

**Medbourne Parish Council**

# **Medbourne Neighbourhood Development Plan**

A report to Harborough District Council of the Independent Examination of the Medbourne Neighbourhood Development Plan

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## Overall Finding

This is the report of the Independent Examination of the Medbourne Neighbourhood Development Plan. The plan area comprises the entire civil parish of Medbourne within the Harborough District Council area. The plan period is 2017-2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates land for the development of approximately 39 dwellings.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans 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.
3. The Medbourne Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Medbourne Parish Council (the Parish Council). The draft Plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Medbourne Neighbourhood Area which was formally designated by Harborough District Council (the District Council) on 16 April 2015. Since August 2015 the Neighbourhood Plan has been produced by the Medbourne Plan Advisory Committee (the Advisory Committee), made up of ten volunteers from the community and two members of the Parish Council.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council arranged a period of publication between 7 February and 22 March 2018. The District Council has submitted the Neighbourhood Plan to me for independent examination, which formally commenced on 23 March 2018.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

## Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted<sup>3</sup>.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of

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<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

<sup>3</sup> Paragraph 198 National Planning Policy Framework 2012

Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>4</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>5</sup>

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>6</sup> The Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

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<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

## Basic Conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>7</sup> A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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, 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.<sup>8</sup>

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>9</sup> All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

15. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>10</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

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<sup>7</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

<sup>8</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>9</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

<sup>10</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).



16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 16 April 2015. A map of the Neighbourhood Plan boundary is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Medbourne parish boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>11</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>12</sup> All requirements relating to the plan area have been met.
17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>13</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>14</sup> I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>15</sup> The front cover of the Submission Version Plan clearly states the plan period to be 2017-2031.
19. 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.<sup>16</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as,

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<sup>11</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>13</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>14</sup> Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>15</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>16</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) 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.<sup>17</sup>

## Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Medbourne Neighbourhood Plan 2017-2031 Submission Version 1.0 November 2017 including Appendices 1 to 12
- Medbourne Neighbourhood Plan Basic Conditions Statement November 2017 [*In this report referred to as the Basic Conditions Statement*]
- Medbourne Neighbourhood Plan Consultation Statement November 2017 including Appendices 1 to 13 [*In this report referred to as the Consultation Statement*]
- Medbourne Neighbourhood Plan Strategic Environmental Assessment Screening Report December 2017 [*In this report referred to as the SEA report*]
- Medbourne Neighbourhood Plan Strategic Environmental Assessment Determination Report March 2018
- Evidence Base documents available on the Medbourne Parish Council website at [www.Medbournepc.co.uk/Medbourne-neighbourhood-plan/](http://www.Medbournepc.co.uk/Medbourne-neighbourhood-plan/)
- Representations received during the Regulation 16 publicity period and Harborough District Council listing

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<sup>17</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Harborough District Local Development Framework Core Strategy 2006 – 2028 Adopted 14 November 2011
- Harborough District Local Plan (April 2001) Policies which continue to apply (available on Harborough DC Website)
- Harborough Local Plan 2011 to 2031 Proposed Submission Version dated September 2017
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance DCLG (April 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

## Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the Submission Plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

25. Responses to a questionnaire sent to residents by the Parish Council

in 2014 revealed majority support for the development of a Neighbourhood Plan. Following application by the Parish Council in February 2015 the Neighbourhood Area was formally designated by the District Council in April 2015. A Medbourne Plan Advisory Committee comprising 2 Parish Councillors and 10 other members was established.

26. Engagement with residents and other stakeholders in Plan preparation has included a wide range of methods including leaflets, letters and notices; open days and other meetings including a young people's event; participation in village events; and use of the Parish magazine, village email list and Parish Council website. Landowners were invited to propose potential development sites. Theme groups for housing; environment and heritage; and community, economy and transport gathered evidence and identified emerging priorities; and a questionnaire was sent to local businesses. A Community Questionnaire circulated in Feb/March 2017 was a key activity in the collection of quantifiable evidence from the local community.
27. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period August to October 2017. The consultation included deposit of copies of the Plan in the village shop and post office; posters; letters to stakeholders including landowners; a leaflet in the Parish Magazine delivered to every household; and notices on the Parish website and using social media. The representations arising from the consultation are comprehensively presented within Appendix CS-11 of the Consultation Statement where responses, and amendments to the Neighbourhood Plan, are set out. The suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the District Council.
28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 7 February and 22 March 2018. Representations from 11 different parties were submitted during the period of publication. I have been provided with copies of each these representations. Gladman Developments raise concerns that the Neighbourhood Plan "*does not conform with national policy and guidance*". The representation raises specific concerns in relation to a number of policies. I have taken these comments, and other representations that relate to specific policies of the Neighbourhood Plan, into account when considering the policies

concerned later in my report.

29. One representation states *“I look forward to a successful adoption of the Plan”* and another representation includes the supportive comment *“A very good document professionally put together, and accurately reflecting the community’s views. Thanks to the hard work and commitment of the people involved”*. In another representation Leicestershire County Council has submitted comments covering a wide range of topics including suggestions for additional policies. There is no requirement for the Neighbourhood Plan to include any particular policies and it is beyond my remit to recommend additional policies. The County Council comments and those of National Grid do not necessitate any modification of the Neighbourhood Plan in order to meet the Basic Conditions.
30. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part.
31. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>18</sup>
32. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Advisory Committee has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

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<sup>18</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

## The Neighbourhood Plan taken as a whole

33. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the background and supporting documents and copies of the representations provided to me.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, 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

34. The Basic Conditions Statement states “*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.*” I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>19</sup> I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Whilst no analysis has been undertaken to establish the impact the objectives and policies of the Neighbourhood Plan will have on persons with protected characteristics (as identified in the Equality Act 2010). From my own examination, the Neighbourhood Plan would

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<sup>19</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

appear to have neutral or positive impacts on groups with protected characteristics.

35. The objective of EU Directive 2001/42<sup>20</sup> is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’<sup>21</sup> as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.<sup>22</sup>
36. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
37. A representation states “Gladman previously submitted comments querying whether a Strategic Environment Assessment (SEA) screening assessment had been undertaken. Noting that this screening assessment had not been undertaken prior to the Regulation 14 consultation taking place Gladman are increasingly concerned that the results of this screening assessment cannot be confirmed as Harborough Borough Council (HBC) are waiting on comments from the statutory consultees. If any of the statutory consultees consider that a SEA will be required, an SEA should be produced which will need to be subject to further consultation. Noting HBC’s conclusions in the screening assessment that the emerging Local Plan’s SA does not identify any likely significant environmental effects as this has not yet been tested at examination and as the MNP allocates sites for development Gladman find it highly unlikely that an SEA would not be required to demonstrate how the cumulative effects of the proposed development within the neighbourhood plan area will not have significant environmental effects.”

