

# **Burton Overy Neighbourhood Development Plan 2018-2031**

**A report to Harborough District Council on the  
Burton Overy Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by Harborough District Council in June 2018 to carry out the independent examination of the Burton Overy Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 14 July 2018.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and designating local green spaces. It celebrates its rich built heritage.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Burton Overy Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**20 September 2018**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Burton Overy Neighbourhood Development Plan 2018-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Harborough District Council (HDC) by Burton Overy Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental issues and proposes the designation of a series of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not be 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.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit 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.
- 2.7 In order to comply with this requirement, HDC undertook a screening exercise (February 2018) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process HDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 2.8 The report refers to the responses from two of the three statutory consultees for this process. I am satisfied that the SEA report complies with the basic conditions.
- 2.9 HDC also prepared a parallel Habitats Regulations Assessment (HRA) of the Plan in January 2018. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The assessment has been produced in a similar standard to the SEA screening report.
- 2.10 Since the Plan was submitted a European court case has had implications for how competent authorities undertake HRA screening assessments. HDC helpfully reassessed the Plan in this context during the examination. In doing so it has come to the same judgement as it did in earlier in the year.
- 2.11 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.12 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Other examination matters*

- 2.13 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and

- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.14 Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan and its various maps.
  - the Basic Conditions Statement.
  - the Consultation Statement
  - the HDC SEA and HRA report.
  - the e-mail from HDC of 11 July 2018 assessing the HRA Screening report following the Sweetman/People over Wind court case.
  - the Parish Council's responses to my first and second Clarification Notes.
  - the representations made to the Plan.
  - the adopted Harborough District Core Strategy
  - the saved policies of the Harborough District Local Plan 2001
  - the emerging Harborough District Local Plan 2031
  - the National Planning Policy Framework (March 2012 and July 2018).
  - Planning Practice Guidance (March 2014 and subsequent updates).
  - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 14 July 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. The examination of the submitted Plan was taking place on that date. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details in Appendix 5 on the consultation process that took place on the pre-submission version of the Plan (November 2017 to January 2018).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the number of neighbourhood plan committee meetings;
  - the newsletter articles in the Burton Overy News
  - the circulation of information to all households in the village
  - the open consultation event April 2016
  - the second consultation event July 2017
  - the community-based organisations and businesses survey (February to March 2014);
- 4.4 The Statement also provides specific details on the feedback on the results of the community drop in event in April 2016, the Community Questionnaire in April 2016 and the consultation event in July 2017. This provides confidence that public feedback has been properly recorded and analysed.
- 4.5 The Statement also provides specific details in Appendix 5 on the consultation process that took place on the pre-submission version of the Plan (November 2017 to January 2018). The Appendix identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. This is reflected in the relatively limited number of representation received for what is a wide-ranging neighbourhood plan.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned

throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

#### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 30 May 2018. This exercise generated comments from a range of organisations and private individuals as follows:

- Barry Garfoot
- Highways England
- Historic England
- Leicestershire County Council
- Harborough District Council
- Gladman Developments Limited
- Natural England
- Landmark Planning

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Burton Overy. Its population in 2011 was 293 persons living in 135 houses. It was designated as a neighbourhood area on 31 July 2015. It is located approximately 2 kilometres to the east of Great Glen and 2 kilometres to the west of Carlton Curlieu in pleasant countryside. Much of the neighbourhood area is in agricultural use.
- 5.2 The village of Burton Overy dominates the neighbourhood area. It has a tapering linear format with a long loop at its northern end. It has an attractive vernacular appearance. The buildings include a range of ages, styles and materials. The format of the village incorporates several open areas between the buildings. In turn this adds to its overall attractiveness. A conservation area was designated in 1974. It covers an area that is broadly similar to the defined limits to development included in the Plan.
- 5.3 Other details about the neighbourhood area are included in Section 3 of the Plan. In summary it has low levels of deprivation, very low levels of unemployment and high levels of self-employment. People living in the neighbourhood areas are more likely to be living in dwellings with four or more bedrooms.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the Harborough District Core Strategy 2006 – 2028 together with an extensive series of saved policies from the Harborough District Local Plan 2001. The Core Strategy sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period.
- 5.5 Policy CS1 of the Core Strategy provides a focus for new development based around the existing principal settlements in the District. Within this context Policy CS17 sets out a hierarchical approach to development in the rural part of the District. In doing so it identifies rural centres and rural villages. It does so based on the provision of essential services. Burton Overy is neither a rural centre nor a rural village. It does however have a defined Limits to Development. In this context Policy CS17 a) indicates that such settlements may be suitable to receive very limited small-scale infill development.
- 5.6 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.7 The emerging Harborough District Local Plan 2011-2031 was well-advanced at the time of this examination. It was submitted for its own examination in March 2018. To a large extent the evolution of the submitted neighbourhood plan has allowed it to

take account of this Plan. The emerging Local Plan includes a policies map for Burton Overy.

