

THE KIBWORTHS' NEIGHBOURHOOD PLAN Submission Draft Version

**A report to Harborough District Council
into the examination of the
Kibworths' Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Kibworths' Neighbourhood Plan has been prepared to set out the community's wishes for the parishes of Kibworth Beauchamp and Kibworth Harcourt.
- 1.2 This Neighbourhood Plan sets out local planning policies which are aimed at promoting sustainable development of the communities in the plan area focused on improving community facilities, making provision for housing, safeguarding and enhancing the natural and built environment and providing for transport and access.
- 1.3 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. I have also recommended the deletion of a number of policies where it is considered that they would create blanket restrictions that are not supported by robust evidence or policies that repeat national or local strategic policies without adding any locally specific requirements. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.4 The main recommendations concern:
 - The deletion of Policies SD1, SD2, H1, H3, H6, ENV2, ENV7, ENV8, ENV12 and E3.
 - The deletion of six proposed areas of Local Green Space.
 - Ensuring that relevant sites to which policies apply are explicit and are shown on the Proposals Map.
- 1.5 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Kibworths' Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that Neighbourhood Plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

Legislative Background

- 2.5 I was appointed as an independent examiner to conduct the examination on The Kibworths' Neighbourhood Plan by Harborough District Council. I am a chartered town planner with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;

- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.7 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.8 The Neighbourhood Plan area is co-terminus with the two parishes of Kibworth Beauchamp and Kibworth Harcourt. The Plan area was designated by Harborough District Council on 16 January 2015 as a Neighbourhood Area. Section 3.5 of the Basic Conditions statement states that the Plan relates to the Kibworths' Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.9 Section 3.3 of the Basic Conditions Statement states that the lifespan of the Neighbourhood Plan is to be from 2011 to 2031 the same period as the emerging Harborough Local Plan. The front cover of the Neighbourhood Plan shows the same plan period of 2011 – 2031 and text within the plan refers to the same period.
- 2.10 The plan will provide policies for the planning of the area from the date that it is made. To improve the clarity of the Plan it is recommended that the plan date should run from the date it is made until 2031. The only matter in the Plan relevant to the period 2011 – 2017 is the data relating to the housing requirement.

Recommendation 1: Revise the plan date to run from the date it is made to 2031.

- 2.11 The neighbourhood plan making process has been led by Kibworth Beauchamp Parish Council which has acted as the Qualifying Body with consent of Kibworth Harcourt Parish Council. This is set out in the Neighbourhood Plan constitution, an extract of which has been supplied to me. The Plan was prepared by the Neighbourhood Plan Advisory Committee, appointed by and reporting to both the Kibworth Beauchamp and Kibworth Harcourt Parish Councils.
- 2.12 Subject to the recommended modifications, I am satisfied therefore that The Kibworths' Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

Conformity with Basic Conditions and other statutory requirements

- 2.13 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.14 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.

2.15 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

Policy Background

2.16 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in

respect of examinations of Local Plans which requires plans to be “consistent with national policy”.

- 2.17 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.18 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.19 The third basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The strategic policies covering the neighbourhood plan area are contained in the Harborough District Local Development Framework Core Strategy 2006 – 2028 adopted November 2011 prior to the publication of the NPPF. It is acknowledged that some of the policies are therefore out of date.
- 2.20 The Neighbourhood Plan has been prepared at a time when the Council was preparing its new Local Plan. Nine options for the direction for strategic growth have been assessed, and this included two areas near Kibworth: to the north and east of Kibworth linked to a new bypass; and an area to the north west of the settlement. Further work was undertaken during 2016 on four options, including that to the north east of Kibworth. However, in December 2016, the Council resolved to progress the preferred option to the east of Lutterworth with a reserve option of that at Scraftoft North. The Council intends to consult on the pre-submission draft Local Plan from August to September 2017 with a view to submitting the Plan in November 2017.
- 2.21 A representation has been made that the Neighbourhood Plan is premature and cannot demonstrate that it is in conformity with the policies of the emerging Harborough Local Plan as no decision has been made on the required level of housing to be provided in the Kibworths.
- 2.22 Under the question “Can a neighbourhood plan come forward before an up-to-date Local Plan is in place?”, the PPG advises that “*a draft neighbourhood plan must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.*” Furthermore local planning authorities are advised to work with the qualifying body to produce complementary neighbourhood and Local Plans and to minimise any conflicts between policies in the two plans, otherwise the policies of the neighbourhood plan may be overridden by those of the emerging Local Plan once it is adopted.

- 2.23 The matter of prematurity is one that has been tested through the courts. The national advice is clear that neighbourhood plans may come forward in advance of an emerging Local Plan and are to be tested against the strategic policies in force at the time of the examination. In these circumstances the neighbourhood plan should take into account national planning advice to avoid policies that would impose restrictions on future development unless they are supported by robust evidence.
- 2.24 Paragraph 184 of the NPPF states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies. The PPG on rural housing advises that blanket restrictions should be avoided that would restrict housing development around a settlement unless their use can be supported by robust evidence.
- 2.25 It is clear that the selection of the strategic development area is a matter to be resolved through the emerging Local Plan. Whilst the Local Authority has resolved not to progress work on the strategic development options near Kibworth; it is important to recognise that the Local Plan has some way to go until it is adopted and the choice of the strategic direction for growth is finalised. In this context, it would not be appropriate for the Neighbourhood Plan to impose blanket restrictions on sites around the settlement unless they are justified by robust evidence. Such restrictions would limit the choices should additional development land be required over and above that to be delivered through the strategic development site.
- 2.26 The Basic Conditions Statement sets out an assessment of each of the Neighbourhood Plan policies against the NPPF and considers how the Neighbourhood Plan has had regard to them. It also assesses each of the Neighbourhood Plan policies to demonstrate how it is in general conformity with the local strategic policies of the adopted Core Strategy.
- 2.27 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Harborough District Local Development Framework Core Strategy 2006 - 2028. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. Where relevant I have considered the evidence prepared for the emerging Local Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.28 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment (SEA) Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.29 A Screening Opinion for the Strategic Environmental Assessment was issued by Harborough District Council in March 2017. This determined that "*it is*

unlikely that there will be any significant environmental effects arising from the Kibworths' Neighbourhood Plan Pre-Submission Draft as submitted at the date of this assessment, that were not covered in the Sustainability Appraisal of the Core Strategy and the subsequent interim Sustainability Appraisal for the emerging New Local Plan. As such, the Kibworths' Neighbourhood Plan does not require a full SEA to be undertaken."

- 2.30 Consultation with the statutory environmental bodies was undertaken. Natural England and Historic England concurred with the report's conclusion.
- 2.31 The Basic Conditions Report states that the Neighbourhood Plan area does not include or is not close to a European site that would require a Habitat Regulation Assessment.
- 2.32 The SEA Screening Report states "*The Kibworths Neighbourhood Plan is unlikely to have a substantial effect on the Natura 2000 network of protected sites. A full Habitat Regulations Assessment Screening Report was carried out as part of the Core Strategy preparation process in 2011. The report concludes that the Harborough Core Strategy alone, or in combination with other plans, is unlikely to have an adverse impact on any of the Natura 2000 sites within approximately 25kms of the boundary of the district*".
- 2.33 The Basic Conditions Statement states that "*The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups*".
- 2.34 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.35 Section 4.2 of the Basic Conditions Statement addresses the contribution of the plan to the achievement of the economic, social and environmental aspects of sustainable development. It states that "*the policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life*".
- 2.36 I am satisfied that, subject to the modifications proposed, the Kibworths' Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.37 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.38 The Consultation Statement sets out the details of the consultations carried out during the preparation of the Plan and on the pre-submission draft plan under Regulation 14.
- An initial community consultation event took place in Kibworth Cricket Club on 6 July 2015.
 - A comprehensive Community Questionnaire was delivered to every household in October 2015;
 - An additional Questionnaire for Clubs, Interest Groups and Organisations in the parishes was circulated to relevant interest groups in October 2015.
 - A community consultation event focusing on the plan policies took place 19 May 2016;
 - Representatives from Kibworth Neighbourhood Plan Group ran youth consultation sessions with Kibworth C of E Primary, The Kibworth School, 3rd Kibworth Guides, 1st Kibworth Cub Scouts (Arctic Wolves and Mountain Wolves) between April and June 2016.
 - Regulation 14 consultation took place from Thursday 10 November 2016 for a period of 8 weeks until Thursday 5 January 2017.
 - A variety of media were used to promote the consultations on the Neighbourhood Plan including attendance at local events; a dedicated website, Facebook and Twitter; village noticeboards; Leaflets/ flyers; the Newsletter and Kibworth & District Chronicle; letters and emails to stakeholders.
- 2.39 A comprehensive summary of the issues raised at each stage of pre-submission consultation and the action taken to address them, as appropriate, is included in the appendices to the Consultation Statement.
- 2.40 Consultation on the submission draft Neighbourhood Plan ran from 5 April to 17 May 2017. This resulted in responses from 14 individuals and organisations, several of which made multiple comments.
- 2.41 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.42 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case. I have sought clarification on a number of matters from the qualifying body and/or the local planning authority in writing. I am satisfied that the responses

received have enabled me to come to a conclusion on these matters without the need for a hearing.

- 2.43 I have considered the Basic Conditions Statement and the Consultation Statement. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.44 This report is the outcome of my examination of the Submission Draft Version of the Kibworths' Neighbourhood Plan to 2031 dated February 2017. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Harborough District Council.
- 2.45 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.46 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

3.0 Neighbourhood Plan – As a whole

3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

3.4 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *“the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

3.5 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence”*.

3.6 The Basic Conditions require that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies.

- 3.7 Before considering the policies individually, I have considered whether the plan has a whole has had regard to national and local strategic planning policies.
- 3.8 The plan provides for the future housing, employment and community development of the area, promotes good quality design in new development and safeguards the environment. The plan relies on the emerging Local Plan to deliver the future housing development needs and makes provision for only limited housing development through windfall sites. It seeks to safeguard a number of sites around the village as Local Green Space and Sites of High Environmental Significance. I will consider the robustness of the evidence to support these designations under the relevant policies as they are likely to amount to blanket restrictions on new development around the village.
- 3.9 The Neighbourhood Plan is a very lengthy document and includes a considerable amount of background information and evidence that should be placed in Appendices to improve the clarity of the Plan. This will help to create a document that is more focused on the neighbourhood development plan policies so that it is easier for decision makers to use. A brief summary of key matters should be included in the introductory section of the plan and relevant policies, ensuring that the focus of the Plan is on the policies and the justification for them.
- 3.10 The plan lacks a Vision statement and objectives, although some sections refer to objectives within the text. It is normal practice to have a Vision statement and objectives to provide the overall context for the policies but the Steering Group has chosen not to do so.
- 3.11 The Plan includes Policies and Community Actions within the Plan although they are clearly differentiated. Advice in the PPG is clear that the neighbourhood plan must address the development and use of land. The PPG recognises that the Plan can also help to inspire people and businesses to consider other ways to improve their community and can include wider community aspirations. However, these wider community actions dealing with non-land use matters should be clearly identifiable, for example set in an appendix.
- 3.12 To improve the clarity of the Plan, a section should be included in the Introduction to explain that it is only the Policies that constitute the Neighbourhood Development Plan that will be used in determining planning applications. To help to improve the clarity and focus of the Plan, the Community Actions could be placed in an Appendix with a heading to explain their purpose and stating that they are not part of the Neighbourhood Development Plan.
- 3.13 I have considered whether any of the policies are not land use planning matters and should be included as community actions or aspirations. My recommendations are included under the relevant policies

- 3.14 The Neighbourhood Plan contains a number of maps showing sites and locations referred to in the policies; these maps are barely legible and it would be difficult for decision makers to use them to determine the boundaries of the sites. There are also maps showing background information within the text. In addition, some policies refer to sites and locations which are not shown on a map.
- 3.15 It is important that a clear and legible Proposals Map, with Inset Maps if necessary, is included in the Plan at a scale that will enable decision makers to determine the boundaries of sites. All locations referred to in the policies should be shown on the Proposals Map. Policies should refer to sites being shown on the Proposals Map rather than on a figure.
- 3.16 It is evident that the preparation of the Plan has involved considerable involvement with the community and has sought to reflect the concerns raised in the consultations particularly about the need to improve community facilities and services and to safeguard the local environment. However some policies lend support to the improvement of particular services and seek to provide for the needs of particular clubs or groups. I have considered the merits of these under the relevant policies.

Recommendation 2:

Place sections (iv) and (v) in an Appendix to the Plan.

Place the Community Actions in an Appendix to the Plan with the heading that states that these actions do not form part of the Neighbourhood Development Plan. Revise CSA5 c) to refer to the Parish Councils encouraging and not the Neighbourhood Plan.

Prepare a Proposals Map, with Inset Maps where appropriate, that clearly shows the boundary of all sites referred to in the Policies with a clear key linked to the relevant Policy.

- 3.17 It is considered therefore that the plan as a whole, subject to the modifications proposed, has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.

