

# **BROUGHTON ASTLEY NEIGHBOURHOOD PLAN 2013-2028**

## **EXAMINATION VERSION**

A Report to Harborough District Council of the Examination into the  
Broughton Astley Neighbourhood Plan

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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## 1. Introduction

### The Neighbourhood Plan

Neighbourhood Planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

This Report provides the findings of the Examination into the Broughton Astley Neighbourhood Plan (referred to as the Neighbourhood Plan).

Broughton Astley Parish Council is a *qualifying body*<sup>1</sup> for leading a neighbourhood plan, in line with the aims of neighbourhood planning, set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2012).

The Neighbourhood Plan was produced by the Broughton Astley Neighbourhood Plan Steering Group, led by Broughton Astley Parish Council. The Broughton Astley Neighbourhood Plan is a “Front Runner” and as such, is one of the first neighbourhood plans to come forward in the country.

This Examiner’s Report provides a recommendation as to whether or not the Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Harborough District Council. The Plan would then be used to determine planning applications and guide planning decisions in the Broughton Astley Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by Harborough District Council, with the consent of Broughton Astley Parish Council, to conduct the examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience – I have land, planning and development experience, gained across the public, private, partnership and community sectors.

As Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan as modified should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Broughton Astley Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

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

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

### Plan Period

A neighbourhood plan must specify the period for during which it is to have effect. The front cover of the Broughton Astley Neighbourhood Plan clearly states that it covers the period 2013 to 2028. The introductory section re-confirms this time period. It therefore satisfies this legal requirement.

### Public Hearing

It is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only. I confirm that I have considered written representations as part of the examination process. However, according to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

With regards to the above and on consideration of all the evidence before me, I decided that it was necessary for there to be a Broughton Astley Neighbourhood Plan Hearing (*referred to as the Hearing*).

The Hearing was advertised in the local press and on the Broughton Astley Parish Council website. A number of parties were invited to speak and the Hearing itself was open to the public. It took place on Thursday 19 September 2013 and was held at Broughton Astley Village Hall, lasting from midday until around 3pm.

A neighbourhood plan public hearing is, essentially, to provide for the Independent Examiner to further consider matters against the Basic Conditions, referred to in section 2 of this report. It is specific to neighbourhood planning and is different to a planning inquiry, an examination in public or a planning appeal hearing. Invited parties were asked to consider specific parts of the Plan in more depth and to clarify points made during consultation.

Notwithstanding the above, I confirm that *all* representations to the Broughton Astley Neighbourhood Plan have been taken into account in undertaking this examination. This is the case whether or not people who made representations took part in the Hearing. As above, it is a general rule that neighbourhood plan examinations are held on the basis of written representations and a representation is not more, or less valid than another simply because it has been considered in further detail at a hearing.

Further to holding this and preceding hearings, I would like to make the following comment in relation to neighbourhood plan hearings.

The majority of invitees at hearings follow the due process in a positive manner and can be praised for doing so. However, for a party to arrive at a neighbourhood plan hearing with an aim of challenging the process and/or the legislation itself, or of seeking to raise new matters, seems to me to sit outside the very spirit of neighbourhood plan hearings.

Neighbourhood plan hearings simply provide an opportunity for an Independent Examiner to consider how a plan relates to the basic conditions in more detail, within a public environment. They are undertaken at the discretion of the Independent Examiner, who will take care to explain their purpose and format to attendees.

By their very nature, neighbourhood plans are largely produced by people with minimal, or no, professional planning knowledge, but who have, voluntarily, devoted their time to plan-making. For some of the people involved, simply to speak at a hearing can be a daunting task, made even more difficult by having to speak alongside and/or against highly experienced officers and teams of professionals and experts - as well as in front of a large public audience, comprising a broad mix of local residents, politicians, experts and others.

A neighbourhood plan hearing will likely involve criticism of the policies of that plan, or of how they were produced. This is a necessary part of the process. The Independent Examiner can help to bridge gaps between experts and non-experts, to allow various matters to be considered, as appropriate.

However, the intentional raising of new matters, outside the scope of the hearing as set out by the Independent Examiner, or the questioning of neighbourhood planning legislation itself, introduces, in my view, unnecessary confusion and worry for those people for whom simply appearing at a hearing is already difficult enough.

There are appropriate ways in which legislation, and the legality of processes, can be considered. In my view, to seek to do so at a neighbourhood plan hearing – the purpose of which is clearly set out - is unhelpful and disruptive. Many people are currently whole-heartedly engaged in neighbourhood planning. It would be to the detriment of neighbourhood planning were they to lose interest, or become turned off to the process, as a consequence of such disruption.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan (see Development Plan Status below) for the area.

I have examined the Broughton Astley Neighbourhood Plan against the Basic Conditions above.

### European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Broughton Astley Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

With regards to the above, a Strategic Environmental Assessment (SEA) screening exercise was carried out by Harborough District Council on behalf of Broughton Astley Parish Council. This reflected the findings of the full Habitat Regulations Assessment (HRA) screening report, carried out as part of the Harborough Core Strategy preparation process in 2011.

The SEA screening was submitted to the statutory environmental bodies (English Heritage, Natural England and the Environment Agency) for consultation. All consultees agreed with Harborough District Council’s conclusion that an SEA was not required. No issues were raised in relation to Harborough District Council’s conclusion that a full HRA screening report was not required, on the basis that there would be no harmful impacts to any European sites resulting from proposals within the Broughton Astley Neighbourhood Plan.