- 5.8 The submitted Plan has been prepared within its wider adopted and emerging development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

#### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 14 July 2018.
- 5.10 I drove into the Plan area from the west along Washbrook Lane. This gave me an initial impression of the character of the neighbourhood area. I looked at the proposed Area of Separation.
- 5.11 I then looked around the village centre. I immediately saw the importance of The Bell Public House at the heart of the community.
- 5.12 Thereafter I walked to the north along Main Street. I saw the well-used Book Exchange, the proposed local green space at Banks Field and the Church of St Andrew.
- 5.13 I continued to the north to look at the proposed local green space at Spring's Field and then retraced my steps to see the Fish Pond field local green space. I saw how, in their different way, these sites contributed to the character and appearance of the village.
- 5.14 In looking at the Fish Pond field site I saw the very well-maintained and presented village hall. It was clear why it is proposed as a protected community facility in the Plan.
- 5.15 I then looked at that part of the village around the southern end of Main Street. I saw the three proposed local green spaces. The visit highlighted the importance of the design and environmental policies in the Plan. The built-up element of the village is appropriately included within the Burton Overy Conservation Area. It has a very attractive character which reflects its agricultural heritage. This is emphasised by the presence of important open spaces within the fabric of the village.
- 5.16 I finished my visit by driving both to Carlton Curlieu and to Great Glen. This helped me to understand how the neighbourhood area sits within its wider landscape setting.

## 6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Burton Overy Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan, the adopted Harborough Core Strategy 2006-2028 and the saved elements of the Harborough District Local Plan 2001;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the countryside to the east of Leicester. In particular it seeks to ensure that existing community facilities are safeguarded. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and designates local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (H2/3 and E1/5) and offers support for a superfast communications infrastructure (E2). In the social role, it includes policies on community facilities (CF1) and on housing mix (H1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on local character and design (DBE1), on local green spaces (ENV1) and on biodiversity (ENV3/4). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider Harborough District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

## **7 The Neighbourhood Plan policies**

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of Community Actions which underpin certain policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-5)*

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a professional way. It is colourful and makes a very effective use of tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.

- 7.10 Section 1 provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve. It is a particularly effective introduction to a neighbourhood plan.
- 7.11 Section 3 includes very helpful details about the neighbourhood area. It addresses matters such as social and community matters, employment and transport issues and its physical environment.
- 7.12 Section 4 provides information about the community engagement that underpinned the production of the Plan. It provides a helpful introduction to the more detailed Consultation Statement. Its use of photographs provides depth to the factual information.
- 7.13 Section 5 sets out a Vision for the Plan area to 'maintain and enhance the good quality of life, community spirit and attractive natural and built environment in the Burton Overy Parish now and for future generations'. It is clear, concise and proportionate. It is also distinctive to the neighbourhood area.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy S1: Limits to Development

- 7.15 The policy sets out the first part of the strategic approach adopted by the Plan. It addresses development proposals within the Limits to Development. The second strand of the strategic approach is captured in Policy S2.
- 7.16 Policy S1 offers support to development proposals within the Limits to Development. In the specific case of new sporting facilities, it offers support to sites which are close to or adjacent to the Limits to Development.
- 7.17 The policy encourages development in the most sustainable part of the neighbourhood area in general, and where it would have ready access to the community facilities which the village offers in particular. Its flexibility for new sporting facilities is entirely appropriate and reflects the potential challenges of incorporating such development within the built-up area.
- 7.18 The identified Limits to Development in the Plan remain unchanged from those identified in the adopted Local Plan. They were retained with the adoption of the Core Strategy. In this context the policy meets the basic conditions. In coming to this judgement, I have taken account of the representations made by Gladman Developments and Landmark Planning. I address the latter representation in relation to Policy S2.

#### Policy S2: Development Proposals Outside the Defined Limits to Development

- 7.19 This policy represents the second strand of the strategic approach taken by the Plan. It adopts a restrictive approach to development outside the Limits to Development other than where it would be in accordance with local and national planning policies.
- 7.20 The policy reflects the approach adopted in the Core Strategy that new development in the countryside and in other settlements (including Burton Overy) will be strictly controlled (Policy CS17). It also reflects the approach in Policy CS2 that Limits to Development around settlements will be used to shape their development. That approach is however refined by the second bullet point of the second part of that policy which comments that ‘housing development will not be permitted outside Limits to Development unless at any point there is less than a five-year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned’.
- 7.21 I recommend that the policy and the supporting text are modified to take account of this important strategic element of local planning policy. It will ensure that the neighbourhood plan is in general conformity with the development plan (the combination of the Core Strategy and the saved elements of the adopted Local Plan) until such time as the emerging Local Plan is itself adopted.