4. The Neighbourhood Plan Policies

1. A Sustainable Kibworth

- 4.1 On page 34 of the Neighbourhood Plan, the final sentence in bold type states “*It is important to note that when using the neighbourhood plan to determine proposed development, all of the policies contained in the plan must be considered together in forming a view*”. This statement does not fully reflect planning law and guidance in NPPF paragraph 11 which states that “*applications for planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise*”. The development plan consists of the adopted Local Plan / Local Development Framework as well as the Neighbourhood Plan.
- 4.2 It is recommended that the statement on page 34 should be revised to reflect planning law and national policy and be repositioned at the end of the introductory section iii).

Recommendation 3: delete the final sentence of section v) and the final paragraph of section 1a) (The Plan is not intended to...) include the following at the end of section 1a):

NPPF paragraph 11 states that applications for planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise. Once the Kibworths’ Neighbourhood Plan has been made, the policies will form part of the development plan along with those in the adopted Harborough Local Plan / Local Development Framework. The Policies in the Neighbourhood Plan provide more locally specific requirements to help achieve the community’s vision for the area.

The Community Actions (set out in Appendix XX) do not form part of the Neighbourhood Development Plan.

- 4.3 The final paragraph of section 1a) makes reference to the Parish Councils taking a positive approach to the consideration of development proposals and working with the Councils and other organisations. It is considered that this statement amounts to a Community Action and as such should be included in the Appendix of Community Actions.

Recommendation 4: Turn the final paragraph of section 1a) into a Community Action and place in the Appendix.

Policy SD1: Presumption in Favour of Sustainable Development

- 4.4 This policy repeats the requirements of the NPPF for plans to seek positive improvements in the built environment without adding any locally specific details about how this is to be delivered. It is considered that it is superfluous as it simply repeats national policy and should be deleted.

4.5 A representation has been made in support of the policy.

Recommendation 5: Delete Policy SD1.

Policy SD2: General Policy Principle

4.6 This policy sets out a principle that where there are no policies in the Neighbourhood Plan then the provisions of national and District plans will apply.

4.7 This policy does not fully reflect NPPF paragraph 11 guidance. Recommendation 3 above has included a revision to the introduction to this section to explain how planning applications are to be determined. It is recommended therefore that Policy SD2 and the supporting text above it be deleted.

4.8 A representation has been made in support of the policy.

Recommendation 6: Delete Policy SD2 and the supporting text above it.

Policy SD3 Limits to Development.

4.9 This policy sets out revised Limits to Development around the settlement to establish where development would be most acceptable and to define the areas of countryside. The justification states that the Limits to Development were defined in the Core Strategy. They are referred to under Policy CS2, however, the current boundaries were defined in the 2001 Local Plan. The Neighbourhood Plan has revised the boundaries to include sites that have subsequently received planning permission for residential or employment development.

4.10 Core Strategy Policy CS17: Countryside, Rural Centres and Rural Villages defines Kibworth as a Rural Centre which will be the focus for rural affordable and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area. Development is to be on a scale which reflects the size and character of the village concerned, the level of service provision and takes into account recent development and existing commitments. The justification explains that the Rural Centre of Kibworth is excluded from the list of settlements where additional housing is planned in view of the previous local plan allocations and commitments.

4.11 The emerging draft Local Plan proposes to continue to classify The Kibworths as a Rural Centre and does not at this time propose to allocate housing in the plan area.

4.12 A representation has been made that the Limits to Development makes no provision for future housing development that may be required through the emerging Local Plan.

- 4.13 A representation has been made suggesting that the policy should include a set of criteria by which future development proposals outside the Limits to Development will be judged, including the circumstances in which development in these locations will be positively considered such as when the District has less than a five year housing land supply
- 4.14 The justification to Neighbourhood Plan Policy SC3 states that the Limits to Development have been defined to take account of the emerging Local Plan Options Consultation Paper updated in October 2016 which proposed no additional housing requirement for the settlement over the plan period.
- 4.15 No information is provided in the Neighbourhood Plan about the number and location of the current housing commitments. The Local Planning Authority has confirmed that total commitments from 2011 to 21 March 2017 are 241 dwellings. In addition land north of Fleckney Road has been approved for 195 dwellings pending the completion of a S106 agreement. In total 379 dwellings have been approved within the last year.
- 4.16 No housing sites are allocated in the Neighbourhood Plan and there is no requirement for the Plan to do so. The Plan makes provision for windfall development through Policy H2.
- 4.17 It will be for the emerging Local Plan to select and allocate the strategic development area and other allocations required to accommodate the future housing requirements of the District. The current position is that the preferred option does not lie within the Plan area. As the Local Plan has not been finalised it is important that the Neighbourhood Plan does not impose any blanket restrictions on future development around the village unless they are justified by robust evidence.
- 4.18 Any site allocations in the emerging Local Plan will be considered through that process. It is not therefore necessary to include assessment criteria in Policy SD3. It is not necessary to include guidance in the policy on the circumstances where development will be considered favourably as this is set out in the NPPF.
- 4.19 The justification to the policy fails to recognise that within the countryside outside the Limits to Development exceptional forms of development may be permitted in accordance with national policy in NPPF paragraphs 28 and 55.
- 4.20 Some of the text in section 1b) the justification to Policy SD3 is unclear and repetitive. A recommendation is made to provide more focused and concise wording.
- 4.21 The Policy itself refers to the Limits to Development being defined in Figure 2. This should be revised to refer to the Proposals Map in accordance with paragraph 15 and recommendation 2. The map should be drawn to include those sites that have received planning approval for development.

- 4.22 The policy also refers to “new multi-functional facilities close to or adjacent to the Limits to Development”. No explanation is given to the meaning of the term in the justification. The policy wording is different to that set out under Policy CSA1 which requires the facility to be within the Limits to Development. It is recommended that the policy should be revised to designate the Limits to Development and to require new development to be located within them unless there are exceptional circumstances to justify its location in the countryside outside the Limits in accordance with national planning policy.

Recommendation 7: revise Policy SD3 to read:

“Development shall be located within the Limits to Development as defined on the Proposals Map unless there are special circumstances to justify its location in the countryside outside the Limits to Development.”

Revise the third sentence of the second paragraph of section 1b) to read: “....*The Limits to Development define the extent of the built up part of the settlement where development is generally acceptable in principle and distinguishes it from the open countryside where development will only be acceptable in special circumstances in accordance with national planning policy.*” Delete the fourth sentence.

Delete the third paragraph of section 1b).

Revise the fourth paragraph to read: “*Within the Limits to Development, new development proposals should be suitably designed taking into account the local design guidance and should avoid those areas that are safeguarded from development.*”

Revise the map where necessary to include all sites with planning approval for housing and employment development in the Development Limits.

2. Community Services and Amenities

Policy CSA1: Pre-School Provision

- 4.23 Policy CSA1 provides support to the increase in pre-school places to deliver provision that meets the government target of 30 hours per child per week. No indication is given about the scale of provision that is required or how or where it is to be delivered.
- 4.24 The second criterion states that it should be provided within walking distance of all residents in the Plan area. It is considered that this is not likely to be feasible or deliverable in view of the extent of the plan area and its rural nature outside of the village. Walking distance for pre-school children is very limited and is considered to be very restrictive requirement. It is

recommended that this criterion be deleted as it would mean that the policy would be not deliverable.

- 4.25 NPPF paragraph 72 gives great importance to ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities.
- 4.26 Policy CS12: Delivering Development and Supporting Infrastructure sets out the approach towards the delivery of infrastructure to support the spatial strategy of the Core Strategy. Appendix 2 of the Core Strategy sets out the Infrastructure requirements which are to be reviewed annually. No reference is made to pre-school provision although the need for extensions to primary schools is recognised in the rural centres.
- 4.27 A representation has been made in support of the policy.
- 4.28 Subject to the recommended modification, it is considered that the Policy will meet the Basic Conditions.

Recommendation 8: delete criterion b) of Policy CSA1.

Policy CSA2: Schools

- 4.29 Policy CSA2 sets out support for the expansion of existing schools and for the development of a new school as well as the factors to be taken into account in considering such proposals.
- 4.30 The justification sets out the current provision for primary and secondary school places and the likely need to expand the number of places.
- 4.31 NPPF paragraph 72 gives great importance to ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities.
- 4.32 Policy CS12: Delivering Development and Supporting Infrastructure sets out the approach towards the delivery of infrastructure to support the spatial strategy of the Core Strategy. Appendix 2 of the Core Strategy sets out the Infrastructure requirements which are to be reviewed annually. The need for extensions to primary schools is recognised in the rural centres.
- 4.33 The County Council has commented to state the circumstances when a S106 contribution would be requested for additional school places. They note that it may not always be possible or appropriate to extend a local school to meet the demands of a development.
- 4.34 The justification to the policy identifies that the school is next to the Warwick Road Recreation Ground and includes a criterion d) to retain the recreation ground for community use. It is considered that this criterion duplicates the provisions of Policy CSA6; is therefore unnecessary and should be deleted along with the relevant text in the justification.

- 4.35 The policy includes two sets of criteria numbered a) to c) and a) to d). To ensure that the policy can be clearly referenced by decision makers and to avoid any confusion, it is recommended that the criteria are numbered consecutively.
- 4.36 A representation has been made in support of the policy.
- 4.37 Subject to the recommended modification, it is considered that the Policy will meet the Basic Conditions.

Recommendation 9: Revise Policy CSA2 as follows:

Delete criterion d) from Policy CSA2 and the text in third paragraph of the justification.

Revise the lettering of the criteria in Policy CSA2 consecutively.

Policy CSA3: Clubs and Groups

- 4.38 Although entitled “Clubs and Groups”, the policy sets out a proposal for the provision of a multi-functional amenities centre and the factors to be taken into account in its location and design. It would be clearer to entitle the policy to “Multi-Functional Community Centre” and to revise the first sentence accordingly.
- 4.39 The community consultation has raised the needs of various groups for a new community hall and these are set out in the justification.
- 4.40 Criterion f) of the policy is not clearly worded and it is recommended that it be revised to read “Will include adequate parking provision”.
- 4.41 The policy will support the delivery of Core Strategy Policy CS12: Delivering Development and Supporting Infrastructure and has had regard to NPPF guidance to deliver sufficient community and cultural facilities and services meet local needs.
- 4.42 A representation has been made in support of the policy although expresses concern about the availability of a suitable site within the Limits to Development.
- 4.43 Subject to the modifications recommended, it is considered that the policy satisfies the Basic Conditions.

Recommendation 10: Revise Policy CSA3 as follows:

Revise the title of Policy CA3 to “*Multi-Functional Community Centre*” and revise the first sentence of the policy to read “The provision of a multi-functional *community* centre

Revise criterion f) to read “*Will include adequate parking provision; and*”

Policy CSA4: Sporting Facilities

- 4.44 Policy CSA4 provides for new and/or improved sporting facilities. The policy has had regard to NPPF guidance to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It will support the delivery of Core Strategy Policy CS12: Delivering Development and Supporting Infrastructure and Policy CS8: Protecting and Enhancing Green Infrastructure
- 4.45 There is a discrepancy between the opening paragraph of the policy which states that they should be centrally placed and criterion a) which states that they should be close or adjacent to the Limits to Development. A modification is recommended to clarify the policy to state that they should be within or adjacent to the Limits to Development.
- 4.46 Criterion d) of the policy is not clearly worded and it is recommended that it be revised to read “Will include adequate parking provision”.
- 4.47 Criterion f) states that sporting amenities should be open to all residents “on a non-subscription basis”. The funding or membership requirements of a facility is not a matter that can be controlled through a planning condition. It is considered that this criterion is not deliverable and it is recommended that it be deleted from the policy.
- 4.48 A representation has been made in support of the policy although expresses concern about the availability of a suitable site within the Limits to Development.
- 4.49 Subject to the modifications recommended, it is considered that the policy satisfies the Basic Conditions.

Recommendation 11: Revise Policy CSA4 as follows:

Delete “centrally placed and” from the first paragraph.

Revise criterion a) to read “Being *within* or adjacent to”

Revise criterion d) to read “*Will include adequate parking provision*;

Delete “on a non-subscription basis” from criterion f).

Policy CSA5: Health and Wellbeing

- 4.50 Policy CSA5 supports the development of additional premises for General Practitioners. To improve the clarity, it is recommended that the policy be entitled “GP Premises”.

- 4.51 Criterion a) states that any development should meet the requirements of the Neighbourhood Plan including Policy H7. NPPF paragraph 11 requires planning applications to be determined in accordance with the development plan (which consists of the Local Plan and the Neighbourhood Plan) and other material considerations. It is considered that criterion a) is superfluous and does not have proper regard to national planning guidance.
- 4.52 Criterion c) of the policy is not clearly worded and it is recommended that it be revised to read “Will include adequate parking provision”.
- 4.53 Subject to the modifications recommended, it is considered that the policy satisfies the Basic Conditions.

Recommendation 12: Revise Policy CSA5 as follows:

Revise the title of the policy to “GP Premises”.

Delete criterion a).