The Broughton Astley Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

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

One invitee suggested during the Broughton Astley Neighbourhood Plan Hearing that there are matters of concern in relation to European Union (EU) and European Convention on Human Rights (ECHR) Obligations. However, no substantive evidence was put forward to support this suggestion.

Taking all of the above into account, I am satisfied that the Broughton Astley Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

### Harborough District Council

Harborough District Council undertook a final validation check of the Broughton Astley Neighbourhood Plan. This confirmed that, in Harborough District Council's view, the Broughton Astley Neighbourhood Plan meets all legislative requirements. The validation check was approved, under delegated authority, on 26 June 2013.

Harborough District Council has confirmed that it is satisfied that the Broughton Astley Neighbourhood Plan is in general conformity with the policies of the Harborough District Core Strategy, which was adopted in 2011.



### **3. Background Documents and Broughton Astley Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Broughton Astley Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Harborough Core Strategy (Adopted 2011)
- Basic Conditions Statement
- Statement of Public Consultation
- Strategic Environmental Assessment Screening Report
- Supporting Statement
- Broughton Astley Neighbourhood Area (map)

Also:

- Representations received during the publicity period
- Comments made during the Broughton Astley Neighbourhood Plan Hearing (19 September 2013)

Further to the above, I spent an unaccompanied day visiting the Broughton Astley area.

#### Broughton Astley Neighbourhood Plan Evidence Base

With regards to Background Documents, I would also like to highlight that I have made use of Broughton Astley Neighbourhood Plan's comprehensive Evidence Base.

Broughton Astley Parish Council published all of the evidence considered in relation to the production of the Broughton Astley Neighbourhood Plan on its website. This amounts to some 171 separate files. It is a comprehensive, useful and well-ordered database.

I consider that the compilation and presentation of this Evidence Base should be commended to others as a way of bringing together a large amount of information and making it easily accessible.

## Broughton Astley Neighbourhood Area

The Broughton Astley Neighbourhood Area coincides with the parish boundary of Broughton Astley.

An application made by the Parish Council on 2 July 2012 was approved by Harborough District Council on 29 October 2012 and the parish of Broughton Astley was designated as the Broughton Astley Neighbourhood Area.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Background

A comprehensive and robust approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community. It is especially important to neighbourhood planning, as successful consultation creates a sense of public ownership, helps achieve consensus and provides the foundations for a successful ‘Yes’ vote at Referendum. Essentially, effective public consultation provides the foundations for a successful neighbourhood plan.

In May 2012, the “Big Plan” for Broughton Astley was announced by Broughton Astley Parish Council. This identified neighbourhood planning as a process to enable the people of Broughton Astley to create a plan to ensure that their needs, views and priorities are fully considered when assessing planning applications and proposed developments in the area. This marked the beginning of the public consultation process for the Broughton Astley Neighbourhood Plan.

As land use plans, the policies of which will become the basis for planning and development control decisions, planning legislation requires public consultation to take place on the production of neighbourhood plans. Building effective community engagement into the neighbourhood plan-making process encourages public participation and raises awareness and understanding of the plan’s scope and limitations.

Broughton Astley Parish Council submitted a Consultation Statement, as required by *regulation*<sup>3</sup>, to Harborough District Council. This document sets out who was consulted and how, together with the outcome of the consultation.

As above, public consultation for the Broughton Astley Neighbourhood Plan began in May 2012. This was followed by various consultation stages, culminating in the formal, publicity stage, six week consultation period (1 July 2013 to 12 August 2013).

With regards public consultation, Broughton Astley Parish Council had four stated aims:

- “front-loading” - to ensure that proposals emerged from the views and priorities of the community;
- ensure there was detailed consultation, especially when priorities were being set;
- engage with as broad a cross section of the community as possible, using a variety of events and techniques;
- make sure that all consultation results were publically available (in hard copy and electronic form).

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<sup>3</sup>Neighbourhood Planning (General) Regulations 2012.

## Broughton Astley Neighbourhood Plan Consultation

The first public consultation event, 29 May 2012, comprised an information evening, to inform the community about neighbourhood planning and identify issues, priorities and aspirations. Due to being well advertised, by flyers, use of notice boards and information on the Broughton Astley Parish Council website, the event was well attended - by 154 people, largely residents from across the whole of the Parish, but also including local business people, developers and service providers.

A stakeholder consultation meeting was held soon afterwards, on 26 June 2012, with 36 people attending. Amongst others, there were representatives from Harborough District Council, Leicestershire County Council, neighbouring Parish Councils and other bodies, including the police, volunteer groups and businesses. In addition, five developers were represented. I consider this to comprise a broad range of stakeholders. Issues, priorities and concerns were addressed.

The results of both meetings formed a published report and the information gathered was used to inform the next stage of plan-making.

Further to these meetings, on 31 July 2012, a Community Consultation Roadshow Event was held in the village hall, together with a further seven day consultation period. Again, this was well-publicised and resulted in 277 active participants, mainly local residents, but also including business people, developers and service providers, as well as representatives from neighbouring parishes.

