

Arnesby Neighbourhood Plan 2018 – 2031

Arnesby Neighbourhood Plan Submission Version October 2018

Final Report 30th November 2018 to Harborough District Council of the Examination into the Arnesby Development Plan 2018 – 2031.

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1.0 INTRODUCTION AND ROLE OF THE INDEPENDENT EXAMINER

- 1.1** Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Arnesby Neighbourhood Plan Submission Version October 2018 (the Plan) which is intended to cover the period up to 2031.
- 1.2** The rural Parish of Arnesby, comprising the village of Arnesby and its surrounding countryside, lies within the Harborough District Council's administrative area of Leicestershire to the south of Leicester, on the A5199 Welford Road, between Kilby and Shearsby.
- 1.3** The Plan refers to noteworthy history associated with its physical and social development, character, historic buildings and landscape setting, defining the composition of its population and housing stock (including escalating property values).
- 1.4** The Plan advises that the population of the Parish according to the 2011 Census was 357 persons (including 292 adults) in 143 households, an increase of 5% in residents since 2001.
- 1.5** The Plan advises that the Parish Council applied to Harborough District Council in June 2016 to seek designation as a Neighbourhood Area and the Statement of Basic Conditions confirms this was approved on 4th August 2016 by Harborough District Council (HDC). The Parish Council have with the assistance of local residents, consultants, Officers and Members of the District Council undertaken progressive and extensive consultation exercises, conducted a number of separate, progressive consultation events, produced a Housing Needs Report August 2016 and prepared both the initial Draft and (following the requisite six-week pre-submission consultation) the revised Submission versions of the Neighbourhood Plan.
- 1.6** My role as an Independent Examiner, when considering the content of a Neighbourhood Plan, is limited to assessing whether the submission version of the Neighbourhood Plan meets the 'basic conditions', and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a Neighbourhood Plan or to examine other material considerations. Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following 'basic conditions';
- it must have appropriate regard for national policy;
 - it must contribute towards the achievement of sustainable development;
 - it must be in general conformity with the strategic policies of the development plan for the local area;
 - it must be compatible with human rights requirements and
 - it must be compatible with EU obligations.
- 1.7** In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the Examiner must make a report on the submission version of the plan containing recommendations and reaching one of the following three concluding recommendations:

- (a) that the submission version of the Plan is submitted to a referendum, on the basis it meets all the legal requirements, or
- (b) that subject to modifications specified in the Examiner's report being made to the submission version of the Plan and that the modified submission version of the plan proceeds to a referendum, or
- (c) that the submission version of the Plan does not proceed to referendum on the basis that it does not meet the legal requirements.

1.8 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Arnesby Neighbourhood Area, to which the Plan relates. I make my recommendations on this aspect at the end of this Report.

1.9 I am independent of the qualifying body, associated residents, business leaders and the local planning authority. I do not have any interest in any land that may be affected by the Plan and I possess the appropriate qualifications and experience required to undertake the Examination.

2.0 BASIC CONDITIONS

2.1 I now consider the extent to which the Plan meets the "basic conditions". A Basic Conditions Statement (Arnesby Neighbourhood Plan 2011-2031 Statement of Basic Conditions) was prepared in March 2018 by the Arnesby Neighbourhood Plan Advisory Committee for the Parish Council. This Statement explains requirements the Arnesby Neighbourhood Plan must meet under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 to satisfy the basic conditions tests, what these comprise and how the Plan meets these tests, including the contribution that the Plan makes towards the achievement of sustainable development and its general conformity with the strategic planning policies for the development of the area. This Statement has been supplied to me by Harborough District Council, together with the other examination documents including the Submission Version of the Plan (April 2018), the Consultation Statement (April 2018), Pre-Submission Consultation Responses (April 2018), replies to the Regulation 16 consultation (August 2018) and Strategic Environmental Assessment Screening Opinion (Arnesby Neighbourhood Plan Strategic Environmental Assessment Screening Report April 2018 and Determination Report July 2018).

2.2 The Basic Conditions Statement demonstrates how the Neighbourhood Plan conforms with provision made under sections 61E (2), 61J and 61L of the Town & Country Planning Act 1990, as amended by s38C(5)(b). I am content that the Arnesby Neighbourhood Plan, has been submitted by a qualifying body, Arnesby Parish Council, in accordance with requirements and processes set out in the Town & Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012. Arnesby Parish Council as a qualifying body is thus entitled to prepare a Neighbourhood Plan for its area.

2.3 Arnesby Neighbourhood Plan covers the entire Parish of Arnesby. I am content that the Arnesby Neighbourhood Plan meets the requirements of The Town & Country Planning Act 1990, s61G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this neighbourhood area.

- 2.4** In relation to the Plan period it is essential that the Arnesby Neighbourhood Plan contains explicit reference to its starting point as well as its end point. The front cover page and text of the Plan contains clear reference to its starting point as 2018 and end as 2031.
- 2.5** Subsection "A Neighbourhood Plan for Arnesby" on page 8 of Section 1 "Background and Context" of the Arnesby Neighbourhood Plan explain the primary objectives of the Parish Council in commencing the preparation of the Plan in 2016 with an initial open event followed by a village questionnaire was to *"give local people an opportunity to help formulate policies on the type, scale and form of any new development within the Parish and help determine what would be acceptable and appropriate in the local environment"*. This section specifically confirms its intention is *"to set out how they would like to see the village develop over the next fifteen years or so, and ensure that local people have a stronger influence over the way change and development takes place in their area and help to protect and possibly enhance the features they most value"*. This is echoed in Section 4 "Vision" which expands the aim *"for Arnesby is to maintain and enhance the good quality of life, community spirit and attractive natural and built environment in Arnesby Parish"*.
- 2.6** I note that the Harborough Local Plan (LP) was adopted in 2001 and a Core Strategy (CS) 2006 - 2028 was adopted in November 2011, which either replaced or saved policies contained within the Local Plan. The Council advises on its own website that "The Core Strategy is now considered out of date in terms of policies relating to housing and economic development following the publication of the National Planning Policy Framework." It also advises that the revised, intended timetable for adoption of a replacement Local Plan for the District is currently as follows:
- (a) March 2018: Submission of Local Plan to Secretary of State for public examination
 - (b) October 2018: Examination hearings
- No dates appear currently indicated/confirmed for anticipated receipt of the Inspector's Report, publication of potential modifications to the Local Plan and/or subsequent formal adoption of the Local Plan.

Appropriate Regard to National Policies and Guidance, including National Planning Policy Framework (NPPF)¹

- 2.7** Presumption in favour of sustainable development: NPPF 2018 advises that all plans should be based upon the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. Paragraph 13 of the NPPF 2018 acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. Neighbourhoods are encouraged to develop plans that support the strategic development needs set out in Local Plans (including policies for housing and economic development) and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The Basic Conditions Statement asserts the Neighbourhood Plan is planning positively, enabling the delivery of new housing of high quality within the existing built-up area which respects the character, form and design of existing dwellings by defining a development limit for Arnesby, accepting that whilst (currently classified as 'open countryside' in the

¹ Paragraph 214 of NPPF 2018 identifies the transitional arrangements in place to address circumstances where Neighbourhood and Local Development Plans are already in preparation prior to the replacement of NPPF 2012 with the current version NPPF 2018 that allow such plans to continue to be considered under NPPF 2012. It comments that plans submitted before 24 January 2019 will be examined on the basis of NPPF 2012.