Revise criterion c) to read “*Will include adequate parking provision;*”

Policy CSA6: Parks and Green Spaces

- 4.54 The policy sets out the limited circumstances where development may be acceptable on formal parks. The justification refers to various recreation grounds and play areas although no map is included in the Neighbourhood Plan to identify them. To clarify which areas the policy applies to, the sites should be shown on the Proposals Map and the policy wording should refer to the Proposals Map.
- 4.55 There is some overlap with Policy ENV2 with Smeeton Road Recreation Ground being listed in both policies.
- 4.56 The policy has regard to NPPF guidance on promoting healthy communities and Core Strategy Policies CS11: Promoting design and built heritage. Policy CS8: Protecting and Enhancing Green Infrastructure supports the protection and where possible, enhancement of areas of open space, sport and recreation. There are two maps on the Local Authority website showing open land. The Local Plan Proposals Map shows sites within the Limits to Development under saved Policy HS/9 and includes undeveloped land adjacent to the Warwick Road recreation ground. The map of open space, sport and recreational land identifies different areas of land but does not identify the Warwick Road recreation area or the cricket ground. It is not clear which sites are to be protected under this strategic policy
- 4.57 A representation has been made in support of Policy CSA6. It is therefore important that the Neighbourhood Plan Proposals Map identifies the sites to which Policy CSA6 relates. The map should only include sites that are used for sport and recreation.

- 4.58 The Qualifying Body has supplied me with a map showing the sites referred to in the justification that are owned by the parish councils. To improve the clarity of the policy for decision makers it is recommended that the sites be listed in the policy itself and shown on the Proposals Map.
- 4.59 As a consequence of the recommendation to delete Policy ENV2, consideration should be given to including the cricket ground (site 036) and the football field (site 058) under Policy CSA6, provided that there is a long term commitment for the football ground to continue as a playing pitch.
- 4.60 Subject to the modifications recommended, it is considered that the policy satisfies the Basic Conditions.

Recommendation 13: Revise Policy CSA6 as follows:

Revise the paragraph a) to read: “*The following parks, sports and recreation grounds shown on the Proposals Map will be safeguarded:*

- ***Jubilee Green***
- ***Warwick Road***
- ***Rookery Close***
- ***Larkswood***
- ***Smeeton Road***
- ***Kibworth Cricket Club ground***
- ***Football field***

Development proposals on these areas will not be supported except where: (bullet points under section a)

Retain section b)”

Include the sites on the Proposals Map.

Policy CSA7: Important Community Facilities

- 4.61 Policy CSA7 states that the retention, provision and enhancement of community services and facilities is a priority. However, the wording of the remainder of the policy only refers to the loss of or significant adverse effect on community services or facilities. I have a number of concerns about the wording of the policy and its application when considering planning applications.
- 4.62 The first sentence is an objective rather than a policy statement. The remainder of the policy does not set out factors to be considered in the provision or enhancement of new community facilities. Other policies in the Plan cover the provision and improvement of many types of community facility such as schools, community halls and health services. The introduction to the policy lists six community assets. However, it is not clear whether the policy only applies to these six buildings or whether it should also be applied to

shops and sports and leisure facilities which are mentioned in the first paragraph of the introductory text. The provision of services is not a land use planning matter and it is not appropriate to include it in a policy.

- 4.63 The policy will be applied in determining planning applications by the District Council. It will not be for the Parish Councils to consider whether the facility is no longer viable or required.
- 4.64 The policy will support the delivery of Core Strategy Policy CS12: Delivering Development and Supporting Infrastructure and has had regard to NPPF guidance to deliver sufficient community and cultural facilities and services meet local needs.
- 4.65 A representation has been made in support of the policy.
- 4.66 Subject to the modifications recommended, it is considered that the policy satisfies the Basic Conditions.

Recommendation 14: Revise Policy CSA7 as follows:

Revise the title to read “Safeguarding of Community Facilities”

Revise the policy to read: “*The following community facilities shall be safeguarded and enhanced: List of six facilities from introductory text.*”

“Development proposals that would result in the loss of, or have a significant adverse effect on, a community facility will not be supported, unless the facility is replaced by an equivalent or better facility in terms of quantity and quality in a suitable location or it can be demonstrated that the facility is not viable or is no longer required by the community.”

The community facilities listed should be shown on the Proposals Map.

Delete “services and” from the second paragraph of the text under section g) of the justification.

3. Housing and Built Environment

- 4.67 The Neighbourhood Plan has been prepared at the same time as the new Local Plan is being developed. Nine options for strategic growth were first considered for the Local Plan which included two within the plan area: to the north east and to the west of the village. A decision was made by the local authority in October 2016 to progress with an option for a strategic development area to the east of Lutterworth to be included in the Submission draft Local Plan which is programmed for consultation in August/September 2017.
- 4.68 At the time of the Neighbourhood Plan examination, the new Local Plan is well advanced but until it has been adopted, there is no final decision about the location of the strategic development area or the level of housing growth

that will be required in other locations. The Neighbourhood Plan has based its housing policies on the largest non-strategic option considered by the District Council. The delivery of this relies solely on windfall housing sites coming forward in the plan area in addition to the commitments as no housing allocations are proposed.

- 4.69 The options for a strategic development area within the parish have obviously raised concerns in the community which has resulted in the plan containing a number of designations aimed at protecting open areas of land around the village from development. The final sentence of section 3b) states that the Neighbourhood Plan “*will add a layer of protection against inappropriate development in the Plan area*”.
- 4.70 The NPPF and PPG are very clear that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic objectives and that blanket policies restricting housing development or preventing settlements from expanding should be avoided unless their use can be supported by robust evidence.
- 4.71 I will consider the robustness of the evidence to support the various environmental designations proposed in the Environment section of the Plan.
- 4.72 The Introduction (section iii) and the background text to the Housing and Built Environment section summarise the position on the housing requirement for the village from the emerging Local Plan. It is recommended that the progress with the Local Plan and the factual information in these sections should be updated as necessary before the Neighbourhood Plan is made.

Recommendation 15: Update the Introduction section iii) and Housing and Built Environment sections a) and b).

Policy H1: Housing Provision

- 4.73 Policy H1 states that in view of the number of recent housing completions and commitments the parish has exceeded its housing requirement, further housing development will be restricted to windfall development in accordance with Policy H2 unless there is an increase in housing need or existing commitment fail to come forward. The preceding paragraph in the justification includes the same reasoning to state the circumstances when the Neighbourhood Plan will be reviewed.
- 4.74 Two representations have been made stating that the policy is incorrect to state that the Kibworths has exceeded the housing requirement over the plan period as no decision has been made on this yet in the emerging Local Plan.
- 4.75 A representation has been made that proposes the use of a criteria based policy. It is suggested that the adoption of the plan be delayed or further consultation should be undertaken once the housing requirements in the emerging Local Plan have been scrutinised. Two representations suggest that

the Neighbourhood Plan should allocate a reserve site for residential development.

- 4.76 I have considered in paragraphs 2.22 – 2.23 above whether it is appropriate to bring forward the Neighbourhood Plan before the Local Plan is finalised and how any additional housing requirement should be accommodated.
- 4.77 It is considered that Policy H1 is unclear and imprecise and does not taken account of national planning policy. It does not provide any guidance on the approach to be taken on the scale or location of future housing development other than restricting it to windfall development which is addressed in Policy H2. Should further housing be needed in the parish this would trigger a review of the Plan. It is recommended therefore that Policy H1 should be deleted.

Recommendation 16: Delete Policy H1.

Policy H2: Windfall Sites

- 4.78 Policy H2 sets out the factors to be taken into account in considering windfall housing development within the Limits to Development. The justification states that infill development will be for sites of up to five dwellings.
- 4.79 A representation has been made that limiting windfall development to a maximum of five dwellings is too restrictive and unnecessary.
- 4.80 The first paragraph of the policy is unnecessary as the NPPF paragraph advises that planning applications are to be determined in accordance with the development plan unless other material considerations indicate otherwise. There is no Policy S4 in the Plan. It is recommended that the paragraph be deleted.
- 4.81 Criterion c) requires development to respect the shape and form of the Plan area to maintain its distinctive character and enhance it where possible. This is unclear and imprecise. It is recommended that it be revised to refer to maintaining and where possible enhancing the character of the built environment.
- 4.82 Criterion d) states that the development should be of an appropriate scale reflecting the size, character and level of services in the area. The first paragraph of the justification states that developments should be up to five dwellings. It is considered that the policy provides sufficient guidance to enable decision makers to assess the suitability of the scale of a development and it would be unduly restrictive to limit developments to a maximum of five dwellings. It is recommended that the limit set in the justification be deleted.
- 4.83 Criterion e) refers to the retention of important natural boundaries such as trees, hedges and streams. It is recommended that this be revised to refer to natural boundary features to improve its clarity.

Recommendation 17: Revise Policy H2 as follows:

Delete the first paragraph.

Revise criterion c) to read “*It maintains and where possible enhances the character of the built environment.*”

Revise criterion e) to read “.....natural boundary *features* such as”

Delete “(up to 5)” from the first paragraph of the justification in c) Windfall housing.

Policy H3: Affordable Housing

- 4.84 Policy H3 requires affordable housing to be provided in accordance with the district wide planning policies and sets out details of a Local Connections Policy.
- 4.85 A representation has been made stating that the emerging Local Plan approach to affordable housing has not been finalised and the policy should be amended to simply state that “affordable housing should be provided in accordance with the district wide planning policies”.
- 4.86 NPPF Paragraphs 17 and 183 state that the purpose of policies in Neighbourhood Plans is to provide a basis for decisions on planning applications. A Local Connections Policy is a policy to manage the letting of affordable housing and is not a land use planning matter and should not be included in planning policy. It is recommended that the second, third and fourth paragraphs of the policy including the bullet points a) to d) be deleted.
- 4.87 The Local Housing Authority has a statutory responsibility under the Housing Act 1996 to produce a Housing Lettings Policy which is published and consulted upon. The Local Housing Authority has the power to operate that power flexibly and to apply it to particular categories of applicant, so it may include 'local connections' criteria. Harborough Council has confirmed that they apply a local lettings policy where it is deemed appropriate secured by a S106 agreement or planning condition.
- 4.88 Unless the Neighbourhood Plan affordable housing policy includes locally specific requirements, the affordable housing on development proposals will be considered against the policies of the Local Plan and national planning policy that affordable housing will only be required on sites of 10 or more dwellings. Policy H3 simply repeats the need to apply the Local Plan policy and is therefore considered to be superfluous as it adds no locally specific land use planning policy to the Local Plan Affordable Housing Policy. It also does not reflect national policy on minimum site size. It is recommended that the first and final paragraphs be deleted.
- 4.89 The final paragraph of the policy requiring developments to be tenure blind is also included in Policy H7 on Building Design.

Recommendation 18: Delete Policy H3.

Policy H4: Promoting Self-Build

- 4.90 Policy H4 promotes the development of self build and custom build housing which accords with national planning policy in NPPF paragraph 50.
- 4.91 The second part of the policy seeks to establish a local connection policy to be applied to individuals purchasing a self build plot. The District Council has made a representation that this would be difficult to enforce.
- 4.92 NPPF paragraphs 17 and 183 state that the purpose of policies in Neighbourhood Plans is to provide a basis for decisions on planning applications. Development plan policies cannot be used to control the purchasers of an open market housing plot and this is not a matter to be considered in determining planning applications. The local connections policy is considered to be not deliverable.
- 4.93 It is recommended that paragraphs 2 and 3 and the bullet points be deleted as they do not accord with national planning policy and would be not deliverable or enforceable.

Recommendation 19: Revise Policy H4 as follows:

Delete paragraphs two and three and the bullet points.

Policy H5: Housing Mix

- 4.94 The policy seeks to support a mix of housing to meet identified local needs with priority to dwellings of 3 or fewer bedrooms and homes for older people.
- 4.95 Promoting a mix of housing accords with Core Strategy Policy CS2 – Delivering New Housing and NPPF paragraph 50 to delivering a wide choice of high quality homes.
- 4.96 The County Council has made a representation suggesting that development should include bungalows and other forms of housing suitable for older people in view of the projected growth in this age group.
- 4.97 A representation has been made setting out evidence on the need for housing for older people and stating that the policies in the neighbourhood plan are not flexible enough to deliver grouped sheltered / retirement homes or care homes.
- 4.98 A representation has been made in support of the policy.
- 4.99 The policy sets out the current housing needs identified through the Housing Needs Report (2016) and the Housing and Economic Development Needs

Assessment (2017). These may change over the lifetime of the Plan and a revision is proposed to refer to outcomes of future housing needs surveys.

- 4.100 I have given consideration under other policies to ensure that they do not set out blanket restrictions unless supported by robust evidence that would prevent sites coming forward for development in the emerging Local Plan to meet specific identified needs such as those for grouped sheltered / retirement homes or care homes.

Recommendation 20: revise Policy H5 as follows:

Add the following at the end of the final sentence: “for older people, unless a future housing needs survey demonstrates a need for other types and sizes of dwellings.”

