

HARBOROUGH DISTRICT COUNCIL

NORTH KILWORTH NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

1.1 Following an Independent Examination, Harborough District Council now confirms that the North Kilworth Neighbourhood Plan will now proceed to a Neighbourhood Planning Referendum.

1.2 This decision statement can be viewed at:

Harborough District Council Offices

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

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

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Tuesday → 10am - 6pm

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Friday → 10am - 6pm

Saturday → 10am - 4pm

Sunday → Closed

2. Background

2.1 In December 2013 North Kilworth Parish Council, as the qualifying body, applied for North Kilworth Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. The Neighbourhood Area application was approved by Harborough District Council (the Council) on 29th January 2014 in accordance with the Neighbourhood Planning (General) Regulations (2012)

2.2 Following the submission of the North Kilworth Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The consultation period closed on 22nd December 2016.

2.3 The Council, with the agreement of North Kilworth Neighbourhood Plan Group, appointed an independent examiner, Nigel McGurk, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's Report concludes:

... a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;*
- the making of the neighbourhood plan contributes to the achievement of sustainable development;*
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);*
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and*
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.*

Taking the above into account, I find that the North Kilworth Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements

Referendum

I recommend to Harborough District Council that, subject to the modifications proposed, the North Kilworth Neighbourhood Plan should proceed to a Referendum

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the North Kilworth Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the North Kilworth Neighbourhood Area approved by Harborough District Council on 29 January 2014.

Nigel McGurk, April 2017

3. Decision and Reasons

3.1 At its meeting on 12th June 2017, the Executive agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum (see Executive decision at Appendix 1).

- 3.2 The Qualifying Body has made the modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions. Appendix 2 sets out these modifications and the action to be taken in respect of each of them.
- 3.3 The Council agrees with the Examiner's recommendation that there is no reason to extend the Neighbourhood Plan area (North Kilworth Parish) for the purpose of holding the referendum.
- 3.4 The Examiner has concluded that with the specified modifications the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view the Plan complies with the provision made by or under sections 38A and 38B of the 2004 Planning and Compulsory Purchase Act. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question
- 'Do you want Harborough District Council to use the Neighbourhood Plan for North Kilworth to help it decide planning applications in the neighbourhood area?'**
- will be held in the Parish of North Kilworth.
- 3.5 The date on which the referendum will take place is agreed as **20th July 2017**

Appendix 1: Executive decision in respect of North Kilworth Neighbourhood Plan 12th June 2017

RESOLVED that

- i) the Independent Examiner's recommended changes to the North Kilworth Neighbourhood Plan are accepted in full as set out in the schedule at Appendix A to the report, and the recommendation that the amended North Kilworth Neighbourhood Plan should proceed to a referendum of voters within the Parish of North Kilworth to establish whether the Plan should form part of the Development Plan for the Harborough District be noted.**
- ii) the holding of a referendum relating to the North Kilworth Neighbourhood Plan on 20th July 2017 that will include all of the registered electors in the North Kilworth Parish be approved.**

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

Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
Page 10 para 4		..in a certain way, that it must comply with relevant European and national legislation and must also be in general conformity with local planning policy.	"...in a certain way. It must be compatible with relevant European legislation; have regard to national policy and advice; and be in general conformity with strategic planning policies in the development plan."	precision
Page 10 final para			Delete 'draft'	accuracy
Page 13		The process of completing the Neighbourhood Plan has been complicated by revised timescales for the production of the new Local Plan for Harborough. Consultation on the draft Local Plan is scheduled for November/ December 2016 and Adoption in November 2017. One effect is the absence of an agreed methodology (set out in the New Local Plan Consultation Paper , September 2015, and consulted on in mid-2016) for proportioning the district-wide housing requirement to specific settlements, including North Kilworth. Nevertheless, the Neighbourhood Plan Advisory Committee considered it was expedient to proceed with the draft Neighbourhood Plan based on the best available evidence, including anticipated future housing requirements.	Delete text on page 13	No longer relevant
Pages 16 and 17		The various consultation initiatives are documented in the accompanying Statement of	delete all text after the sentence "The various consultation	Text unnecessary and or no longer relevant

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		<p>Community Consultation.</p> <p>The Neighbourhood Plan also builds and draws on the existing North Kilworth Parish Plan 2013 - 2020. The relevant section on design is incorporated into this document. The statutory status of the Neighbourhood Plan means that it carries more 'weight' in influencing and guiding decisions affecting the local area than a Parish Plan.</p> <p>The Neighbourhood Plan is now ready to be submitted to Harborough District Council who will publicise it for six weeks and then forward it with accompanying documents and all representations made during the publicity period to an Independent Examiner who will review it and check that it meets the 'Basic Conditions'. If the Plan successfully passes this stage, with any modifications, it will be put forward for referendum. A Basic Conditions Statement is attached as Appendix 2 which demonstrates how the Neighbourhood Plan conforms to local, national and European policies.</p> <p>The referendum question will be a straight "yes" or "no" on the entire Plan, as set out by Neighbourhood Planning Regulations. People will not be able to vote for or against individual policies. If 50% or</p>	<p>initiatives are documented in the accompanying Statement of Community Consultation."</p>	

