

# **Great Glen Neighbourhood Plan Submission Version 2011 – 2031**

**Report of Examination**

**June 2017**

**Undertaken for Harborough District Council with the support of  
Great Glen Parish Council on the submission version of the plan.**



**Independent Examiner:**

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## Summary

- I have undertaken the examination of the Great Glen Neighbourhood Plan during June 2017 and detail the results of that examination in this report.
- Subject to the recommended modifications being made, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

### **Abbreviations used in the text of this report:**

The Great Glen Neighbourhood Plan is referred to as 'the Plan' or 'GGNP'.

Great Glen Parish Council is abbreviated to 'Great Glen PC'.

Harborough District Council is abbreviated to 'Harborough DC'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The Harborough Core Strategy 2006 – 2028 is abbreviated to 'HCS' or 'Core Strategy'.

Great Glen Village Design Statement 2005 is abbreviated to 'VDS'

**Acknowledgements:** Thanks to Local Authority and qualifying body staff for their assistance with this examination. I commend the extensive work undertaken by local community volunteers and parish councillors, who have produced a Plan that is locally relevant and comprehensive.

## 1. Introduction and Background

### 1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowers local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Great Glen that is the Great Glen Parish Council. Drawing up the Neighbourhood Plan was undertaken by the Great Glen Neighbourhood Plan Steering Group, working to the Parish Council, and comprised of Parish Councillors and members of the community.

### 1.2 Independent Examination

1.2.1 Once the Qualifying Body has completed their draft Plan and the required consultation, they submitted it to the Local Planning Authority (LPA), in this case Harborough DC. After publicising the plan with a further opportunity for comment, Harborough DC were required to appoint an Independent Examiner, with the agreement of Great Glen PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Great Glen and Harborough DC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Great Glen Neighbourhood Plan (GGNP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 4<sup>th</sup> June 2014 by Harborough DC. With modification 11, page 21, the plan will not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Great Glen to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

## 1.3 Planning Policy Context

1.3.1 The Development Plan for Harborough District, not including documents relating to excluded mineral and waste development, is the Harborough Core Strategy 2006 – 2028 adopted in 2011, and saved policies from the Harborough District Local Plan 2001. There is a new local plan in preparation, but as an emerging plan not yet part of the formal development plan, it is not policy that the Basic Conditions require the HNBP to be in general conformity with.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance website offers guidance on how this policy should be implemented. The GGNP must have regard to both of these documents.

1.3.3 During my examination of the GGNP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- Harborough District Core Strategy 2006 – 2028
- Harborough District Local Plan 2001 Saved Policies
- Re-Submission version of the Great Glen Neighbourhood Plan 2011 – 2031
- The Basic Conditions Statement submitted with the GGNP
- The Consultation Statement submitted with the GGNP
- The Strategic Environmental Assessment Screening Decision May 2017 for the GGNP re-submission version
- Neighbourhood Area Designation (map)
- Representations received during the publicity period (reg16 consultation)
- Historic England submission on planning application 16/02081/OUT
- Background Paper for Executive Advisory Panel Jan and July 2014 on Local Green Space

## 2. Plan Preparation and Consultation

### 2.1 Pre-submission Process and Consultation

2.1.1 Great Glen is a large village about 6 miles to the south of the city of Leicester in the county of Leicestershire. The wider parish includes mostly farmed countryside and a small new settlement at Stretton Hall. Great Glen is a historic village that has grown considerably in recent times. It is located on the A6 trunk road, although this route now by-passes the village to the west. The local planning authority (LPA) is Harborough District Council, a rural authority to the east of Leicester, based in the market town of Market Harborough.

2.1.2 A Steering Group working to the Parish Council and comprised of both Parish Councillors and volunteers from the local community developed the draft Plan. Minutes of meetings were made available on the parish council website, along with analysis of the results from the questionnaire and other consultation events.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation well. Initial contact was made with statutory consultees, local councils and adjacent parish councils, as well as local businesses, landowners and voluntary organisations. An early publicity drive with a leaflet circulated throughout the parish notified residents that the Plan was being developed and encourage involvement. A survey followed up by a questionnaire aimed to better inform the Steering Goup about opinions and concerns in Great Glen. Open events, generally at the well-attended annual 'Wheelbarrow Race', introduced the issues under consideration in 2014, and in 2015 offered the draft policies for consideration.

