

GREAT BOWDEN
NEIGHBOURHOOD PLAN
Submission Draft Version

**A report to Harborough District Council
into the examination of
Great Bowden Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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Contents:

	Page
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	11
4 The Neighbourhood Plan - Policies	14
5 Referendum	45
6 Background Documents	46
7 Summary of Recommendation	47

1.0 Summary

- 1.1 Great Bowden Neighbourhood Plan has been prepared to set out the community's wishes for the parish of Great Bowden
- 1.2 This Neighbourhood Plan sets out local planning policies which are aimed at promoting sustainable development of the plan area focused on making provision for housing, safeguarding and enhancing the natural and built environment, improving community facilities, and providing for new and improved infrastructure.
- 1.3 The Neighbourhood Plan is very lengthy and seeks to include protective designations on a number of areas under several overlapping themes. I have concerns that some of the background evidence reports which support the environmental designations are insufficiently detailed and lack independent expert evaluation of the significance of the findings.
- 1.4 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. I have also recommended the deletion of a number of policies where it is considered that they would create blanket restrictions that are not supported by robust evidence or policies that repeat national or local strategic policies without adding any locally specific requirements. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.5 The main recommendations concern:
 - The deletion of Policies H7, ENV9, ENV12, T1, T2, part of T4, and T5.
 - The deletion of a number of areas under Policies ENV2, ENV3, ENV6, ENV7 and ENV10.
 - Ensuring that the policies are worded clearly and unambiguously with sufficient flexibility.
 - Ensuring that relevant sites to which policies apply are explicit and are shown on the Policies Map.
- 1.6 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that Great Bowden Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements.

Legislative Background

- 2.4 I was appointed as an independent examiner to conduct the examination on the Great Bowden Neighbourhood Plan by Harborough District Council. I am a chartered town planner with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.
- 2.5 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.6 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.

- 2.7 The Neighbourhood Plan area is co-terminus with the parish of Great Bowden. The Plan area was designated by Harborough District Council on 5 December 2015 as a Neighbourhood Area. Section 3.5 of the Basic Conditions statement states that the Plan relates to Great Bowden Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.8 Section 3.3 of the Basic Conditions Statement states that the lifespan of the Neighbourhood Plan is to be from 2016 to 2031 the same period as the emerging Harborough Local Plan. The front cover of the Neighbourhood Plan shows the same plan period of 2016 – 2031.
- 2.9 The neighbourhood plan making process has been led by Great Bowden Parish Council which has acted as the Qualifying Body. The Plan was prepared by the Neighbourhood Plan Advisory Committee, appointed by and reporting to Great Bowden Parish Council.
- 2.10 Subject to the recommended modifications, I am satisfied therefore that Great Bowden Neighbourhood Plan satisfies all the requirements set out in paragraph 2.5 above.

Conformity with Basic Conditions and other statutory requirements

- 2.11 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. 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);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore

marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended)).

- 2.12 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements. It is not within my role to consider whether alternative sites may be suitable than those proposed in the Plan.
- 2.13 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

Policy Background

- 2.14 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.15 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.16 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.17 The third basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The strategic policies covering the neighbourhood plan area are contained in the Harborough District Local Development Framework Core Strategy 2006 – 2028 adopted November 2011 prior to the publication of the NPPF. It is acknowledged that some of the policies are out of date.
- 2.18 The Neighbourhood Plan has been prepared at a time when the Council was preparing its new Local Plan. The Council consulted on the proposed-submission draft Local Plan from September to November 2017.

- 2.19 Under the question “Can a neighbourhood plan come forward before an up-to-date Local Plan is in place?”, the PPG advises that “*a draft neighbourhood plan must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.*” Furthermore local planning authorities are advised to work with the qualifying body to produce complementary neighbourhood and Local Plans and to minimise any conflicts between policies in the two plans, otherwise the policies of the neighbourhood plan may be overridden by those of the emerging Local Plan once it is adopted.
- 2.20 The national advice is clear that neighbourhood plans may come forward in advance of an emerging Local Plan and are to be tested against the strategic policies in force at the time of the examination. In these circumstances the neighbourhood plan should take into account national planning advice to avoid policies that would impose restrictions on future development unless they are supported by robust evidence.
- 2.21 Paragraph 184 of the NPPF states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies. The PPG on rural housing advises that blanket restrictions should be avoided that would restrict housing development around a settlement unless their use can be supported by robust evidence.
- 2.22 The Basic Conditions Statement sets out an assessment of each of the Neighbourhood Plan policies against the NPPF and considers how the Neighbourhood Plan has had regard to them. It also assesses each of the Neighbourhood Plan policies to demonstrate how it is in general conformity with the local strategic policies of the adopted Core Strategy.
- 2.23 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Harborough District Local Development Framework Core Strategy 2006 - 2028. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. Where relevant I have considered the evidence prepared for the emerging Local Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.24 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment (SEA) Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

- 2.25 A Screening Report was issued by Harborough District Council with regards to the Strategic Environmental Assessment and Habitats Regulation Assessment in October 2017 and updated in December 2017. This determined that *“it is unlikely that there will be any significant environmental effects arising from policies in Great Bowden Submission version Neighbourhood Plan. The Sustainability Appraisal of the Core Strategy and the Sustainability Appraisal for the emerging New Local Plan has assessed the environmental issues relating to Great Bowden and does not consider that there will be significant detrimental effects. As such, it is the consideration of the Local Planning Authority that Great Bowden Neighbourhood Plan does not require a full SEA to be undertaken.”*
- 2.26 The Screening Report concluded that *“the Great Bowden Neighbourhood Plan is unlikely to have a substantial effect on the Natura 2000 network of protected sites”*. A full Habitats Regulation Assessment was undertaken for the Core Strategy and has been updated for the emerging Local Plan which considered its potential impact on protected sites within 35 km of the District boundary. Three sites were identified with the nearest site at 30km from Great Bowden. The Screening Report concluded that *“the Neighbourhood Plan will not affect the three specified Natura 2000 sites over and above the impacts in the HRA Screening Report carried out for the Core Strategy in 2011 nor the Local Plan in 2017. It was concluded that a full Appropriate Assessment is not required”*.
- 2.27 The statutory consultees (the Environment Agency, Natural England and Historic England) were consulted on the Screening Report and all concurred with the conclusion.
- 2.28 The Basic Conditions Statement states that *“The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups”*.
- 2.29 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.30 Section 4.2 of the Basic Conditions Statement and section 1 of the Neighbourhood Plan address the contribution of the plan to the achievement of the economic, social and environmental aspects of sustainable development. They provide a comprehensive assessment of how the plan contributes to the enhancement of the economic, social and environmental future of the parish.

- 2.31 I am satisfied that, subject to the modifications proposed, Great Bowden Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.32 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.33 The Consultation Statement sets out the details of the consultations carried out during the preparation of the Plan and on the pre-submission draft plan under Regulation 14.
- The intention to produce a Neighbourhood Plan and an invitation to contribute toward the process was widely publicised by letter to all stakeholders during April/May 2016 and in the Spring 2016 edition of the Great Bowden Newsletter which is delivered to every house in Great Bowden
 - An open event was held on the 6th and 7th May 2016.
 - A community questionnaire was undertaken in July 2016.
 - A second open event took place on 12th November 2016 at which the community was presented with the results of the questionnaire and given a chance to have a further input.
 - A third open event took place on 17th June 2017 at the beginning of the Regulation 14 Consultation process.
 - Agencies with a statutory or other significant interest in the Plan were invited to submit their comments in writing by email and letter, at appropriate stages of the planning process, according to the regulations.
 - A variety of means was used to publicise the preparation of the Neighbourhood Plan and the opportunities to comment on it, including Village Noticeboards, the Great Bowden Newsletter, the Parish Council website, and letters and emails.
 - Questionnaires and the draft Plan were deposited in prominent places at Welton's shop, Great Bowden Stores and The Shoulder of Mutton Pub. Fliers advertising open events and the consultation questionnaire were posted to every house and local business in Great Bowden.
- 2.34 A summary of the issues raised at each stage of pre-submission consultation and the action taken to address them, as appropriate, is included in the separate documents.
- 2.35 The Regulation 14 consultation was undertaken for a 6 week period ending on 26 July 2017. Consultation on the submission draft Neighbourhood Plan ran from 27 September 2017 and 8 November 2017. This resulted in

responses from 12 individuals and organisations, several of which made multiple comments. In addition, one representation was received late which I have not considered.

- 2.36 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.37 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case. I have sought clarification on a number of matters from the qualifying body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.38 I have considered the Basic Conditions Statement and the Consultation Statement. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.39 This report is the outcome of my examination of the Submission Draft Version of Great Bowden Neighbourhood Plan 2016 - 2031. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Harborough District Council.
- 2.40 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.41 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension.

3.0 Neighbourhood Plan – As a whole

3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

3.4 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *“the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

3.5 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence”*.