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		<p>more of those voting vote for the Plan, it will be brought into force and become part of District-wide planning policy.</p> <p>It is important to note that not having a Neighbourhood Plan does not mean that development won't happen. Development will still take place, but without the policies in this Plan, which set out the type of development that is in keeping with our area's character having any effect. Decisions will instead be based on the District's policies rather than locally formulated criteria.</p>		
NK1	General Policy Principle	Where there are no policies in this Plan relevant to a planning application or development proposal, the provisions of relevant National and District wide planning policies apply.	Delete Policy NK1 and supporting text	Proposed Policy NK1 does not provide a strategy and comprises a general reference, rather than a land use planning policy.
NK2	HOUSING PROVISION	Having regard to dwellings already constructed or with planning permission, the remaining housing provision for North Kilworth Parish will be a target of a minimum of 24 new dwellings over the period 2015 to 2031, which will be met within the housing site identified in NK3 and windfall development described in Policy NK4.	change to "The Neighbourhood Plan supports the development of a minimum of 24 dwellings during the plan period."	clarity
NK3	HOUSING PROVISION	Housing Provision within the Limits to Development (See Proposals Map Figure 4) will be supported at the following site to meet, along	delete first sentence and begin Policy "The development of around 20 dwellings at the corner of Pincet	the first sentence of Policy NK3 is unclear and unnecessary

Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
		<p>with wind-fall development, the housing requirement of a target of 24 dwellings: Land at the corner of Pincet Lane and Lutterworth Road (opposite the White Lion). Development of up to around 20 units will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • At least 40% of the dwellings should be affordable; • There should be a mix of housing types in accordance with Policy NK5 of the Plan and other evidence of the Strategic Housing Market Assessment; • A pedestrian crossing linking the site to the garage and White Lion should be provided across the A 4304; • A green space is to be provided as a buffer between the new development and the existing houses on the eastern edge of the site • Any Planning Application must demonstrate the adoption of measures to minimise surface water run-off in line with the recommendations of the 2004 hydro-geological study of the North Kilworth aquifer. • Development must limit the impact of light pollution, including from security lights and from artificial externally visible light sources. The use of on-street lighting will be appropriate and sympathetic to the context and consistent with the density and output of the lighting used in the surrounding area. 	<p>Lane and Lutterworth Road (opposite the White Lion) will be supported, subject to: - at least...affordable; - and provision of a green buffer between new development and the existing dwellings on the eastern edge of the site." (delete other criteria)</p>	<p>there are unnecessary references to "Limits to Development" and windfall development, both of which are matters that are considered in other policies in the Neighbourhood Plan.</p> <p>unclear what the phrase "<i>up to around</i>" actually means. A development might be for "<i>up to 20 dwellings,</i>" or "<i>around 20 dwellings.</i>" The phrase "<i>up to around</i>" makes little sense and fails to provide a decision maker with a clear indication of how to react to a development proposal</p> <p>There is no need for Policy NK3 to refer to other Policies in the Neighbourhood Plan</p> <p>Policy NK3 requires the provision of a pedestrian crossing as part of any development of the land at Pincet Lane/Lutterworth Road. However, there is no substantive evidence to</p>

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		<p>Two reserve sites will be considered for housing development if:</p> <p>a) It is required to remediate a substantial shortfall in the supply of housing land due to the failure of existing housing sites in North Kilworth to deliver the anticipated scale of development required; or</p> <p>b) It becomes necessary to provide for additional homes in the Parish in accordance with any new development plan document that replaces the Harborough Local Plan.</p> <p>The following two sites are put forward as reserve sites to be brought forward should additional new housing be required within the lifetime of the Plan:</p> <p>Reserve site 1 - Land on South Kilworth Road (adjacent to the all-weather pitch) shown on the Proposals map (figure 4). Development of up to around 20 units will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • At least 40% of the dwellings should be affordable; • There should be a mix of housing types in accordance with Policy NK5 of the Plan and other evidence of the Strategic Housing Market Assessment; • A pedestrian crossing linking the site to the 	<p>Change penultimate Para on page 26 to “The following two sites are Reserve Sites to be brought...the Plan.”</p> <p>Last Para on page 26, change to “...Development of around 20 units will be supported subject to at least 40% of the dwellings comprising affordable housing.” (delete other criteria)</p>	<p>demonstrate that such a requirement would be viable and consequently, I am unable to conclude with any certainty that the Policy would be deliverable. This part of the Policy does not have regard to Paragraph 173 of the National Planning Policy Framework (the Framework)</p> <p>it is unclear why any planning application must meet the recommendations of a study that was published in 2004 and which is not under the control of the Neighbourhood Plan</p> <p>Views can change on a seasonal, or even hourly basis and the inclusion of this reference does not provide a decision maker with a clear indication of how to react to a development proposal</p> <p>No substantive evidence is provided to demonstrate that the provision of a dual use car park will be viable and deliverable, or that it will be</p>