2.1.4 When their draft plan was ready, Great Glen PC undertook a 7 week Reg14 consultation, with an extra week added due to the Christmas break. This formal consultation is required by the Neighbourhood Planning (General) Regulations of 2012 (NPGR12), and ran from the 19<sup>th</sup> December 2015 until the 4<sup>th</sup> February 2016. The Qualifying Body made alterations to the Plan as a result of comments received during this Reg14 consultation, alterations which included designating a reserve site for housing. This was done due to concerns from the LPA that the Local Plan currently in preparation may require further housing land in the parish. In my opinion however the designation of this reserve site should have triggered a re-run of the Reg 14 consultation; it was a significant alteration from the plan previously consulted on.

2.1.5 A first submission version of the GGNP with the reserve site included was submitted to Harborough DC who undertook their first Reg16 consultation (under the same NPGR12) from the 24<sup>th</sup> August 2016 to the 5<sup>th</sup> October 2016. A response from Historic England made during this first Reg16 consultation stated their concerns about the reserve site proposal, and also pointed out that it would require in their view a Strategic Environmental Assessment (SEA) of the GGNP to be undertaken. By mutual consent of the LPA and Qualifying Body, the first version of the submitted GGNP was withdrawn, and a revised Plan submitted without the reserve site in it. The LPA re-ran the Reg 16 consultation a second time from the 8<sup>th</sup> March 2017 until the 19<sup>th</sup> April 2017. I have considered this sequence of events, which have, in my opinion, strayed from accepted practice. I do not consider the reserve site should have been added to the Plan and submitted without a further Reg14 consultation. However as it has now been removed, that transgression has been effectively remedied, and so I accept that due process has been restored with the second Reg16 consultation on a re-submitted Plan with the reserve site proposal removed.

2.1.6 The Great Glen PC submitted an amended Submission version of the GGNP, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area on the 26<sup>th</sup> January 2017 to Harborough DC who undertook a second Reg16 consultation as described above. The representations received during this second Reg16 consultation are considered below.

## **2.2 Regulation 16 Consultation Responses (8<sup>th</sup> March – 19<sup>th</sup> April 2017)**

2.2.1 Publicity and consultation on the Plan undertaken by Harborough DC after re-submission, as required by regulation 16 of the Neighbourhood Planning Regulations 2012, resulted in nine submissions. Two statutory bodies and the Leicestershire County Council had no specific comments to make on this plan but offered general guidance. A resident offered some textual corrections, but raised no issues concerning whether or not the basic conditions had been met. Other responses are summarised below, and, where necessary, issues they raise concerning a failure to comply with the basic conditions are considered in sections 3 and 4 of this report.

2.2.2 **Historic England** Note and welcome that the allocation of a reserve site has been removed in the re-submission of the draft GGNP.



**2.2.3 Natural England** Welcome the broad thrust of the Plan, and particularly policies that aim to protect green space and support biodiversity.

**2.2.4 Oadby and Wigston Borough Council** Note the removal of the reserve site, and also point out that the plan designates a part of Glen Gorse as a site of environmental significance that is outside the neighbourhood area.

**2.2.5 Homes and Communities Agency** (agent WYG) Offer general support for the principle of neighbourhood planning, but feel that the timing of the GGNP is not in accordance with national policy advice. This is a point considered previously in the courts, and on which the NPPG offers clear guidance, neighbourhood plans can be developed before or at the same time as a Local Plan (ID 41-009-20160211). The GGNP has not allocated sites for housing, and as will be considered below in the discussion of Policies G1 and G2, is not able to prescribe the level of house-building required in the parish, due to a current lack of evidence.

**2.2.6 Burton Overy Parish Council** Would like an area of separation designated between themselves and Great Glen in order to protect a landscape noted as particularly attractive countryside. This is not a matter I am able to consider during the examination.

**2.2.7 Bovis Homes** (agent Star Planning and Development) Have set out detailed comments on many of the policies in the plan. They are also requesting that the reserve site be re-instated. For the reasons given above, I do not consider re-instatement an option for the submission draft of the GGNP without further consultation at the pre-submission reg14 stage. It is also not an issue that this examination can concern itself with, as the basic conditions do not require it. Bovis Homes states that the neighbourhood plan needs to plan for housing, but this is contrary to guidance in NPPG which states that neighbourhood plans are 'not obliged to contain policies addressing all types of development.' (ID 41-040-20160211). Thus their assertion that another policy is required re-instating the reserve site is not accepted as necessary, or indeed possible given the remit of an examination and due process with regard to consultation.

**2.2.8** Other points raised by Bovis Homes on policies in the plan will be taken up in the discussion in Section 4 where they identify issues of non-compliance with the basic conditions. The submission has offered several useful observations on policies.

