

Blaby District Council

Leicester Forest East Neighbourhood Plan Decision Statement in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1 Summary

- 1.1 Following an Independent Examination, Blaby District Council now confirms that the Leicester Forest East Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.
- 1.2 This decision statement can be viewed at:

Location	Opening times
Blaby District Council Offices Council Offices, Desford Road, Narborough Leicester LE19 2EP	Monday / Tuesday / Thursday: 9am – 5pm Wednesday: 9:30am – 5pm Friday: 9am – 4.30pm
Leicester Forest East Community Library 76 Rushmere Walk Leicester Forest East Leicester LE3 3PD	Monday: 2pm – 5pm. Wednesday: 8.30am – 12pm, 2pm – 4:30pm and 6pm – 8pm. Thursday: 10am – 12pm and 2pm – 4pm. Friday: 2pm – 5pm. Saturday: 10am – 1pm.

2 Background

- 2.1 On 27 May 2016, Blaby District Council approved the Leicester Forest East Neighbourhood Area to be designated in accordance with the Neighbourhood Planning (General) Regulations 2012 for the purposes of preparing a Neighbourhood Plan. The Area covers the parish of Leicester Forest East and Leicester Forest East Parish Council is the Qualifying Body in accordance with the legislation.
- 2.2 Following the submission of the Leicester Forest East Neighbourhood Plan to the Council, the Plan was publicised for a six week period and representations were invited. The consultation period closed on 14 September 2021.

- 2.3 Blaby District Council, with the agreement of Leicester Forest East Parish Council, appointed an independent examiner, Mr Christopher Collison, to assess whether the Plan met the Basic Conditions required by legislation and so 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 Plan referendum.

3 Decisions and Reasons

- 3.1 At its meeting on 25 January 2022, the Full Council agreed that all the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum. However, following this Council meeting factual errors were discovered in the Neighbourhood Plan in relation to the protection of buildings outside of the Neighbourhood Area. A consequence of not accepting one recommendation from the Examiner's report is that a proposed modification was needed to the Neighbourhood Plan. At its meeting on 24 February 2022, the Full Council agreed to:
- Approve a proposed additional modification to correct the identified errors;
 - A further public consultation on the proposed additional modification;
 - Delegation to the Planning and Strategic Growth Group Manager and Portfolio Holder to consider the consultation comments received; and
 - Proceed to a referendum subject to no adverse comments being received through the public consultation on the proposed additional modification.
- 3.2 A 6 week public consultation on the proposed additional modification was undertaken between 15 March 2022 and 29 April 2022 to notify and invite representations only in relation to the proposed additional modification from all those prescribed by Regulation 17A(2) Neighbourhood Planning (General) Regulations 2012 being:
- i. The qualifying body;
 - ii. Any person whose representation was submitted to the examiner of the plan proposal in accordance with Regulation 17(d); and
 - iii. Any consultation body which is referred to in the consultation statement mentioned in Regulation 15.
- 3.3 The District Council received a total of 6 responses to the consultation and none were considered to be adverse comments. The responses are presented in Appendix 3. The Planning and Strategic Growth Group Manager and Portfolio Holder agreed on 03 May 2022 to proceed to a referendum.
- 3.4 The modifications proposed by the Examiner and the additional modification proposed by the Council have been made to secure that the draft plan meets the Basic Conditions. Appendix 1 sets out the Examiner's modifications and the action to

be taken in respect of each of them. Appendix 2 sets out the Council's additional modification and the action to be taken in respect of it.

- 3.5 The District Council agrees with the Examiner's recommendations that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.
- 3.6 The Examiner has concluded that with the specified modifications the Plan meets the Basic Conditions and other relevant legal requirements. The District Council agrees with this view and that the additional modification does not affect the Plan's compliance with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.
- 3.7 Blaby District Council has also published a Basic Conditions and Compliance Statement for the Leicester Forest East Neighbourhood Plan.
- 3.8 Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question:
- “Do you want Blaby District Council to use the Neighbourhood Plan for Leicester Forest East to help it decide planning applications in the neighbourhood area?”
- will be held in the parish of Leicester Forest East.
- 3.9 The date on which the referendum will take place is agreed as **30 June 2022**.

