

HARBOROUGH DISTRICT COUNCIL

GREAT EASTON NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

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

Harborough District Council Offices

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Leicestershire
LE16 7AG

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2. Background

- 2.1 In October 2014 Great Easton Parish Council, as the qualifying body, applied for Great Easton Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. It was the decision of the LPA to refuse to designate the Neighbourhood Area as submitted; however approval was given for a boundary amendment which was supported by Brighthurst Parish Council, Great Easton Parish Council and the Portfolio Holder for Planning Services and shown red edged on the plan Great Easton Neighbourhood Area – Amended Jan 2015
- 2.2 The Neighbourhood Area application was approved by Harborough District Council (the Council) on 13th January 2015 in accordance with the Neighbourhood Planning (General) Regulations (2012)

- 2.2 Following the submission of the Great Easton Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The consultation period closed on 3rd May 2017.
- 2.3 The Council, with the agreement of Great Easton Neighbourhood Plan Group and Parish Council, appointed an independent examiner, Mr Nigel McGurk, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.
- 2.4 The Examiner's Report concludes:

Summary

....., a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

Subject to these modifications, I confirm that:

- *having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;*
- *the making of the neighbourhood plan contributes to the achievement of sustainable development;*
- *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);*
- *the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and*
- *the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.*

Taking the above into account, I find that the Great Easton Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

Referendum

I recommend to Harborough District Council that, subject to the modifications proposed, the Great Easton Neighbourhood Plan should proceed to a Referendum .

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Great Easton Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Great Easton Neighbourhood Area approved by Harborough District Council on 13 January 2015

*Nigel McGurk
Independent Examiner*

3. Decision and Reasons

- 3.1 The District Council proposed to accept all but one recommendation of the Examiner, and undertook a further 6 week consultation between 2nd October and 15th November to notify and invite representations from all those prescribed by Regulation 17A(2) Neighbourhood Planning (General) Regulations 2012 (as amended) being:

- (i) the qualifying body,

- (ii) any person whose representation was submitted to the examiner of the plan proposal in accordance with Regulation 17(d); and
- (iii) any consultation body which is referred to in the consultation statement mentioned in Regulation 15.

- 3.2 A consequence of not accepting one recommendation from the Examiner's report is that a proposed modification was needed to the Neighbourhood Plan and it was in relation to that proposed modification, and no other matters, that representations were invited.
- 3.3 The proposed modification arose as a result of new evidence which led the District Council to take a different view concerning one of the recommendations made by the Examiner in his report.
- 3.4 The Examiner made a recommendation, as set out below, concerning Policy H1 (Housing Provision) and H3 (Housing Allocations). The Examiner considered that to include the requirement for a permissive footpath in policy H3 of the Neighbourhood Plan was not possible and led to an imprecise policy that did not meet the requirements for planning obligations. It was proposed by the Examiner that the text be removed from Policy H3 and included with amended wording as a paragraph in the body of the text. The paragraph as proposed by the Examiner is highlighted below:

3.5 Extract from the Examiners Report – proposed modifications on which representations are invited relates to highlighted text

77 Policy H3 seeks to impose a planning obligation in respect of something to which it is not party and over which it has no control. Further more, it seeks to impose undefined "other terms," yet to be agreed, on other parties. This element of Policy H3 is imprecise.

78 It is unclear why Policy H3 allocates land for a single dwelling for a rural worker when national policy provides for such dwellings, subject to demonstrating need. No substantive evidence is provided in this regard.

79 It is unclear why the provision of "pedestrian access" in one place relates directly to the allocation of land somewhere else. Planning obligations must be directly related to development, as set out in Paragraph 204 of the Framework. They must also be necessary to make development acceptable in planning terms and it is unclear how "providing for a permissive path for pedestrian access" as a contribution to something that does not exist meets this test. In addition, planning obligations need to be fairly and reasonably related in scale and kind to development. There is no evidence that Policy H3 achieves this.

80 It is not clear why just one of the allocations should provide a single house of three bedrooms or fewer. There is no evidence to demonstrate that the Neighbourhood Plan's proposed provision of just one house with three bedrooms or fewer would satisfy local need.

81 The specific numbers apportioned to each site by the Neighbourhood Plan are not supported by detailed masterplans, demonstrating viability. Paragraph 173 of the Framework requires "careful attention to viability and costs." I take this into account in the recommendations below.

82 There is a typographical error on page 21. Policy H3 does not identify housing mix and the supporting text is imprecise in this regard. The final paragraphs of supporting text on page 26 appear to set out the Policy before the Policy itself. This is unnecessarily repetitive.

83 Taking all of the above into account, I recommend:

- Combine Policies H1 and H3, to create a new "Policy H1 - Housing Allocations"
- New Policy H1 to be worded "Land is allocated for residential development on the following sites (see plans be/aw): Rear of 2 High Street (around 11 dwellings); Adjacent to Barnsdale House (around 6 dwellings); Rear of 28 Broadgate (around 13 dwellings); Rear of 14 -18 Caldecott Road (around 4 dwellings)."
- Page 21, second Para, add " ...stock comprises 278 dwellings, primarily..."
- Page 26, first line, delete ", together with the mix,"
- Page 26, delete last Para of supporting text
- Page 26 delete "Allocations are as follows...three bedrooms or fewer"
- Add to remaining supporting text on page 26 "The landowner of land Adjacent to Barnsdale House has committed to ensuring that, as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton."

3.6 It was the proposal of the District Council to exclude the final bullet point (highlighted above) from the recommendations made by the Examiner from the referendum version of the Great Easton Neighbourhood Plan. It was in relation to this proposed modification that representations were invited.

3.7 The reasons for the proposed modification are:

- i) Paragraph 83, bullet point 7, of the Examiners report wrongly ascribes to the landowner a position which it has never had and which the submission version of the GENP did not establish any basis for.
- ii) The landowner has not committed to ensuring that a permissive pedestrian access is provided.

3.8 The District Council received a total of 5 responses to the consultation, with 2 substantial representations.

- 3.9 One representation supported the deletion of the text outlined above, the second objected to the Neighbourhood Plan in principle. These representation were reported in full to the Executive Committee on 4th December 2017.
- 3.10 At its meeting on 4th December 2017, the Executive agreed that all but one of the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum (see Executive decision at Appendix 1).
- 3.11 The Qualifying Body has made the modifications, as approved by Executive Committee, to secure that the draft plan meets the basic conditions. Appendix 2 sets out these modifications and the action to be taken in respect of each of them.
- 3.12 The Council agrees with the Examiner's recommendation that there is no reason to extend the Great Easton Neighbourhood Area for the purpose of holding the referendum.
- 3.13 The Examiner has concluded that with the specified modifications the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view and that the exclusion of the text as outlined above does not affect the Plan's compliance with the provision made by or under sections 38A and 38B of the 2004 Planning and Compulsory Purchase Act.
- 3.14 Harborough District Council has also published a Basic Conditions and Compliance Statement for the Great Easton Neighbourhood Plan.
- 3.15 Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question

'Do you want Harborough District Council to use the Neighbourhood Plan for Great Easton to help it decide planning applications in the neighbourhood area?'

will be held in the Neighbourhood Area of Great Easton.

