

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

BLACKFORDBY NEIGHBOURHOOD PLAN DECISION STATEMENT PROCEEDING TO REFERENDUM

1. Summary

- 1.1 Following an Independent Examination, North West Leicestershire District Council now confirms that the Blackfordby Neighbourhood Plan will proceed to Neighbourhood Planning Referendum subject to the modifications set out in Appendix 1.
- 1.2 This decision statement can be viewed at:

North West Leicestershire District Council Offices

Whitwick Road,
Coalville,
Leicestershire,
LE67 3FJ

We are now operating on an appointment basis only therefore please call us on 01530 454545 if you wish to view any documentation.

At Ashby Library, North Street, Ashby de la Zouch LE65 1HU during its normal opening hours:

	Smart	Staffed	Smart
Monday	8am – 10am	10am – 1pm	1pm – 7pm
Tuesday	8am – 2pm	2pm – 5pm	5pm – 7pm
Wednesday	8am – 7pm	Closed	
Thursday	8am – 2pm	2pm – 5pm	5pm – 7pm
Friday	8am – 10am	10am – 1pm	1pm – 7pm
Saturday	8am – 10am	10am – 2pm	2pm – 6pm
Sunday		Closed	

It can also be viewed online at:

www.nwleics.gov.uk/pages/blackfordby_neighbourhood_plan_designation

2. Background

- 2.1 In October 2017 Ashby de la Zouch Town Council, as the qualifying body, applied to North West Leicestershire District Council for a designation of a Neighbourhood Plan Area for the purpose of preparing a neighbourhood plan for the Blackfordby area. The Neighbourhood Area application was approved by North West Leicestershire District Council (the District Council) on 22 January 2018 in accordance with the Neighbourhood Planning (General) Regulations (2012).
- 2.2 Following the submission of the Blackfordby Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The six-week consultation period closed on 8 October 2021.
- 2.3 The Council, with the agreement of Ashby de la Zouch Town Council, appointed an independent examiner, Mr Andrew Freeman, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

3.1 The District Council received the Examiner's Report on 5 January 2022. Having considered the Examiner's report and recommendations the District Council decided on 9 February 2022 that for the reasons set out in Appendix 1 of this Decision Statement, the Examiner's recommendations should be accepted and that the Blackfordby Neighbourhood Plan (as modified) should proceed to referendum.

3.2 Therefore, to meet the requirements of the Localism Act 2011 a referendum which poses the question

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

will be held in the Blackfordby Neighbourhood Plan area.

3.3 The date on which the referendum will take place is agreed as **Thursday 7 April 2022.**

Appendix 1

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 G2 – Design	<p>Change the first sentence of Criterion a) so that it reads: “Development shall be carried out sensitively and reflect the character of the area within which it is situated, particularly that of the National Forest and the area around the Conservation Area.”</p> <p>At the end of Criterion a), replace “any wider landscape views” with “any of the wider landscape views identified in Policy ENV 7”.</p> <p>At the end of Criterion b), substitute “point” for “points”.</p> <p>In Criterion c), substitute “topography” for “elevations”.</p> <p>In Criterion e) (as proposed to be modified – see below), add a link to a plan showing</p>	To provide clarity, address inaccuracies and to be consistent with national policies	<p>a) Development should enhance the character of the area in which it is situated if carried out sensitively, particularly around the Conservation Area. Development shall be carried out sensitively and reflect the character of the area within which it is situated, particularly that of the National Forest and the area around the Conservation Area. Any proposals should clearly show how the general character, scale, density and layout of the site fits in with the character of the surrounding area and incorporate local materials where possible. Care should be taken to ensure that the development does not disrupt the visual impact of the street scene or adversely affect any wider landscape views any of the wider landscape views identified in Policy ENV 7.</p>	Agree.

