

Shearsby Parish Neighbourhood Plan

Summary of representations submitted by Harborough District Council to the independent examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012

Name	Policy /Page	Full Representation
Anglian Water	n/a	<p>Thank you for the notification relating to the Shearsby Neighbourhood Development Plan. The following response is submitted on behalf of Anglian Water.</p> <p>I would be grateful if you could confirm receipt of this response.</p> <p>It would appear that Shearsby Parish is located outside of our area of responsibility. Therefore we have no comments relating to the Neighbourhood Plan.</p>
The Environment Agency	Entire plan	<p>The environmental constraints within the proposed limits of development are such that the Environment Agency will not be making any bespoke comments on the Examination version of the Plan.</p>
Highways England	Entire Plan	<p>Highways England welcomes the opportunity to comment on the submission version of the Shearsby Neighbourhood Plan which covers the period 2017-2031. We note that the document provides a vision for the future of the Parish and sets out a number of key objectives and planning policies which will be used to help determine planning applications. Highways England has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Shearsby Neighbourhood Plan, our principal interest is safeguarding the operation of the M1 which routes 3 miles to the west of the Plan area (although the closest junction, M1 J20, is located over 8 miles to the south west of the Plan area).</p> <p>We understand that a Neighbourhood Plan is required to be in conformity with relevant national and Borough-wide planning policies. Accordingly, the Neighbourhood Plan for Shearsby is required to be in conformity with the emerging Harborough Local Plan (2011 – 2031).</p> <p>We note that Shearsby is allocated within the 'Other villages and rural settlements' category within the emerging Harborough Local Plan and therefore any new housing will be limited to housing to meet an identified need. As such a</p>

		housing allocation has not been identified within the Neighbourhood Plan. Given that there is no housing allocation and that any development that does come forward is expected to be limited, we do not consider that there will be any impacts on the operation of the M1.
Leicestershire County Council	<p>Page 19</p> <p>Page 40</p> <p>Page 41, E2</p> <p>Page 42, E3</p> <p>Page 44 E5</p>	<p>Shearsby Neighbourhood Plan Comments Request – 14 April 2018 Leicestershire County Council is supportive of the Neighbourhood plan process and welcome being included in this consultation.</p> <p>Highways Specific Comments On Page 19 (section b) seeks sustainable development to ensure that ‘ Consideration is given to improving pedestrian and cycling facilities.....and to provide a safe footpath and bridleway on Bath Lane between A5199 and Bruntingthorpe’. There is currently no footpath along this stretch of road. The verges are wide enough to accommodate a footpath in some places but in others the hedgerows are quite close to the carriageway edge and there is little or no verge. Creating any sort of footpath would be prohibitively expensive. The Plan also states that any agreed development approved should not generate parking that cannot be catered for. Is this compliant with the National Planning Policy Framework? It’s not a position that we as the Local Highway Authority could adopt, unless there was clear evidence to suggest that parking issues would result in a severe residual impact, as set out in the NPPF.</p> <p>On Page 40, when talking about support for new employment opportunities reference is made to Shearsby Crossroads as having ‘the fourth worst accident record of roads in the County’ - The latest raw list has it as No.11 - The report to Shearsby parish last year noted it was not in the Top 60 sites for investigation</p> <p>Other transport references:- Page 41 - Policy E2 (New Employment Opportunities) – These will be supported by LCC provided that the impact on the road network of any business development is mitigated. Page 42 - Policy E3 (Re-use of Agricultural and commercial buildings) – ‘The Re-use, conversion and adaption of rural buildings for small business, recreation or tourism purposes will be supported where:- d) ‘The local road system is capable of accommodating the traffic generated by the proposed new use and adequate parking can be accommodated within the site’ Page 44 - Police E5 (Working from home) – Proposals....will be supported where:- b) Does not generate unacceptable levels of traffic movement or additional on-street parking’</p> <p>General Comments The County Council recognises that residents may have concerns about traffic conditions in their local area, which they feel may be exacerbated by increased traffic</p>

	<p>due to population, economic and development growth.</p> <p>Like very many local authorities, the County Council's budgets are under severe pressure. It must therefore prioritise where it focuses its reducing resources and increasingly limited funds. In practice, this means that the County Highway Authority (CHA), in general, prioritises its resources on measures that deliver the greatest benefit to Leicestershire's residents, businesses and road users in terms of road safety, network management and maintenance. Given this, it is likely that highway measures associated with any new development would need to be fully funded from third party funding, such as via Section 278 or 106 (S106) developer contributions. I should emphasise that the CHA is generally no longer in a position to accept any financial risk relating to/make good any possible shortfall in developer funding.</p> <p>To be eligible for S106 contributions proposals must fulfil various legal criteria. Measures must also directly mitigate the impact of the development e.g. they should ensure that the development does not make the existing highway conditions any worse if considered to have a severe residual impact. They cannot unfortunately be sought to address existing problems.