

HARBOROUGH DISTRICT COUNCIL

SOUTH KILWORTH NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an Independent Examination, Harborough District Council now confirms that the South Kilworth Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on 10th January 2019.
- 1.2 This decision statement can be viewed at:

Harborough District Council Offices

The Symington Building,
Adam & Eve Street,
Market Harborough
Leicestershire
LE16 7AG

Open - Mon/Tues/Thu/Fri: 8.45am - 5pm. Wed: 9.30am - 5pm

Lutterworth Library

George Street
Lutterworth
LE17 4ED

Monday: 10:00-17:00
Tuesday: 13:00-18:00
Wednesday: Closed
Thursday - Friday: 10:00-17:00
Saturday: 10:00-15:00
Sunday: Closed

2. Background

- 2.1 On 25th January 2016 South Kilworth Parish Council, as the qualifying body, applied for South Kilworth Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. The Neighbourhood Area application was publicised for a 6 week period ending on 18th March 2016 and approved by Harborough District Council (the Council) on 22nd March 2016 in accordance with the Neighbourhood Planning (General) Regulations (2012)
- 2.2 Following the submission of the South Kilworth Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The consultation period closed on 1st August 2018.
- 2.3 The Council, with the agreement of South Kilworth Neighbourhood Plan Group, appointed an independent examiner, Mr Nigel McGurk, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.
- 2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

- 3.1 At its meeting on 13th November 2018, the Councils Executive agreed that all the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum (see Council resolution at Appendix 1).
- 3.2 The District Council has made the modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions. Appendix 2 sets out these modifications and the action to be taken in respect of each of them.
- 3.3 The Council agrees with the Examiner's recommendation that there is no reason to extend the Neighbourhood Plan area (South Kilworth Parish) for the purpose of holding the referendum.
- 3.4 The Examiner has concluded that with the specified modifications the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view the Plan complies with the provision made by or under sections 38A and 38B of the 2004 Act. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question

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

will be held in the Parish of South Kilworth.

- 3.5 The date on which the referendum will take place is agreed as **10th January 2019**

Appendix 1: Council/Executive Resolution in respect of South Kilworth Neighbourhood Plan 13th November 2018

SOUTH KILWORTH Neighbourhood Plan Proposal Decision

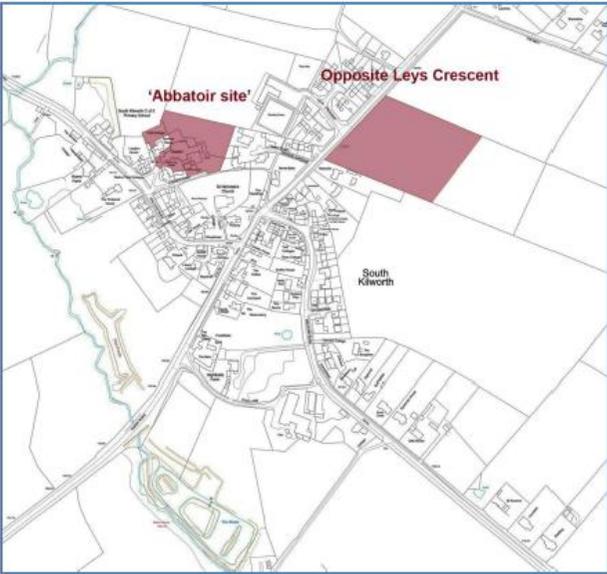
RESOLVED:

- (i) That the Independent Examiner's recommended changes to the South Kilworth Neighbourhood Plan be accepted in full as set out in the schedule at Appendix A and notes the recommendation that the amended South Kilworth Neighbourhood Plan should proceed to a referendum of voters within the Parish of South Kilworth to establish whether the Plan should form part of the Development Plan for the Harborough District
- (ii) That the holding of a referendum relating to the South Kilworth Neighbourhood Plan on 10th January 2019 that will include all of the registered electors in South Kilworth Parish be approved.

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

Ref no	Policy No.	Policy Title	Submission Draft Policy/Text	Suggested Revised Policy Text	Reason
Where modifications are recommended, they are presented in bold print , with any proposed new wording in <i>italics</i> .					
1	N/A	N/A	It represents one part of the development plan for the parish over the period 2017 to 2031, the other part being the Harborough District Local Plan which is yet to be formally adopted.	Page 5, first para and first line on page 6, change reference to "2017" to "2018"	To correct an error
2	Section 1	Introduction	This document represents the Neighbourhood Plan for South Kilworth parish. It represents one part of the development plan for the parish over the period 2017 to 2031, the other part being the Harborough District Local Plan which is yet to be formally adopted.	Page 5, first para, change to "...the period 2018-2031. <i>Once made (or adopted) the Neighbourhood Plan sits alongside the adopted District-wide plan and thus forms part of the development plan, against which planning decisions are considered.</i>"	clarity
3	Section 1	Introduction	The Harborough District Core Strategy was adopted in 2011 and therefore, under the guidance provided by the NPPF, is no longer up to date. A new Local Plan is currently in preparation and the Neighbourhood Plan has taken the provisions within this emerging document into account. It also addresses issues relating to sustainable development. The NPPF states that there are three dimensions to sustainable development: social, environmental and economic, all of which are important and interrelated and are addressed through the policies in this Neighbourhood Plan.	Page 7, change to "<i>The Harborough District Core Strategy 2006- 2028 was adopted in 2011. The Core Strategy is now considered out of date in terms of policies relating to housing and economic development, but its other policies remain and form part of the District's development plan, alongside Saved policies from the Harborough Local Plan (2001). A new Local Plan is currently emerging and plan-makers have had regard to relevant information supporting this emerging document.</i>"	precision