**Replace ‘in line with.... Policies’ with ‘in accordance with the development plan in general, and policies CS2 and CS17 in particular’.**

*Add a new paragraph after the three existing paragraphs under the heading ‘Development in the Countryside’ to read:*

*This approach taken in Policy S2 reflects the approach adopted in the Core Strategy. That component of the development plan directs that new development in the countryside and in other settlements (including Burton Overy) will be strictly controlled (Policy CS17). It also indicates that Limits to Development around settlements will be used to shape their development. It is however refined by the second bullet point of the second part of that policy which comments that ‘housing development will not be permitted outside Limits to Development unless at any point there is less than a five-year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned’. In this context the District Council will need to determine any planning applications outside the Limits to Development based on a wider assessment of housing land supply in the District in combination with an assessment of their impact on the scale and character of Burton Overy’.*

Policy H1: Housing Mix

- 7.22 This policy sits at the heart of the Plan’s contribution towards the social dimension of sustainable development in the neighbourhood area. It comments that new housing development should deliver a mixture of housing types to meet identified housing needs in Burton Overy. The policy helpfully refers to the Parish Housing Needs Report (2016) and to the 2017 HEDNA. In particular the policy offers support for smaller dwellings (up to 3 bedrooms) and identifies that dwellings of four or more bedrooms should be in the minority in any development scheme.

- 7.23 The policy has appropriate regard to national policy. It is also underpinned by appropriate research and evidence. It meets the basic conditions.

Policy H2: Development on Brownfield Sites

- 7.24 This policy supports the redevelopment of redundant land or buildings within the village envelope provided that the site has limited environmental, landscape or ecological value.
- 7.25 I sought clarification from the Parish Council about the application of the policy. I was advised that it was intended to apply to all types of development. I recommend a modification to the supporting text to clarify this point.
- 7.26 The policy has regard to national policy. As the Plan comments the use of brownfield land is one of the core principles of the NPPF.
- 7.27 I recommend a modification to the language used in the policy from 'are supported' to 'will be supported'. This reflects that the Plan will be assisting HDC to make decisions in the future. Whilst I can see that the wording reflects that in the NPPF I recommend that additional supporting text is introduced to elaborate on the final part of the policy which addresses the way in which the policy would be applied based on the sensitivity of the site concerned.

**Replace 'are supported' with 'will be supported'. After site add 'concerned'.**

*At the end of the first paragraph of supporting text on Brownfield sites add: 'Policy H2 applies to all forms of development within the village envelope. Given the nature of the policies in this Plan and the wider development plan it is anticipated that any new development proposals which may come forward within the Plan period will be of a residential nature'*

*At the end of the third paragraph of supporting text on Brownfield sites add: 'The final part of the policy includes a series of environmental safeguards. Plainly it is impractical to identify the full range of proposals which may come forward and their relationship to any particular site. Nevertheless, development proposals should also comply with the other policies in this Plan in general, and to Policies ENV2/3/4/5 in particular.'*

Policy H3: Windfall Sites

- 7.28 This policy supports the development of windfall sites subject to a series of criteria. They include a series of environment matters together with a geographic restriction to their location within the identified limits to development. I sought clarification from the Parish Council about the application of the policy. I was advised that it was intended to apply to all types of development. I recommend a modification to the supporting text to clarify this point.
- 7.29 The policy adopts a traditional approach towards new development in villages. In addition, the policy flows on from the approach taken in Policies S1/S2. It has attracted a representation from Landmark Planning. It is suggested that expecting development to be delivered on windfall sites within the limits to development is an

unreliable strategy. An alternative approach is proposed which would refer to development that would be in scale and character with the form of the village.

- 7.30 Plainly the policy does not attempt to identify or to promote directly any specific windfall sites. Its focus is on providing a supporting context within the context of Policy CS17 of the adopted Core Strategy. Nevertheless, I recommend that the remit of the policy is modified so that it addresses windfall sites within the limits to development, rather than having the limits to development as one of a series of criteria. Windfall or other developments outside the defined limits to development would be addressed by national and local policies together with Policy S2 of this Plan.
- 7.31 I also recommend modifications to bring clarity and grammatical correctness to the policy. The insertion of ‘and’ at the end of the second criterion will ensure that a developer would need to meet all the three criteria.

**Insert ‘the identified Limits to Development on Figure 3 including’ between ‘within’ and ‘infill’**

**Delete criterion a. and renumber the remaining criteria accordingly. Insert ‘and’ after the second of the two remaining criteria**

**In each of the three remaining criteria replace ‘It’ with ‘They’**

*At the end of the supporting text on Windfall sites add: ‘As with Policy H2 Policy H3 applies to all forms of development. Given the nature of the policies in this Plan and the wider development plan it is anticipated that any new development proposals which may come forward within the Plan period will be of a residential nature’.*