- 3.16 The date on which the referendum will take place is agreed as **25th January 2018**

Appendix 1: Executive decision in respect of Great Easton Neighbourhood Plan 4th December 2017

RESOLVED that:

To be inserted.

Appendix 2: Schedule of Modifications Recommended in the Examiner's Report

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
1	N/A	Introductory Section	<p>Page 8/9 -The draft Neighbourhood Plan has been put forward to the public and to statutory bodies for a six-week pre-submission consultation period and agreed amendments have been incorporated into the draft Plan. This will now be submitted to Harborough District Council who will publicise it for a further six weeks and then forward it with accompanying documents and all representations made during the Pre-Submission period to an independent Examiner who will review it and check that it meets the 'Basic Conditions'. If the Neighbourhood Plan successfully passes this stage, with any modifications, it will be put forward for referendum. Everyone who lives in the Parish and is on the electoral roll will be entitled to vote. The referendum question will be a straight "yes" or "no" on the entire Plan, as set out by Neighbourhood Planning Regulations. People will not be able to vote for or against individual policies. If 50% or more of those that vote are in favour of the Neighbourhood Plan, it will be brought into force and become part of District-wide planning policy.</p> <p>Page 11 - Water and air quality are generally good, but there are some indications that relative CO2 emissions are high linked to the high levels of car usage.</p>	<ul style="list-style-type: none"> • Delete the last Para on page 8 and the first Para on page 9 ("The draft...planning policy"). • Page 11, penultimate line, change to "...indications that CO2 emissions are linked to the ..." 	The Neighbourhood Plan has been overtaken by events. There is also an error on page 11

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
2	SD1	Presumption in Favour of Sustainable Development	Policy SD1 - When considering development proposals, the Neighbourhood Plan will take a positive approach that reflects the presumption in favour of sustainable development contained in national and District-wide plans and policies.	<p>Delete Policy SD1</p> <p>Provide new Paragraph in the supporting text, to replace Policy SD1: <i>"In accordance with national planning policy, as set out in Paragraph 14 of the Framework, there is a presumption in favour of sustainable development and the Neighbourhood Plan reflects this positive approach to planning."</i></p>	Policy SD1 is a general statement about the presumption in favour of sustainable development rather than a land use planning policy. The Neighbourhood Plan it self does not "consider" development proposals, rat her, applications for development are considered against the Policies of the development plan. t he Policy does little to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework
3	SD2	General Policy Principle	Policy SD2 - Where there are no policies in the Plan relevant to a planning application or development proposal, the provisions of relevant national and District-wide plans and policies apply.	Delete Policy SD2	Policy SD2 simply provides general information, rather than a land use planning Policy. It is also creates the potential for confusion through a possible inference that national and District -wide plans and policies may not apply alongside Neighbourhood Plan Policies. It is unnecessary to repeat

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
					existing Policy and in addition, Policy SD2 is imprecise
4	SD3	Limits to Development	...is best located. The Core Strategy defines the extent of a built-up part of a settlement and distinguishes between areas where, in planning terms, development is acceptable in principle, such as in the built-up area of the village, and where it would not be acceptable, generally in the least sustainable locations such as in the open countryside. Such growth would risk ribbon development and the merging of hamlets to the detriment of the community and visual amenity of a neighbourhood plan area's surroundings.	Supporting text to Policy S03, page 18, penultimate Para, change to "...is best located. Focusing development within Limits to Development reflects the Core Strategy's objective of focusing development in the most sustainable locations." (delete rest of Para)	Supporting text to Policy SD3 suggests that " <i>it would not be acceptable</i> " for there to be development in the open countryside. However, there is no evidence to substantiate this point.
5	Policy H1 and Policy H3	Housing Provision and Housing Allocations	<p>Policy H1 - Having regard to dwellings already constructed or with planning permission, the remaining housing provision for Great Easton will be a target of 35 new dwellings over the period 2011 to 2031, which will be met by the allocation of housing sites in Policy H3 – 35 in total comprising land to rear of 2 High Street (11 units), land adjacent to Barnsdale House (7 units, including 1 at the stables), land to the rear of 28 Broadgate (13 units) and land to the rear of 14-18 Caldecott Road for 4 units. Windfall sites which accord with Policy H4 will be considered in addition to these identified sites.</p> <p>Page 26 - The numbers of houses allocated for Great Easton, together with the mix, have been identified through.....</p>	<p>Combine Policies H1 and H3, to create a new " Policy H1 - Housing Allocations"</p> <p>New Policy H1 to be worded "<i>Land is allocated for residential development on the following sites (see plans be/aw): Rear of 2 High Street (around 11 dwellings); Adjacent to Barnsdale House (around 6 dwellings); Rear of 28 Broadgate (around 13 dwellings); Rear of 14 -18 Caldecott Road (around 4 dwellings).</i>"</p> <p>Page 21, second Para, add " ...stock comprises 278 dwellings,</p>	<p>Policy H1 essentially establishes that the Neighbourhood Plan allocates land for 35 dwellings, the Policy is somewhat confusing. Essentially, it states what another Policy (Policy H3) does and adds some non-land use planning policy detail in respect of how the number of houses allocated has been reached. This result s in an imprecise Policy</p> <p>It is not clear why the Policy refers to 35 dwellings as "a target." The Neighbourhood</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>Page 26 (last para of supporting text) - The following sites are considered deliverable, achievable and suitable for development and are presented here in order to meet the housing requirement for the Parish. The sites indicated below will yield a total of 35 homes. Although affordable housing is not formally required for developments of 10 or less, landowners have agreed to the provision of affordable units in the proposals as described below</p> <p>Policy H3 - Land is allocated for housing development at four locations as shown above and on the Limits to Development map (Figure 2). Development will be permitted subject to the following criteria: <u>The rear of 2 High Street</u> The development should provide for 11 dwellings on brownfield land in line with policy H2; Four units should be affordable, made available to local people in line with policy H7; The housing mix shall be in line with Policy H6; and The design of the scheme shall comply with Policy DBE1. There are no listed buildings within the setting. <u>Barnsdale</u> (1) Land adjacent to Barnsdale House The development should provide for 6 houses in the grounds of Barnsdale House. The housing mix</p>	<p>primarily..." Page 26, first line, delete ", together with the mix,"</p> <p>Page 26, delete last Para of supporting text</p> <p>Page 26 delete "Allocations are as follows...three bedrooms or fewer"</p> <p>Add to remaining supporting text on page 26 "<i>The landowner of land Adjacent to Barnsdale House has committed to ensuring that, as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton.</i>" *</p> <p><i>[*Note: this recommendation has been challenged and it is the view of the LPA that the text should be deleted.]</i></p>	<p>Plan makes clear, elsewhere, that it supports sustainable development. Essentially, the 35 dwelling figure comprises a minimum level of housing required to provide for sustainable growth, whereas the word "target" implies a maximum figure.</p> <p>There is no need for Policy HI to refer to windfall development, which is considered in another Policy in the Neighbour hood Plan.</p> <p>The use of the phrase "will be permitted" in Policy H3 runs the risk of pre-determining the planning application process, as it fails to allow for all relevant considerations, such as balancing relevant benefits against possible harm.</p> <p>The Policies of the Neighbourhood Plan should be read as a whole. The cross-referencing to other Policies within Policy H3 is cumbersome,</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>shall be in line with Policy H6. The design of the development shall comply with Policy DBE1. A planning obligation under section 106 of the Town and Country Planning Act 1990 shall provide for a permissive path for pedestrians only to be made available in perpetuity along the section of disused railway line as a contribution towards the establishment of a circular walking route . The planning obligation shall contain such other terms as shall be agreed between the local planning authority and the owner of that section of disused railway line. The development is within the setting of seven (7) listed buildings: Barnsdale House, The Thatch, Nos 9, 10,14, 16 (Furleigh House),and 20 Barnsdale. Development proposal will be required to protect the buildings and their setting. (2) Land at Castle View Stables The development should provide 1 house whose occupancy shall be limited to: (i) a person or persons solely or mainly employed or last employed in the business occupying the stables or a widow or widower of such a person or any resident dependants; and/or (ii) a person or persons solely or mainly working or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, or any resident dependants.</p>		<p>confusing and unnecessary.</p> <p>Policy H3 makes unusual references to heritage assets. The fact that there are no Listed Buildings within various sites or their settings is not a land use planning policy. In addition, it is a requirement for all development to conserve heritage assets in a manner appropriate to their significance, as set out in Chapter 12 of the Framework.</p> <p>Policy H3 seeks to impose a planning obligation in respect of something to which it is not party and over which it has no control. Furthermore, it seeks to impose undefined "other terms," yet to be agreed, on other parties. This element of Policy H3 is imprecise .</p> <p>It is unclear why Policy H3 allocates land for a single dwelling for a rural worker when national policy provides for such dwellings, subject to</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>The design of the development shall comply with Policy DBE1. There are no listed buildings within the setting.</p> <p><u>The rear of 28 Broadgate (extension to earlier proposal)</u></p> <p>The development should provide for 13 dwellings;</p> <p>Five units should be affordable, made available to local people in line with policy H7;</p> <p>The design of the scheme shall comply with Policy DBE1; and The housing mix shall be in line with Policy H6.</p> <p>There are no listed buildings within the setting.</p> <p><u>Land to the rear of 14-18 Caldecott Road</u></p> <p>The development should provide for four dwellings, at least one of which should be of three bedrooms or fewer.</p> <p>There are no listed buildings within the setting.</p>		<p>demonstrating need. No substantive evidence is provided in this regard.</p> <p>It is unclear why the provision of " pedestrian access" in one place relates directly to the allocation of land somewhere else. Planning obligations must be directly related to development, as set out in Paragraph 204 of the Framework. They must also be necessary to make development acceptable in planning terms and it is unclear how "providing for a permissive path for pedestrian access" as a contribution to something that does not exist meets this test. In addition, planning obligations need to be fairly and reasonably related in scale and kind to development. There is no evidence that Policy H3 achieves this.</p> <p><i>The text "The landowner of land Adjacent to Barnsdale House has committed to ensuring that,</i></p>