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				<i>The Neighbourhood Plan takes into account the need to contribute to the achievement of sustainable development. The NPPF states...Plan. Section 5.0 of the Neighbourhood Plan considers the achievement of sustainable development in more detail.</i>	
4	Section 5.1 para 1	Achieving Sustainable Development	The purpose of the UK Planning System as set out in the National Planning Policy Framework (NPPF) is to achieve sustainable development in economic, environmental and social terms.	Page 16, first sentence to “<i>The purpose of the planning system, as set out in...</i>”	Accuracy
5	Section 5.1 last para	Achieving Sustainable Development	The Neighbourhood Plan is not intended to replace the policies and regulations contained in the Harborough core strategy and the emerging local plan or the requirements of the NPPF. It supports these policies and regulations to give additional, more detailed, Parish-wide specific policies and this clarifies the Community’s vision. Where suitable District-wide policies already exist in the Harborough core strategy, emerging local plan or NPPF they are not duplicated in this Neighbourhood Plan.	Page 16, last para, change to “<i>...to replace adopted policies in the development plan or the requirements of the NPPF. It supports these policies to give additional...already exist, they are not duplicated in this Neighbourhood Plan.</i>”	For clarity and precision
6	Policy H1	Housing Allocation	POLICY H1: HOUSING ALLOCATION - Land is allocated for residential development on the following sites (see map Fig 2): Opposite Leys Crescent (around 5 dwellings); Abattoir site (around 10 dwellings).	Policy H1, change to “<i>Land is allocated at the Abattoir site shown on Figure 2 for around 10 dwellings. Proposals to increase the number of dwellings from the 25 currently permitted on the land indicated</i>”	For Clarity

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				<i>on Figure 2 as “Opposite Leys Crescent” will be supported.”</i>	
7	Policy H1	Housing Allocation	<p style="text-align: center;">Figure 2. – Development site allocations</p> 	Change title of Figure 2 to “<i>Housing allocation and potential for growth</i>”	For clarity
8	6.2 - paras 2 and 3	Housing Provision	As Harborough District Council have a statutory duty to provide adequate housing throughout the District, they have calculated a minimum requirement for each Parish based upon a housing distribution strategy agreed by the	6.2, delete second and third paras and replace with “<i>In line with Harborough District Council’s proposed strategy, the Neighbourhood Plan seeks to ensure that sufficient provision is</i>”	clarity

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			<p>Executive Committee. Any planning approvals after April 2017 will count towards this target, but recently approved planning approvals relating to 25 dwellings opposite Leys Crescent and 2 windfall units approved earlier in 2017 are excluded from the required numbers as they already have planning approval.</p> <p>This approach has set South Kilworth a housing target up to 2031 of 20 units, including windfall developments but excluding developments with planning approvals up to April 2017.</p>	<p><i>made to provide for sustainable housing growth appropriate to the status of the settlement. Consequently, the Neighbourhood Plan seeks to ensure that the Neighbourhood Area can provide for the development of at least 20 dwellings over the plan period.</i></p>	
9	6.3– paras 2 and 3	Housing Allocations	<p>The only sites that came forward through this process were deemed unsuitable for residential development by Harborough District Council, with the exception of a proposal for about 10 units at the Abattoir site in the village.</p> <p>However, at a meeting with Planning Officers at Harborough District Council the potential to develop an additional 5 units at the already approved site opposite Leys Crescent was agreed along with the incorporation of around 5 windfall units through the Plan period. This makes up a total of 20 dwellings, in line with the HDC target.</p>	<p>6.3, second para (top of page 18), change last sentence to “<i>The only site that emerged through this process as suitable for residential development was the Abattoir site in the village.</i>”</p> <p>6.3, delete last sentence and replace with “<i>Further to consideration together with the landowner and with officers from Harborough District Council, it was determined that the Neighbourhood Plan would support the provision of more housing on land opposite Leys Crescent (which already has planning</i></p>	clarity

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				<i>permission for 25 dwellings). Assessments indicated that the addition of around 5 dwellings (to the 25 permitted) may be appropriate."</i>	
10	Policy H2	Limits to Development	POLICY H2 – LIMITS TO DEVELOPMENT – Residential development proposals within the Plan area will be supported on sites within the Limits to Development as identified in Figure 3 (above) where it complies with the policies of this Neighbourhood Plan and subject to design and amenity considerations. Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.	Change Policy H2 to “Residential development proposals will be supported on sites within the Limits to Development identified on Figure 3.” (delete rest of Policy)	For clarity and precision
11	6.4 – first 5 paras	Limits to Development	The purpose of Limits to Development is to ensure that sufficient sites for new homes are available in appropriate locations that will avoid impinging into the local countryside. Limits to Development are referred to in the CS policy CS2a)/Appendix 3 as being a ‘retained’ policy, namely Policy HS/8 from the Harborough District Local Plan (2001) in which Limits to Development for particular settlements were defined. The Plan proposes to designate Limits to	6.4, delete first five paragraphs of supporting text and replace with “The Limits to Development policy provides a supportive planning policy framework for residential development within South Kilworth village. Focusing development within the Limits of Development contributes to the achievement of sustainable development by supporting existing services and	The supporting text to Policy H2 is unclear and imprecise. There are no up to date District-wide housing policies.