</p> <p>Where potential S106 measures would require future maintenance, which would be paid for from the County Council's funds, the measures would also need to be assessed against the County Council's other priorities and as such may not be maintained by the County Council or will require maintenance funding to be provide as a commuted sum.</p> <p>With regard to public transport, securing S106 contributions for public transport services will normally focus on larger developments, where there is a more realistic prospect of services being commercially viable once the contributions have stopped i.e. they would be able to operate without being supported from public funding.</p> <p>The current financial climate means that the CHA has extremely limited funding available to undertake minor highway improvements. Where there may be the prospect of third party funding to deliver a scheme, the County Council will still normally expect the scheme to comply with prevailing relevant national and local policies and guidance, both in terms of its justification and its design; the Council will also expect future maintenance costs to be covered by the third party funding.</p> <p>Where any measures are proposed that would affect speed limits, on-street parking restrictions or other Traffic Regulation Orders (be that to address existing problems or in connection with a development proposal), their implementation would be subject to available resources, the availability of full funding and the satisfactory completion of all necessary Statutory Procedures.</p> <p>Flood Risk Management</p> <p>The County Council are fully aware of flooding that has occurred within Leicestershire and its impact on residential properties resulting in concerns relating</p>
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	<p>to new developments. LCC in our role as the Lead Local Flood Authority (LLFA) undertake investigations into flooding, review consent applications to undertake works on ordinary watercourses and carry out enforcement where lack of maintenance or unconsented works has resulted in a flood risk. In April 2015 the LLFA also became a statutory consultee on major planning applications in relation to surface water drainage and have a duty to review planning applications to ensure that the onsite drainage systems are designed in accordance with current legislation and guidance. The LLFA also ensures that flood risk to the site is accounted for when designing a drainage solution.</p> <p>The LLFA is not able to:</p> <ul style="list-style-type: none"> • Prevent development where development sites are at low risk of flooding or can demonstrate appropriate flood risk mitigation. • Use existing flood risk to adjacent land to prevent development. • Require development to resolve existing flood risk. <p>When considering flood risk within the development of a neighbourhood plan, the LLFA would recommend consideration of the following points:</p> <ul style="list-style-type: none"> • Locating development outside of river (fluvial) flood risk (Flood Map for Planning (Rivers and Sea)). • Locating development outside of surface water (pluvial) flood risk (Risk of Flooding from Surface Water map). • Locating development outside of any groundwater flood risk by considering any local knowledge of groundwater flooding. • How potential SuDS features may be incorporated into the development to enhance the local amenity, water quality and biodiversity of the site as well as manage surface water runoff. • Watercourses and land drainage should be protected within new developments to prevent an increase in flood risk. <p>All development will be required to restrict the discharge and retain surface water on site in line with current government policies. This should be undertaken through the use of Sustainable Drainage Systems (SuDS). Appropriate space allocation for SuDS features should be included within development sites when considering the housing density to ensure that the potential site will not limit the ability for good SuDS design to be carried out. Consideration should also be given to blue green corridors and how they could be used to improve the bio-diversity and amenity of new developments, including benefits to surrounding areas.</p> <p>Often ordinary watercourses and land drainage features (including streams, culverts and ditches) form part of development sites. The LLFA recommend that existing watercourses and land drainage (including watercourses that form the site boundary) are retained as open features along their original flow path, and are retained in public</p>
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	<p>open space to ensure that access for maintenance can be achieved. This should also be considered when looking at housing densities within the plan to ensure that these features can be retained.</p> <p>LCC, in its role as LLFA will not support proposals contrary to LCC policies. For further information it is suggested reference is made to the National Planning Policy Framework (March 2012), Sustainable drainage systems: Written statement - HCWS161 (December 2014) and the Planning Practice Guidance webpage.</p> <p>Planning</p> <p>Developer Contributions</p> <p>If there is no specific policy on Section 106 developer contributions/planning obligations within the draft Neighbourhood Plan, it would be prudent to consider the inclusion of a developer contributions/planning obligations policy, along similar lines to those shown for example in the Draft North Kilworth NP and the draft Great Glen NP albeit adapted to the circumstances of your community. This would in general be consistent with the relevant District Council's local plan or its policy on planning obligations in order to mitigate the impacts of new development and enable appropriate local infrastructure and service provision in accordance with the relevant legislation and regulations, where applicable.</p> <p>www.northkilworth.com/wp-content/uploads/2016/01/nk-draft-low-resolution-1.pdf http://www.harborough.gov.uk/downloads/file/3599/great_glen_referendum_version_2pdf</p> <p>Mineral & Waste Planning</p> <p>The County Council is the Minerals and Waste Planning Authority; this means the council prepares the planning policy for minerals and waste development and also makes decisions on mineral and waste development.