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<sup>20</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>21</sup> Defined in Article 2(a) of Directive 2001/42

<sup>22</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

38. Following a Strategic Environmental Assessment Screening Report prepared in December 2017, the District Council has on behalf of the Parish Council issued a Strategic Environmental Assessment Determination Report in March 2018. This determination gives the opinion of the Local Planning Authority whether the Medbourne Neighbourhood Plan requires a full Strategic Environmental Assessment. The responses of the three Statutory Consultees (Historic England, Natural England and The Environment Agency) to the Screening Report of December 2017 are presented. The Determination Report states *“As a result of the assessment in Section 4 above and the further detailed consideration of each policy in the submission version Neighbourhood Plan (Appendix 4), it is unlikely there will be any significant environmental effects arising from policies in Medbourne Submission Version Neighbourhood Plan as submitted. Any environmental effects will in the opinion of the LPA be small and local in nature. The environmental effects have been considered in the Sustainability Appraisal of the Core Strategy and the Sustainability Appraisal for the emerging New Local Plan. The policies of the Medbourne Neighbourhood Plan give sufficient assurance to the Authority that any effects on the natural and historic environment have been considered during the preparation of the Plan and will be mitigated against by implementation of those policies. As such, it is the consideration of the Local Planning Authority that Medbourne Neighbourhood Plan does not require a full SEA to be undertaken.”* Whilst the Sustainability Appraisal for the emerging Local Plan has not yet been subject to Examination the Sustainability Appraisal of the Core Strategy has been found to be satisfactory at Examination. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

39. The Basic Conditions Statement states *“The Neighbourhood Plan area does not include or is not close to a European site that would require a Habitat Regulation Assessment.”* The Strategic Environmental Assessment Determination Report of March 2018 includes, at Appendix 4, an analysis of *“Potential likely significant effects on Natura 2000 sites within 50km (Rutland Water SPA 15 km away)”* and for each policy a *“conclusion relating to Habitats Regulations (HRA)”*. No negative effects are identified. Appendix 4 includes the conclusion that in the opinion of the Local Planning Authority the policies of the Neighbourhood Plan do not give potential for significant detrimental effects on local historic or environmental sites, Natura 2000 sites, or



Habitat Regulations. I conclude the Neighbourhood Plan meets the requirements of the EU Habitats Regulations.

40. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

41. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- 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.

42. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. Harborough District Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).<sup>23</sup>

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

43. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. 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

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<sup>23</sup> Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

Local Plans<sup>24</sup> which requires plans to be “*consistent with national policy*”.

44. Lord Goldsmith has provided guidance<sup>25</sup> that ‘*have regard to*’ means “*such matters should be considered.*” The 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.*”
45. The Basic Conditions Statement includes a statement in general terms that identifies how the Neighbourhood Plan as a whole has regard for national policy and advice and includes Table 1 that sets out a commentary how each of the Neighbourhood Plan policies have regard to identified paragraphs of the Framework. I am satisfied this assessment and the Table that follows it demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
46. The Neighbourhood Plan includes a positive vision for Medbourne Parish in 2031. The vision includes economic components with reference to support of existing and new small businesses and encouragement of employment opportunities, and social components concerned with preservation of community amenities and promotion of recreational activities as well as housing developments in accordance with local need. The vision also refers to environmental matters including protection of open spaces and heritage assets, and design of housing developments to be sympathetic to the character of the village. These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system.
47. The vision is supported by nineteen objectives of the Neighbourhood Plan, presented under the five headings of Housing, Environment and Heritage, Community Facilities, Employment, and Transport, which

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<sup>24</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

<sup>25</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

provide a link between the vision and the policies of the plan. These objectives are consistent with the Framework.

48. The Neighbourhood Plan includes a number of community actions relating to identification of new open space, sport and recreation sites; biodiversity; rivers and flooding; community facilities; Assets of Community Value; footpaths and bridleways; transport, roads and parking; and home-based working. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning is consistent with this guidance and represents good practice. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I am satisfied the colour-coding approach adopted in the Neighbourhood Plan adequately differentiates the community actions from the policies of the Plan and has sufficient regard for the Guidance.

49. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

50. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread

running through both plan making and decision-taking.<sup>26</sup> The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”<sup>27</sup>.

51. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

52. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Section 4.2 of the Basic Conditions Statement confirms the Neighbourhood Plan contributes to the achievement of sustainable development.

53. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Allocate five sites for residential development that together could accommodate approximately 39 dwellings;
- Support further development within defined limits to development for Medbourne;

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<sup>26</sup> Paragraph 14 National Planning Policy Framework 2012

<sup>27</sup> Planning Practice Guidance (Ref ID:41-072-20140306)

- Require new housing development proposals to provide a mix of housing types that meet local needs;
- Establish building design principles;
- Protect three Local Green Spaces and other sites and features of environmental significance, and other important open spaces;
- Safeguard biodiversity and wildlife corridors;
- Conserve or enhance the character, integrity and setting of 21 buildings or structures of local historical or architectural significance;
- Ensure loss or damage to ridge and furrow areas is properly considered;
- Ensure important views are respected and where possible enhanced;
- Support renewable energy generation infrastructure;
- Ensure development proposals consider adverse ground conditions and drainage and flooding;
- Guard against unnecessary loss of community facilities and amenities and support new provision;
- Maintain the integrity of active travel routes and assist safe and efficient travel;
- Support existing employment and new employment opportunities including re-use of agricultural and commercial buildings and enhancement of the visitor economy; and
- Ensure appropriate communications infrastructure.

54. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether 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)

55. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.<sup>28</sup> “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.<sup>29</sup>

56. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”<sup>30</sup>

57. In this independent examination, I am required to consider whether 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 District Council has informed me that the Development Plan applying in the Medbourne neighbourhood area and relevant to the Neighbourhood Plan comprises the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’. The District Council has confirmed to me that all of the policies of the Core Strategy 2006- 2028 are considered to be strategic policies of the Development Plan. As the Core Strategy and the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict.