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					<p><i>as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton"</i> has been deleted from the referendum version plan because</p> <ol style="list-style-type: none"> 1. Paragraph 83, bullet point 7, of the Examiners report wrongly ascribes to the landowner a position which it is has never had and which the submission version of the GENP did not establish any basis for. 2. The landowner has not committed to ensuring that a permissive pedestrian access is provided <p>It is not clear why just one of the allocations should provide a single house of three bedrooms</p>

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					<p>or fewer.</p> <p>Policy H3 does not identify housing mix and the supporting text is imprecise in this regard. The final paragraphs of supporting text on page 26 appear to set out the Policy before the Policy itself. This is unnecessarily repetitive.</p>
6	H2	Priority Given to Brownfield Sites	<p>Policy H2 - Development proposals for the redevelopment or change of use of redundant land or buildings within the village envelope should be prioritised above non- brownfield sites, provided it has limited environmental, landscape or ecological value.</p> <p>Development proposals that affect a statutorily listed building or its setting will be required to preserve and enhance the significance and setting of that building or structure.</p>	<p>Delete Policy H2</p> <p>Delete supporting text on page 24</p>	<p>The Policy is imprecise, it fails to provide a decision maker with a clear indication of how to react to a development proposal and does not meet the basic conditions.</p> <p>No justification is provided for the direct conflict with national policy as it applies to the conservation of heritage assets and there is nothing to demonstrate that the approach proposed would have regard to Paragraph 173 of the Framework in respect of viability.</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
7	H4	Windfall Sites	<p>Policy H4 - Small scale development proposals for infill and redevelopment sites (up to two dwellings) will be supported where:</p> <ul style="list-style-type: none"> a) It is within the Limits to Development of Great Easton; b) It helps to meet the identified housing requirement for Great Easton; c) It respects the shape and form of Great Easton in order to maintain its distinctive character and enhance it where possible; d) It retains existing important natural boundaries such as trees, hedges and streams; e) It provides for a safe vehicular and pedestrian access to the site; and f) It does not reduce garden space to an extent where it adversely impacts on the character of the area, the amenity of neighbours and the occupiers of the dwelling or has a significant detrimental heritage or environmental impact. 	Delete criteria b) of Policy H4	<p>as worded, the Policy requires windfall development to meet "the identified housing requirement for Great Easton."</p> <p>Another Policy of the Neighbourhood Plan allocates land in respect of identified requirements. Windfall sites are different to allocated sites. They provide for unidentified development opportunities.</p>
8	H5	Reserve Site	<p>Policy H5 - An allocation for further houses on the site at the former Rockingham Station, as shown in Figure 2, will be considered for housing development if:</p> <ul style="list-style-type: none"> a) It is required to remediate a substantial shortfall in the supply of housing land due to the failure of existing housing sites in Great Easton to deliver the anticipated scale of development required; or 	<p>Delete Policy H S</p> <p>Delete supporting text on page29</p>	<p>Reserve Site to be in a relatively isolated location, surrounded by countryside and some distance away from Caldecott. Caldecott itself is a hamlet with very few apparent services and facilities.</p> <p>The analysis of the Reserve Site</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>b) It becomes necessary to provide for additional homes in the Parish in accordance with any new development plan document that replaces the Harborough Local Plan. Development will be permitted subject to the following criteria:</p> <p>a) The development should provide for 12 dwellings;</p> <p>b) 40% of the dwellings should be affordable, made available to local people in line with policy H7;</p> <p>c) The housing mix shall be in line with Policy H6;</p> <p>d) The design of the scheme shall comply with Policy DBE1; and</p> <p>e) The development should be substantially located within previously developed areas of land in line with Policy H2.</p> <p>f) There are no listed buildings within the setting.</p> <p>Employment and mixed-use development would be supported subject to the provisions contained within the Neighbourhood Plan.</p>		<p>undertaken by plan-makers states that the site is "unsustainable" due to its location, that there is no access to public transport and that Caldecott Parish Council "have not responded positively."</p> <p>Absence of significant, substantive evidence to support the allocation of a site that conflicts with the Neighbourhood Plan's clear emphasis on focusing development within the Limits of Development.</p>
9	H6	Housing Mix	<p>Policy H6 - New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Great Easton. Priority should be given to dwellings of 3 bedrooms or fewer and to single storey accommodation suitable for older people. 50% of homes are to be built to building regs Part</p>	<p>Change Policy H6 to: "New development should provide for a mixture of housing types having regard to identified local housing needs. The provision of bungalows suitable for elderly people and dwellings of up to three bedrooms</p>	<p>As set out, the Policy is imprecise. It states that development should "specifically meet identified local needs" but does not establish what these might be, other than present a vague</p>