Core Strategy) the emerging Local Plan is updating the housing need and allocation across the District, it proposes a settlement hierarchy that places Arnesby within 'Other Village or Rural Settlement' identifying it as one of the least sustainable locations for growth.

- 2.8** The Basic Conditions Statement identifies on pages 6 to 8 inclusive within Table 1 how each of the Policies of the Neighbourhood Plan show regard to the NPPF. The NPPF 2018 explains at paragraph 29, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.
- 2.9** The Arnesby Neighbourhood Plan includes a statement within Section 4 establishing a very clear Vision for the Parish that has been guided by extensive and progressive rounds of community consultation and engagement. Although clearly setting out the extent of consultation prior to the draft Pre-Submission version of the Plan the Consultation Statement contains no reference to any responses received, their analysis and any changes made as a consequence. A separate eleven page document "Neighbourhood Plan Pre-Submission Consultation Responses, April 2018" does analyse and comment on the representations received at that stage as part of the Regulation 14 Consultation, confirming predominantly minor changes required to the text and proposed settlement development boundary of the Pre-Submission Draft Plan. A further document "Arnesby Neighbourhood Plan Summary of responses August 2018" sets out a schedule of those representations received as part of the Regulation 16 Consultation. The Parish Council has clearly sought to translate the vision into a series of meaningful planning policies to plan for sustainable housing growth (bearing in mind the scale of and facilities within the village), protect the character of the area and to determine future planning applications as part of the Development Plan for the District.
- 2.10** Paragraph 29 of the NPPF 2018 requires that non-strategic policies within Neighbourhood Plans should not promote less development than the strategic policies of the Development Plan or undermine those policies and (at footnote 16 that Neighbourhood Plans must be in general conformity with the strategic policies of the Development Plan). Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area. It is clear from the Basic Condition Statement that the District and Parish Councils believe the Arnesby Neighbourhood Plan is in general conformity with the strategic policies of the 2011 Core Strategy, striking a positive balance between the physical and policy constraints of the Parish and the requirement to meet local housing demand. Helpfully, the Basic Conditions Statement sets out how each of the thematic policies supports relevant policies contained in the Core Strategy and Local Plan and conforms with the provisions of the Arnesby Neighbourhood Plan on pages 10 to 12 inclusive in Table 2. The Submission Version of the Plan also clarifies from the outset that its life span has been matched to that of the emerging Local Plan (i.e. to 2031) so that it may reasonably rely on the evidential background documentation used in its preparation. The Arnesby Neighbourhood Plan also references the more recent emerging Local Plan, the Parish's own Housing Needs Report August 2016 and identification of a single proposed housing allocation site during the consultation process in its reasoning behind the decision to select a Limit of Development as a defined Settlement Development Boundary within which development proposals would not be judged against open countryside development

policies but positively enabled as infilling, conversion or redevelopment of previously developed sites to support the strategic housing policies of the Core Strategy and the emerging Local Plan.

- 2.11** The Arnesby Neighbourhood Plan Basic Conditions Statement systematically sets out how the Submission Version of the Plan meets NPPF guidance based on the principal topic areas cross referenced to the Core Strategy and Local Plan policies. There is no qualification within the Basic Conditions Statement to confirm that it is the NPPF 2018 which is being referred to, unsurprisingly because it was prepared in March 2018. The Basic Conditions Statement may be updated to include a further column inserting references to the NPPF 2018 to assist future decision making. Although transitional arrangements exist for Plans in preparation to be judged under the NPPF 2012 the changes would be modest and make the Plan more up to date. Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to both national guidance and the Development Plan.

Contribution towards Achievement of Sustainable Development

- 2.12** At sub-section "Neighbourhood Plans" within Section 1 "Background and context" the Arnesby Neighbourhood Plan defines the three dimensions to sustainable development as being, economic, social and environmental; the Arnesby Neighbourhood Plan sets out the roles that the planning system is expected to perform in relation to each. The Arnesby Neighbourhood Plan contributes to the achievement of sustainable development as defined within the NPPF, as outlined in Section 1 and Appendix 3 of the Strategic Environmental Assessment Screening Opinion prepared by Harborough District Council in respect of the Submission Version of the Plan.
- 2.13** I consider that this approach offers a clear analytical framework to test the credentials of the Submission Version of the Plan and consider that the Plan would properly contribute to the objective of sustainable development, subject to various policy amendments that I have recommended below.

General Conformity with Strategic Policies for Local Area

- 2.14** The statutory development plan currently relating to the Arnesby Neighbourhood Plan area currently comprises the Core Strategy adopted by Harborough District Council in 2011 which replaces/saves certain policies from the Local Plan adopted by the Council in 2001. The approach to the preparation of the Arnesby Neighbourhood Plan has been to ensure general conformity with both the saved policies of the adopted Local Plan and those new/replacement policies contained in the Core Strategy to ensure that the Plan remains relevant for the period of the Core Strategy prior to its replacement by a new, emerging Local Plan for the District. This is demonstrated within the Basic Conditions Statement, Section 4.1 with regard to the NPPF and Section 4.3 with regard to the strategic policies of the Local Plan, which sets out clearly how the Arnesby Neighbourhood Plan conforms with each of the relevant strategic policies of both the Core Strategy, referring to the considerable regard given to the evidence base of the emerging Local Plan, particularly in relation to housing provision. I am, therefore, satisfied that the Neighbourhood Plan is in general conformity with the strategic policies in the Harborough Core Strategy.

Compatibility with European Union Obligations

- 2.15** In relation to the Arnesby Neighbourhood Plan, Harborough District Council provided a Screening Opinion which at 1.7 confirms "*Section 4 provides a screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the need for a full SEA.*" This opinion is then clarified by the table at 4.2 showing the assessment undertaken in order to reach this conclusion. The Screening Opinion explains at 6.1 that as a result of that assessment "*it is unlikely there will be any significant detrimental environmental effects arising from the Arnesby Neighbourhood Plan Submission Draft as submitted to Harborough District Council, that were not covered by the Sustainability Appraisal of the Core Strategy. **As such, it is the consideration of the Local Planning Authority that Arnesby Neighbourhood Plan does not require a full SEA to be undertaken***", confirming the advice in the National Planning Policy Guidance (NPPG), February 2015, which clarifies where a SEA may be required for a neighbourhood plan.
- 2.16** Harborough District Council website advises that as part of the emerging replacement Local Plan they also undertook an interim Sustainability Appraisal in respect of nine alternative sites considered for housing and employment allocation in the District. At 5.1 the Screening Opinion confirms "*A number of scenarios for housing growth have been tested in the Sustainability Appraisal and Strategic Environmental Assessment for the New Local Plan. Arnesby falls below the threshold of Selected Rural Village in the settlement hierarchy and is therefore not specifically considered as part of the SA.*"
- 2.17** The Regulation 16 consultations did not indicate any parties were discontent with the methodology or finding of the Screening Opinion issued in respect of the Arnesby Neighbourhood Plan.
- 2.18** I therefore consider that a proportionate and focussed approach has been taken through the SEA process for the Arnesby Neighbourhood Plan and that the assessment has been completed in a timely fashion at the appropriate stage of the Plan preparation.
- 2.19** The NPPG advises, at paragraph 030, that it is for the local planning authority to ensure that the strategic environmental assessment requirements have been met and whether the neighbourhood plan proposal is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive).
- 2.20** I consider in relation to sustainability appraisal, including Strategic Environmental Assessment, the analysis undertaken is sufficient in a neighbourhood planning context and following on from the recent work undertaken in informing policy development for the emerging replacement Local Plan that the Basic Conditions have been met in contributing to sustainable development and meeting this component of EU regulation.