3.6 The Basic Conditions require that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies.

- 3.7 Before considering the policies individually, I have considered whether the plan has a whole has had regard to national and local strategic planning policies.
- 3.8 The plan provides for the future housing, employment and community development of the area, promotes good quality design in new development and safeguards the environment. The Core Strategy defines the village as a Selected Rural Village where development is to be on a lesser scale which reflects the size and character of the village, the level of service provision and takes account of recent development and commitments. This approach to growth in the village is continued in the emerging Local Plan.
- 3.9 The Neighbourhood Plan relies on the fact that there are sites with planning permission for 173 houses to deliver the future housing development needs and it makes provision for only limited housing development through windfall sites. It sets out revised limits to development and seeks to safeguard a number of sites around the village as Local Green Space, Sites of Environmental and Historic Significance and important views. Furthermore several sites are included for protection under more than one policy. I will consider the robustness of the evidence to support these designations under the relevant policies as they are likely to amount to blanket restrictions on new development around the village.
- 3.10 The Neighbourhood Plan is a very lengthy document and includes a considerable amount of background information and evidence, some of which is repeated. Some of this could be placed in Appendices to improve the clarity of the Plan. This will help to create a document that is more focused on the neighbourhood development plan policies so that it is easier for decision makers to use. It would be helpful to include only a brief summary of key matters in the introductory section of the plan and relevant policies, ensuring that the focus of the Plan is on the policies and the justification for them.
- 3.11 The plan has a lengthy Vision statement and a number of objectives. There is no assessment of how the objectives are delivered through the plan.
- 3.12 The Plan includes Policies and Community Actions that are differentiated in green and red text. The green text has not printed very clearly and it would be helpful for users to select an alternative means of differentiating the Policies and Community Actions.
- 3.13 Advice in the PPG is clear that the neighbourhood plan must address the development and use of land. The PPG recognises that the Plan can also help to inspire people and businesses to consider other ways to improve their community and can include wider community aspirations. However, these wider community actions dealing with non-land use matters should be clearly identifiable, for example set in an appendix.
- 3.14 To improve the clarity of the Plan, a section should be included in the Introduction to explain that it is only the Policies that constitute the Neighbourhood Development Plan that will be used in determining planning

applications. To help to improve the clarity and focus of the Plan, the Community Actions could be placed in an Appendix with a heading to explain their purpose and stating that they are not part of the Neighbourhood Development Plan.

- 3.15 I have considered whether any of the policies are not land use planning matters and should be included as community actions or aspirations. My recommendations are included under the relevant policies.
- 3.16 The Neighbourhood Plan contains a number of maps, referred to as Figures, showing sites and locations referred to in the policies; these maps are barely legible and it would be difficult for decision makers to use them to determine the boundaries of the sites. There are also maps showing background information within the text. In addition, some policies refer to sites and locations which are not shown on a map.
- 3.17 It is important that a clear and legible Policies Map, with Inset Maps if necessary, is included in the Plan at a scale that will enable decision makers to determine the boundaries of sites. All locations referred to in the policies should be shown on the Policies Map. Policies should refer to sites being shown on the Policies Map rather than on a figure.
- 3.18 It is evident that the preparation of the Plan has involved considerable involvement with the community and has sought to reflect the concerns raised in the consultations particularly about the need to improve community facilities and services and to safeguard the local environment.

Recommendation 1:

Select a clearer, more legible colour for the text of the Plan's policies.

Place the Community Actions in an Appendix to the Plan with the heading that states that these actions do not form part of the Neighbourhood Development Plan. Include an explanation of the role of the Community Actions in the Introduction.

Prepare a Policies Map, with Inset Maps where appropriate, that clearly shows the boundaries of all sites referred to in the Policies with a clear key linked to the relevant Policy.

- 3.19 It is considered that the plan as a whole, subject to the modifications proposed, has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.

4. The Neighbourhood Plan Policies

Planning Context

- 4.1 The first section of the Plan provides helpful guidance on the national planning policy context. There are a number of inaccuracies in the text and typographical errors which should be corrected as follows:

Recommendation 2: Revise the following in section 1:

Replace the last sentence of the first paragraph with: “part of the local development plan. *Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF paragraph 196).*

Revise the second paragraph to read “.....within the *Neighbourhood Planning (General) Regulations 2012 as amended.*”

Revise the second bullet point of paragraph three to read: “.....strategic policies of the development plan for Harborough District and....”. Delete comma after “the”.

Revise paragraph five to read “Neighbourhood planning allows local communities topriorities.” and move the paragraph to a position before “The Plans carry...”.

Vision and Objectives

- 4.2 The plan sets out a detailed Vision Statement and thirteen Objectives. There is no assessment of how the objectives are delivered through the Plan. In view of my recommendations to delete specific policies, it may be necessary to make consequential revisions to the objectives.

Policies

Policy H1: Housing Provision

- 4.3 This policy states that the Parish has exceeded its housing requirement and until such time as there is an agreed increase in the housing target for the parish or the failure to deliver existing commitments, further housing will be restricted to windfall development.
- 4.4 Guidance in the PPG is clear that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and not promote less development than set out in the Local Plan or undermine its strategic policies. Blanket policies restricting

housing development should be avoided unless their use can be supported by robust evidence.

- 4.5 Great Bowden is identified as a Selected Rural Village in the Core Strategy. Under Policy CS17 development is to be on a lesser scale which reflects the size and character of the village, the level of service provision and takes account of recent development and commitments.
- 4.6 In the emerging Local Plan, Great Bowden continues to be identified as a Selected Rural Village along with 15 other settlements. The Spatial Strategy Policy SS1 makes provision for about 790 additional homes on non-allocated sites or sites to be allocated in neighbourhood plans in Rural Centres and Selected Rural Village.
- 4.7 The justification explains that Selected Rural Villages are sustainable locations for more limited growth that will help to sustain these villages. No figure is prescribed for development at Great Bowden, indeed emerging Policy SS1 makes provision for sites to be allocated through neighbourhood plans.
- 4.8 Paragraph 7 of the justification to Policy H1 refers to the latest minimum housing target for Great Bowden of “*no further residential development to 2031*”. This is misleading as the proposed submission draft Local Plan does not allocate a target to Great Bowden. It is recommended that this paragraph should be deleted and replaced with information on recent completions and outstanding commitments to demonstrate that an adequate supply of new dwellings will be available in the plan area.
- 4.9 The Qualifying Body has confirmed that planning permission has been granted for 173 new homes in the plan area between April 2016 and March 2017. Whilst there is no prescribed maximum number for development in the forthcoming Local Plan it may be argued that any further significant development in the village would undermine the strategic spatial strategy for limited growth in the village.
- 4.10 Emerging Policy GD2 makes provision for consideration of housing proposals cumulatively with other proposals so that they do not significantly exceed the target for the delivery of new homes in the Rural Centres and Selected Rural Villages.
- 4.11 It is considered that the wording of Policy H1 is misleading and incorrect. There is no housing requirement or target for the village of Great Bowden in the Core Strategy or emerging Local Plan, although Policy GD2 allows for the cumulative impact of housing completions and permissions on the target for rural communities to be considered. However, no details have been provided of the current cumulative housing figures for the Selected Rural Villages, so it is not possible to consider the impact of any further significant housing development in Great Bowden.

- 4.12 Policy SS1 makes provision for sites to be allocated through neighbourhood plans if communities wish to do, although there is no requirement for them to allocate sites. In view of the level of commitments and recent development, the plan makers have chosen not to allocate further residential development. Should there be a need for an additional site or sites to be allocated in the future, Policy H1 states that this will be undertaken through a review of the Neighbourhood Plan.
- 4.13 It is considered that Policy H1 is negatively worded and misleading as there is no housing requirement for the parish. The Neighbourhood Plan has chosen not to make any housing allocations so as not to undermine the strategic policy for limited growth of rural settlements in view of the amount of current housing commitments in the village.
- 4.14 The policy does not make provision for other types of housing that may come forward under other strategic policies such as rural exceptions sites or development in the countryside and it would be helpful to decision makers if these types of windfall sites were specified in the policy wording.
- 4.15 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 3: revise Policy H1 to read:

“New housing development will be limited to commitments, windfall development within the Limits to Development, Rural Exceptions Sites and housing in the countryside that satisfies NPPF paragraph 55. Additional sites for housing development will be brought forward in a review of the Neighbourhood Plan following an increase of the housing target for Selected Rural Villages in a review of the Harborough Local Plan or the failure of a housing commitment to be developed.”

Delete the seventh paragraph of the justification to the policy (“Although the emerging Local Plan.....”). Replace the paragraph with up to date information on recent housing completions and commitments.

Policy H2: Limits to Development

- 4.16 This policy sets out revised Limits to Development around the settlement to establish where development would be most acceptable and to define the areas of countryside.
- 4.17 The use of Limits to Development was established in the Core Strategy as a means of controlling the location of development in rural communities. The Limits to Development at Great Bowden have been reviewed to incorporate the sites that have been developed or that are commitments prior to the plan being submitted.

- 4.18 Submission draft Local Plan Policy GD2 Settlement Development is proposing to replace the control of development in larger settlements including Selected Rural Settlements with a more flexible criteria based approach.
- 4.19 Representations have been made that object to the use of Limits to Development as they would not accord with the flexible approach of the NPPF and the emerging Local Plan. A representation asks that the JG Pears site be included in the Limits to Development.
- 4.20 No information is provided in the Neighbourhood Plan about the number and location of the current housing commitments. The Local Planning Authority has confirmed that four sites have the benefit of planning permission for housing and these have been included in the Limits to Development. Since the plan was submitted a further site at Langton Road has been approved.
- 4.21 I consider that the use of Limits to Development accords with the national guidance that the plan should support the strategic development needs set out in the Local Plan and plan positively to support local development. The use of Limits to Development is an established means of controlling the location of new housing development and helps to provide clear policy framework in rural communities. The review of the Limits has taken account of the housing evidence prepared for the emerging Local Plan and the criteria proposed for inclusion in the draft Local Plan. It will be important that it is kept under review when the housing figures are reviewed.
- 4.22 The examiner's role is to consider whether the Plan meets the Basic Conditions. It is not within my remit to consider whether the plan should be revised to include alternative development sites.
- 4.23 No change to the wording of Policy H2 other than referring to the Policies Map instead of Fig 2. Revise the Limits to Development to include all current housing commitments.
- 4.24 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 4: Revise Policy H2 as follows:

Replace "Fig. 2" with "*Policies Map*".