</p> <p>Although neighbourhood plans cannot include policies that cover minerals and waste development, it may be the case that your neighbourhood contains an existing or planned minerals or waste site. The County Council can provide information on these operations or any future development planned for your neighbourhood. You should also be aware of Mineral Consultation Areas, contained within the adopted Minerals Local Plan and Mineral and Waste Safeguarding proposed in the new Leicestershire Minerals and Waste Plan. These proposed safeguarding areas and existing Mineral Consultation Areas are there to ensure that non-waste and nonminerals development takes place in a way that does not negatively affect mineral resources or waste operations. The County Council can provide guidance on this if your neighbourhood plan is allocating development in these areas or if any proposed neighbourhood plan policies may impact on minerals and waste provision.</p> <p>Education</p> <p>Whereby housing allocations or preferred housing developments form part of a</p>
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	<p>Neighbourhood Plan the Local Authority will look to the availability of school places within a two mile (primary) and three mile (secondary) distance from the development. If there are not sufficient places then a claim for Section 106 funding will be requested to provide those places.</p> <p>It is recognised that it may not always be possible or appropriate to extend a local school to meet the needs of a development, or the size of a development would yield a new school. However, in the changing educational landscape, the Council retains a statutory duty to ensure that sufficient places are available in good schools within its area, for every child of school age whose parents wish them to have one.</p> <p>Property</p> <p>Strategic Property Services</p> <p>No comment at this time.</p> <p>Adult Social Care</p> <p>It is suggested that reference is made to recognising a significant growth in the older population and that development seeks to include bungalows etc of differing tenures to accommodate the increase. This would be in line with the draft Adult Social Care Accommodation Strategy for older people which promotes that people should plan ahead for their later life, including considering downsizing, but recognising that people's choices are often limited by the lack of suitable local options.</p> <p>Environment</p> <p>With regard to the environment and in line with the Governments advice, Leicestershire County Council (LCC) would like to see Neighbourhood Plans cover all aspects of the natural environment including climate change, the landscape, biodiversity, ecosystems, green infrastructure as well as soils, brownfield sites and agricultural land.</p> <p>Climate Change</p> <p>The County Council through its Environment Strategy and Carbon Reduction Strategy is committed to reducing greenhouse gas emissions in Leicestershire and increasing Leicestershire's resilience to the predicted changes in climate. Neighbourhood Plans should in as far as possible seek to contribute to and support a reduction in greenhouse gas emissions and increasing the county's resilience to climate change.</p> <p>Landscape</p> <p>The County Council would like to see the inclusion of a local landscape assessment taking into account Natural England's Landscape character areas; LCC's Landscape and Woodland Strategy and the Local District/Borough Council landscape character assessments. We would recommend that Neighbourhood Plans should also consider the street scene and public realm within their communities, further advice can be found in the latest 'Streets for All East Midlands ' Advisory Document (2006)</p>
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	<p>published by English Heritage.</p> <p>Biodiversity</p> <p>The Natural Environment and Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their duties, to the purpose of conserving biodiversity. The National Planning Policy Framework (NPPF) clearly outlines the importance of sustainable development alongside the core principle that planning should contribute to conserving and enhancing the natural environment and reducing pollution. Neighbourhood Plans should therefore seek to work in partnership with other agencies to develop and deliver a strategic approach to protecting and improving the natural environment based on local evidence and priorities. Each Neighbourhood Plan should consider the impact of potential development on enhancing biodiversity and habitat connectivity such as hedgerows and greenways.</p> <p>The Leicestershire and Rutland Environmental Records Centre (LRERC) can provide a summary of wildlife information for your Neighbourhood Plan area. This will include a map showing nationally important sites (e.g. Sites of Special Scientific Interest); locally designated Wildlife Sites; locations of badger setts, great crested newt breeding ponds and bat roosts; and a list of records of protected and priority Biodiversity Action Plan species. These are all a material consideration in the planning process. If there has been a recent Habitat Survey of your plan area, this will also be included. LRERC is unable to carry out habitat surveys on request from a Parish Council, although it may be possible to add it into a future survey programme.</p> <p>Contact: planningecology@leics.gov.uk, or phone 0116 305 4108</p> <p>Green Infrastructure</p> <p>Green infrastructure (GI) is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities, (NPPF definition). As a network, GI includes parks, open spaces, playing fields, woodlands, street trees, cemeteries/churchyards allotments and private gardens as well as streams, rivers, canals and other water bodies and features such as green roofs and living walls.</p> <p>The NPPF places the duty on local authorities to plan positively for a strategic network of GI which can deliver a range of planning policies including: building a strong, competitive economy; creating a sense of place and promote good design; promoting healthier communities by providing greater opportunities for recreation and mental and physical health benefits; meeting the challenges of climate change and flood risk; increasing biodiversity and conserving and enhancing the natural environment. Looking at the existing provision of GI networks within a community can influence the plan for creating & enhancing new networks and this assessment</p>