Date: 13 May 2022

Appendix 1: Schedule of Modifications Recommended in the Examiner's Report

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M1	Policy H1: Residential Site Allocations	<p>Land is allocated for two residential development sites at the following locations as shown in figure 2:</p> <p>Site a) land at Grange Farm. Development for around 55 units will be supported subject to the following criteria:</p> <ol style="list-style-type: none"> 1) Adequate pedestrian and bicycle connectivity to the A47 is provided; 2) A sustainable urban drainage system (SUDS) is provided if required by supporting evidence and the LLFA, in line with the NPPF para 165; 3) A professional noise study is undertaken, and adequate remediation measures are installed to all residential units; 4) Approximately 19 of the units will be affordable, the precise mix to be in accordance with latest evidence of housing need in the Parish. Priority is to be given to people with a local connection in the allocation of affordable housing before opening it up to elsewhere in the District. <p>Site b) land off Webb Close. Development for around 21 units will be supported subject to the following criteria:</p> <ol style="list-style-type: none"> 1) A professional noise study is undertaken, and adequate remediation measures are installed to all residential units; 2) Approximately 7 of the units will be affordable, the precise mix to be in accordance with latest evidence of housing need in the Parish. Priority is to be given to people with a local connection in the allocation of affordable housing; 3) Environmental impacts of development are identified and mitigated. 	Delete the policy and references to it in the supporting policy text.	Accept. Does not meet Basic Conditions and has not been sufficiently justified.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M2	Policy H2: Limits to Development	<p>Development proposals within the Neighbourhood Plan area on sites within the Limits to Development boundary will be supported where they comply with the policies of this Neighbourhood Plan and the Blaby District Local Plan and subject to meeting design policy and amenity considerations.</p> <p>Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.</p>	Delete the policy and references to it in the supporting policy text.	Accept. Does not meet Basic Conditions.
M3	Policy H3: Housing Mix	New housing development proposals should provide a mixture of housing types specifically to meet identified local needs of the Parish. Unless the latest evidence indicates otherwise, development proposals should concentrate on providing dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people, including 2 and 3 bedroom bungalows and dwellings suitable for those with restricted mobility.	Amend policy to read: "To be supported, proposals for new housing must demonstrate how they provide dwellings with 1, 2 or 3 bedrooms; or homes suitable for older people, including 2- or 3-bedroom bungalows; or dwellings suitable for people with restricted mobility, unless the latest assessment of local housing needs indicates otherwise."	Accept. Policy as submitted did not have sufficient regard to national strategic policy and was imprecise.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M4	Policy H4: Affordable Housing	<p>To support the provision of mixed, sustainable communities, to meet the identified need within the community and to increase the level of affordable housing within the Parish:</p> <ul style="list-style-type: none"> a) Where possible, 35% of all homes on developments comprising 11 or more dwellings shall be affordable subject to viability considerations; b) The mix of affordable housing shall be in line with up to date evidence of local housing need; c) Developments should be 'tenure blind', where affordable housing is indistinguishable from market dwellings and is spread throughout the development; d) If it is not possible to provide affordable housing on site, in exceptional circumstances it will be acceptable to provide funding in lieu of affordable housing on-site if this leads to the provision of additional affordable housing in the Parish. If this is not possible within the timeframe for spending committed sums it can be used across the District; e) Development proposals that contribute to the provision of affordable homes that are suited to the needs of older people and those with disabilities will be supported; f) The provision of affordable housing for those with a 'local connection' to the parish will be prioritised amongst those with similar levels of need. If there are no suitable households with a Leicester Forest East connection, then the properties will be made available to others on the Council's waiting list. 	Amend policy to read: "Development proposals that contribute to the provision of affordable homes that are suited to the needs of older people and those with disabilities will be supported."	Accept. Policy as submitted was not justified and in part duplicated local strategic policy.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M5	Policy H6: Housing Design	<p>All new development proposals of one or more houses, replacement dwellings and extensions will be expected, where possible and appropriate, to satisfy the following building design principles:</p> <ul style="list-style-type: none"> a) It is of a density, size, scale, massing and height that reflects the character of the surrounding area to provide space and pleasant streetscenes and inclusive road linking with pedestrian short cuts; and b) The design and materials are of a high standard and quality, which respect and, where possible, enhance the character and appearance of the local area. c) Adequate off-road parking should be provided in line with Leicestershire County Council Highways most up to date design guidance; and d) The design reflects best environmental good practice (for example incorporating where appropriate, but not limited to, solar panels, rainwater harvesters, car electrical charging points and photovoltaic glass); and e) Suitable landscaping should be provided, where appropriate. 	<p>Amend policy to read: “To be supported, housing development (including extension of existing dwellings) must:</p> <ul style="list-style-type: none"> a) Be of a size, scale, and massing that is sympathetic to the character of surrounding development; b) Be of a design and materials that enhance the character of the local area; c) Not necessitate on-road parking; and d) Include landscaping proposals that ensure the development integrates with its surroundings.” 	<p>Accept. Policy as submitted was imprecise and did not have regard to national strategic policy.</p>