58. In a representation Gladman Developments Ltd state “*The adopted Development Plan relevant to the preparation of the Medbourne Neighbourhood Plan consists of the adopted Harborough Core Strategy covering the period from 2006 – 2028. This plan was adopted in November 2011 and therefore is out of date against the requirements of the Framework which requires local planning*

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<sup>28</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>29</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>30</sup> Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

*authorities to identify and meet full Objectively Assessed Needs (OAN) for housing. Whilst this is the Development Plan that the Medbourne Neighbourhood Plan will be tested against it is important that sufficient flexibility is included within the Plan so that its contents are not superseded by the provisions of s38(5) of the Planning and Compulsory Purchase Act 2004” and with respect to the emerging Local Plan “To meet the requirements of the Framework, the Council has commenced work on a new Local Plan, covering the period from 2011 and 2031. The plan was submitted to the Secretary of State on the 16<sup>th</sup> March and whilst the policies of the proposed plan have not yet been subject to Examination in Public, the strategic direction that the Council is proposing to take is clearly set out. The MNP should ensure policies are sufficiently aligned with the emerging Local Plan to minimise any potential conflicts when the plan is adopted. Within the proposed Harborough Local Plan, Medbourne is categorised as a one of seventeen Selected Rural Villages in the settlement hierarchy. This tier of settlements, along with the Rural Centres, will deliver 790 dwellings on non- allocated sites or sites allocated in neighbourhood plans. Policy H1 sets Medbourne a housing target of a minimum of 30 dwellings for Medbourne in the plan period to 2031.”*

59. On 16 March 2018, the Harborough Local Plan 2011 to 2031 and its supporting documents were submitted by the District Council to the Secretary of State for Ministry of Housing, Communities and Local Government via the Planning Inspectorate. Submission of the Local Plan represents the start of the Examination process which will determine if the Council’s Local Plan is ‘sound’. The Harborough Local Plan 2011 to 2031 is not yet part of the Development Plan. The District Council has confirmed to me that all of the policies of the Local Plan 2011 to 2031 (with the exception of Policies GD6: Areas of Separation; GD9: Minerals Safeguarding Areas; H3: Rural exception sites; RT3: Shopfronts and advertisements; HC2: Community facilities; HC3: Public houses, post offices and village shops; GI3: Cemeteries; GI4: Local Green Space; and CC4: Sustainable drainage) are considered to be strategic policies.

60. The Neighbourhood Plan can proceed ahead of preparation of the new Harborough Local Plan 2011 to 2031. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order 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 or Order 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. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

*with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”<sup>31</sup>*

61. The Neighbourhood Plan states “A new Local Plan is currently in preparation and the Neighbourhood Plan has taken the provisions within this emerging document into account”. This approach represents good practice. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the emerging Harborough Local Plan 2011 to 2031 when adopted; the

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<sup>31</sup> Paragraph: 009 Reference ID: 41-009-20160211 Planning Practice Guidance



matter will be resolved in favour of the plan most recently becoming part of the Development Plan, however the Guidance is clear in that potential conflicts should be minimised.

62. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Harborough Local Plan 2011 to 2031 is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.<sup>32</sup> The Guidance states “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan*”. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

63. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there to introduce a degree of flexibility.*”<sup>33</sup> The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

64. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local*

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<sup>32</sup> The District Council has work underway to prepare The Vale of Aylesbury Local Plan. The Local Development Scheme dated December 2014 indicates adoption is intended in July/August 2017

<sup>33</sup> *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

*approach to that set out in the strategic policy without undermining that policy;*

- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”<sup>34</sup>*

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

65. Consideration as to whether 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) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan policies**

66. The Neighbourhood Plan includes 24 policies as follows:

Policy H1 Residential Site Allocations

Policy H2 The Limits to Development

Policy H3 Housing Mix

Policy H4 Windfall Development

Policy H5 Building Design Principles

Policy ENV1 Protection of Local Green Space

Policy ENV2 Protection of Other Sites and Features of Environmental Significance

Policy ENV3 Other Important Open Spaces

Policy ENV4 Biodiversity and Wildlife Corridors

Policy ENV5 Built Environment: Non-Designated Heritage Assets

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<sup>34</sup> Planning Practice Guidance (ID ref: 41-074 201 40306)

Policy ENV6 Ridge and Furrow

Policy ENV7 Protection of Important Views

Policy ENV8 Renewable Energy Generation Infrastructure

Policy ENV9 Ground Stability, Springs and Groundwater

Policy ENV10 Rivers and Flooding

Policy CF1 Retention of Community Facilities and Amenities

Policy CF2 New and Improved Community Facilities

Policy CF3 Pedestrian Pavements and Footpaths

Policy TR1 Transport, Roads and Parking

Policy E1 Support for Existing Employment Opportunities

Policy E2 Support for New Employment Opportunities

Policy E3 Re-use of Agricultural and Commercial Buildings

Policy E4 Visitor Economy

Policy E5 Communications Infrastructure

67. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*<sup>35</sup>

68. The Guidance states *“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*

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<sup>35</sup> Paragraphs 184 and 185 National Planning Policy Framework 2012

*respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”<sup>36</sup>*

69. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*<sup>37</sup>

70. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*<sup>38</sup>

71. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

### **Policy H1 Residential Site Allocations**

72. This policy seeks to allocate five sites for residential development, each subject to development criteria, making total provision for about 39 new dwellings.

73. In a representation the District Council states with respect to site 1 *“The policy says that the site will provide for ‘about 12 dwellings’ with 40% being affordable. Concern that if 10 or less dwellings are provided the affordable housing element would not be required because of National Policy”* and with respect to sites 2, 3, and 4 *“The density for this site is low especially as they are also asking for smaller properties.*

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<sup>36</sup> Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

<sup>37</sup> Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

<sup>38</sup> Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

*The consequence of this is that the proposal will not make best use of the land as there will be a small number of small dwellings on quite a large plot. The density could be increased in this location to at least 10 dwellings, although they could keep the smaller housing mix for a proportion of them”.*

74. Anglian Water state *“We have made an initial assessment of the available capacity within the foul sewerage network to accommodate the foul flows from these sites on an individual basis. Currently it is expected that these sites would not require improvements to the existing sewerage network to be made prior to the occupation of proposed dwellings. We have no objection to the principle of residential development on the identified site allocations”.*
75. The Environment Agency states *“Whilst the EA believes the Plan meets the basic conditions and other legal requirements we wish to point out that the access/egress to allocation site 3: Manor Farm Hallaton Road, appears to lie within Flood Zone 2 and/or 3 and therefore depending on the location of any future planning application red outline the Local Planning Authority will need to be satisfied the site passes the flooding sequential test and (again, depending on the location of the red outline) a Flood Risk Assessment may be required.”*
76. Another representation states *“I would like to reiterate that we fully support the scheme and confirm that the proposals are in line with the requirement of the village, namely that the site will be a combination of bungalows and houses”* although the precise site referred to is not specified.
77. A further representation states *“Criteria c) could be prohibitive for a scheme of four dwellings at this allocation. However, as the policy permits "about four dwellings", it is considered of sufficient flexibility to permit a scheme of five dwellings of which three are to be three-bed or smaller.”*
78. Another representation states with respect to Site 2 *“The plan's proposals relate to a period from 2018 to 2031 yet the proposals are very prescriptive. It cannot be helpful to the Local Planning Authority to be thus fettered, particularly in view of their obligations to be in line with national policy. 13 years is a long time and flexibility will be necessary. The Additional potential site to the South of Site 2 and to the rear of 41A Main Street has been omitted from the boundaries of Site 2 and should be included as a potential development site; as plans for the existing site (as shown on the Location Map) are well*

