

South Kilworth Neighbourhood Plan

Summary of representations submitted by Harborough District Council to the independent examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012

Name	Policy /Page	Full Representation
<p>Historic England 2nd Floor, WINDSOR HOUSE, CLIFTONVILLE, NORTHAMPTON, NN1 5BE</p>		<p>South Kilworth Neighbourhood Plan Thank you for you email of 20 June 2018 consulting us on the submission stage of the Kilworth neighbourhood plan. We have no further comments to make to our response dated 16 February 2018 on the pre-submission plan.</p>
<p>Leicestershire County Council</p>	<p>Policies H1, H2 and H5</p> <p>Page 56 – Policy CF3</p> <p>Page 59 – Policy TR1</p>	<p>South Kilworth Neighbourhood Plan Comments Request – 20th June 2018 Leicestershire County Council is supportive of the Neighbourhood plan process and welcome being included in this consultation. Highways Specific Comments Policies H1, H2 and H5 – The design of the access to and the impact of new development will be determined through the planning process and technical approval by LCC.</p> <p>Page 56 – Policy CF3: Expansion of the Primary School – will be supported only if the expansion would not create severe access related, parking or traffic circulation problems that cannot be mitigated, and does not have an adverse impact on existing community facilities (T&S) The school currently has yellow ‘keep clear’ markings to protect the entrance, a small parking layby is located adjacent to Walcote Road, no staff car parking is apparent for school staff. This Policy talks about supporting expansion of the school if that would not cause ‘severe’ access related, parking or traffic circulation problems. Such expansion should not be supported if doing so causes any negative impacts.</p> <p>Page 59 – Policy TR1 Traffic Management (T&S) a) Existing 7.5t restriction in force prohibits the through movements of HGV’s unless delivering to addresses in the area, whilst North Road /Rugby Road are not included within the restrictions recent changes at M1 jct19 and the</p>

	<p>existing restrictions at Swinford discourage these routes for general traffic.</p> <p>d) The parish must be fully aware of the costs associated with access improvements as this would need to be fully funded by a third party and not LCC.</p> <p>e) The parish must be fully aware of the costs associated with provision of new footpaths/cycle ways as this would need to be fully funded by a third party and not LCC.</p> <p>See reference to Policies H1, H2 and H5 above.</p> <p>Also, where the creation of footpaths and cycle ways are considered this is unlikely to fit in with current County Council funding criteria and would only be supported if third party funding where available.</p> <p>Any traffic calming measures for the village would have to be assessed against Council criteria for funding, unless third party funding were made available.</p> <p>It should be noted that within the Neighbourhood Plan area there has been just one recorded injury accident within the last five years. This involved slight injuries and did not occur within the built up area of the village itself.</p> <p>Any speeding issues would have to be established by assessing if there is an actual speeding problem, by the use of speed data surveys. Any changes would have to take place in consultation with Leicestershire Police.</p> <p>General Comments</p> <p>The County Council recognises that residents may have concerns about traffic conditions in their local area, which they feel may be exacerbated by increased traffic due to population, economic and development growth.</p> <p>Like very many local authorities, the County Council's budgets are under severe pressure. It must therefore prioritise where it focuses its reducing resources and increasingly limited funds. In practice, this means that the County Highway Authority (CHA), in general, prioritises its resources on measures that deliver the greatest benefit to Leicestershire's residents, businesses and road users in terms of road safety, network management and maintenance. Given this, it is likely that highway measures associated with any new development would need to be fully funded from third party funding, such as via Section 278 or 106 (S106) developer contributions. I should emphasise that the CHA is generally no longer in a position to accept any financial risk relating to/make good any possible shortfall in developer funding.</p> <p>To be eligible for S106 contributions proposals must fulfil various legal criteria. Measures must also directly mitigate the impact of the development e.g. they should ensure that the development does not make the existing highway conditions any worse if considered to have a severe residual impact. They cannot unfortunately be sought to address existing problems.</p> <p>Where potential S106 measures would require future maintenance, which would be paid for from the County Council's funds, the measures would also need to be</p>