Revise the Limits to Development map to include all sites that are housing commitments.

Policy H3: Windfall Sites

- 4.25 The policy provides for the development of infill and redevelopment sites within the Limits to Development for up to three dwellings. A number of factors are set out that are to be taken into account in considering proposals.

- 4.26 Representations have been received objecting to the restriction of windfall development to a maximum of three dwellings stating that it is an arbitrary figure.
- 4.27 No reason is given to justify limiting the size of sites to a maximum of three. It is considered that this limitation is unnecessary and unduly prescriptive and the suitability of each site should be considered on its own merits. It is recommended that it be deleted.
- 4.28 The consideration of windfall sites outside the Limits to Development will be considered under Policy H2 in accordance with national and local strategic policies.
- 4.29 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 5: Revise Policy H3 as follows:

Delete “(three dwellings or fewer)” from the second line of the policy.

Policy H4: Housing Mix

- 4.30 The policy sets out support for the development of a mixture of housing types to meet local needs and support for 1, 2 and 3 bedroomed homes as well as those for older people, those with restricted mobility and for self build. Homes with four or more bedrooms are expected to be in a minority.
- 4.31 A Housing Needs Report has been prepared making use of Census data only and has not been evidenced by a Housing Needs Survey of residents. The responses to the Neighbourhood Plan questionnaire gave an indication of the type of houses residents would like to see built in the parish. The assumptions about housing needs are based on the likely population of the village over the plan period including the increasing number of older people.
- 4.32 Policy H5 of the emerging Local Plan makes provision for major housing developments to provide a mix of housing types and for sites of 100 or more houses to provide 4% of homes to meet the adaptable and accessible standards of Part M of the Building Regulations.
- 4.33 New development in the plan area is to be limited to windfall sites which are likely to be small scale. As written the policy is flexibly worded and provides support to the development of smaller homes of up to 3 bedrooms and homes suitable for older people and those with restricted mobility. Larger 4+ bedroom houses would only be supported on self build sites.
- 4.34 It is considered that the Policy meets the Basic Conditions.

Policy H5: Affordable Housing Provision

- 4.35 Emerging Local Plan Policy H2 sets out the strategic policy for affordable housing. In the light of government advice this relates to sites of more than 10 dwellings. The first and second paragraph of Policy H5 repeat part of these provisions. As the neighbourhood plan policy seeks to set the same thresholds and targets as the strategic policy, it is recommended that rather than repeat the provisions of Local Plan Policy H2 (which has not yet been adopted and may be subject to change), the Neighbourhood Plan Policy H5 should state that affordable housing should be provided in accordance with the emerging / adopted Local Plan Policy.
- 4.36 The third and fourth paragraphs of Policy H5 seeks to establish a “local connections” criteria for the parish. This is a housing policy concerning the letting of affordable housing and not a planning policy used in the determination of planning applications. As such it is not appropriate for inclusion in a neighbourhood plan policy.
- 4.37 The final paragraph of the policy promotes the design of development as tenure blind. Core Strategy Policy CS3 states that “*Development should integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities*”. The Local Planning Authority’s Developer Guidance Note (January 2017) does not include this matter although the Local Planning Authority has stated that the requirement is set out as verbal or written comment on applications.
- 4.38 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 6: Revise Policy H5 as follows:

Revise the first paragraph to read: “Development proposals for new housing *should make provision for affordable housing in accordance with the emerging (or subsequently adopted) Local Plan policies.*”

Delete paragraphs 3 and 4.

Policy H6: Design Standards

- 4.39 The policy sets out a number of design considerations for all types of development proposals. Emerging Core Strategy Policy GD8 sets out a number of factors that new developments should consider in order to achieve a high standard of design.
- 4.40 Policy H6 builds on these principles and seeks to reflect the guidelines of the Great Bowden Village Design Statement. The second paragraph states that proposals “must” meet the relevant guidelines of the Village Design

Statement and are encouraged to have regards to ten design principles to a degree that is proportionate to the development.

- 4.41 The Great Bowden Village Design Statement was adopted as Supplementary Planning Guidance in 2000. It includes guidelines on a wide range of subjects that are designed to support the enhancement of design of development in the village. It is considered that it would be unduly prescriptive to require development proposals to meet these guidelines. To allow for some degree of flexibility it is recommended that the policy is revised to “*Development proposals should have regard to...*”. This would reflect the flexibility built into the second part of this paragraph. The policy should be explicit in naming the Great Bowden VDS.
- 4.42 Criteria (f) seeks provision to be made for wildlife to meet the guidelines of the Royal Society for the Protection of Birds. Whilst this is a respected charity, it is not appropriate to include their guidelines in the policy itself. It may be referred to in the justification to give examples of how this part of the policy may be implemented. The full title of the guidelines should be included.
- 4.43 Criteria (h), (i) and (j) address a number of matters including the storage of waste, sustainable design and construction techniques, renewable energy and low carbon energy and sustainable drainage. There is a degree of overlap and repetition in the criteria. I recommend revisions to remove the repetitions.
- 4.44 Emerging Local Plan Policy CC1 sets out the factors to be encouraged in major development to address climate change. Emerging Local Plan Policy CC2 promotes renewable energy development and emerging Policy CC4 promotes sustainable drainage on major developments.
- 4.45 Criteria (i) and (j) of Policy H6 clearly go beyond the requirements of the strategic policies and seek to encourage the application of the principles to small scale developments. However I consider that there is sufficient flexibility in the wording of the policy.
- 4.46 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 7: Revise Policy H6 as follows:

Revise the second paragraph to read: “Development proposals *should have regard to the Great Bowden Village Design Statement...*”.

Delete “to meet the Royal Society for the Protection of Birds (RSPB) guidelines) from criterion (f).

Delete the following from criterion (j): “low carbon energy technology and” and “ensuring appropriate provision for the storage of waste and recyclable materials.”

Include examples of guidance on improving the provision for wildlife in the justification.

Policy H7: Support for Brownfield Sites

- 4.47 The policy supports the redevelopment or change of use of redundant land or buildings within the Limits to Development where the site has limited environmental value.
- 4.48 The NPPF encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 4.49 It is considered that whilst Policy H7 accords with national policy, it adds no locally specific policy requirements. The policy is therefore superfluous and it is recommended that it be deleted.

Recommendation 8: Delete Policy H7 and the associated text.

Policy ENV1: Areas of Separation

- 4.50 The policy defines two areas of land as Areas of Separation within the Plan area to maintain the gap between Great Bowden and Market Harborough. The principle of Areas of Separation was confirmed in the adopted Core Strategy and the area between Great Bowden and Market Harborough is defined in Policy GD6 of the Submission draft Local Plan. Community Action ENV1 supports the protection of the areas outside the parish.
- 4.51 The principle of an Area of Separation therefore is in accordance with strategic local policy. However it is considered that the wording of Policy ENV1 is unclear and could not be used by decisions makers consistently. The policy refers to development being “controlled” but does not specify what types of development may or may not be acceptable. It also refers to any “permitted development being located and designed to maintain and where possible enhance the separation of the two communities”. Permitted development has a specific meaning in planning legislation and is development that can be undertaken without express planning permission.
- 4.52 It is recommended that the wording of the policy be revised to accord with that in draft Local Plan Policy GD6 part 2.
- 4.53 Figure 4 shows the proposed Areas of Separation in the plan area and those in the adjacent parish of Market Harborough. The Policies Map should show only those areas in the plan area. A separate map should be prepared to show those associated with Community Action ENV1. The District Council has commented that the proposed Area of Separation in Market Harborough differs from that shown on the Figure 4 and should be corrected.

- 4.54 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.
- 4.55 It is recommended that Community Action ENV1 is revised to clarify that it is an action for the Great Bowden Parish Council and to refer to “open land” rather than “open space”

Recommendation 9: Revise Policy ENV1 to read:

“Development in the Areas of Separation will be permitted where it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of Great Bowden.”

Show only the Area of Separation within the plan area on the Policies Map. Revise the map in the Figure for the Area of Separation in Market Harborough referred to under Community Action 1 to reflect that shown in the submission draft Harborough Local Plan.

Revise Community Action 1 to read: “Great Bowden Parish Council will support the safeguarding of open land in Market Harborough shown on Figure XX as part of the Area of Separation between Great Bowden and Market Harborough.”

Policy ENV2: Protection of Local Green Space

- 4.56 The policy seeks to designate five areas of land as Local Green Space. NPPF paragraphs 77 – 78 advise that *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- where the green space is in reasonably close proximity to the community it serves;*
 - where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - where the green area concerned is local in character and is not an extensive tract of land.*
- “Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.”*
- 4.57 The critical test of the NPPF is that the area meets all the criteria set out in paragraph 77.
- 4.58 The NPPF paragraph 78 states that the local policy for managing development within a Local Green Space should be consistent with policy for

Green Belts. NPPF paragraph 87 states that development in Green Belts is inappropriate where it would be harmful to the openness of the area other than in “very special circumstances”. It is recommended that the wording of Policy ENV2 should be revised to be consistent with the guidance in NPPF.

