

HARBOROUGH DISTRICT COUNCIL

EAST LANGTON NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

1.1 Following an Independent Examination, Harborough District Council now confirms that the East Langton Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on 21st June 2018.

1.2 This decision statement can be viewed at:

Harborough District Council Offices

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

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

Kibworth Library

– open – Mon 14:00 to 17:00 Tue 10:00 to 13:00 Wed 14:00 to 17:00 Thur Closed
Fri 9:00 to 13:00 and 14:00 to 17:00

The Bell Inn, East Langton

The Langton Arms, Church Langton

The Hanbury Hall, Church Langton

The Langtons Cricket Club

The Parish Notice Boards

2. Background

2.1 In August 2014 East Langton Parish Council, as the qualifying body, applied for East Langton Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. The Neighbourhood Area application was approved by Harborough District Council (the Council) on 9th October 2014 in accordance with the Neighbourhood Planning (General) Regulations (2012)

2.2 Following the submission of the East Langton Neighbourhood Plan to the Council, the Plan was publicised and representations were invited. The six week consultation period closed on 8th March 2017.

2.3 The Council, with the agreement of East Langton Parish Council, appointed an independent examiner, Mr Timothy Jones, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

- 3.1 At its meeting on 9th April the Council agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum (see Council resolution at Appendix 1).
- 3.2 The District Council has made the modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions. Appendix 2 sets out these modifications and the action to be taken in respect of each of them.
- 3.3 The Council agrees with the Examiner's recommendation that the Neighbourhood Plan area should be extended to include those properties in the village of Church Langton, but in West Langton Parish for the purpose of holding the referendum.
- 3.4 The Examiner has concluded that with the specified modifications the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view the Plan complies with the provision made by or under sections 38A and 38B of the 2004 Act. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question

'Do you want Harborough District Council to use the Neighbourhood Plan for East Langton to help it decide planning applications in the neighbourhood area?'

will be held in the Parish of East Langton and the houses in Church Langton that are situated in the parish of West Langton.

- 3.5 The date on which the referendum will take place is agreed as **21 June 2018**

Appendix 1: Council Resolution in respect of East Langton Neighbourhood Plan 9th April 2018

East Langton Neighbourhood Plan Proposal Decision

RESOLVED that:

- (i) the Independent Examiner's recommended changes to the East Langton Neighbourhood Plan, as set out in the schedule at Appendix A to the report, be accepted, along with the recommendation that the amended East Langton Neighbourhood Plan should proceed to a referendum of voters within the Parish of East Langton and homes that are within the village of Church Langton but in the Parish of West Langton, to establish whether the Plan should form part of the Development Plan for the Harborough District; and**
- (ii) the holding of a referendum relating to the East Langton Neighbourhood Plan on 21st June 2018, that will include all of the registered electors in East Langton Parish and the homes that are part of the village of Church Langton but in West Langton Parish, be approved**