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		<p>Primary School should be provided across South Kilworth Road;</p> <ul style="list-style-type: none"> • Important views across to Kilworth House should be maintained • A dual use public car park should be provided to serve both the housing development and the adjacent Primary School; • Any Planning Application must demonstrate the adoption of measures in line with the recommendations of the 2004 hydro-geological study of the North Kilworth aquifer; • Development must limit the impact of light pollution, including from security lights and from artificial externally visible light sources. The use of on-street lighting will be appropriate and sympathetic to the context and consistent with the density and output of the lighting used in the surrounding area. <p>Reserve site 2 - Land south of Station Road opposite Rose Dale as shown on the proposals map (figure 4). Development will be permitted subject to the following criteria:</p> <ul style="list-style-type: none"> • At least 40% of the dwellings should be affordable; • There should be a mix of housing types in accordance with Policy NK5 of the Plan and other evidence of the Strategic Housing Market Assessment; • Any development should incorporate an area of 		<p>possible, viable and deliverable to provide traffic free access to the core of the village and school; and extend the Bogs Nature Reserve.</p> <p>Reserve Site 2 includes the phrase “will be permitted.” This runs the risk of pre-determining the planning application process without taking relevant matters into account</p>

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		<p>open space between the new houses and the existing dwellings on Elmcroft Road;</p> <ul style="list-style-type: none"> • A pedestrian crossing linking the site to the extant affordable homes development, Millennium Close and Rose Dale should be provided across the A 4304; • A footpath to be created from the site into the area known as the Bogs to create traffic free access to the core of the Village and school; • An “eastern” play area to be created on the route of this footpath within the Manor Farm Yard boundaries; • An extension to the Bogs Nature reserve from the area of Manor Farm Yard also containing the footpath; • Any Planning Application must demonstrate the adoption of measures in line with the recommendations of the 2004 hydro-geological study of the North Kilworth aquifer. • Development must limit the impact of light pollution, including from security lights and from artificial externally visible light sources. The use of on-street lighting will be appropriate and sympathetic to the context and consistent with the density and output of the lighting used in the surrounding area. 		
NK4	WINDFALL SITES	<p>Small scale development proposals for infill and redevelopment sites will be supported where:</p> <ul style="list-style-type: none"> • It is within the existing built up area of the 	<ul style="list-style-type: none"> • Change first sentence of Policy NK4 to “Development proposals for...supported where:” 	<p>“small scale” is undefined. It is not clear why a windfall</p>

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		<p>Village of North Kilworth (as defined by the Limits of Development identified, see fig 4);</p> <ul style="list-style-type: none"> • It helps to meet the identified housing requirement for North Kilworth; • It respects the shape and form of North Kilworth in order to maintain its distinctive character and enhance it where possible; • It is of an appropriate scale which reflects the size, character and level of service provision within North Kilworth; • It retains existing important natural boundaries such as trees, hedges and streams; • It provides for a safe vehicular and pedestrian access to the site; • It does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; • It incorporates sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate; • It does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling; and • Traffic generation and parking impact created does not result in an unacceptable 	<ul style="list-style-type: none"> • Delete second criterion (“It helps...”) • Change third criterion to “It respects local character.” • Delete fourth criterion (“It is of an appropriate...”) • Delete the last three criteria (“It incorporates...pedestrian safety.”) 	<p>development must help to meet the “identified housing requirement.” This would appear to suggest that windfall development over and above 24 dwellings may not be supported. Such an approach would conflict with the 24 dwelling figure comprising a “minimum” target and could prevent sustainable development from coming forward, rather than promote its achievement in accordance with the basic conditions.</p> <p>The “shape and form” of North Kilworth are not clearly identified or defined and consequently, it is not clear how development can respect these somewhat subjective characteristics.</p> <p>No justification is provided in respect of why windfall development must enhance local character where possible. Such a requirement is more onerous than that for Conservation Areas</p>

