dwellings (erection of 5 dwellings and conversion of farmhouse into two dwellings), but amended during the course of the application to Demolition of existing outbuildings and glasshouses and erection of two dwellings and the conversion of the existing farmhouse into two dwellings, which was subsequently withdrawn once the Council confirmed it was not supportive.</p> <p>There was some discussion as part of this application that the demolition of the existing glasshouses that are derelict and dilapidated once cleared would be an enhancement to the Conservation Area. However, the re-development of this, was not acceptable in heritage or policy terms.</p> <p><u>Site Characteristics</u></p> <p>The site was historically a farm complex but was later converted to a horticultural nursery and is now redundant. A single-track access from the A453 located to the immediate east</p> <p>A residential dwelling (Paddocks Cottage) within the same ownership of the applicant is located to the south.</p> <p>A brook runs through the centre of the site with a bridge crossing.</p> <p>Part of the site to the south is located within the Tonge Conservation Area.</p> <p>The majority of the site is located within Flood Zone 2, with some areas in Flood Zone 3 + high risk of surface water flooding to the east of the site.</p> <p>Water vole and historic wildlife site</p>		<p>historic environment, contrary to Policy He1 of the Local Plan.</p> <p>Reason</p> <p>The allocation and redevelopment of the site as proposed would be contrary to Local Plan Policy S3 and Policy He1. The policy is not in general conformity with the strategic policies of the Local Plan. It should be noted that at paragraph 13.5 of the adopted Local Plan (2017) it is confirmed that <i>“The policies in this Local Plan are the strategic policies that Neighbourhood Plans will be required to be in conformity with.”</i></p>
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Site levels unknown.

Assessment

This majority of the site is agricultural so not PDL, it is a very isolated site on the edge of the settlement – and a settlement that we have repeatedly said is not sustainable. The Council won the appeal APP/G2435/W/18/3219446 (app ref: 18/00567/FUL) which is still very much of relevance to this settlement for potential future development on this site. As such the Council would only support the conversion of existing buildings on this site, rather than demolition and re-build of new.

It is also worth noting the Flood Zones and a Sequential Assessment would need to demonstrate how/why a more preferential Flood Zone (Flood Zone 1) could not be achieved, elsewhere.



<p>Policy BotH19: Housing Mix</p>	<p>Policy BotH19 identifies a housing mix that developments of five or more dwellings should broadly reflect, unless informed by a more up to date evidence of housing need. This is justified having regard to the housing profile of the Parish as well as a 2021 Housing Needs Assessment.</p> <p>Local Plan Policy H6 applies to developments of 10 or more dwellings whereas Policy BotH19 applies to development of five or more market dwellings. However, whilst the HEDNA (Housing and Economic Development Needs Assessment) identifies the mix of homes needed the supporting text at NWLLP paragraph 7.47 recognises “there may be a need for local variations”.</p>	<p>Policy BotH19: Housing Mix This policy has been amended as follows, to focus on limiting the provision of larger dwellings:-</p> <p><i>‘Unless informed by more up to date evidence of housing need, on developments of five or more dwellings, no more than 16% of market housing should be dwellings of four or more bedrooms. Within the housing mix, provision should be made for bungalows and other provision designed to meet the housing needs of older households.’</i></p>	<p>Comment This policy is informed by the evidence base study ‘Breedon on the Hill Housing Needs Assessment (May 2021)’, referenced in the Neighbourhood Plan and available on the Parish Council website.</p>
<p>Policy BotH20: Affordable Housing</p>	<p>The provision of affordable housing is a strategic policy matter. The quantum/tenure of affordable housing provision therefore needs to be in accordance with the requirements of NWLLP Policy H4.</p> <p>This policy seeks the provision of affordable housing on developments of 10 or more homes or where the site has an area of 0.5 hectares. This complies with the national site size threshold.</p> <p>The proportion of affordable housing on Greenfield sites is detailed as 30%, which is also detailed in Local Plan Policy H4. The mix of affordable housing type is detailed.</p> <p>With respect to previously developed land, the policy details the percentage of the properties that should be for affordable home ownership (at 10%). This is consistent with national policy.</p> <p>Detailed comments have been received from the Strategy Housing Team have been provided with respect to this policy, and these have been attached for your information.</p> <p>It is proposed that this requirement for a local connection should be deleted from this policy for the following</p>	<p>No changes have been made.</p> <p>The Strategic Housing Team wish to reiterate the points previously made. This policy does not align with the affordable housing eligibility criteria applied by the Council’s Housing Service and is not in general conformity with NWLLP Policy H4 which includes no such local connection requirement. Policy BotH20 would disadvantage those people in housing need who come from places with no/limited new development, as they would never have their needs met. It would also appear that our comments relating to the methodology/findings of the Housing Needs Assessment have not been addressed or responded to.</p> <p>For the avoidance of doubt, these comments relate to the earlier version of the plan. In light of the Strategic Housing Team’s above response to the Submission Version of the Neighbourhood Plan, these earlier comments will be submitted to the Examiner alongside the Council’s response to the Submission</p>	<p>Objection NWLDC objects to this policy for the reasons given at the pre-submission (Regulation 14) stage.</p> <p>The requirement for a local connection should be deleted from this policy for the following reasons; a) it does not accord with the affordable housing eligibility criteria applied by the district council’s Housing team. The criteria require a connection to the district, not to the local area; and b) it is not in general conformity with NWLLP Policy H4 which includes no such local connection requirement.</p> <p>On a practical level, a consequence of a local connection requirement is that</p>