Policy H6: Buildings and Structures of Historical and Architectural Interest

- 4.101 Policy H6 states that development proposals affecting a listed building or other nationally designated heritage asset or its setting will be determined in accordance with national and district planning policies.
- 4.102 Core Strategy Policy CS11 sets out the strategic policy for protecting, conserving and enhancing heritage assets.
- 4.103 Policy H6 adds no locally specific heritage policy requirements and is considered to be unnecessary. It is recommended that the policy be deleted and the wording included in the background text. The list of listed buildings should be included in an appendix.

Recommendation 21: Delete Policy H6. Retain the background text on heritage and include the policy wording within the background text. Place the list of Listed Buildings in an Appendix.

Policy H7: Building Design

- 4.104 Policy H7 sets out detailed design principles concerning the layout and landscaping of new development and the design of new dwellings. The policy has had regard to national planning policy to promote good design and conserve heritage assets and is in general conformity with Core Strategy Policy CS11.
- 4.105 Most of the criteria provide a degree a flexibility in the principles although some are set out as requirements. I have considered each criterion and have concluded that they should all include a degree of flexibility so that they can be used in determining planning applications according to local circumstances.

- 4.105 Criterion b) requires that no more than 5% of any development should be of three storey homes. I have asked the Qualifying Body for the evidence to justify this restriction. They have stated that there is some three storey housing in the older parts of the villages, however it is felt that three storey structures can dominate in new developments. During my site visit I toured the new housing development and noted that the development includes a high proportion of three storey dwellings; a design which is not reflective of the character of the older parts of the village. It is considered that some flexibility should be included in the criterion to give support for predominantly two storey dwellings rather than setting a prescriptive limit to three story dwellings which is not supported by robust evidence.
- 4.106 The District Council has made a representation that criterion b) should apply to larger sites only. I have made a recommendation in response that this requirement should apply to sites of 10 or more dwellings.
- 4.107 Criterion e) concerning car parking requirements is repeated in Policy H8 and is therefore unnecessary and should be deleted.
- 4.108 The District Council has commented that criterion g) needs to be more precise and specific as to what is being requested, particularly which enhancements should be provided. "Where appropriate" should be added after the requirement that trees and hedges must be retained. The Qualifying Body has provided the text for inclusion in the justification to explain how this criterion should be applied:
- 4.109 Anglian Water has made a representation supporting the inclusion of SuDS in criterion k). The District Council has commented that SuDS can only be required on major developments of 10 or more dwellings and the policy should be revised to reflect this.
- 4.110 Criterion l) refers to the national space standards as being in Part M of the Building Regulations whilst the justification correctly refers to the Technical Housing Standards. A modification is proposed to correct this anomaly.
- 4.111 The PPG states that local planning authorities should take account of evidence to demonstrate a need to set higher accessibility, adaptability and wheelchair housing standards. Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings). Harborough Council has confirmed that they intend to include a requirement for housing at the higher accessibility level and their evidence demonstrates a level of 4%.
- 4.112 I have asked the Qualifying Body for their evidence to justify setting a standard of 15%. They have stated that it was arrived at after consideration of the high levels of older people in the Neighbourhood Area. I do not consider that this statement is sufficiently robust evidence to support setting this requirement at a significantly higher level than that proposed by the Local Authority based on its strategic assessment of need. In view of the lack of

evidence to support the requirement for 15% of homes to be developed at the higher standard for adaptable homes, it is recommended that this be deleted and a more flexibly worded statement be included referring to latest evidence of need.

- 4.113 Criterion n) refers to “standards identified in the supporting information”. It would be clearer to name the documents in the policy itself and a modification is recommended to this effect to improve the clarity of this criterion.

Recommendation 22: Revise Policy H7 as follows:

Revise the first paragraph to read: “...extensions *should* satisfy the following:”

Revise the second sentence of criterion b) to read “ *On developments of 10 or more dwellings, housing development should be predominantly two storey with any three storey dwellings being spread throughout the development.*”

Revise criterion c) to read “...layout of the development *should* fit in with the surrounding area... and *should not adversely impact* on the visual amenity of...”

Delete criterion e).

Revise criterion f) to read “...different tenures *should* be

Revise criterion g) to read: “Hedges and native trees *should* be retained where appropriate.”

Revise criterion h) to read: “Security lighting *should* be....”

Revise the first sentence of criterion k) to read “....regimes *should* be provided on developments of 10 or more dwellings, where feasible.”
Add a comma after “surfaces” in the second sentence.

Revise the second sentence of criterion l) to read: “New housing should be designed in accordance with the national space standards.” Revise the final sentence to read: “*A proportion of developments should be built to the higher standard for adaptable housing as set out in the Technical Housing Standards in accordance with the latest evidence of need taking into account the latest projections of need.*”

Revise criterion n) to read “Developments of 5 or more dwellings should incorporate the space and sunlight standards set out in the District Council’s Supplementary Planning Guidance.”

Include the following text in the justification to explain how criterion g) is to be applied:

“Development proposals will be required, where appropriate, to:

1. Maximise opportunities to protect and enhance biodiversity;

- 2. Provide a net gain in the extent of habitat suitable for species to thrive;**
- 3. Integrate habitat and other measures that will support biodiversity;**
- 4. Retain trees and contribute to tree planting**
- 5. Ensure development proposals are accompanied by a Biodiversity Statement, where appropriate.”**

Policy H8: Residential Car Parking

- 4.114 Policy H8 sets out a policy to require developers of sites to demonstrate that the loss of any parking provision will not have “an adverse impact on parking issues in the nearby area”.
- 4.115 It is not clear how this part of the policy is to be assessed or applied in determining planning applications. It would be clearer to state that development proposals should incorporate sufficient parking provision to meet the needs of future residents as set out in the remainder of the policy and that it should be laid out and designed in accordance with the County Council’s parking design standards.
- 4.116 In response to a question on the intended use of the policy, the Qualifying Body has stated that the policy is intended to apply to proposals to extend dwellings that would result in the loss of parking provision. However as many residential extensions are permitted development and do not require planning permission, the policy will be unable to control them.
- 4.117 The second part of the policy sets out parking standards and minimum sizes for garages and parking spaces. The only difference between the standards set and that set out in the Leicestershire 6C Design Guide is to increase the number of car parking spaces for dwellings of 4 bedrooms from 3 to 4. The other standards set out in the policy repeat those in the County Council’s design guidance and are therefore considered to be unnecessary.
- 4.118 The Leicestershire 6Cs Parking Guidance applies to developments of 1 – 5 dwellings and expects developers of larger sites to use the DCLG paper method to determine the parking provision required. It is recommended that Policy H8 should be consistent with this.

Recommendation 23: Replace Policy H8 with the following:

“New residential development should incorporate sufficient parking provision to meet the needs of future residents in accordance with the Leicestershire parking standards except that:

“New residential development shall include the following minimum number of car parking spaces:

“4+ bedroomed dwellings shall have a minimum of 4 off-street parking spaces within the curtilage of each dwelling.

“Extensions to existing dwellings should not result in the loss of parking spaces below the minimum level.”

Add the following to the justification to the policy: *“The Leicestershire 6Cs Parking Guidance applies to developments of 1 – 5 dwellings and expects developers of larger sites to use the DCLG paper method to determine the parking provision required.”*

Policy H9: Refuse Storage

- 4.119 The policy sets out a requirement for storage space to be provided in new residential development to accommodate three wheelie bins with access paths for terraced properties.
- 4.120 It is considered that the policy meets the Basic Conditions.

Policy H10 External Storage

- 4.121 The policy sets a requirement for external storage to be provided as part of the main structure of the home or garage or brick built boundary wall. Space standards are set out for such storage derived from an update of the Parker Morris Standards.
- 4.122 It is considered that the requirement to be part of the structure of the home or garage or brick built boundary wall is unnecessarily prescriptive and would preclude the use of freestanding outbuildings. In order to ensure that the policy can be used consistently by decision makers, the policy should be explicit that it relates to new residential development and the standard should be amended to relate to the number of bedrooms rather than the number of persons.
- 4.123 In response to a question, the Qualifying Body has proposed a minimum standard that 1 and 2 bedroomed homes should have 3 sqm, 3 bedroomed homes should have 3.5 sqm, and 4+ bedroomed homes should have 4.0 – 4.5 sqm external storage.
- 4.124 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 24: revise Policy H10 to read:

“New residential development shall include provision for secure external storage at the following minimum standard:

<i>Size of dwelling</i>	<i>External storage area</i>
<i>1 and 2 bedroomed dwellings</i>	<i>3 sqm</i>

3 bedroomed dwellings	3.5 sqm
4+ bedroomed dwellings	4.0 sqm”

Policy H11 North East Kibworth SDA

- 4.125 Policy H11 sets out five requirements should the North East Kibworth Strategic Development Area be approved in addition to it being subject to all relevant policies and provisions in the Neighbourhood Plan.
- 4.126 NPPF paragraph 11 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Once it is made, the neighbourhood plan will form part of the development plan. There is therefore no need to include this as a requirement.
- 4.127 The District Council has made a representation asking that consideration be given to whether this policy is appropriate as compatibility with the Neighbourhood Plan seems irrelevant.
- 4.128 The allocation of the Strategic Development Area is a strategic matter and the location and extent of the area will be determined through the emerging Local Plan. The Neighbourhood Plan Policy H11 sets out various factors to be given consideration in the layout and design of the development, if it is agreed to locate it in the Parish, to ensure that it does not impact on the local environment, provides a suitable mix of housing and the timing of the relief road.
- 4.129 I have given consideration under other policies as to whether the environmental designations proposed in the Neighbourhood Plan would amount to blanket restrictions that would affect the delivery of strategic development in the plan area. Subject to the recommended modifications to the first paragraph of the policy, the environmental criteria of Policy H11 b), c) and d) are phrased in general terms to identify the environmental matters that should be taken into account in developing the proposals for the strategic allocation. I consider that they have had regard to NPPF advice to safeguard the natural and historic and to plan positively to provide open space needed to meet the social and recreational needs of the existing and future residents.
- 4.130 A representation has been made proposing that it would be reasonable to expect the bypass construction to take place on a phased approach in line with the build out rate for whole scheme. I have sought advice from the Local Planning Authority about whether the delivery of the proposed relief road in advance of any housing development would be feasible as set out in criterion a). They have responded to state that evidence from other areas suggests that it may be possible dependent on the availability of external funding. However they consider that the viability of a strategic development area at Kibworth may be affected if a relief road is required prior to any houses being constructed.

- 4.131 I consider that the requirement to open a relief road in advance of the construction of any houses may place a burden on the new development that would affect the viability of the development and would be contrary to advice in the PPG. The requirement should therefore be modified to make provision for the relief road being delivered on a phased basis as an alternative. Consequential amendments should be made to section 5a on Transport and Access.
- 4.132 Criterion e) refers to a mix of housing types and sizes being delivered. The final paragraph of the justification refers to the housing development meeting the housing needs as set out in other policies in the Plan. Policy H5 on Housing Mix provides very little guidance on the type and size of housing required. To provide greater clarity so that this matter can be determined consistently by decision makers it is recommended that the housing mix of any future development on the SDA, if it is allocated in the plan area, should be based on up to date housing needs and aspirations studies.
- 4.133 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 25: revise Policy H11 as follows:

Revise the first paragraph of Policy H11 to read: “*If the North East of Kibworth SDA is allocated for development, the development proposals should provide for:*” (revise the wording of the criteria for grammatical reasons).

Revise criterion a) to read: “*The construction of a relief road in advance of the construction of new housing or phased in conjunction with the development of the housing.*”

Add the following to the end of the final paragraph of the justification: “*and up to date housing needs and aspirations surveys and/or housing market assessment.*”

4. Natural and Historic Environment

- 4.134 An inventory of environmental information has been collated by a group of local residents for over 100 parcels of land on the edge of the settlement and throughout the rural area within the parish. The sites have been scored against a number of factors developed from the criterion for assessing Local Green Space in NPPF paragraph 77. To assess whether the site was “special to the community” the inventory relied on the opinion of local people from the questionnaires and responses at the community consultation.
- 4.135 Eleven sites scored more than 75% of the maximum score and a further 14 sites were considered to have a high level of natural or historic significance or community value. Other environmental features were also identified such as

trees, hedgerows, ridge and furrow, views/landscape and susceptibility to flooding and these have been included in other policies.

- 4.136 A representation has been made stating that it is not clear how robust the evidence can be considered in view of the lack of information on the qualifications of the assessment team. There is particular concern about the large areas of the parish covered by the Important Views and Ridge and Furrow Policies ENV5 and ENV7. Two other representations question the robustness of the evidence because there is no explanation of the methodology, or the justification for any of the scores provided and why this leads to a valid Local Green Space designation. Regardless of this the representation notes that designating land as Local Green Space would restrict the available land for meeting the housing requirement.
- 4.137 Two representations have been made concerning a planning application for a development proposal for 45 houses on site 073. This is not a matter for consideration in the Neighbourhood Plan examination.
- 4.138 One representation states that the site should be protected as valued open space as it is designated as Important Open Space under saved Policy HS/9.
- 4.139 I have asked the Local Planning Authority to confirm the status of open land safeguarded under Policy HS/9. They have stated that this is a saved policy from the 2001 Local Plan which is now not possible to implement because it was adopted so long ago and lacks supporting evidence.
- 4.140 The boundary of the site 073 is not defined on the Environmental Inventory Map. The inventory report states that the site is a private garden.
- 4.141 I am not satisfied that sufficient robust evidence has been provided to support the safeguarding of site 073 under the environmental policies of the Neighbourhood Plan.