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		<p>direct or cumulative impact on congestion or road and pedestrian safety.</p> <p>Page 28: Such new development will generally increase car ownership and there is a need to ensure that it does not worsen traffic and parking issues, especially in those parts of the Parish not designed or suited for modern traffic.</p>	<ul style="list-style-type: none"> Delete last sentence of supporting text on page 28 	<p>No indication of how (or why) windfall development should reflect “level of service provision” is provided</p> <p>No indication of what an unacceptable impact on congestion might be is provided and the final criterion of the Policy is therefore unclear. In addition, the phrase “parking impact created” is ambiguous.</p>
NK5	HOUSING AND OTHER DEVELOPMENT OUTSIDE THE VILLAGE OF NORTH KILWORTH	Outside the Village of North Kilworth as defined by the Limits to Development (see figure 4: Proposals Map) there will be a strong presumption against new housing and other forms of development, which will only be allowed in special circumstances in accordance with national and district wide planning policies.	Delete policy NK5 and supporting text	It is unclear how the Neighbourhood Plan can impose a “presumption against” housing development that would itself be entirely reliant upon unidentified “national and district wide” policies not within the control of the Neighbourhood Plan.
NK6	HOUSING MIX	Development proposals for new housing will be expected to demonstrate how the proposal will meet current and future housing needs in North Kilworth. Priority should be given to smaller properties suitable for young families (e.g. two or three bedrooms) and those suitable	Change to “The provision of smaller dwellings to meet the needs of young families and older people will be supported.”	No indication of how “priority” will be given to smaller properties is provided. Consequently, there is no clarity in respect of how the Policy might be implemented.

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		for older people that wish to downsize in order to meet an identified need		<p>There is no evidence to demonstrate that such a policy requirement has regard to Paragraph 193 of the Framework.</p> <p>It is not clear why a proposal for a single dwelling must demonstrate how it will meet current and future housing needs in North Kilworth.</p>
NK7	AFFORDABLE HOUSING	<p>Development proposals for new housing where there is a net gain of ten or more dwellings should provide at least 40% affordable housing in accordance with district wide planning policies that are suitable to meet the current and future housing needs of North Kilworth. Development proposals that make affordable housing available for local people through shared ownership will be encouraged.</p> <p>In exceptional circumstances, off-site provision and/or commuted payments in lieu of on-site provision will be supported where this would secure an equivalent or enhanced provision of affordable housing in the Plan area and is supported by the Parish Council.</p>	Delete Policy NK7 and supporting text	<p>Policy NK7 relies on another Policy in another document, outside the control of the Neighbourhood Plan</p> <p>Policy NK7 conflicts with national policy, in that it fails to have regard to the 1000 square metre upper limit for residential development not required to provide affordable housing</p> <p>No indication of how Policy NK6 might “encourage” shared ownership is provided</p>
NK8	AFFORDABLE	Priority should be given to local residents, or	Delete Policy NK8 and supporting	Policy NK6 is unclear. It requires

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	HOUSING AND LOCAL PEOPLE	people who work in the Parish or an adjoining Parish in the allocation of affordable housing through Section 106 agreements or similar. In this context, 'local' is defined as 10 years permanent and continuous residence in the Parish or an adjoining Parish, or demonstration of an essential need to live close to someone who fits that requirement.	text	<p>priority for affordable housing to be given to people who work in the Parish, but seeks to limit affordable housing to people who have lived in the Parish for 10 continuous years. It is not clear how this relates to people who work in the Parish.</p> <p>further ambiguity resulting from the reference to an "essential need" to live close to someone who has lived in the Parish for ten continuous years. No indication is provided of what such an essential need might be, or who would determine this and on what basis.</p> <p>neither the Policy nor the supporting text indicate how priority might be given to local people - for example, there is no information in respect of how houses would be prioritised, for how long, or who by. It is unclear how the requirements of Policy NK8 might form part of a Section 106 Agreement, or what is "similar" to a Section</p>

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				106 Agreement. Policy NK8 does not have regard to national advice and does not provide a decision maker with a clear indication of how to react to a development proposal
NK9	DESIGN QUALITY	<p>Development proposals must demonstrate high quality design, form and layout consistent with the special character of the Parish, and which are in accordance with the development principles set out on North Kilworth Village Design Statement. The use of modern methods of construction will be supported.</p> <p>Design principles that apply to the Conservation Area should be applied where development is adjacent to the Conservation Area to help ensure a controlled transition between the Conservation Area and new development outside the Conservation Area.</p> <p>Page 34: It is essential that any future development is carried out in a manner that is 'in-keeping' and enhances North Kilworth's special, distinctive and beautiful character.</p>	<p>Policy NK9, change first Para to "...the Parish. Proposals should respect the development principles set out in the North Kilworth Village Design Statement. The..."</p> <p>Delete second Para ("Design principles...Conservation Area.")</p> <p>Supporting text, page 34, delete "It is essential that any...beautiful character."</p>	<p>Policy NK9 requires high quality design, having regard to national policy and in general conformity with the Core Strategy</p> <p>As worded, Policy NK9 provides little flexibility in respect of the North Kilworth Village Design Statement. However, this document simply provides guidance rather than strict design criteria that cannot be departed from and the Neighbourhood Plan is not, itself, a mechanism to turn other documents into statutory land use planning policy.</p> <p>No indication is provided of what "design principles" apply to the Conservation Area. Also in this regard, I note that land that is not within a Conservation</p>