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			<p>Development for South Kilworth to direct development to the most sustainable locations and also to ensure that sufficient land to meet residential need is available in the right locations. This will update and supersede the existing Limits to Development currently used by Harborough District Council, as it takes into account the housing allocations that are being made through this Plan and those that have been approved by Harborough District Council since the Core Strategy was adopted.</p> <p>Within the defined Limits to Development an appropriate amount of suitably designed and located development will be acceptable in principle, although some sites within this area are protected from development.</p> <p>Focusing development within the agreed Limits to Development will help to support existing services within the village centre and help to protect the countryside and the remainder of the Plan area from inappropriate development.</p>	<p><i>providing for the majority of development to take place within the largely built-up part of the Neighbourhood Area.</i></p> <p><i>The “Limits to Development” approach carries forward an approach previously used by Harborough District Council to support the provision of new housing where it helped to sustain existing communities.</i></p> <p><i>It is noted that setting “Limits to Development” does not prevent development elsewhere in the Neighbourhood Area. Indeed, in respect of housing, Paragraph 79 of the NPPF provides for the development of appropriate new housing in the countryside, subject to a range of factors.”</i></p>	
12	Section 6.4	Methodology	<p>The updated Limits to Development have been determined using the following criteria:</p> <p>a) Existing commitments by virtue of an extant (existing) planning permission for residential development on the fringes of the settlement have been incorporated;</p> <p>b) Residential allocations through the</p>	<p>Page 19, “Methodology,” change to “<i>The Limits to Development were determined using the following...b) The residential allocation in the Neighbourhood...</i>”</p>	Clarity and precision

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			<p>Neighbourhood Plan have been taken into account;</p> <p>c) Clearly defined physical features such as walls, fences, hedgerows, gardens, streams, brooks, allotments and roads have been followed.</p> <p>It is national and local planning policy that development in the countryside should be carefully controlled. Supporting “the intrinsic character and beauty of the countryside and supporting thriving rural communities within it” is identified as a core planning principle in the National Planning Policy Framework.</p> <p>This approach to development in the open countryside is strongly supported by this Neighbourhood Plan, in particular, because it will ensure that any development is constructed in the built-up form of South Kilworth. The following policy (S2) will also maintain the special and unique landscape character of South Kilworth Parish and protect the open countryside for what it is, an attractive, accessible, distinct and non-renewable natural resource.</p>	<p>Page 20, penultimate sentence, change to “...controlled. <i>“Recognising the intrinsic character and beauty of the countryside” is highlighted in the NPPF as being something planning policies should contribute towards.”</i></p> <p>Page 20, delete last para (Policy H2 does not (and cannot) ensure that any development will take place in the village)</p>	
13	Policy H3	Housing Mix	POLICY H3: HOUSING MIX – New development should provide for a mixture of	No changes recommended	Meets the basic conditions

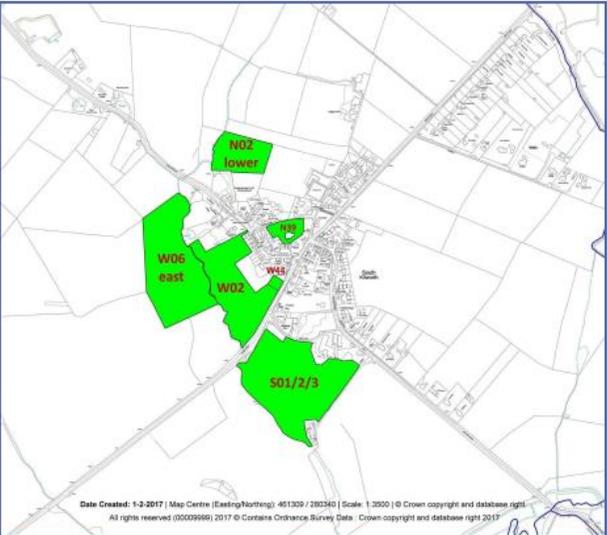
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			housing types having regard to identified local housing needs. The provision of bungalows suitable for elderly and/or mobility impaired people (providing wheelchair access) and dwellings of up to three bedrooms will be supported. Dwellings of 4 or more bedrooms will be expected to comprise a minority of the total number of new dwellings in any multi-house development.		
14	Policy H4	Affordable Housing	POLICY H4: AFFORDABLE HOUSING - 40% of all new housing development on sites for more than ten dwellings, or on sites of more than 1,000 square metres, should comprise affordable housing. The provision of shared ownership and starter homes is supported as is affordable homes for people with a local connection.	Policy H3, change last sentence to “<i>This could include shared ownership homes, starter homes and homes for people with a local connection, all of which is supported.</i>”	The last sentence of the Policy is unclear, as it could be read as comprising a local connections Policy, which is not the case.
15	Policy H5	Windfall Development	POLICY H5: WINDFALL DEVELOPMENT - Development proposals for infill and re-development sites will be supported where: a) The development comprises 3 dwellings or fewer. b) The location is within the Limits to Development for South Kilworth; c) It respects local character; d) It retains existing important natural boundaries such as gardens, trees, hedges and streams;	Change Policy H5 to “<i>Residential development proposals will be supported within the Limits to Development for South Kilworth subject to development: a) respecting local character; b) retaining...; and c) not reducing garden...</i>”	To ensure the policy is not ambiguous

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			<p>e) It provides for a safe vehicular and pedestrian access to the site and appropriate off-road car parking;</p> <p>Windfall sites are small infill or redevelopment sites that come forward unexpectedly and which have not been specifically identified for new housing in a planning document. These sites often comprise redundant or vacant buildings including barns, or a gap between existing properties in a built-up street scene. This Neighbourhood Plan defines windfall sites as developments of three units or less in one location.</p> <p>Such sites have made a small but regular contribution towards the housing supply in the Parish for a considerable time. As there remain only limited opportunities for windfall development, there is evidence that windfalls will continue to make a small contribution to housing provision in the Parish over the next fifteen years. It is anticipated, and agreed by Harborough District Council, that 5 units will be provided by windfall during the lifetime of the Plan.</p>	<p>First para of supporting text, change to “<i>Windfall sites comprise sites that have not been allocated for new housing and which may come forward unexpectedly during the plan period. These sites may comprise redundant...scene.</i>” (delete last sentence in para)</p> <p>Second para of supporting text, change to “<i>...time. It is anticipated that windfalls will continue to make a valuable contribution to housing provision in the Parish over the plan period. Whilst Policy H5 provides support for windfall development within the Limits to Development, identified in Policy H2, it does not serve to prevent appropriate windfall development, in line with national policy, from coming forward elsewhere within</i></p>	<p>To correct an inaccuracy in definition of windfall housing and to provide clarity</p>