Policy ENV 1: Protection of Local Green Spaces

- 4.142 NPPF paragraph 76 sets out the national policy on the designation of Local Green Space and states:

“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”

- 4.143 Paragraph 77 states that *“the Local Green Space designation will not be appropriate for most green areas or open space.”* It sets out criteria to be used to determine whether the designation would be appropriate. These are:
- *“where the green space is in reasonably close proximity to the community it serves*
 - *where the green area is 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*
 - *where the green area concerned is local in character and is not an extensive tract of land.”*
- 4.144 The Planning Practice Guidance provides guidance on a number of matters relating to the designation of Local Green Space.
- 4.145 There is no national definition of green space and in response to the question “What types of green area can be identified as Local Green Space?” the PPG advises that:
- “The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.”*
- 4.146 The critical test is to meet all the criteria set out in paragraph 77. It is noted that the examples given are areas where the public usually has access to the area as a whole rather than solely by way of a public footpath crossing the site. The PPG advises that other land could be considered for designation even if there is no public access and gives examples of green areas which are valued because of their wildlife, historic significance and/or beauty.
- 4.147 The Environment Group should be applauded for the work they have undertaken in collating an extensive amount of data about the sites in the parish. However I have concerns that the method of assessing sites using a scoring method has not fulfilled the assessment requirements sets out in NPPF paragraph 77 which requires that sites should meet all three tests.
- 4.148 The assessment records historical and environmental features but has not included an expert assessment of the data to evaluate the significance of the site. For example, site 001 is recorded as a candidate Local Wildlife Site in the 2014 Phase 1 Habitat Survey and various features are described. However, it is not possible from this description to evaluate whether the features on the site are of sufficient significance to justify safeguarding the whole of the area.
- 4.149 I have considered all the sites included in the inventory, particularly those within and adjacent to the settlement. It is evident that taken together the designation of the sites proposed as Local Green Space and Sites of High

Environmental Significance under Policies ENV1 and ENV2 would protect extensive tracts of agricultural land on the edge of the village and thereby preclude consideration of development on them. Unless there is robust evidence to justify the proposals to safeguard them, it is considered that these designations would amount blanket restrictions contrary to NPPF paragraph 16 and the PPG.

- 4.150 It is noted that sites 003 Harcourt Field, 030 Tin Bridge Paddock and 034 First (Delcus) are proposed for designation under both Policies ENV1 and ENV2.
- 4.151 In view of the lack of a specialist assessment of the significance of the natural and historic features described, I am unable to determine whether they are of sufficient importance to justify placing a blanket protection on the sites. If any of the sites were to be considered for development it would be for the developers to undertake detailed environmental assessments using specialist expertise to demonstrate the significance of the features and propose a means of safeguarding them where appropriate. Other policies in the Neighbourhood Plan address the various types of natural and historic features that have been identified in the countryside around the village.
- 4.152 With the prospect of a proposal of a large scale development it is understandable that the local community has identified areas of countryside around the village as special to them. However, of and by itself this is considered to be insufficient to justify safeguarding these fields of agricultural land. When considering each site, it has to be clear why the site is particularly special and different from other fields or areas of countryside in the locality in order for it to be designated for safeguarding.
- 4.153 The definition of Local Green Spaces in the PPG gives examples of the types of areas that could be considered suitable including sports grounds and tranquil areas within the built-up area. A number of these were included in the inventory but they do not appear to have been selected for designation as Local Green Spaces in the Neighbourhood Plan.
- 4.154 I have considered the evidence presented in the Environmental Inventory and visited the proposed Local Green Spaces. It is considered that sites 001, 003, and 005 when considered alongside the sites proposed under Policy ENV2 amount to an extensive tract of land. I am not convinced that there is robust evidence to demonstrate that any of these and other areas of agricultural land are sufficiently special to warrant their designation as Local Green Space.
- 4.155 It is recommended therefore that sites 001 Langton Field, 003 Harcourt Field, 005 Banner, and 034 First (Delcus) do not satisfy the criteria of NPPF paragraph 77 and are not suitable for designation as Local Green Space and should be deleted from Policy ENV 1.
- 4.156 My conclusions on the remaining sites are:
- Site 030 Tin Bridge Paddock - the Local Planning Authority has confirmed that the appeal on site 030 Tin Bridge Paddock has been allowed. In the

circumstances it would not be appropriate to identify the site as a Local Green Space as this would conflict with NPPF paragraph 76.

- Site 031 Storm water retention basin is an attractive area of open land with public access from Warwick Road recreation ground. It is considered that it satisfies the designation criteria.
- Site 071 Kibworth Harcourt Fishponds is part of a field and has no public access. It has some local heritage significance, however, the boundaries of the site are not clearly distinguishable and the assessment has not demonstrated that it is demonstrably special to the local community. It is considered that it does not satisfy the designation criteria as a Local Green Space.
- Site 096 Church Road east woodland, allotments and pond is a small area of open space and unused allotments with public access. It is considered that it satisfies the designation criteria.

4.157 A representation has been made by Anglian Water concerning the application of the policy to land within their ownership at Church Road (site 096) and whether the policy would allow Anglian Water to undertake development required to meet their statutory and/or corporate obligations. The representation proposes that the policy should state the “*development of utility infrastructure*” instead of its “safeguarding”. I recommend that this amendment should be made.

4.158 A representation has been made objecting to the designation of sites within the proposed SDA area (sites 1, 3, 5 and 71).

4.159 A representation has been made to the proposed designation of site 30 Tin Bridge Paddock stating that there is no public access to the site or views into or from the site. The site has no natural or historic conservation significance. No evidence has been supplied to demonstrate that the site is any more special than any other areas of undeveloped land.

4.160 In order to improve the clarity of the wording of the policy, modifications are proposed to refer to the designation of the sites as Local Green Space, to delete reference to development being “ruled out” and to include development of utility infrastructure instead of safeguarding it. The justification should also be revised to explain that the policy on managing Local Green Spaces is consistent with that on Green Belts as set out in NPPF paragraph 78.

4.161 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 26: Revise Policy ENV1 as follows:

Revise the wording of the first paragraph of Policy ENV1 to read: “*Local Green Space are designated on the following sites shown on the Proposals Map. Development on the sites will not be acceptable other than in very special circumstances, including the development of utility infrastructure*”

Delete the following sites: 001 Langton Field, 003 Harcourt Field, 005 Banner, 030 Tin Bridge Paddock, 034 First (Delcus) and 071 Kibworth Harcourt Fishponds and revise the Proposals Map.

Update the justification to explain that sites are designated where they meet all the criteria of NPPF paragraph 77. Update the text to refer to the revised number of sites. Delete reference to the selection being based on the scoring methodology. Note there is no requirement in the NPPF for sites to be “bounded”.

Add the following to the end of the second paragraph of the justification under the heading Local Green Space: “*The policy for managing development within a Local Green Space is consistent with that for Green Belts in that development will only be acceptable in very special circumstances.*”

Policy ENV 2: Protection of Other Sites of High (Natural and Historical) Environmental Significance

- 4.162 Policy ENV2 designates 11 sites of High Natural and Historical Significance for protection and enhancement. These sites scored between 19 and 23 on the Environmental Inventory ie less than the sites proposed as Local Green Space.
- 4.163 It is noted that sites 003 Harcourt Field, 030 Tin Bridge Paddock and 034 First (Delcus) are shown on the maps as proposed for designation under both Policies ENV1 and ENV2. They are not included in the list of sites under Policy ENV2.
- 4.164 It is noted that site 033 Smeeton Road Recreation Ground is identified under Policy CSA6 as a Park and Green Space.
- 4.165 A representation has been made seeking the deletion of site 030 Tin Bridge Paddock from Figure 8 to avoid confusion.
- 4.166 The justification to the policy states that there is a rarity of places of ecological value or visible historic interest and the only surviving areas are of “disproportionate value in the context of the landscape of the Plan area”.
- 4.167 NPPF paragraph 113 states that “*Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks*”.
- 4.168 The PPG on the historic environment states that “*The conservation of heritage assets in a manner appropriate to their significance is a core*

planning principle.” It advises that “Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale.”

- 4.169 National policy is clear that the significance of natural and historic assets should be identified and policies should include criteria against which proposals for development affecting natural and historic assets are to be determined in accordance with their significance. It is not appropriate to give disproportionate importance to undesignated sites on the grounds of the paucity of designated sites of national importance.
- 4.170 As stated under Policy ENV1, in view of the lack of a specialist assessment of the significance of the natural and historic features described in the Environmental Inventory, I am unable to determine whether they are of sufficient importance to justify placing a blanket protection on the sites. If any of the sites were to be considered for development it would be for the developers to undertake detailed environmental assessments using specialist staff to demonstrate the significance of the features and propose a means of safeguarding them where appropriate. Other policies in the Neighbourhood Plan address the various types of natural and historic features that have been identified in the countryside around the village.
- 4.171 None of the sites include areas that have been designated as being of locally important for the historic or natural environment.
- 4.172 The wording of the policy itself is imprecise stating that the protection and enhancement of the sites will be supported. It does not set out criteria to be used in assessing development proposals. The protection of the sites would imply that no development would be allowed on the sites which would in effect be stricter than the policy requirement of Policy ENV1 and strategic policies governing locally important sites such as Local Wildlife Sites.
- 4.173 It is considered that it would not be possible for decision makers to apply the policy consistently and with confidence when determining planning applications. Furthermore, when considered in conjunction with the proposed Local Green Spaces under Policy ENV1, the proposal to protect these sites, most of which are agricultural land on the edge of the village would amount to a blanket restriction that would prevent the proper consideration of the sites for the further development of the village should this be required.
- 4.174 The list of sites includes the Smeeton Road recreation ground (033) (which is included under Policy CSA6 Parks and Recreation), the cricket ground (036) and football field (058). The cricket ground is a well managed ground run by a sports club. The Environmental Inventory described the football field as being used as a pitch in the 1970-80s. I have asked the Qualifying Body to confirm whether the field is still in use as a pitch and they have stated that it is leased to a junior football club. Provided that there is long term commitment to continuing the use of the football pitch as a playing pitch it would be

appropriate to safeguard it. It may be appropriate to include both sports grounds under Policy CSA6 Parks and Recreation and to revise the policy wording to include their safeguarding as playing pitches.

- 4.175 Sites 090 and 091 are areas of managed woodland with public access that provide the setting for the canal and it may be appropriate to consider identifying them under Policy ENV13.
- 4.176 For these reasons, it is considered that the policy does not meet the Basic Conditions and it is recommended that Policy ENV2 is deleted.

Recommendation 27: Delete Policy ENV2.

Policy ENV3: Important Trees and Woodland

- 4.177 The policy seeks to ensure that trees and woodland are not lost through development. Any that are lost are to be replanted on a two for one basis. All new development should include new tree planting.
- 4.178 The first sentence seeks to resist the loss of trees and woodland as a result of development. This is a more demanding requirement than set out in NPPF paragraph 118 which states that *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;*
- 4.179 The loss of or damage to trees can often be avoided through careful design and a modification is proposed to ensure that developments are laid out to avoid the loss or damage to trees rather than to resist developments that result in loss or damage.
- 4.180 The second paragraph refers to new development making a contribution to green infrastructure including new planting at a scale appropriate to the size of the development. As worded this would relate to all new development even minor schemes. Whilst the policy does include consideration of the scale of the development it is considered that it may place an unacceptable burden on small schemes. It is recommended that it relate to schemes of 10 or more dwellings and other major developments.
- 4.181 The second sentence refers to “current standards”. No explanation is provided as to which standards these relate to. A revision is proposed to refer to British Standards on Trees BS5837:2012.
- 4.182 Additional tree and woodland planting is proposed through community actions.
- 4.183 A representation has been made in support of the policy and Community Action ENV1. The suggestion is made that the Community Action should be

incorporated into the policy. As the Community Actions are aspirations for projects to be undertaken by the Parish Council it is not appropriate for them to be included in the development plan policy.

- 4.184 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 28: Revise Policy ENV3 as follows:

Revise the first paragraph to read: “Development proposals *should be laid out and designed to avoid damage to or the loss of woodland and... value. Trees that are lost or damaged should be replaced onin accordance with the *British Standard on Trees BS5837:2012.**

Revise the second paragraph to read: “*Major developments including residential development of 10 or more dwellings should*”

Policy ENV4 Biodiversity

- 4.185 A phase 1 Habitat Survey was undertaken in 2015-16. The results have not yet been finalised. The policy seeks to protect candidate, proposed and validated Local Wildlife Sites as well as those protected under English and European legislation.
- 4.186 NPPF paragraph 113 states that “*Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks*”.
- 4.187 Core Strategy Policy CS8 sets out general support to the protection and enhancement of biodiversity and wildlife corridors.
- 4.188 It is considered that Policy ENV4 does not set any distinction in the approach to protecting sites of varying status. A modification is recommended to ensure that protection is commensurate with the status of the site.
- 4.189 The second part of the policy designates a wildlife corridor along Burton Brook along the north-western boundary of the parish. It is considered that this accords with Policy CS8. A modification is proposed to clarify the wording of part b) of the policy.
- 4.190 In addition, community actions are proposed to enhance biodiversity in the wildlife corridor and other sites. A representation has been made in support of Community Action ENV2. The suggestion is made that the Community Action should be incorporated into the policy. As the Community Actions are aspirations for projects to be undertaken by the Parish Council it is not appropriate for them to be included in the development plan policy.