Habitat Regulations Assessment

- 2.21** A Habitats Regulations Assessment Screening Report has been incorporated within the SEA Determination Report to assess whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the Neighbourhood Plan Area and at Appendix 3 states "*The table below has demonstrated that in the opinion of the Local Planning Authority the policies of the ANP do not give potential either on their own or through cumulative effects for significant detrimental impact on local historic or environmental sites, Natura 2000 sites, or Habitat Regulations.*"

- 2.22** Due to the lack of evidence of any relevant designated sites likely to be impacted upon, I agree that the neighbourhood development plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or any European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007), either alone or in combination with other plans or projects.

Compatibility with Human Rights Requirements

- 2.23** Section 4.4 of the Basic Conditions Statement provides an analysis which (equates to an Equalities Impact Assessment of the Plan and) considers that the Plan's preparation has had due regard throughout to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that requisite consultation complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. I consider that assessment needed has been undertaken.

3.0 BACKGROUND DOCUMENTS

- 3.1** In examining the Arnesby Neighbourhood Plan, I have had particular regard to the following documents which include the Submission Version of the Plan:

- a) National Planning Policy Framework, 2012 (superseded)
- b) National Planning Policy Framework, 2018 (revised)
- c) National Planning Policy Framework, Planning Practice Guidance, 2015
- d) Town and Country Planning Act 1990 (as amended)
- e) The Planning and Compulsory Purchase Act 2004 (as amended)
- f) The Planning Act 2008
- g) The Localism Act (2011)
- h) The Neighbourhood Planning (General) Regulations (2012)
- i) The Housing & Planning Act (2016)
- j) Harborough Core Strategy
- k) Harborough Local Plan 2011-2031 Proposed Submission September 2017

- l) Arnesby Neighbourhood Plan Approved Designated Area Map, 2016
- m) Arnesby Neighbourhood Plan Housing Needs Report, August 2016
- n) Arnesby Neighbourhood Plan Housing Survey Analysis (undated)
- o) Arnesby Neighbourhood Plan Statement of Basic Conditions, March 2018
- p) Arnesby Neighbourhood Plan Strategic Environmental Assessment Screening Report, May 2018
- q) Arnesby Neighbourhood Plan Strategic Environmental Assessment Determination Report, July 2018
- r) Arnesby Neighbourhood Plan Consultation Statement (undated)
- s) Arnesby Site Selection Process (undated)
- t) Volume of House Sales by House Type, Arnesby 1995 (undated)
- u) Arnesby Neighbourhood Plan Submission Version, April 2018
- v) Neighbourhood Plan Pre-Submission Consultation Responses, April 2018
- w) Arnesby Neighbourhood Plan Summary of representations submitted by Harborough District Council to the Independent examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012

4.0 PUBLIC CONSULTATION AND CONSULTATION STATEMENT

- 4.1** Part 5 of The Neighbourhood Planning (General) Regulations 2012, "the Regulations", makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning (General) Regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process, &;
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

- 4.2** The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the plan-making process has raised awareness and encouraged the community in the Parish to understand/question both the proposed policies as well as the Plan's scope/limitations.
- 4.3** The Consultation Statement sets out in some considerable detail the events that took place to secure public engagement in the Plan area and with statutory consultees, with the assistance of private consultants and officers of Harborough District Council. The Consultation Statement charts the progress and activities to the point it was deemed ready for submission to Harborough District Council to undertake relevant Regulation 16 Consultation and then forward to an Independent Examiner.
- 4.4** I note that the Pre-Submission Plan Regulation 14 Consultation Period ran for the requisite six-week time-period and that during that period a proportionate programme of information dissemination about the draft Plan was undertaken together with further meetings to explain the emerging proposals. At the end of the consultation period, the detailed responses were analysed. The Consultation Statement demonstrates that of the 32 total comments from 4 statutory consultees and 1 individual mainly commented on relatively minor details all of which were addressed by adjustments to the text and development limit boundary of the Neighbourhood Plan prior to its finalisation and formal Submission to Harborough District Council in April 2018.
- 4.5** The Consultation Statement records the Regulation 14 responses to the draft policies and reflects the views from the statutory consultees, private consultants and Harborough District Council on draft policy formulation. Importantly, the Neighbourhood Plan Pre-submission Consultation Responses, April 2018, explains in a tabular form the actions taken in relation to the comments received with a view to responding to concerns with the intention of enhancing the quality of the Plan.
- 4.6** The Consultation Statement does not cover the Regulation 16 Consultation. However, the "Summary of representations submitted by Harborough District Council to the Independent Examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012" provide the responses from 6 parties received from this round of consultation. I have taken these details into consideration in the examination of the Plan and in making my observations on the proposed policies (see below).
- 4.7** I am satisfied that the Consultation Statement in combination with the two tabulated form response summaries complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

5.0 ARNESBY NEIGHBOURHOOD PLAN 2018–2031 – LAND USE PLANNING POLICIES

- 5.1 I now turn to consider the land use planning policies of the Arnesby Neighbourhood Plan. It was established in *R. (Maynard) v Chiltern District Council*¹ that it is wrong to consider each policy within a neighbourhood development plan examination, in the context of compliance with the strategic policies of the development plan and the NPPF, in relation to Basic Conditions a) and e), but rather it is the Plan as whole that needs to be considered in the context of such policy guidance, in terms of "general conformity". In *Woodcock*², paragraph 8(2)(e) of Schedule 4B of 1990 Act only required the LPA to consider whether the draft Neighbourhood Plan, as a whole, is in general conformity with the adopted Development Plan. It is not appropriate to consider whether there is a tension between one policy of the Neighbourhood Plan and one element of the Local Plan or Core Strategy. I have used this approach in assessing whether the Plan meets the Basic Conditions.
- 5.2 However, I consider that it is still prudent from an implementation perspective, to briefly review each of the policies to ensure that they are genuine land use planning policies and that they will serve the Parish in future for development management purposes, should the Plan be made. Before doing so, I would recommend that whilst each of the main sections of the Submission Version of the Plan is numbered that there is a practical requirement for each and every Sub-Section (i.e. those titles in green print) and all individual paragraphs of the Plan to be enumerated for greater ease of future reference and legibility by those endeavouring to make practical use of it for development management purposes in the future.