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				<i>the Neighbourhood Area.”</i> (delete rest of supporting text)	
16	Policy H6	Built Heritage	<p>POLICY H6: BUILDINGS AND STRUCTURES OF LOCAL HISTORICAL AND ARCHITECTURAL INTEREST - Development proposals that affect an identified non-designated building or structure of local historical or architectural interest or its setting will be expected to conserve or enhance the character, integrity and setting of that building or structure. The buildings of local interest currently identified are:</p> <p>Church Clock/War Memorial Observatory Welford Road Thatched Cottages Village Green The Malt Shovel</p> <p>South Kilworth’s historic character is one of its most important assets, and the community wishes to see it protected and enhanced. Consultation has shown a desire to balance the need to protect the character of the village with the need for the village to grow and evolve in a sensitive and proportionate manner in order to sustain the community and its facilities. There are 10 buildings/structures in the parish that have been granted national ‘Listed Building’</p>	<p>Policy H6, change to “Proposals affecting the following non-designated heritage assets will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset: (LIST THE FIVE NON-DESIGNATED ASSETS HERE)</p> <p>Change title of Policy to “Non-Designated Heritage Assets.”</p> <p>Delete supporting text and replace with “South Kilworth’s historic character is one of its most important assets, and the community wishes to see it protected and enhanced. As well as containing a number of protected Listed Buildings, the village contains other important buildings and structures that make a valuable contribution to local</p>	<p>Policy H6 as written simply requires development to conserve or enhance non-designated heritage assets. Such an approach fails to provide for a balanced judgement and thus fails to have regard to the requirements of Paragraph 197 of the Framework</p> <p>Clarity</p>

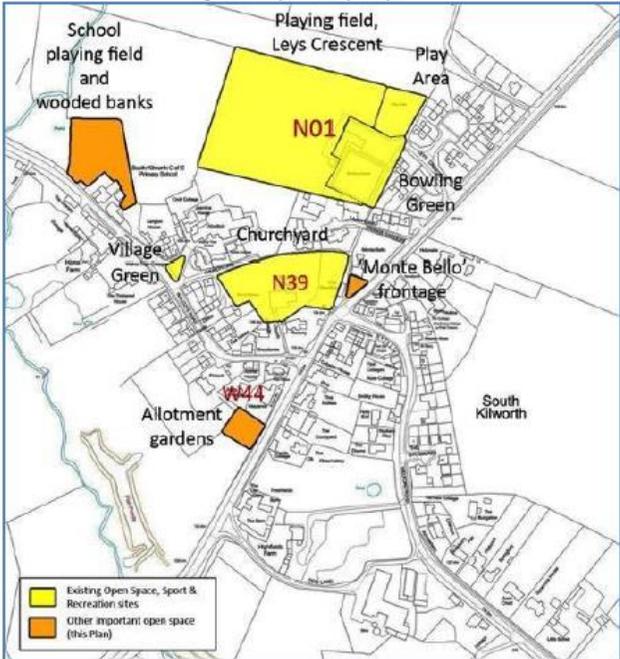
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			<p>Status, in recognition of their special historical or architectural interest. These are listed in the supporting information.</p> <p>Their designation as a Listed Building gives them special legal protection. It is important, however, that the Neighbourhood Plan highlights them, especially to ensure that all parties are aware of their local importance and merit, and the need to protect and enhance these structures. Development proposals that affect a Listed Building or any other nationally designated heritage asset will be considered in accordance with national and district-wide planning policies.</p> <p>In addition to these nationally recognised Listed Buildings and the special protection this brings, there are other buildings and structures that have been identified as being locally important to the architectural and historic heritage of South Kilworth and need to be preserved and enhanced. These buildings will be Locally Listed.</p>	<p><i>heritage.</i></p> <p><i>Policy H6 identifies these “non-designated heritage assets” to ensure that their importance to the community and South Kilworth’s heritage is recognised.”</i></p>	
17	Policy H7	Design	<p>POLICY H7: DESIGN - Development including one or more houses, replacement dwellings and extensions should be designed to have a positive and distinctive character by incorporating, where appropriate, the features listed in the design guide in Appendix 1.</p>	<p><i>Policy H7, change to “All development should be designed to make a positive contribution to its surroundings.” (delete rest of policy)</i></p>	<p>Policy H7 seeks to provide for good design and in this respect, it has regard to national policy. However, the Policy</p>

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			<p>All proposals for new houses will include a Design and Access Statement that highlights areas of compliance and non-compliance with each of the design points listed in the design guide.</p> <p>The design policy has been the subject of consultation within the Parish and sets out general principles and guidance so building character can be maintained and enhanced.</p>	<p>Supporting text, delete last sentence (“The design...enhanced.”)</p>	<p>goes on to require development proposals to “incorporate features” identified in an Appendix to the Neighbourhood Plan.</p> <p>Policy H7 does not provide an opportunity to elevate an Appendix to the Neighbourhood Plan to something which has legal planning policy status.</p>
18	Policy ENV1	Protection of Local Green Spaces	<p>POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACES – Development proposals that would result in the loss of, or have an adverse effect on, the following designated Local Green Spaces (mapped below, Fig. 6 and detailed in the environmental inventory), or their settings, will not be supported other than in very special circumstances.</p> <p>St. Nicholas churchyard (Inventory map reference N39)</p> <p>Valley bottom pasture (W06 east)</p>	<p>Policy Env 1, change to “<i>The areas below are designated as areas of Local Green Space, which will be protected in a manner consistent with the protection of land within Green Belts.</i>”</p>	<p>The Framework is explicit in its requirement that policies for managing development within a Local Green Space should be consistent with those for Green Belts. As worded, Policy Env 1 does not have regard to this.</p>