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		<p>the area covered by the River Mease SAC.</p> <p>Replace Criterion e) with the following: "The phasing of the development must take into account, where appropriate, the need to provide water quality improvements through developer contributions to ensure that there will be no adverse impact, directly or indirectly, on the integrity of the River Mease Special Area of Conservation. Development will not be allowed to take place until whichever is the sooner of the following:</p> <ul style="list-style-type: none"> • Additional capacity being available through a further Developer Contribution Scheme or; • Pumping out of catchment having taken place." <p>Change the opening of Criterion f) such that it reads "Where appropriate,</p>		<p>b) Owing to the limited public transport, sufficient off-road parking should be provided, a minimum of two car parking spaces per dwelling and electric vehicle charging points</p> <p>c) Development should be enhanced by landscaping with existing trees, elevations topography and hedges preserved whenever possible to promote biodiversity. Wherever possible, plots should be enclosed by native hedging, wooden fencing or walls in keeping with the local style</p> <p>e) Development within the River Mease SAC will need to demonstrate that there is sufficient headroom capacity available at the Wastewater Treatment Works to which it is proposed that flows from the development will go, and that the proposed development is in accordance with the provision of the Water Quality Management Plan including, where appropriate,</p>	

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		<p>development shall...". Delete "service" after "ecosystem".</p> <p>In Criterion f), insert the following at the end of the second sentence: "All SuDS must be designed to treat surface water quality sufficiently to ensure that there is no adverse impact on the integrity of the River Mease SAC."</p> <p>Replace Criterion h) with the following: "Housing that complies with Part M4(2) of the Building Regulations with 10% of housing built in accordance with Part M4(3) will be supported."</p> <p>In Criterion i) first bullet point, add a link to the RIBA publication on Designing for Biodiversity. Replace the third bullet point with the following: "Lighting that has appropriate regard to the guidance note Bats and Lighting, Leicestershire and Rutland Environmental</p>		<p>the provision of infrastructure or water quality improvements proposed in the Developer Contribution Scheme in operation at the time that an application is determined, or exceptionally where as part of the development it is proposed to use a non-mains drainage solution for the disposal of foul water and this is supported by the Environment Agency, development will only be allowed where it can be demonstrated that the proposed development, on its own and cumulatively with other development, will not have an adverse impact, directly or indirectly, upon the integrity of the river Mease SAC. Development will be phased in line with the provision of capacity to treat wastewater to a sustainable level. The phasing of the development must take into account, where appropriate, the need to provide water quality improvements through developer contributions to ensure that there will be no adverse impact, directly or indirectly, on the integrity of the</p>	

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		<p>Records Centre, November 2014.”</p> <p>Add the following to the end of Policy G2:</p> <p>“Regard should also be had to the National Design Guide and the National Model Design Code.”</p>		<p>River Mease Special Area of Conservation. Development will not be allowed to take place until whichever is the sooner of the following:</p> <ul style="list-style-type: none"> • Additional capacity being available through a further Developer Contribution Scheme or; <p>Pumping out of catchment having taken place.</p> <p>f) Development should Where appropriate, development shall incorporate sustainable drainage systems such as balancing ponds to retard surges and to minimise the vulnerability to flooding and climate change unless they are not financially viable and alternative mitigation methods are available, or the SuDS scheme will itself adversely affect the environment. Where appropriate, SuDS should be linked into wider initiatives to enhance green infrastructure, improve water quality and benefit wildlife or contribute to the provision of the ecosystem service.</p>	

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				<p>All SuDS must be designed to treat surface water quality sufficiently to ensure that there is no adverse impact on the integrity of the River Mease SAC. Arrangements in accordance with national policy will need to be put in place for the management and maintenance of the SuDS over the whole period during which they are needed.</p> <p>h) All new housing will be built to building regulations standard M2 – accessibility. A minimum of 10% of all new housing will be built to building regulations standard M3 – wheelchair standard. Housing that complies with Part M4(2) of the Building Regulations with 10% of housing built in accordance with Part M4(3) will be supported.</p> <p>i)</p> <ul style="list-style-type: none"> • Security lighting operated by intruder switching, not on constantly. Site and sports facility 	

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				<p>lighting to be switched off during 'curfew' hours between March and October, following best practice guidelines in Bats and Lighting LRERC 2014. Maximum light spillage onto bat foraging corridors should be 1 lux. Lighting that has appropriate regard to the guidance note Bats and Lighting, Leicestershire and Rutland Environmental Records Centre, November 2014</p> <p>The following added to the end of Policy G2:</p> <p>Regard should also be had to the National Design Guide and the National Model Design Code</p>	
PM2	Policy H1- Residential site allocation	<p>Delete the fifth paragraph.</p> <p>Substitute the following for the sixth paragraph: "Proposals will be required to safeguard and where possible enhance the natural corridor along the Shell Brook and secure natural boundary screening along the southern boundary and undeveloped</p>	To provide clarity	<p>Proposals should seek to achieve environmental net gain in accordance with the aspirations of the NPPF.</p> <p>Proposals will also be required to protect important existing landscape features and avoid harm to these features which includes safeguarding and where possible enhancing the natural corridor</p>	Agree.