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	<p>can then be used to inform CIL (Community Infrastructure Levy) schedules, enabling communities to potentially benefit from this source of funding.</p> <p>Neighbourhood Plan groups have the opportunity to plan GI networks at a local scale to maximise benefits for their community and in doing so they should ensure that their Neighbourhood Plan is reflective of the relevant Local Authority Green Infrastructure strategy. Through the Neighbourhood Plan and discussions with the Local Authority Planning teams and potential Developers communities are well placed to influence the delivery of local scale GI networks.</p> <p>Brownfield, Soils and Agricultural Land</p> <p>The NPPF encourages the effective use of brownfield land for development, provided that it is not of high environmental/ecological value. Neighbourhood planning groups should check with DEFRA if their neighbourhood planning area includes brownfield sites. Where information is lacking as to the ecological value of these sites then the Neighbourhood Plan could include policies that ensure such survey work should be carried out to assess the ecological value of a brownfield site before development decisions are taken.</p> <p>Soils are an essential finite resource on which important ecosystem services such as food production, are dependent on. They therefore should be enhanced in value and protected from adverse effects of unacceptable levels of pollution. Within the governments “Safeguarding our Soils” strategy, DEFRA have produced a code of practice for the sustainable use of soils on construction sites which could be helpful to neighbourhood planning groups in preparing environmental policies.</p> <p>High quality agricultural soils should, where possible be protected from development and where a large area of agricultural land is identified for development then planning should consider using the poorer quality areas in preference to the higher quality areas. Neighbourhood planning groups should consider mapping agricultural land classification within their plan to enable informed decisions to be made in the future. Natural England can provide further information and Agricultural Land classification.</p> <p>Impact of Development on Civic Amenity Infrastructure</p> <p>Neighbourhood planning groups should remain mindful of the interaction between new development applications in a district area and the Leicestershire County Council. The County’s Waste Management team considers proposed developments on a case by case basis and when it is identified that a proposed development will have a detrimental effect on the local civic amenity infrastructure then appropriate projects to increase the capacity to off-set the impact have to be initiated. Contributions to fund these projects are requested in accordance with Leicestershire’s Planning Obligations Policy and the Community Infrastructure Legislation Regulations.</p>
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		<p>T: 0116 305 7309 E: nik.green@leics.gov.uk For further information visit: http://www.leics.gov.uk/index/environment/planning/neighbourhoodplanning.htm Neighbourhood Plan forward through the relevant procedures, particularly for engagement and consultation work. A copy of the strategy can be view at: www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/30/equalitystrategy2016-2020.pdf</p>
<p>Marrons Planning</p>		<p>Shearsby Neighbourhood Plan - Submission Version Consultation 11 April to 23 May 2018 Representations in respect of land parcels (1&2) at Shearsby</p> <ol style="list-style-type: none"> 1. I write on behalf of the landowners (xxx and xxx) of two land parcels at Shearsby. This letter should be read in conjunction with representations made to the Pre-Submission version of the Neighbourhood Plan, submitted to Shearsby Parish Council in June 2017 (enclosed with this letter for completeness.) Both land parcels are identifiable on the map to the rear of the representations made by Marrons Planning (Appendix 1). 2. These representations set out further objections to the identification of my clients' sites as Local Green Space. The focus of this representation relates to the land parcels identified in and Policy ENV 1 of the NP as: Back Lane verges and green areas (03) ("Land Parcel 1") Fenny Lane - Bear's Hole and field (04) ("Land Parcel 2") 3. Both sites have been proposed as Local Green Space (Neighbourhood Plan Map Reference POLICY ENV 1: LOCAL GREEN SPACES 04) in the submission version consultation. We make this representation on the basis that the land parcels do not meet the 'demonstrably special' test at paragraph 77 of the National Planning Policy Framework . 4. It is noted with considerable disappointment and frustration that having continually sought to engage the Parish Council since June 2017, the Submission Version of the Neighbourhood Plan continues to identify the site as a Local Green Space (LGS). No evidence or justification for the inclusion of both land parcels as LGS has been provided in response to the representations previously made on behalf of my clients. Our clients therefore wish to maintain their objection to the Local Green Space designation of the land parcels identified at paragraph 2 above, on the basis that neither meet the basic conditions of having regard to national policies and advice. 5. The basic conditions are set out at paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004). One of these basic conditions is that the Neighbourhood Plan must have "regard to national policies and advice." The Government's planning policy on Local Green Spaces and how this is expected to be applied is contained in the National Planning Policy Framework (the Framework).