- 4.191 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 29: Revise Policy ENV4 as follows:

Revise criterion a) to read: “Development proposals *should* protect local habitats and species *in accordance with the status of the site*, especially”

Revise criterion b) to read “A wildlife corridor *is designated* along the course of Burton Beck as shown on the Proposals Map.”

Policy ENV5: Ridge and Furrow Fields

- 4.192 The policy recognises that the surviving ridge and furrow fields as non-designated heritage assets. Any harm arising from a development proposal is to be balanced against their significance as heritage assets.
- 4.193 NPPF paragraph 135 states that “*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”
- 4.194 Core Strategy Policy CS11 Promoting Design and Built Heritage encourages the protection, conservation and enhancement of heritage assets and promotes the identification of locally important heritage assets. The Local Planning Authority has confirmed that they do not have a process of designating Local Heritage Assets.
- 4.195 A representation has been made that states that no evidence has been provided on how the ridge and furrow survey was conducted. It identifies an area that has been omitted from the map which raises the question of the robustness of the survey and its assessment.
- 4.196 A representation has been made in support of the preservation of heritage assets including ridge and furrow.
- 4.197 I have asked the Qualifying Body about their evidence to support the identification of the areas of ridge and furrow. This has included a desk based study of books on the Leicestershire landscape, aerial photographs and fieldwork. Advice has been sought from English Heritage and a County Council archaeologist.
- 4.198 Over 30 parcels of land have been proposed for designation as non designated heritage assets. In view of the number of sites, the Qualifying Body has stated that they have been unable to identify and consult with all

landowners and have relied on the widespread publicity given to the preparation of the Neighbourhood Plan to publicise the proposed designation.

- 4.199 It is considered that the evidence to support the identification of the areas of ridge and furrow is robust and supported by expert advice.
- 4.200 I have considered whether this designation would amount to a blanket restriction on development and consider that the wording of the policy is sufficiently flexible as it requires harm arising from a proposal for development to be balanced against the significance of the area as a heritage asset.
- 4.201 It is considered that Policy ENV5 satisfies the Basic Conditions.

Policy ENV6: Important Hedges

- 4.202 The policy seeks to resist development proposals that would result in the loss of identified hedgerows of historical and ecological significance and to promote the inclusion of new hedgerows in development proposals.
- 4.203 Important hedgerows are protected under the 1997 Hedgerow Regulations. The Regulations set out criteria to identify and assess “important” hedgerows. A map has been included in the Neighbourhood Plan that identifies “Important Hedges” although there is no evidence to demonstrate that the hedgerows defined satisfy the criteria for selection as set out in the Regulations. It would be helpful to plan users to include this definition in the policy.
- 4.204 The Qualifying Body has confirmed that the hedgerows were identified by a desk based study comparing present hedgerows with that shown on a late 18th century map and through fieldwork using the Hooper method to estimate the hedge age.
- 4.205 The first sentence of the policy seeks to resist the loss of trees and woodland as a result of development. This is a more demanding requirement than set out in NPPF paragraph 118 which states that *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”*
- 4.206 The loss of or damage to hedgerows can often be avoided through careful design and a modification is proposed to ensure that developments are laid out to avoid the loss or damage to important hedgerows rather than to resist developments that result in loss or damage.
- 4.207 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 30: Revise Policy ENV6 as follows:

Revise the first paragraph to read: “Development proposals *should be laid out and designed to avoid damage to or the loss of important hedgerows* of historical and ecological significance and amenity value.”

Add the following at the end of criterion a) “*Important hedgerows are those that meet the definition in Hedgerow Regulations 1997 and are shown on the Proposals Map*”.

Policy ENV 7: Protection of Important Views

- 4.208 Policy ENV7 seeks to strongly resist development other than in exceptional circumstances that impacts on eight local views and three skylines.
- 4.209 The arcs identified from the eight viewpoints embrace much of the countryside of the parish. From my site visit it is clear that there are pleasant views over rolling countryside towards the tops of the skylines around the village from a number of locations.
- 4.210 Figure 13 also indicates a number of other views not referred to in the justification and which are not included in the policy. This map is confusing.
- 4.211 A representation has been made that states that the views appear to cover almost the entire area. In order to avoid unnecessary constraints to sustainable development, further details of the assessment, its methodology and the particular aspects of each view should be published.
- 4.212 A representation has been made supporting the principle of the policy but expressing concern about the negative wording which would prevent any impact even if it were positive.
- 4.213 The policy gives little scope for development in the areas identified as most schemes are likely to have some impact. There is no provision for an assessment of whether the impact would be significant or not. The exceptional circumstances are not explained. It is considered that the policy is unclear and imprecise and it would be difficult for it to be applied consistently and with confidence by decision makers.
- 4.214 It is considered that this policy in conjunction with Policies ENV1 and ENV2 would contribute to the Plan imposing blanket restrictions on the consideration of future development in the area. The policy does not have regard to national planning policy and therefore does not meet the Basic Conditions and it is recommended that it be deleted.

Recommendation 31: Delete Policy ENV7.

Open Spaces

- 4.215 A community action is proposed to support the provision of additional open spaces.
- 4.216 The second paragraph of this section states that “*A neighbourhood plan is not able to designate open spaces and sport and sites*”. This is not correct; sites may be allocated if they are demonstrated to be deliverable. It is suggested that the sentence be revised to read on the lines of “While the Neighbourhood Plan is not in a position to allocate sites for open space, sport and recreation,”
- 4.217 A representation has been made in support of Community Action ENV4. The suggestion is made that the Community Action should be incorporated into a policy. As the Community Actions are aspirations for projects to be undertaken by the Parish Council it is not appropriate for them to be included in the development plan policy.

Recommendation 32: revise the first sentence of the second paragraph of the section on Open Spaces to read “*While the Neighbourhood Plan is not in a position to allocate sites for open space, sport and recreation,*”

Policy ENV8: Footpaths and Bridleways

- 4.218 Policy ENV8 states that development proposals that will result in the loss of, or have a significant adverse effect on, the network of footpaths and bridleways will not be supported.
- 4.219 The policy also states that new footpath links will be supported. There is a community action to work to deliver improvements to routes shown on Figure 14. For clarity the Community Action Policy ENV5 should state the figure referred to rather than “map below”.
- 4.220 Public rights of way are protected under separate legislation. Any development proposal on land affected by a right of way will have to consider how the route can be accommodated within the scheme, or if this is not practical, how it can be diverted. This first part of the policy is considered to not reflect national policy on the protection of rights of way.
- 4.221 The community action includes proposals for the improvement of the network of rights of way which covers the second part of the policy.
- 4.222 It is therefore recommended that Policy ENV8 should be deleted.

Recommendation 33: Delete Policy ENV8.

Policy ENV9: Area of Separation

- 4.223 The policy seeks to designate an Area of Separation to retain an area of agricultural land between Kibworth Beauchamp and Smeeton Westerby in order to maintain the separation between the two villages.
- 4.224 It is noted that the same parcels of land are also identified under Policy ENV2 and ENV5.
- 4.225 Core Strategy Policy CS1 safeguards the individual character of settlements, by maintaining in principle the separation between the main settlements.
- 4.226 In response to a question, the Qualifying Body has stated that boundaries were defined by using the definition and criteria for Areas of Separation in the draft Local Plan. The boundaries have been reviewed and amended through consultation.
- 4.227 Revisions to Policy ENV9 are proposed to improve the clarity of the wording and to move the reasons for the policy to the justification.
- 4.228 Subject to the modifications, the policy is considered to meet the Basic Conditions.

Recommendation 34: Revise Policy ENV9 as follows:

“The area of land identified on the Proposals Map (Figure 15) is designated as an Area of Separation. Development within the area should be located and designed to maintain and where possible enhance the separation of the villages.”

Add the following to the justification to the policy: “The Area of Separation is designated in order to retain the highly valued physical and visual separation between Kibworth Beauchamp and Smeeton Westerby.”

Policy ENV10: Sustainable Development

- 4.229 The policy supports developments that are compliant with the aims of the low carbon economy and contribute to mitigating and adapting to climate change. It sets out criteria to judge developments including those for wind and solar energy generation.
- 4.230 It is considered that the policy supports the NPPF principles to support the delivery of renewable and low carbon energy and associated infrastructure to help meet the challenge of climate change. It is in general conformity with Core Strategy Policy CS9: Addressing Climate Change.
- 4.231 The first paragraph of Policy ENV10 repeats aspects of Policy H7 particularly the Building Design Principles addressing sustainable design and

construction, renewable and low carbon energy and sustainable drainage. It is not however clear how the criteria set out in Policy ENV10 will be applied to development proposals other than those for energy generation.

- 4.232 In order to improve the clarity of Policy ENV10 for decision makers and to avoid repetition of Policy H7 it is recommended that the policy be reframed to apply solely to proposals for renewable and low carbon energy generation. Criterion c) should be revised to require proposals to be of an appropriate scale for its location. There is no need to assess proposals against the level of facilities and services in the area.
- 4.233 The justification to the policy is negatively worded and places undue emphasis on the community and parish councils scrutinising development proposals. As the neighbourhood plan will become part of the development plan it is not necessary to refer to the decision making process as this is set out in legislation. Modifications are proposed to revise the justification to improve its clarity and better reflect the intention of the policy.
- 4.234 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 35: Revise Policy ENV10 as follows:

Revise the title to “Renewable and Low Carbon Energy Development”.

Revise the first paragraph to read: “Development proposals *that generate renewable and low carbon energy* should:”

Revise criterion c) to read: “be of an appropriate scale *for its location*.”

Revise the justification above Policy ENV10 as follows: Delete the second sentence of the first paragraph. Insert “*Policy ENV 10 deals with developments that deliver renewable and low carbon energy*”.

Revise the second paragraph to read “*Policy ENV10 sets out criteria to be used in assessing proposals for energy generation equipment and facilities, including those for wind and solar energy generation.*” Delete second sentence.

Policy ENV11: Watercourses and Flooding

- 4.235 Policy ENV11 sets out matters to be addressed in relation to considering the flood zones and the design of development to reduce the risk of flooding.
- 4.236 Community Action ENV6 sets out initiatives the Parish Council wish to pursue to reduce flood risk.
- 4.237 Anglian Water has made a representation supporting the use of SuDS to reduce the risk of surface water and sewer flooding. The Environment Agency

has commented that the sequential test does not apply to developments over 1 hectare in size.

- 4.237 The NPPF includes advice on meeting the challenge of climate change and further Government guidance sets out details of applying the sequential test. This does not apply a limit to sites over 1 hectare and this should therefore be deleted from the policy. Core Strategy Policy CS10 covers Addressing Flood Risk.
- 4.238 The second part of the first paragraph states that “areas adjacent to flood zones 2 or 3 should be checked against climate projections”. This is considered to be unclear and should be worded so that account is taken of the flood zones that have been forecast taking into account changes in flood levels arising as a result of climate change.
- 4.239 Subject to the modifications recommended, it is considered that Policy ENV11 meets the Basic Conditions.

Recommendation 36: Revise Policy ENV11 as follows:

Delete “over 1 hectare” from the first sentence of the first paragraph.

Revise the second sentence to read “In addition *development proposals* in areas adjacent to zones 2 or 3 should *take account of the forecast flooding levels arising as a result of climate change.*”

Policy ENV12: Management of Topsoil

- 4.240 Policy ENV12 seeks to require developers to apply the principles of best practice from the Defra “*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*” (2009) to re-use the topsoil removed from construction sites elsewhere in the development. It proposes that any surplus topsoil should be retained for re-use by the community in the plan area.
- 4.241 It is noted that the Code of Practice is not legislatively binding. The use of topsoil is not a land use planning matter and cannot be controlled through planning conditions and the policy is considered to be unenforceable. It is considered that the policy does not accord with national planning guidance in the PPG and should therefore be deleted. The Qualifying Body may wish to consider including this as a Community Action.

Recommendation 37: delete Policy ENV12.

Policy ENV13: Grand Union Canal in Kibworth Beauchamp

- 4.242 Policy ENV13 requires development proposals affecting the biodiversity, heritage or the setting of the canal to protect or enhance those features and to support the objectives of the Canal Strategy and community initiatives.

- 4.243 Community Action ENV7 sets out initiatives that the Parish Councils will pursue to enhance the canal corridor.
- 4.244 It is considered that the policy is in accordance with NPPF guidance on nature conservation and heritage. The policy will support the enhancement of the Grand Union Canal which is identified as a strategic green infrastructure asset under Core Strategy Policy CS8.
- 4.245 As a consequence of the deletion of Policy ENV2, it is suggested that it may be appropriate to consider including the areas of woodland adjacent to the Canal (090 and 091) under Policy ENV13.
- 4.246 It is considered that Policy ENV13 meets the Basic Conditions.