Participants were asked to consider the sustainability of all (24) potential development sites listed in Harborough District Council's Strategic Housing Land Availability Assessment 2011 and Call for Sites 2012. This was based on a detailed profile of each site provided by a chartered town planner (appointed via Planning Aid). It resulted in a community ranking of the criteria felt to be most important when assessing a site for new development; of the pros and cons of each site; of which sites they felt to be most appropriate for development; and of which green spaces and buildings/heritage sites they felt should be protected from development.

The results of the Roadshow provided significant results, which were collated and presented as a report which, amongst other things, helped Broughton Astley Parish Council to weight its own assessment criteria; rank proposed development sites; and map assets to be protected from development.

In general, the approach to consultation and community consultation received comments of support. However, the allocation of sites, as outlined above, received criticism from the supporters of some of those sites that were not ultimately allocated.

Representations objected to the choice of allocations on, what was considered to be, the basis of “the expression of public opinion.” However, during the Hearing, it was established that, whilst significant weight was given to the views of consultees, a range of other factors were also taken into account by Broughton Astley Parish Council in determining the final allocations.

I consider it reasonable that the policies of a neighbourhood plan should be largely based on the views of local people. Such an approach has regard to the Framework. Furthermore, plentiful evidence exists, in the form of the Broughton Astley Neighbourhood Plan, its supporting documents and its evidence base, to demonstrate that a range of factors, in addition to the results of consultation, were taken into account.

Some concern was raised over the number of people involved in considering sites during consultation, as a percentage of the total population of the Broughton Astley Neighbourhood Plan Area. However, the evidence before me demonstrates that people were encouraged to engage in consultation and there is nothing to lead me to consider that the consultation process restricted anyone who wished to express an opinion relating to proposals, from doing so.

Between 17 September 2012 and 19 October 2012, a residents' survey was distributed to all of the 3,422 households in the parish; and a business survey delivered to all dedicated business premises in the parish. Four businesses and 486 households responded to the surveys. This provided Broughton Astley Parish Council with a significant amount of further information relating to local issues, priorities and concerns.

Taking all of the above into account, this stage of consultation was transparent and widely promoted, with plentiful opportunities for comment. Together with the preliminary raising awareness stage and the subsequent vision and objectives stage (see below), the pre-vision consultation stage demonstrated the efforts made by the Parish Council and Steering Group to go beyond the legislative requirements for public consultation. Taking all of the above into account, it appears to me that the early stages of the consultation process were significant and robust.

The results of all of the above helped form the Pre-Submission version of the Broughton Astley Neighbourhood Plan, which underwent consultation in February and March 2013. The consultation period was well-publicised and included two exhibitions. A total of 90 responses, largely from local residents, were received. These helped inform the final proposals. Interestingly, and perhaps providing a good example for other neighbourhood plan-makers, an independent review of the comments received was carried out (by an officer from the Leicestershire and Rutland Rural Community Council), with the purpose of ensuring objectivity.

Taking all of the above into account, the approach to consultation met all statutory requirements, as well as significant additional consultation and engagement. I note that the time and effort involved in consultation has been praised in representations from members of the public, from Harborough District Council and from private sector parties. The consultation process has been demonstrated to have been conducted in an open and comprehensive manner from start to finish, with plenty of opportunities for engagement, involvement and feedback; and it met the stated aims of Broughton Astley Parish Council.

## 5. The Neighbourhood Plan – Introductory Sections

The Neighbourhood Plan is considered against the Basic Conditions in this and the following two chapters of this Report. Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

### Section 1: Introduction

The Introduction sets out the background to neighbourhood planning and describes how the Broughton Astley Neighbourhood Plan fits into the planning system. It provides a description and map of the Broughton Astley Neighbourhood Area and summarises matters including content, sustainable development and community engagement. It also provides a section on demographics.

Whilst perhaps a little repetitive in parts, I do not propose any major modifications to the introduction. It distils a significant volume of information in an interesting way and as such, is highly informative. I find that the introduction is capable of providing for useful comparison as time progresses and review takes place.

- **Part of a sentence is missing at the top of the second column on Page 4. Insert missing sentence.**
- **There is no reason for the statement at the top of Page 5 to be in the same box as the title for Figure 1 below. Separate the summary statement box (which adds visual interest) and Figure 1 title. It would be appropriate to begin the Introduction with the wording in the summary box and move text across to Page 5, as necessary.**
- **The text in Figure 1 is difficult to read and should be increased in size.**
- **Parts of the Introduction will need to be deleted or updated (for example, in paragraph 3 on Page 6, “The Next Steps” on Page 8) should the Plan progress to Referendum.**
- **Last sentence in table at bottom of Page 6 should read “life *or* property at risk of flooding”.**
- **Section 1.5 first paragraph, second line on page 7 should read “sustainability *appraisal* provided...”**

## Section 2: Key Issues, Core Objectives and Vision 2013-2028

Section 2 summarises the key issues to be addressed by the Neighbourhood Plan. These are split into six sections and relate directly to the policies in the following sections. This is then followed by “Core Objectives and Vision.”

The objectives comprise clear, hard-hitting summaries. The Vision comprises the Proposals Map - an innovative approach. Given this, I would recommend that some thought is given to improving the presentation of the Proposals Map. This might include reducing the space given over to parts of the Neighbourhood Area where there are no proposals or allocations (given that Figure 1 already shows the full extent of the Neighbourhood Area) and increasing the size of the text subject to a very small font size.