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				Area is not generally subject to Conservation Area policy
NK10	SUSTAINABLE DEVELOPMENT	<p>Development should incorporate sustainable design, drainage and construction techniques and practices to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate.</p> <p>If it is not possible to incorporate any such technologies or practices into the development because it would make the development unviable, then the applicant must clearly demonstrate that this is the case to the satisfaction of the local planning authority and the Parish Council.</p>	Policy NK10, change first Para to “Where appropriate and viable, development should incorporate...technology.” Delete rest of Policy	<p>Whilst national and local policy promote a reduction in greenhouse gas emissions, the incorporation of sustainable drainage and construction techniques may not be relevant, deliverable or viable for all forms of development.</p> <p>Policy NK10 appears unduly onerous and fails to have regard to Paragraph 173 of the Framework, as well as Paragraph 193</p> <p>The second part of Policy NK10 imposes a requirement on the local planning authority and seeks to elevate North Kilworth Parish Council to the position of a statutory decision maker without justification</p>
NK11	DESIGN QUALITY - BUILDINGS AND	Development proposals that will affect an identified non-designated building or structure of local historical or architectural interest or its	Delete Policy NK11 The supporting text provides useful	Whilst national policy recognises that it is desirable to enhance heritage assets and put them to

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	STRUCTURES OF LOCAL HISTORICAL AND ARCHITECTURAL INTEREST	setting will be required to conserve and enhance the character, integrity and setting of that building or structure.	information relevant to the Neighbourhood Area. The final sentence of the supporting text is clear in pointing out that national and local planning policy exists to protect heritage assets. The non-Policy text on pages 38 and 39 should be retained	<p>uses consistent with their conservation, Policy NK11 goes significantly further than this, by imposing a requirement for all development proposals to conserve and enhance the character, integrity and setting of any heritage asset wherever it would affect such. There is no substantive evidence for such a significant departure from national policy.</p> <p>Policy NK11 simply imposes an onerous requirement on development without allowing for the balanced consideration of any harm and benefits that might arise. This fails to have regard to national policy, which for example, provides the opportunity for overriding public benefits of development to outweigh harm arising. Consequently, Policy NK11 may prevent the Neighbourhood Plan from contributing to the achievement of sustainable development and there is no evidence to the contrary.</p>

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NK12	SIGNAGE	There will be a general presumption against new signage proposals. Any proposal for signs should be small in scale, sympathetic in design, limited in number and not present a distraction to motorists. Proposals for digital illuminated or neon signs will be resisted, and not allowed in the Conservation Area.	Delete Policy NK12 and supporting text	<p>The start of Policy NK12 seeks to establish a presumption against new signage proposals without any substantive evidence to demonstrate that all such proposals would necessarily fail to comprise sustainable development. This approach fails to have regard to national policy.</p> <p>The Policy is vague in respect of what comprises a small, sympathetic sign; what number of signs is “limited;” or what constitutes a “distraction to motorists.” This part of Policy NK12 does not provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>No substantive evidence is provided to demonstrate that internally illuminated signs would be inappropriate in all circumstances, including within the Conservation Area. The Neighbourhood Plan fails to provide any substantive basis on</p>

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				<p>which to seek to prevent development from coming forward. This could prevent sustainable development from going ahead and there is no evidence to the contrary.</p> <p>Many road signs do not require planning permission and development within Conservation Areas must comply with national and local planning policy.</p>
NK13	EMPLOYMENT	<p>Development proposals for new small scale employment related development or the expansion of existing employment uses (including homeworking) will be supported where it can be demonstrated that it will not generate unacceptable impacts (including noise, fumes, smell and vehicular movements); they respect and are compatible with the local character and surrounding uses and where appropriate protect residential amenity.</p> <p>Development proposals that result in the loss of, or have a significant adverse effect on, an existing employment use will not be permitted unless it can be demonstrated that the site or building is not viable for employment uses, and</p>	No changes recommended	<p>Paragraph 28 of the Framework aims to promote a strong rural economy. It requires neighbourhood plans to:</p> <p>“promote the development and diversification of agricultural and other land-based rural businesses.”</p> <p>Policy E2 has regard to this and is in general conformity with that part of Core Strategy Policy CS7 (Enabling Employment and Business Development) which supports economic and</p>