### 3. Compliance with the Basic Conditions.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the Great Glen Neighbourhood Plan (GGNP) has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it 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 for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The Basic Conditions Statement considers in section 4.3 how the Plan promotes the social, economic and environmental goals of sustainable development. The review accepts that the GGNP is seeking to manage development pressures to ensure environmental and social considerations are taken into account as well as economic considerations. I have had to consider if this plan was positive enough, and not merely restrictive of development. The NPPF requires neighbourhood plans to plan positively (para 184). In my view some policies were drafted in a way that could unreasonably restrict development. However with the modifications to policy recommended below, I accept that the GGNP does promote sustainable development, and that the Plan as modified is still a useful and positive document.

3.3 A second screening opinion on the re-submitted version of the GGNP has been issued by Harborough DC in May 2017. This considers whether Strategic Environmental Assessment (SEA) is required for the GGNP, and determines that it is not. An appendix to the screening opinion has considered whether the Plan and its policies would require a Habitats Regulations Assessment (HRA). The nearest Natura 2000 site is 30km away, and no policy has been found to have a potentially negative effect on protected species and habitats. HRA and SEA environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with, and I accept that the GGNP complies with the Basic Conditions with regard to EU requirements.

3.4 The GGNP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and there is no policy or aim that is at variance with the UN Declaration on Human Rights. The methodology of the Consultation Statement included an aim that they would seek “the views of people from different areas, and from diverse sectors of the community” (page 2), so that a conscious effort was made to include all in line with good equalities practice.

## 4. Compliance with National Policy and the adopted Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the GGNP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is primarily the NPPF and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. The development plan being a Core Strategy is comprised of policies the LPA considers strategic. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended. Modifications are boxed in the text, with text to remain *in italics*, new text highlighted **in Bold** and text to be deleted shown but ~~struck through~~. Instructions not to be included as text are underlined.

4.3 The format of the document is generally acceptable, but there are several 'Community Actions' dotted throughout the text which deal with non-land-use issues. In order that the Plan complies with the NPPG (ID 41-004-20140306) and properly separates out aspects of the Plan that are not landuse, these Actions should be listed at the end of the document, in a separate section or appendix.

**Modification 1:** In order to comply with the Basic Conditions and have regard to the NPPG, I recommend that Community Actions 1 – 4 are listed separately at the back of the Plan, either as a Section 9, or an appendix. NB: Action 4 needs to be correctly numbered (currently '34').

### 4.4 Policy GG1: General Policy Principle

This is not a policy, it is stating the position as it is. Although it is a useful reminder for people reading the text who are not familiar with planning law, it is confusing to have it presented as a policy – it could be construed as proposing something different, which it isn't, and of course couldn't do. The NPPF requires policy to indicate clearly to developers what will be allowed and what won't (para 154) and for clarity this text although useful should not be written as a policy.

**Modification 2:** In order that the Plan complies with the Basic Conditions, I recommend that Policy GG1 is deleted, and this policy becomes a final sentence in the paragraph 7.1 on Strategy.

#### 4.5 Policy GG2: Housing Provision

This policy is not accurate, in that it is asserting a position that does not in fact exist. As has been pointed out in the Reg16 submissions, the housing requirement for Harborough DC is still under consideration in the emerging Local Plan. The LPA does not currently have a 5 year housing land supply so that its housing policies in any case are out of date. It is not possible in these circumstances to state that Great Glen has exceeded its housing requirement, and in any case a neighbourhood plan cannot set a maximum limit on new housing. The policy is contrary to the NPPF (para 47) as it does not promote the sustainable provision of housing, and it is therefore contrary to the Basic Conditions.

**Modification 3:** I recommend that in order that the GGNP complies with the Basic Conditions Policy GG2 is deleted. To maintain consistency and the sense of the Plan's rationale, I recommend that the last paragraph on page 21 also be deleted. Policies to be renumbered throughout.

#### 4.6 Policy GG3: Housing Provision Windfall Sites

Criteria c) of this policy is not necessary, as any calculation of housing requirement has an allowance for windfall sites. Development meeting the requirements of this policy would automatically become part of the identified housing requirement as a windfall, and so for clarity as required by NPPF (para 154) the criteria should be deleted. For consistency with policy GG4, as discussed below, the definition of a 'large home' should be more than 4 beds, and the 3 bed requirement described as a 'larger dwelling'.

**Modification 4:** I recommend that criteria c) of Policy GG3 is deleted, and criteria h) is modified as shown in order that the policy complies with the Basic Conditions in terms of clarity of intent:  
*"h) If it involves two or more dwellings, provides for at least one ~~home~~ **small dwelling** with two or fewer bedrooms for every one larger dwelling (i.e. three or more bedrooms)."*

#### 4.7 Policy GG4: Housing Mix

The evidence for this policy is the Great Glen Housing Needs Report of June 2016, which shows Great Glen to have a greater than average under-occupancy of homes that are larger than average. The policy has been criticised for inflexibility, but the wording 'presumption against' would allow for exceptions to the homes of more than 4 bedrooms should material considerations indicate circumstances allowed an exception to policy. So that the policy is properly evidenced based, the reference to 'identified local need' should include a reference to being evidenced, as required by the NPPG (ID 41-040-).