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	<p>assessed against the County Council's other priorities and as such may not be maintained by the County Council or will require maintenance funding to be provide as a commuted sum.</p> <p>With regard to public transport, securing S106 contributions for public transport services will normally focus on larger developments, where there is a more realistic prospect of services being commercially viable once the contributions have stopped i.e. they would be able to operate without being supported from public funding. The current financial climate means that the CHA has extremely limited funding available to undertake minor highway improvements. Where there may be the prospect of third party funding to deliver a scheme, the County Council will still normally expect the scheme to comply with prevailing relevant national and local policies and guidance, both in terms of its justification and its design; the Council will also expect future maintenance costs to be covered by the third party funding. Where any measures are proposed that would affect speed limits, on-street parking restrictions or other Traffic Regulation Orders (be that to address existing problems or in connection with a development proposal), their implementation would be subject to available resources, the availability of full funding and the satisfactory completion of all necessary Statutory Procedures.</p> <p>Flood Risk Management</p> <p>The County Council are fully aware of flooding that has occurred within Leicestershire and its impact on residential properties resulting in concerns relating to new developments. LCC in our role as the Lead Local Flood Authority (LLFA) undertake investigations into flooding, review consent applications to undertake works on ordinary watercourses and carry out enforcement where lack of maintenance or unconsented works has resulted in a flood risk. In April 2015 the LLFA also became a statutory consultee on major planning applications in relation to surface water drainage and have a duty to review planning applications to ensure that the onsite drainage systems are designed in accordance with current legislation and guidance. The LLFA also ensures that flood risk to the site is accounted for when designing a drainage solution.</p> <p>The LLFA is not able to:</p> <ul style="list-style-type: none"> • Prevent development where development sites are at low risk of flooding or can demonstrate appropriate flood risk mitigation. • Use existing flood risk to adjacent land to prevent development. • Require development to resolve existing flood risk. <p>When considering flood risk within the development of a neighbourhood plan, the LLFA would recommend consideration of the following points:</p> <ul style="list-style-type: none"> • Locating development outside of river (fluvial) flood risk (Flood Map for Planning
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	<p>(Rivers and Sea)).</p> <ul style="list-style-type: none"> • Locating development outside of surface water (pluvial) flood risk (Risk of Flooding from Surface Water map). • Locating development outside of any groundwater flood risk by considering any local knowledge of groundwater flooding. • How potential SuDS features may be incorporated into the development to enhance the local amenity, water quality and biodiversity of the site as well as manage surface water runoff. • Watercourses and land drainage should be protected within new developments to prevent an increase in flood risk. <p>All development will be required to restrict the discharge and retain surface water on site in line with current government policies. This should be undertaken through the use of Sustainable Drainage Systems (SuDS). Appropriate space allocation for SuDS features should be included within development sites when considering the housing density to ensure that the potential site will not limit the ability for good SuDS design to be carried out. Consideration should also be given to blue green corridors and how they could be used to improve the bio-diversity and amenity of new developments, including benefits to surrounding areas.</p> <p>Often ordinary watercourses and land drainage features (including streams, culverts and ditches) form part of development sites. The LLFA recommend that existing watercourses and land drainage (including watercourses that form the site boundary) are retained as open features along their original flow path, and are retained in public open space to ensure that access for maintenance can be achieved. This should also be considered when looking at housing densities within the plan to ensure that these features can be retained.</p> <p>LCC, in its role as LLFA will not support proposals contrary to LCC policies.</p> <p>For further information it is suggested reference is made to the National Planning Policy Framework (March 2012), Sustainable drainage systems: Written statement - HCWS161 (December 2014) and the Planning Practice Guidance webpage.</p> <p>Planning</p> <p>Developer Contributions</p> <p>If there is no specific policy on Section 106 developer contributions/planning obligations within the draft Neighbourhood Plan, it would be prudent to consider the inclusion of a developer contributions/planning obligations policy, along similar lines to those shown for example in the Draft North Kilworth NP and the draft Great Glen NP albeit adapted to the circumstances of your community. This would in general be consistent with the relevant District Council's local plan or its policy on planning obligations in order to mitigate the impacts of new development and enable appropriate local infrastructure and service provision in accordance with the relevant</p>