	<p>6. Paragraph 76 of the Framework confirms that a Local Green Space designation affords protection consistent with policy for Green Belts (ruling out new development other than in very special circumstances). It is therefore imperative that Local Green Space designations are robust, and are not made simply as a means to prevent development. It seems very clear that the sole objective of the Parish Council is to frustrate infill development on the Land Parcels, without reference to evidence, nor indeed the relevant tests.</p> <p>7. Paragraph 77 states that LGS designation is appropriate "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" (our emphasis).</p> <p>8. Appendix 3 to the NP has now been made available on the Parish Council's website, and states in particular of Parcel 2 that:</p> <p>Fenny Lane - Bear's Hole field and brook</p> <p>Small unimproved grass field with adjacent stream and banks. Until fairly recently it was managed by seasonal grazing, with no herbicide or fertiliser use, and was the best site in the Plan Area for native damp grassland wild flowers. With ending of grazing and no current management, the area has become mixed scrub/and, grass and trees, particularly along the brook, but has potential for restoration and is still of high biodiversity value.</p> <p>Some 20 bird species records, including several BAP species, mammals, bats, reptiles, amphibians, dragonflies, butterflies and other invertebrates.</p> <p>Access via footpaths Y70 and 71, providing part of a popular circular walking route in the village.</p> <p>9. The above assertions suggest that the Parish Council are attempting to promote the agricultural field alongside the brook on the basis that it is rich in wildlife. The claims however are either incorrect or unqualified. No Phase 1 Habitat Survey has been provided to demonstrate claims of the extent of biodiversity within the grazed field. Even if a Phase 1 Survey had been completed, it is the landowners' submission that those claims could not reasonably have been sufficiently substantiated.</p> <p>10. The vast majority of the agricultural field forming land parcel 2 is a managed agricultural resource. There is no objection to the brook element of the land being protected as LGS. However, the vast majority of Land Parcel 2 continues to be utilised as pasture for grazing sheep. It is misrepresented as having qualities akin to a Local Wildlife Site in the NP Appendix 3, with (inter a/ia) the suggestion that there are newts on (or in proximity to) the site. There are no known records of newts within proximity to the site. We consider the evidence base is not credible, but rather (at best) are a series of inaccurate and speculative claims which fail to show that the green area is "demonstrably special" to the local community. Evidence will be adduced in the form of an up-to-date phase 1 Habitat Survey to challenge the assertions made.</p>
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		<p>11. There are well-established boundary hedges to the edges of the site, which would be preserved as part of a future infill residential development proposal, as would the provision of footpaths Y70 and 71. This will be brought forward in response to the acknowledged need for additional housing outlined at Appendix 4 to the NP.</p> <p>12. In summary, it is our view that the Neighbourhood Plan would not meet all of the basic conditions in its current form. The Local Green Space designations (specifically the sites identified at Policy ENV 1: 03 and 04) should be deleted before the Plan can proceed to referendum. It is also considered that the site forming Land Parcel 2 (identified on the map to the rear of the attached representations) should be a proposed housing allocation for no.4 dwellings, as it offers a sustainable option for future housing growth in the village, appropriate to the extent of housing for which there is an acknowledged need. This will contribute to the basic condition of contributing to sustainable development.</p> <p>Appendix 1 LIMITS TO DEVELOPMENT MAP WITH LAND PARCELS 1 AND 2 SHOWN</p>
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Yew Tree Properties

Land to the south of Back Lane and Land to the South of Fenny Lane, Shearsby

Representations to the Shearsby Neighbourhood Plan (Pre-Submission Version)

June 2017

	<p>1.1 This report has been produced by Marrons Planning on behalf of Yew Tree Properties in relation to their land interests at Back Lane and Fenny Lane, Shearsby (shown on the attached plan at Appendix 1).</p> <p>1.2 This document provides comment on Section 7.2 Housing, Policy H1 Limits to Development and Policy ENV1, Local Green Spaces. The main purpose of these representations is to:</p> <ul style="list-style-type: none"> • Support the inclusion of a settlement boundary for Shearsby; • Promote land off Back Lane (Parcel 1) as a proposed housing allocation; • Promote part of land off Fenny Lane (Parcel 2) for housing; • Set out concerns in relation to the proposed designation of sites 03 and 04 as Local Green Spaces. <p>2. SECTION 7.2 HOUSING</p> <p>2.1 Pages 21 and 22 of the draft Neighbourhood Plan provide a detailed background as to the existing dwellings located within the proposed settlement boundary of Shearsby. There are currently 95 houses within Shearsby, with 12 of these (12.6%) being one or two bedroom properties.</p> <p>2.2 The Neighbourhood Plan also notes that there is a significantly higher percentage of the population in the 65 and over age group when compared to the rest of Harborough District; 24% of the population compared to 18% across Harborough District and 16% across the United Kingdom.</p> <p>2.3 These issues are reflected in responses received during the Neighbourhood Plan's first consultation day ("Butty Day") whereby local aspirations for housing suitable for elderly residents, younger families and lower income families were revealed. As a result, the Neighbourhood Plan confirms on page 22 that there is a desire for smaller housing and bungalows.</p> <p>2.4 Our clients are willing to consider these aspirations for housing in Shearsby, and in this context, and welcome the opportunity to discuss the potential allocation of land off Back Lane further. The site is considered against the proposed criteria of Policy H1 in Section 3 below.</p> <p>3. POLICY H1: LIMITS TO DEVELOPMENT</p> <p>3.1 Unlike the Harborough Local Plan, Policy H1 proposes limits to development for the settlement of Shearsby. The limits to development broadly follow the existing Shearsby Conservation Area, designated in 1975. The limits to development, particularly on the southern boundary and the western boundary are however brought in closer to the edge of built development, naturally following the edge of the settlements built environment.</p> <p>3.2 Yew Tree Properties broadly endorses the principle of identifying limits to development in order to provide certainty with regards to the location of potential future housing development. However, it is suggested that the Limits</p>