- 4.59 Policy CS8: Protecting and Enhancing Green Infrastructure of the adopted Core Strategy seeks to safeguard and enhance a network of green infrastructure including areas of open space and sport and recreation assets.
- 4.60 The Harborough Open Spaces Strategy was updated in 2016 and forms evidence to support the open spaces policies in the submission draft Local Plan. The draft Local Plan includes Policies GI1 Green Infrastructure Networks, GI2 Open Space, Sport and Recreation and GI4 Local Green Space.
- 4.61 During the course of preparing the draft Local Plan consultations were carried out with communities to identify potential Local Green Space sites and sites for Open Space, Sport and Recreation and agreed sites are shown on the Policies Map. Sites a), b), d) and e) are shown as sites of open space, sport and recreation under Policy GI2. Site c) is not identified on the Policies Map under this policy; it appears to fall within the Open Space typology of Green Corridor or Greenway. None of the sites are shown as Local Green Space.
- 4.62 Policy GI4 makes provision for local communities to bring forward additional Local Green Space sites through their neighbourhood plans providing they meet the criteria set out in the NPPF.
- 4.63 The five sites identified under Neighbourhood Plan Policy ENV2 are also shown as Important Open Spaces under Policy ENV3. As the Local Green Space designation is the more restrictive designation, I have asked the Qualifying Body to confirm which policy they wish to have the sites designated under. They have confirmed that they wish the sites to be designated as Local Green Space.
- 4.64 A comprehensive assessment of the sites has been undertaken against the criteria set out in NPPF. I am satisfied that appropriate evidence has been included to demonstrate that the sites satisfy the criteria to be designated as Local Green Space. A representation from the tennis club supports the safeguarding of the recreation ground.
- 4.65 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 10: Revise Policy ENV2 to read:

“The following areas shown on the Policies Map are designated as Local Green Space. List a), b), c), d) and e).

“Development that would be harmful to the openness of a Local Green Space will only be permitted in very special circumstances.”

Policy ENV3: Other Important Open Space

- 4.66 This policy identifies 24 sites as Important Open Spaces which it is proposed to safeguard by ensuring that development does not compromise their integrity or value.
- 4.67 I have asked the Qualifying Body how they intend the term “*development does not compromise their integrity or value*” to be interpreted. They have replied to say that “*it is intended to mean that an important open space should not be divided/split or reduced in area (integrity) or have its community asset value reduced or negated by development*”.
- 4.68 The list of sites includes those that are to be designated as Local Green Space under Policy ENV2. It is considered that the protection afforded as Local Green Space is more restrictive and it is not therefore necessary to include them in addition under Policy ENV3. It is therefore recommended that sites A), I), J), N) and O) should be deleted from Policy ENV3.
- 4.69 The submission draft Local Plan Policy GI2 Open Space, Sport and Recreation provides for the safeguarding of sites shown on the Local Plan Policies Map and any future additional facilities provided as part of new development to be safeguarded and enhanced through improvements to their quality and use. The following sites are identified on the Policies Map: sites B), C), D), E), F), G), I), J), L), M), and O). Only part of site N) is identified; additional land within site B) is shown.
- 4.70 Sites B and E - G refer to de-registered common land which is described in the background document as land in private ownership and not accessible. Figure 6 does not appear to be consistent with the Map headed ENV3 Map showing Common Land (CL70 – CL75). In response to a request for clarification, the Qualifying Body has proposed that reference to de-registered common land should be deleted from sites B and E and Map ENV3 Map showing Common Land (CL70 – CL75) should be corrected to remove the unregistered common land.
- 4.71 Seven of the sites are paddocks and used as grazing, a manege or agricultural land. They do not therefore fall within the typologies of open space set out in the Open Space Strategy and submission draft Local Plan Policy GI2. To include them under Policy ENV3 would not accord with the strategic policy and result in a blanket restriction on their development which the PPG advises against unless it is supported by robust evidence. I have reviewed the evidence submitted and visited the sites. I consider that there is no robust evidence to justify safeguarding the sites under Policy ENV3 as Other Important Open Space. Reference to them should also be deleted from the justification.

- 4.72 Three of the sites are highway verges. It is considered that these complement the small greens and areas of common land that are a distinctive part of the character of the village.
- 4.73 Site K is for the proposed allotments; it is considered that it would not be appropriate to designate the area in advance of its development.
- 4.74 A representation from the tennis club supports the safeguarding of the recreation ground and notes that they are proposing a larger clubhouse and extra floodlighting. The tennis club is designated under this policy as site M. The recommended modifications would enable the improvement of the facilities proposed.
- 4.75 I have considered the wording of the policy and the areas proposed for safeguarding. I have concerns that the policy as worded may be construed as intended to place a blanket restriction on the development of areas of agricultural land on the edge of the village which are not publicly accessible other than by public footpaths.
- 4.76 I have therefore recommended revisions to the wording of the policy and the sites covered by the policy to frame it in terms of safeguarding and positive enhancement of open spaces.
- 4.77 For confirmation it is considered that there is evidence to support the safeguarding of the following sites: B, C, D, E, F, G, H, L, M, T, U, and V.
- 4.78 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 11: revise Policy ENV3 as follows:

“The following areas are designated as Important Open Spaces and shown on the Policies Map. The areas shall be safeguarded as open spaces and enhanced to improve their quality and usage as open spaces.” Sites B, C, D, E, F, G, H, L, M, T, U, and V.

Delete reference to “de-registered common land” from Site B and Sites E – G.

In the second paragraph of the justification, delete “paddocks” from the first sentence and delete the second sentence (“The paddocks are regarded as....”).

Correct the map headed MAP3 Map Showing Common Land (CL70 – CL75) to delete de-registered common land.

Community Action ENV2 Other Important Open Space

- 4.79 A Community Action is included for the Parish Council to work actively to secure the protection of the sites listed in Policy ENV3. I have asked the

Qualifying Body what action they are intending to pursue through this Community Action as Policy ENV3 will secure the protection of the sites. The Qualifying Body has stated that they are minded that the Community Action should be deleted as it can be assumed that the Parish Council will work with the District Council and landowners to safeguard the open areas.

Policy ENV4: Protection of Other Sites of Historical Environmental Significance

- 4.80 The policy identifies seven sites as being of at least local historical significance. The policy describes them as “*important in their own right as they are valued locally*”. Development proposals that affect them will be expected to protect the identified features.
- 4.81 The background evidence report draws on local archaeological surveys and reports of the sites and sets out the probable history of each site. I have asked the Qualifying Body whether any expert advice has been sought on the significance of the sites. They have responded to say that they have been assessed by the environment theme group which included local history experts who contribute to the County Historic Environment Record.
- 4.82 Whilst the background report details the finds on each site, no assessment has been given of the significance of the finds or the features on the site. None of the sites is included in the list of locally listed archaeological sites in the Appendix to the Submission Draft Local Plan which was based on Historic England’s database.
- 4.83 Guidance in NPPF paragraphs 128 – 129 is that when dealing with development proposals affecting a heritage asset, “*the level of detail required should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*”
- 4.84 “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.*”
- 4.85 Core Strategy Policy CS11: Promoting Design and Built Heritage supports the safeguarding of non-scheduled nationally important archaeological remains, and other areas of archaeological potential or importance and areas of historic landscape; and the identification of heritage assets of local

importance. Submission draft Policy HC1 Built Heritage sets out a comprehensive policy on the consideration of development proposals where they affect heritage assets and their settings. It states that they will be appraised in accordance with national policy and will be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation.

- 4.86 It is considered that the significance of the sites and features identified has not been assessed. I consider that the statement that they are “*important in their own right as they are valued locally*” amounts to no more than anecdotal evidence and provides no guidance on the significance of the sites and features and should be deleted from the policy.
- 4.87 Furthermore, it is considered that the policy is worded in a way that is not in accordance with national planning guidance and may place an unjustified burden on potential developers. No evidence has been submitted to demonstrate that the sites are any more than locally significant and as such the policy should not place a blanket protection on the sites or features. National and local strategic policy is clear that any development potentially affecting the sites should be accompanied by an assessment to consider the impact of the proposal on the heritage asset and to avoid or minimise conflict with the heritage asset’s conservation and any aspect of the proposal.
- 4.88 It is recommended that the policy be revised to highlight the archaeological finds and potential of the sites and to require their appraisal as part of any development proposals in accordance with national policy. When considering any development proposals affecting the sites, the benefits of the development should be balanced against the significance of the local heritage asset (NPPF paragraph 135). It would be helpful to plan users to include a summary of the archaeological finds in an appendix to the Neighbourhood Plan and for this to be referred to in the justification to the policy.
- 4.89 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 12: Revise Policy ENV4 as follows:

“The following sites shown on the Policies Map contain evidence of local historic assets or archaeological potential. Development proposals that affect them should be appraised in accordance with national guidance and local strategic policy. The demonstrable benefits of development proposals must be balanced against the significance of the local historic asset. List sites 1 to 7.”

Add the following to the justification to the policy: “A summary of the heritage assets and archaeological potential is set out in Appendix X.”