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			Fishponds pasture W02) Manor fields S01/2/3) Village allotments (W44) Old gravel pit field ('village sledging hill') (N02, lower)	<p style="text-align: center;">Figure 6. Local Green Space in South Kilworth</p>  <p style="text-align: center;">Replace Figure 6 with a plan, or plans, to clearly identify all Local Green Space boundaries – the plans should be at a scale to ensure that no confusion could arise in respect of the precise location of each Local Green Space boundary</p>	For clarity
19	Policy	Important	POLICY ENV 2: IMPORTANT OPEN SPACE –	Change Policy Env 2 to “Development	The wording of the

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	ENV 2	Open Space	<p>All the following Important Open Spaces (map, Figure 7) will be safeguarded by ensuring that development does not compromise their integrity or value.</p> <p>Leys Crescent playing field, bowling green and play area (OSSR: Outdoor sports facilities, Provision for children and young people) (inventory site N01)</p> <p>South Kilworth Primary School playing field and wooded banks (old gravel pit) (New: Outdoor sports facility, Natural and semi-natural greenspace)</p> <p>'Village Green', Church Lane (OSSR: amenity greenspace)</p> <p>Churchyard of St Nicolas' church (OSSR: Cemeteries ... burial grounds) (N39)</p> <p>South Kilworth allotment gardens (New: allotment gardens) (W44)</p> <p>Several sites have been identified for their outstanding community value through community consultations and fieldwork, and in Parish records; some are existing Open Space, Sport & Recreation (OSSR) sites (e.g. in Harborough District Council (HDC) Consultation</p>	<p><i>resulting in the loss of playing fields, allotments or land used for formal recreation will not be supported.</i></p> <p>Delete supporting text and replace with <i>"The Neighbourhood Plan recognises the value to the community of its recreational areas and Policy Env 2 seeks to protect these."</i></p>	<p>Policy is centred around an ambiguous requirement for the "safeguarding" of sites, on the basis that "their integrity or value" is not compromised" by development. In the absence of clear definitions and supporting information, Policy Env 2 is vague and open to wide interpretation. It does not have regard to Paragraph 16 of the Framework in respect of providing a decision-maker with clarity.</p>

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			<p>documents for Local Green Space, Open Spaces Strategy and Provision for Open Space, Sport and Recreation (2015-2016) carried out in preparation for the HDC Local Plan (2017). The value of all these sites as open space within and close to the built-up areas and/or their current, or potential, value, as community resources are recognised in the following Policy.</p>	Delete Figure 7	

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20	Policy ENV3	Protection of Important Views	<p>POLICY ENV 3: PROTECTION OF IMPORTANT VIEWS - Development proposals should respect the open views and vistas identified below and in Figure 9 (above).</p> <ol style="list-style-type: none"> 1. From North Road and The Belt south toward the Hemplow Hills 2. From points in the village on Welford Road 	No changes proposed	Policy meets the Basic Conditions

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			<p>and Dog Lane south to Stanford Reservoir and the Hemplow Hills and west to treeline on Rugby Road, taking in near views of the stream valley and Scheduled Monument earthworks</p> <p>3. From Welford Road, at the southeast boundary of the village, east across open pasture and hedgerows to the parish boundary</p> <p>4. From public footpath Y66B (west of Rugby Road) across the village to the east , the valley slopes to the east and beyond to open rolling country</p> <p>5. From Walcote Road east and north across rolling open country to the parish boundary</p> <p>6. From Stanford road east-southeast over Stanford Reservoir to the Hemplow Hills</p> <p>7. From North Road northwest across rolling open country to Kilworth House.</p>		
21	Policy ENV4	Sites of Locally High Environmental Significance	POLICY ENV 4: SITES OF LOCALLY HIGH ENVIRONMENTAL SIGNIFICANCE – The sites shown on the map (Fig. 10) are of high local significance for biodiversity (habitats and species) and/or history. They are important in their own right and are locally valued. Development proposals that affect them adversely will be expected to protect the identified features.	Delete Policy Env 4, Figure 10 and supporting text	Policy Env 4 is vague and imprecise. It does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.

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22	Policy ENV 5	Woodland, Trees and Hedges	POLICY ENV 5: WOODLAND, TREES AND HEDGES – Development proposals that result in the loss of trees of biodiversity, landscape, amenity or arboricultural value, or result in loss or damage to woodland, will not be supported. Hedgerows should be retained and protected.	Policy Env 5, change to “<i>Development should not result in the loss of trees of biodiversity, landscape, amenity or arboricultural value, or result in loss or damage to woodland or hedgerows. Where such loss is unavoidable, development should demonstrate net gains in biodiversity, through the planting of new trees, woodland and hedgerows.</i>” (delete rest of Policy)	As set out, the Policy simply resists any development that results in loss. As such, it does not allow for a balanced approach to development that may, for example, provide for loss to be mitigated by replacement that could, itself, result in overall enhancement or net gains for biodiversity.
23	Policy ENV 6	Biodiversity and wildlife corridors	POLICY ENV 6: BIODIVERSITY AND WILDLIFE CORRIDORS - Development proposals will be expected to safeguard locally significant habitats and species, especially those protected by relevant English and European legislation, and, where possible, to create new habitats for wildlife. Permitted development in the Plan Area will be expected to protect and enhance the wildlife corridors mapped above and other potential habitat links. It should not create barriers to the permeability of the landscape for wildlife in	Policy Env 6, change to “<i>Development affecting the wildlife corridors identified on Figure 11 should not result in the creation of barriers to the permeability of the landscape for wildlife or lead to the fragmentation of populations of species of conservation concern. The conservation and/or enhancement of the identified wildlife corridors will be supported. Development impacting on biodiversity</i>”	The Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework

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			general, or fragment populations of species of conservation concern.	<i>should secure measurable net gains for biodiversity.</i>	
24	Policy ENV7	Ridge and Furrow Fields	POLICY ENV 7: RIDGE AND FURROW – Development proposals should seek to preserve the identified areas of well-preserved ridge and furrow (Figure 12 above) wherever possible.	Policy Env 7, change to “<i>Development should conserve the identified areas of well-preserved ridge and furrow (Figure 12) in accordance with their significance.</i>”	Generally, the Policy has regard to national policy. However, as set out, it does not apply the relevant policy test for a balanced judgement to be applied by Paragraph 197 of the Framework, above.
25	Policy ENV 8	Flooding	POLICY ENV 8: FLOODING - Every development proposal of appropriate scale and where relevant will be required to demonstrate that: a) The development and its occupants are safe from flooding for its lifetime; b) Its location takes geology, hydrology and flood risk into account, including undertaking a hydrogeology study whose findings must be complied with in respect of design, groundworks and construction; c) Its design includes, as appropriate, sustainable drainage systems (SuDS), surface water management measures and permeable surfaces; and	Change Policy Env 8 to “<i>Development should ensure that: a) the development...; b) its design includes...parties</i>” (delete rest of Policy)	To correct imprecision of the policy

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			d) It does not increase the risk of flooding to third parties.		
26	ENV9	Renewable Energy	<p>POLICY ENV 9: RENEWABLE ENERGY - Proposals for small scale single wind turbines will be considered on their merits against the criteria established by Harborough District Council. Due to the small size of the parish, the character of the landscape and the potential for adverse visual impacts on identified views and residents' amenity, the criteria will be very strictly applied.</p> <p>Proposals for medium- or large-scale wind energy developments will not be acceptable in the parish.</p> <p>Proposals for solar energy schemes will also be considered by applying HDC criteria. They are most likely to be acceptable in the small areas of flat agricultural land in the parish that are well away from roads, houses and public rights of way and well enclosed by strong field boundaries or woodland.</p>	Delete Policy Env 9, supporting text and Figure 14	<p>Policy Env 9 sets out how it will “strictly apply” policies that are neither contained within, nor under the control of the Neighbourhood Plan. In this regard, I also note that the Parish Council is not the Local Planning Authority and does not have the power to determine planning applications.</p> <p>Part of the supporting text is worded in an unduly negative way, such that creates significant confusion. The Policy would support the consideration of proposals for small scale wind turbines but the supporting text</p>

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					states that it is unlikely that small scale wind energy schemes would be acceptable.
27	Policy ENV 10	Access and Rights of Way	<p>POLICY ENV 10: ACCESS AND RIGHTS OF WAY - Development proposals that result in the loss of or have a significant effect on the existing rights of way will not be supported.</p> <p>Proposals to maintain, upgrade and, where appropriate, extend the pedestrian footpath network in the Parish will be supported, in order to:</p> <p>a) Service new developments and connect them to the existing pedestrian footpath network;</p> <p>b) Encourage walking over car use for making journeys within the parish and to key community facilities and amenities including the school;</p> <p>c) Provide an improved and more extensive footpath network to support exercise and leisure activities for South Kilworth residents and visitors;</p> <p>d) Extend the footpaths along Walcote Road and Rugby Road in order to develop footpath linkages within the village.</p>	<p>Policy Env 10, delete the unnecessary “the” in the second line and end the Policy “...Parish will be supported.”</p> <p>Move points a) to d) to a new paragraph at the end of the supporting text, “Policy Env 10 is intended to support proposals to improve access and rights of way, including: a) Service...village.”</p> <p>Supporting text, page 48, five lines up from bottom of page, delete “and should</p>	<p>The last part of Policy Env 10 sets out various ways in which access and rights of way might be improved. However, no substantive evidence has been provided to demonstrate how any of these things might be delivered. Consequently, the information provides a helpful addition to the supporting text, rather than a land use planning policy requirement.</p>

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			As they are so limited in extent these routes are especially important and should be protected.	<i>be protected</i> ” which reads as though the supporting text were a Policy, which it is not.	
28	Policy CF1	Retention of Community Facilities and Amenities	POLICY CF1: Retention of Community Facilities and Amenities - Proposals that will result in the loss of an existing community facility or amenity as listed above will not be supported unless it can be demonstrated that: a) there is no longer any need or demand for the existing community facility; or b) the existing community facility is no longer economically viable as such; or c) the proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the Parish.	Policy CF1, change to “...b) further to 12 months active and open marketing it can be demonstrated that the existing community facility is no longer economically viable; or...”	precision
29	Policy CF2	New or Improved Community Facilities	POLICY CF2: NEW OR IMPROVED COMMUNITY FACILITIES – Proposals that improve the quality and/or range of community facilities, will be supported provided that the development: a) Will not result in unacceptable traffic movements or other disturbance to residential properties; b) Will not generate a need for parking that cannot be adequately catered for; c) Is of a scale appropriate to the needs of the	Change Policy CF2 to “The development of new or the improvement of existing community facilities will be supported, provided that the development: a) Will not...wishing to walk or cycle; and d) Takes...disabilities.”	To correct ambiguity of the policy