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			<p>M2 for adaptable and accessible homes</p> <p>Page 30 second para- Housing developments must therefore provide a mixture of housing to meet this need within the local community.</p> <p>Page 30 final sentence - In view of the ageing population it is proposed that 50% of homes are to be built to building regs Part M2 for adaptable and accessible homes.</p>	<p>will be supported." (delete rest of Policy).</p> <p>Supporting text, page 30, second Para, delete second sentence (" Housing developments...local community.")</p> <p>Supporting text, page 30, delete final sentence</p>	<p>requirement for "priority" to be given to houses of up to three bedrooms and bungalows for older people. No indication of how priority might be given is provided.</p> <p>Policy H6 requires 50% of all homes to be built to Building Regulations Part M2. No evidence is provided to demonstrate that such a requirement has regard to Paragraph 1 73 in respect of viability and deliverability. Further, no information is provided as to how the Neighbourhood Plan might control Building Regulations.</p>
10	H7	Affordable Housing	<p>Para above Policy H7 - National policy guidance requires 40% affordable housing in developments over 10 houses and the housing needs survey has shown a need for 9 affordable houses in the short to medium term. The provision of Lifetime Homes will allow for the development of homes that are appropriate for people as they grow older and is supported.</p> <p>Policy H7 - To meet identified needs within the community, 40% of all new housing</p>	<p>Re-word Policy H7 "<i>40% of all new housing development on sites for more than ten dwellings, or on sites of more than 1,000 square metres, should comprise affordable housing. The achievement of Lifetime Homes Standards for affordable housing will be supported, as will the provision of affordable homes for people with a local connection.</i>"</p>	<p>Whilst national policy supports the provision of affordable housing where it is needed, it does not require 40% affordable housing, as set out in the supporting text on page 33 the Neighbourhood Plan.</p> <p>Core Strategy Policy CS3 requires a minimum of 40% of dwellings to be affordable and</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>developments of more than 10 units will be high quality affordable housing.</p> <p>The affordable housing should be provided as an integral part of the development and be of a similar style to the other housing on the site. It should also be developed as individual units scattered throughout the development and achieve Lifetime Homes Standards in order to meet the needs of an ageing population.</p> <p>Where possible, affordable housing within the Neighbourhood Plan area shall be allocated to eligible households with a connection to Great Easton defined as being where at least one member of the household:</p> <p>a) Was born in Great Easton or;</p> <p>b) Presently resides in the Parish and has, immediately prior to occupation, been lawfully and ordinarily resident within the Parish for a continuous period of not less than twelve months; or</p> <p>c) Was ordinarily resident within Great Easton for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing; or</p> <p>d) Is presently employed or self-employed on a full time basis in Great Easton and whose main occupation has been in Great Easton for a continuous period of not less than twelve months immediately prior to occupation; or</p> <p>e) Has a need to move to Great Easton to be</p>	<p>Add a "<i>Community Action. The Parish Council will seek to work with third parties with the aim of encouraging affordable housing to be provided to people with a local connection.</i>"</p> <p>Delete the Para of supporting text above Policy H7 on page 33</p>	<p>Policy H7, in calling for the same percentage, is in general conformity with the Core Strategy.</p> <p>No indication of what "high quality affordable housing" comprises, or who will judge this and on what basis, is provided.</p> <p>It is also unclear how Policy H7's "local connection" requirement would work in practice. The Policy states that "where possible" affordable housing will be allocated to households with a local connection. No indication of what "where possible" means is set out and there is no information in respect of how long new affordable housing will be held for a local connection, what will happen if such provision is not "possible," or why reserving all affordable housing for people with local a connection is sustainable.</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>close to a relative or other person in order to provide or receive significant amounts of care and support.</p> <p>) Has a close family member who is lawfully and ordinarily resident within Great Easton for a continuous period of not less than three years immediately prior to occupation and for the purposes of this clause a “close family member” shall mean a mother, father, brother or sister. Only where no households can be found that meet any of the above criteria shall affordable housing within the Neighbourhood Plan area be allocated to otherwise eligible households from elsewhere across Harborough District.</p>		Policy H7 is imprecise and does not meet the basic conditions.
11	DBE1	Design	<p>Policy DBE1 - All new development proposals of one or more houses, replacement dwellings and extensions will need to satisfy the following building design principles:</p> <p>a) New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area, and proposals should clearly show within a Design and Access Statement how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape</p>	<p>Policy DBE1, change to <i>"Development should reinforce loco/ distinctiveness and character, with particular regard to prevailing densities, to Great Easton's rich historical context and to its biodiversity. Enclosure of plots should incorporate native hedging and/or fencing or walling that is appropriate to the rural surroundings of the area. The incorporation of sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon</i></p>	

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>views;</p> <p>b) Adequate off road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more;</p> <p>c) All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context;</p> <p>d) Development should be enhanced by biodiversity and landscaping with existing trees and hedges preserved whenever possible;</p> <p>e) Where possible, enclosure of plots should be of native hedging, rural wooden fencing, or brick/stone wall of rural design;</p> <p>f) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate;</p> <p>g) Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensuring appropriate provision for the storage of waste and recyclable materials; and</p>	<p><i>technology; and the incorporation of sustainable drainage systems, will be supported."</i></p>	

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			h) Development should be of a similar density to properties in the immediate surrounding area.		
12	NHE1	Protection of Local Green Spaces	<p>Policy NHE1 – Development proposals that would result in the loss of, or have an adverse effect on, an identified Local Green Space (listed and mapped below in figure 4, and detailed in Appendix 2) will be resisted.</p> <p>Holt View, start of footpath B66 to Blaston (map ref 02)</p> <p>Rectory Farm paddock, Lounts Crescent (03)</p> <p>Church Bank verges and greens includes HDC proposed LGS/GRTE/4 (04)</p> <p>Brook Lane paddock HDC proposed LGS/GRTE/2, 2015 (05)</p> <p>Barnsdale paddock HDC proposed LGS/GRTE/3, 2015 (06)</p> <p>Independent Chapel graveyard (07)</p> <p>Open space at the end of Deepdale and start of bridleway B70 (08)</p> <p>Village Brook valley (60)</p>	<p>Policy NHE1, change wording to "<i>The following sites are designated as Local Green Space, where development is ruled out other than in exceptional circumstances: Holt View (Map Ref 1); Rectory Farm Paddock (Map Ref 2); Church Bank Verges and Greens (Map Ref 3); Brook Lane Paddock (Map Ref 4); Barnsdale Paddock (Map Ref 5); Independent Chapel (Map Ref 6); Deepdale (Map Ref 7); Village Brook Valley (Map Ref 8).</i>"</p> <p>Provide new plans underneath the Policy, clearly identifying each Local Green Space's precise boundaries on a plan which is reasonably large and has an easy to read scale, such that there can be no confusion in respect of boundaries</p> <p>Change mistake in supporting text on page 42 to " ...eight key sites..."</p>	<p>Policy NHE1 seeks to designate eight areas of Local Green Space (there is an error in the last sentence of the supporting text, which refers to seven areas). Whilst it is possible to identify the location of each area on Figure 4, this plan is very small. Consequently, it is difficult to make out the individual boundaries.</p> <p>The Policy text does not quite reflect national policy's protection of Local Green Space, which is made explicit in Paragraph 76 of the Framework</p>
13	NHE2	Protection of Other Sites of	Policy NHE2 - The sites mapped below in figure 6 (and detailed in Appendix 4) have been identified	Delete Policy NHE2	Policy NHE2 identifies sites of natural or historical significance