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		has been marketed for at least a year.		employment development.
NK14	BROADBAND INFRASTRUCTURE	Proposals to provide access to a super-fast broadband service and improve the mobile telecommunication network that will serve businesses and other properties within the Parish will be supported. This may require aboveground network installations, which must be sympathetically located and designed to integrate into the landscape.	No changes recommended	National planning policy supports the provision of high quality communications infrastructure. In doing so, it recognises that: “Advanced, high quality communications infrastructure is essential for sustainable economic growth.” Policy NK14 supports improvements to telecommunications and has regard to national policy
NK15	KEY COMMUNITY SERVICES, FACILITIES AND SHOPS	The retention, provision and enhancement of a range of community services and facilities is a priority. Development proposals that result in the loss of, or have a significant adverse effect on, a community service or facility will not be supported, unless the service or facility is replaced by an equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be demonstrated to the Parish Council that the service or facility is not viable or is no longer required by the community and has been marketed unsuccessfully for at least a year.	Policy NK15, change to “...or it can be demonstrated further to at least twelve months proactive marketing that the service or facility is...the community.”	Paragraph 58 of the Framework promotes: “...the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.” Policy NK15 seeks to protect local services and facilities. However, North Kilworth Parish

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				<p>Council is not the statutory decision maker in respect of planning applications within the Neighbourhood Area. Given this, the Neighbourhood Plan should not seek to impose a requirement on prospective applicants to demonstrate viability, or otherwise, to North Kilworth Parish Council.</p> <p>The phrase “marketed unsuccessfully” is ambiguous. It could, for example, simply mean “poor marketing”</p>
NK16	NEW OR IMPROVED COMMUNITY FACILITIES	<p>Proposals that improve the quality and/or range of community facilities, will be supported provided that the development:</p> <p>a) Meets the design criteria stated in Policy NK9;</p> <p>b) Will not result in unacceptable traffic movements or other disturbance to residential properties;</p> <p>c) Will not generate a need for parking that cannot be adequately catered for; and</p> <p>d) Is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle.</p>	<p>Policy NK16, change to “Improvements to the quality and/or range of community facilities in the Neighbourhood Area will be supported subject to such development respecting local character and being easily accessible by sustainable modes of transport including walking and cycling.”</p>	<p>As worded Policy NK16 provides general support for any form of development so long as it also improves community facilities. Such an approach could result in unforeseen circumstances, such as support for inappropriate forms of development.</p> <p>The Neighbourhood Plan should be considered as a whole - there is no need for cross-referencing Policies.</p>

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				No indications of what “unacceptable traffic movements” or “disturbances” might comprise is provided, resulting in an unclear Policy. Similarly, no clarity is provided in respect of what “adequately catered for” actually means.
NK17	ASSETS OF COMMUNITY VALUE	Development proposals that will result in either the loss of, or have a significant adverse effect on, an Asset of Community Value will not be permitted unless the Asset is replaced by an equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be clearly demonstrated that it is no longer viable or required by the community.	No changes recommended	Assets of Community Value are protected by legislation. The White Lion Pub in the Neighbourhood Area is a designated Asset of Community Value and is afforded suitable protection by Policy NK17
NK18	PROTECTION OF LOCAL GREEN SPACES	identified local green space (sic) (see below and in Proposals Map, figure 4) will only be permitted if the community would gain equivalent benefit from the provision of suitable replacement green space or gain to the satisfaction of the Parish Council significant social, economic or environmental community benefits from an alternative facility. 1 – Public Tennis Court opposite Primary School 2 – South Kilworth Road, Sports Field 3 – Spinney off Stoney adjacent to the Golf Course 4 – Silver Jubilee Rose beds and surrounding verges to the Pincet Lane Junction	Delete first paragraph of Policy NK18 and replace with “The sites listed below and shown on the accompanying plans are protected as Local Green Space, where new development is ruled out other than in very special circumstances.” Provide a new set of plans clearly showing the boundaries of each Local Green Space, such that they can be identified against field boundaries and other relevant	When identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

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		5 – St Andrews Church Yard 6 – St Andrews’ School Playing Field 7 – War Memorial, The Green 8 – The Wash Pit 9 – Grassland adjacent to the Village Hall 10 – The Bogs 11 – Old Drovers’ Road 12 - Stoney Field 13 – Millennium Green 14 – Children’s Play Area, Dag Lane 15 – Eastern Boundary off Little London and South Kilworth Road	features (ie, at an easily legible scale on an OS Base or equivalent)	<p>Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.</p> <p>National policy is explicit in respect of how Local Green Space should be protected Policy NK18 fails to have regard to this and seeks to introduce its own approach to the protection of Local Green Space, entirely different to that set out in the Framework</p> <p>scale of that plan is such that it is not clear where the boundaries of each Local Green Space are</p>
NK19	BIODIVERSITY	Development proposals that affect a site of ecological value will be expected to conserve and enhance its significant features, species and habitats, and to apply the hierarchy of avoid, mitigate and compensate.	No changes are recommended.	<p>Paragraph 109 of the Framework requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible.</p> <p>Policy NK19 affords protection</p>