Strategic Framework – Limits to Development

- 5.3 Harborough District Council has confirmed that it can currently demonstrate a housing supply of 6.94 years³. This figure has only just been released after recalculations undertaken following the issue of NPPF 2018. There is, therefore, no essential requirement for the draft Arnesby Neighbourhood Plan to propose new sites for housing development. The Plan makes clear, however, the community desire to plan for and accommodate sufficient growth required to support local services and focus new development in the most sustainable location by defining a development limit boundary which takes the area within it outside of the current definition of 'open countryside', so enabling not only new housing but also all other forms of general development to be considered more positively.

5.4 ***Policy S1: Limits to Development***

Development proposals within the Neighbourhood Plan area will be supported on the sites within the Limits to Development (LTD) boundary as shown in Figure 2 (below) where the proposal complies with the policies in this Neighbourhood Plan including the need to achieve positive design and amenity standards.

Land outside the defined Limits to Development will be treated as open countryside, where development will be strictly controlled in line with local and national strategic policies.

- 5.5 Representations received identify a strong principal objection to the policy on the basis that it is perceived as seeking to enforce where development may not be permitted, i.e. outside the limit defined. Currently the whole of the Parish of Arnesby including the village is defined as 'open countryside' within the current adopted Core Strategy. Even the proposed, emerging Local Plan replacement places Arnesby in the least sustainable

¹ [2015] EWHC 3817 (Admin), Holgate J, 16th November 2015

² *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government*, [2015] EWHC 1173 (Admin), [2015] JPL 1151, Holgate J, 1st May 2015.

³ https://www.harborough.gov.uk/downloads/file/4613/31_march_2018_new_nppf_update_aug_2018

ranking. Accordingly, bearing in mind the general principle that development in the open countryside should only be considered on the basis of various exceptions, the proposed defined limit/boundary for Arnesby village actually represents an enabling tool for residential development that would otherwise not, necessarily have current policy support. I conclude, therefore, that the policy is positive in its intent and effect as reflected in the tone of its wording. Neither do I consider that defining a limit/boundary will prejudice consideration of other sustainable development outside that limit/boundary, as there is more planning policy support for development (e.g. in the form of exception sites for affordable housing provision) which whilst it may lie outside actually abuts or lies close to a defined settlement development limit/boundary.

- 5.6** Policy S1 is clearly aimed at defining an area within which general residential development proposals are to be supported. There is no fundamental issue with the policy in this respect. However, the Policy refers to "the sites" shown within that boundary in Figure 2 as being those on which such development would be supported whilst the map itself fails to identify any specific sites and only defines the outer 'Limits to Development' boundary. The word "the" should therefore be deleted to remove this confusion, bearing in mind the subsequent policy H1 Residential Site Allocation only allocates/identifies a single specific development site.
- 5.7** The stated compliance with other policies of this Plan is an unnecessary reference as this is a given requirement for all development proposals and could equally apply to the policies of the District Plan. In addition, there is no need for the policy to contain reference as to how development outside the defined limit will be viewed as this is the prerogative of strategic policies contained within the Harborough Core Strategy and emerging replacement Local Plan. The second paragraph of the policy should therefore be removed (and may, if so desired, be placed in the supporting text).
- 5.8** The following changes to wording are suggested to simplify the structure and provide greater clarity to enable easier interpretation of the policy to enable more effective application for development management purposes:

Policy S1: Limits to Development

Development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development (LTD) boundary as shown in Figure 2 (below) where the proposal complies with the policies in this Neighbourhood Plan including the need to achieve positive design and amenity standards.

Housing and the Built Environment

5.9 *Policy H1: Residential Site Allocation*

Land is allocated for residential development at the location shown above at figure 3 and within the new LTD boundary (figure 2). Development will be supported at this location subject to the following criteria:

- ***The development will provide for about 7 dwellings;***
- ***An area of land within the scheme will be set aside for a children's play area;***
- ***The tarmac public footpath be continued along the south side of Lutterworth Road to serve the development (and play area);***
- ***The retaining brick wall between the site and the front garden of Westfield House be retained and maintained.***

- 5.10** The policy provides a specific site allocation for a larger grouped housing development than would otherwise be anticipated from development of other, smaller individual sites or

infilling within the Limit To Development. I recommend that Policy H1 requires amendment to be appropriate for development management to remove repetition, simplify structure, provide greater clarity of phrasing and render the policy more robust and practicable to use for effective development management purposes:

Policy H2: Residential Site Allocation

Residential development of the site shown in red in figure 3 will be supported provided it makes provision for the following:

- **Only between 6 to 8 new dwellings;**
- **A new children's play area;**
- **Extension of tarmac public footpath along southern side of Lutterworth Road to serve both the proposed residential development and children's play area;**
- **Retention and maintenance of existing brick retaining wall between site and front garden of Westfield House.**

5.11 POLICY H2: Housing Mix

New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Arnesby as evidenced in the Parish Housing Needs Report (2016) and the 2017 HEDNA or more recent documents updating either of these reports.

Dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported where in accordance with other policies.

The inclusion of four-bedroom or larger houses in housing developments will be supported where they are subservient in number to one, two or three-bedroom accommodation.

5.12 The policy wording would have greater strength by making it a requirement that all new development proposals meet the various criteria (i.e. replacing 'should' with 'shall'). The reference to specific reports should be moved to supporting text prefixed by the words 'such as' so as to ensure the policy remains up to date throughout the Plan period. The HEDNA acronym should be supplemented by the full title of the document within that supporting text. In addition, wording requires revision to simplify the structure, make the requirements clearer and make the policy more effective. Accordingly, I suggest the following amended wording is employed to provide a more robust policy for application in development management.

POLICY H2: Housing Mix

New housing development shall provide a mixture of housing types which meets identified current local needs in Arnesby Parish. Development incorporating new dwellings of three or fewer bedrooms and/or single storey accommodation suitable for older people will be supported, whilst dwellings of four or more bedrooms will be supported only where they are subservient in number to any one, two or three-bedroom accommodation in any development.

Windfall Development

5.13 Policy H3: Windfall Sites

Development proposals for infill and redevelopment sites (individual dwellings or small groups of dwellings) will be supported where:

- **The location is within the LTD boundary for Arnesby;**
- **It retains existing important natural boundaries such as gardens, trees, hedges and streams;**
- **It provides for a safe vehicular and pedestrian access to the site and does not diminish parking provision;**
- **It does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling(s);**

5.14 The current wording of the three criteria is unwieldy, and simplification will make it a more robust development management tool. I consider adjustment is needed to enhance effectiveness of the policy for development management purposes and accordingly suggest the following amended wording:

Policy H3: Windfall Sites

Development of infill and/or redevelopment sites comprising individual dwellings or small groups of dwellings within the LTD will be supported where it:

- **retains existing important natural boundary features of gardens, trees, hedges and streams;**
- **provides for safe vehicular and pedestrian access;**
- **does not diminish existing parking provision, and;**
- **does not reduce existing garden space to such an extent it adversely impacts on the character of the area or provides inadequate levels of private residential amenity of neighbouring and proposed dwelling(s).**