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	<p>legislation and regulations, where applicable. www.northkilworth.com/wp-content/uploads/2016/01/nk-draft-low-resolution-1.pdf http://www.harborough.gov.uk/downloads/file/3599/great_glen_referendum_version_2pdf</p> <p>Mineral & Waste Planning The County Council is the Minerals and Waste Planning Authority; this means the council prepares the planning policy for minerals and waste development and also makes decisions on mineral and waste development. Although neighbourhood plans cannot include policies that cover minerals and waste development, it may be the case that your neighbourhood contains an existing or planned minerals or waste site. The County Council can provide information on these operations or any future development planned for your neighbourhood.</p> <p>You should also be aware of Mineral Consultation Areas, contained within the adopted Minerals Local Plan and Mineral and Waste Safeguarding proposed in the new Leicestershire Minerals and Waste Plan. These proposed safeguarding areas and existing Mineral Consultation Areas are there to ensure that non-waste and nonminerals development takes place in a way that does not negatively affect mineral resources or waste operations. The County Council can provide guidance on this if your neighbourhood plan is allocating development in these areas or if any proposed neighbourhood plan policies may impact on minerals and waste provision.</p> <p>Education Whereby housing allocations or preferred housing developments form part of a Neighbourhood Plan the Local Authority will look to the availability of school places within a two mile (primary) and three mile (secondary) distance from the development. If there are not sufficient places then a claim for Section 106 funding will be requested to provide those places. It is recognised that it may not always be possible or appropriate to extend a local school to meet the needs of a development, or the size of a development would yield a new school. However, in the changing educational landscape, the Council retains a statutory duty to ensure that sufficient places are available in good schools within its area, for every child of school age whose parents wish them to have one.</p> <p>Property Strategic Property Services No comment at this time.</p> <p>Adult Social Care It is suggested that reference is made to recognising a significant growth in the older population and that development seeks to include bungalows etc of differing tenures</p>
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	<p>to accommodate the increase. This would be in line with the draft Adult Social Care Accommodation Strategy for older people which promotes that people should plan ahead for their later life, including considering downsizing, but recognising that people's choices are often limited by the lack of suitable local options.</p> <p>Environment With regard to the environment and in line with the Governments advice, Leicestershire County Council (LCC) would like to see Neighbourhood Plans cover all aspects of the natural environment including climate change, the landscape, biodiversity, ecosystems, green infrastructure as well as soils, brownfield sites and agricultural land.</p> <p>Climate Change The County Council through its Environment Strategy and Carbon Reduction Strategy is committed to reducing greenhouse gas emissions in Leicestershire and increasing Leicestershire's resilience to the predicted changes in climate. Neighbourhood Plans should in as far as possible seek to contribute to and support a reduction in greenhouse gas emissions and increasing the county's resilience to climate change.</p> <p>Landscape The County Council would like to see the inclusion of a local landscape assessment taking into account Natural England's Landscape character areas; LCC's Landscape and Woodland Strategy and the Local District/Borough Council landscape character assessments. We would recommend that Neighbourhood Plans should also consider the street scene and public realm within their communities, further advice can be found in the latest 'Streets for All East Midlands ' Advisory Document (2006) published by English Heritage.</p> <p>Biodiversity The Natural Environment and Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their duties, to the purpose of conserving biodiversity. The National Planning Policy Framework (NPPF) clearly outlines the importance of sustainable development alongside the core principle that planning should contribute to conserving and enhancing the natural environment and reducing pollution. Neighbourhood Plans should therefore seek to work in partnership with other agencies to develop and deliver a strategic approach to protecting and improving the natural environment based on local evidence and priorities. Each Neighbourhood Plan should consider the impact of potential development on enhancing biodiversity and habitat connectivity such as hedgerows and greenways.</p> <p>The Leicestershire and Rutland Environmental Records Centre (LRERC) can</p>