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
		Natural or Historical Significance	as being of local significance for wildlife and history. They are important in their own right and are locally valued. Development proposals that affect them will be expected to protect or enhance the identified features.	Create new " <i>Community Action NHE2 - Other Sites of Natural or Historical Significance: The Parish Council will actively work with third parties to seek to secure the protection of the sites shown below in Figure 6.</i> "	and requires development to protect or enhance their identified features. However, identified features are not included in Appendix 4, as stated by the Policy. The Policy is imprecise. It does not provide a decision maker with a clear indication of how to react to a development proposal SSSI's and other protected sites, are already afforded appropriate protection
14	NHE3	Ridge and Furrow Fields	Policy NHE3 - Development proposals that adversely affect or damage an identified surviving area of ridge and furrow earthworks (map below, figure 7, Appendix 6) will be strongly resisted.	Re-word Policy NHE3 " <i>Development should not result in harm to surviving areas of ridge and furrow fields, identified on the map below.</i> " Create new " <i>Community Action: Ridge and Furrow Fields. The Parish Council will strongly resist development proposals that adversely affect or damage an identified surviving area of ridge and furrow earthworks (see map below).</i> "	As set out, the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal.

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
15	NHE4	Important Trees and Hedges	<p>Policy NHE3 - a) Development proposals that damage or result in the loss of woodland (map below, figure 8) or individual trees of arboricultural, landscape or ecological significance and amenity value will not normally be permitted. Proposals should be designed to retain or replace such trees and woods. Development proposals should also be accompanied by a survey that establishes the health and longevity of any affected trees.</p> <p>b) Eight species-rich hedges of historical and ecological significance (see map below, figure 8) are proposed as Non-designated Heritage Assets.</p>	<p>Policy NHE4, change to "...amenity value will not be supported. Development that harms the areas of species-rich hedgerows identified in the map below will not be supported." (delete rest of Policy)</p>	<p>The Policy contradicts it self, by supporting the replacement of trees it seeks to protect. Further, it is not entirely clear on what basis hedgerows would be protected as heritage assets, due to a lack of substantive evidence in the Neighbourhood Plan or it s supporting information. Not with standing this, the protection of species-rich hedgerows has regard to the national policy aim of conserving the natural environment, as set out in Chapter 11 of the Framework.</p> <p>It is not clear what the land use planning purpose of a survey that "establishes the health and longevity of affected trees" is, or what would happen if the survey did not, or could not, do this. This part of Policy NHE4 is imprecise.</p>
16	NHE5	Biodiversity	<p>Policy NHE5 - Development proposals will be expected to protect local habitats and species, especially those covered by relevant European and English legislation and, where possible, to create new habitats for wildlife.</p>	<p>Policy NHE5, change to "...local habitats and species and where possible and viable, to create new habitats for wildlife." (delete rest of Policy)</p>	<p>The final part of the Policy refers to the encouragement of projects. This is not a land use planning matter controlled by the Neighbourhood Plan.</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			Projects for enhancing riparian habitats in and around the main watercourses of the River Welland, Eye Brook and Great Easton Brook will be encouraged.	Create new " <i>Community Action: Biodiversity. The Parish Council will encourage projects for enhancing riparian habitats around the main water courses of the River Welland, Eye Brook and Great Easton Brook.</i> "	
17	NHE6	Protection of views of landscape and community	<p>Policy NHE6 - Development that impacts in any way on the following locally important and valued views (map, figure 9, below) will be strongly resisted:</p> <ul style="list-style-type: none"> i. Panoramic views southwest and northeast from the high ground on the lane to Eyebrook Reservoir ii. Southeast into and over the village from Bush House Farm iii. West from Holt View (start of footpath B66) across open countryside toward Nevill Holt iv. Southwest from Stockerston Road at north end of village v. North up Church Bank toward the parish church, characteristic green verges and sunken roadway vi. Southeast from Church Bank down High Street to the war memorial and out of the village vii. Southeast along Brook Lane towards Barnsdale, green verges, village brook and banks, mature trees, vernacular architecture viii. Northeast along Barnsdale into the 	<p>Delete Policy NHE6</p> <p>Delete supporting text on page 51 and 52</p> <p>Delete Figure 9</p>	<p>Policy NHE6 is an imprecise Policy.</p> <p>Policy NHE6 seeks to "strongly resist" development that impacts on named views "in any way."</p> <p>It is unclear why development that might have a positive impact on views would not be supported.</p> <p>The named "views" are vague, comprising shading on a plan and short, wide-ranging descriptions. They lack precision and without evidence to the contrary, they may change on an annual, seasonal or event hourly basis.</p> <p>Policy NE5 could serve to place a major hurdle in the way of sustainable development</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>village centre, vernacular architecture and layout</p> <p>ix. Southeast from Barnsdale at entry to the village toward Welland valley watermeadows and Rockingham</p> <p>x. Panoramic views southeast from Caldecott Road over watermeadows to Rockingham Castle and the hills beyond</p>		coming forward.
18	NHE7	Footpaths, Bridleways and Cycleways	<p>Policy NHE7 – Development proposals that result in the loss of, or have a significant adverse effect on, the existing network of footpaths will not be supported.</p> <p>Developer contributions will be sought to improve and extend the network of footpaths where appropriate.</p>	<p>Policy NHE7, delete second sentence</p> <p>Add to end of Community Action NHES "<i>The Parish Council will, where possible, seek developer contributions to provide for improvements and extensions to public rights of way.</i>"</p>	<p>Paragraph 204 of the Framework states that:</p> <p><i>" Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development."</i></p> <p>The second part of Policy NHE7 fails to have regard to national policy.</p>
19	NHE8	Sustainable Development	<p>Policy NHE8 - Development proposals that are compliant with the aims of a low carbon economy, and contribute to mitigating and adapting to climate change including sustainable design, energy generation, drainage and construction techniques and practices will be viewed positively where (either in isolation or in combination with existing developments) the</p>	<ul style="list-style-type: none"> Delete Policy NHES and supporting text on page 54 	<p>Policy NHE8 fails to provide for the balanced consideration of harm and benefits and so runs the considerable risk of failing to contribute to the achievement of sustainable development.</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>development:</p> <ul style="list-style-type: none"> a) Does not have an adverse impact (such as noise, visual impact, reflections, shadow flicker, water pollution, smell, air quality, gaseous or particulate emissions) on the health, wellbeing or amenities of local residents and visitors; b) Does not have an adverse impact on the area in relation to views or the character of the surrounding landscape; and c) Is of an appropriate scale for the size, character and level of other facilities, the built environment and services in Great Easton. 		Much of the content of Policy NHE8 comprises unnecessary repetition.
20	NHE9	Rivers and Flooding	<p>Policy NHE9 - Where there is a risk of flooding, a sequential test will be applied to development in line with national and local policies. Development proposals will be required to demonstrate that:</p> <ul style="list-style-type: none"> a) the location takes flood risk into account and is not within Environment Agency Flood Risk Zone 3, unless mitigation measures are applied; b) The development and its occupants are safe for its lifetime; c) all current Flood Risk Management Plans covering the Neighbourhood Plan area have been taken into account; d) the design includes, as appropriate, sustainable drainage systems (SuDS), surface water management measures and permeable surfaces. Run-off should be no more than the 	<p>Delete Policy NHE9</p> <p>Supporting text, page 57, delete last sentence</p>	<p>Policy NHE9 is confusing. It begins by stating that policies not within the Neighbourhood Plan will apply, which is unnecessary.</p> <p>It requires all development to demonstrate lifetime safety, without any justification or reference to national or local policy. It refers to "all current flood risk management plans" without identifying what these might be and requires all development to include sustainable urban drainage</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>greenfield site;</p> <p>e) an assessment has been undertaken of the potential impacts on water bodies;</p> <p>f) there will be no resulting increase in the risk of flooding to third parties;</p> <p>g) there is available capacity within the foul sewerage network for the development or that capacity can be made available prior to construction.</p>		<p>systems, regardless of relevance, appropriateness or viability.</p> <p>No indication is provided of what an "<i>assessment of potential impacts on water bodies</i>" might comprise, who will judge, it on what basis, or why this is necessary in all cases, or why all development must demonstrate foul sewerage capacity, regardless of what kind of development is proposed.</p> <p>The Policy is imprecise and fails to have regard to national policy. It detracts from the protection afforded by national and local planning policy.</p>
21	E1	Employment	<p>Policy E1 – There will be a strong presumption against the loss of commercial premises or land (B-class) that are currently being used for trade and which provides employment and future potential employment opportunities.</p> <p>Applications for a change of use to an activity that does not provide employment opportunities</p>	<p>Policy E1, change to "<i>...does not provide employment opportunities will only be supported where it can be demonstrated that the commercial premises or land in question has no...six months.</i>"</p>	<p>As worded, the Policy would require a commercial site to remain inactive for at least twelve months, in clear conflict with the aims of Chapter 3 of the Framework and contrary to Paragraph 17 of that</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>will only be permitted if it can be demonstrated that:</p> <p>a) The commercial premises or land in question has not been in active use for at least 12 months; and</p> <p>b) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.</p> <p>Page 59 last para - Because of the restricted employment opportunities within the Parish, it is considered to be important that such facilities are protected against being lost to other uses. To do so, it is necessary to restrict the demolition or conversion of existing commercial premises or land (B-class uses) that are currently being used for trade for non-commercial purposes. Only if it is clearly demonstrated that there is little prospect of such commercial premises or land being used for employment-generating purposes can this be permitted.</p> <p>Page 60 first para - In order therefore to demonstrate that such commercial premises or land can be redeveloped for non-commercial uses, it must be clear that there is little or no prospect</p>	<p>Supporting text, page 59, change last Para to "<i>...To do so, the Parish Council considers it necessary to seek to restrict...purposes such that, only if it is clearly...purposes should this be allowed.</i>"</p> <p>Supporting text page 60, first line, change to "<i>...or land can be...uses, it should be demonstrated that there is little...in the future. The marketing campaign referred to in the Policy below will be expected to demonstrate that all reasonable...credible party.</i>"</p>	<p>document, which recognises the need to "proactively drive and support" sustainable economic development as a core planning principle.</p> <p>Part of the supporting text reads as though it comprises a Policy</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			of the premises or land being reoccupied by an employment- generating user in the future. This must be demonstrated by a sustained marketing campaign lasting at least six months, undertaken through an appropriate commercial agent. This must show that all reasonable steps have been taken to market the property and that there has been no interest from a credible party.		
22	E2	Support for new employment activities	<p>POLICY E2: - In supporting additional employment opportunities, new development will be required to:</p> <p>a) Fall within the boundary of planned limits of development for Great Easton unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances; and</p> <p>b) Where possible, development should be sited in existing buildings or on areas of previously developed land; and</p> <p>c) Be of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the neighbourhood plan area, including the countryside; and</p> <p>d) Not involve the loss of dwellings; and</p> <p>e) Not increase noise levels to an extent that they would unacceptably disturb occupants</p>	<p>Policy E2, change opening sentence to "<i>New employment • generating development will be supported where it: a) Falls..; b) Re-uses land or buildings wherever possible; c) Is..; d) Does not .. ; e) Does not ..; f) Does not ..; g) Contributes...; h) Is well ...Limits to Development.</i>"</p>	The Policy is imprecise and fails to reflect the positive, supportive intent set out in the supporting text

