



## **East Leake Neighbourhood Plan Decision Statement.**

### **1. Summary**

- 1.1 Following an Independent Examination, the Authority (Rushcliffe Borough Council) recommends that the East Leake Neighbourhood Plan proceeds to referendum subject to the modifications set out in section 3.

### **2. Background**

- 2.1 East Leake Parish Council, as the qualifying body successfully applied for East Leake Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 4 December 2012. A Neighbourhood Area was subsequently designated.
- 2.2 The Neighbourhood Plan was published by East Leake Parish Council for Regulation 14 pre submission consultation in 11 September 2014.
- 2.3 Following the submission of the East Leake Neighbourhood Plan Submission Version ('the plan') to the Council in January 2015, the plan was publicised on 19 February 2015 and comments were invited from the public and stakeholders. The consultation period closed on 2 April 2015.
- 2.4 Rushcliffe Borough Council appointed an independent Examiner; Gary Kirk, to review whether the plan met the Basic Conditions required by legislation and should proceed to referendum.
- 2.5 The Examiner's Report concludes that the plan meets the Basic Conditions, and that subject to the modifications proposed in his report, the plan should proceed to a Referendum.

### **3. Recommendations**

- 3.1 Rushcliffe Borough Council are looking to make the modifications to the East Leake Neighbourhood Plan in line with the recommendations set out in Examiners report. The schedule of modifications is set out below.
- 3.2 With the Examiner's recommended modifications the Borough Council considers that the East Leake Neighbourhood Plan meets the Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, and is compatible with the Convention rights and complies with provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004.
- 3.3 The Authority has considered whether to extend the area in which the Referendum is to take place. The Authority has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the Referendum. The Referendum area will be the same as the designated Neighbourhood Area covering the entire parish.
- 3.4 The Referendum will take place on the 19 November 2015.

## Main Recommendations

<b>Policy/Paragraph</b>	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	<b>Proposed Decision</b>	<b>Reason for Decision</b>
Statement of Consultation. Front Page	Title reads 13 January 2014 when the actual date should be 2015	Accept recommendation	Factual amendment
Statement of Consultation. Page 49	On Page 49 of the Statement of Consultation, it states that 'The Statutory pre submission public consultation on the Neighbourhood Plan, as required in Section 21 of the Neighbourhood Planning (General) Regulations 2012, ran from 15 September to 31 October 2014. The appropriate reference is Regulation 14 of those Regulations and the document should be amended to reflect this.	Accept recommendation	Factual amendment
Plan structure	Ensure that referencing is checked, and the plans structure is sequential in terms of policy numbers once modifications made. Remove any reference to deleted paragraphs.	Accept recommendation	To enable the document to flow sequentially in its final form, and to enable the plan to refer to correct documentation.

Policy/Paragraph	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	Proposed Decision	Reason for Decision
Policy H1 Page 7	<p>Policy H1 (a) acknowledges the minimum number of new homes to be constructed across</p> <p>East Leake up to 2028 in line with Rushcliffe Borough Council's Core Strategy.</p> <p>H1 (b) links this new housing to the phasing of prioritised infrastructure requirements to meet the needs of East Leake into the future. For clarity, this policy should be worded '<b>Further new residential development above this 400 minimum number...</b>' rather than 'New residential development ...' to be consistent with the narrative provided in section 2.1.8 which states that 'Policy H1 adopts the minimum number of new homes in the Core Strategy but stipulates that after adoption of the Neighbourhood Plan phasing of any developments above this figure will be managed to ensure that the major improvements to infrastructure ... have been completed or monies secured for their provision'.</p>	Accept recommendation	To enable that policy H1 achieves what is set out in its justification.

Policy/Paragraph	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	Proposed Decision	Reason for Decision
Policy H1 (b) last Paragraph. Page 7	<p>The paragraph below sub section (b) identifies the review of infrastructure requirements to be undertaken by Rushcliffe Borough Council as part of its Local Plan review. This paragraph should specifically reference the prioritisation of further infrastructure to be undertaken through a review of the ELNP to ensure that the needs of the community continue to be met through the provision of additional infrastructure alongside the development of additional housing. The sentence <b>‘A prioritised list of infrastructure requirements will be submitted by East Leake Parish Council as part of this review’</b> should be added to the paragraph. In prioritising the infrastructure requirements, the review should have regard for the NPPF which requires Plans to be deliverable and viable.</p>	Accept Recommendation	To ensure that the Neighbourhood Plan is consistent with the National Planning Policy Framework.
2.2.5 Page 10	<p>Policy H2 clearly references the need to provide a phasing plan for developments of 50 or more homes. This should be linked to the previous section on ‘key points’ by adding <b>‘of 50 or more homes’</b> immediately following ‘across larger developments’ in paragraph 2.2.5.</p>	Accept Recommendation	To ensure consistency between policy H2 and the justification text.