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

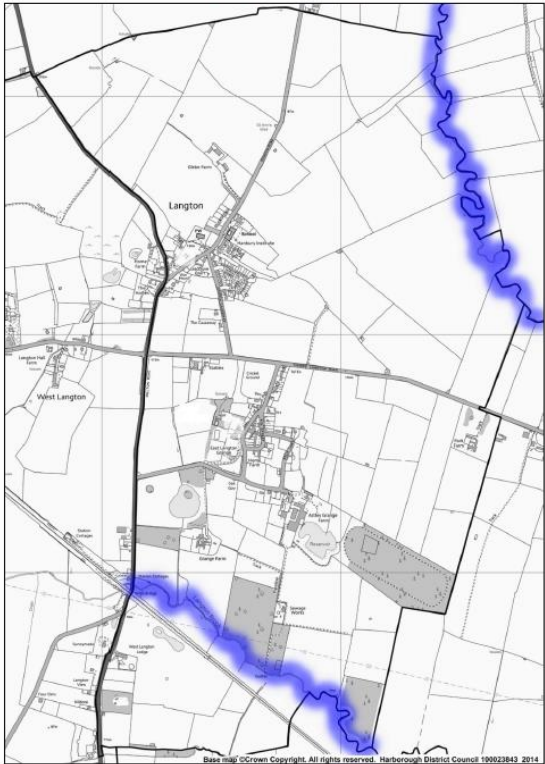
Modification No.	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
1	Page 8		<i>The second complete paragraph is out of date and requires updating.</i>	Update the second complete paragraph on page 8.	Accuracy
2	Page 11		The page ends "... six buildings plus a boundary wall are 'Listed' as being of special architectural and historic interest". This is incorrect. There are eight listed buildings as explained in my comments in respect of page 35. In law, walls are buildings	Page 11 should end: "... eight buildings (specified in 7.5(a) below) are 'Listed' as being of special architectural and historic interest".	Accuracy
3	Policy H1	Housing Provision	POLICY H1: HOUSING PROVISION - The Neighbourhood Plan provides for the development of sufficient new homes as required for completion in the period from 2015 to 2031, to be determined once housing distribution targets have been finalised by Harborough District Council, to be met through Windfall Sites in line with Policy H3 and in-fill development in line with the definition of Selected and Sub-Selected Rural Villages within the emerging Local Plan.	Policy H1 should be modified to read: "POLICY H1: HOUSING PROVISION - The Neighbourhood Plan provides for the development of sufficient new homes as required for completion in the period from 2015 to 2031, to be determined once housing distribution targets have been finalised by Harborough District Council, to be met, so far as practicable, through Windfall Sites in line with Policy H3 and in-fill development in line with the definition of Selected and Sub-Selected Rural Villages within the emerging Local Plan."	Clarity
4	Policy H2	Windfall Sites	a) It is within the existing built up area of the villages of Church Langton and East Langton (as defined by the Limits to	There is no figure 2. Policy H2(a) should be modified to read:	Accuracy

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			Development identified, see fig 2);	“It is within the existing built-up area of the villages of Church Langton and East Langton”.	
5				In addition to their being no figure 2, there is also no figure 3. Figure 4 and subsequent figures are renumbered to reflect the absence of any figure 2 or 3.	Accuracy and Clarity
6	Policy E1	Employment	Policy E1: EMPLOYMENT - Proposals for small scale development for Class B1 Light Industrial purposes will be supported where it can be demonstrated that there would be no adverse impact or conflict on surrounding residential and community amenity and uses. Proposals for General Industrial use (B2) and distribution and storage (B8) and large scale B1 uses will not be permitted unless in exceptional circumstances.	Replace policy E1 with “Policy E1: EMPLOYMENT - Proposals for small-scale development for Class B1 Light Industrial purposes and Class B8 distribution and storage will be supported where it can be demonstrated that there would be no adverse impact on surrounding residential and community amenity and uses. Proposals for General Industrial use (B2) uses will not be permitted unless in exceptional circumstances.	Policy considered to be too restrictive and therefore did not meet the Basic Conditions.
7	Page 27		The change of use of some rural buildings to new uses is already permitted under the General Permitted Development Orders. The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 allows, under certain circumstances, the change of use of agricultural buildings to residential use and change of use of	The final sentence refers to repealed legislation and so is out of date. “The Town and Country Planning (General Permitted Development) (England) Order 2015 allows, under certain circumstances, the change of use of agricultural buildings to residential use and change of use of	Accuracy and clarity