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			<p>of nearby residential property; and</p> <p>f) Not generate unacceptable levels of traffic movement; and</p> <p>g) Contribute to the character and vitality of the local area; and</p> <p>h) Be well integrated into and complement existing businesses. The following types of employment development will be supported:</p> <p>a) The small-scale expansion of existing employment premises across the Parish;</p> <p>b) Small-scale new build development within the Limits to Development.</p>		
23	E3	Re-use of Agricultural and Commercial Buildings	<p>Policy E3 - The re-use, conversion and adaptation of rural buildings for small businesses, recreation, or tourism purposes will be supported where:</p> <p>a) The use proposed is appropriate to the rural location;</p> <p>b) The conversion/adaptation works respect the local character of the surrounding area;</p> <p>c) The development will not have an adverse impact on any archaeological, architectural, historic or environmental features;</p> <p>d) The local road system is capable of accommodating the traffic generated by the proposed new use and adequate parking can be accommodated within the site;</p> <p>e) There is no significant adverse impact on</p>	<p>Policy E3, change to "...c)...not result in unacceptable harm in respect of any....e) There is no unacceptable harm to neighbours..."</p>	<p>As set out, Criteria c) and e) of the Policy do not allow for a balanced consideration of a development proposal, such that the benefits might outweigh the harm arising. This could prevent the Policy from contributing to the achievement of sustainable development</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			neighbours through noise, light pollution, increased traffic levels or increased flood risk.		
24	E4	Broadband infrastructure	Policy E4 - Proposals to provide access to a super-fast broadband service for new development (of at least 30mbps) and to improve the mobile telecommunication network that will serve businesses and other properties within the Parish will be supported. This may require aboveground network installations, which must be sympathetically located and designed to integrate into the landscape and not be located in or near to open landscapes.	No changes recommended	
25	E5	Working from Home	Policy E5 - Proposals for the use of part of a dwelling for office and/or light industrial uses, and for small scale free standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, will be supported where: a) No significant and adverse impact arises to nearby residents or other sensitive land uses from noise, fumes, odour or other nuisance associated with the work activity; and b) Any extension or free standing building shall be designed having regard to policies in the Neighbourhood Plan and should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction.	Policy E5, change to "...a) <i>There is no significant adverse impact on the amenity of neighbouring occupiers, having regard to matters including noise and disturbance, fumes, odour, outlook and privacy.</i> "	Policy E5 seeks to provide for good design, it limits the protection of residential amenity to "nuisance." This runs the risk of failing to have regard to Paragraph 56 of the Framework, which requires development to contribute positively to making places better for people