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				to sites of ecological value, whilst providing a flexible approach such that development that is sustainable may still go ahead. The provision for a compensatory approach allows for circumstances where conservation and enhancement may simply not be possible or viable.
NK20	IMPORTANT TREES AND HEDGES	Development proposals that damage or result in the loss of trees and hedges of good arboricultural, ecological and amenity value will not normally be permitted. Proposals should be designed to retain trees and hedges of arboricultural, ecological and amenity value. Development proposals should be designed to retain such trees and must be accompanied by a tree survey that establishes the health and longevity of any affected trees.	Policy NK20, change to "...amenity value will not be supported. Proposals should...amenity value." (Delete rest of Policy)	Policy NK20 provides protection for important trees and hedges. The Policy has regard to Chapter 11 of the Framework, "Conserving and enhancing the natural environment," which strongly promotes biodiversity. The phrase "not normally be permitted" runs the risk of pre-determining the planning process. The latter part of the Policy is repetitive and unclear, in that it requires proposals that retain trees to be accompanied by a survey in respect of the retained trees. Such an approach makes little sense and fails to have regard to Paragraph

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				193 of the Framework
NK21	LANDSCAPE	Development proposals that have a significant effect on the special landscape of North Kilworth will be required to respect and enhance the quality, character, distinctiveness and amenity value of that landscape.	Policy NK21, change to “Development proposals should respect the quality, character, distinctiveness and amenity value of the Neighbourhood Area’s landscape.”	<p>Policy NK21 requires development to respect the landscape and has regard to national policy. However, no indication of what a “significant effect” might be is provided and it is unclear, given the importance of the landscape to the local community, why some forms of development should not be required to respect the landscape.</p> <p>Requiring development to enhance the landscape and its various qualities goes well beyond national or local planning policy requirements. No substantive evidence is provided to demonstrate that it would be viable, or possible, for development to enhance the landscape and consequently, this part of the Policy fails to have regard to Paragraph 173 of the Framework.</p>
NK22	IMPORTANT OPEN VIEWS AND VISTAS	Development proposals that affect the identified important views and vistas (as shown in Proposals Map, figure 4) will be required to	Policy NK22, change to “Development proposals should respect the open views and vistas	Little in the way of substantive information in respect of these “views” is provided. Views are

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		<p>respect and enhance this by ensuring that the visual impact of development on these views is carefully controlled.</p> <p>a) Views from Stoney across and beyond to the Jurassic clay ridge known as the Northamptonshire heights;</p> <p>b) Views from South Kilworth across open paddocks towards the undulating roofline of the Village;</p> <p>c) Street vistas down High Street toward War Memorial; from Pincet Lane towards the White Lion; and along Dag Lane towards the Church; and</p> <p>d) Views across paddocks east towards North Kilworth Hall.</p>	<p>identified below and in Figure 4: (List a) to d) here)”</p>	<p>subject to change with the seasons, the weather and even the time of day. Furthermore, different people may have different opinions of what is important about any one particular view.</p> <p>It is not clear how it is possible or viable for all development to enhance the named “views.” Similarly, it is not clear how the “visual impact” of development on these views can be “carefully controlled.”</p> <p>As set out, Policy NK22 does not have regard to Paragraphs 173 and 193 of the Framework, and does not provide a decision maker with a clear indication of how to react to a development proposal.</p>
NK23	ARCHAEOLOGY AND GEOLOGY	<p>Development proposals that affect a site of archaeological and geological value will be expected to conserve and enhance important archaeological and geological features.</p> <p>Development proposals which may harm an important archaeological or geological feature will not be permitted unless effective mitigation</p>	<p>Delete Policy NK23 but retain the supporting text, which provides a useful list</p>	<p>Neither national nor local policy requires development to conserve and enhance archaeological and geological features and there is no substantive evidence to demonstrate that such an</p>

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		and/or compensatory measures can be ensured.		<p>approach would be viable, or even relevant and appropriate, in all circumstances.</p> <p>No example of what a “compensatory measure” is provided and consequently, the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal in this regard.</p> <p>The use of the phrase “will not be permitted” runs the risk of pre- determining the planning application process and preventing sustainable development from coming forward</p>
NK24	TRAFFIC MANAGEMENT	Development proposals will only be permitted where the traffic generation and parking impact created by the proposal does not result in unacceptable severe direct or cumulative impact on congestion or road and pedestrian safety.	Policy NK24, change to “Development must not result in severe residual cumulative impacts on highway safety.”	<p>Paragraph 32 of the Framework states that:</p> <p>“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”</p> <p>Policy NK24 fails to have regard to this, but rather sets out a confusing negative policy,</p>