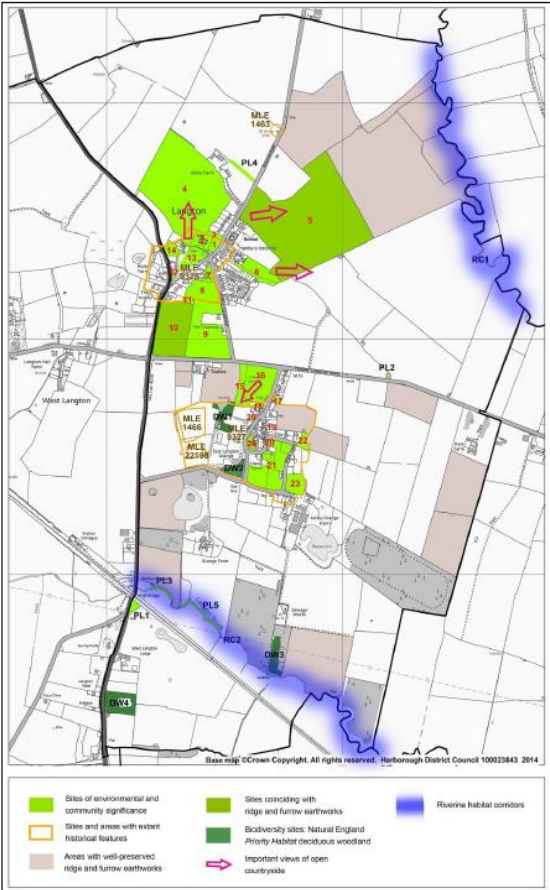
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			agricultural buildings to registered nurseries providing childcare or state-funded schools, under the prior approval system.	agricultural buildings to registered nurseries providing childcare or state-funded schools, under the prior approval system."	
8	Page 33		Assets of special importance to the well-being of the Parish and to which local people have a strong affinity and wish to protect may come forward over the lifetime of the Plan.	Replace the second complete sentence on page 33 with: "The following community services and assets are expected to be considered for designation as Assets of Community Value and more may come forward over the life time of the Plan."	It is not appropriate to express an opinion on the conclusion of a statutory procedure that HDC will have to carry out without fettering its discretion and with an open mind considering all material factors
9	Page 35		Much of the built environment is protected by statutory designations. There are currently 7 structures (see below) that have Listed Building Status, which means that they have been recognised nationally to be of special character or historical interest.	Replace "currently 7 structures" with "currently 8 structures" and add "War Memorial" to the indents.	The War Memorial, mentioned as a locally listed building, is a listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990. For accuracy
10	Page 38/39	LOCAL HERITAGE ASSETS OF HISTORICAL AND	Policy DBE2: LOCAL HERITAGE ASSETS OF HISTORICAL AND ARCHITECTURAL INTEREST – Development proposals that affect an identified building or structure of local significance or its setting will be	The indents that start on page 38 and continue on page 39 should read: "• Ledclune Court stable block • 'The Maltings', East Langton • The Grange	Clarity and accuracy

Modification No.	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
		ARCHITECTURAL INTEREST	<p>required to preserve and enhance the significance and setting of that building or structure.</p> <p>Locally listed buildings include the following:</p> <ul style="list-style-type: none"> • War memorial • Ledclune Court stable block • House on green in East Langton • The Grange • Deene Cottage • Brooke House and adjoining property 'The Cottage' • Allotment wall and Churchyard wall • Langton Arms public house 	<ul style="list-style-type: none"> • Deene Cottage • Brooke House and adjoining property 'The Cottage' • Allotment wall and Churchyard wall • Langton Arms public house." 	
11	Policy ENV1	Protection of Local Green Spaces	<p>.....the six highest scoring (70% and over) are proposed as those best representing the Plan Area's most important, characteristic and valued open spaces.</p> <p>Policy ENV 1: PROTECTION OF LOCAL GREEN SPACES - The following sites are proposed for designation as Local Green Spaces (LGS). Development proposals that result in their loss, or in any harm to their biodiversity, historical features, character, setting, accessibility or amenity value will not be permitted.</p> <ul style="list-style-type: none"> • Church Langton allotments (inventory site 1) • 'Thorpe path' Open Space, Church Langton (6) • Village 'green', Church Langton (12) 	<p><i>Page 44, last paragraph of supporting text:</i></p> <p>Replace "the six highest scoring (70% and over) are proposed as those best representing the Plan Area's most important, characteristic and valued open spaces" with "three of the highest scoring (70% and over) are important, characteristic and valued open spaces and are designated as Local Green Spaces.</p> <p><i>Pages 44-45, Policy ENV 1</i></p> <p>Replace this with:</p> <p>"Policy ENV 1: PROTECTION OF LOCAL GREEN SPACES - The following sites are designated as Local</p>	