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
26	CF1	Protection of Community Facilities and Amenities	<p>Policy CF1 - Proposals that result in the loss of any building or land providing a community facility or amenity will not be supported unless it can be clearly demonstrated that the facility or amenity is no longer financially viable or of value to the community or a suitable replacement can be provided elsewhere in an equally convenient location. Any community facility or amenity proposed for disposal should be advertised by the seller in an appropriate publication for 6 months at a price that reflects an independent professional valuation. Information included with the application should include the selling agent's literature together with valuations and offers that have been received on the property.</p> <p>Community facilities and amenities include the Village Hall, St Andrews Church, Bringhurst Primary School and Playing Field, The Sun Inn and the Village Shop/Post Office.</p>	No changes recommended	
27	CF2	Provision of new Community Facilities	<p>Policy CF2 - Proposals that diversify or enhance the range of community facilities will be supported provided that the development does not impact on the amenity of residential properties; will not generate a need for parking that cannot be adequately catered for; and is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle.</p>	<p>Policy CF2, change to "<i>The diversification or enhancement of Great Easton's range of community facilities will...</i>"</p>	<p>The wording of the Policy could have unforeseen circumstances, such that potentially supports any form of development, so long as it diversifies or enhances community facilities. Exaggerating for the purpose of emphasis, this could lend support for an application to develop say, a new super-prison</p>

	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
					that also provided a new shop for the village
28	T1	Traffic Management	Policy T1 - The provision of 'Village Gateways' at the entrances to the village will be supported.	No changes recommended	
29	T2	Road Safety	The provision of off-street parking in the vicinity of Bringhurst Primary school will be investigated.	Delete Policy T2 Replace with " <i>Community Action T1 : Road Safety. The Parish Council will investigate the provision of off-street parking in the vicinity of Bringhurst Primary School.</i> " Delete last line of supporting text to Policy "Proposals to ...will be supported."	Policy T2 is not a land use planning policy, but sets out a commitment to investigate something. Part of the supporting text reads as though it comprises a Policy, which it does not
30	T3	Footpaths and cycle paths	Policy T3 - The protection of the existing cycle and pedestrian network and its extension to provide off-road cycling connections between the Primary School and the village centre will be supported	No changes recommended	
31	Neighbourhood Plan: other matters		...will be regularly monitored. This will be led by Great Easton Parish Council in conjunction with Harborough District Council as the local planning authority . The policies and measures....	Page 78, change to " <i>...will be regularly monitored by Great Easton Parish Council. The policies and measures...</i> " Update the Policy, page, plan and paragraph numbering, taking account of the recommendations contained in this Report.	Whilst the Neighbourhood Plan benefits from the clear communication and monitoring strategy set out, it cannot impose a monitoring requirement on the Local Authority.

Appendix B – reasons for deletion of text in recommendation 5 of the Examiner Report

Harborough District Council received a communication from the land owner affected by the recommended text below in recommendation number 5 of the Examiners Report (**Appendix A** to the Executive Committee report)

Add to remaining supporting text on page 26 "The landowner of land Adjacent to Barnsdale House has committed to ensuring that, as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton."

On 4th July 2017 a letter was received from Gateley PLC on behalf of Bybrook Builders Ltd (BBL) contesting the inclusion of the text. The letter stated that the Examiners report contained a false and misleading statement at paragraph 83 (concerning provision of a permissive footpath) and prejudiced the position of BBL under the GENP and within the village of Great Easton.

A meeting with Legal Services on 20th July 2017 confirmed that a Planning Obligation, either through a Unilateral Undertaking or a Section 106 agreement, was not the right vehicle to secure the permissive footpath.

The Great Easton Examination Report recognises this with the following text:

Policy H3 seeks to impose a planning obligation in respect of something to which it is not party and over which it has no control. Furthermore, it seeks to impose undefined "other terms," yet to be agreed, on other parties. This element of Policy H3 is imprecise.

It is unclear why Policy H3 allocates land for a single dwelling for a rural worker when national policy provides for such dwellings, subject to demonstrating need. No substantive evidence is provided in this regard.

It is unclear why the provision of "pedestrian access" in one place relates directly to the allocation of land somewhere else. Planning obligations must be directly related to development, as set out in Paragraph 204 of the Framework. They must also be necessary to make development acceptable in planning terms and it is unclear how "providing for a permissive path for pedestrian access" as a contribution to something that does not exist meets this test. In addition, planning obligations need to be fairly and reasonably related in scale and kind to development. There is no evidence that Policy H3 achieves this.

Legal Services have subsequently confirmed this to Gateley PLC after receipt of a Unilateral Undertaking received by HDC from the Gateley PLC on behalf of the Director of BBL in January 2017.

On 29th August 2017 an email (Appendix 1 below) was received from Gateley PLC as a 'Letter Before Claim' notifying HDC of their clients intention to seek an order for quashing the Decision Statement of August 2017 insofar as it approved so much of the emerging neighbourhood plan as contains the alleged Prejudicial Statement.

Legal Services sought the opinion of Counsel regarding the timing of the referendum, the issuing of the Decision Notice and the course of action that should be taken by the Authority if the Examiners recommendation as set out above were to be rejected.

The Decision Notice had not been formally issued and Counsel advised that the LPA notify and invite representations from all those prescribed by Regulation 17A(2) Neighbourhood Planning (General) Regulations 2012 (as amended) being:

- (i) the qualifying body,
- (ii) any person whose representation was submitted to the examiner of the plan proposal in accordance with Regulation 17(d); and
- (iii) any consultation body which is referred to in the consultation statement mentioned in Regulation 15.

A consequence of not accepting one recommendation from the Examiner's report is that a proposed modification is needed to the Neighbourhood Plan and it is relation to that proposed modification, and no other matters, that representations were invited.

The proposed modification arises as a result of new evidence which leads the District Council to take a different view concerning one of the recommendations made by the Examiner in their report.

The Qualifying Body (QB) have been contacted with regard to the requested deletion of the text by Gateley PLC on behalf of their client, BBL. The QB have confirmed that they are in agreement with the deletion of the text via the following email:

The Parish Council, in its capacity as the Qualifying Body(QB) for the Great Easton Neighbourhood Plan, agreed at this evening's meeting that the paragraph below on page 23 referring to the landowner's commitment to provide a a permissive pedestrian footpath, should be deleted from the Referendum Version of the Neighbourhood Plan.

'The landowner of land Adjacent to Barnsdale House has committed to ensuring that, as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton.'

Other persons as specified above have been asked for representations concerning the proposed rejection of the Examiners recommendation between 2nd October 2017 and 15th November 2017. A summary of the representations received as a result of this consultation can be found at **Appendix D** to the Executive Committee report.