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		<p>parts of the boundary along Drift Side.”</p> <p>In the seventh paragraph, substitute “significant harm” for “substantial harm”. Delete “and the identified important view (figure 12)”. Substitute “achieves net gains in biodiversity” for “where possible results in a net landscape gain”.</p> <p>At the end of the policy, add a new paragraph: “The National Forest Way where it crosses the site shall follow an alignment that is commodious for walkers.”</p>		<p>along Shell Brook and natural boundary screening along the southern boundary and undeveloped parts of the boundary along Drift Side. Proposals will be required to safeguard and where possible enhance the natural corridor along the Shell Brook and secure natural boundary screening along the southern boundary and undeveloped parts of the boundary along Drift Side.</p> <p>Planning proposals are required to be accompanied by a Landscape and Visual Impact Assessment (LVIA) that demonstrates that the proposed scheme would not cause substantial significant harm to landscape character and the identified important view (figure 12) and that any adverse effects on landscape have been adequately mitigated. The LVIA should further demonstrate how any associated planting accords with landscape character, uses native species and where possible results in a net</p>	

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				<p>landscape gain achieves net gains in biodiversity.</p> <p>The National Forest Way where it crosses the site shall follow an alignment that is commodious for walkers</p>	
PM3	Policy H2 – Housing Mix	delete “and subject to a viability assessment”. Insert “and viable” before “bungalows for older people”.	To clarify that the purpose of a viability assessment would be to promote the inclusion of bungalows if financially viable	New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Blackfordby. Unless the latest evidence indicates otherwise, development proposals should concentrate on providing 1- and 2-bedroom dwellings, including where feasible and viable bungalows for older people (built to the appropriate mobility standard and subject to a viability assessment), mixed with some 3 bed dwellings. The inclusion of four-bedroom houses in housing developments will be supported where they are subservient in number to one, two and three-bedroom accommodation	Agree.

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PM4	Policy H3 d) – Windfall Sites	At the end add “or the occupiers of the host property”.	To ensure that the amenities of the occupiers of the host property are also adequately protected.	d) The site does not reduce garden space to an extent where there is an adverse impact on the character of the area, or the amenity of neighbours or the occupiers of the host property.	Agree. The PM makes the policy more effective for development management.
PM5	Policy H4 – Affordable housing Provision	Delete the fourth paragraph and all subsequent parts of the policy.	To recognise that this aspect of the proposal would not be workable in practice	<p>Where possible, newly developed affordable housing within the Plan Area shall be allocated to eligible households, within each Housing Register band in turn, starting with Band 4 (Priority Housing Need), with a connection to the Plan Area defined as follows:</p> <p>a) Was born in the Plan Area or;</p> <p>b) Presently reside in the Plan Area and has, immediately prior to occupation, been lawfully and ordinarily resident within the Plan Area for a continuous period of not less than twelve months; or</p> <p>c) Was ordinarily resident within the Plan Area for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing; or d) Is presently employed or self-employed on a</p>	Agree. NWLDC submitted a representation on this point .

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				<p>full time basis in the Plan Area and whose main occupation has been in the Plan Area for a continuous period of not less than twelve months immediately prior to occupation; or</p> <p>e) Has a need to move to the Plan Area to be close to a relative or other person in order to provide or receive significant amounts of care and support; or</p> <p>f) Has a close family member who is lawfully and ordinarily resident within the Plan Area and who has been lawfully and ordinarily resident within the Plan Area for a continuous period of not less than three years immediately prior to occupation and for the purposes of this clause a 'close family member' shall mean a mother, father, brother or sister.</p> <p>If there are no Priority Band households with a connection to the Plan Area, then the properties will be made available to other applicants in the Priority Band on North West Leicestershire District Council's waiting list. Properties will</p>	