Policy DBE1: Design

- 7.32 The Plan comments that the community was clear that future development either reflects the village’s architectural character or makes a positive high-level architectural contribution. Having visited the village, I can fully understand why the policy has been designed in this fashion.
- 7.33 The approach adopted reflects the importance of design in national policy. A series of design principles are identified to which new development should have regard to a degree that is proportionate to the development.
- 7.34 The policy addresses a range of issues that include local distinctiveness and character, car parking, a diversity of materials, plot enclosure and street lighting.
- 7.35 One of the 12 core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- 7.36 Within this supportive context I recommend a series of recommended modifications so that the policy has the clarity required by the NPPF. In the first instance I recommend that it offers advice to developers on the types of schemes which would be supported. As submitted the policy simply encourages new development to follow the identified design characteristics. This approach was acknowledged by the Parish Council in its response to my Clarification Note.
- 7.37 I also recommend that criterion c) is modified in two respects. The first is to replace the reference to 'continuing' to reflect the character and context of existing developments. The second deletes 'However'. It is unnecessary and detracts from the clarity of the policy.
- 7.38 Finally I recommend modifications to criterion j) to reflect the modification to the opening part of the policy.

**Replaced 'are encouraged to' with 'will be supported where they'**

**In criterion c) delete 'continue to' in the first sentence and 'However' in the second sentence**

**In criterion j) replace 'The use of street lights will not be supported' with 'Avoid the use of street lighting'.**

Policy ENV1: Local Green Spaces

- 7.39 This policy proposes the designation of six local green spaces (LGSs). The proposed LGSs are helpfully identified in detail in Appendix E of the Plan. This appendix analyses the proposed areas on a site-by-site basis against the criteria in NPPF paragraph 77. It does so in a commendable way both in its own right and given the number of proposed designations in particular.
- 7.40 Nevertheless the policy is somewhat confused by its different approach towards proposed LGSs that are already captured in the emerging Local Plan and those which are proposed separately in the submitted Plan. This matter has been raised directly by HDC.
- 7.41 On the basis of my observation of the six sites concerned and a detailed analysis of Appendix E I am satisfied that all six sites meet the tests in the NPPF for the designation of LGSs. In particular in response to the questions in my Clarification Note the Parish Council has provided assurance that the Fish Ponds Field (045), Springs Field (143) and Banks Field (144) are local in character and are not extensive tracts of land.
- 7.42 In reaching this conclusion I am aware of the potential mismatch between LGSs in the submitted Plan and those in the emerging Local Plan. This could be a matter which HDC wishes to address at some point in the future. Nevertheless, the designation of LGSs in a neighbourhood plan has regard to national policy. In addition, it has become common-place for neighbourhood plan to designate LGSs whilst emerging local plans are being prepared as is the case here.

- 7.43 Within this context I recommend modifications to the policy. The first recommends a modification to the structure and format of the policy so that it has regard to paragraph 78 of the NPPF. The second modifies the way in which the six LGSs are listed in the policy. The third makes consequential changes to the supporting text.

**Replace the policy with the following:**

**‘The following areas as shown on Figure 4 are designated as Local Green Spaces**

**Fish Ponds Field (045)**

**Springs Field (143)**

**Banks Field (144)**

**Main Street Spinney (Perry’s) (147)**

**Strip of Land along the front of the Old Heather Garden (165)**

**Traffic island bearing the village sign (999)**

**New development will not be supported on land designated as local green space except in very special circumstances.’**

*Replace the second paragraph of the supporting text with:*

*Six sites are designated as Local Green Spaces (LGS). The list includes five sites (entirely or partially) proposed as LGS in the emerging Harborough Local Plan 2011-2031. The sites have been assessed against a series of factors identified in paragraph 77 of the NPPF. The summary below identifies how they performed against the various factors.*

*In the third paragraph replace ‘Statutory protection’ with ‘The designation of the six local green spaces’*

*In the ‘Summary of evidence’ include equivalent details for sites 147/165/999*

Policy ENV2: Protection of Sites of Environmental (Natural and Historical) Significance

- 7.44 As its title suggests this policy has a focus on sites of environmental significance. It addresses both natural and historical significances.
- 7.45 I am satisfied that the policy is underpinned by appropriate evidence. Appendix 5 sets out a comprehensive Environmental Inventory.
- 7.46 The policy comments that development proposals which affect the identified sites will be expected to protect or enhance the identified features. The final paragraph of the supporting text clarifies the approach adopted in commenting that it ‘does not seek to preclude development but rather to ensure that any development activity takes the identified features into account’.
- 7.47 The supporting text addresses some but not all of the elements of national policy on this important matter. Paragraph 113 of the NPPF has two key and related elements. The first is that local planning authorities should set criteria-based policies against

which proposals for any development on or affecting protected wildlife/geodiversity sites will be judged. The second is that protection should be commensurate with the status of the site concerned.

7.48 To ensure that the policy has regard to national policy I recommend a series of modifications as follows:

- the introduction of a series of criteria. To ensure a future-proofing of the Plan I have recommended the use of some of the criteria included in Policy GI5 of the submitted Local Plan;
- the introduction of an additional paragraph to address the commensurate importance of any sites as highlighted in the NPPF; and
- the introduction of a clearer relationship between the policy and Figures 5a/b in the Plan.