Great Easton Neighbourhood Plan

Summary of representations submitted to Harborough District Council by consultees pursuant to Paragraph 13 (1), Schedule 4B of the Town and Country Planning Act (as amended)

Name	Full Representation
Anglian Water	<p>Thank you for the notification relating to the Great Easton Neighbourhood Plan. The following comments are submitted on behalf of Anglian Water.</p> <p>I would be grateful if you could confirm that you have received this response.</p> <p>Anglian Water has no comments to make relating to the proposed exclusion of text as proposed by the examiner of the Great Easton Neighbourhood Plan.</p> <p>Should you have any queries relating to this response please let me know.</p>
Natural England	Natural England has no further comments to add on the Great Easton Neighbourhood Plan.

<p>Gateley PLC On behalf of Bybrook Homes</p>	<p><u>1. Introduction</u></p> <p>1.1 These representations are made on behalf of Bybrook Builders Limited (BBL) in response to the consultation process initiated by Harborough District Council (HDC) pursuant to paragraph 13 (1) of Schedule 4B of the Town and Country Planning Act (as amended) respecting the emerging Great Easton Neighbourhood Plan (GENP) and the Examiner's Report (ER) into it.</p> <p>1.2 In the ER the Examiner has made the recommendation that there should be added to the remaining supporting text on page 26 of the GENP the following words: "The landowner of land adjacent to Barnsdale House has committed to ensuring that, as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton" (the False Statement).</p> <p>1.3 Following the publication of the ER, the Qualifying Body through its website published a post-examination text for the GENP which including the False Statement.</p> <p>1.4 The "...area of former railway track .." referred to in the False Statement is accessed (albeit only with the permission of BBL) from Long Lane at the southern edge of the village, and is referred to in these representations as "the Old Railway Land" hereafter. The False Statement was inaccurate, misleading and prejudicial to BBL 's interests for the reasons first indicated to HOC in a letter dated 4th July 2017 (the July Letter) and further summarised in these representations.</p> <p>1.6 We understand that as a result of new evidence first put forward on BBL's behalf in the July Letter, HDC takes a different view from that of the Examiner concerning one of the recommendations made by the Examiner.</p> <p>1.7 It is HDC's proposal that this modification to the GENP recommended by the Examiner (the Flawed Recommendation) should be rejected and that the False Statement should be excluded from the GENP.</p> <p>1.8 These representations are made in support of:</p> <p>1.8.1 HDC's proposal to reject the Flawed Recommendation of the Examiner's; and</p> <p>1.8.2 the exclusion of the False Statement from the GENP which is to be put forward for referendum accordingly.</p>
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2. The Inaccuracy of the False Statement

2.1 The ER makes a number of comments in respect of policy H3. The Examiner has recommended that Policy H3 be combined with policy H1 to form a new policy H1. A number of specific recommendations are made at paragraph 83 of the Report culminating in the False Statement.

2.2 The False Statement is not objective or empirical in character - nor does it express a planning judgment within the purview of an examiner considering whether or not the submission version of a neighbourhood plan satisfies the basic conditions.

2.3 It purports to be the expression of a position taken by a particular landowner - BBL - and it is therefore entirely a matter of record and the landowner's own position as to whether that statement of BBL's position is accurate or not. It is not accurate and it was not accurate at the time at which the Examiner considered the submission version of the GENP.

2.4 It has in fact never been BBL's position that in respect of the development of the Barnsdale House site alone, permissive pedestrian access to an area of former railway track elsewhere in the village would be provided by BBL.

2.5 BBL's position was that as part of a multi-site development it would provide a permissive footpath along the Old Railway Land for the benefit of all residents in lieu of any affordable housing contribution otherwise required as a condition of that multi-site development.

2.6 The submission version of the GENP went on to confirm in policy H3 itself that:

"A planning obligation under section 106 of the Town and Country Planning Act 1990 shall provide for a permissive path for pedestrians only to be made available in perpetuity along the section of disused railway line as a contribution towards the establishment of a circular walking route..."

2.7 The Examiner made certain criticisms relating to the potential use of a planning obligation in that respect and we have responded in writing to HDC in respect of those points so we do not repeat them here.

The short point is that the Examiner's recommendation that the GENP should be modified by the inclusion of the False Statement was - with due respect to the Examiner - founded upon an apparent inference as to BBL's position which had no basis in fact.

2.8 BBL strongly supports HDC's proposal to omit the False Statement from the GENP accordingly.

3. Conclusion

3.1 The result of the flawed approach towards the role of planning obligations and towards policy H3 on the Examiner's part was that :

	<p>(i) the Examiner recommended the omission from policy of a reference to a desirable planning obligation which would have secured a valued local benefit had Policy H3 remained substantially as proposed by the Qualifying Body in the submission version of the GENP ; and</p> <p>(ii) wrongly and prejudicially attributed to BBL a position which it does not have and has never professed to have.</p> <p>3.2 HOC is therefore correct to have determined that paragraph 83, bullet point 7, of the ER wrongly ascribes to the landowner a position which it has never had (and which the submission version of the GENP did not establish any basis for) and that for planning policy-making purposes BBL as the landowner has not committed to providing permissive pedestrian access over the Old Railway Land.</p> <p>3.3 We understand the Qualifying Body to share the view of HOC that the Flawed Recommendation should be set to one side and the False Statement omitted from the GENP as it goes forward for consideration by the local community at the referendum stage.</p> <p>3.4 BBL strongly supports HOC's proposal to omit the False Statement from the GENP so that - amongst other things - residents considering whether or not to support the referendum version of the plan are not misled accordingly.</p>
Resident	<p>I respond as follows: -</p> <p>I am not at all surprised by the challenge to the Examiner's Report but one wonders why it has taken this long as there have been numerous opportunities to raise this point beforehand, particularly, at one of the many public access meetings which have taken place locally over the preceding months.</p> <p>I have already stated publicly that I am, in general, a advocate of Neighbourhood Plans. Having said that my view on the Great Easton Neighbourhood Plan has not altered since my original response and I can confirm, therefore, because of the inclusion of the Barnsdale House site I will not support the Plan when it eventually comes to a referendum.</p> <p>Whilst appreciating all the hard work and endeavour carried out by numerous volunteers over the past 3 years in producing this Plan I have always considered the inclusion of the Barnsdale House site as erroneous, plain wrong and an act of appeasement. In satisfying the housing figure required by the Local Planning Authority I consider there are far more suitable and sensible options.</p> <p>With regard to the "permissive footpath" this has always been something of a sop. I am of the opinion this would only go ahead if the combined Planning Application of 6 new dwellings in the rear garden of Barnsdale House (totally unacceptable) and the "workers cottage" at Castle View Stables (again totally unacceptable) were successful. So, was it ever thus?</p> <p>The fact is this multi-faceted Application set a precedent i.e. 3 different proposals on 3 different locations wrapped up as some "holistic" approach was, in my view, absurd and unrealistic from the outset, however, should a part of the proposal be unsuccessful it gave the Applicant a get-out regarding the circular path.</p>

Leicestershire County Council	Thank you for informing us of the Examiner's recommendations and the District Council's proposals. I hereby confirm that Leicestershire County Council have no comments to make in this regard.
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