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	<p>provide a summary of wildlife information for your Neighbourhood Plan area. This will include a map showing nationally important sites (e.g. Sites of Special Scientific Interest); locally designated Wildlife Sites; locations of badger setts, great crested newt breeding ponds and bat roosts; and a list of records of protected and priority Biodiversity Action Plan species. These are all a material consideration in the planning process. If there has been a recent Habitat Survey of your plan area, this will also be included. LRERC is unable to carry out habitat surveys on request from a Parish Council, although it may be possible to add it into a future survey programme. Contact: planningecology@leics.gov.uk, or phone 0116 305 4108</p> <p>Green Infrastructure Green infrastructure (GI) is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities, (NPPF definition). As a network, GI includes parks, open spaces, playing fields, woodlands, street trees, cemeteries/churchyards allotments and private gardens as well as streams, rivers, canals and other water bodies and features such as green roofs and living walls. The NPPF places the duty on local authorities to plan positively for a strategic network of GI which can deliver a range of planning policies including: building a strong, competitive economy; creating a sense of place and promote good design; promoting healthier communities by providing greater opportunities for recreation and mental and physical health benefits; meeting the challenges of climate change and flood risk; increasing biodiversity and conserving and enhancing the natural environment. Looking at the existing provision of GI networks within a community can influence the plan for creating & enhancing new networks and this assessment can then be used to inform CIL (Community Infrastructure Levy) schedules, enabling communities to potentially benefit from this source of funding. Neighbourhood Plan groups have the opportunity to plan GI networks at a local scale to maximise benefits for their community and in doing so they should ensure that their Neighbourhood Plan is reflective of the relevant Local Authority Green Infrastructure strategy. Through the Neighbourhood Plan and discussions with the Local Authority Planning teams and potential Developers communities are well placed to influence the delivery of local scale GI networks.</p> <p>Brownfield, Soils and Agricultural Land The NPPF encourages the effective use of brownfield land for development, provided that it is not of high environmental/ecological value. Neighbourhood planning groups should check with DEFRA if their neighbourhood planning area includes brownfield sites. Where information is lacking as to the ecological value of</p>
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	<p>these sites then the Neighbourhood Plan could include policies that ensure such survey work should be carried out to assess the ecological value of a brownfield site before development decisions are taken.</p> <p>Soils are an essential finite resource on which important ecosystem services such as food production, are dependent on. They therefore should be enhanced in value and protected from adverse effects of unacceptable levels of pollution. Within the governments “Safeguarding our Soils” strategy, DEFRA have produced a code of practice for the sustainable use of soils on construction sites which could be helpful to neighbourhood planning groups in preparing environmental policies.</p> <p>High quality agricultural soils should, where possible be protected from development and where a large area of agricultural land is identified for development then planning should consider using the poorer quality areas in preference to the higher quality areas. Neighbourhood planning groups should consider mapping agricultural land classification within their plan to enable informed decisions to be made in the future. Natural England can provide further information and Agricultural Land classification.</p> <p>Impact of Development on Civic Amenity Infrastructure</p> <p>Neighbourhood planning groups should remain mindful of the interaction between new development applications in a district area and the Leicestershire County Council. The County’s Waste Management team considers proposed developments on a case by case basis and when it is identified that a proposed development will have a detrimental effect on the local civic amenity infrastructure then appropriate projects to increase the capacity to off-set the impact have to be initiated. Contributions to fund these projects are requested in accordance with Leicestershire’s Planning Obligations Policy and the Community Infrastructure Legislation Regulations.</p> <p>Communities Communities</p> <p>Consideration of community facilities is a positive facet of Neighbourhood Plans that reflects the importance of these facilities within communities and can proactively protect and develop facilities to meet the needs of people in local communities. Neighbourhood Plans provide an opportunity to;</p> <ol style="list-style-type: none"> 1. Carry out and report on a review of community facilities, groups and allotments and their importance with your community. 2. Set out policies that seek to; <ul style="list-style-type: none"> • protect and retain these existing facilities, • support the independent development of new facilities, and, • identify and protect Assets of Community Value and provide support for any existing or future designations.