*advanced, this additional site would naturally be brought forward at a later time”.*

79. Another representation states *“This policy sets out that about 39 new dwellings will be provided in the plan period through allocations. This adds a buffer to the housing requirement as set out in the emerging Local Plan however as the overall requirement in the Local Plan states ‘a minimum of’ Gladman suggest the policy wording is modified to state that there will be a minimum of 30 dwellings delivered in the plan period. Recognising that the MNP allocates housing sites above this figure capping the development figure for the MNP at the level of the allocations in the plan does not accord with the Framework which seeks to significantly boost the supply of housing.”*

80. The Framework states local planning authorities should set out their own approach to housing density to reflect local circumstances. Core Strategy Policy CS2 establishes a net density standard of 30 dwellings per hectare for sites of 0.3 hectares or above in areas including Medbourne. Given the small size of sites allocated in the Neighbourhood Plan and the numbers of dwellings indicated for those sites I consider the requirement to be in general conformity with strategic policy is met. In recognition of the points made in representations regarding total housing delivery, and delivery of affordable dwellings, I have recommended a modification requiring a minimum of the specified number of dwellings on the larger allocation sites. In this way I am satisfied total housing delivery will be in general conformity with the strategic requirement. With respect to the issue of flood risk affecting part of Site 3, I am satisfied the Guidance provides a framework to address this matter as a development scheme is prepared. It is not within my role to recommend additional land is included in allocation site 2. I have recommended consistent use of the term “dwellings” to avoid confusion. The achievement of a permissible footpath to Leviathan Wood may not be within the control of an applicant for development and I have therefore adjusted the requirement to be a contribution subject to the viability requirements set out in paragraph 173 of the Framework.

81. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the

Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

82. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 1:**

##### **In Policy H1**

- **in Site 1 and Site 4 delete “about” and insert “a minimum of”**
- **delete “This footpath should continue” and insert “The proposal must, subject to viability assessment, include a contribution to achieve the continuation of this footpath”**
- **throughout the policy delete “houses” and insert “dwellings”**

#### **Policy H2 The Limits to Development**

83. This policy seeks to establish support for development proposals within 'limits to development' defined on Figure 3 and to establish an approach to proposals outside the defined limits. I have considered Policy H2 in two respects, firstly the approach to identify limits to development, and secondly the limits to development alignment.

84. In a representation the District Council states *“Concern that this contradicts paragraph 55 of the NPPF which makes it clear that residential development only in ‘isolated locations’ should not be supported unless it meets the exceptions. Clarification required about what is meant in part d) ‘development suitable to a countryside location’ NPPF para 55 does not rule out houses in the countryside provided that they are not isolated so they would in theory be ok outside of the development limits.”*

85. Another representation states *“This policy seeks to retain Limits to Development (LTD) for Medbourne. The emerging Local Plan sets a flexible approach towards development on the edge of settlements*

*instead of a rigid LTD approach. Gladman object to the use of settlement limits which seek to preclude otherwise sustainable development from coming forward on the edge of settlements. This policy approach does not accord with the approach of the Framework to approve sustainable development without delay and would conflict with the emerging policy approach when it is adopted. Gladman suggest should the LTD be retained this should be caveated with a permissive approach to sustainable development adjacent to the boundary of Medbourne aligned with the emerging Harborough Local Plan.”*

86. A limit to development is used in the Neighbourhood Plan as a policy tool to define where plan policies are to apply, and in particular where development proposals will normally be supported and where proposals will be carefully controlled. Proposals are subject to other policies of the Neighbourhood Plan including those which establish design principles. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the Local Plan, as required by paragraph 184 of the Framework.
87. The Guidance states *“Although a draft Neighbourhood Plan or Order 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. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Core Strategy Policy CS1 states support for “the provision of rural housing which contributes towards the provision of affordable housing where there is a demonstrable need and to protect existing services in smaller settlements (below Rural Centre level).” Core Strategy Policy CS17 states “in other selected rural villages” (which at the time of preparation of the Core Strategy Medbourne was judged to be) “development will be on a lesser scale”. The Core Strategy does not assign a housing need number to Medbourne. The latest assessment of the number of homes to be provided in the Plan area is established by the emerging Harborough Local Plan 2011 to 2031 in which Policy H1 states a minimum of 30 dwellings should be provided in Medbourne in addition to existing commitments and completions and the allowance for windfalls. Clearly*



if there is a future conflict between a policy of the Local Plan and the Neighbourhood Plan then the conflict is resolved in favour of the Plan that last became part of the Development Plan, however the Guidance is clear in that potential conflicts should be minimised.

88. The Neighbourhood Plan allocates five residential development sites that could accommodate approximately 39 dwellings. The contribution arising from these sites amounts to a significant boost to the supply of housing. Whilst no total figure can be assumed there is undoubtedly potential for a significant number of additional dwellings to be provided on infill plots or through the redevelopment of sites within the proposed limits to development. The Neighbourhood Plan places no cap or limit on the number of homes that can be provided within the limits to development. I conclude Policy H2 will not lead to the Neighbourhood Plan promoting less development than set out in the Local Plan, as required by paragraph 184 of the Framework.
89. Paragraph 55 of the Framework states “*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:* • *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or* • *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or* • *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or* • *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:* – *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;* – *reflect the highest standards in architecture;* – *significantly enhance its immediate setting; and* – *be sensitive to the defining characteristics of the local area.”* Policy H2 is silent with respect to the possibility of special circumstances that would justify support of a proposal for an isolated home outside the limits to development. I have recommended a modification so that the policy has sufficient regard for national policy in this respect.
90. Paragraph 54 of the Framework states “*In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”* Policy H2 has sufficient regard for national policy in this respect.