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		<p>to Development is extended to include all or part of Land Parcel 1, identified at Appendix 1 of this representation.</p> <p>3.3 The site is a natural extension of the settlement, being adjacent to the western boundary of properties upon Welford Road. Whilst the site could offer in the region of 20 dwellings (and deliver associated benefits to the local community in line with this scale of development), the local aspirations for small scale development are noted, and as a result, our clients would welcome further discussion with the Neighbourhood Plan Group about the site and its potential. Smaller scale development would be in conformity with the emerging Harborough Local Plan (Policy GD4 of the emerging Local Plan considers development of no more than 4 homes as suitable for a village such as Shearsby).</p> <p>3.4 The proposed requirements of Policy H1 are noted. If the settlement boundary was amended to include all or part of Parcel 1, it is considered that the development of the site is capable of meeting these requirements.</p> <p>Is small scale, and reflects the size, character and level of service provision of Shearsby</p> <p>3.5 Land Parcel 1 is 0.9 hectares in size. As set out above, part of the parcel could be allocated to deliver small scale development. An increase in population would help sustain the local pub and village hall, reflect the scale, size and character of Shearsby and the site could help contribute to the type of housing required by the local people.</p> <p>Helps meet a clearly identified need for Shearsby or the wider parish</p> <p>3.6 It is proposed that the dwellings to be developed on-site would reflect the needs of the Parish of Shearsby as identified within the Neighbourhood Development Plan Housing Committee and could deliver housing suitable for younger and older people. A larger scale of development in this location would be required to deliver a proportion of affordable homes. Again, our clients would welcome a more detailed discussion on the potential for this site so that it can help meet local aspirations for housing.</p> <p>Retains existing natural boundaries</p> <p>3.7 The site already benefits from an established farm access and the site is naturally well contained. It is proposed that our client would seek to actively protect the existing natural boundaries and reflect the surrounding topography of the land. If a smaller part of the site was allocated, additional landscaping and planting could be provided to create a natural boundary to development.</p> <p>Maintains important views and vistas</p> <p>3.8 Our clients would consider important views and vistas from the local area in the design of any proposed</p>
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		<p>housing scheme.</p> <p>Preserves and, where possible enhances Shearsby Conservation Area, where relevant</p> <p>3.9 As previously identified, the northern boundary of Land Parcel 1 falls within the boundaries of the Shearsby Conservation Area. The remainder of the site is outside of the Conservation Area. The impact of any development upon the Conservation Area would be a key consideration when working up proposals for housing development at the site. Furthermore, any proposed dwellings would be of high quality design that would respect and reflect development within the Shearsby Conservation Area.</p> <p>Provides suitable off-road parking for a minimum of two cars per dwelling</p> <p>3.10 Housing development at this site would be capable of meeting or even exceeding the proposed minimum standard.</p> <p>Does not reduce garden/green space to an extent where it adversely affects the special character of the area or the amenity of the proposed occupiers of the new development or adjacent properties/uses</p> <p>3.11 Any development on-site would be of a scale that would reflect the existing built development within the village so as not to negatively impact upon residential amenity/loss of green space. Furthermore, the location of this site on the eastern side of the village means that future residents would not need to drive through the village to access properties thereby avoiding potential adverse amenity impacts resulting from additional traffic.</p> <p>Parcel 2</p> <p>3.12 It is also proposed that Land Parcel 2, also identified at Appendix 1 is promoted for a single dwelling housing development.</p> <p>3.13 Such a development would benefit from the residential cul-de-sac configuration of Fenny Lane and would have good access from an established road. An initial appraisal of the site and Fenny Lane suggests that the width and overall configuration of the road is suitable in terms of highways safety. The size, orientation and access to the plot would reflect the surrounding residential environment.</p> <p>3.14 The site is also within the defined limits to development identified within Policy H1 of the neighbourhood Plan and therefore benefits from the presumption in favour of sustainable development outlined at Policy S1 of the Neighbourhood Plan.</p>
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	<p>4. POLICY ENV1: PROTECTION OF LOCAL GREEN SPACE</p> <p>4.1 Yew Tree Properties has concerns with the proposed designation of sites 03 and 04 as Local Green Spaces.</p> <p>4.2 Neighbourhood Plans are required to meet basic conditions as set out at paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004). One of these basic conditions is that the Neighbourhood Plan must have “regard to national policies and advice.” The Government’s planning policy on Local Green Spaces and how this is expected to be applied is contained in the National Planning Policy Framework (the Framework).</p> <p>4.3 Paragraph 76 of the Framework confirms that a Local Green Space designation affords protection consistent with policy for Green Belts (ruling out new development other than in very special circumstances). It is therefore imperative that Local Green Space designations are robust, and are not made simply as a means to prevent development, which is considered to be the case in this instance.</p> <p>4.4 The key guidance on Local Green Spaces (LGS) is contained at paragraph 77 of the Framework. This confirms that (our emphasis):</p> <p>The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</p> <ul style="list-style-type: none"> • 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 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. <p>4.5 Yew Tree Properties does not dispute sites 03 or 04 are in close proximity to the community that it serves. Similarly, it is agreed that the sites are local in character and do not represent extensive tracts of land. However, it is not accepted that the sites are “demonstrably special” for the reasons set out below.</p> <p>4.6 It is stated there is an Environmental Inventory at Appendix 1 of the Neighbourhood Plan, and that this has scored the sites against a number of criteria (page 46). Marrons Planning could not locate such an inventory online. This should be made publically available in order to justify the LGS designations. Without this, the only justification is at pages 48 and 49 of the Plan and in ‘The Preservation of Green Spaces’ paper.</p> <p>Site 03</p> <p>4.7 This site is a grassed verge which incorporates tree planting and flowers. Whilst the tree planting and flowers enhance the appearance of the verge, it is not considered that this makes the site demonstrably special in beauty terms.</p>