**Replace ‘on the map below’ with ‘on Figures 5a and 5b’**

**Replace ‘will be expected.... identified features’ with**

**‘should:**

- **protect and enhance habitats and populations of priority species where appropriate;**
- **protect and enhance river and waterway corridors;**
- **provide contributions to wider biodiversity improvements in the vicinity of the development concerned; and**
- **protecting and features of geodiversity interest and enhancing them to improve connectivity of habitats, amenity use, education and interpretation’**

**Insert a new paragraph at the end of the policy to read:**

**‘The protection to be given to given to each individual site shown on Figure 5a and 5b will be commensurate with its status within the hierarchy of international, national and locally listings. Appropriate weight will be given to their importance and the contribution that they make to wider ecological networks’**

*At the end of the fifth paragraph of supporting text under the heading of ‘Other sites of environmental significance’ add:*

*‘In this regard the policy takes account of paragraph 113 of the NPPF. In particular it acknowledges the potential for the environmental significance of different sites to have greater weight in the development management process based on their position in the hierarchy of protected sites’*

Policy ENV3: Biodiversity General

7.49 This policy addresses biodiversity in greater detail. It has four sections. The first takes a precautionary approach in resisting development that would have an

unacceptable impact on biodiversity unless appropriate mitigation takes place. The second offers support to proposals which would conserve or enhance biodiversity. The third sets out requirements for the submission of planning application. The fourth designates three areas as wildlife corridors.

- 7.50 I am satisfied that the first, second and fourth components of the policy meet the basic conditions. The fourth element is, by definition, very distinctive to the neighbourhood area. It is precisely the type of approach envisaged by the Localism Act.
- 7.51 The third component of the policy is more related to planning application requirements rather than operating as a policy. I recommend that it is deleted from the policy and repositioned into the supporting text.

**Delete the third paragraph of the policy.**

*Insert the deleted element of the policy as an additional paragraph at the end of the existing supporting text under the heading 'Biodiversity'.*

Policy ENV4: Biodiversity, Woodland, Trees and Hedges

- 7.52 This policy follows on from Policy ENV3. Its ambition is to safeguard trees, woodland and hedges and mature farmland hedgerows. Figure 7 identifies the mature farmland hedgerows. The policy has regard to national policy and is well-researched.
- 7.53 In the first part of the policy I recommend that 'will be resisted' is replaced by 'will not be supported' Whilst the difference is subtle the language used in the submitted Plan is absolute. It will prevent HDC from considering all material planning considerations in determining any planning applications which might affect such biodiversity interests.

**In the first part of the policy replace 'will be resisted' is replaced with 'will not be supported'.**

Policy ENV5: Ridge and Furrow

- 7.54 This policy celebrates the presence of ridge and furrow fields within close proximity of the village. They are shown on Figure 9. They reflect the agricultural heritage of the neighbourhood area. I am satisfied that the 2016 field survey is proportionate to underpin the policy
- 7.55 As submitted the policy is not a policy. It simply comments that any harm from development proposals affecting ridge and furrow fields will need to be balanced against their significance as heritage assets. In its response to the clarification note the Parish Council confirmed that the approach intended is to give priority to their protection against development except where the benefits from development outweigh the harm to their status as non-designated heritage assets. Given the nature of other policies in the Plan this matter may be of academic interest given that the various fields are located outside the identified Limits to Development. Nevertheless, I recommend modifications so that it takes on a policy format.

**Insert full stop after ‘heritage assets’.**

**Replace the remainder of the policy with the following: ‘Proposals for new development within the ridge and furrow fields shown on Figure 9 will not be supported unless the benefits arising from the development would outweigh the harm to the heritage asset of the field or fields concerned.’**

Policy ENV6: Protection of Important Views

- 7.56 This policy sets out to protect a series of important open views and vistas. They are shown on Figure 10. Views 1-4 are outside the limits to development. Views 5-8 are within the limits to development. The views are listed in the main body of the policy.
- 7.57 Through the clarification process I sought guidance from the Parish Council on three related points as follows:
- how the views were developed and published;
  - the meaning of the symbols on Figure 10; and
  - how HDC would apply the policy in respect of not supporting developments that would have unacceptable detrimental impacts on the views and vistas.

I address these issues in turn.

- 7.58 The Parish Council advised me that the views contained within the Neighbourhood Plan were initially identified through the first consultation event on 23 April 2016. At that event participants were invited to place a green dot on a large Parish map. This process is highlighted on page 9 of the consultation analysis. The Environment Theme Group then built on this exercise as part of its fieldwork approach (as set out in the Environmental Inventory). Through subsequent meetings it refined the views into the ones identified and described in the Neighbourhood Plan. The proposed views were put to the community at the final Open Event on 8 July 2017 where there were no dissenters to the views identified. As such I am satisfied that the origins of the policy are robust and evidence-based.
- 7.59 On the second point the Parish Council advised me that the symbol used in Figure 10 is adapted from the Ordnance Survey map symbol for ‘viewpoint’. The primary view direction is shown by the longest line, while shorter lines indicate the less distant or significant components of the complete 90° - 180° view or panorama. As such I am satisfied that the approach adopted is robust and evidence-based. However, I recommend that a note to this effect is included within Figure 10.
- 7.60 On the application of the policy the Parish Council advised that its intention would be to resist development that either blocked a view (e.g. by being at a viewpoint so close to it so that the described vista could no longer be seen/appreciated, or obscured a target landmark, like a church spire, the skyline formed by a nucleated village, a distinctive woodland, a parish-defining distant horizon), or introduced an incongruous element (a group of executive homes, warehouse, turbine, solar array) into an otherwise rural landscape. This clarification is helpful and I recommend that key elements of the response are captured within the supporting text. I also recommend a technical modification to the policy itself.