4.8 In order that the policy complies with the NPPF requirement for clarity, the definition homes with more than 4 bedrooms as 'larger' should be dropped, and an internal consistency with Policy GG3 maintained.

**Modification 5:** I recommend that Policy GG4 should be modified as shown in order that it meets the Basic Conditions with regard to clarity of policy and being evidenced based:

*"New housing development proposals should provide a mixture of housing types specifically to meet identified **and evidenced current** local needs in Great Glen..... There will be a presumption against ~~larger~~ homes **with** more than 4 bedrooms."*

#### 4.9 Policy GG5: Affordable Housing

In November 2014 a Written Ministerial Statement (WMS) was issued that stated affordable housing should only be required on sites of over 10 dwellings. However the Harborough Core Strategy 2011 (HCS) gives evidence of significant need for affordable homes in the district, and in the Rural North and Central area of the district, which Great Glen falls within, at least 40% of dwellings on any site are required to be affordable. The relevant HCS policy is Policy CS3, in which the site threshold for the policy's application is 1 dwelling - its examination and adoption pre-dates the WMS. Policy GG5 is therefore consistent with the strategic policy of the development plan.

4.10 In criteria a) the reference to 'self-build projects' should be removed, as this is not normally affordable housing. The reference to 'identified needs' in the first paragraph should make it clear that these are 'identified and evidenced current needs' as required by the NPPG. There has been a suggestion that the policy should have a viability let out, but this is provided by policy in the NPPF and the Core Strategy and does not need to be explicitly stated here as well.

4.11 The reference to priority for local residents will be little more than an aspiration due to a lack of further definition of what that means in practice. However it does indicate local wishes to a developer, and a local lettings policy, by promoting stronger communities, has had due regard to policy in the NPPF (para 69).

**Modification 6:** Policy GG5 is recommended to be altered as shown in order that it meets the Basic Conditions with regard to being evidenced based and is accurate in the scope of affordable housing projects: The first sentence to read:

*“Development proposals for new housing should provide at least 40% high quality affordable housing to meet identified **and evidenced local** needs and to be in accordance with district wide planning policies.....”*

Criteria a) to read:

*“a) The provision of Starter homes, homes for young people and older people ~~while self-build projects will be considered favourably;~~ and”*

#### 4.12 Policy GG6: Design Quality

In 2005 a comprehensive and well-researched Village Design Statement for Great Glen was approved for development control purposes by Harborough DC. Although it was not saved after adoption of the Core Strategy in 2011, a paper to the Executive in December of that year confirmed its status as a material consideration. This document is now referenced in Policy GG6, and a section of it has been transcribed into the body of the Plan. There is no need to incorporate some of this work into the main body of the Plan in order to give it extra status, as seems to be assumed (page 27). The reference to the need to have due regard to the VDS in Policy GG6 gives it status. The incorporation of some of the guidelines from the VDS into the text of the Plan is confusing. They could be mistaken for policies, and the numbering system, when out of the VDS context, does not sit well. Additionally, some of the wording of the guidelines is more prescriptive than government guidance in the NPPF would allow (para 59).

4.13 Policy GG6 besides referencing the Village Design Statement (VDS) as design guidance, also sets out a series of criteria for good local design. Some of these criteria are too prescriptive and contrary to the NPPF (para 59). A recent WMS (March 2015) has stated that neighbourhood plans should not set technical standards for energy efficiency and other construction matters that are

dealt with in the Building Regulations. Although this policy is not setting specific standards, the wording 'should' implies a duty to follow the policy. If the policy is instead 'encouraging' the incorporation of construction techniques for high standards, then it will have had due regard to government policy.

**Modification 7:** In order that Policy GG6 meets the Basic Conditions therefore, I recommend that it is modified as follows: The last sentence of Criteria a) to be altered to:

.....*“Three-storey houses are unlikely to suit the scale and mass of existing development ~~will not be acceptable.~~”*

Criteria d) and e) in Policy GG6 to be deleted.

Criteria j) to begin: *“Development is encouraged to incorporate....”*

**Modification 8:** In order that the Plan generally meets the Basic Conditions with regard to clarity and not being too prescriptive I recommend that the extract from the VDS currently sitting in the body of the GGNP from pages 29 – 52 is removed. As much of the analysis is a very useful evidence base, the extract could form an appendix to the Plan if so desired.