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	<p>4.8 In terms of historic significance, the grass verge is located in the Shearsby Conservation Area. However, there is no specific mention of this piece of land within the appraisal on Harborough District Council's website, nor is there any justification of the site's historic significance on page 48 of the Neighbourhood Plan. In fact, the site is excluded from designation under Policy ENV3 or Policy ENV4 of the Neighbourhood Plan, as the site does not include features of ridge and furrow or other features of historical significance.</p> <p>4.9 The western section of the verge, closest to residential development at Welford Road has two benches located that allow for people to sit at the entrance to the village. The presence of these benches are not considered to make the site demonstrably special in recreational terms, particularly as there are benches in the village's central open space, away from the main vehicular entrance to the village.</p> <p>4.10 The site is situated close to the A5199, a 60 mph road. The fact that it has cars travelling past at speed, and is also situated on the main vehicular entrance to the village means the site cannot be considered demonstrably special in tranquillity terms.</p> <p>4.11 The Neighbourhood Plan describes the space as a wildlife heaven, but there is no further evidence to suggest that the site is demonstrably special in wildlife terms. Furthermore, it is considered that housing development in this part of the village could introduce new planting to enhance biodiversity.</p> <p>Site 04</p> <p>4.12 The same points made in relation to Site 03 and the Environmental Inventory apply to Site 04.</p> <p>4.13 As with Site 03 above, there is not considered to be sufficient evidence in the Plan or accompanying evidence base with respect to beauty or tranquillity.</p> <p>4.14 As with Site 03, the site is in the Shearsby Conservation Area. Fenny Lane is referred to in the Conservation Area appraisal on Harborough's website, however, the inclusion of the agricultural field within the Conservation Area is not. Furthermore, it is important to note that the site abuts modern residential development at the top of Fenny Lane. Again, there is not considered to be sufficient justification that the site is demonstrably special in historic terms.</p> <p>4.15 The site is crossed by public rights of way meaning it does have recreational value. However, the existence of a public right of way across the site, does not make the site demonstrably special. Public rights of way are afforded statutory protection and do not require a Local Green Space designation to protect them.</p> <p>4.16 A document titled 'Shearsby Neighbourhood Plan: The Preservation of Green Spaces' describes the Site 04 and appears to be inferring that the site is special in ecological terms. At this stage, the statement should be regarded as anecdotal: more robust evidence, in the form of a Phase 1 Habitat Assessment, should be provided in order to</p>
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	<p>better understand the species that live on the site or use it for foraging and to help justify the Local Green Space designation in wildlife terms.</p> <p>4.17 In summary, our clients have concerns that land within their ownership has been designated as Local Green Space without the appropriate justification in order to comply with national planning policy. Our clients would welcome the opportunity to discuss these proposed designations with the Neighbourhood Plan Group in further detail.</p> <p>5. SUMMARY AND CONCLUSIONS</p> <p>Summary</p> <p>5.1 Our client, Yew Tree properties has interests in Land Parcels 1 and 2, marked at Appendix 1 of this representation. The Shearsby Neighbourhood Plan consultation evidence base has identified that there is a desire for smaller housing and bungalows in Shearsby. Our client has considered these aspirations for Shearsby in the context of the pre-submission Neighbourhood Plan and welcome the opportunity to discuss the potential allocation of land off Back Lane to meet this recognised need.</p> <p>5.2 The current Limits to Development included within Policy H1 only include the northern border of Land Parcel 1. It is suggested that the Limits to Development is extended to include all or part of Land Parcel 1 as the site is a natural extension of the settlement, adjacent to the existing residential development upon Welford Road. This extension and provision of smaller residential homes and bungalows would also conform to the objectives of Policy H1 of the Neighbourhood Plan and Policy GD4 of the emerging Harborough Local Plan.</p> <p>5.3 It is proposed that Land Parcel 2 is also promoted for development of a single dwelling as an area of the site falls within the proposed Limits to Development identified in Policy H1. An initial site appraisal has identified that access to the site is considered sufficient and that the proposed allocation would mirror surrounding residential development on Fenny Lane.</p> <p>5.4 The pre-submission Neighbourhood Plan has identified both land parcels as potential allocations for Local Green Space under Policy ENV1. In light of such allocations, Marrons Planning requests that the Environmental Inventory, justifying the allocations of these sites as Local Green Space is made publically available.</p> <p>5.5 As assessment of proposed designations 03 and 04 against the criteria of Paragraph 77 of the National Planning Policy framework (“the Framework”) demonstrates that the sites do not meet the standards required of local green space to be designated as such. Until robust evidence is provided to demonstrate the site is special in wildlife terms and that the Environmental Inventory has demonstrated the suitability of the site for such designations, our clients, Yew Tree Properties wish to engage in discussions with the Council regarding the sites and a potential housing allocation within the forthcoming Neighbourhood Plan.</p>