**In the second paragraph of the policy replace ‘unacceptably’ with ‘unacceptable’.**

*As a footnote to Figure 10 add: ‘The primary view direction is shown by the longest line, while shorter lines indicate the less distant or significant components of the complete 90° - 180° view or panorama’.*

*Add an additional paragraph of supporting text after the two existing paragraphs on pages 48/49 to read: ‘Policy ENV6 does not offer support for development that would have an unacceptable detrimental impact on the eight identified views. Plainly this will be a matter of judgement for Harborough District Council as it applies its development management function throughout the Plan period. However, in general terms the Plan would not support the following types of development:*

- *One which blocked a view (e.g. by being at a viewpoint so close to it so that the described vista could no longer be seen/appreciated); or*
- *one which obscured a target landmark, like a church spire, the skyline formed by a nucleated village, a distinctive woodland, a parish-defining distant horizon); or*
- *one which introduced an incongruous element (such as a group of new homes, commercial development, a wind turbine/solar array) into an otherwise rural landscape.’*

Policy ENV8: Area of Separation

7.61 The Plan proposes an Area of Separation between Burton Overy and Great Glen. It would extend from the western edge of the village up to the boundary of the neighbourhood area to the west. Community Action ENV3 also comments that the Parish Council will seek to engage with Great Glen Parish Council and HDC to secure a similar area of separation in Great Glen to the west as the Great Glen Neighbourhood Plan is reviewed. I looked at the proposed Area of Separation as I drove into the neighbourhood area. I raised several questions about its proposed designation with the Parish Council in my clarification note. Thereafter I asked further questions based on the Parish Council’s response to the first clarification note. The combined response from the Parish Council and the District Council to the second clarification note provided helpful details on:

- the granting of outline planning permission (17/00579/OUT) for 170 dwellings on land north of Oaks Road, Great Glen;
- the SHLAA 2015 update outcomes for Great Glen; and
- the examination of the emerging Local Plan is not expected to look into alternative or addition housing sites in the part of Great Glen that might be considered to be affected by the aspirational area of separation. Plainly this may be affected by any decision made by the Planning Inspector on this matter in due course.

7.62 I can understand the reasoning behind the inclusion of this policy. Indeed, one of the core principles in the NPPF is to ‘take account of the different roles and character of different areas...and recognising the intrinsic character and beauty of the

countryside and thriving rural communities within it'. Nevertheless, having considered all the information I am not satisfied that the proposed Area of Separation meets the basic conditions. I have reached this conclusion for the following reasons:

- 7.63 Firstly, it would represent a strategic proposal which is not included within either the saved elements of the Local Plan, or in the Core Strategy or in the emerging Local Plan. In this regard Planning Practice Guidance (41-074- 20140306) is clear that neighbourhood plan policies should be in general conformity with the strategic policies in the development plan and that any neighbourhood plan policy should provide an additional level of detail to that set out in the strategic policy without undermining that policy. The saved Local Plan safeguards Separation Areas between Market Harborough and Great Bowden, Lutterworth, Bitteswell and Magna Park, and Scraftoft and Thurnby. It does not safeguard a separation area between Great Glen and Burton Overy. The inherent strategic nature of the policy is highlighted as it would require an equivalent approach to be adopted outside the neighbourhood area in Great Glen Parish;
- 7.64 Secondly the Plan offers no substantial reasoning for the designation of an Area of Separation in general terms, and in particular an explanation as to why other development plan policies would be incapable or ineffective of maintaining the distinction between Burton Overy and Great Glen in particular. In this regard it fails to have regard to paragraph 50-001-20160519 of Planning Practice Guidance which comments that 'all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restrict housing development in some settlements and preventing others from expanding should be avoided unless their use can be supported by robust evidence'
- 7.65 Thirdly the countryside in the proposed Area of Separation is not significantly different from the wider countryside which surrounds the village to the north, east and the south;
- 7.66 Fourthly the distance between the western part of Burton Overy and the eastern extent of Great Glen is not so critical to warrant such an approach. The separation between the two settlements is currently approximately 800 metres. This distance would be reduced as and when the development to the north of Oaks Road proceeds. Whilst I acknowledge that these distances introduce a degree of sensitivity, the nature of the gap between the settlements together with the topography and setting of Burton Overy generates a natural separation between the two settlements;
- 7.67 Finally, the emerging Local Plan does not propose new residential development to the east of Great Glen and as such does not create further sensitivity over and above the current situation or that which would exist in the event that the development off Oaks Road in Great Glen proceeds.
- 7.68 In assessing this policy against the basic conditions I have taken account of responses to the two Clarification Notes. I have also considered the 'Areas of Separation Review' commissioned by HDC as part of the submission of the emerging Local Plan. The Review has a sharp focus and refreshes earlier work on the Market