91. The Framework states neighbourhood plans should promote the development and diversification of agricultural and other land-based rural businesses and should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. I have recommended a modification so that the policy has regard for these aspects of national policy.
92. The terms “*can include*” and “*in principle*” introduce uncertainty. I have recommended these, and the imprecise references in the policy to “*development suitable to a countryside location*” and “*in line with local and national planning policies*”, are deleted so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The Development Plan should in any case be read as a whole.
93. I now consider issues relating to the precise alignment of the limits to development. A representation states “*I have to raise a strong objection to the designated village boundary on Drayton Road. I have mentioned this previously to the chair of the committee but wish to formally put my point. When the application for the houses to be built on Drayton Road for 6 houses was applied for, it clearly showed a demarcation line of the site well before the last house in the village. Ref 14/01411/FUL The NP now shows the plot extended to beyond the last house. Medbourne is a conservation village and as such the entrances, which set the scene of the village deserve protection of the strictest kind. The paddock was definitely classed as open countryside which has been spoilt already and we do not want it desecrated further. The neighbourhood plan should align with the planning permission granted on this site and should clearly show a limit to development and should not allow sprawl to happen.*”
94. Limits to development can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the limits to development. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. Limits to development do not have to include the full extent of a settlement, and limits to development do not have to reflect land ownership boundaries or the precise curtilages of properties. Limits to development can be used to identify the limits to future development of

a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include parts of large residential gardens.

95. The Neighbourhood Plan states *a clear explanation of the method used in defining the limits to development*. The limits to development proposed has been subject to community engagement and consultation during the plan preparation process. Consideration has been given to the character of the settlement and its development form. I am satisfied the limits to development indicate a physical limit to development over the plan period and will guide development to sustainable solutions. It is beyond my role to consider whether any alternative alignment of the limits to development would offer a more sustainable solution, including those proposed in the representation relating to the Drayton Road area.

96. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies. I have noted the Neighbourhood Plan states *"If it is considered by the Parish Council that changes are necessary to the Neighbourhood Plan, it will commence a formal review in conjunction with the Local Planning Authority"*. This commitment to monitoring represents good practice.

97. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; delivering a wide choice of high quality homes; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

## **Recommended modification 2:**

### **In Policy H2**

- **delete "in line with local and national strategic planning policies"**
- **delete "can include" and insert "includes"**
- **delete "(in principle)"**

- after diversification insert “and other land-based rural businesses”
- after “sport use” continue “or for rural tourism that respects the character of the countryside”
- delete d)
- add a final paragraph “New isolated homes in the countryside will not be supported except in the special circumstances described in paragraph 55 of the Framework.”

### Policy H3 Housing Mix

98. This policy seeks to establish that new housing development proposals should provide a mixture of housing types to meet identified local needs. The policy establishes support for small family homes and accommodation suitable for older people and specifies larger homes should provide a minority of accommodation on any site.

99. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.<sup>39</sup> The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*.

100. The issue of standards for accessible and adaptable dwellings is covered by Part M Volume 1: Access to and use of dwellings. This includes requirement M4(1) Category 1 – Visitable dwellings, and optional requirement M4(2) Category 2 - Accessible and adaptable dwellings of The Building Regulations 2010 (incorporating 2016 amendments for used in England). This approved document sets out what, in ordinary circumstances, may be accepted as reasonable provision for compliance with the relevant requirements of the Building Regulations. Policy H3 is not seeking to establish any requirements but is using the Building Regulations as a means to define the type of

<sup>39</sup> <https://www.gov.uk/guidance/housing-optional-technical-standards>

development that will be supported. The wording of the policy is not precise in this respect. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

101. The term “*where in accordance with other policies*” is imprecise. The Development Plan, including the Neighbourhood Plan and other guidance should be read as a whole. It is unnecessary and confusing to refer to other policies. The term “*the identified local needs in Medbourne*” is also imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

102. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies, in particular Policies CS1 and CS3.

103. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 3:**

#### **In Policy H3**

- **after “meet the” insert “latest assessment of”**
- **after “bedrooms) or” insert “homes suitable” and delete “(ground floor accommodation meeting accessible requirements in Building Regulations M2)”**
- **delete “where in accordance with other policies”**

## **Policy H4 Windfall Development**

104. This policy seeks to establish conditional support for infill and redevelopment sites of four dwellings or fewer.
105. The limitation of support to only apply to development proposals of four or fewer dwellings is not adequately explained or justified. The statement that “*such sites have made a small but regular contribution towards the housing supply in the Parish for a considerable time*” is not sufficient. The Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*”.<sup>40</sup> I have recommended a modification in this respect that recognises infill or redevelopment schemes are likely to relate to individual dwellings or small groups of dwellings.
106. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
107. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 4:**

**In Policy H4 Delete “(four dwellings or fewer)” and insert “(individual dwellings or small groups of dwellings)”**

## **Policy H5 Building Design Principles**

108. This policy seeks to establish building design principles.

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<sup>40</sup> Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

109. In a representation the District Council states *“The Building Design Principles is repetitious of Core Strategy.”* Another representation states *“It is essential in my view that any new houses use materials that blend with adjacent houses and architectural styles and also complement existing buildings. There have been some tragic examples of houses built in the 70's that made no attempt to do this and today look very out of place. Architect's vanity needs to be controlled”.*
110. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
111. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and requiring good design. This policy meets the Basic Conditions.

### **Policy ENV1 Protection of Local Green Space**

112. This policy seeks to establish protection for three defined Local Green Spaces. The wording of the policy reflects the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances. A representation states Local Green Spaces are extremely important and precious.
113. The Framework 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.”*

114. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figure 5 at a scale that is insufficient to identify the precise boundaries of each Local Green Space proposed for designation. When viewed digitally the scale of the map can be adjusted so that boundaries can be precisely identified. I recommend a modification such that the Plan document when printed as hard copy includes maps of each Local Green Space at a larger scale so that the boundaries of each Local Green Space can be precisely identified.

115. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

116. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *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; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”*<sup>41</sup>

I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

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<sup>41</sup> Paragraph 77 National Planning Policy Framework 2012



117. I now consider whether there is sufficient evidence for me to conclude that the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. The Green Spaces Report presented at Appendix 9 of the Neighbourhood Plan provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space.

118. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:**

**In Policy ENV1 identify each Local Green Space on a map at a sufficient scale to identify the boundaries precisely**

**Policy ENV2 Protection of Other Sites and Features of Environmental Significance**

119. This policy seeks to establish protection of 11 sites of environmental significance.

120. Designation as a site of environmental significance can only follow identification of the land concerned. It is essential that precise definition is achieved. The proposed sites are presented on Figure 6 at a scale that is insufficient to identify the precise boundaries of each site proposed for designation. When viewed digitally the scale of the map can be adjusted so that boundaries can be precisely identified. I recommend a modification such that the Plan document when printed

as hard copy includes maps of each site at a larger scale so that the boundaries can be precisely identified.