Policy/Paragraph	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	Proposed Decision	Reason for Decision
Policy H3 Page 12	<p>Section 2.3 looks at the type of new homes built for sale and seeks to ensure that new housing provides a mix that secures a balance of new housing. This is consistent with both the NPPF and the Rushcliffe Local Plan and meets the basic conditions. However, it is also a requirement for Neighbourhood Plan policies to be 'clear and unambiguous' and the lack of a minimum number of new houses above which this policy should apply means that this requirement is not met. I note the representation that calls for this policy to be applied to sites of 50 new homes or more, however I consider that the policy can apply on a smaller number of houses and recommend that 10 is the minimum for the threshold to apply and I consider that this is an appropriate number to activate the policy. The policy would therefore read '<b>On developments of 10 or more homes, developers will provide a mixture of homes for the market that broadly reflects Rushcliffe Borough Council's and East Leake's most up to date assessments of housing needs</b>'.</p>	Accept Recommendation	To remove ambiguity from the Neighbourhood Plan

Policy/Paragraph	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	Proposed Decision	Reason for Decision
Policy B3 Page 28	<p>Policy B3 describes the circumstances in which development of the British Gypsum site will be supported, but also addresses the issue of industrial development elsewhere in the Parish. For this reason, <b>the policy heading should be changed from ‘Support for development of British Gypsum Site’ to ‘Support for Business Development of the British Gypsum site and elsewhere in the Parish of East Leake’.</b></p>	Accept recommendation	For clarity

Policy/Paragraph	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	Proposed Decision	Reason for Decision
E1(a) Page 39	<p>E1(a) falls beyond the scope of the Neighbourhood Area. The stated objective to preserve the views of the ring of green ridges should be clarified by amending Policy E1 (a) by adding 'within the Parish boundary' as follows 'The ridges <b>within the Parish boundary</b> marked on the map at figure 5.1/1 will remain undeveloped....' The issue of development between the ridges can be addressed by adding the sentence from paragraph 5.1.3, with an amendment, to the end of this policy as follows.</p> <p><b>'The heights of any buildings within the Parish boundary on the slopes up to the ridges will be limited so as to leave a green rim clearly visible from the Village and to screen sight of the Village from outside'.</b></p>	Accept recommendation	It is beyond the scope of any Neighborhood Plan to contain policies for development beyond the designated area. The proposed change is required to enable the plan to be restricted to development within the Neighbourhood Area, as required by legislation.



<b>Policy/Paragraph</b>	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	<b>Proposed Decision</b>	<b>Reason for Decision</b>
E1 (c) Page 39	<p>Moreover, Policy H7 (c) within Section 2 affords some protection from coalescence by requiring that ‘there is genuine open countryside separating the proposed site from the built up areas of neighbouring Villages’.</p> <p>Further protection is also provided by the designation of the Townlands Trust ridge and furrow field from the railway to Gotham Road that forms part of the proposed area of separation.</p> <p>Whilst I am aware of the desire to maintain green spaces up to the Parish boundary, I consider the chance of coalescence with adjoining settlements to be unlikely in the Plan period.</p> <p>In view of these factors <b>Policy E1 (b) should be deleted and the text and numbering within the Section amended to reflect this deletion.</b></p>	Accept Recommendation. Removal of figure 5.1/2 (P42) is also required as it is now superfluous.	To ensure that the Neighbourhood Plan is consistent with National and Local policy.

Policy/Paragraph	Summary of Examiners recommendation (recommendation in <b>Bold</b> )	Proposed Decision	Reason for Decision
e. Section 6- Leisure and Play. Page 49	The vision is expressed as wishing to improve facilities for young people. As this section incorporates provision for allotments and specifically identifies the need for exercise equipment for adults, <b>the vision should be extended beyond improving facilities for young people.</b>	<p>Accept Recommendation. Whilst it is understood the vision was developed and consulted upon as a result of local consultation, it is considered that the expansion of the vision to incorporate a wider scope than young people will be more reflective of the policies within this section. It is proposed that the vision should amended as follows:</p> <p>‘Vision: We wish to improve <b>opportunities for leisure and play for all. In particular</b> we wish to improve facilities for young people....’</p>	To ensure that there is a clear link between vision and objectives and the policies within this section

## Corrections

It is proposed that all of the following corrections are made to the plan, as recommended by the Examiner

Page	Paragraph	Correction
3	1.5	The 'Neighbourhood Plan Project' should read 'The Neighbourhood Plan Project Team'.
3	1.6	The 'Neighbourhood Plan Project' should read 'The Neighbourhood Plan Project Team'.
3	1.6	Footnote 1 should be footnote 2.
5	1.9	Remove one full stop after 'web page'.
5	2.1	Heading should read 'Relationship to infrastructure'.
5	2.1.4	The first line should say 'Rushcliffe Borough Council's Core Strategy'
6	2.1.5	Second line say 'summarise' not 'summarize'.
6	2.1.9a	This should be 2.1.10 and remaining paragraphs renumbered.
7	2.1.11	The correct terminology is 'Made' not 'Adopted'.
7	2.1.12	Remove the word 'quo' from the end of the paragraph.
7	Policy H1	Remove the second b) and lower the first b) to be in line with the text.
11	2.3.8	Fifth line should say 'Examples of <i>this</i> would include:'
15	2.5.5	Footnote 28 should be footnote 26.
16	2.5.8a	The use of the latter a0 is inconsistent. The paragraph would sit better in Section 2.4 on affordable housing.
17	2.5.11	The 'Neighbourhood Plan Project' should read 'The Neighbourhood Plan Project Team'.
18	2.6.2	'Maximise' not 'Maximize'.
19	2.6.3	First line should read 'Note that <i>there</i> is no implication ...' (not this).
19	2.6.3	Parish should have a capital letter.
20	Policy H7	Paragraph d) – gypsum should have a capital letter.
21	2.6.15	The third line should say 'Nottinghamshire County Council' not just 'County Council'.

28	Policy B3	The second line of paragraph a) should say 'increase' not 'increases'.
49	6.1.5	Insert 'as being' into the first line 'play facilities, however, are seen in need of improvement.
50	6.1.11	ECLP is not defined (better to define here rather than in 8.1.10)
51	6.2.2	Encourage further provision of allotments as <i>the</i> village expands.
51	Policy L2	The first part of this Policy description on page 51 doesn't have any shading within the box.