Design Standards

5.15 Policy D1: Design

Development proposals including one or more houses, replacement dwellings and extensions are encouraged to have regard to the following building design principles to a degree that is proportionate to the development.

a) Development will enhance the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area, and proposals should clearly show within a Design and Access Statement how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact adversely on any wider landscape views;

b) Adequate off-road parking should be provided in line with the Highways '6Cs' standards;

c) All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a range of local materials where possible. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context;

d) Development proposals should, where possible, retain existing trees and hedgerows;

e) Wherever possible, enclosure of plots should be of native hedging, rural wooden fencing, or brick/stone wall of rural design;

f) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, solar panels, rainwater harvesters and photovoltaic glass. These features should not adversely detract from the visual amenity of the current street scene;

g) Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change;

h) Development should ensure appropriate provision for the storage of waste and recyclable materials;

i) New development should incorporate measures for controlling light pollution, including managing the detrimental effects on wildlife. There should be no decorative uplighting on houses; street and footpath lighting should be located at low level; security lights should be operated by intruder-triggered sensors; site and sports facility lighting should be off during agreed curfew hours between March and October (following best practice guidelines (e.g. Bats and Lighting Leicestershire & Rutland Wildlife Trust 2014); and maximum light spillage onto known bat foraging areas should be 1 lux.

5.16 High quality design, protection of local character, ecological sensitivity and innovation is the target of this policy. The muddled policy structure, phraseology and wording weaken unduly its potential effectiveness. I consider adjustment is necessary to enhance clarity and effectiveness of the policy for development management purposes and accordingly suggest the following amended wording:

Policy D1: Design

All development shall have strict regard to the following building design principles and demonstrate within both the drawn proposals and accompanying design and access statement how it:

a) respects and/or positively enhances of local distinctiveness and character, particularly within the Conservation Area, local streetscene and wider landscape views;

b) provides adequate off-road parking;

c) reflects the character and historic context of existing development, incorporating a range of local materials;

d) retains or provides boundary enclosures utilising existing trees and hedgerows, new native species hedging, wood fencing or brick/stone walling of rural design/character;

e) incorporates sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, solar panels, rainwater harvesters and photovoltaic glass, without adversely detracting from the visual amenity of the current street scene;

f) incorporates sustainable drainage systems with maintenance regimes which minimise vulnerability to flooding and climate change;

g) ensures adequate provision for storage of waste and recyclable materials;

h) incorporates measures for avoiding light pollution, including minimisation of detrimental effects on wildlife, by ensuring there is no decorative uplighting, ensuring street/footpath lighting is at low level, security lights are operated by intruder-triggered sensors, site/sports facility lighting switches off during agreed curfew hours between March and October (following best practice guidelines, e.g. Bats and Lighting Leicestershire & Rutland Wildlife Trust 2014) and limiting maximum light spillage onto known bat foraging areas to no greater than 1 lux.

Contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from historic built context.

Local Green Spaces

5.17 Policy ENV1: Local Green Spaces

Development proposals that would result in the loss of, or have an adverse effect on, the following designated Local Green Spaces (map Figure 4, detailed in supporting information), or their settings, is ruled out other than in exceptional circumstances.

- a) St Peter's Churchyard (inventory reference 153)**
- b) Baptist Chapel burial ground (066)**
- c) Manor House grounds (151)**

5.18 The policy seeks to protect the Local Green Spaces identified and justified through the scored criteria based assessment undertaken as part of an inventory of 180 parcels of open land within the Parish. The policy is currently negatively worded and to meet the criteria required for Neighbourhood Plan policies requires restructuring and rewording to give it a positive form and strength which will enable the policy to perform more effectively as a robust development management tool. Accordingly, I suggest the following amended wording:

Policy ENV1: Local Green Spaces

Development will be supported only where it would not result in the loss of, or have an adverse effect on, the following designated Local Green Spaces (map Figure 4, detailed in supporting information), or their settings:

- a) St Peter's Churchyard (inventory reference 153)**
- b) Baptist Chapel burial ground (066)**
- c) Manor House grounds (151)**

5.19 Policy ENV2: Protection of Other Sites and Features of Environmental Significance

36 sites (as described in the environmental inventory and shown in map Fig 5. above) have been identified as being of local significance for biodiversity (species and habitats) and / or history. They are important in their own right and are locally valued. Development proposals that affect them will be expected to protect or enhance the identified features. Planning permission will be refused unless the need for and the benefits arising from the development in that location clearly outweigh the loss.

- 5.20** The first two sentences should be moved to the supporting text as they solely provide commentary/explanation for the policy itself. The phrasing and wording of the policy requires modification to secure its effectiveness. Accordingly, the following amended wording is suggested.

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

Development proposals will be supported only where they not only do not adversely affect, but actually protect and/or enhance, the identified features shown in Figure 5, or the need for and benefits arising from development adequately outweigh/compensate their damage/loss.

5.21 Policy ENV3: Other Important Open Spaces

16 sites (environmental inventory and map, figure 6 below) have been identified as being of local significance for their high community value, and for recreational, amenity or village landscape reasons. Development that changes their character and features will not be supported.

St Peter's Churchyard (inventory reference 153) (cemetery) EXISTING OSSR
Baptist Chapel burial ground (066) (cemetery; amenity greenspace; provision for children and young people) EXISTING OSSR (part)
Village green, Mill Hill Road (166) (amenity greenspace) EXISTING OSSR
Green lanes south of St Peter's Road (173) (greenway/green corridor) NEW
Village green, St Peter's Road (171) (amenity greenspace) EXISTING OSSR
Footpath Y104a (jitty) from Robert Hall Rd to Lutterworth Rd (174) (greenway)
Arnesby Village Hall (frontage etc.) (175) (amenity greenspace) EXISTING OSSR (part)
Wide verge, Mill Hill Road (177) (amenity greenspace) NEW
Village allotments, Loseby Wood and meadow (048, 050) (allotments and community gardens, natural and semi-natural greenspace) NEW
Stoneleigh open space (160) (natural and semi-natural greenspace) NEW
Village Green, Mill Hill Rd / Lutterworth Rd (169) (Registered Village Green) NEW
Village Green, Robert Hall Rd / Lutterworth Rd (170) (Registered Village Green) NEW
Village Green, The Bank (172) (Registered Village Green) NEW
Open space, frontage of bungalows, Lutterworth Road (176) (amenity greenspace, community garden) NEW
'Sunnydene' paddock (155) (important open area) NEW
May Fair field (145) (amenity greenspace) NEW

- 5.22** The policy seeks to provide additional protection to inventoried sites of local value. Adjustments are required to ensure the policy is positively worded and becomes an effective development management tool. Accordingly, the following is suggested as amended wording:

Policy ENV3: Other Important Open Spaces

Development will be supported which does not adversely affect the character and features of the following sites identified in Figure 6:

- a) St Peter's Churchyard (inventory reference 153) (cemetery) EXISTING OSSR***
- b) Baptist Chapel burial ground (066) (cemetery; amenity greenspace; provision for children and young people) EXISTING OSSR (part)***
- c) Village green, Mill Hill Road (166) (amenity greenspace) EXISTING OSSR***
- d) Green lanes south of St Peter's Road (173) (greenway/green corridor) NEW***
- e) Village green, St Peter's Road (171) (amenity greenspace) EXISTING OSSR***
- f) Footpath Y104a (jitty) from Robert Hall Rd to Lutterworth Rd (174) (greenway)***
- g) Arnesby Village Hall (frontage etc.) (175) (amenity greenspace) EXISTING OSSR (part)***
- h) Wide verge, Mill Hill Road (177) (amenity greenspace) NEW***
- i) Village allotments, Loseby Wood and meadow (049, 050) (allotments and community gardens, natural and semi-natural greenspace) NEW***
- j) Stoneleigh open space (160) (natural and semi-natural greenspace) NEW***
- h) Village Green, Mill Hill Rd / Lutterworth Rd (169) (Registered Village Green) NEW***
- i) Village Green, Robert Hall Rd / Lutterworth Rd (170) (Registered Village Green) NEW***

- j) Village Green, The Bank (172) (Registered Village Green) NEW*
- k) Open space, frontage of bungalows, Lutterworth Road (176) (amenity greenspace, community garden) NEW*
- l) 'Sunnydene' paddock (155) (important open area) NEW*
- m) May Fair field (145) (amenity greenspace) NEW*

5.23 Policy ENV4: Biodiversity and Wildlife Corridors

New development will be expected to safeguard locally significant habitats and species and, where possible and viable, to create new habitats for wildlife.

- 5.24** The policy aims of supporting biodiversity requires subtle rewording to ensure its effectiveness. Accordingly, the following amended form is suggested:

Policy E4: Biodiversity and Wildlife Corridors

Development proposals shall safeguard locally significant habitats and species and/or create new habitats for wildlife.

5.25 Policy ENV5: Heritage Assets of Local Historical and Architectural Interest

Development proposals will be required to describe the significance of any heritage assets affected and the impact of the proposal on that significance in accordance with NPPF Section 128 and to include proposals to conserve and where appropriate enhance the structure and setting of such structures or buildings, proportionate to the asset's importance. The building of local interest identified as such is the post-medieval well.

- 5.26** The supportive nature of the policy for heritage assets is compromised by poor/weak phrasing and wording which may be readily remedied. Reference to the NPPF needs to be moved to supporting text to ensure the durability of the policy for the Plan period by not containing out of date referencing. The final sentence is also a descriptive element which should be removed to the supporting text as it only provides justification/explanation for the policy and does not form part of any policy requirements. Accordingly, to make the policy more effective for development management purposes the following amended wording is suggested:

Policy ENV5: Heritage Assets of Local Historical and Architectural Interest

Development proposals shall include statements of significance for any heritage assets affected which fully assess impact and include proposals to conserve and where appropriate enhance the structure and setting of such assets in proportion to an asset's importance.

Ridge and Furrow

5.27 Policy ENV 6: Ridge and Furrow

The areas of ridge and furrow earthworks mapped above (Figure 9) are non-designated heritage assets.

Any loss or damage arising from a development proposal (or a change of land use requiring planning permission) is to be avoided; the demonstrable benefits of such development should be balanced against the significance of the ridge and furrow features as heritage assets.

- 5.28** This first sentence of the policy is purely descriptive and should thus be removed to supporting text. Otherwise the policy requires simple rewording to become an effective development management tool and so the following alternative is suggested as the best way to achieve this end:

Policy ENV 6: Ridge and Furrow

Any loss or damage from development of ridge and furrow earthworks identified in Figure 9 shall be avoided and the demonstrable benefits of development balanced against the significance of the ridge and furrow features as heritage assets.

5.29 Policy ENV7: Important Views

To be supported development proposals must not significantly harm these views where seen from publicly accessible locations:

- A. From footpath Y89 at the end of South Close, west and northwest to Foston, Countesthorpe and distantly to Charnwood Forest (25 kms).*
- B. From Lutterworth Road beyond Westfield House southwest over rolling open country toward Bruntingthorpe*
- C. From footpath Y1 and bridleway 0104 north over Peatling and across Leicester to Bradgate Park (25kms)*
- D. From the Baptist Chapel ground and the field to its east, northeast over the Soar valley to Billesdon Coplow (15kms)*
- E. From Welford Road west across the medieval manor house site (Scheduled Monument) to the parish church and the village*
- F. From Welford Road southwest across ridge and furrow fields to the windmill (Listed Building).*

5.30 This policy aims to provide visual protection to wider landscape views and only requires modest amendment to increase its usability for development management purposes and ensure consistency of enumeration with other policies of the Plan. Accordingly, the following alternative wording is suggested:

Policy ENV7: Important Views

Development will be supported where it does not significantly harm the following landscape views from publicly accessible locations identified in Figure 10:

- A Footpath Y89 at the end of South Close, west and northwest to Foston, Countesthorpe and distantly to Charnwood Forest (25 kms).*
- B Lutterworth Road beyond Westfield House southwest over rolling open country toward Bruntingthorpe*
- C Footpath Y1 and bridleway 0104 north over Peatling and across Leicester to Bradgate Park (25kms)*
- D Baptist Chapel ground and the field to its east, northeast over the Soar valley to Billesdon Coplow (15kms)*
- E Welford Road west across the medieval manor house site (Scheduled Monument) to the parish church and the village*
- F Welford Road southwest across ridge and furrow fields to the windmill (Listed Building).*

5.31 Policy ENV8: Footpaths and Bridleways

Development proposals that result in the loss of, or have a significant adverse effect on, the existing network of footpaths and bridleways will not be supported.

The maintenance, upgrade and, where appropriate, extension of the pedestrian footpath network in the Parish will be supported in order to:

- a) Service new developments and connect them to the existing pedestrian footpath network; and*
- b) Encourage walking over car use for making journeys within the parish; and*
- c) Provide an improved and more extensive footpath network to support exercise and leisure activities for Arnesby residents and visitors as stated in policy CF2.*

5.32 The policy requires simplification of structure and rewording to provide augmented strength for development management purposes. The following, amended wording form, the policy is suggested:

Policy ENV8: Footpaths and Bridleways

Development will be supported provided it does not result in the loss of, or have a significant adverse effect on, the existing network of footpaths/bridleways and where it facilitates the maintenance/upgrade/extension of the pedestrian footpath network to:

- a) *service new development connecting to the existing pedestrian footpath network;*
- b) *encourage walking over car use, and;*
- c) *support exercise and leisure activities.*

5.33 Policy ENV9: Managing Flood Risk

Development proposals will be required to demonstrate that:

- a) *Its location takes geology, hydrology and flood risk into account,;*
- b) *Its design includes, as appropriate, sustainable drainage systems (SuDS), surface water management measures and permeable surfaces; and*
- c) *It does not increase the risk of flooding to third parties.*

5.34 The policy seeks to ensure new development does not increase flood risk. Minor change is suggested as follows, to remove repetition and increase effectiveness:

Policy ENV9: Managing Flood Risk

Development will be required to demonstrate that:

- a) *the selected location takes full account of geology, hydrology and flood risk, ensuring it does not increase the risk of flooding to third parties, and;*
- b) *its design includes sustainable drainage systems (SuDS), incorporating surface water management measures and permeable surfaces.*

Support for Existing Community Facilities

5.35 Policy CF1: The Retention of Community Facilities and Amenities

Development leading to the loss of an existing community facility (as described below) 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, demonstrably, no longer economically viable; 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 which complies with the other general policies of the Neighbourhood Plan.*

The Community Facilities are as follows:

- *Restaurant*
- *The Baptist Chapel*
- *St. Peters Church*
- *Village Hall*
- *School*
- *Care Home*
- *Allotments and Community Woodland*
- *Playing Field*

5.36 This policy seeks to preserve existing facilities and services of value to the local community. The phrasing of the policy requires to be made positive and enabling rather than negative in order to be more effective and robust for development management purposes and so the following amended wording is suggested:

Policy CF1: The Retention of Community Facilities and Amenities

Development leading to the loss of an existing community facility (as listed below) will only be supported where it can demonstrate:

- a) *There is no longer any need or demand for the existing community facility;*
- b) *The existing community facility is no longer economically viable, or;*
- c) *The proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location.*

The Community Facilities are as follows:

- *Restaurant*
- *The Baptist Chapel*
- *St. Peters Church*
- *Village Hall*
- *School*
- *Care Home*
- *Allotments and Community Woodland*
- *Playing Field*

New or Improved Community Facilities

5.37 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) *Meets the design criteria described in Policy D1; and*
- b) *Will not result in unacceptable traffic movements or other disturbance to residential properties; and*
- c) *Will not generate a need for parking that cannot be adequately catered for within the site; and*
- d) *Is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle; and*
- e) *Takes into account the needs of people with disabilities.*

5.38 This policy clearly aims to encourage community facility development and with the following suggested changes will be more effective for development management purposes:

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 will:

- a) *meet design criteria of Policy D1;*
- b) *not detract from residential amenity by merit of excessive traffic movement or other disturbance;*
- c) *not generate parking need that cannot be adequately catered for within the site;*
- d) *be of a scale proportionate to local need, and*
- e) *be readily accessible for cycle, pedestrian or physically impaired.*

Traffic Calming

5.39 Policy T1: 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:

- a) *Be designed to minimise additional traffic generation and movement through the village; and*
- b) *Incorporate sufficient off-road parking in line with policy D1; and*
- c) *Not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided; and*
- d) *Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions; and*
- e) *Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village services.*

5.40 This policy seeks to minimise adverse impact whilst maximising community benefit from traffic related matters. A slight re-ordering of the final criteria would enhance the effectiveness of the policy and so the following alternative is proposed:

Policy T1: 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:

- a) be designed to minimise additional traffic generation and movement through the village;***
- b) incorporate sufficient off-road parking in line with policy D1;***
- c) not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided;***
- d) provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions, and where relevant;***
- e) improve/create footpaths and cycleways to key village services.***

Support for Existing Employment Opportunities

5.41 Policy BE1: Support for Existing Employment Opportunities

There will be a strong presumption against the loss of commercial premises or land (B-class) which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be supported if it can be demonstrated that:

- a) The commercial premises or land in question has not been in active use for at least six months; and***
- b) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.***

5.42 The policy seeks to protect existing viable employment uses. The negative emphasis requires adjustment to provide a positive perspective. The following adjustment in wording is suggested in order to create a more effective development management tool:

Policy BE1: Support for Existing Employment Opportunities

Change of use of commercial premises or land in business use to an activity that does not provide employment opportunities will be supported only if it can be demonstrated that it has:

- a) not been in active use for at least six months, and;***
- b) no potential for either reoccupation or redevelopment for employment generating uses, as demonstrated through a full valuation/viability report supported by a continuous marketing campaign of no less than six months.***

5.43 Policy BE2: Support for New Employment Opportunities

In supporting additional employment opportunities, new development will be required to:

- a) Fall within the boundary of planned limits of development for the village of Arnesby unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are exceptional circumstances; and***
- b) Where possible, development should be sited in existing buildings or on areas of previously developed land; and***
- c) Be of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the neighbourhood plan area, including the countryside; and***

- d) Not involve the loss of dwellings; and*
- e) Not increase noise levels or light pollution or introduce any pollution to an extent that they would unacceptably disturb occupants of nearby residential property; and*
- f) Not generate unacceptable levels of traffic movement; and*
- g) Contribute to the character and vitality of the local area; and*
- h) Be well integrated into and complement existing businesses.*

The following types of employment development will be supported:

- a) The small-scale expansion of existing employment premises across the Parish; and*
- b) Small-scale new build development within or adjacent to Arnesby village.*

5.44 The policy seeks to encourage new employment development. The policy requires rephrasing to simplify its structure and legibility, in order to improve its strength. The following adjustment in wording is suggested in order to create a more effective development management tool:

Policy BE2: Support for New Employment Opportunities

New employment development will be supported, provided it:

- a) falls within the LTD or relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location;*
- b) involves change of use of any existing building or an area of previously developed land;*
- c) is of a size and scale not adversely affecting the character, infrastructure and built environment of the village and surrounding neighbourhood plan area;*
- d) does not involve the loss of dwellings;*
- e) would not increase noise levels, light or other pollution detrimental to residential amenities of nearby residential property;*
- f) will not generate unacceptable levels of traffic movement;*
- g) contributes positively to the character and vitality of the local area;*
- h) will integrate into and complement existing businesses.*

The following types of small scale employment development will be supported:

- a) expansion of existing employment premises across the Neighbourhood Plan area, and;*
- b) new build development within or adjacent to Arnesby village.*

5.45 Policy BE3: 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 within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, will be supported where:

- a) Such development will not result in unacceptable traffic movements and that appropriate parking provision is made within the site;*
- b) No significant and adverse impact arises to nearby residents or other sensitive land uses from noise, fumes, light pollution, or other nuisance associated with the work activity; and*
- c) 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.*

5.46 The policy seeks to encourage new home employment opportunities. The policy requires no adjustment to improve its strength. The following unaltered wording is suggested:

Policy BE3: 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 within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, will be supported where:

- a) Such development will not result in unacceptable traffic movements and that appropriate parking provision is made within the site;**
- b) No significant and adverse impact arises to nearby residents or other sensitive land uses from noise, fumes, light pollution, or other nuisance associated with the work activity; and**
- c) 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.**

Farm Diversification

5.47 Policy BE4: Re-Use of Agricultural and Commercial Buildings

Notwithstanding permitted development rights granted by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 or any subsequent amendment, and, in order to support farm diversification and the sustainable growth and expansion of businesses, the conversion of existing agricultural and commercial buildings will be supported subject to:

- a) The proposed conversions will be expected to satisfy the design criteria in Policy D1 Building Design Principles; and**
- b) The use proposed is appropriate to the rural location**
- c) The conversion/adaptation works respect the local character of the surrounding area; and**
- d) The development will not have an adverse impact on any archaeological, architectural, historic or environmental features; and**
- e) 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; and**
- f) There is no significant adverse impact on neighbours through noise, light or other pollution, increased traffic levels or increased flood risk.**