5. Transport and Access

- 4.247 The introductory text to this section sets out the community's concerns about highways and traffic issues in the parishes. It refers to the strategic options being considered as part of the preparation of the new Local Plan and will require updating.
- 4.248 The text refers to the community aspiration to have a relief road constructed prior to any development on the north and east strategic development area if this goes ahead as set out in Policy H11. I have recommended a modification to Policy H11 concerning the proposed strategic development area, that if this is to go ahead, an alternative option of phasing the relief road is added. A consequential amendment should be made to the final sentence of the last paragraph of section 5a.
- 4.249 The County Highway Authority has made a representation concerning the funding of highway improvement schemes and road safety measures through S106 agreements.

Recommendation 38: revise the final sentence of the last paragraph of section 5a to read “....or relief road is required, then Policy H11 sets out that this should be constructed prior to the development of the housing or phased in conjunction with the development of the housing.”

Policy T1: Location of New Housing

- 4.250 Policy T1 sets out a number of transport matters that are to be addressed in transport assessments for housing developments. The policy is entitled Location of New Housing which is considered to be a misnomer.
- 4.251 NPPF para 32 states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.

- 4.252 Core Strategy Policy CS5: Providing Sustainable Transport states that proposals for assessing traffic impact, highway design and parking provision associated with new development should accord with the guidance contained in “Highways Transportation and Development” published by Leicestershire County Council. The Local Planning Authority has confirmed that this does not set a specific threshold for the size of development for which contributions for highways and transport will be sought. Travel pack provision may therefore be considered appropriate on developments of less than 6 dwellings.
- 4.253 A representation has been made supporting the requirement for new development to consider its impact on the wider highway network.
- 4.254 The principles of the policy are considered to deliver national guidance and strategic local policy. Modifications are recommended to improve the clarity of the policy for decision makers. Subject to these it is considered that the policy meets the Basic Conditions.

Recommendation 39: Revise Policy T1 as follows:

Revise the title to read: “Transport Assessment for New Housing Development”

Revise the first paragraph to read: “*Transport assessments for new housing development should demonstrate that:*”

Letter the following criteria to be consistent with other policies.

Add “*where feasible*” at the end of the second criterion.

Revise the fourth criterion to read “or provides acceptable *diversions.*”

Revise the sixth criterion to read “Travel packs are to be provided on *residential* development to encourage.....routes”

Policy T2: Access onto the A6

- 4.255 The policy supports improved access to the A6 through improvements to the roundabouts and junctions. Background studies have been undertaken to provide evidence of the problems that have been arising in the parish.
- 4.256 This is an aspirational policy of general support for these highway improvements to a key route through the parish. It is considered that it meets the Basic Conditions.

Policy T3: Public Car Parking

- 4.256 The policy seeks to safeguard off-street car parks from loss through development. The second part of the policy supports proposals for a new public car park or the extension of an existing one.
- 4.257 It is unclear which car parks are covered by the first part of this policy: whether it is publicly owned ones or all off-street parking areas. The Qualifying Body has provided a map showing the location of seven car parks to which the policy should apply. The car parks are open for public use but some are privately owned. It would be helpful to decision makers to ensure the consistent interpretation of the policy to show the locations of the seven car parks on the Proposals Map.
- 4.258 The first part of the policy refers to planning permission not being granted for proposals that would result in the loss of off-street car parking. As the determination of planning permission will take account of the policies of the development plan and other material considerations it is not appropriate for a policy to stipulate whether or not planning permission will be granted for a particular development proposal. A modification is recommended to improve the clarity of the first part of the policy in this respect.
- 4.259 The second part of the policy refers to the “Neighbourhood Plan” supporting additional car parking provision. A modification is recommended to improve the clarity of the second part of the policy to word this as a development plan policy.
- 4.260 A community action is included in the plan concerning on street parking enforcement.
- 4.261 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 40: Revise Policy T3 as follows:

Revise the first paragraph to read: “*Development proposals that would result in the loss of off street car parking on the areas shown on the Proposals Map will only be acceptable where:.....*”

Revise the second part of the policy to read: “Proposals to develop a new car park or extend location *will be supported.*”

Show the seven car parks on the Proposals Map.

Policy T4: Improvements to Road Safety

- 4.262 The policy supports the provision of improved pavements, enhanced lighting on specified footpaths and new cycleways and footpaths linking village facilities and amenities.
- 4.263 The PPG states that communities can use neighbourhood plans to set policies to be used in determining planning applications and that

neighbourhood plans may wish to consider what infrastructure needs to be provided to support the development proposed in the plan to ensure that the neighbourhood can grow in a sustainable way. When new and improved infrastructure is identified, this neighbourhood plan should set out the prioritised infrastructure required.

- 4.264 A representation has been made in support of the proposals to improve road safety.
- 4.265 The list of proposals includes improved pavements and lighting which would be undertaken by the Highway Authority as permitted development. As these are not proposals that would not be subject to planning permission, it is considered that it is not appropriate to include them in the development plan policy as this would not have regard to the advice in PPG on the purpose of Neighbourhood Plans. It is recommended that they be included in the Neighbourhood Plan as a Community Action.
- 4.266 Subject to this modification, it is considered that the policy meets the Basic Conditions.

Recommendation 41: Revise Policy T4 as follows:

Delete bullet points a), b) and d).

Include a new Community Action clearly differentiated from the neighbourhood development plan policy stating “*The Parish Council will strongly support the following: include bullet points a), b) and d).*”

Policy T5: Traffic Management

- 4.267 This policy supports the use of traffic management to address the impacts of traffic arising from development. It is considered that the policy satisfies the Basic Conditions.

Policy T6: Air Quality

- 4.268 This policy states that planning decisions should take account of the impact of the development on air quality. It is considered that the policy satisfies the Basic Conditions.

6. Employment

Policy E1: Primary Shopping Area

- 4.269 This policy designates a Primary Shopping Area around the High Street in Kibworth. Within the area, new A1 retail uses will be supported. The second criterion seeks to resist the change of use of A1 retail uses to any other uses

where the change of use would result in either a cluster of non-retail uses or A1 uses no longer being predominant.

- 4.270 NPPF paragraph 28 supports the economic growth in rural areas and promotes the retention of shops and local services. Core Strategy Policy CS6 – Improving Town Centres and Retailing seeks to support the retail hierarchy which identifies Kibworth as a Local Centre.
- 4.271 The High Street in Kibworth currently contains a mix of A1 and other town centre uses including cafes, take aways, hairdressers and small businesses serving the community.
- 4.272 Harborough District Council has made a representation that they consider the policy may be too restrictive and suggests that other town centre uses such as A2, A3 and possibly B1 should be included in criterion b).
- 4.273 Primary shopping areas are usually identified on the key frontages in larger town centres where there are alternative secondary frontages also available for non-retail commercial uses to locate. Kibworth is identified as a Local Centre and it is recommended that the policy be rephrased to support and promote the centre as a Local Centre for appropriate town centre uses. The Qualifying Body in consultation with the Local Planning Authority should consider whether any other uses should be specified in the policy.
- 4.274 The second part of the policy states that the shopping parade on Leicester Road should be protected from change of use. It is not clear how this is to be implemented or what type of uses would be appropriate. It is considered to be vague and imprecise and it is considered that decision makers would be unable to apply it consistently and with confidence. It is therefore recommended that it be deleted, although a description of the shopping parade could be included in the justification for information.
- 4.275 A representation has been made supporting the provision of new retail development and the protection of existing retail uses.
- 4.276 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 42: Revise Policy E1 as follows:

Revise the title to “Local Shopping Centre”

Revise the first paragraph to read: “*The Local Shopping Centre is shown on the Proposals Map. Within frontages in this area proposals for new retail (A1) uses will be supported. Other appropriate town centre uses (Use Classes XXXX) will be supported where they would contribute to the role of the Local Centre.*”

Delete the final paragraph on the parade of shops.

Revise section i) of the justification to read “*Local Shopping Centre*” and delete the first paragraph.

Add a new paragraph to the justification “*The parade of shops on Leicester Road in Kibworth Harcourt provides shops and services to serve the local community and should be retained for commercial use.*”

Policy E2: Shopping Frontages

- 4.277 The policy addresses the design of shopfronts in the shopping centre.
- 4.278 Apart from revising the name of the centre from the Primary Shopping Area to the Local Centre to accord with the recommended modification in Policy E1, it is considered that the policy meets the Basic Conditions.

Recommendation 43: Revise Policy E2 as follows:

Revise the first paragraph to read: “...frontages within the *Local Centre* will be supported.....”

Policy E3 Broadband

- 4.279 The policy requires every new home to have a connection installed capable of supplying broadband operation at 30 megabytes per second or better.
- 4.280 The County Council has supported this policy. In their comments they note that developers are only responsible for putting in place broadband infrastructure for developments of 30 or more dwellings.
- 4.281 The provision of broadband connection is a service requirement and is not a land use planning matter. It is considered that the policy does not satisfy the Basic Conditions as it has not had regard to national guidance in the PPG. It is recommended therefore that the policy be deleted. The Qualifying Body may wish to consider including this as a Community Action.

Recommendation 44: Delete Policy E3.

Policy E4: Home Working

- 4.282 The policy sets out how proposals for the conversion of or extension to domestic premises are to be considered for home working. The first paragraph refers to “light industrial uses”. It would be clearer to refer to business Class B1 uses.
- 4.283 Subject to the modifications recommended, it is considered that the policy meets the Basic Conditions.

Recommendation 45: Revise Policy E4 as follows:

Revise the first paragraph to read: “...office and/or business use (Class B1),”

Policy E5: Farm Diversification – Reuse of Agricultural and Commercial Buildings

- 4.284 The policy supports the re-use, conversion and adaptation of rural buildings provided that five criteria are satisfied.
- 4.285 The policy has had regard to NPPF paragraph 28 on supporting economic growth in rural areas. It is considered that the policy is in general conformity with Core Strategy CS7 criterion f) which supports employment development within the countryside, only where it: contributes to the retention and viability of rural services or land based businesses; aids farm diversification; or promotes the conversion and re-use of appropriately located and suitable constructed existing buildings (particularly those adjacent to or closely related to towns and villages).
- 4.286 It is considered that the policy satisfies the Basic Conditions.

New Policies

Section 106 Developer Contributions / Planning Obligations

- 4.287 In its representation, the County Council has commented that there is no specific policy on Section 106 Developer Contributions / planning obligations to identify the community priorities.
- 4.288 Whilst it would be helpful to have included such a policy, there is no requirement to do so. The policies in the Neighbourhood Plan have identified a number of initiatives for the improvement of community infrastructure, highways improvements and the enhancement of the environment.

Development Site to the west of Kibworths

- 4.289 A representation makes the case for allocating two parcels of land to the west of Kibworths for residential development, a new primary school and community uses.
- 4.290 The Neighbourhood Plan has chosen not to allocate land for residential development and there is no need for it to do so. Should the need for additional residential land in the plan area arise from the emerging Local Plan this can be allocated through the Local Plan taking into account the policies of the Neighbourhood Plan or a review of the Neighbourhood Plan may be undertaken.

5.0 Referendum

- 5.1 The Kibworths' Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
- 5.3 **I am pleased to recommend to Harborough District Council that the Kibworths' Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Harborough District Council on 16 January 2015.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- The Kibworths' Neighbourhood Plan Submission Draft Version 2011 to 2031
- The Kibworths' Neighbourhood Plan Basic Conditions Statement
- The Kibworths' Neighbourhood Plan Consultation Statement
- The Kibworths' Neighbourhood Plan Environmental Inventory
- The Kibworths' Neighbourhood Plan SEA Assessment and Screening Report and Determination May 2017
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Harborough District Local Development Framework Core Strategy 2006 – 2028 adopted November 2011
- Harborough Local Plan 2001 saved policies
- Housing Technical Standards
- Leicestershire 6C Design Guide
- Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, Defra, 2009

7.0 Summary of Recommendations

Recommendation 1: Revise the plan date to run from the date it is made to 2031.

Recommendation 2:

Place sections (iv) and (v) in an Appendix to the Plan.

Place the Community Actions in an Appendix to the Plan with the heading that states that these actions do not form part of the Neighbourhood Development Plan. Revise CSA5 c) to refer to the Parish Councils encouraging and not the Neighbourhood Plan.

Prepare a Proposals Map, with Inset Maps where appropriate, that clearly shows the boundary of all sites referred to in the Policies with a clear key linked to the relevant Policy.

Recommendation 3: delete the final sentence of section v) and the final paragraph of section 1a) (The Plan is not intended to...) include the following at the end of section 1a):

NPPF paragraph 11 states that applications for planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise. Once the Kibworths' Neighbourhood Plan has been made, the policies will form part of the development plan along with those in the adopted Harborough Local Plan / Local Development Framework. The Policies in the Neighbourhood Plan provide more locally specific requirements to help achieve the community's vision for the area.

The Community Actions (set out in Appendix XX) do not form part of the Neighbourhood Development Plan.