#### **4.14 Policy GG7: Non-Nationally Designated Heritage Assets of Local Historical and Architectural Interest**

The policy is undertaking a very useful role for a neighbourhood plan: identifying and offering some protection for local heritage assets that do not have the benefit of statutory protection under national legislation. The local heritage assets were identified in the VDS, and thus a survey and evidence base inform the choice of local heritage assets. The list of buildings and structures on page 56 for clarity should be directly referenced in the policy, the reference to Figure 3 and Appendices 5 and 6 in the policy does not correspond with this list, and include items not suited to protection under this policy – flint scatters for example.

4.15 The representation from Bovis Homes objects to the level of protection afforded the local heritage assets in this policy, on the basis that para 135 of the NPPF does not offer this absolute protection and requirement that an undesignated asset and its setting be conserved and/or enhanced. There is an understood hierarchy of protection in the NPPF heritage section (paras 126



– 141) and the policy is currently worded as if the assets were nationally designated. With a slightly reduced emphasis however the policy will comply with the intent of the NPPF. To make it clear that the policy deals with local heritage assets the title of the policy should change, the assets have not been formally designated yet.

**Modification 9:** Policy GG7 is recommended to be revised as shown below in order that it meets the Basic Conditions and complies with the NPPF with regard to clarity of policy and due regard to the hierarchy of protection for heritage assets.

*"POLICY GG7: ~~NON-NATIONALLY DESIGNATED LOCAL HERITAGE ASSETS OF LOCAL HISTORICAL AND ARCHITECTURAL INTEREST~~*

*Development proposals that affect ~~the an identified non-designated buildings or~~ and structures of local historic or architectural interest listed below , or ~~its~~ **their setting, will be expected to conserve the historic and architectural interest in those development proposals.** ~~required to conserve or enhance the character and setting of that building or structure (see Figure 3 below and Appendices 5 and 6).~~ List of buildings and structures from page 56 – 57 to be included within the policy.*

#### 4.16 Policy GG8: Employment and Business Development

This policy complies with the Basic Conditions.

#### 4.17 Policy GG9: Shops

This policy complies with the Basic Conditions.

#### 4.18 Policy GG10: Community Buildings and Facilities

This policy complies with the Basic Conditions.

#### 4.19 Policy GG11: Assets of Community Value

This policy complies with the Basic Conditions.

#### 4.20 **Policy GG12: Protection of Local Green Spaces**

The designation of Local Green Space (LGS) in this policy has gathered objections at Reg16 stage on the basis that the evidence base is inadequate, and that the designations are frequently extensive tracts of land contrary to policy in the NPPF (paras 76 – 77) and guidance on designation in the NPPG. I am satisfied that for each site the attributes that are felt to justify the designation have been identified in table 7. However I do not accept that all the proposed designations are valid, for the reasons given below. Additionally the policy as currently drafted is not actually designating the proposed LGS. It is also muddled in that it talks of replacement sites, and then mentions that for historic assets it is not possible to recreate them. A key feature of LGS is that it is not possible to replace, hence the high level of protection offered by the designation.

4.21 **GG/LGS/01 Burton Brook Community WildSpace:** The ecological interest, waterside location and community investment in this site justify its designation as LGS.

4.22 **GG/LGS/02 Grazing Fields Southwest of St Cuthbert's Church:** The Ridge and Furrow in this proposed designation is clearly visible. Additionally, its location within the setting of the listed St Cuthbert's Church has been identified by Historic England as increasing the importance of preserving the historic ridge and furrow in the field. The position of Historic England was made in a submission to the LPA on a planning application 16/02081/OUT. They further point out that although Great Glen's ridge and furrow survivals as a whole are not of national importance, "the specific survival between the A6 and the London Road contributes directly to the significance of the Grade II\* listed Church of St Cuthbert anchoring the building in the extant earthwork remains of the system of farming and social organisation that it was built to serve." In the case of this site therefore I accept that the designation of these small fields on the edge of the settlement and adjacent to the historic church as LGS is justified. Arguments by Bovis in their submission that it is not of significant historic importance are negated by the view of the statutory body Historic England. Given its proximity to the village of Great Glen, the enclosed nature of its boundaries - which on three sides are roads, and its relatively constrained size, I do not accept that it is ruled out of designation as LGS by being an extensive tract of land.

4.23 **GG/LGS/03 Great Glen Hall parkland, lake and ornamental woodland:** The historic setting and features of this green space, along with its beauty and tranquillity, justify its designation as LGS.