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M6	Policy ENV1: Local Green Spaces	The Leicester Forest East Spinney is proposed for designation as a Local Green Spaces (LGS). Within the area of LGS identified in table 2 above, development is ruled out, other than in very special circumstances.	<p>Replace Policy ENV1 with: “The Leicester Forest East Spinney (identified on the above Location Map) is designated as a Local Green Space.”</p> <p>Modify the scale of the Location Map so that it is possible to identify the precise boundaries of the LGS designation.</p> <p>Modify the Policy title to “Policy ENV 1: Local Green Space”</p>	Accept. Proposal conforms to national strategic policy.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M7	Policy ENV2: Local Heritage Assets of Historical and Architectural Interest	<p>Development proposals that affect the buildings and structures of local historic or architectural interest listed below, or their setting, will be expected to conserve the historic and architectural interest in those development proposals. Any benefits arising from a development proposal, or a change of use requiring planning approval, will need to be balanced against the scale of harm or loss and their significance as heritage assets'</p> <ul style="list-style-type: none"> • Kingstand Farmhouse; • Leicester Forest East Motorway Services. 	<p>Replace Policy ENV2 with "The effect of a development proposal on the significance of the locally valued heritage assets listed below should be taken into account in determining an application. In weighing applications that directly or indirectly affect a locally valued heritage asset a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p> <ul style="list-style-type: none"> • Kingstand Farmhouse • Leicester Forest East Motorway Services" <p>Retitle the policy "Policy ENV2: Locally Valued Heritage Assets"</p>	Accept. Policy as submitted did not have sufficient regard for national strategic policy.
M8	Policy ENV3: Biodiversity and Wildlife Corridor	<p>Development proposals will be expected to safeguard locally significant habitats and species, especially those protected by relevant English and European legislation, and, where possible, to create new habitats for wildlife.</p> <p>Development proposals should not damage or adversely affect the wildlife corridor identified on Figure 7 – proposed wildlife corridor.</p>	<p>Replace Policy ENV3 with "Development proposals affecting the wildlife corridor identified on Figure 7 – Proposed Wildlife Corridor should be considered in accordance with Policy CS19 Bio-diversity and Geo-diversity of the Blaby District Council Local Plan (Core Strategy) Development Plan Document (2013)."</p>	Accept. Policy as submitted was not in general conformity with local strategic policy.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M9	Policy ENV4: Sites of High Environmental Significance	<p>The following sites (Fig. 8 Sites of high environmental significance) have been identified as being of local importance for biodiversity (species and habitats). They are important in their own right and are locally valued. Development proposals that affect them should take note of the identified features and will be expected to protect them.</p> <p>Leicester Forest East Spinney</p> <p>Flood Relief Basin</p>	Replace Policy ENV4 with “To be supported, development proposals affecting the Leicester Forest East Spinney and the Flood Relief Basin, identified on Figure 8, must demonstrate any significant harm to biodiversity that cannot be avoided (through locating to an alternative site with less harmful impacts) is adequately mitigated, or as a last resort, compensated for.”	Accept. Policy as submitted was not clearly written and did not have sufficient regard to national strategic policy.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M10	Policy CF1: The Retention of Community Facilities and Amenities	<p>Development leading to the loss of an existing community facility and amenity, listed below, will not be supported unless it can be demonstrated that:</p> <ul style="list-style-type: none"> a) There is no longer any need or demand for the existing community facility; or b) The existing community facility is, demonstrably, no longer economically viable; or c) The proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the Parish which complies with the other general policies of the Neighbourhood Plan. <p>St Andrews Church Beacon Life Church Kingdom Hall of Jehovah's Witness Assembly Community Library Children's play area Kings Drive Parish Hall Fossebrook Primary School Stafford Leys Primary School Vista Kathleen Rutland Home Kirby House Residential Care Home Holmfield Avenue Post Office Forest House Medical Centre Forest House Dental Surgery Forest Park Inn M1 Service Station Forest East Park Chemists next to medical centres Warren Lane Medical Centre</p>	<p>In Policy CF1</p> <ul style="list-style-type: none"> • in part b) after "viable" insert "through submission of a viability assessment, or submission of marketing evidence relating to a period of no less than six months" • delete "Children's play area Kings Drive" and "Forest East Park" • replace "Chemists next to medical centres" with "Boots next to Forest Medical Centre on Braunstone Lane, and Lloyds Pharmacy on Warren Lane" • continue the policy with "Loss of all, or part of, the children's play area Kings Drive; Forest East Park; or the outdoor recreation facilities at the Parish Hall site will only be supported when proposals are in accordance with Updated Core Strategy Policy CS15 Open Space, Sport and Recreation of the Blaby District Council Local Plan (Delivery) Development Plan Document (2019)" 	Accept. Policy as submitted duplicated and did not have sufficient regard to local strategic policy.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M11	Policy CF2: New or Improved Community Facilities	<p>Proposals that improve the quality and/or range of community facilities, will be supported provided that the development:</p> <ul style="list-style-type: none"> a) Will not result in unacceptable traffic movements or other disturbance to residential properties; and b) Will not generate a need for parking that cannot be adequately catered for; and c) Is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle; and d) Takes into full account the needs of people with disabilities. 	<p>In Policy CF2</p> <ul style="list-style-type: none"> • delete the comma after “facilities” • delete “unacceptable traffic movements or other” • replace “a need for parking that cannot be adequately catered for” with “additional on-road parking” 	Accept. Policy as submitted did not have sufficient regard to national strategic policy and it was not clearly written.
M12	Policy BE1: Support for Existing Employment Opportunities	<p>There will be a strong presumption against the loss of employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be supported if it can be demonstrated that:</p> <ul style="list-style-type: none"> a) The premises or land in question has not been in active use for at least 12 months; and b) The premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses 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. 	Replace the words before criteria a) and b) with “Development proposals that will result in the loss of buildings or sites used for industrial processes; storage and distribution; offices; or for research and development of products or processes will only be supported if it is demonstrated:”	Accept. Amendment provides clarification.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M13	Policy BE2: Support for New Employment Opportunities	<p>In supporting additional employment opportunities, new development will be required to:</p> <ul style="list-style-type: none"> a) Where possible, represent the extension of existing employment premises or on areas of previously developed land; and b) Not increase noise levels or light pollution or introduce any pollution to an extent that they would unacceptably disturb occupants of nearby residential property; and c) Not generate unacceptable levels of traffic movement; and d) Positively contribute to the character and vitality of the local area; and e) Be well integrated into and complement existing businesses. <p>The following types of employment development will be supported:</p> <ul style="list-style-type: none"> a) The small-scale expansion of existing employment premises across the Parish; b) Small-scale new build development within the neighbourhood plan area. 	<p>Replace Policy BE2 with “Development proposals for new or extended business premises will be supported if:</p> <ul style="list-style-type: none"> a) Previously developed land is used where suitable opportunities exist; and b) Residential amenity will not be significantly adversely affected by light spillage, or noise or other nuisance or disturbance including from traffic movements.” 	<p>Accept. Policy as submitted was imprecise and did not have sufficient regard to national strategic policy.</p>