Policy ENV5: Ridge and Furrow

- 4.90 The policy recognises the surviving ridge and furrow fields as non-designated heritage assets. Any harm arising from a development proposal is to be balanced against their significance as heritage assets.
- 4.91 NPPF paragraph 135 states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 4.92 Core Strategy Policy CS11 Promoting Design and Built Heritage encourages the protection, conservation and enhancement of heritage assets and promotes the identification of locally important heritage assets. Submission draft Policy HC1 Built Heritage sets out a comprehensive policy on the consideration of development proposals where they affect heritage assets and their settings. The Local Planning Authority has confirmed that they do not have a process of designating Local Heritage Assets.
- 4.93 The Qualifying Body has prepared evidence to support the identification of the areas of ridge and furrow. This has included a desk based study of books on the Leicestershire landscape, aerial photographs, fieldwork and surveys provided by Leicestershire County Council under the Historic Environment Record. Research has been undertaken by the Great Bowden Heritage and Archaeology Group.
- 4.94 Forty five parcels of land have been proposed for designation as non-designated heritage assets. In view of the number of sites, the Qualifying Body has stated that they have been unable to identify and consult with all landowners individually and have relied on the widespread publicity given to the preparation of the Neighbourhood Plan to publicise the proposed designation.
- 4.95 The evidence to support the identification of the areas of ridge and furrow is based on the comprehensive research prepared for the East Midlands study on ridge of furrow and well as local research and fieldwork. It is considered that the evidence is robust.
- 4.96 I have considered whether this designation would amount to a blanket restriction on development. I consider that the wording of the policy is sufficiently flexible as it requires harm arising from a proposal for development to be balanced against the significance of the area as a heritage asset.
- 4.97 It is considered that Policy ENV5 satisfies the Basic Conditions.

Policy ENV6: Setting of Buildings and Structures of Historical and Architectural Interest

- 4.98 The policy identifies 19 structures and buildings as non-designated heritage assets. The proposed designation is supported by a description of each property, its local historical importance and photographs. Figure 9 shows the location of the properties in the central area of the village. There is a map in the background evidence showing the location of properties outside the village centre.
- 4.99 I have concerns that:
- selection criteria have not been defined to support the selection of non designated heritage assets;
 - some of the descriptions of the properties are very brief and give very little information about the reasons to support the designation of the building or structure as a non designated heritage asset; particularly those for locations 1 – 5;
 - it should be noted that in the case of the two bridges on the parish boundary, only that section of the bridge within the parish can be designated;
 - site 7 is described as the whole of the cemetery (which is proposed as a Local Green Space under Policy ENV2) although the description refers to five specific gravestones;
 - site 18 contains a number of buildings, some of which are modern; it is not clear from the description in the policy or supporting evidence which buildings are to be designated under this policy;
 - the maps do not show the boundaries of the properties; and
 - it is not clear whether all owners and tenants of the properties have been consulted on the proposed designation. The Qualifying Body has informed me that they have not consulted individual property owners and tenants and have relied on the general publicity for the Neighbourhood Plan to make people aware of the proposed designation.
- 4.100 The Local Planning Authority has informed me that they do not have a mechanism for designating non-designated heritage assets and consider it a role for the Neighbourhood Plan.
- 4.101 I have asked the Qualifying Body to provide me with more information on sites 7 and 18. They have confirmed that for site 7, the whole of the cemetery is proposed for designation under this policy and this is shown on the map. On site 18 it is intended to protect the three storey 18th century building currently used as an office and the factory chimney.
- 4.102 To improve the clarity of the description of the site designation, I therefore recommend that:
- The description of site 7 should make it clear that it applies to the whole cemetery together with the reasons; and

- Site 18 should be limited to the historic buildings only: the three storey 18th century building currently used as an office and the factory chimney and these should be identified on a site plan and the Policies Map.

4.103 I am satisfied that the identification of the structures and buildings as non designated heritage assets is supported by sufficient evidence and the designation is justified. However, in order to ensure that the policy can be used consistently by decision makers, the boundaries of all structures and buildings should be shown on the Policies Map. The supporting evidence should be collated as a report to support the designation and should set out full details of the historic significance of the properties with photographs and descriptions and the boundaries of the properties should be shown on a detailed map.

4.104 The title of the policy does not reflect the content of the policy and it is recommended that it should be revised accordingly.

4.105 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 13: revise the title of Policy ENV6 to read: “*Non-Designated Heritage Assets*”.

The boundaries of all sites, structures and buildings should be shown on the Policies Map.

Site 18 (JG Pears Factory site) should be limited to the historic buildings only: the three storey 18th century building currently used as an office and the factory chimney. The background report for site 18 should clearly identify and describe the buildings and structure that are designated under this policy and they should be shown on a detailed map.

Community Action ENV3: Non Designated Heritage Assets

4.106 The purpose of the first part of Community Action ENV3 is unclear given the designation of the non-designated heritage assets in Policy ENV3 and it is recommended that it be deleted. The second part of the Community Action refers to the parish council identifying buildings that may have potential to be listed. It is recommended that the wording be revised to better reflect the process of working with Historic England in considering the suitability of listing other buildings as of national importance.

Recommendation 14: revise Community Action ENV3 as follows:

Revise the title to: Reviewing the Listed Buildings of Historic Importance.

Delete the first paragraph.

Revise the second paragraph to read: “The Parish Council will survey the parish and identify other buildings *that may have potential to be listed as of national importance and work with Historic England to secure their listing where appropriate.*”

Policy ENV7: Protection of Important Views

- 4.107 The policy identifies five viewpoints on the edge of the village. The supporting evidence gives a brief description of each viewpoint. Locations 1, 2 and 3 are of gentle rolling countryside on the edge of the village. Location 1 southwards and location 3 give views over the Areas of Separation between the village and Market Harborough. Location 4 covers views over Nether Green at the Welham Road / Sutton Road junction. The viewpoint shown on the map does not reflect the description in the background evidence. This is a pleasant view over land which is common land and identified as an important open space. Viewpoint 5 is along Dingley Road which is bounded by hedges resulting in only limited views over the adjacent farm land and cemetery.
- 4.108 Core Strategy Policy CS17: Countryside, Rural Centres and Rural Villages states that rural development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated. Development is to contribute towards safeguarding important views and landmarks.
- 4.109 Submission draft Local Plan Policy GD5 Landscape and Townscape Character recognises the importance of safeguarding important public views, skylines and landmarks.
- 4.110 A representation has been made that states that the wording of the policy is unclear as it is not clear what is meant by the term “respect these views”. The evidence does not indicate why a 360 degree view should be protected from Leicester Lane.
- 4.111 I have considered whether the policy is clearly worded and able to be used consistently by decision makers and whether it would result in blanket restriction of the land within the arcs of the viewpoints. I have considered whether the policy has had regard to the adopted and emerging strategic policies.
- 4.112 The policy is worded that development should respect the important views. I have asked the Qualifying Body how they propose that this should be interpreted. They have proposed the following wording to explain their

intentions: “*applications will be supported unless they impact materially and adversely on the following locally important and valued views*”.

- 4.113 I have concerns that the policy may result in a blanket restriction on land within the viewpoints identified at Location 1 to the north, Location 2 and Location 5. My recommendation under Policy ENV3 is that the agricultural land should not be safeguarded as Important Open Space. The agricultural land within the viewpoints is similar to many other areas on the edge of the village and the surrounding countryside. I consider that the evidence presented is insufficiently robust to justify safeguarding these viewpoints. It is recommended therefore that they be deleted.
- 4.114 The arc of the viewpoint of Location 4 does not reflect the description of the views over it. It should be redefined along Nether Green. Land within the arcs of the other viewpoints is to be safeguarded under other policies.
- 4.115 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 15: Revise Policy ENV7 as follows:

Revise the Policy to read: “Development should not have a significant adverse impact on the following views shown on the Policies Map: 1. *South of Leicester Lane to Bowden Ridge*; 3. and 4.”

Revise the maps accordingly. Revise the position of viewpoint 4 to reflect the description.

Policy ENV8: Protection of Other Sites and Features of Natural Environmental Significance

- 4.116 The policy identifies 28 sites as being of at least local significance for wildlife. Site 1 is designated as a SSSI and site 2 is a Local Wildlife Site and as such are protected through national and local strategic policy. Thirteen sites have been identified as potential Local Wildlife Sites; three as candidate Local Wildlife Sites and five sites are described as priority habitat of good quality species rich grassland. Eight locations are of individual or groups of trees and four are hedgerows. It is noted that the hedgerows shown as sites 19 – 22 are not mapped and there are two sites shown on Figure 11 with the number 8. The boundaries of the sites are not shown on the map.
- 4.117 Policy ENV10 part a) sets out the planning policy to protect local habitats and species and, where possible and viable, to create new habitats and increase biodiversity.
- 4.118 National and strategic local policy is to protect and enhance biodiversity. Core Strategy Policy CS8: Protecting and Enhancing Green Infrastructure seeks to protect, manage and enhance the District’s biodiversity and geo-diversity based on a network of international, national and locally designated sites

(statutory and non-statutory); and to promote the management of biodiversity, encouraging the maintenance of wildlife corridors, ecological networks and stepping stones at the local level.