Recommendation 4: Turn the final paragraph of section 1a) into a Community Action and place in the Appendix.

Recommendation 5: Delete Policy SD1.

Recommendation 6: Delete Policy SD2 and the supporting text above it.

Recommendation 7: revise Policy SD3 to read:

“Development shall be located within the Limits to Development as defined on the Proposals Map unless there are special circumstances to justify its location in the countryside outside the Limits to Development.”

Revise the third sentence of the second paragraph of section 1b) to read: “....*The Limits to Development define the extent of the built up part of the settlement where development is generally acceptable in principle and distinguishes it from the open countryside where*

development will only be acceptable in special circumstances in accordance with national planning policy.” Delete the fourth sentence.

Delete the third paragraph of section 1b).

Revise the fourth paragraph to read: “*Within the Limits to Development, new development proposals should be suitably designed taking into account the local design guidance and should avoid those areas that are safeguarded from development.*”

Revise the map where necessary to include all sites with planning approval for housing and employment development in the Development Limits.

Recommendation 8: delete criterion b) of Policy CSA1.

Recommendation 9: Revise Policy CSA2 as follows:

Delete criterion d) from Policy CSA2 and the text in third paragraph of the justification.

Revise the lettering of the criteria in Policy CSA2 consecutively.

Recommendation 10: Revise Policy CSA3 as follows:

Revise the title of Policy CA3 to “*Multi-Functional Community Centre*” and revise the first sentence of the policy to read “The provision of a multi-functional *community* centre

Revise criterion f) to read “*Will include adequate parking provision; and*”

Recommendation 11: Revise Policy CSA4 as follows:

Delete “centrally placed and” from the first paragraph.

Revise criterion a) to read “Being *within* or adjacent to”

Revise criterion d) to read “*Will include adequate parking provision;*

Delete “on a non-subscription basis” from criterion f).

Recommendation 12: Revise Policy CSA5 as follows:

Revise the title of the policy to “*GP Premises*”.

Delete criterion a).

Revise criterion c) to read “*Will include adequate parking provision;*

Recommendation 13: Revise Policy CSA6 as follows:

Revise the paragraph a) to read: “*The following parks, sports and recreation grounds shown on the Proposals Map will be safeguarded:*

- *Jubilee Green*
- *Warwick Road*
- *Rookery Close*
- *Larkswood*
- *Smeeton Road*
- *Kibworth Cricket Club ground*
- *Football field*

Development proposals on these areas will not be supported except where: (bullet points under section a)

Retain section b)

Include the sites on the Proposals Map.

Recommendation 14: Revise Policy CSA7 as follows:

Revise the title to read “*Safeguarding of Community Facilities*”

Revise the policy to read: “*The following community facilities shall be safeguarded and enhanced: List of six facilities from introductory text.*”

“Development proposals that would result in the loss of, or have a significant adverse effect on, a community facility will not be supported, unless the facility is replaced by an equivalent or better facility in terms of quantity and quality in a suitable location or it can be demonstrated that the facility is not viable or is no longer required by the community.”

The community facilities listed should be shown on the Proposals Map.

Delete “services and” from the second paragraph of the text under section g) of the justification.

Recommendation 15: Update the Introduction section iii) and Housing and Built Environment sections a) and b).

Recommendation 16: Delete Policy H1.

Recommendation 17: Revise Policy H2 as follows:

Delete the first paragraph.

Revise criterion c) to read “*It maintains and where possible enhances the character of the built environment.*”

Revise criterion e) to read “ *natural boundary features such as*”

Delete “(up to 5)” from the first paragraph of the justification in c) Windfall housing.

Recommendation 18: Delete Policy H3.

Recommendation 19: Revise Policy H4 as follows:

Delete paragraphs two and three and the bullet points.

Recommendation 20: revise Policy H5 as follows:

Add the following at the end of the final sentence: “for older people, *unless a future housing needs survey demonstrates a need for other types and sizes of dwellings.*”

Recommendation 21: Delete Policy H6. Retain the background text on heritage and include the policy wording within the background text. Place the list of Listed Buildings in an Appendix.

Recommendation 22: Revise Policy H7 as follows:

Revise the first paragraph to read: “...extensions *should* satisfy the following:”

Revise the second sentence of criterion b) to read “ *On developments of 10 or more dwellings, housing development should be predominantly two storey with any three storey dwellings being spread throughout the development.*”

Revise criterion c) to read “...layout of the development *should* fit in with the surrounding area.... and *should not adversely impact* on the visual amenity of...”

Delete criterion e).

Revise criterion f) to read “...different tenures *should* be

Revise criterion g) to read: “Hedges and native trees *should* be retained where appropriate.”

Revise criterion h) to read: “Security lighting *should* be....”

Revise the first sentence of criterion k) to read “...regimes *should* be provided on developments of 10 or more dwellings, where feasible.”
Add a comma after “surfaces” in the second sentence.

Revise the second sentence of criterion l) to read: “New housing should be designed in accordance with the national space standards.” Revise the final sentence to read: “*A proportion of developments should be built to the higher standard for adaptable housing as set out in the Technical Housing Standards in accordance with the latest evidence of need taking into account the latest projections of need.*”

Revise criterion n) to read “Developments of 5 or more dwellings should incorporate the space and sunlight standards set out in the District Council’s Supplementary Planning Guidance.”

Include the following text in the justification to explain how criterion g) is to be applied:

“Development proposals will be required, where appropriate, to:

- 1. Maximise opportunities to protect and enhance biodiversity;***
- 2. Provide a net gain in the extent of habitat suitable for species to thrive;***
- 3. Integrate habitat and other measures that will support biodiversity;***
- 4. Retain trees and contribute to tree planting***
- 5. Ensure development proposals are accompanied by a Biodiversity Statement, where appropriate.”***

Recommendation 23: Replace Policy H8 with the following:

“New residential development should incorporate sufficient parking provision to meet the needs of future residents in accordance with the Leicestershire parking standards except that:

“New residential development shall include the following minimum number of car parking spaces:

“4+ bedroomed dwellings shall have a minimum of 4 off-street parking spaces within the curtilage of each dwelling.

“Extensions to existing dwellings should not result in the loss of parking spaces below the minimum level.”

Add the following to the justification to the policy: *“The Leicestershire 6Cs Parking Guidance applies to developments of 1 – 5 dwellings and expects developers of larger sites to use the DCLG paper method to determine the parking provision required.”*

Recommendation 24: revise Policy H10 to read:

“New residential development shall include provision for secure external storage at the following minimum standard:

<i>Size of dwelling</i>	<i>External storage area</i>
<i>1 and 2 bedroomed dwellings</i>	<i>3 sqm</i>
<i>3 bedroomed dwellings</i>	<i>3.5 sqm</i>
<i>4+ bedroomed dwellings</i>	<i>4.0 sqm”</i>

Recommendation 25: revise Policy H11 as follows:

Revise the first paragraph of Policy H11 to read: *“If the North East of Kibworth SDA is allocated for development, the development proposals should provide for:”* (revise the wording of the criteria for grammatical reasons).

Revise criterion a) to read; *“The construction of a relief road in advance of the construction of new housing or phased in conjunction with the development of the housing.”*

Add the following to the end of the final paragraph of the justification:
“and up to date housing needs and aspirations surveys and/or housing market assessment.”

Recommendation 26: Revise Policy ENV1 as follows:

Revise the wording of the first paragraph of Policy ENV1 to read: ***“Local Green Space are designated on the following sites shown on the Proposals Map. Development on the sites will not be acceptable other than in very special circumstances, including the development of utility infrastructure*”**

Delete the following sites: 001 Langton Field, 003 Harcourt Field, 005 Banner, 030 Tin Bridge Paddock, 034 First (Delcus) and 071 Kibworth Harcourt Fishponds and revise the Proposals Map.

Update the justification to explain that sites are designated where they meet all the criteria of NPPF paragraph 77. Update the text to refer to the revised number of sites. Delete reference to the selection being based on the scoring methodology. Note there is no requirement in the NPPF for sites to be “bounded”.

Add the following to the end of the second paragraph of the justification under the heading Local Green Space: ***“The policy for managing development within a Local Green Space is consistent with that for Green Belts in that development will only be acceptable in very special circumstances.”***

Recommendation 27: Delete Policy ENV2.

Recommendation 28: Revise Policy ENV3 as follows:

Revise the first paragraph to read: ***“Development proposals should be laid out and designed to avoid damage to or the loss of woodland and... value. Trees that are lost or damaged should be replaced onin accordance with the British Standard on Trees BS5837:2012.***

Revise the second paragraph to read: ***“Major developments including residential development of 10 or more dwellings should*”**

Recommendation 29: Revise Policy ENV4 as follows:

Revise criterion a) to read: ***“Development proposals should protect local habitats and species in accordance with the status of the site, especially”***

Revise criterion b) to read ***“A wildlife corridor is designated along the course of Burton Beck as shown on the Proposals Map.”***

Recommendation 30: Revise Policy ENV6 as follows:

Revise the first paragraph to read: “Development proposals *should be laid out and designed to avoid damage to or the loss of important hedgerows* of historical and ecological significance and amenity value.”

Add the following at the end of criterion a) “*Important hedgerows are those that meet the definition in Hedgerow Regulations 1997 and are shown on the Proposals Map*”.

Recommendation 31: Delete Policy ENV7.

Recommendation 32: revise the first sentence of the second paragraph of the section on Open Spaces to read “*While the Neighbourhood Plan is not in a position to allocate sites for open space, sport and recreation, ...*”

Recommendation 33: Delete Policy ENV8.

Recommendation 34: Revise Policy ENV9 as follows:

“The area of land identified on the Proposals Map (Figure 15) is designated as an Area of Separation. Development within the area should be located and designed to maintain and where possible enhance the separation of the villages.”

Add the following to the justification to the policy: “The Area of Separation is designated in order to retain the highly valued physical and visual separation between Kibworth Beauchamp and Smeeton Westerby.”

Recommendation 35: Revise Policy ENV10 as follows:

Revise the title to “Renewable and Low Carbon Energy Development”.

Revise the first paragraph to read: “Development proposals *that generate renewable and low carbon energy* should:”

Revise criterion c) to read: “be of an appropriate scale *for its location*.”

Revise the justification above Policy ENV10 as follows: Delete the second sentence of the first paragraph. Insert “*Policy ENV 10 deals with developments that deliver renewable and low carbon energy*”.

Revise the second paragraph to read “*Policy ENV10 sets out criteria to be used in assessing proposals for energy generation equipment and facilities, including those for wind and solar energy generation.*” Delete second sentence.

Recommendation 36: Revise Policy ENV11 as follows:

Delete “over 1 hectare” from the first sentence of the first paragraph.

Revise the second sentence to read “In addition *development proposals* in areas adjacent to zones 2 or 3 should *take account of the forecast flooding levels arising as a result of climate change.*”

Recommendation 37: delete Policy ENV12.

Recommendation 38: revise the final sentence of the last paragraph of section 5a to read “....or relief road is required, then Policy H11 sets out that this should be constructed prior to the development of the housing or *phased in conjunction with the development of the housing.*”

Recommendation 39: Revise Policy T1 as follows:

Revise the title to read: “Transport Assessment for New Housing Development”

Revise the first paragraph to read: “*Transport assessments for new housing development should demonstrate that:*”

Letter the following criteria to be consistent with other policies.

Add “*where feasible*” at the end of the second criterion.

Revise the fourth criterion to read “or provides acceptable *diversions.*”

Revise the sixth criterion to read “Travel packs are to be provided on *residential* development to encourage.....routes”

Recommendation 40: Revise Policy T3 as follows:

Revise the first paragraph to read: “*Development proposals* that would result in the loss of off street car parking *on the areas shown on the Proposals Map will only be acceptable where:.....*”

Revise the second part of the policy to read: “Proposals to develop a new car park or extend location *will be supported.*”

Show the seven car parks on the Proposals Map.

Recommendation 41: Revise Policy T4 as follows:

Delete bullet points a), b) and d).

Include a new Community Action clearly differentiated from the neighbourhood development plan policy stating “*The Parish Council will strongly support the following: include bullet points a), b) and d).*”

Recommendation 42: Revise Policy E1 as follows:

Revise the title to “Local Shopping Centre”

Revise the first paragraph to read: “*The Local Shopping Centre is shown on the Proposals Map. Within frontages in this area proposals for new retail (A1) uses will be supported. Other appropriate town centre uses (Use Classes XXXX) will be supported where they would contribute to the role of the Local Centre.*”

Delete the final paragraph on the parade of shops.

Revise section i) of the justification to read “*Local Shopping Centre*” and delete the first paragraph.

Add a new paragraph to the justification “*The parade of shops on Leicester Road in Kibworth Harcourt provides shops and services to serve the local community and should be retained for commercial use.*”

Recommendation 43: Revise Policy E2 as follows:

Revise the first paragraph to read: “...frontages within the *Local Centre* will be supported.....”

Recommendation 44: Delete Policy E3.

Recommendation 45: Revise Policy E4 as follows:

Revise the first paragraph to read: “...office and/or *business use (Class B1),*”