

Burton Overy Neighbourhood Development Plan

Examiner's Clarification Note

comments in red

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan is very well-presented and written. It provides a clear and distinctive vision for the neighbourhood area. In particular it addresses precisely the type of issues that would be expected to be considered in a neighbourhood area with a rich built heritage.

The layout and presentation of the Plan is excellent. The various maps add to its depth and interest. It inspires confidence that it has been professionally prepared and can eventually become a part of the development plan in Harborough District.

We are grateful to you for this comment. A large number of villagers were involved in some way in the production of the Neighbourhood Plan and a small number of local people spent a considerable amount of time making sure that the plan reflects local views and helps to meet a locally identified need. This comment will be very well received by those people and we are grateful to you for taking the trouble to make the point.

Points for Clarification

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise initial issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policies H2/H3

Are these policies intended to apply to all development or exclusively to housing proposals?

The policies can apply to wider development including employment-related activities and community facilities, although such development is not anticipated over the Plan period.

Policy DBE1

I see that development proposals are encouraged to have regard to the series of design principles. Is it also the Plan's intention that proposals which have regard to the principles are 'supported' in policy and development management terms?

Yes, it is. Would you consider that this being the case the following policy wording is more appropriate?

'All new development proposals of one or more houses, replacement dwellings and extensions **will be supported where they** have regard for the following building design principles to a degree that is proportionate to the development:

Policy ENV1

What are the respective sizes of Fish ponds field 1.7ha, Spring Field 0.95ha and Banks Field 0.21ha?

Policy ENV5

As submitted the policy is not a policy. Rather it sets out the balancing act between the key material planning considerations. Did the Parish Council have a particular intention in mind for a policy-based approach? In particular is that approach the one set out in the paragraph of supporting text immediately preceding the submitted policy?

Thank you for highlighting this. Can we suggest that the policy is amended to read:

The surviving areas of Ridge and Furrow fields are non-designated heritage assets. Any loss or damage arising from a development proposal (or a change of land use requiring planning permission) is to be avoided; the demonstrable benefits of such development must be balanced against the significance of the ridge and furrow features as heritage assets.

Policy ENV6

The supporting text indicates that the views have been identified using fieldwork. Have the results of that exercise been published at any time in the Plan making process?

The views contained within the Neighbourhood Plan were initially identified through the first consultation event on 23 April 2016 where participants were invited to place a green dot on a large Parish map (page 9 of the consultation analysis). The Environment Theme Group then confirmed built on this exercise as part of its fieldwork approach (see Environmental Inventory) and through its meetings refined the views into the ones identified and described in the Neighbourhood Plan. The proposed views were put to the community at the final Open Event on 8 July 2017 where there were no dissenters to the views identified.

Are the views to be respected those in the directions of the various lines flowing out of the numbered circles?

The symbol used is adapted from the Ordnance Survey map symbol for 'viewpoint'. The primary view direction is shown by the longest line, while shorter lines indicate the less distant or significant components of the complete 90° - 180° view or panorama.

Linking the two points above on what basis would the policy expect the District Council to come to a view on what might constitute 'an unacceptably detrimental impact'?

This would be development that either blocked a view (e.g. by being at a viewpoint so close to it so that the described vista could no longer be seen/appreciated, or obscured a target landmark, like a church spire, the skyline formed by a nucleated village, a distinctive woodland, a parish-defining distant horizon), or introduced an incongruous element (group of executive homes, warehouse, turbine, solar array) into an otherwise rural landscape.

Policy ENV8

Is the policy necessary to achieve the objective it has in mind? Is it addressed by other development plan policies?

The Parish Council is mindful of planning approvals immediately outside the Parish boundary in Great Glen, bordering the Burton Overy Parish and immediately outside the proposed area of separation (in Great Glen Parish). There are further SHLAA sites identified in this vicinity.

The Parish Council is keen to avoid the potential for coalescence with Burton Overy village by the further extension of this newly developed area and into the Parish of Burton Overy, creating a built-up area within the Parish but outside of the village itself.

The growth of recent development activities (the site in question on the border with Burton Overy Parish has added 131 new dwellings with up to a further 100 homes proposed through the SHLAA. This is considered to be totally disproportionate for a village the size of Burton Overy and the policy intent is to prevent the encroachment that may follow given the development already approved. Great Glen is much higher in the settlement hierarchy and has shops, schools, GP surgery and public transport and the fear is that the character of Burton Overy could be lost for ever without a restrictive policy preventing large scale development within the proposed area of separation.

Is it underpinned by any assessment of landscape sensitivity?

The policy reflects the importance of the area in avoiding inappropriate development to prevent coalescence, rather than protecting the environment because of the quality of the landscape.

In any event is it deliverable given that Community Action ENV3 identifies a need for a corresponding area to be designated in Great Glen outside the neighbourhood area?

This is an aspiration – it reflects the desire for each Parish Council to work together to achieve the goal of retaining physical separation between the two villages. The support from Great Glen Parish Council for this objective and their approval for a reciprocal arrangement is not a requirement of the policy which would achieve its objective on its own through the impact on development within the Parish of Burton Overy alone.

Policy ENV9

How is 'appropriate scale' to be defined? Is there any evidence that different types of development have contributed disproportionately to flooding incidents?

Discussions with the Environment Agency confirmed that a site-specific Flood Risk Assessment is required for all proposals in Flood Zones 2 & 3 and also in Flood Zone 1 if the development site is an area greater than one hectare or is less than a hectare but in an area with critical drainage problems as notified by the Local Planning Authority.

This is what the term 'appropriate scale' is referring to.

Policy CF1

Does the policy apply exclusively to the four facilities listed on page 56/57 of the Plan?

Yes, this is the intention.

We can list the facilities in the policy itself if this helps to clarify this point.

Policy E2

How was the '30-megabyte' speed component of the first part of the policy chosen? Is there a risk (as implied in the policy) that it will quickly become out of date?

The response from Leicestershire County Council to all neighbourhood plan at Regulation 14 stage (a general response that had been prepared without reference to the Burton Overy Neighbourhood Plan) included the following statement 'All new developments (including community facilities) should have access to superfast broadband (of at least 30Mbps)'

30 Mbps is the recognised industry standard for superfast broadband. The policy requires this to be a minimum to reflect future increases in standards.

Protocol for responses

I would be grateful for comments from the Parish Council by 30 July 2018. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy concerned.

Andrew Ashcroft,

Independent Examiner

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