- 4.119 Submission draft Local Plan Policy GI5 Biodiversity and Geodiversity safeguards nationally and locally designated biodiversity and geodiversity sites. The policy addresses how development affecting biodiversity sites will be considered, which includes demonstrating that the need for, and benefits of the development in that location clearly outweigh the impact on a locally designated site. It is recommended that Policy ENV8 should be revised to reflect this policy.
- 4.120. The background evidence includes a very brief description of the wildlife interest of each site. It is not appropriate to designate and safeguard sites simply because they are “locally valued”; the value of the sites must be clearly justified by robust evidence of its biodiversity interest. It is recommended therefore that this statement should be deleted from the policy.
- 4.121 The status of sites 3 – 18 and 28 is identified in the Phase 1 Habitat Survey (2014) as potential or candidate Local Wildlife Sites. Sites 23 – 27 have been identified as priority habitat under the Biodiversity Action Plan. It is locally perceived that the sites have some biodiversity potential and there are aspirations to safeguard and enhance their potential.
- 4.122 I consider that the descriptions of the sites do not provide sufficiently robust evidence to support their designation as Local Wildlife Sites or as priority habitat as defined in the Biodiversity Action Plan. However until such time as further research is undertaken to confirm whether they are suitable for designation as Local Wildlife Sites or priority habitats, the sites should be afforded a relevant degree of safeguarding and enhancement through this policy.
- 4.123 There is scope to safeguard the trees and hedgerows through Tree Preservation Orders or under the Hedgerow Regulations (1997).
- 4.124 Community Action ENV4 sets out future work for the Parish Council to work with other bodies to keep an up to date environmental inventory and to promote the enhancement of sites.
- 4.125 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 16: Revise Policy ENV8 as follows:

“... as shown on the *Policies Map*....”.

Delete “They are important in their own right and are locally valued.”

Revise the last sentence to read: “Development proposals affecting site 1 will be considered against national and strategic local policies.

Development proposals affecting the other sites should demonstrate

that the need for, and benefits of, the development in that location clearly outweigh the impact on the site and the identified features.”

Include all sites on the Policies Map showing their boundaries.

Policy ENV9: Woodland, Trees and Hedges

- 4.126 The policy seeks to protect woodland, important individual trees and species rich hedgerows and refers to Figure 11 which shows the sites referred to under Policy ENV8. It is noted that the hedgerows (sites 19 – 22) are not shown on the map.
- 4.127 There are other statutory measures to provide protection to specific woodlands, trees and hedgerows. Before seeking to protect any trees or hedgerows it is good practice to undertake a survey of the trees by an arboricultural expert to assess their suitability. It is considered that the background evidence provides insufficient detail to justify the protection of the trees and hedgerows. The policy wording does not include any flexibility to balance the loss and replacement of the trees against the significance of the development proposal.
- 4.128 It is recommended that the policy be deleted in view of the lack of robust evidence to substantiate the protection of the trees and hedgerows specified and the wording of the policy does not provide any flexibility.
- 4.129 The Qualifying Body may wish to consider including a Community Action for the Parish Council to work with the Local Planning Authority to protect the trees and woodland through Tree Preservation Orders and to undertake a robust Hedgerow Survey to identify those hedgerows that meet the requirements of the Hedgerow Regulations.

Recommendation 17: Delete Policy ENV9.

Policy ENV10: Biodiversity

- 4.130 The first part of the policy sets out a planning policy for biodiversity that states that development proposals will be expected to protect local habitats and species and to promote biodiversity. There is a degree of overlap between this policy and Policy ENV8.
- 4.131 The second part of the policy identifies wildlife corridors where the biodiversity potential will be promoted. The corridors follow the river and streams along the parish boundary, the canal and the routes of the former rail lines. The list of wildlife corridors in the background evidence also refers to various unspecified hedgerows.
- 4.132 Apart from the hedgerows, the routes of the other corridors are considered to be sufficiently clearly described as shown on Figure 12. They should be

shown on the Policies Map. However, the description of “various hedgerows” is considered to be imprecise and not capable of interpretation consistently by decision makers and I am therefore recommending that hedgerows should be excluded from the list of wildlife corridors.

- 4.133 The typographical error in the last line of the policy should be corrected.
- 4.134 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 18: Revise Policy ENV10 part b) to read “shown on *the Policies Map*” and the last line to read “*the corridors*”.

Delete reference to various unmapped hedgerows from the background evidence report.

Policy ENV11: Footpaths and Cycleways

- 4.135 The first two parts of the policy are negatively worded. The first part of the policy states that development proposals will not be supported where they would result in the loss of or significant adverse impact on the existing network. The second part refers to the “urbanisation” of existing routes as a consequence of the diversion or absorption of routes into development.
- 4.136 Submission draft Local Plan Policy IN2 Sustainable Transport states that residential and commercial development proposals will be permitted, subject to the provision of (*inter alia*): measures to facilitate and encourage safe access by cycle and on foot; and the protection of, connection to, and extension where practicable of existing pedestrian, cycle and equestrian routes.
- 4.137 The NPPF is clear that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. A policy in a neighbourhood plan is therefore only one consideration in the determination of a planning application on a development proposal.
- 4.138 It is considered that the wording in the first part of the policy and its lack of flexibility does not accord with the emerging strategic policy approach which seeks to ensure that new development proposals are designed to protect existing off-road routes. The term “urbanisation” in the second part of the policy is not defined and it is not clear how it should be interpreted by decision makers and consequently does not accord with national guidance that policies should be clear and unambiguous. It is recommended that the wording of the first two sections should be revised to take a positive approach to the consideration of development proposals and the network of footpaths and cycleways.

- 4.139 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 19: Revise Policy ENV11 as follows:

Revise the first two paragraphs to read: “Development proposals should include measures to facilitate and encourage safe access by cycle and on foot; and the protection of, connection to, and extension where practicable of existing pedestrian and cycle routes.

“Where the diversion of a footpath or cycleway is necessary, or where a route is absorbed into a development proposal, the route should be designed and bounded to retain its character.”

Community Action ENV5: Footpaths and Cycleways

- 4.140 I have no comments on this community action.

Policy ENV12: Rivers and Flooding

- 4.141 The policy sets out matters that development proposals of an appropriate scale will be required to demonstrate to ensure that they do not increase the risk of flooding.
- 4.142 Core Strategy Policy CS10: Addressing Flood Risk sets out a comprehensive policy for managing flood risk. This is proposed to be updated in Submission draft Policy CC3 Managing Flood Risk.
- 4.143 The justification to Policy ENV12 does not explain the term “of an appropriate scale and where relevant” and consequently it is not clear which development proposals will be subject to the policy. As the policy is not clear and unambiguous and does not add any local requirements to the adopted policy it is recommended that it be deleted. The background material may be retained in the plan with a link to the local strategic policy requirements.

Recommendation 20: Delete Policy ENV12.

Community Action ENV6: Gates on Welham Lane

- 4.144 I have no comments on this community action.

Policy CAF1: Protection of Existing Community Amenities and Facilities

- 4.145 The policy seeks to safeguard existing community amenities and facilities and states that proposals will not be supported that would result in the loss of an

existing community facility or amenity unless one of three conditions is satisfied.

- 4.146 The justification to the policy describes a wide range of community facilities and amenities. A representation has been received objecting to the inclusion of the Red Lion as an existing community facility in the Plan. It is noted that the public house was closed in February 2017. However, in the absence of a change of use of the property, it is considered that its use as a public house remains.
- 4.147 The introduction to the policy includes a comprehensive list of community facilities including meeting venues, shops and pubs, schools, parks, greens and play grounds, public footpaths, the cemetery and mobile library service. It would help in the interpretation of the policy if the justification does not include those that are protected under other policies or legislation (footpaths, cycleways, open spaces, the allotments and cemetery) or which cannot be safeguarded through planning policy (the mobile library service).
- 4.148 The NPPF is clear that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There may be other factors that have to be considered when determining planning applications affecting community facilities, so rather than stating that development proposals “will not be supported”, it is recommended that the policy is revised to be worded positively so as to require development proposals to demonstrate that they satisfy one of the criteria.
- 4.149 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 21: revise Policy CAF1 to read:

“Proposals for the change of use or redevelopment of an existing community facility, public house or shop should demonstrate that:”

Delete the sections in the justification on Sport and Leisure and Other Amenities, except for the paragraph on public conveniences. Move the text to the justification of Policies ENV3 and ENV11 as appropriate.

Policy CAF2: Provision of New or the Extension of Existing Community Amenities and Facilities

- 4.150 The policy supports proposals to extend an existing community facility or diversify or enhance the range of community amenities and facilities subject to four criteria being met.
- 4.151 It is considered that the Policy satisfies the Basic Conditions.

Community Action CAF1: Recreation Ground

- 4.152 I make no comments on this community action to improve the recreation ground.

Policy CAF3: Expansion of Great Bowden Academy

- 4.153 The policy supports the expansion of Great Bowden Academy subject to four criteria being met. The first two address the impact on access and residential amenity. The fourth refers to introducing Safer Routes to School and developer contributions where appropriate.
- 4.154 The third states that the development should not conflict with other policies or proposals of The Plan. It is considered that this criterion is unnecessary as the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Local Plan as well as the neighbourhood plan. It is recommended therefore that this criterion is deleted.
- 4.155 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 22: Delete criterion c) from Policy CAF3.

Community Action CAF2: Assets of Community Value

- 4.156 I make no comments on this community action.

Policy T1: Traffic Management

- 4.157 The policy supports the provision of traffic management solutions to address the impact of additional traffic in the village.
- 4.158 The PPG states that neighbourhood plans are to be used to set planning policies that are used in determining planning applications. It is considered that a policy to support the introduction of traffic management is not a planning policy and the issue is appropriately addressed in Community Action T1.
- 4.159 Policy T1 does not accord with national planning guidance and it is recommended that it be deleted.

Recommendation 23: Delete Policy T1.

Community Action T1: Traffic Management

4.160 I make no comments on this community action.

Policy T2: Welham Lane

- 4.161 This policy supports the closure of Welham Lane to four wheel traffic.
- 4.162 The PPG states that neighbourhood plans are to be used to set planning policies that are used in determining planning applications. It is considered that a policy to support the closure of this road to vehicular traffic is not a planning policy and the issue is appropriately addressed in Community Action T2.
- 4.163 Policy T2 does not accord with national planning guidance and it is recommended that it be deleted.