121. A representation states “*We are generally supportive of this policy but consider that it could be better worded to ensure consistency with other policies of the draft Neighbourhood Plan, in particular policy H1, to ensure that the allocations can be delivered. We would suggest the following revised wording: "Development proposals that affect them will be expected to protect or enhance the identified features in so far as is consistent with the other policies of the Neighbourhood Plan including Policy H1"*. Proposals must be considered in the context of each policy of the Development Plan. The balancing of considerations is a part of the judgement necessary in the determination of proposals. In the case of harm to non-designated heritage assets the Framework states it is necessary to balance the scale of any harm or loss and the significance of the asset. Where biodiversity is an issue the approach of the Framework is ‘avoid, mitigate, and as a last resort compensate’. I have recommended a modification so that the policy has regard for these aspects of national policy.
122. In a representation the District Council states “*Clarification required concerning what is meant by Environmental Survey (Trees/landscaping/Ecology?)*.” This issue is linked to the lack of clarity in the policy regarding the sites concerned and their reason for inclusion. The policy refers to 11 sites whereas Figure 6 displays 13 reference numbers. It is only with a great deal of difficulty that it is possible to link the information in Appendix 7 to the relevant site. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
123. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has

regard to the components of the Framework concerned with promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:**

**Replace Policy ENV2 with “To be supported development proposals that affect the following sites: (list the sites with the map reference and identify the feature/s that explain their inclusion, for example, biodiversity) must:**

- **in the case of heritage assets, demonstrate how they balance any harm or loss with the significance of the feature/s, and the benefits of the proposal;**
- **in the case of biodiversity assets, demonstrate how avoidance of harm, or mitigation, or compensation have been considered.”**

**Identify each site on a map at a sufficient scale to identify the boundaries precisely.**

### **Policy ENV3 Other Important Open Spaces**

125. This policy seeks to establish support for the protection and enhancement of the identified significant features of 8 identified sites.

126. Several sites have been identified due to their contribution to the distinctive character of Medbourne. The Framework states it is proper to seek to promote or reinforce local distinctiveness. Two of the identified sites relate to outdoor sports facilities and a third relates to a play area. The Framework states “*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities*”. Paragraph 74 of the Framework states “*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:* • *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;* or • *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;* or • *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*” I have recommended a modification so that the policy has sufficient regard for national policy.

127. The policy supports the protection of the identified sites but it is unclear how this will be achieved. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
128. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
129. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 7:**

**Replace Policy ENV3 with “Development proposals that would lead to loss of, or harm to, the following important open spaces will not be supported except where sports or recreation facilities are being replaced by equivalent or better provision in a no less convenient location for users. Proposals to enhance the amenity of the open spaces will be supported: (list the important open spaces)”**

**Policy ENV4 Biodiversity and Wildlife Corridors**

130. This policy seeks to establish that development proposals will be expected to safeguard locally significant habitats and species and where possible to create new habitats for wildlife. The policy also seeks to protect wildlife corridors and links.
131. In a representation the District Council states “*Perhaps they need to think about a wording change here as Permitted development means something different in DM terms to a scheme that has planning*”

*permission, unless the intention is to control matters that are PD which is not possible for an NDP.”*

132. The policy includes the terms “*will be expected to*”, “where possible”, and “*should not*”. These terms do not provide a basis for determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
133. The Framework states “*to minimise impacts on biodiversity*” planning policies should identify and map components of the local ecological network including wildlife corridors. The Framework also recognises that if significant harm to biodiversity arising from a development cannot be avoided or mitigated, then as a last resort compensation should be considered. I am satisfied the network of wildlife corridors shown on Figure 8 serves a purpose of identifying areas of alert, in and adjacent to which, development proposals should, through evidence of investigation, demonstrate that the integrity and effectiveness of the network is not diminished.
134. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
135. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**Replace Policy ENV4 with “To be supported development proposals must safeguard locally significant habitats and species and demonstrate they take opportunities to create new habitats for wildlife. Proposals must demonstrate they will not harm the integrity and effectiveness of the wildlife corridors identified on Figure 8 and must not create barriers to the permeability of the**

landscape for wildlife in general, nor fragment populations of species of conservation concern.”

### **Policy ENV5 Built Environment: Non-Designated Heritage Assets**

136. This policy seeks to establish that development proposals conserve or enhance non-designated heritage assets and lists non-designated heritage assets currently identified.
137. A representation states “*As drafted this policy seeks to afford more protection to non-designated heritage assets than national policy elevating their significance to a protection only afforded to designated heritage assets. The Framework is explicit in Paragraph 135 that the effect of an application on the significance of a non-designated heritage should be taken in to account when determining a proposal. A balance judgement should be applied which has regard to the scale of any harm or loss against the significance of the heritage asset. Gladman suggest that for this policy to meet basic condition (a) the wording needs to be modified to include reference to the significance of a non-designated asset and the balanced judgement that should be applied, not a blanket restriction to development having an effect on a non-designated heritage asset.*”
138. The term “*will be expected to*” does not provide a basis for the determination of planning applications. Paragraph 135 of the Framework states “*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.*” I have recommended a modification in this respect so that the policy has regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
139. The Guidance states “*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.*”<sup>42</sup> The Guidance also states

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<sup>42</sup> Planning Practice Guidance Reference ID: 18a-007-20140306

*“Local Planning Authorities may identify non-designated heritage assets”<sup>43</sup> and “Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.”<sup>44</sup>*

140. It is appropriate for a community to use the neighbourhood plan preparation process to identify buildings and structures of local interest and to include policies to require particular consideration of assets that have been formally recognised by the District Council in the determination of planning applications. It is not appropriate to imply those assets identified will be recognised by the District Council as heritage assets. The status of the locally identified heritage assets should be clarified and the process to achieving their formal recognition should be explained. I have recommended a modification in this respect.

141. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

142. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:**

**In Policy ENV5 delete the second sentence with list of buildings and transfer those to a Community Action which states “The following buildings are identified as potential Non-Designated Heritage Assets”. The supporting text will require adjustment and the process for formal recognition by the District Council should be explained.**

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<sup>43</sup> Planning Practice Guidance Reference ID: 18a-039-20140306

<sup>44</sup> Planning Practice Guidance Reference ID: 18a-041-20140306

## Policy ENV6 Ridge and Furrow

143. This policy seeks to establish that identified ridge and furrow earthworks are recognised as non-designated heritage assets and that loss or damage from development proposals should be balanced against their significance as heritage assets.
144. A representation states “*As with policy ENV2, we are generally supportive of this policy but consider that it could be better worded to ensure consistency with other policies of the draft Neighbourhood Plan, in particular policy H1, to ensure that the allocations can be delivered. We would suggest the following revised wording: ‘Any loss or damage arising from a development proposal (or a change of land use requiring planning permission) will need to be balanced against their significance as heritage assets having regard to the other policies of the Neighbourhood Plan including Policy H1’*”
145. The policy includes an incorrect map reference. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
146. The Guidance states “*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.*”<sup>45</sup> The Guidance also states “*Local Planning Authorities may identify non-designated heritage assets*”<sup>46</sup> and “*Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.*”<sup>47</sup>
147. It is appropriate for a community to use the neighbourhood plan preparation process to identify buildings and structures of local interest and to include policies to require particular consideration of assets that have been formally recognised by the District Council in the determination of planning applications. It is not appropriate to imply

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<sup>45</sup> Planning Practice Guidance Reference ID: 18a-007-20140306

<sup>46</sup> Planning Practice Guidance Reference ID: 18a-039-20140306

<sup>47</sup> Planning Practice Guidance Reference ID: 18a-041-20140306



those assets identified will be recognised by the District Council as heritage assets. The status of the locally identified heritage assets should be clarified and the process to achieving their formal recognition should be explained. I have recommended a modification in this respect.

148. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

149. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 10:**

**Replace Policy ENV6 with “The areas of ridge and furrow earthworks identified on Figure 11 are identified as potential Non-Designated Heritage Assets”. The supporting text will require adjustment and the process for formal recognition by the District Council should be explained.**

**Policy ENV7 Protection of Important Views**

150. This policy seeks to establish development proposals should respect and where possible enhance important views identified on Figure 12.

151. A representation states *“It is important that we do not blight the precious landscape with hideous windmills. There is a place for these, preferably off shore but certainly not in this beautiful part of the country. We should also not be taking good land out of food production for so called solar farm s. The government should legislate to ensure that all new warehouse and factory units have solar panelled roofs, therefore taking the need away from farm land. We do of course have a very successful renewable energy plant (bio digester) in the village”.*

152. Another representation states *“This policy seeks to protect the identified important and valued views where development would be restricted except in exceptional circumstances. At this time Gladman have seen no evidence to support the protection of these views. Paragraph 109 of the Framework states that ‘the planning system should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes...’ without defining what is considered a ‘valued landscape’. Numerous appeals have sought to bring clarity to this term and the consensus suggests that for a landscape to be considered as valued it must exhibit some demonstrable physical attributes which elevate its importance above simply being an area of undeveloped countryside. To warrant the inclusion of this policy Gladman suggest evidence will need to be produced to demonstrate how each of the views identified is elevated above merely being a view of a nice field.”*

153. I am satisfied the selection of views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. The term *“respect and where possible enhance”* is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

154. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 11:**

**In Policy ENV7 replace the second sentence before “and should” with “To be supported development proposals must not**

**significantly harm these views where seen from publicly accessible locations”**

### **Policy ENV8 Renewable Energy Generation Infrastructure**

156. This policy seeks to establish conditional support for renewable energy generation.
157. In a representation the District Council states *“This policy seems to imply that national companies cannot apply for renewable energy proposals in the Neighbourhood plan area. Clarification is required concerning this policy.”* Another representation states *“Whilst acknowledging the concerns raised within this policy Gladman consider this to be a strategic policy to be dealt with through higher-level plans and that it should be deleted.”*
158. It is confusing and unnecessary for the policy to relate to views when these are the subject of Policy ENV7. It is in any case views that are valued rather than a viewpoint. On both occasions it is used in the policy the term *“amongst other things”* introduces uncertainty. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
159. Paragraphs 131 to 136 of the Framework establish a policy regime for the determination of proposals that affect designated and non-designated heritage assets. The policy does not provide any additional level of detail or local approach. I have recommended the element of the policy relating to heritage assets should be deleted.
160. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
161. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding; conserving and

enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 12:**

**In Policy ENV8**

- after “supported” replace “. Proposals must” with “where proposals”
- in the first section a) delete “(including amongst other things,” and insert “with respect to” and delete the close of bracket
- delete “, in particular, views from any valued and accessible viewpoint;”
- delete “and designated and non-designated heritage assets”
- in the second section b) delete “amongst other things”

**Policy ENV9 Ground Stability, Springs and Groundwater**

162. This policy seeks to establish a presumption against new development in areas identified on Figure 13 that are susceptible to, or at risk of, natural ground condition issues

163. The Framework states planning policies should ensure a site is suitable for its new use taking into account ground conditions and land instability, although where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

164. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

165. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This policy meets the Basic Conditions.

## **Policy ENV10 Rivers and Flooding**

166. This policy seeks to establish development proposals of appropriate scale and where relevant are required to demonstrate geology, flood risk and natural drainage are taken into account and its design includes suitable measures and does not increase risk of flooding downstream.
167. In a representation the District Council states “*Repetitious of national policy*”. The policy does not add any level of detail or local approach to that set out in national and strategic policy. The terms “*of appropriate scale*”, “*where relevant*” and “*as appropriate*” are imprecise such that the policy fails to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. This policy does not meet the Basic Conditions.

### **Recommended modification 13: Delete Policy ENV10**

## **Policy CF1 Retention of Community Facilities and Amenities**

168. This policy seeks to establish that proposals leading to the loss of a community facility or amenity will not be supported unless it can be demonstrated any of three stated circumstances apply.
169. In a representation the District Council states the policy is “*Repetitious of national and Core Strategy*”. The policy refers to “*community facility or amenity listed above*”. The headings included in text before the policy in the Neighbourhood Plan are: village stores and post office; Medbourne village hall; the Nevill Arms; St Giles Church and Burial Ground; Recreation Activity facilities; and The Hollow. This list of facilities and amenities to which the policy applies should be included in the policy wording. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
170. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely

the Core Strategy 2006 to 2028 and the Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

171. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:**

**In Policy CF1 delete “an existing community facility or amenity listed above” and insert “any of the following community facilities or amenities: village stores and post office; Medbourne village hall; the Nevill Arms; St Giles Church and Burial Ground; Recreation Activity facilities; and The Hollow”**

**Policy CF2 New and Improved Community Facilities**

172. This policy seeks to establish conditional support for proposals that improve the quality and range of community facilities.
173. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 'Saved Policies') and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
174. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the Basic Conditions.

**Policy CF3 Pedestrian Pavements and Footpaths**

175. This policy seeks to establish that proposals that result in loss or significantly adversely affect pedestrian pavements, footpaths and bridleways will not be supported. The policy also seeks to establish support for the maintenance, upgrading and extension of the

pedestrian footpath network “including specific planning improvements set out above”.