	<p>reasons; a) it does not accord with the affordable housing eligibility criteria applied by the district Council's Housing Service. The criteria require a connection to the district, not to the local area; and b) it is not in general conformity with NWLLP Policy H4 which includes no such local connection requirement.</p> <p>On a practical level, a consequence of a local connection requirement is that people in housing need who come from places with no/limited new development would never have their needs met. Local connection requirements can also constrain Registered Providers' ability to secure funding for new affordable housing schemes.</p> <p>A similar approach has been advocated in other Neighbourhood Plans in the district and has not been supported by Examiners. Supporting such an approach would be inconsistent.</p>	<p>Version of the Neighbourhood Plan. This will help provide context to this objection.</p>	<p>people in housing need who come from places with no/limited new development would never have their needs met. Local connection requirements can also constrain Registered Providers' ability to secure funding for new affordable housing schemes.</p> <p>This objection has been supported at other Neighbourhood Plan Examinations, including for the Blackfordby NP and Swannington NP. The examiner for the Ashby NP also concluded that the allocation of affordable housing was not a matter for a Neighbourhood Plan. The examiner considered the local connections element of the policy strayed too far beyond land use planning matters and into housing policy that is a matter for the Council. This element of the policy was recommended for removal.</p> <p>Reason The policy would be contrary to Local Plan Policy H4. The policy is not in general conformity with the strategic policies of the Local Plan and the NPPF. It should be noted that at paragraph 13.5 of the</p>
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			adopted Local Plan (2017) it is confirmed that <i>“The policies in this Local Plan are the strategic policies that Neighbourhood Plans will be required to be in conformity with.”</i>
BotH21: Rural Housing	The existing Local Plan and the new Local Plan is silent on the issue of subdivision of an existing residential dwelling. However, the NPPF allows for the development of isolated homes in the Countryside if the development would involve the subdivision of an existing residential dwelling.	Policy BotH21: Rural Housing. No change. These comments were made for information only.	None
BotH22: Residential Conversion of Rural Buildings	Query is raised over the application of this policy. For example, would the residential conversion of a rural building not be supported if a building is not of architectural and historic interest. This approach would be odds with national and local policy.	Policy BotH22: Residential Conversion of Rural Buildings None.	Objection Policy BotH22 supports the residential conversion of rural building where the building is of architectural and historical interest. This appears to imply a proposal will not be supported if a building is not of architectural and historic interest. This approach would not be in conformity with Local Plan Policy S3 and Paragraph 84 of the NPPF. This approach would be inconsistent with the approach proposed under Policy BotH25 of the Neighbourhood Plan. Reason The policy is not in general conformity with the strategic policies of the Local Plan and the NPPF. It should be noted

			that at paragraph 13.5 of the adopted Local Plan (2017) it is confirmed that <i>“The policies in this Local Plan are the strategic policies that Neighbourhood Plans will be required to be in conformity with.”</i>
Policy BotH23: Rural Worker Accommodation	In line with the policy in the new Local Plan.	Policy BotH23: Rural Worker Accommodation None. These comments were made for information only.	None
Policy BotH24: Replacement Dwellings	Is the prevention of the loss of two- or three-bedroom accommodation linked to the local housing profile. The Council appreciates the desire to resist the loss of a two- or three-bedroom property, but such properties could still be lost through an extension to an existing two or three-bedroom property, so will the policy achieve its objective? In addition, if Criteria C is complied with, how likely is it that the new build would have more bedrooms than was previously the case?	Policy BotH24: Replacement Dwellings None.	Comments The Neighbourhood Plan’s focus on the provision of two to three bedroom properties is noted as is the Parish Council’s view that restrictions on extensions to existing housing is considered unreasonable. However, the overall effectiveness of this policy is still queried.
Policy BotH25: Business Conversion of Rural Buildings	No comment.	Not applicable.	None
Policy BothH26:	No comment.	Not applicable.	None.

Working From Home			
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