Recommendation 24: Delete Policy T2.

Community Action T2: Welham Lane Quiet Lane

4.164 I make no comments on this community action.

Policy T3: Parking Provision and New Dwellings

- 4.165 This policy seeks to set a minimum parking standard of two spaces per dwelling with a minimum of three spaces for dwellings with four or more bedrooms. The policy also opposes the provision of tandem parking spaces.
- 4.166 The final paragraph of the justification to the policy states that it is important that developers understand that all new developments must be self-sufficient in parking and there should be no need for parking on the roadside. The Leicestershire 6Cs Design Guide sets out advice on parking provision in new residential development which sets standards for small developments and relies on the DCLG method for sites of more than 5 dwellings.
- 4.167 Paragraph 3.173 of the 6Cs Design Guide states that developers of 1 to 5 houses have the choice of either applying the following standards or using the DCLG paper method. The Leicestershire Highways Requirements Part 4 states that dwellings with 4 or more bedrooms should have a minimum of 3 spaces; dwellings of 3 or less bedrooms should have a minimum of 2 spaces.
- 4.168 The first part of Policy T3 repeats the County Council's parking standards and is considered to be superfluous. I have recommended therefore that it be deleted.

- 4.169 I have asked the Qualifying Body for their evidence to support the second part of the policy which does not support tandem parking. They have pointed me to guidance from the Chartered Institute of Highways and Transportation and the parking standards for Northamptonshire and Oxfordshire which advise that tandem parking spaces should be avoided as they are often under utilised as they are not convenient and often result in parking on the roadside.
- 4.170 The final paragraph of the justification of the Parking section states that there should be no necessity for parking on roadsides in new estates. It is not feasible to avoid car parking on residential estate roads in all cases. It is recommended therefore that this paragraph be revised to refer to sufficient off road parking spaces being provided to minimise on street parking.
- 4.171 It is noted that the last line of paragraph 2 of the justification is repeated in the next paragraph.
- 4.172 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 25: Delete the first paragraph of Policy T3.

Include the following in the justification: “*Off street car parking spaces shall be provided in new residential development in accordance with the Leicestershire County Council Parking Standards and Guidance.*”

Revise the final paragraph of the justification under the heading Parking to state “....self sufficient with sufficient off road parking spaces being provided to minimise the need to park on the roads”.

Delete the first sentence of the third paragraph of the justification (“The reception class....”).

Policy T4: Community Car Parks

- 4.173 The policy supports the provision of car parking in the village centre and improvements to the car park at the Community Pavilion. Community Action T3 complements this policy.
- 4.174 It is considered that Policy T4 meets the Basic Conditions. I make no comments on Community Action T3.

Policy T5: Safe Routes to School

- 4.175 The policy supports the creation of safe routes to school. Community Action T4 states that the Parish Council will initiate such schemes.
- 4.176 The PPG states that neighbourhood plans are to be used to set planning policies that are used in determining planning applications. It is considered

that a policy to support the introduction safe routes to school is not a planning policy and the issue is appropriately addressed in Community Action T4.

- 4.177 Policy T5 does not accord with national planning guidance and it is recommended that it be deleted. I make no comments on Community Action T4.

Recommendation 26: Delete Policy T5.

Policy T6: Cycle Routes and Bridleways

- 4.178 The policy seeks the provision of cycle routes and bridleways to the north and west of the parish and improved cycle access in the village centre.
- 4.179 It is considered that the policy accords with national and strategic local policy to improve routes and facilities for non-vehicular traffic and satisfies the Basic Conditions.

Policy T7: Supporting Public Transport

- 4.180 The policy requires the provision of travel packs for new residents on all developments of more than 6 dwellings including information on walking and cycling routes and bus timetables as well as a six months' free bus pass per adult.
- 4.181 The 6Cs Design Guide has a less onerous aspiration that residential developments over 10 dwellings would normally be expected to provide at least 'welcome packs' for residents including information on walking, cycling and public transport including travel vouchers.
- 4.182 Leicestershire Planning Obligations Policy, adopted by Leicestershire County Council in December 2014 sets out information on how the developments will be assessed and how they might trigger the need for provision of travel packs. It would be helpful for plan users to include a reference to this document in Policy T7.
- 4.183 The policy should be worded to include a degree of flexibility rather than to make it a requirement as developer contributions are subject to assessment and negotiation.
- 4.184 The second part of the policy supports the provision of bus shelters and benches close to developments.
- 4.185 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 27: revise the first paragraph of Policy T7 as follows:

“.....per adult **should be provided** on developments of more than 5 dwellings in accordance with Leicestershire County Council’s policy on Developer Contributions.”

Policy EMP1: Support for Existing Employment Opportunities

- 4.186 This policy sets out a presumption against the loss of commercial and retail premises or land for Use Classes A and B and sui generis uses. Applications for change of use that do not provide employment will only be supported if it can be demonstrated that the premises have not been in active use for at least 12 months and that the premises have no potential for reuse through a full valuation report and marketing for at least 6 months.
- 4.187 The PPG states that policies in neighbourhood plans should be clear and unambiguous so that they can be used consistently by decision makers.
- 4.188 It is considered that the first part of the policy is imprecise. The term “presumption against the loss of commercial and retail premises or land” is difficult to deliver: planning policy cannot prevent the loss of a business, it can only manage the process of changing the use of or redevelopment of the land or building. The policy does not take into account permitted development rights to change the use of building from retail or business use to a dwelling.
- 4.189 Revisions to the wording of the first part of the policy are recommended to ensure that it is clear and unambiguous so that it can be applied consistently by decision makers.
- 4.190 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 28: Revise Policy EMP1 as follows:

“Planning applications for the change of use of or for the redevelopment of land or buildings of commercial or retail use (Use Classes A and B and sui generis) to a use that does not provide employment opportunities should demonstrate that: criteria a) and b).”

Policy EMP2: New Employment Opportunities

- 4.191 The policy supports the development of additional employment opportunities by the reuse of existing buildings, on previously developed land or within the Limits to Development. Seven criteria are set out in criteria b) to h) to ensure that such development is appropriately designed and located and does not impact on amenity.

- 4.192 The second part of the policy supports three types of development in the Limits to Development: small scale expansion of existing premises, small scale new build on brownfield sites and the creation of a community hub. It is unclear how points i) and j) are to be interpreted and implemented as they refer to development “across / within the Parish”. In any case they repeat matters in criterion a). It is therefore recommended that they be deleted.
- 4.193 The final criterion k) is a community aspiration explained in the justification to provide a community hub for home workers. If the proposal is sufficiently well justified (for example through a feasibility study) it may warrant a specific policy proposal otherwise it should be included in the plan as a community action.
- 4.194 Criterion a) refers to “planned” limits to development. It is considered that the word “planned” is unnecessary as the revised limits will be approved when this plan is made.
- 4.195 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 29: revise Policy EMP2 as follows:

Delete the word “planned” from criterion a).

Delete the paragraph commencing “Within the limits to development....” after criterion h) and the subsequent criteria i) to k).

Include the aspiration for a community home working hub as a Community Action.

Correct the punctuation of the policy so that there is only an “and” at the end of the penultimate criterion.

Policy EMP 3: Broadband Infrastructure

- 4.196 The policy supports the provision of access to superfast broadband and improvements to the telecommunications network.
- 4.197 Submission draft Local Plan Policy IN3 Electronic Connectivity sets out the requirement for broadband provision to be made as part of major developments and guidance on the development of telecommunications masts.
- 4.198 Policy EMP3 goes further than Local Plan Policy IN3 as it states that all new housing developments should provide access to superfast broadband.
- 4.199 I consider that the policy meets the Basic Conditions.

Policy INF1: Developer Contributions

- 4.200 The policy sets out a requirement for developers to demonstrate where appropriate that they contribute to the delivery of community services and support the delivery of new or improved infrastructure set out in other policies and listed in the supporting text to the policy.
- 4.201 The District Council's approach to developer contributions is set out in the Planning Obligations Supplementary Planning Document of January 2017. This refers to national and local strategic policies on the subject. The County Council has commented that any highway improvements would need to be fully funded from developer contributions in accordance with legal criteria.
- 4.202 It is considered that the wording of Policy INF1 is too prescriptive by requiring developers to demonstrate they can contribute towards delivering improved community services. The introduction of the phrase "where appropriate" may be an attempt to provide some flexibility but without any explanation of how the term is to be applied it introduces uncertainty for the decision maker. It would be clearer to make reference to the policies and guidance as set out in the District Council's Core Strategy and emerging Local Plan policies and the Planning Obligations SPD.
- 4.203 Subject to the modifications recommended, it is considered that the Policy meets the Basic Conditions.

Recommendation 30: Revise Policy INF1 to read:

"Where policies in this plan require contributions to community infrastructure, they will be made through contributions through Section 106 agreements or Community Infrastructure Levy (CIL) where applicable in accordance with Core Strategy Policy CS12 or a successor policy in the emerging Harborough Local Plan in accordance with the Council's Planning Obligations Supplementary Planning Document."