- **Enhance the presentation of the Proposals Map.**

Altogether, the Introductory Section to the Neighbourhood Plan is user-friendly and marks a logical progression from background through to Issues, Objectives and Vision. As such, it provides a useful and directly relevant basis for the policies that follow.

The Neighbourhood Plan is written in plain English and is easy to understand. The overall design of the Plan, along with the inclusion of interesting and attractive photographs, helps provide a document that is reasonably interesting to the eye. If the opportunity arises, more photographs and visual interest throughout the document would enhance it further, but this is not an essential requirement.

Considerable time has clearly been spent in proof-reading the document and generally, all titles in the Contents page of the Neighbourhood Plan appear to match with the subsequent titles and numbering throughout.

- **I recommend a further, final check of this following any modifications, should the Neighbourhood Plan progress to Referendum.**

The following section considers the policies of the Neighbourhood Plan in detail.



## 6. The Plan – Neighbourhood Plan Policies

The structure of the Neighbourhood Plan is very clear, in that the non-policy sections are separated and distinctive from those sections containing policy. Furthermore, the policy sections distinguish between the policies themselves, and their justification.

I am not convinced that there is any need to refer to policies as “Policy Statements.” I find that this presents unnecessary confusion. Simple deletion of the word “Statements” would ensure that the approach to the policies themselves is in keeping with the rest of the Neighbourhood Plan’s commendable clarity in structure.

- **Delete the word “Statement” in policy titles.**

The policies of the Neighbourhood Plan are separated into the six Key Issues identified in the Introductory Section, together with specific Sustainable Development and Community Infrastructure policies. Five policies then relate specifically to the sites allocated for new development.

Each policy is accompanied by supporting text. I do not suggest any changes to this overall approach, as it presents a logical, simple and user-friendly structure.

The supporting text provides useful context for each policy. It provides clear references to the adopted development plan. Furthermore, by preceding each policy with a clear summary of the key issues arising from consultation, it draws a direct and explicit link between views of the community expressed during consultation and the issues addressed by the relevant policy. *This emphasises the importance the Neighbourhood Plan places on the input of the community during the plan-making process and is to the great benefit of the Neighbourhood Plan as a whole.*

## Housing

Neighbourhood Plan Policies H1, H2 and H3 are concerned with the allocation of housing, the provision of affordable housing and the development of windfall sites, respectively.

Core Strategy policy CS16 sets out the strategic policy context for the development of Broughton Astley. In recognition of the provision of facilities and services in Broughton Astley not keeping pace with housing development and associated population growth, the Core Strategy (policy CS2) requires at least 400 dwellings to be provided in the settlement to 2028, along with improvements to services, facilities and employment opportunities.

Some objectors to the Neighbourhood Plan felt that it could be “more ambitious” with regards housing numbers. Neighbourhood Plan policy H1 allocates two sites for new housing – 1A North of Broughton Way, for 310 houses; and Site 2 South of Coventry Road, for 190 houses. Thus, the Neighbourhood Plan allocates land for 500 houses. It also allocates a reserve site, north of Dunton Road, for 28 houses.

Altogether, the allocations provide for well in excess of the requirement set out in the Core Strategy. However, the Core Strategy figure is a “minimum” figure and so, in this regard, I am satisfied that policy H1 is in general conformity with the adopted development plan, as well as having regard to the Framework. Harborough District Council confirmed during the Hearing that it considers policy H1 to be in general conformity with the Core Strategy.

Representations were made, in objection to policy H1, on the basis that local housing requirements were considered to be greater than those set out in the Core Strategy. However, it is not the purpose of neighbourhood plan examination to examine the Core Strategy. The Core Strategy is the adopted development plan for the area and its housing policies are the result of rigorous testing. The Core Strategy sets out the strategic needs and priorities for Harborough District. Work has commenced on an emerging Local Plan, as brought to my attention by Harborough District Council, and this will provide for the appropriate review of housing numbers.

I note that the Core Strategy was adopted prior to the Framework, although this was only several months earlier. Both the Core Strategy and the Framework promote sustainable growth. As it is in general conformity with the Core Strategy and promotes considerably more development than that required, policy H1 has regard to the requirements of the Framework, as set out in paragraph 184.

Notwithstanding the points above, I note that objections were raised along the lines of whether the allocation of sites in policy H1 was the result of a “robust” process. I have considered this matter in the Consultation section above. I have also noted the significant consultation process undertaken for the Neighbourhood Plan as a whole and the direct connection between the outcome of this and its policies.

Further to the above, having considered all representations, including those made at the Hearing, it would seem that some of the basis of this criticism appears to be founded on the Broughton Astley Neighbourhood Plan taking a very different approach to the evidence base for allocations than, say a Local Plan. This is certainly the case. I noted during the Hearing, for example, that the Hearing itself, with regards housing, was very different to what might be expected when a Local Plan's housing policies are considered at an examination in public.

However, there is no requirement for neighbourhood plans to be produced in the same way as Local Plans. Indeed, the Framework is very clear in stating that neighbourhood planning *“gives communities direct power to develop a shared vision for their neighbourhood.”* Subject to plans meeting the Basic Conditions, neighbourhood planning provides local communities with discretion when considering, for example, the evidence base for neighbourhood plans. This approach recognises that the adopted development plan policies – with which the neighbourhood plan needs to be in general conformity - will already have undergone rigorous scrutiny.

