**INDEPENDENT EXAMINATION OF THE BLACKFORDBY**

**NEIGHBOURHOOD DEVELOPMENT PLAN**

EXAMINER: Andrew S Freeman BSc (Hons) DipTP DipEM FRTPI

Mel Mitchell

Deputy Town Clerk

Ashby de la Zouch Town Council

Ian Nelson

North West Leicestershire District Council

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|  | Examination Ref: 01/AF/BNP  15 November 2021 |

Dear Ms Mitchell and Mr Nelson

BLACKFORDBY NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Blackfordby Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for and Ashby de la Zouch Town Council (the Qualifying Body) and North West Leicestershire District Council, to which I would like to receive a written response(s) by **Monday 29 November 2021**.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement; the Consultation Statement and Appendices; the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Determination Report; and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

1. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area in the week beginning 6 December 2021. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

1. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Town Council and District Council, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Monday 29 November 2021**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for ‘fact checking’) within 4-6 weeks of submission of the draft Plan. However, as I have raised questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If the Town Council or Local Planning Authority have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any subsequent response is placed on the Town Council and North West Leicestershire District Council’s websites.

Thank you in advance for your assistance.

Your sincerely

Andrew Freeman

Examiner

**ANNEX**

From my initial reading of the Blackfordby Neighbourhood Plan and the supporting evidence, I have the following questions for Ashby de la Zouch Town Council and North West Leicestershire District Council. I have requested the submission of responses by **Monday 29 November 2021**, although an earlier response would be much appreciated.

**Questions for** **Ashby de la Zouch Town Council**

1. Natural England’s Regulation 16 response seems to imply that Natural England has not seen the HRA Screening Opinion (and may not have seen the full SEA/Environment Report prepared for the Town Council by AECOM).  I would wish to see Natural England’s comments regarding both matters. Please comment.
2. The Consultation Statement does not contain a summary of main issues and concerns from the Regulation 14 stage.  Please prepare some notes to satisfy this requirement.
3. Policy G2: Please comment on the representations of the National Forest Company, Natural England and Severn Trent.
4. Policy G2 a) – reference to any wider landscape views: Are these the views protected under Policy ENV 7? If not, how will an applicant know what are the qualifying views?
5. Policy G2 b): Is more than one charging point per dwelling envisaged?
6. Policy G2 c): Please explain the thinking behind the preservation of elevations on biodiversity grounds?
7. Policy G2 e): Please provide links or other means by which details of the River Merse SAC, the Water Quality Management Plan and the Developer Contribution Scheme can be sourced by applicants? How is it envisaged that the phasing of development will be brought about?
8. Policy G2 f): Is it envisaged that *all* development would incorporate sustainable drainage schemes? What is meant by “the ecosystem service”?
9. Policy G2 h): Please respond to the comments of North West Leicestershire District Council and Gladman.
10. Policy G2 i): Where is an applicant to find details of best practice on the biodiversity aspects of roof and wall construction? What are the “curfew hours” and is it realistic for sports lighting and the like to be switched off at such times? Is it realistic for light spillage in bat foraging corridors to be limited to 1 Lux? Are bat foraging corridors identified anywhere?
11. Policy H1: Please comment on the representations of the National Forest Company. Please clarify by specific reference to the NPPF what is envisaged under “environmental net gain” (also in Policy ENV 2). Are the “important existing landscape features” (other than those mentioned in the policy) identified anywhere? What is the “identified important view” in Figure 12?
12. Policy H2: What is the thinking behind the need for a viability assessment?
13. Policy H3: Are there likely to be windfall opportunities other than through infilling or redevelopment?
14. Policy H3 d): Should the amenities of the occupiers of the host property be protected?
15. Policy H4: Please respond to the comments of North West Leicestershire District Council. Would *all* affordable housing be first offered to households who meet the criteria or just a proportion?
16. Policy ENV 1: Please respond to the comments of North West Leicestershire District Council. Please identify any spaces where owners have not been consulted about designation/where objections have been raised (with details).
17. Policy ENV 2: On Figure 6, what is the significance of the elongated tan coloured parcels that are unreferenced; also, the unnumbered parcels in the lighter green colour?
18. Policy ENV 4: Please respond to the comments of North West Leicestershire District Council and Gladman.
19. Policy ENV 5: Please respond to the comments of North West Leicestershire District Council.
20. Policy ENV 6 – locally significant habitats and species: Are these identified somewhere?
21. Policy ENV 7 on River Mease SAC: Is there any particular reason why this statement of support is included as a policy?
22. Policy ENV 7 on Protection of Important Views: Please respond to the comments of North West Leicestershire District Council.
23. Policy ENV 9: Please respond to the comments of North West Leicestershire District Council and Heatons.
24. Policy CFA1: Is this policy intended to apply to *all* the facilities identified in Section D?
25. Policy BE1: Please respond to the comments of North West Leicestershire District Council.
26. Policy BE2: Please respond to the comments of North West Leicestershire District Council.
27. Policy BE2 – “well integrated into and complementing existing businesses”: How does the Town Council envisage that this will be determined?
28. Policy BE4: Please comment on the representations of the National Forest Company.
29. Policy BE5: To qualify for policy support, is it necessary for access or improvements to be provided to *all* businesses and households (as opposed to businesses and households in general)?
30. Policy TR1: Please respond to the comments of North West Leicestershire District Council. Are “key village facilities” identified anywhere?
31. Policy TR3: Would it be better to require provision of an electric vehicle charging point rather that to specify a particular type of electricity supply?

**Question for Ashby de la Zouch Town Council and North West Leicestershire District Council**

1. A revised version of the National Planning Policy Framework was published by the government on 20 July 2021 alongside a final version of the National Model Design Code. I would be grateful if you could please advise me whether you consider any modifications in relation to the non-strategic matters covered by the draft Blackfordby Neighbourhood Plan are necessary as a result of the publications (other than amended referencing) and, if so, what these are?