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				<p>then be allocated to eligible households in the other Bands in turn according to the same principle.</p> <p>This Policy will be incorporated into the District Council's wider Allocations Policy.</p> <p>This Policy will be reviewed at least every two years after implementation (and every two years thereafter) so outcomes can be monitored and any necessary adjustments made.</p>	
PM6	Policy ENV1 – Protection of Local Green Space	Substitute “unless the development is consistent with Green Belt policy as set out in the NPPF” for “other than in exceptional circumstances”.	To be consistent with national policy.	<p>Development proposals that would result in the loss of, or have an adverse effect on, the following Local Green Spaces (details above; map fig. 5) will not be permitted other than in exceptional circumstances unless the development is consistent with Green Belt policy as set out in the NPPF</p> <p>a) St Margaret of Antioch Churchyard</p> <p>b) Blackfordby Recreation Ground</p>	Agree.

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				c) Cow Close Recreation Ground/ Football pitch	
PM7	Policy ENV2 – Protection of sites of environmental significance	Substitute the following for the final paragraph : “Development proposals shall demonstrate that the significance and value of the species, habitats or historical features present has been balanced against the local benefits of any development that would affect or destroy them.”	To provide clarity	The significance and value of the species, habitats or historical features present must be balanced against the local benefit of any development that would affect or destroy them. Development proposals are required to demonstrate and achieve environmental net gain, guided by the principles set out in the NPPF (2019). Development proposals shall demonstrate that the significance and value of the species, habitats or historical features present has been balanced against the local benefits of any development that would affect or destroy them.	Agree.
PM8	Policy ENV3 – Important Open Spaces	Insert “(as defined in Figure 7)” after “The following sites”.	To provide clarity as to the geographic extent of the spaces to which the policy applies.	The following sites (as defined in Figure 7) are of high value for sport, recreation, amenity, tranquillity or as green spaces within the built-up area. Development proposals that result in their loss, or have a significant adverse effect on them, will not be supported unless the open space is	Agree.

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				replaced by equivalent or better provision in an equally suitable location, or unless it can be demonstrated to the Local Planning Authority that the open space is no longer required by the community	
PM9	Policy ENV 4 and figure 9 – Built environment: Non designated heritage assets	Delete “Outbuildings to the Old House, Main Street” and “Blue Bell public house”. Add “7 Main Street” and “12 Main Street (Spring Cottage)”.	To be factually correct.	<ol style="list-style-type: none"> 1. Former National School (1843) 2. Old vicarage, No.4 Main Street (1878) 3. Outbuilding to The Old House, Main Street 3. 7 Main Street 4. Methodist (Wesleyan) Church, Main Street 5. Blackfordby spring, Main Street 6. Blue Bell public house 6. 12 Main Street (Spring Cottage) 7. No. 5, Main Street 8. Blacksmith’s Cottage, No.9 Main Street 9. No.6 Main Street 	Agree..

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				<p>10. No.8 Main Street</p> <p>11. The Fields, Well Lane</p>	
PM10	Policy ENV5 – Biodiversity and habitat connectivity	In the first sentence delete “local” before “heritage assets”. Substitute the following for the second paragraph of the policy: “In weighing applications that directly or indirectly affect these assets, the provisions of the National Planning Policy Framework, July 2021, at Paragraph 203 shall apply.”	To be consistent with national policy.	<p>The areas of ridge and furrow earthworks mapped above (Fig. 10.3) are non-designated local heritage assets.</p> <p>Any loss or damage arising from a development proposal (or a change of land use requiring planning permission) is to be avoided; the benefits of such development must be balanced against the significance of the ridge and furrow features as heritage assets.</p> <p>In weighing applications that directly or indirectly affect these assets, the provisions of the National Planning Policy Framework, July 2021, at Paragraph 203 shall apply.</p>	Agree.
PM11	Policy ENV7 – River Mease Special Area of Conservation	Delete Policy ENV 7: River Mease Special Area of Conservation and related text.	The policy does not add anything to existing Local plan policy and so would have no bearing on applications.	<p>The Plan supports Policy En3 river Mease Special Area of Conservation in the Local Plan which commits the District Council to work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and</p>	Agree.