At the Hearing, an objector to the Neighbourhood Plan's approach to housing referred to a recent high court judgement on a site elsewhere in the country. This judgement was published between the end of the consultation period and the Hearing. The objector considered it to be so important as to mean that the Neighbourhood Plan failed to meet the Basic Conditions. However, in this regard, I note that whilst the Basic Conditions require the examination of neighbourhood plans against, for example, guidance issued by the Secretary of State, they do not require examination against recent high court judgements.

Numerous representations sought to compare the merits of the allocated sites with alternative sites. However, such matters are outside the scope of this examination.

A detailed and well-constructed submission was made by a local resident in respect of flood risk. Whilst I noted the concerns raised I am mindful that, amongst other things, policy H1 prevents the development of housing on land where there is a moderate or significant flood risk. I also note that neither the Environment Agency nor Harborough District Council raised objections with regards to flood risk. Consequently, I am satisfied that the Neighbourhood Plan seeks to direct development away from areas at highest risk of flooding, with regard to the Framework and in general conformity with Core Strategy policy CS10.

With regards Site 2, the allocation for 190 houses, a representation was made suggesting that policy H1's "strict adherence to a specified number" should instead allow for some flexibility. However, I find that the approach taken by the Neighbourhood Plan provides the community with a degree of certainty and as above, meets with the Basic Conditions.

It was also suggested that the Reserve Site should allow for more than 28 dwellings. However, I have found that, in providing for considerably more housing than the minimum requirement set out in the Core Strategy, the Neighbourhood Plan meets the Basic Conditions. No evidence was provided to demonstrate that Sites 1A and Site 2 would be unlikely to deliver the majority of the 500 dwellings allocated and thus provide a requirement for a larger reserve site.

The housing allocations provide for a level of housing development above that identified in Core Strategy policy CS2. The overall approach of the Neighbourhood Plan seeks to ensure that the delivery of the housing allocations supports the wider aspirations of the community by helping to deliver associated development, including services and facilities. I find that, in this way, policy H1 contributes towards the achievement of sustainable development.

Similarly, in providing for the delivery of a significant number of houses, the Neighbourhood Plan contributes towards the achievement of economic sustainability and in providing for the delivery of community infrastructure alongside new housing, it contributes towards the achievement of social sustainability.

The housing allocations comprise greenfield sites. However, there is no evidence that there is any opportunity to develop brownfield land in or around Broughton Astley. I consider that the sites all form logical extensions to the settlement and fulfil the overall objective of re-focusing the village around its centre. The sites do not comprise sensitive or scarce natural or ecological resources and the Neighbourhood Plan's policies require the associated delivery of new, public open space and the creation of new wildlife habitats. Consequently, I find that the allocations are capable of contributing towards the achievement of environmental sustainability.

Taking all of the above into account, I find that Neighbourhood Plan policy H1 meets the Basic Conditions.

Neighbourhood Plan policy H2 requires affordable housing to comprise at least 30% of all new housing and expects developers to contribute to the provision of affordable homes that are suitable to meet the needs of older people and those with disabilities. This is in general conformity with Core Strategy policy CS3 and has regard to the Framework's aims of delivering a wide choice of homes and planning for the needs of different groups in the community. It meets the Basic Conditions.

Neighbourhood Plan policy H3 provides for the development of windfall sites and meets the Basic Conditions.

- **Policy H1 (iv) end of second line to read "...development *on* the identified..."**
- **Policy H1 delete sub-section (viii) – this is an unnecessary reference as this matter is covered in a separate policy elsewhere in the Neighbourhood Plan.**

## Shopping

Neighbourhood Plan Policy S1 seeks to provide for an improved range of shopping facilities whilst supporting the existing village centre. Representations were received in support of, and in objection to, policy S1.

The public consultation process established the Key Issue that Broughton Astley required a large supermarket to stop unnecessary car journeys and to create employment. In response to this, whilst seeking to support the existing village centre, policy S1 allocates land for a 20,000 - 30,000 sq ft supermarket. It was established in the Hearing that policy S1 incorrectly refers to Site 1B, when the supermarket allocation is actually on Site 1A.

- **Policy S1 (ii) replace reference to “Site 1B” with “Site 1A.”**

Core Strategy policy CS16 recognises that Broughton Astley lacks the kind of services and facilities which are required by a settlement of its size. The policy states that *“proposals for local retail, service and business development which cannot be accommodated within (the Principal Shopping and Business Area) will be allocated to provide opportunities for the growth of additional local services across the plan period.”* The supporting explanation goes on to set out that there is very limited opportunity for development within or immediately adjoining the village centre and that the provision of retail development may need to be considered in locations outside the village centre, subject to accessibility.

With regards the above, the allocation of land for a supermarket at Site 1A is in general conformity with Core Strategy policy CS16. I note that a supermarket of the size proposed will enable residents to undertake weekly shopping trips within Broughton Astley, rather than travel to Leicester or Lutterworth, as is, according to evidence provided, currently the case. This will contribute towards the achievement of sustainable development by reducing lengthy car journeys. I also note that the proposed supermarket will create around 145 jobs, thus contributing towards the achievement of economic sustainability.