Modification No.	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
			Cricket Ground, East Langton (16) <ul style="list-style-type: none"> • Coronation Gardens, East Langton (19) See figure 6 below, and Environmental Proposals map (figure 12)	Green Spaces (LGS). Development proposals that result in their loss, or in any harm to their biodiversity, historical features, character, setting, accessibility or amenity value will not be permitted. <ul style="list-style-type: none"> ▪ Village ‘green’, Church Langton (site 12) ▪ Cricket Ground, East Langton (site 16) ▪ Coronation Gardens, East Langton (site 19).” 	
12	Page 45		Every effort should be made to resist development which threatens or damages them.	Replace the final sentence on page 45 with: “Development that threatens or damages natural or historic features of value on these sites should be justified.”	the final sentence on page 45 goes too far for sites whose importance is secondary.

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13	Page 49		<p data-bbox="860 309 1032 323">Figure 8. Proposed wildlife corridors</p>  <p data-bbox="869 1086 1205 1098">Base map © Crown Copyright. All rights reserved. Harborough District Council 190023843 2014</p>	<p data-bbox="1256 304 1816 469">The annotation in blue on Figure 8 of the wildlife corridor along Stonton Brook should be reduced by removing it from land that is outside the parish of East Langton.</p>	<p data-bbox="1839 304 2096 400">The NDP cannot make policy outside its area.</p>
14	Policy ENV4	Ridge and Furrow	<p data-bbox="651 1118 1232 1177">POLICY ENV 4: RIDGE AND FURROW FIELDS</p> <p data-bbox="651 1185 1232 1345">Ridge and furrow earthworks are non-designated heritage assets. Development proposals that adversely affect or damage an identified surviving area of ridge and furrow will be resisted.</p>	<p data-bbox="1256 1118 1816 1380">Policy ENV 4 should be modified to read “Ridge and furrow earthworks are capable of being non-designated heritage assets. Development proposals that are not necessary to provide needed sustainable development and that adversely affect</p>	<p data-bbox="1839 1118 2096 1313">the policy is too strong, but some recognition should be given to the community’s valuing this feature</p>

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				or damage an identified surviving area of ridge and furrow will be resisted.”	
15	Policy ENV15	Protection of important views	Text and Plan Pages 54 to 56 POLICY ENV 5 PROTECTION OF IMPORTANT VIEWS: Development that impacts on the following locally important and valued views (map below and figure 10) will not be supported unless in exceptional circumstances: i. North from the west door of St Peter’s Church and the churchyard toward the open fields (its medieval context ii. East from the northern limit of Church Langton village across ridge and furrow fields and over the valley of Stonton Brook to Langton Caudle iii. East and southeast from the start of footpath A79 in Church Langton toward Stonton Brook, the Caudle and Thorpe Langton village iv. Across and southwest from East Langton Cricket Ground	Delete pages 54 to 56 entirely.	In the absence of a professional assessment, I looked at each view on my site visit. I saw countryside that, like much of the rural English Midlands is attractive, but not exceptional. In the light of the weakness of evidence in support of policy ENV 5 and my conclusion that the totality of constraints in the draft NDP places it in breach of basic condition (d), I recommend the deletion of the whole of this part of the NDP.

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16	Page 59	Figure 12	<p style="text-align: center;">Figure 12 - Environmental proposals map</p> 	<p>Delete the arrows indicating “important views of open countryside” and the reference to these in the key. Only show “Riverine habitat corridor” within the parish.</p>	<p>the total effect of these constraints is highly restrictive and constrains development on all reasonable development sites within or adjacent to the existing settlements. Without modification the total effect of the NDP's policies would be to prevent the NDP from contributing to the achievement of sustainable development and hence place it in breach of basic condition (d). However, with the modifications that I am recommending, this concern is met.</p>
17	Page 63		“for a period of 15 years”	<p>Replace “for a period of 15 years” with “until 31st March 2031”.</p>	precision
		Updating		<p>It may be that certain passages need updating. Where there is an</p>	accuracy

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				indisputable matter of primary fact, no further consultation will be required in respect of it	