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				the development industry to improve the water quality of the river Mease and sets out measures to achieve this.	
PM12	Policy ENV8 – Renewable energy generation infrastructure	At the beginning of the third paragraph, replace “Development proposals should” with “Proposals for wind turbines shall”.	To provide clarity and ensure that the requirements are not disproportionate	Development proposals should Proposals for wind turbines shall be supported with a Landscape and Visual Impact Assessment (LVIA) to provide an assessment of the landscape significance of the site and the likely impact of development.	Agree.
PM13	Policy ENV9 and Figure 13 – Area of Separation	Insert “Local” before “Area of Separation”	To distinguish the policy from the provisions of the Local Plan.	POLICY ENV 9: LOCAL AREA OF SEPARATION – To retain the physical and visual separation between Blackfordby and Woodville and the A511 corridor, an area of open land will be designated as a Local Area of Separation as shown in Figure 13. Development proposals in the identified gap should be located and designed to maintain, and wherever possible, enhance the separation of the identified areas.	Agree.
PM14	Policy CFA1 – Community	In the opening sentence, after “existing community facilities”, insert “(as	To provide clarity as to which community	Development leading to the loss of existing community facilities (as described in Section D above)	Agree. NWLDC submitted a

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	facilities and amenities	described in Section D above)".	facilities the policy is concerned with	will not be supported unless it can be demonstrated that:	representation on this point.
PM15	Policy BE1 – Support for existing businesses & employment opportunities	<p>In the second sentence substitute “in offices, industry or storage/distribution” for “opportunities”.</p> <p>In Criterion a), substitute “six” for “12”.</p> <p>In Criterion b), after “employment generating uses” insert “(offices, industry or storage/distribution)”.</p>	To provide clarity and to ensure consistency with the Local Plan.	<p>There will be a strong presumption against the loss of commercial premises or land that provides employment. Applications for a change of use to an activity that does not provide employment opportunities in offices, industry or storage/distribution will only be supported if it can be demonstrated that:</p> <p>a) The commercial premises or land in question has not been in active use for at least 42 six months; and</p> <p>b) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses (offices, industry or storage/distribution) and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.</p>	Agree. The PM removes a potential conformity issue with the adopted Local Plan.

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PM16	Policy BE2 - Support for new businesses and employment	Delete criterion g).	To provide clarity and to assist decision maker	g) Be well integrated into and complement existing businesses.	Agree.
PM17	Policy BE4 - Tourism	Replace criterion a) with the following: "Is of good quality design and contributes to the distinctive rural character of the Plan Area."	To provide a more positive form of wording and to be consistent with the tenor of national policy	Support will be given to facilities to enhance and manage tourism where the development: a) Does not have a detrimental effect on the distinctive rural character of the Plan Area Is of good quality design and contributes to the distinctive rural character of the Plan Area;	Agree.
PM18	Policy BE5 – Broadband infrastructure	In the first and second paragraphs, delete "all" before "businesses".	To recognises that as drafted the policy would impose matters outside of the applicant's control.	Proposals to provide access to superfast broadband for all businesses and households in Blackfordby will be supported. Improvements to the mobile telecommunication network that will serve all businesses and households within the Plan Area will be supported. Where new masts are installed, these should	Agree. The PM will make the policy more effective in development management.

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				be shared, where possible, by more than one provider.	
PM19	Policy TR1 – Traffic Management	In Criterion e), substitute “existing community facilities (Policy CFA1)” for “key village facilities”.	To provide clarity as to which community facilities the policy is concerned with	<p>With particular regard to the rural highway network in Blackfordby and minimising the impact of any increase in vehicular traffic all development must:</p> <p>e) Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village facilities existing community facilities (Policy CFA1); and</p>	Agree.
PM20	Policy TR3 – Electric Vehicles	After “7kW cabling”, insert “(or such other means of facilitating fast charging)”. Replace “the home” with “all new homes”.	To ‘future proof’ the policy	<p>7KW cabling (or such other means of facilitating fast charging) is to be provided to the most practical point in the home all new homes to facilitate subsequent installation of a home electric vehicle charging point; The provision of communal vehicular charging points within the Plan Area will be supported where there is universal access and they do not impact negatively on the availability of existing parking</p>	Agree.