5.0 Referendum

- 5.1 Great Bowden Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
- 5.3 **I am pleased to recommend to Harborough District Council that Great Bowden Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Harborough District Council on 5 December 2015.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Great Bowden Neighbourhood Plan Submission Draft Version 2016 to 2031
- Great Bowden Neighbourhood Plan Basic Conditions Statement
- Great Bowden Neighbourhood Plan Consultation Statement
- Great Bowden Neighbourhood Plan SEA and HRA Screening Report, October 2017, updated December 2017.
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 as amended
- Harborough District Local Development Framework Core Strategy 2006 – 2028 adopted November 2011
- Harborough Local Plan 2001 saved policies
- Harborough Local Plan 2011 – 2031 Proposed Submission September 2017
- Housing Technical Standards
- Leicestershire 6C Design Guide
- Leicestershire Highways Requirements, Part 4.
- Harborough District Council Planning Obligations SPD January 2017
- Great Bowden Village Design Statement SPG 2000
- Leicestershire Planning Obligations Policy, Leicestershire County Council, December 2014

7.0 Summary of Recommendations

Recommendation 1:

Select a clearer, more legible colour for the text of the Plan's policies.

Place the Community Actions in an Appendix to the Plan with the heading that states that these actions do not form part of the Neighbourhood Development Plan. Include an explanation of the role of the Community Actions in the Introduction.

Prepare a Policies Map, with Inset Maps where appropriate, that clearly shows the boundaries of all sites referred to in the Policies with a clear key linked to the relevant Policy.

Recommendation 2: Revise the following in section 1:

Replace the last sentence of the first paragraph with: “part of the local development plan. *Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF paragraph 196.)*”

Revise the second paragraph to read “.....within the *Neighbourhood Planning (General) Regulations 2012 as amended.*”

Revise the second bullet point of paragraph three to read: “.....strategic policies of the development plan for Harborough District and....”. Delete comma after “the”.

Revise paragraph five to read “Neighbourhood planning allows local communities topriorities.” and move the paragraph to a position before “The Plans carry...”.

Recommendation 3: revise Policy H1 to read:

“New housing development will be limited to commitments, windfall development within the Limits to Development, Rural Exceptions Sites and housing in the countryside that satisfies NPPF paragraph 55. Additional sites for housing development will be brought forward in a review of the Neighbourhood Plan following an increase of the housing target for Selected Rural Villages in a review of the Harborough Local Plan or the failure of a housing commitment to be developed.”

Delete the seventh paragraph of the justification to the policy (“Although the emerging Local Plan.....”). Replace the paragraph with up to date information on recent housing completions and commitments.

Recommendation 4: Revise Policy H2 as follows:

Replace “Fig. 2” with “*Policies Map*”.

Revise the Limits to Development map to include all sites that are housing commitments.

Recommendation 5: Revise Policy H3 as follows:

Delete “(three dwellings or fewer)” from the second line of the policy.

Recommendation 6: Revise Policy H5 as follows:

Revise the first paragraph to read: “Development proposals for new housing *should make provision for affordable housing in accordance with the emerging (or subsequently adopted) Local Plan policies.*”

Delete paragraphs 3 and 4.

Recommendation 7: Revise Policy H6 as follows:

Revise the second paragraph to read: “Development proposals *should have regard to the Great Bowden Village Design Statement...*”.

Delete “to meet the Royal Society for the Protection of Birds (RSPB) guidelines) from criterion (f).

Delete the following from criterion (j): “low carbon energy technology and” and “ensuring appropriate provision for the storage of waste and recyclable materials.”

Include examples of guidance on improving the provision for wildlife in the justification.

Recommendation 8: Delete Policy H7 and the associated text.

Recommendation 9: Revise Policy ENV1 to read:

“Development in the Areas of Separation will be permitted where it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of Great Bowden.”

Show only the Area of Separation within the plan area on the Policies Map. Revise the map in the Figure for the Area of Separation in Market Harborough referred to under Community Action 1 to reflect that shown in the submission draft Harborough Local Plan.

Revise Community Action 1 to read: “*Great Bowden Parish Council will support the safeguarding of open land in Market Harborough shown on Figure XX as part of the Area of Separation between Great Bowden and Market Harborough.*”

Recommendation 10: Revise Policy ENV2 to read:

“The following areas shown on the Policies Map are designated as Local Green Space. List a), b), c), d) and e).

“Development that would be harmful to the openness of a Local Green Space will only be permitted in very special circumstances.”

Recommendation 11: revise Policy ENV3 as follows:

“The following areas are designated as Important Open Spaces and shown on the Policies Map. The areas shall be safeguarded as open spaces and enhanced to improve their quality and usage as open spaces.” Sites B, C, D, E, F, G, H, L, M, T, U, and V.

Delete reference to “de-registered common land” from Site B and Sites E – G.

In the second paragraph of the justification, delete “paddocks” from the first sentence and delete the second sentence (“The paddocks are regarded as....”).

Correct the map headed MAP3 Map Showing Common Land (CL70 – CL75) to delete de-registered common land.

Recommendation 12: Revise Policy ENV4 as follows:

“The following sites shown on the Policies Map contain evidence of local historic assets or archaeological potential. Development proposals that affect them should be appraised in accordance with national guidance and local strategic policy. The demonstrable benefits of development proposals must be balanced against the significance of the local historic asset. List sites 1 to 7.”

Add the following to the justification to the policy: “A summary of the heritage assets and archaeological potential is set out in Appendix X.”

Recommendation 13: revise the title of Policy ENV6 to read: “Non-Designated Heritage Assets”.

The boundaries of all sites, structures and buildings should be shown on the Policies Map.

Site 18 (JG Pears Factory site) should be limited to the historic buildings only: the three storey 18th century building currently used as an office and the factory chimney. The background report for site 18 should clearly identify and describe the buildings and structure that are designated under this policy and they should be shown on a detailed map.

Recommendation 14: revise Community Action ENV3 as follows:

Revise the title to: Reviewing the Listed Buildings of Historic Importance.

Delete the first paragraph.

Revise the second paragraph to read: “The Parish Council will survey the parish and identify other buildings *that may have potential to be listed as of national importance and work with Historic England to secure their listing where appropriate.*”

Recommendation 15: Revise Policy ENV7 as follows:

Revise the Policy to read: “Development should not have a significant adverse impact on the following views shown on the Policies Map: 1. *South of Leicester Lane to Bowden Ridge*; 3. and 4.”

Revise the maps accordingly. Revise the position of viewpoint 4 to reflect the description.

Recommendation 16: Revise Policy ENV8 as follows:

“... as shown on the *Policies Map*....”.

Delete “They are important in their own right and are locally valued.”

Revise the last sentence to read: “Development proposals affecting site 1 will be considered against national and strategic local policies. Development proposals affecting the other sites should demonstrate that the need for, and benefits of, the development in that location clearly outweigh the impact on the site and the identified features.”

Include all sites on the Policies Map showing their boundaries.

Recommendation 17: Delete Policy ENV9.

Recommendation 18: Revise Policy ENV10 part b) to read “shown on *the Policies Map*” and the last line to read “*the corridors*”.

Delete reference to various unmapped hedgerows from the background evidence report.

Recommendation 19: Revise Policy ENV11 as follows:

Revise the first two paragraphs to read: “*Development proposals should include measures to facilitate and encourage safe access by cycle and on foot; and the protection of, connection to, and extension where practicable of existing pedestrian and cycle routes.*

“*Where the diversion of a footpath or cycleway is necessary, or where a route is absorbed into a development proposal, the route should be designed and bounded to retain its character.*”

Recommendation 20: Delete Policy ENV12.

Recommendation 21: revise Policy CAF1 to read:

“Proposals for the change of use or redevelopment of an existing community facility, public house or shop should demonstrate that:”

Delete the sections in the justification on Sport and Leisure and Other Amenities, except for the paragraph on public conveniences. Move the text to the justification of Policies ENV3 and ENV11 as appropriate.

Recommendation 22: Delete criterion c) from Policy CAF3.

Recommendation 23: Delete Policy T1.

Recommendation 24: Delete Policy T2.

Recommendation 25: Delete the first paragraph of Policy T3.

Include the following in the justification: *“Off street car parking spaces shall be provided in new residential development in accordance with the Leicestershire County Council Parking Standards and Guidance.”*

Revise the final paragraph of the justification under the heading Parking to state *“....self sufficient with sufficient off road parking spaces being provided to minimise the need to park on the roads”*.

Delete the first sentence of the third paragraph of the justification (*“The reception class....”*).

Recommendation 26: Delete Policy T5.

Recommendation 27: revise the first paragraph of Policy T7 as follows:

“.....per adult should be provided on developments of more than 5 dwellings in accordance with Leicestershire County Council’s policy on Developer Contributions.”

Recommendation 28: Revise Policy EMP1 as follows:

“Planning applications for the change of use of or for the redevelopment of land or buildings of commercial or retail use (Use Classes A and B and sui generis) to a use that does not provide employment opportunities should demonstrate that: criteria a) and b).”

Recommendation 29: revise Policy EMP2 as follows:

Delete the word “planned” from criterion a).

Delete the paragraph commencing *“Within the limits to development....”* after criterion h) and the subsequent criteria i) to k).

Include the aspiration for a community home working hub as a Community Action.

Correct the punctuation of the policy so that there is only an “and” at the end of the penultimate criterion.

Recommendation 30: Revise Policy INF1 to read:

“Where policies in this plan require contributions to community infrastructure, they will be made through contributions through Section 106 agreements or Community Infrastructure Levy (CIL) where applicable in accordance with Core Strategy Policy CS12 or a successor policy in the emerging Harborough Local Plan in accordance with the Council’s Planning Obligations Supplementary Planning Document.”