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			locality and conveniently accessible for residents of the village wishing to walk or cycle; d) Takes into full account the needs of people with disabilities.		
30	Policy CF3	Expansion of the Primary School	POLICY CF3: EXPANSION OF THE PRIMARY SCHOOL - Proposals for the expansion of the South Kilworth C of E Primary School, including a meeting room/sports facility for school use only, will be supported if the expansion would not create severe access related, parking or traffic circulation problems that cannot be mitigated, and does not have an adverse impact on existing community facilities.	Policy CF3, change to “...will be supported subject to it not resulting in severe impacts on access, parking or highway safety.”	The final part of the Policy fails to provide for an appropriate planning balance
31	Policy CF4	Assets of Community Value	POLICY CF4: ASSETS OF COMMUNITY VALUE - Development that will result in the loss of, or has a significant adverse on, a designated Asset of Community Value will not be permitted unless in special circumstances, such as the Asset is replaced by an equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be clearly demonstrated that it is not viable or no longer needed.	Delete Policy CF4 and supporting text	The Policy gives rise to uncertainty and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework
32	Policy TR1	Traffic Management	POLICY TR1: TRAFFIC MANAGEMENT - With particular regard to the rural highway network of the parish and the need to minimise any increase in vehicular traffic all development must, where appropriate:	Change Policy TR1 to “In the interests of highway safety, development should incorporate sufficient off-road parking; not remove or compromise the use of	To improve clarity of the policy To remove matters that are outside the

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		Last para on Page 59	<p>a) Be designed to minimise additional traffic generation and movement through the village, especially vehicles over 7.5 tonnes;</p> <p>b) Incorporate sufficient off-road parking;</p> <p>c) Not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided;</p> <p>d) Provide any necessary improvements to site access and the highway network either directly or by financial contributions; and</p> <p>e) Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways.</p> <p>A realistic objective for the Neighbourhood Plan is to address transport, roads and parking issues by policies that prevent exacerbation of the identified problems as a result of new housing developments and seek to improve the current situation.</p>	<p><i>existing off-road parking unless a suitable equivalent alternative is provided; and provide for safe access.</i></p> <p>Delete last paragraph of supporting text on page 59, which does not relate directly to the Policy</p>	scope of the Neighbourhood Plan
33	Policy E1	Support for Existing Employment Opportunities	POLICY E1: SUPPORT FOR EXISTING EMPLOYMENT OPPORTUNITIES Where planning permission is required, proposals that result in the loss of, or have a significant adverse effect on, an existing employment use will not be permitted unless it can be demonstrated that the site or building is not viable for employment uses, and has been	Policy E1, change to “...employment use (excluding the residential allocation in Policy H1 of this Plan), will not be supported unless it...year or that the commercial...Parish.”	The phrase “will not be permitted” runs the risk of pre-determining the planning application process.

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			acceptable if they avoid harmful impacts on other matters agreed to be locally important such as increased traffic flows, parking, residential amenity, the preservation of historic/heritage assets and the local environment.	Delete final sentence of supporting text, which reads as though it comprises a Policy, which it does not (and which in any case, fails to provide for the balanced consideration of development proposals)	
35	Policy E3	Home Working	<p>POLICY E3: WORKING FROM HOME - Proposals for the use of part of a dwelling for office and/or light industrial uses, and for small scale free standing buildings, extensions to the dwelling or conversion of outbuildings for those uses, will be supported in line with Policy E2.</p> <p>Any extension or free-standing building shall be designed having regard to policies in this Plan and should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction.</p>	Delete Policy E3 and supporting text	<p>No detailed evidence has been provided to demonstrate that such an approach would, in all cases, ensure that sufficient regard would be given to the residential amenity of neighbours.</p> <p>Various forms of development, including much of that related to home working, does not require planning</p>

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					<p>permission.</p> <p>Policy E3 runs the risk of supporting forms of development that do not contribute to the achievement of sustainable development.</p>
36	Policy E4	Farm Diversification	<p>POLICY E4: FARM DIVERSIFICATION - In order to support farm diversification and the sustainable growth and expansion of businesses, the conversion of existing agricultural buildings will be supported where:</p> <p>a) The use proposed is appropriate to the rural location and respects the local character of the surrounding area;</p> <p>b) The development will not have an adverse impact on any archaeological, architectural, historic or environmental features;</p> <p>c) The local road system is capable of accommodating the traffic generated by the proposed new use and adequate parking can be accommodated within the site;</p> <p>d) There is no significant adverse impact on neighbours - for example: through noise, light or other pollution, increased traffic levels or</p>	<p>Policy E4, change to “...The use proposed respects local character, residential amenity and highway safety; and b) the development conserves heritage assets in a manner appropriate to their significance.” (delete rest of Policy)</p>	<p>National policy does not simply seek to prevent any development that has “an adverse impact” on heritage assets or the environment, but provides for a balanced consideration, having regard to sustainability.</p> <p>Criterion c) of the Policy is vague, in referring to “capable of accommodating” and</p>

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			increased flood risk.		“adequate” and the final Criterion reads as an incomplete catch-all that fails to provide for a balanced consideration of harm and benefits.
37	Policy E5	Mobile and Telecommunication Infrastructure	<p>POLICY E5: MOBILE AND TELECOMMUNICATION INFRASTRUCTURE - Proposals to provide increased infrastructure in general and access to a super-fast broadband service (currently at least 30 MBPS but to include future developments at present unforeseen) and improve the mobile telecommunication network that will serve businesses and other properties within the Parish will be supported.</p> <p>This may require above ground network installations, which must be sympathetically located and designed to integrate into the landscape and not be located in or near open landscapes.</p>	Policy E5, delete “...and not be located in or near open landscapes.”	This requirement is open to wide interpretation and is unnecessary, given the need for development to be sympathetically located and designed to integrate with the landscape
38	10.6	Tourism Page 64	These proposals should be treated in line with the new business development policies.	Delete last sentence on page 64 (“These...policies.”)	The last sentence on page 64 reads as though it comprises a Policy

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					requirement, which it does not.
39	11	Infrastructurecommunity development. This Neighbourhood Plan will help to define and prioritize where spending of these funds is most needed and most desired.	Page 65, last para, change to “...community development. The Community Actions identified in Section 13 provide an indication of the priorities in respect where the spending of these funds might be most needed and most desired.” Delete para of supporting text on page 66	For Clarity
40	Appendix 1	Design Guide	Appendix 1 Design Guide 1. New development should enhance and reinforce the local distinctiveness of the local area and proposals should show clearly, within the Design and Access Statement(s), how the general character, scale, density and layout of the site, building or extension fits in with the “grain” and character of the surrounding area, and in particular the variety of house styles; 2. No new development will be supported if it has a significant negative effect on any Village amenity (such as pub, church, village hall, footpaths, environment; views, recreational areas); 3. For multi-house developments that include	Do not append the “Design Guide” to the Neighbourhood Plan	Taking into account the consideration of the Neighbourhood Plan’s Design Policy (Policy H7) earlier in this Report. Its “requirements” appear confusing and unsupported by evidence in respect of deliverability, and detract from the land use planning policy requirements of the Neighbourhood Plan.