I also note that the supermarket is allocated as part of a mixed use development. In providing for housing, shopping, employment and community facilities, the combined mixed use sites at 1A and 1B can meet the key objectives of the Neighbourhood Plan.

Objectors to policy S1 refer to the impact of a new supermarket on the existing village centre. However, Core Strategy policy CS16 clearly refers to the limited opportunity for development in the village centre. No evidence has been submitted to demonstrate that there is sufficient scope within the village centre to provide for the retail development required by a settlement of Broughton Astley’s size. Similarly, no evidence has been submitted to demonstrate that the allocation of the supermarket at Site 1A will harm the existing village centre.

Other objections state that the allocation of the supermarket at Site 1A fails to have regard to the Framework. Paragraph 26 of the Framework sets out a sequential test for retail applications outside town centres which are not in accordance with an up-to-date Local Plan. I have found that policy S1 is in general conformity with the adopted Core Strategy, I also note that policy S1 provides for the application of the sequential test and impact assessment in accord with the Framework. Policy S1 has regard to the Framework.

I note that some objectors considered that the Neighbourhood Plan should be put on hold until the results of a retail study currently being carried out are known. However, my role is to examine the Neighbourhood Plan against the Basic Conditions, not to seek to delay proceedings on the basis of information not yet available. I am mindful in this regard that the Framework encourages sustainable development, without delay.

I consider the wording of policy S1 to be a little confusing as drafted. I propose that policy S1 sub-sections (ii) and (iii), which are repetitive and confusing, are combined into one sub-section, as follows:

- ***(ii) In order to prevent additional journeys out of the village for weekly food shopping, the provision of a new supermarket on Site 1A will be supported. This should be between 20,000 – 30,000 sq ft, in an accessible and central position, adjacent to the existing settlement and provide good links to the existing settlement and other community facilities.***

Subject to this modification, I consider that policy S1 meets the Basic Conditions.

- **Policy S1 (v) first line to read “Any proposals for *retail* development...”**
- **Policy S1 (vi) second bullet to read “...to thrive *through* initiatives...”**

## Employment

Neighbourhood Plan Policy E1 seeks to support new employment opportunities. It allocates a 6.4 ha site on the edge of Broughton Astley (EMP1) and a 1.7ha site on Site 1A. The central site relates well to the existing Cottage Lane industrial estate and EMP1 provides for a wide range of employment uses.

Policy E1 is in general conformity with Core Strategy policy CS16, which encourages the creation of employment opportunities. In supporting economic sustainability, it contributes to the achievement of sustainable development. It also has regard to the Framework, which supports economic growth. It meets the Basic Conditions.

Whilst I note that representations were received in support of the allocation of a supermarket on site EMP1, I have found, above, that policy S1 meets the Basic Conditions.

- **Policy E1 (ii) second line to read “...Key *Employment Area*.”**

## Transport and Traffic Management

Neighbourhood Plan Policy T1 seeks to reduce reliance on private cars. It is in general conformity with Core Strategy policy CS9 which, amongst other things, supports development which helps reduce carbon emissions. Policy T1 contributes towards the achievement of sustainable development and has regard to the Framework, which seeks to encourage sustainable movement. It meets the Basic Conditions.

## Leisure and Wellbeing

Neighbourhood Plan Policy L1 allocates land for a new community and leisure facility at Site 1B. The Neighbourhood Plan makes provision for this to come forward as part of a combined mixed use development across Sites 1A and 1B. As noted above, in the Housing section, this will provide for social sustainability and thus contributes towards the achievement of sustainable development. It is in general conformity with Core Strategy policy CS16 and has regard to the Framework, which meets the needs and priorities of communities.

Neighbourhood Plan Policy W1 seeks to provide for improved healthcare facilities. Broughton Astley's existing healthcare practice has identified an urgent need for new premises.

Policy W1 states that the first preference for improved facilities will be to consider extending, upgrading or re-location within the village centre. However, evidence has been provided to demonstrate that an extension or upgrade would be insufficient. Furthermore, there is no evidence to demonstrate that an appropriate development site exists within the village centre.

Taking the above into account, I am concerned that this part of policy W1 would not have regard to the Framework's requirement for the planning system to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.

- **I recommend that sub-section (ii) of Policy W1 is deleted.**

However, sub-section (iii) of policy W1 allocates land for the construction of a healthcare facility as part of the overall development of Sites 1A and 1B. Evidence has been submitted to demonstrate that the facility could be provided on Site 1B. I note that Site 1B is centrally located within the village and that a healthcare facility in this location would be capable of relating well to the proposed community leisure facility. Subject to modifications to the wording of policy W1, the allocation of land for a healthcare facility within Site 1B can provide for social sustainability and have regard to the Framework's support for development which meets the needs of communities. In this way, policy W1 meets the Basic Conditions.

- ***New sub-section (ii) to replace sub-section (ii), (iii) and (iv), to read: "Land for a healthcare facility will be provided within Site 1B. Funding for the new facility will be sought through developer contributions and other sources, to ensure that medical facilities remain near to the centre of the existing village, being convenient and accessible enough to meet the needs of local people."***



Objections to policy W1 refer to the potential for the delivery of a healthcare facility on another site, elsewhere in Broughton Astley. This would be dependent upon planning permission for associated residential development on an unallocated greenfield site – and I note that the site is the subject of a planning appeal.