Harborough and Lutterworth existing Areas of Separation. It includes no details about a potential Area of Separation between Burton Overy and Great Glen. I have also taken into account the supporting text to the policy and its assertion that there is ‘considerable large-scale developer interest in developing the land between these communities’. The proper place for the consideration of these issues is the examination of the emerging Local Plan.

- 7.69 On this basis I recommend that the policy is deleted. In the event that the Plan is ‘made’ and the adopted Local Plan proposes a different pattern of development in and around the neighbourhood area from that included in the submitted version (March 2018) the neighbourhood plan could be reviewed accordingly.

### **Delete the policy**

*Delete figure 12 and the supporting text*

Policy ENV9: Flooding

- 7.70 This policy addresses flooding issues. The supporting text indicates that its focus is on surface water. The areas affected by surface water flooding are shown on Figure 13.
- 7.71 The Parish Council has clarified that it has had discussions with the Environment Agency as part of the preparation of the Plan. This process has confirmed that a site-specific Flood Risk Assessment is required for all proposals in Flood Zones 2 & 3. This would also be the case in Flood Zone 1 if the development site is an area greater than one hectare or is less than a hectare but in an area with critical drainage problems (as notified by the Local Planning Authority). As submitted it loosely refers to development of an ‘appropriate scale’. That approach does not have the clarity required by the NPPF. I recommend accordingly.
- 7.72 I also recommend a detailed modification to the wording of the policy. The effect of the modification will be to shift its focus from a procedural requirement (for information to be included in a planning requirement) to an absolute requirement in order to secure planning permission where the proposed development is compliant with other policies in the Plan. I also recommend that the policy is modified so that it becomes clear that a developer has to comply with each of the three requirements.

**Replace ‘will be required to’ with ‘should’. Insert ‘and’ after the second criterion.**

*Insert a new paragraph after the existing three paragraphs under the heading ‘Flooding...ditches’ to read:*

*‘For the purpose of Policy ENV9 ‘appropriate scale’ is defined as all proposals in Flood Zones 2 & 3 and also in Flood Zone 1 if the development site is an area greater than one hectare or is less than a hectare but in an area with critical drainage problems (as notified by the Local Planning Authority)’.*

Policy CF1: The retention of Community Facilities and Amenities

7.73 This policy is at the heart of the Plan's contribution to delivering the social dimension of sustainable development in the neighbourhood area. It reflects the supporting text which asserts that 'community facilities and diverse amenities make a significant contribution to the vitality, community spirit and overall viability of Burton Overy'.

7.74 Four main facilities are identified as follows:

- The Village Hall
- St Andrews Church
- The Book Exchange
- The Bell Pub

I saw each of the facilities on my visit to the neighbourhood area. I saw that they were at the heart of the community in their different ways. The recommissioning of the red telephone box as a book exchange is a novel idea which has retained a traditional feature in the local street scene.

7.75 The policy indicates that proposals that would detrimentally impact on a community facility would not be supported. A series of exceptions are identified. They appropriately address viability.

7.76 The approach adopted meets the basic conditions in general terms. Nevertheless, I recommend two modifications to bring the clarity to the policy required by the NPPF. The first includes the four community facilities within the policy itself. As submitted the policy implies that the facilities affected by the policy are those identified in the supporting text but does not make this clear. The second deletes the specific reference to the Village Hall and The Bell P.H. in the policy. It is unnecessary, detracts from the overall clarity of the policy and, in any event, is overtaken by the first recommended modification.

**At the beginning of the policy insert the following as a new paragraph: 'The following are identified as community facilities in the neighbourhood area:**

- **Village Hall**
- **St Andrews Church**
- **The Book Exchange**
- **The Bell Pub**

**In the first part of the policy as submitted delete '(including....pub)'**

*At the end of the supporting text immediately before the policy add: 'It applies to the four facilities detailed in this section of the Plan to reflect their importance to the well-being of the community.'*

Policy E1: Re-use of Agricultural and Commercial Buildings

7.77 The policy reflects the rural and agricultural nature of the neighbourhood area. It supports the re-use of rural buildings for business, recreation or tourism purposes. It does so on the basis that any proposal complies with five locally-distinctive criteria.

- 7.78 The policy meets the basic conditions in general terms. I recommend that ‘and’ is inserted after the fourth criterion. This will ensure that a developer needs to comply with all the five criteria (insofar as they apply to the rural building concerned).