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		<p>Conclusions</p> <p>5.6 In light of a lack of a robust evidence base regarding the specialness of Sites 03 and 04 in the context of Paragraph 77 of the Framework and Local Green Space and the position of both sites being regarded as natural extensions to the settlement of Shearsby, it is proposed that our client engages in discussions with the Neighbourhood Plan Committee, with the view of allocating both sites within the Neighbourhood Plan for a small-scale, sustainable housing allocation.</p> <p>5.7 It is considered that both sites could positively contribute to the objectives of Policy H1 of the Neighbourhood Plan pre-submission version, whilst retaining the key features of Shearsby that make it a desirable village within Harborough District. It is proposed that following the submission of this representation, that a meeting is held between Yew Tree Properties and Shearsby Neighbourhood Plan Committee to better understand the representations and all other outstanding matters identified throughout this report.</p>
<p>Natural England</p>		<p>Thank you for your consultation on the above dated 11 April 2018.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.</p> <p>Natural England does not have any specific comments on this publication draft neighbourhood plan. However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.</p> <p>Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities Natural environment information sources The Magic1 website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat</p>

	<p>Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available here².</p> <p>1 http://magic.defra.gov.uk/ 2 http://www.nbn-nfbr.org.uk/nfbr.php 3 http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx 4 https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making 5 http://magic.defra.gov.uk/ 6 http://www.landis.org.uk/index.cfm 7 https://www.gov.uk/government/publications/national-planning-policy-framework--2 8 http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/</p> <p>Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found here³. Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.</p> <p>National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found here⁴.</p> <p>There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.</p> <p>If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.</p> <p>General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the Magic⁵ website and also from the LandIS website⁶, which contains more information about obtaining soil data.</p> <p>Natural environment issues to consider</p> <p>The National Planning Policy Framework⁷ sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance⁸ sets out supporting guidance.</p> <p>Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.</p> <p>Landscape</p> <p>Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and</p>
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	<p>distinctiveness.</p> <p>If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.</p> <p>Wildlife habitats</p> <p>Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed here⁹), such as Sites of Special Scientific Interest or Ancient woodland¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.</p> <p>⁹ http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx</p> <p>¹⁰ https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences</p> <p>¹¹ http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx</p> <p>¹² https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals</p> <p>¹³ http://publications.naturalengland.org.uk/publication/35012</p> <p>Priority and protected species</p> <p>You'll also want to consider whether any proposals might affect priority species (listed here¹¹) or protected species. To help you do this, Natural England has produced advice here¹² to help understand the impact of particular developments on protected species.</p> <p>Best and Most Versatile Agricultural Land</p> <p>Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication Agricultural Land Classification: protecting the best and most versatile agricultural land¹³.</p> <p>Improving your natural environment</p> <p>Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Providing a new footpath through the new development to link into existing rights of way. <input type="checkbox"/> Restoring a neglected hedgerow. <input type="checkbox"/> Creating a new pond as an attractive feature on the site. <input type="checkbox"/> Planting trees characteristic to the local area to make a positive contribution to the local landscape. <input type="checkbox"/> Using native plants in landscaping schemes for better nectar and seed sources for bees and birds. <input type="checkbox"/> Incorporating swift boxes or bat boxes into the design of new buildings.
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	<ul style="list-style-type: none"> <input type="checkbox"/> Think about how lighting can be best managed to encourage wildlife. <input type="checkbox"/> Adding a green roof to new buildings. <p>You may also want to consider enhancing your local area in other ways, for example by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community. <input type="checkbox"/> Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision. <input type="checkbox"/> Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this¹⁴). <input type="checkbox"/> Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency). <input type="checkbox"/> Planting additional street trees. <input type="checkbox"/> Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links. <input type="checkbox"/> Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore). <p>14 http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/</p>
<p>Harborough District Council</p>	<p>Harborough District Council commented on the pre submission draft of the Shearsby Neighbourhood Plan.</p> <p>Our further comments are as follows:</p> <p>The Plan is usefully split into logical sections, however paragraph numbers could be used to make the document easier to navigate and refer to.</p> <p>7.1 Strategy (page 20): Suggest deleting 'UK' from first sentence.</p> <p>b) Housing Provision (Page 22):</p> <ul style="list-style-type: none"> • First paragraph: It is the emerging Local Plan which sets a target of 12,800 dwellings and a strategy to meet that level of housing need, not the Core Strategy. Suggest deleting first paragraph and amending second paragraph to read: 'Shearsby is currently classified as 'countryside' in the Core Strategy (2011). CS17 of the Core Strategy states.....' • Last paragraph: suggest removing reference to 'existing Core Strategy' as approach set out is in line with emerging Local Plan. <p>Policy H1: Insert 'and' after 6th bullet point. It would also be helpful if the bullet points were given specific references as in other policies (i.e. a), b) etc.).</p>

		<p>Policy E2: Suggest second part of last paragraph (re: large scale B1 and B2 being directed to more suitable locations in the settlement hierarchy) is supporting text rather than policy. Figures 5/6: Copyright information missing.</p> <p>Policy E3: Suggest inserting 'and' after criterion d). Figure 7: Too small to be able to see reference numbers/boundaries/legend.</p> <p>Policy ENV3: Map reference (presumably Figure 7) should be specified explicitly. Unable to identify features on Figure 7. Figure 8: Larger map would be helpful.</p>
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