- **Key issues, second line of third bullet point (top of page 22) to read “...people *within* the village.”**

## Environment

Neighbourhood Plan Policy EH1 seeks to protect existing open spaces and heritage; and to provide for new open spaces. As presented, I find that policy EH1 sets out a confused approach in respect of green spaces and Local Green Spaces. It seeks to protect identified green spaces but then also states that it seeks to apply to Harborough District Council to designate the same spaces as Local Green Spaces.

I consider that it would be more appropriate, straightforward and significantly simpler for the Neighbourhood Plan to designate Local Green Spaces. This would have regard to the Framework, which states that “*By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances...Local Green Spaces should only be designated when a plan is prepared...*”

Representations were received objecting to the consideration of Clump Hill as a Local Green Space. In this regard, I am concerned that only a very small number of people identified Clump Hill as being an area worthy of protection. The Local Green Space designation affords land a very high level of protection – not dissimilar to that provided by Green Belt status. Given this, I am not satisfied that there is sufficient grounds to demonstrate Clump Hill’s “particular importance” to the local community, as required by the Framework. Consequently, I consider that its inclusion as a Local Green Space would fail to have regard to the Framework. However, I do note that Clump Hill is located outside the settlement area and as such, is already afforded some protection from development.

- **Delete EH1 sub-section (ii). Change sub-section (iii) to read “*The green spaces at Frolesworth Road Recreation Ground, War Memorial, Cottage Lane, and the disused railway, which have been demonstrated to be of significance to the local community, are designated as Local Green Spaces, in order to protect their identity. The Local Green Spaces are identified in Figure 6.*”**
- **Remove Clump Hill from Figures 1 and 6.**
- **Change the title of Figure 6 to “*Local Green Spaces.*”**
- **It would be helpful to show clearer boundaries to each of the sites by enlarging and re-centring Figure 6.**

- **Change sub-section (iv) to read “Existing areas of public open space and Local Green Spaces will be preserved in order...”**

Neighbourhood Plan Policy EH2 aims to ensure that Sutton in the Elms maintains its identity and character. There is no need to repeat part of policy EH2 in policy EH1.

- **Delete EH1 sub-section (vi). Delete paragraph 3 under the Justification on page 26.**

I also find that policy EH1, together with Figure 7, sets out a confusing approach in relation to Listed Buildings and other buildings of local interest. Listed Buildings and their settings are, by their very status, afforded a different level of protection by the Framework to other, non-Listed buildings. However, Figure 7 does not distinguish between Listed and non-Listed buildings.

Further to this, Listed Buildings are already afforded protection and it is unnecessary for the Neighbourhood Plan to repeat existing policy. This can lead to confusion – for example, sub-section (vii) refers to protecting the “character and setting” of Listed Buildings, but to no other considerations. However, there is no harm in referring to Broughton Astley’s existing heritage assets.

- **I recommend that sub-section (vii) is re-worded to read “*Broughton Astley’s Listed Buildings – St Mary’s Church, Sutton in the Elms Baptist Church, Quaker Cottage and the Stone House – will be protected in line with national policy.*”**

It is not the role of the Neighbourhood Plan to give “consideration” to the Listing of other buildings, as set out in sub-section (viii). Furthermore, such an approach does not comprise a land use planning policy. This part of the policy does not meet the Basic Conditions.

It may be that the Neighbourhood Plan seeks to recognise the buildings identified in sub-section (viii) as locally important buildings. In so doing, there should be evidence setting out why they are locally important and it should be clearly stated that they are non-designated heritage assets. On this basis, the supporting text might indicate that Broughton Astley Parish Council will consult with English Heritage with regards the future status of these building. These are matters for Broughton Astley Parish Council and Harborough District Council to consider.

- **Unless an appropriate alternative approach along the above lines is introduced, policy EH1 sub-section (viii) should be deleted.**
- **Reconsider the title of Figure 7, in line with the above.**
- **Policy EH1 (i) first line to read “...Highway *Authority*, developers, and local environmental groups, improved...”**

Subject to the changes above, policy EH1 meets the Basic Conditions.

### Area of Separation

Neighbourhood Plan Policy EH2, and supporting Figure 5, sets out an Area of Separation between Broughton Astley and Sutton in the Elms. This is in general conformity with Core Strategy CS16, which states that an area of separation will be identified to ensure the identity and distinctiveness of the settlements is retained. This policy meets the Basic Conditions.

### Sustainable Development

Neighbourhood Plan Policy BA7 sets out the presumption in favour of sustainable development. The policy numbering “BA7” doesn’t seem to stem from any logical sequence. Taking the reference numbers of other policies in the Neighbourhood Plan into account, a more appropriate policy number would seem to be Policy SD1.

- **I recommend that Policy BA7 becomes Policy SD1.**

The policy explicitly recognises the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development are all recognised and the Neighbourhood Plan sets out the aim of engaging positively, through the planning process, to guide future development. In this way, the Neighbourhood Plan has regard to the Framework and is in general conformity with the strategic policies of the development plan.

However, the final section of the policy introduces unnecessary and confusing references to circumstances arising in the absence of relevant policies. These are matters already addressed at the national level. Subject to the modifications as below, the policy meets the Basic Conditions.