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M14	Policy BE3: Working from Home	<p>Proposals for the use of part of a dwelling for office and/or light industrial uses, and for free standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, will be supported where the development is small-scale (subservient to the residential dwelling) and where:</p> <ul style="list-style-type: none"> a) Such development will not result in unacceptable traffic movements and that appropriate parking provision is made; and b) No significant and adverse impact arises to nearby residents or other sensitive land uses from noise, fumes, light pollution, or other nuisance associated with the work activity; and c) Any extension or free-standing building shall be designed having regard to policies in this Plan (including housing design) and should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction; and d) The employment use of any such extension, outbuilding etc. is to remain clearly ancillary to the main use of the property as residential, which shall remain the primary use. 	<ul style="list-style-type: none"> • Delete “where the development is small-scale (subservient to the residential dwelling) and” • Replace part a) with “It will not result in additional on-road parking; and” • In part b) replace “pollution” with “spillage, traffic movements,” • Replace part c) with “Any new extension or outbuilding must complement the character and materials of, and be subservient in height and scale to, the existing dwelling; and” • In part d) replace “of any such extension, outbuilding etc. is to” with “must”, and after “ancillary to” insert “, or reasonably incidental to,” 	Accept. Policy as submitted was imprecise and contained duplication.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M15	Policy BE4: Broadband Infrastructure	<p>Proposals to provide improved access to super-fast broadband and improved mobile telecommunications networks that will serve businesses and other properties within the Parish will be supported.</p> <p>The plan supports mobile telecommunication improvements provided any new structures are sympathetic to the local environment.</p>	Delete “that will serve businesses and other properties within the Parish”.	Accept. Phrase is inappropriate and does not provide a basis for determination of proposals.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M16	Policy T1: Transport Requirements for New Developments	<p>Development proposals, where appropriate, will be required to demonstrate that:</p> <ul style="list-style-type: none"> a) The cumulative residual impact on traffic flows on the strategic and local highway network (taking account of proposed mitigation measures) will not be severe; and b) Provision is to be made for accessible and efficient public transport routes within or otherwise serving the development; and c) Pedestrian and cycle routes are incorporated or improved to serve the development, connecting to existing cycle routes, where necessary and appropriate, to provide safe, convenient and attractive routes to shops, employment, schools and community facilities; and which are integrated into wider networks; and d) Existing rights of way are retained, or acceptable modifications are provided; and e) Adequate parking and manoeuvring space within the development is provided in accordance with the Highway Authority's standards; and f) The development will not be occupied unless necessary measures (such as 'travel packs') are in place to encourage new residents to use bus services as an alternative to the private car. 	Delete policy.	Accept. Policy duplicates national and local strategic policy and statutory provisions apply in the case of development affecting public rights of way.