**Insert ‘and’ after the fourth criterion.**

Policy E2: Broadband Infrastructure

- 7.79 The policy addresses the issue of Broadband infrastructure. It acknowledges that a significantly higher number of people work from home and/or are self-employed than district, regional and national levels.
- 7.80 The policy has two related parts. The first requires that all new residential development should have a connection capable of supplying broadband operation at speeds of 30 megabytes per second or above. The latter section of the policy anticipates that requirements and expectations may increase within the Plan period. The second supports proposals for the infrastructure required to facilitate broadband speeds to this level both for new and existing properties. The generality of the approach adopted meets the basic conditions.
- 7.81 In its response to my Clarification Note the Parish Council provided advice on its choice of the 30 Mbps requirement in the policy. It commented that general advice from Leicestershire County Council to all neighbourhood planning groups was that new developments (including community facilities) should have access to superfast broadband (of at least 30Mbps)’. In addition, I was also advised that 30 Mbps is the recognised industry standard for superfast broadband. The policy requires this to be a minimum to reflect future increases in standards. As such I am satisfied that the policy is robust and evidence-based. Nevertheless, I recommend a modification to the supporting text so that the origin of the policy approach is clear and transparent.

*At the end of the third paragraph of supporting text under the heading ‘Broadband Infrastructure’ add*

*‘General advice from Leicestershire County Council to all neighbourhood planning groups is that new developments (including community facilities) should have access to superfast broadband (of at least 30Mbps)’. In addition, 30 Mbps is the recognised industry standard for superfast broadband. The policy requires this to be a minimum to reflect future increases in standards. On this basis the Plan expects that Broadband speeds be delivered to industry standards in place at the time when individual planning applications are determined.’*

Policy E5: Working from Home

- 7.82 This policy properly supports proposals for working from home. It is anticipated that its implementation will help to promote business activity and reduce the dependency on the car for work-based commuting. It is appropriately underpinned by two environment criteria.

- 7.83 The supporting text correctly identifies that the policy would only apply where a material change of use occurs and therefore where planning permission is required. I recommend that this is also reflected in the policy itself.
- 7.84 The policy is numbered E5 whereas the supporting text refers to Policy E3. Plainly Policy E3 is sequentially correct. I recommend accordingly

**Insert 'Insofar as planning permission is required' at the beginning of the policy.**

**Replace E5 with E3 in the policy title.**

#### Community Actions

- 7.85 The Plan includes three community actions. In each case they add further detail to a land use policy. Planning Practice Guidance anticipates that Actions of this type will naturally come forward as part of a community's preparation of a neighbourhood plan. It recommends that they are captured in a separate part of the Plan from the land use policies.
- 7.86 In the submitted Plan the three community actions appear in the relevant topic sections of the Plan and follow on immediately after the related land use policy. However, as they are separately identified through the use of brown text rather than green text for the land use policies I am satisfied that they are sufficiently distinguished to meet the basic conditions. In any event the approach adopted contributes towards the accessibility and legibility of the submitted Plan. I comment on the community actions in turn below.

#### Community Action ENV1: Biodiversity General

- 7.87 This action is wide-ranging. The Parish Council intends to work with other bodies to maintain a schedule of sites of biodiversity interest, to enhance the biodiversity of wildlife corridors, and to identify additional trees worthy of protection.
- 7.88 These matters are all appropriate and distinctive to the neighbourhood area in their own ways.

#### Community Action ENV2: Important Open Spaces

- 7.89 This Action is focused on the protection and enhancement of existing open spaces and the potential designation of new open spaces.
- 7.90 These matters are appropriate and distinctive to the neighbourhood area. The designation of additional open spaces is addressed under separate legislation.

#### Community Action ENV3: Area of Separation

- 7.91 This Action overlaps with Policy ENV8 (Area of Separation). In this case it identifies that the Parish Council will work with Great Glen Parish Council and HDC to designate an equivalent Area of Separation in the review of the Great Glen Neighbourhood Development Plan.

- 7.92 Earlier in this report I have recommended that Policy ENV8 is deleted (paragraphs 7.61 -7.69). In these circumstances I also recommend the deletion of this Community Action.

*Delete the Community Action*

#### Other Matters

- 7.93 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

- 7.94 The initial sections of the Plan set the scene for its policies well. I have addressed them in paragraphs 7.8 to 7.13 of this report. They are numbered 1, 2, 4 and 5. Whilst this is not a basic condition point its reads in an odd way. I would suggest that the numbering is amended so that it adopts a sequential approach.
- 7.95 The same issue affects the latter part of the Plan where Section 7 (Monitoring and Review) is correctly identified in the main text but incorrectly identified as Section 8 in the Contents page.

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Burton Overy Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to Harborough District Council that subject to the incorporation of the modifications set out in this report that the Burton Overy Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 31 July 2015.

8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my two Clarification Note were very helpful in preparing this report.

**Andrew Ashcroft**  
**Independent Examiner**  
**20 September 2018**