- **Delete from the start of paragraph 3 “Where there are no policies...” to the end of the policy. Delete the final paragraph in the Justification.**
- **Also, in the Objective at the beginning of the policy, and also at the end of the second paragraph within the policy, delete the words “conditions in” and replace with “sustainability of”. The policy is concerned with sustainability.**
- **Policy SD1 second paragraph third line to read “...which *mean* that...”**

## Community Infrastructure Requirements

Neighbourhood Plan Policy BA8 seeks to secure financial contributions to new infrastructure and facilities.

As with policy BA7, the policy reference, BA8, doesn't seem to stem from any logical sequence. Taking the reference numbers of other policies in the Neighbourhood Plan into account, a more appropriate policy number would seem to be policy CI1.

- **I recommend that Policy BA8 becomes Policy CI1.**

The Community Infrastructure policy is in general conformity with infrastructure needs set out in the Core Strategy and reflects the priorities of the local community. Consequently, the policy sets out a clear strategy for the delivery of infrastructure and facilities. As currently worded though, it suggests that "any" development needs to make a contribution towards the improvement of infrastructure and facilities. This is not the case.

- **Re-word the Objective to state: "*For new development to contribute to the improvement of infrastructure and facilities in Broughton Astley as appropriate.*" Re-word sub-sections (i) and (ii) to begin "*Financial contributions will be required, as appropriate, to...*"**
- **Key issues final bullet (top of page 30) to read "...provision – *for example, community...*"**
- **Justification line 6 to read "...Astley is a key..."**

## Phasing of Development

Neighbourhood Plan Policy P1 addresses the phasing of development and meets the Basic Conditions.

- **Page 31 top of second column line 2 to read "...and *brings* benefits..."**

## Allocated Sites for New Development

Neighbourhood Plan Policies BANP Sites 1A and 1B; BANP Site 2; BANP Reserve Site 1; and Employment Area – EMP 1, provide detail relating to the allocated development sites. Whilst, earlier in the Neighbourhood Plan, there is a reference to the Development and Requirements Policies, this is not consistently reflected in the titles to the relevant policies.

- **Ensure title for each policy in this section reads “*Development and Requirements Policy.*”**

Section 3.15 on page 33 refers to a requirement for a Design Brief. However, as presented, this requirement is set within introductory text, rather than comprise a policy requirement. This is an important and significant requirement and should form part of each relevant policy.

- **Add Design Brief requirement for each allocated site to each relevant policy.**

Whilst not an essential requirement, I would recommend that, in making the above modification, thought is given to including reference to the criteria set out in Building for Life 12. The Framework recognises the crucial role that enhancing the built environment has in achieving sustainable development. Building for Life 12 seeks to drive up design quality standards and aims to ensure that only the very best development takes place. In requiring proposals for new developments to demonstrate how they perform against Building for Life 12, the Neighbourhood Plan could help ensure that good design is factored into proposals from the beginning.

Subject to the modifications below, each of the policies within this section meets the Basic Conditions.

- **Page 33 second paragraph line 2 to read “...as *are* the policy...”**
- **Page 34 second column line 4 to read “...and *its* amenities...”**
- **Page 35 first column line 4 (top of page) to read “...Site *1B*...”**
- **Page 37 first column line 5 to read “...and *its* northern...”**
- **Page 37 first column final bullet to read “...position and *is* relatively flat, *and* therefore...”**
- **Policy BANP2 (4) line 2 to read “...policy *CI1*.”**
- **Policy BANP Reserve Site 1 (3) line 2 to read “...policy *CI1*...”**
- **Page 41 first column line 1 to read “The site lies to the...”**
- **Policy BANP EMP1 (9) line 1 to read “Due to *the* elevated...”**
- **Page 42 first column bullet 3 to read “...incorporate *landscaping* such as...”**

## **7. The Plan – Other Matters**

The Neighbourhood Plan includes a section on Monitoring and Review. Whilst this does not contain any policies, it provides a helpful explanation of how the Neighbourhood Plan will be actively managed. It sets out the anticipated role of Broughton Astley Parish Council and states that there will be thorough five year reviews of progress by a Steering Group with a wide community base. This recognises that land use planning is a dynamic process and sets a helpful long term agenda with the aim of ensuring that the Broughton Astley Neighbourhood Plan remains relevant, meaningful and deliverable.

The Neighbourhood Plan also includes a helpful Glossary of Terms. This provides a plain-English explanation of technical planning terms. I consider this to be a valuable inclusion which can only lead to the wider understanding of planning matters.

## 8. Summary

It is my view that the Broughton Astley Neighbourhood Plan reflects the views of the community and sets out a clear and deliverable vision for the neighbourhood area.

I have recommended a number of modifications to the Plan. These are intended to ensure that the Plan meets the Basic Conditions and comprises a user-friendly document.

Subject to the above, the Broughton Astley Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

In this way, the Broughton Astley Neighbourhood Plan meets the Basic Conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to Harborough District Council that, subject to the modifications proposed, the **Broughton Astley Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Broughton Astley Neighbourhood Area. The Neighbourhood Area mirrors the Parish boundary. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Broughton Astley Neighbourhood Area as defined by Harborough District Council on 29 October 2012.

**Nigel McGurk, October 2013**  
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