4.24 **GG/LGS/04 Grazing field and marsh south of Oaks Road:** While there is some evidence of ridge and furrow in this field, there is no evidence that it is of an importance that would justify its designation as LGS. Similarly the marsh is not a unique enough feature to designate as LGS either with the field or on its own.

4.25 **GG/LGS/05 Grazing field north and west of sewage works:** There is evidence of ridge and furrow in this field, but no clear indication that it is of an importance that would justify its designation as LGS. It is also tending towards being an extensive tract of land, that is not immediately proximate to the community of Great Glen.

4.26 **GG/LGS/06 Glen Farm 'set-aside' fields:** The ecological interest in this land does not justify designation as LGS, and there is no other attribute that offers a reason for designation.

4.27 **GG/LGS/07 Manor Farm ridge and furrow field:** While there is some evidence of ridge and furrow in this field, there is no evidence that it is of an importance that would justify its designation as LGS.

4.28 Reference is made in the supporting text to two proposed designations as LGS from Harborough DC. In a background paper of 2014 the LPA assess two sites, the Post Office Green and a grassed area outside the chemist as suitable for designation as LGS. These have not been offered for designation in this Plan, which is unfortunate, as I consider it important as a general rule that the development plan as a whole is consistent on these designations. As neither have been offered in this Plan, or consulted on as proposed designations, it will not be possible to formally include them in this neighbourhood plan.

**Modification 10:** In order that Policy GG12 complies with the Basic Conditions and has regard to the NPPF, I recommend the following modifications to the policy:

**POLICY GG12: DESIGNATION ~~PROTECTION~~ OF LOCAL GREEN SPACES**

*Development proposals that would result in the loss of, or have an adverse effect on, ~~an identified~~ the following designated Local Green Spaces (shown in figure 4) will not be permitted unless in very special circumstances. ~~(listed below and mapped in figure 4 and Appendix 8, will be resisted unless a) a replacement site, with equivalent Local Green Space value is provided or created in accordance with District and national planning policies, and b) the community would gain equivalent or better environmental, recreational and health benefits from the replacement. In the case of historical environment assets, it should be recognised that it is impossible to recreate these on an alternative site.~~*

~~GG/LGS/01 Burton Brook Community WildSpace~~

~~GG/LGS/02 Grazing fields southwest of St Cuthbert's Church~~

~~GG/LGS/03 Great Glen Hall parkland, lake and ornamental woodland~~

~~GG/LGS/04 Grazing field and marsh south of Oaks Road~~

~~GG/LGS/05 Grazing field north and west of sewage works~~

~~GG/LGS/06 Glen Farm 'set aside' fields~~

~~GG/LGS/07 Manor Farm ridge and furrow field~~

Figure 4 should be altered to show the revised situation with LGS designation. Generally text supporting this policy will need to acknowledge that only three sites are accepted for designation.

#### 4.29 Policy GG13: Other Important Open Space

This policy identifies other open space that is considered of local significance and worthy of protection. The sites are listed in Appendix 9 and shown on figure 5. They range from public open space to fields with some ridge and furrow, and cover an extensive part of the parish. The policy is duplicating the work of other policies, as Policy GG14 covers ridge and furrow, Policy GG15 covers Public Open Space while Policy GG16 deals with biodiversity.

4.30 The sites designated as 'sites of environmental significance' potentially protect a significant area of the parish from development although the sites are often only including environmental

interest within them rather than defining a clear area that is environmentally rich. Environmental protection of local biodiversity interest is provided by Policy GG16, and I can see no legitimate purpose served in this additional overarching policy. I find Policy GG13 overly protective and negative in approach contrary to the requirements of the NPPF (para 184), and thus it does not comply with the Basic Conditions.

**Modification 11** In order to comply with the basic conditions and the NPPF requirement that neighbourhood plans are positive, I recommend that Policy GG13 is deleted.

If figure 5 is retained as part of appendix 9, it will be necessary to alter the boundary of sites of local environmental interest 19 and 37 so that they do not include land that is outside the neighbourhood area. Under the terms of Schedule 4B of the Town and Country Planning Act 1990, a neighbourhood plan cannot deal with land outside of the defined neighbourhood area. I recommend that figure 5 is removed from the main text of the Plan for clarity. Remaining policies would be better explained with a figure setting out relevant sites for that policy. Thus a separate figure for Public Open Space in the way figure 6 shows clearly the ridge and furrow features.

#### 4.31 Policy GG14: Ridge and Furrow Fields

Ridge and Furrow is a historic feature that is particularly prominent in the East Midlands region. Historic England have determined that the features in and around Great Glen are not of national importance, but are of regional and local importance and part of the East Midlands legacy. The Local Green Space designation of the fields with this feature, that also form part of the setting of St Cuthberts Church, recognises a particularly valued local ridge and furrow.