176. The term “in the Parish” is unnecessary and confusing as the entire Neighbourhood Plan relates to the Parish which is designated the Neighbourhood Area. The term “including specific planning improvements set out above” is imprecise. The term “significant adverse effect on, the existing network of pedestrian pavements” is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

177. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

178. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 15:**

##### **In Policy CF3**

- delete “in the Parish”
- delete “including specific planning improvements set out above” and insert a list of the schemes concerned
- delete “the existing network of pedestrian pavements” and insert “footways”

#### **Policy TR1 Transport, Roads and Parking**

179. This policy seeks to promote sustainable transport and reduce traffic related problems.

180. In a representation the District Council states “*Repetitious of national and Core Strategy*” and another representation supports traffic calming measures in and out of the village.
181. The term “*minimise additional traffic generation and movement*” and “*sufficient*” are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Reference to another policy is unnecessary and to a degree confusing as all of the policies of the Neighbourhood Plan apply throughout the entire plan area unless a specific area of application of a particular policy is identified. The identification of a particular policy or policies could mislead a reader to think other policies do not apply. The Neighbourhood Plan should in any case be read as a whole. I have recommended a modification in this respect also.
182. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
183. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 16:**

**Replace Policy TR1 with “Proposals for improvement of the active travel network, or for a car park convenient for village centre users, will be supported. Proposals that reduce availability of off-road vehicle parking facilities or which generate additional on-road vehicle parking will not be supported.”**



## Policy E1 Support for Existing Employment Opportunities

184. This policy seeks to establish that employment premises or land will only be permitted where two stated requirements are met.
185. In a representation the District Council states *“Needs clarification that it is class B of the 1987 Use Classes order they are referring to here otherwise it has no context. I presume where it says ‘where planning permission is required’ this removes the conflict with the PD rights that the government introduced which allows B uses to go into alternatives through the prior approval process as those are not planning applications. Perhaps this bit needs clarifying as they cannot control things that are PD through the neighbourhood plan”*.
186. I agree the term *“Class B”* is imprecise. I consider it is preferable to avoid unnecessary use of classifications as these can change during the plan period. It is unnecessary and confusing for the policy to state *“where planning permission is required”* as all neighbourhood plan policies only apply where planning permission is required. The term *“presumption against”* does not provide a basis for the determination of planning applications. The policy uses the term *“permitted”*. It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications *“must be determined in accordance with the development plan, unless material considerations indicate otherwise”*.<sup>48</sup> All material considerations will not be known until the time of determination of a planning proposal. The supporting text makes it clear that the intention is that both conditions must apply for a proposal to be supported. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
187. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
188. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their

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<sup>48</sup> Paragraph 196 National Planning Policy Framework 2012

community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; and supporting a prosperous rural economy. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 17:**

##### **In Policy E1**

- **replace the text before the colon with “Development proposals that will result in the loss of employment land or premises will only be supported where”**
- **after “12 months;” insert “and”**

#### **Policy E2 Support for New Employment Opportunities**

189. This policy seeks to establish criteria for the support of proposals for new employment development. Criterion a) is compatible with Policy H2 part c) as recommended to be modified.

190. The Framework states *“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:* • *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;* • *promote the development and diversification of agricultural and other land-based rural businesses;* • *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and* • *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

191. The terms *“in supporting”* and *“should”* do not provide a basis for the determination of planning applications. The term *“where possible”* is imprecise. The restriction on loss of residential dwellings and the requirement to be sited in existing buildings or on areas of previously developed land is not adequately explained. The terms *“unacceptably*

*disturb*”; “*unacceptable levels*”; “*harmful disturbance*”; “*not adversely affecting the character, infrastructure and environment of the village itself*”; “*contribute to the character and vitality of the local area*” and “*be well integrated into and complement existing businesses*” are imprecise. I have recommended a modification in these respects so that the policy has regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

192. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

193. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; supporting a prosperous rural economy; promoting sustainable transport; requiring good design; promoting healthy communities; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 18:**

**Replace Policy E2 with “To be supported new employment development proposals (including live/work units) must:**

- a) Be located within the limits to development identified in Figure 3, unless it relates to development and diversification of agricultural and other land based rural businesses or sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside;**
- b) Not adversely affect residential amenity or the character of the surrounding area; and**
- c) Not result in on-street parking of vehicles.”**

## **Policy E3 Re-use of Agricultural and Commercial Buildings**

194. This policy seeks to establish conditional support for the re-use, conversion and adaptation of agricultural and commercial buildings.
195. The term “*appropriate to the rural location*” is imprecise. The requirements of condition b) and d) do not have sufficient regard for national policy with respect to the balanced approach to harm to heritage assets. The requirement to restrict floorspace increase to 30% is not explained. The Framework states development should only be prevented or refused where the cumulative impacts of development are severe. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
196. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
197. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 19:**

#### **In Policy E3**

- **delete conditions a), d), e) and f) and insert an additional condition “the proposal will not result in on-street car parking”**
- **in b) delete “respect” and insert “do not adversely affect”**

## Policy E4 Visitor Economy

198. This policy seeks to establish support for enhancement of local tourism and the visitor economy within the defined limits of development.
199. The statement of support for developments outside the limits of development when in accordance with District and national policy is unnecessary and confusing. Requirements a), b), and d) are imprecise and the terms “*where feasible*” in provision d) and “*unless they are no longer viable*” in the final provision are also imprecise. The requirement in part d) is confusing and unnecessary given the provisions of Policy E1. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
200. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
201. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; and supporting a prosperous rural economy. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 20:**

**In Policy E4 replace the text before “The loss” with “Tourism and visitor economy development proposals will be supported where they do not have adverse residential or visual amenity impacts.”**

## Policy E5 Communications Infrastructure

202. This policy seeks to establish support for proposals that provide increased access to a superfast broadband service and improve the

mobile telecommunications network. The policy favours underground networks but where over ground seeks proposals to integrate into the landscape. The proposal also requires all new development to incorporate superfast broadband.

203. The term “*where possible*” does not provide a basis for decision making on development proposals and the term “*sympathetically located*” is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

204. The policy is in general conformity with the strategic policies included in the Development Plan applying in the Medbourne Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Core Strategy 2006 to 2028 and the Local Plan 2001 ‘Saved Policies’) and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

205. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 21:**

**In Policy E5 replace the second paragraph with “Proposals for above ground communications cabling will only be supported where it is demonstrated underground installation is not possible and installation will not have a detrimental visual impact on the landscape.”**

## Summary and Referendum

206. I have recommended 21 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

207. I am satisfied that the Neighbourhood Plan<sup>49</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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);
  - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; 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.<sup>50</sup>

**I recommend to Harborough District Council that the Medbourne Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.**

208. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>51</sup> I have seen nothing to suggest the

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<sup>49</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

<sup>50</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>51</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

referendum area should be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Harborough District Council as a Neighbourhood Area on 16 April 2015.**

#### Annex: Minor Corrections to the Neighbourhood Plan

209. A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

210. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>52</sup> I recommend the following minor change only in so far as it is to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:

- In policy CF2 delete “Additional” and insert “additional”.
- The dual use of the reference letters “U” and “V” in Appendix 7 should be corrected.

**Recommended modification 22:  
Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.**

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5 April 2018  
REPORT ENDS

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<sup>52</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990