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			<p>affordable homes: clusters of no more than 3 affordable homes must be pepper-potted around the development and not all placed together;</p> <p>4. Clusters of uniform type and size of housing will not be acceptable;</p> <p>5. If new development is either adjacent to, or in the curtilage of a historically important building the proposals should show how the importance of such a building and its setting have been taken into account;</p> <p>6. The materials proposed in the construction of any new development must reflect the character and context of the adjacent listed and locally important buildings within the parish. Elevations should be primarily of brick to complement the historic brick used in the vicinity. The use of render is supported when highlighting architectural features and panels;</p> <p>7. Within any new multi-house development, houses should be linked by a consistent theme, but individual dwellings should not be the same in appearance;</p> <p>8. Sensitive use of oak frame is acceptable when appropriate to the setting;</p> <p>9. Sensitive use of large windows is acceptable when appropriate to the setting;</p> <p>10. Dwelling heights should generally be</p>		

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			<p>restricted to one or two storeys except where a third floor is extended into the roof line with the use of dormer windows. Any dwelling of above the local average height should be part of a varied scheme, proportionate in scale, sympathetic to the topography of the surroundings and not overbearing;</p> <p>11. Gated developments are not supported;</p> <p>12. Garages should be constructed to match with the dwelling materials;</p> <p>13. Boundaries should be of a rustic or traditional nature. Wherever possible plots should be enclosed by native hedging, or a brick wall, or iron railings of a rural character.</p> <p>14. High (6-foot plus) close boarded timber fences should be avoided where they have a high visibility from a public area although may be acceptable between buildings; New development should always seek to retain existing trees on and adjacent to the site. Any trees that are unavoidably lost should be replaced by an equivalent number of the same or similar species.</p> <p>15. Wherever possible existing hedges should be retained and incorporated into new development schemes. Where unavoidably lost new planting should be incorporated to compensate for this. For new multi-house</p>		

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			<p>developments, landscape designs that include tree and hedge planting to provide nesting and autumn berries and fruit will be supported</p> <p>16. Landscape treatment of new development should reflect the character of the village and its surroundings with the emphasis on using native hedging plants and trees that together with open spaces will link the village with the countryside and support biodiversity;</p> <p>17. New dwellings should have gardens and open spaces appropriate in size for a rural location and the number of occupants;</p> <p>18. For new multi-house developments, the provision of a well-placed green space would be supported as a shared resource for local residents;</p> <p>19. Where possible grass verges should be retained. Where verge parking is unavoidable, the surface should comprise stone blocks that allow grass to grow through to give the perception of grass verges;</p> <p>20. Red coloured paving bricks in driveways are considered inappropriate and should be avoided in preference to neutral coloured bricks, gravel or other traditional materials;</p> <p>21. Dwellings should each have an appropriate external bin storage area to accommodate three standard sized wheelie bins;</p>		

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			<p>22. New development should incorporate sustainable drainage systems with appropriate maintenance regimes to minimize vulnerability to flooding and other effects of climate change;</p> <p>23. Design principles should recognize the importance of new technology and product design that will not only help new development towards a goal of carbon neutrality, but also help in the unobtrusive evolution of such renewable technology materials so that they seamlessly blend into the character of the village. The use of new green technologies is supported;</p> <p>24. Adequate attention to building orientation for natural light, thermal insulation and green technology should be implicit in all design proposals;</p> <p>25. Roof designs where the developer takes into account the space required, direction and elevation for fitting by the homeowner of solar panels will be supported</p> <p>26. The provision of green (living) roofs is supported;</p> <p>27. House designs that minimize the use of water will also be supported, through the fitting of low water usage toilets, taps and showers;</p> <p>28. House designs should allow for the collection of water into a water butt (a location</p>		

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			<p>for the butt and water collection from the roof should be allowed for);</p> <p>29. House designs that harvest rainwater for re-use will be supported;</p> <p>30. In addition to oil or gas (LPG) or heat pumps, new houses should be provided with chimneys for wood burners (not coal or multifuel) to minimize the use of non-sustainable carbon producing fuel. South Kilworth has no mains gas supply;</p> <p>31. Chimneys and flues should reflect one of the many styles of the village using brick or other materials that can be seen in the adjacent area;</p> <p>32. For new houses, the developer should provide appropriate space (only) for the later installation by the homeowner of a home electricity battery and systems for power storage;</p> <p>33. For new houses, the developer must consider the layout and proximity of where cars are parked so that the future homeowner is able to economically install electricity car charging points close to where cars are parked. The number of charging points to be appropriate for the size of dwelling;</p> <p>34. Provision of bird and bat boxes will be supported;</p> <p>35. Provision of a pond or boggy area for</p>		

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			amphibians, birds and mammals would be supported.		
41		General	Entire Plan	Update the contents, page, policy, paragraph and figure numbering, taking into account the recommendations contained in this Report.	The recommendations made in this Report will have a subsequent impact on contents, page, policy, paragraph and figure numbering.