Reference number	Policy	Submission Draft Policy Text	Suggested Modification	Action to be taken and reason for modification
M17	Minor Corrections	<p>Section 1.2 refers to the Parish Council as the “Accountable” Body for the Plan rather than the “Qualifying” Body.</p> <p>Policy H5 does not exist.</p>	Modify general text, figures or images to achieve consistency with the modified policies, to correct identified errors, and so it is evident how a decision maker should react to development proposals.	Accept. Necessary to correct errors.

Appendix 2: Schedule of Additional Modifications Proposed by the District Council

Reference number	Policy	Examiner's Recommended Policy Text	Suggested Additional Modification	Action to be taken and reason for modification
M18	CF1: The Retention of Community Facilities and Amenities	<p>Development leading to the loss of an existing community facility and amenity, listed below, will not be supported unless it can be demonstrated that:</p> <ul style="list-style-type: none"> a) There is no longer any need or demand for the existing community facility; or b) The existing community facility is, demonstrably, no longer economically viable; or c) The proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the Parish which complies with the other general policies of the Neighbourhood Plan. <p>St Andrews Church Beacon Life Church Kingdom Hall of Jehovah's Witness Assembly Community Library Children's play area Kings Drive Parish Hall Fossebrook Primary School</p>	Delete "Forest House Medical Centre", "Forest House Dental Surgery" and "Boots next to Forest Medical Centre on Braunstone Lane".	Accept. Necessary to correct factual errors as these facilities are not within the Neighbourhood Area.

Reference number	Policy	Examiner's Recommended Policy Text	Suggested Additional Modification	Action to be taken and reason for modification
		Stafford Leys Primary School Vista Kathleen Rutland Home Kirby House Residential Care Home Holmfield Avenue Post Office Forest House Medical Centre Forest House Dental Surgery Forest Park Inn M1 Service Station Forest East Park Chemists next to medical centres Warren Lane Medical Centre		

**Appendix 3: Summary of Representations Submitted to Blaby District Council by
Consultees Pursuant to Paragraph 13 (1), Schedule 4B of the Town and Country Planning
Act (as amended)**

Respondent	Support/Object/Comment	Summary of Response
Environment Agency	"Thank you for notifying the Environment Agency on the proposed additional modification to the Leicester Forest East Neighbourhood Plan. We have no objects and no further comments to make on the proposed modification."	No objection to and no further comment to make on proposed additional modification.
Historic England	"I can confirm that we have no further comments to make on the amendments and I refer you to our original response which is attached for your information."	No comment to make on proposed additional modification.
Leicestershire County Council	Comment	Generic comments submitted on other policies in the plan that were not the subject of this consultation. No comments received on proposed additional modification.
Resident	"Please could you provide this important information in a manner that is understandable or with an exec summary of all the issues? Although I consider myself reasonably well informed, the format, order and manner of this "consultation" appears to be exceptionally confusing & poorly explained."	Found the consultation material to be confusing.
Severn Trent	"The proposed modifications would not have significant impact on water supply, drainage or sewerage operations therefore our comments on the Leicester Forest East Neighbourhood Plan are not affected by the proposed change."	Proposed additional modification would not have significant impact on operations.
The Coal Authority	"The Coal Authority is only a statutory consultee for coalfield Local Authorities. As Blaby District Council lies outside the coalfield, there is no requirement for you to consult us and / or notify us of any emerging neighbourhood plans."	Blaby District lies outside of the coalfield and so no requirement to consult The Coal Authority.