4.32 The policy protecting the ridge and furrow is justified by evidence of local and regional importance therefore, but needs to be framed in more positive language, and offer proportionate protection for features that do not have a recognised national status of protection. I recommend therefore that the wording is made more positive and the qualifying clause “wherever possible” is added to the policy. This will ensure that the policy complies with the NPPF requirement that neighbourhood plans are positive the NPPF hierarchy of protection for historic and environmental assets is maintained.

**Modification 12:** Policy GG14 is recommended to be reworded as follows in order that it complies with the basic conditions:

*“Development proposals **should seek to preserve** that adversely affect or damage the identified areas of well-preserved ridge and furrow earthworks ~~identified as surviving ridge and furrow (see in figure 6 below and Appendix 11~~ **wherever possible.** ~~will be resisted.~~”*

#### 4.33 Policy GG15: Public Open Space

I have discussed policies GG13 to GG16 with the qualifying body and LPA during this examination. I am grateful to the Parish Council for providing a list of Public Open Space sites that are to be maintained as such, so that Policy GG15 is clear what space is to be protected in the second paragraph. I understand an additional figure will identify these sites as an alternative to figure 5, but as this figure has no number at present I will refer to it as ‘figure x’. As a Community Action is not part of the neighbourhood plan I have no comment on the proposal to include an extra one, save for the requirement in modification 1 that it is included separately at the end of the Plan.

4.34 In order that policy GG15 complies with the requirement of the NPPF that policy is clear to both developers and decision-makers, I recommend that it is modified as shown:

**Modification 13:** Policy GG15 is recommended to be reworded as follows for clarity:

*The Parish Council will actively work with the District Council and other stakeholders to bring the ratio of ‘area of public open space to population size’ in Great Glen closer to recognised standards.*

*Development proposals that result in the loss of, or have a significant adverse effect on, **the following areas of public open space (map x)** will not be supported, unless the public open space is replaced by an equivalent or better provision in an equally suitable location or it can be demonstrated to the Parish Council that the public open space or is no longer required by the community:*

**Bridgewater Drive amenity green space      Great Glen Recreation Ground**  
**Great Glen play area                      St Cuthbert’s Churchyard                      Cromwell Road play area**  
**Memorial Green                                      St Cuthbert’s C of E School playing field.**

*Housing development proposals of five or more dwellings will be required to include adequate green space provision based on current district standards as an integral part of that development.*

*Alternatively, if an existing open space is located within reasonable walking distance, then a commuted sum may be accepted for the enhancement of that area.*

#### 4.35 Policy GG16: Biodiversity

This policy referred to 'significant sites of biodiversity value' but there is at present no definite list of such sites. For clarity therefore, the policy cannot therefore refer to protection of specific sites, but can protect local biodiversity generally.

4.36 The policy designates two wildlife corridors within which development proposals are to be resisted. Wildlife corridor 1 through the built-up area along the River Sence is a clear and good example of a corridor that needs protection. However wildlife corridor 2 is mainly within the open countryside, and I do not accept that restrictive policy covering the whole of this designated area is compatible with the requirement that a neighbourhood plan is a positive document. The policy will protect biodiversity on land within this corridor, but in order that the policy complies with the Basic Conditions and is positive, the restrictive policy on all the land included in corridor 2 needs to be removed, and only one corridor designated.

**Modification 14:** I recommend that Policy GG16 is altered as shown below in order that it complies with the basic conditions and is clear in intent and positive in its approach to sustainable development:

~~a) Development proposals that would result in the loss of, or have a substantial adverse effect on, a significant site of biodiversity value will be expected to apply the sequential test of avoid, mitigate and compensate.~~ **will be expected to protect local habitats and species and where possible and viable, to create new habitats for wildlife and promote and increase biodiversity;**

~~b) Development proposals will be required, where feasible and as part of Planning Conditions, to contribute to the protection and enhancement of the biodiversity of the Parish, through for example the incorporation of native plants or the creation of new habitats in the scheme design; and~~

~~eb) The Plan will designate two wildlife corridors as shown (map below and Appendix 13) through the built-up area along the River Sence~~ **will be maintained and promoted as a biodiversity resource and support. (2) connecting the Stoneygate School grounds with the River Sence at its confluence with Burton Brook.** ~~Development proposals which impact on these sites~~ **this corridor will be resisted.**

Appendix 13 and map to be redrawn showing only corridor 1.

#### 4.37 Policy GG17: Important Trees and Hedges

The second paragraph and part of the third paragraph of this policy are not policy, but potential action points. They could be part of the justification, or another Community Action, but need to be removed from the policy text in order that the policy complies with the NPPF requirement that policy is directed at what is and is not acceptable in a development (para 154).