5.48 The policy seeks to encourage sustainable re-use of existing rural buildings to bring improved employment opportunities and economic viability from existing enterprises. The policy requires minor adjustment to improve strength and so propose the following:

Policy BE4: Re-Use of Agricultural and Commercial Buildings

Notwithstanding permitted development rights granted by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 or any subsequent amendment, and, in order to support farm diversification and the sustainable growth and expansion of businesses, the conversion of existing agricultural and commercial buildings will be supported subject to:

- a) proposals satisfying the design criteria in Policy D1;**
- b) the use being appropriate to a rural location;**
- c) the conversion/adaptation works respecting the local built character;**
- d) no adverse impact on any archaeological, architectural, historic or environmental features;**
- e) the site access and local road system being assessed as capable of accommodating the traffic to be generated and adequate parking provision being made within the site;**
- f) there being no significant adverse impact on neighbouring residential amenity through noise, light or other pollution, and;**
- g) no increase in flood risk.**

Tourism

5.49 Policy BE5: Tourism

Support will be given to facilities that enhance tourism where they:

- a) Are within or adjoining Arnesby, on a scale appropriate to the settlement;*
- b) Do not have a detrimental effect on the distinctive rural character of the Parish;*
- c) Do not adversely affect the surrounding infrastructure, particularly local road networks and water supply and sewerage;*
- d) Benefit the local community, through for instance, provision of local employment opportunities and improvements to local service provision, and is proportionate to the size of settlement in which it is located; and*
- e) Where feasible, the development involves the re-use of existing buildings or is part of farm diversification.*

5.50 The policy seeks to encourage new tourism development in scale with the location. The policy requires only minor adjustment its structure to improve its strength as a development management tool. The following amended wording is suggested:

Policy BE5: Tourism

Support will be given to facilities that enhance tourism where they:

- a) are within or adjoining Arnesby, on a scale appropriate to the settlement;*
- b) do not have a detrimental effect on the distinctive rural character of the Parish;*
- c) do not adversely affect the surrounding infrastructure, particularly local road networks and water supply and sewerage;*
- d) benefit the local community through, for instance, provision of local employment opportunities and improvements to local service provision appropriate in scale to their location;*
- e) involve the re-use of existing buildings, or;*
- f) form part of farm diversification.*

Broadband Infrastructure

5.51 Policy BE6: Broadband Infrastructure

Proposals to provide increased access to a super-fast broadband service (including future developments at present unforeseen) and improve the mobile telecommunications network that will serve businesses and other properties with the Parish will be supported.

5.52 The policy seeks to encourage enhanced communications for the area and only requires minor adjustment. As with other policies in the Plan removing unnecessary reference to 'within the Parish' is essential, as the Plan (by definition) can only cover development within the Neighbourhood Area boundary. Reference to the 'unforeseen' needs to be removed due to its nebulous nature (e.g. potentially beyond the Plan period). The policy requires only minor adjustment its structure to improve its strength as a development management tool. The following amended wording is suggested:

Policy BE6: Broadband Infrastructure

Proposals to provide increased access to a super-fast broadband service and improve the mobile telecommunications network serving businesses and other properties will be supported.

6.0 SUMMARY

- 6.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out the summary of my findings below.
- 6.2 I am satisfied that Arnesby Parish Council is the qualifying body and accordingly entitled to submit a Neighbourhood Development Plan for the designated plan area and that this area is one which is appropriate for designation as a Neighbourhood Area. Formal designation was confirmed by Harborough District Council on 4th August 2016.
- 6.3 The policies proposed within the Arnesby Neighbourhood Plan relate to development and use of land within the designated Neighbourhood Area.
- 6.4 The plan period of the Neighbourhood Development Plan is 2018 to 2031 and it does not contain policies relating to "excluded development" as defined s61K of the Town & Country Planning Act 1990 (as amended).
- 6.5 I am also satisfied that the Arnesby Neighbourhood Plan 2018 – 2031 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 6.6 The Plan has been examined against current national and adopted local planning policy.
- 6.7 The Plan has also been subject to an Assessment in compliance with EU Directive 2001/42 on Strategic Environmental Assessment to inform the consideration of the Submission Version of the plan. The policies within the Submission Version of the Arnesby Neighbourhood Plan appraised well against the sustainability framework. This gives confidence that the Plan, if made, should make a positive contribution to sustainable development within the Plan area.

Habitat Regulations Assessment

- 6.8 A Habitats Regulations Assessment Screening Report has been undertaken by Harborough District Council officers to determine whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the district. The lack of any evident protected sites likely to be affected by the allocation proposals contained within the Plan means it appears evident no further screening or further assessment was required. I agree therefore that the neighbourhood development plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007, either alone or in combination with other plans or projects).

Public Consultation

- 6.9 As to public consultation, the process and management of the community consultation appears thorough and I am confident that the Consultation Statement outlining the terms of reference and actions of the Parish Council, the supporting evidence from the

workshops, consultation correspondence and feedback leading to the formulation of draft policies, subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2), Part 5 of the Neighbourhood Planning (General) Regulations 2012.

Compatibility with Human Rights Requirements

- 6.10 The Basic Conditions Statement provides confirmation at 4.4 that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. I am satisfied the Plan is otherwise compatible with EU obligations and will contribute to achieving sustainable development within the Arnesby Neighbourhood Plan area.

Textual, Policy & Map/Figure Revisions

- 6.11 I am satisfied that subject to the recommended policy revisions being accepted, that the draft Arnesby Neighbourhood Plan 2018-2031, has given adequate regard to the policies in the National Planning Policy Framework (NPPF) and other relevant national planning guidance and would be in conformity with the strategic policies of the adopted Harborough District Local Plan 2001 and Core Strategy adopted in 2011. If these recommended changes are accepted (and the necessary associated modifications are made to the supporting text by the Parish Council to ensure consistency and legibility within the document) I believe that the Arnesby Neighbourhood Plan 2018-2031 will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area.

7.0 RECOMMENDATIONS

Modifications to meet the basic conditions

- 7.1 For the reasons set out above and subject to the modifications indicated in the preceding sections of this examination report being accepted and incorporated into a revised version of the Plan which includes a clear statement of its compliance with Human Rights legislation, I consider that the Plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

- 7.2 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the Arnesby Neighbourhood Plan 2018-2031 and that the Submission Version of the Plan as modified may be submitted to a referendum.

Referendum Area

- 7.3 It is the Independent Examiner's role to consider the referendum area appropriate should event that the Parish Council wishes to proceed to the referendum stage.

7.4 In the event that the Parish Council wishes to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the full extent of the originally designated Plan Area, as confirmed on 4th August 2016 and as identified edged red on Figure 1 on page 8 of the Arnesby Neighbourhood Plan 2018–2031.

8.0 CONCLUSIONS

8.1 I conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

8.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Plan and if accepted, the Arnesby Neighbourhood Plan 2018 – 2031 is submitted to a referendum.

Martin S. Lee

MA MRTPI AMInstLM MTCPA NPIERS NSI

30th November 2018