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				<p>whereby development “will not be permitted” if it has a “cumulative impact” or a “severe direct impact” on “congestion” or highway safety. None of these terms are defined and consequently, the Policy provides little in the way of clarity for a decision maker.</p> <p>The supporting text to Policy NK24 highlights local concerns with highway safety.</p>
NK25	PARKING	<p>Development proposals that result in the loss of or have a severe adverse effect on car parking provision will not be supported unless:</p> <p>a) It can be clearly demonstrated that the loss of parking will not have an adverse impact on existing parking issues in the nearby area; or</p> <p>b) Adequate and convenient replacement car parking spaces will be provided on the site or nearby.</p> <p>At least two off-street car parking spaces shall be provided within the curtilage for each new dwelling developed within the Village of North Kilworth. Three such spaces should be provided for four-bedroom or larger dwellings.</p>	Policy NK25, change to “Development proposals should not result in an overall reduction in car parking provision.” (delete rest of Policy)	<p>Policy NK25 appears to reflect local concerns in respect of parking. However, as worded, the Policy is confusing. Criteria a) and b) conflict with the opening requirement of the Policy resulting in an approach that makes no sense.</p> <p>The final part of the Policy seeks to impose car parking standards. In this regard, national policy is explicit:</p> <p>“If setting local parking standards for residential and</p>

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				<p>non-residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.” (Paragraph 39, the Framework)</p> <p>There is no substantive evidence to demonstrate that Policy NK25 is based on such information and consequently, the policy fails to have regard to national policy</p>
NK26	FOOTPATHS, FOOTWAYS AND BRIDLEWAYS	Development proposals which would increase or improve (including signage) the network of cycleways, footways and footpaths especially between the Village and Kilworth House will be viewed sympathetically. Development proposals will be expected to protect any existing cycle ways, footways and footpaths.	Policy NK26, change to “The improvement or expansion of the Neighbourhood Area’s existing network of cycleways, footways and/or footpaths will be supported. Development proposals...footpaths.”	<p>Paragraph 75 of the Framework states that:</p> <p>“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights</p>

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				<p>of way networks...”</p> <p>Generally, Policy NK26 protects and supports improvements to public rights of way and has regard to national policy. However, no indication is provided of what being “viewed sympathetically” means in the context of land use planning and this is a matter addressed below.</p>
NK27	SUSTAINABLE DRAINAGE SYSTEMS	Development proposals of one dwelling or any other single building or extension of more than 50sqm must demonstrate the adoption of measures to minimise surface and roof water runoff.	Delete Policy NK27	<p>Policy NK27 seeks to impose onerous new requirements on planning applications in the Neighbourhood Area without any evidence to demonstrate that such requirements have regard to national policy or are in general conformity with the Core Strategy.</p> <p>no evidence has been provided in respect of the viability for all new dwellings and extensions above 50 square metres to “demonstrate the adoption of measures to minimise surface and roof water run-off” or why such measures would, in all</p>

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				circumstances, comprise sustainable development.
NK28	SUSTAINABLE DRAINAGE SYSTEMS	Development proposals shall not commence until full details, where required by the District Council or the Lead Local Flood Authority', of the proposed drainage schemes for surface and foul water (including details of their routing, design, and subsequent management and maintenance) have been submitted and approved.	Delete Policy NK28	Policy NK28 seeks to impose requirements on other bodies not under the control of the Neighbourhood Plan.
NK29	AQUIFER	Development proposals that will have a significant adverse impact on the aquifers or on surface water drainage will not be permitted.	Delete Policy AK29 and all supporting text on pages 56-58 inclusive, including Figure 3.	<p>Policy NK29 uses the phrase "significant adverse impact" without providing any indication of what this means, who will measure it, and on what basis. This results in a vague and imprecise policy that does not provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>No indication of how any impact on aquifers will be measured, on what basis and who by, is provided</p>
NK30	DEVELOPER CONTRIBUTIONS	Financial contributions towards off-site provision of neighbourhood infrastructure obtained either through the Community Infrastructure	Delete Policy NK30 Replace with "Community Action:	Policy NK30 sets out the general aspirations of North Kilworth Parish

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		<p>Levy or negotiated planning obligations will, as appropriate, be used for the following:</p> <ul style="list-style-type: none"> • Measures aimed at improving parking, congestion and traffic calming in the Village; • Affordable housing; • Pedestrian Crossing over the A4304 if not delivered through the housing provision in NK3; and • The enhancement of public footpaths (and cycleways) to provide better connectivity within the Parish. 	<p>The Parish Council will seek, where possible, to use financial contributions obtained through the Community Infrastructure Levy or negotiated planning obligations, for the following: (list here)”</p> <p>Retain supporting text</p> <p>For clarity, Policy NK30 is recommended for deletion and a Community Action is not a land use planning policy</p>	<p>Council. It does not specify what contributions, from which development, will be provided for which project. No indication of how unknown contributions might achieve the projects identified is provided; and further, the projects themselves are vague – for example “affordable housing” and are not supported by evidence demonstrating deliverability – for example, “improving parking, congestion and traffic calming.”</p> <p>Taking the above into account, there is an absence of evidence to demonstrate that Policy NK30 provides for planning obligations to be necessary, directly related to development, or fairly and reasonably related in scale and kind to development, as required by Paragraph 204 of the Framework.</p>