4.38 The policy is currently unclear as drafted, but the intent can be seen. I recommend therefore that in order to comply with the Basic Conditions and NPPF para 154 the policy is re-drafted as shown:

**Modification 15:** Policy GG17 to be altered as follows:

*Development proposals should protect and integrate into the design of that development existing that may damage or result in the loss of trees and hedges of good arboricultural, ecological and amenity value. ~~should ensure that the identified trees and hedges are protected and integrated into the design of the development.~~ Proposals that impact on valued trees and hedges should be accompanied by a tree survey that establishes the health and longevity of any affected trees.*

~~The Parish Council will continue to identify trees and woodland of value, as above, for recommendation to the Planning Authority for Tree Preservation Orders.~~

*Four species-rich, ancient hedges are identified as of high historical and ecological importance (figure 7 below and Appendix 14) and should be protected from development that would adversely affect them. ~~will be recommended to the District Council as candidates for Tree Preservation Orders.~~*

#### 4.39 Policy GG18: Footpaths and Cycleways

This policy complies with the Basic Conditions.

#### 4.40 Policy GG19: Energy Efficiency

This policy has been criticised as potentially imposing additional burdens on developers. The requirements of the policy are reasonable within the requirement of policy to keep development viable (NPPF para 173) as long as it is clear that 'adverse impact' has to be significant.



4.41 In order that Policy GG19 complies with the Basic Conditions and does not unreasonably impact on viability, criteria a) and b) are recommended to be amended as shown:

**Modification 16:** Policy GG19 is recommended to be altered as follows:

..... a) Does not have an **unacceptable** adverse impact on the amenity of local residents and uses (such as noise, visual impact, shadow flicker, water pollution, odour, air quality, emissions);

b) Does not have an **unacceptable** adverse impact on the location, in relation to visual impact and impact on the character and sensitivity of the surrounding landscape; .....

#### 4.42 **Policy GG20: Parking**

This policy has been criticised in the Reg16 responses as being an unnecessary burden on development, and not always possible if a dwelling is a flat with no curtilage. The policy is consistent with previous highway standards, but may not always be appropriate. Therefore in order that Policy GG20 complies with the Basic Conditions and the requirement of the NPPF that policy should be realistic (para 154) and not too burdensome (para 173), I recommend the policy includes a caveat for reasonableness:

**Modification 17:** Policy GG20 to be altered as follows:

**Where appropriate**, at least two off-street car parking spaces should be provided within the curtilage for each new dwelling developed within the Village of Great Glen. Three such spaces should be provided for four-bedroom or larger dwellings.

#### 4.43 **Policy GG21: Parking Development**

This policy complies with the Basic Conditions.

#### 4.44 **Policy GG22: Access Design for New Development**

This policy complies with the Basic Conditions.

#### 4.45 Policy GG23: Traffic Management

Traffic Management is a highways issue not a landuse issue, but the policy is broadly dealing with the traffic impact of development, which is a landuse issue. The policy will comply with the Basic Conditions and requirements that planning policy deals with landuse issues if the title is altered to 'Traffic Impact' and I recommend this alteration is made.

**Modification 18:** The title of Policy GG23 to be altered to 'Traffic Management Impact'.

#### 4.46 Policy GG24: Developer Contributions

The policy has been criticised as impacting too severely on viability. However as I understand the policy it is setting out what the parish council's priorities are for any Community Infrastructure Levy (CIL) contributions they may receive in the future. This intent is muddled by the inclusion of negotiated planning obligations, which is not a source of finance that is due in part to the parish council.

4.47 At present however there is no CIL requirement for Harborough District Council, so the proposed policy is dealing with a potential future scenario, not a current reality. This does not meet the requirements of the NPPF para 154 in that it is not currently realistic, and so the policy does not comply with the Basic Conditions. The aspirations of the parish council with regard to any future CIL receipts is a very useful inclusion in a neighbourhood plan however, and so I recommend that the policy is altered to a paragraph or boxed text and either placed within the Plan at an appropriate place or becomes a Community Action,

**Modification 19:** Policy GG24 to be deleted but reinstated as text in the justification or a Community Action.

#### 4.37 Monitoring and Review Section

There is minor error in the last sentence, which should read "*An earlier review ~~will~~ may be necessary.....*

## 5. The Referendum Boundary

5.1 The GGNP has no policy or proposals with a significant impact beyond the designated neighbourhood area boundary. Thus there is no requirement to extend the referendum boundary beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Great Glen Neighbourhood Plan 2011 – 2031 shall be the boundary of the designated neighbourhood area for the Plan, which is the parish boundary.