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National Grid		<p>South Kilworth Neighbourhood Plan Consultation SUBMISSION ON BEHALF OF NATIONAL GRID National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.</p> <p>About National Grid National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customer. National Grid own four of the</p>

		<p>UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London. To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.</p> <p>Specific Comments An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines and also National Grid Gas Distribution's Intermediate / High Pressure apparatus. National Grid has identified the following high voltage overhead powerline and high-pressure gas pipeline as falling within the Neighbourhood area boundary:</p> <ul style="list-style-type: none"> • ZL Route - 400kV from East Claydon substation in Aylesbury Vale to Enderby substation in Blaby • FM02 - Duddington to Churchover <p>From the consultation information provided, the above overhead powerline and underground high- pressure gas pipeline does not interact with any of the proposed development sites.</p> <p>Gas Distribution – Low / Medium Pressure Whilst there are no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network please contact plantprotection@cadentgas.com Key resources / contacts National Grid has provided information in relation to electricity and transmission assets via the following internet link: http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/ The first point of contact for all works within the vicinity of gas distribution assets is Plant Protection (plantprotection@nationalgrid.com).</p>
<p>Harborough District Council The Symington Building Market Harborough</p>	<p>5.1 - 1st paragraph</p> <p>6.2 – 3rd paragraph:</p> <p>6.3 – 2nd paragraph:</p> <p>6.3 – 3rd</p>	<p>Comments on South Kilworth NP – Examination version</p> <p>5.1 - 1st paragraph: Delete UK as NPPF sets out planning policies for England only.</p> <p>6.2 – 3rd paragraph: May be clearer to say: As a result the housing target for South Kilworth up to 2031 is 20 units. This is in addition to any housing developments with planning permission as at 31 March 2017.</p> <p>6.3 – 2nd paragraph: Did the sites go through some sort of assessment process which can be referred to? What were the 'only sites that came forward'? 'Deemed unsuitable by Harborough District Council' is misleading as I understand this was an informal discussion with a planning policy officer who gave initial feedback on the potential suitability of sites only.</p> <p>6.3 – 3rd paragraph: Officer views on the potential way forward were discussed rather than agreed. Replace 'agreed'</p>

	<p>paragraph:</p> <p>6.4 – Methodology</p> <p>Figure 7:</p> <p>Policy ENV 5:</p> <p>Policy ENV 6:</p> <p>Policy ENV 9:</p> <p>Policy CF2</p> <p>Policy E2: Criterion b)</p> <p>Policies E2 and E4:</p>	<p>with ‘discussed as a potential approach’.</p> <p>6.4 – Methodology: In some cases clearly defined physical features have not been followed (i.e. along Walcote Road) and it would be helpful to have an explanation of why this has not been possible in some cases. Policy H5: include ‘and after criterion e).</p> <p>Figure 7: Important Open Space. The amp shows ‘Monte Bello frontage’ as IOS but this is not referred to in Policy ENV 2.</p> <p>Policy ENV 5: The part of the policy relating to hedgerows should reflect the last sentence of the policy explanation (i.e. ‘wherever practicable’) and set out how any unavoidable loss of hedgerows should be mitigated (through planting of new trees, hedges and woodland)</p> <p>Policy ENV 6: Second part of policy. ‘Permitted development’ is just that and the policy can’t be enforced. Would be better in explanation or as a community action to encourage this approach.</p> <p>Policy ENV 9: Not clear what this policy is trying to add to the emerging strategic Local Plan policy to which it refers.</p> <p>Policy CF2: include ‘and’ after criterion c).</p> <p>Policy E2: Criterion b) – What does ‘within or adjacent to South Kilworth Village mean’? There needs to be clarification as to whether this means Limits to Development or the wider built up area of the village.</p> <p>Policies E2 and E4: Include ‘and’ after criterion c).</p>
<p>Sport England Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF</p>		<p>Thank you for consulting Sport England on the above neighbourhood plan.</p> <p>Government planning policy, within the National Planning Policy Framework (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.</p> <p>It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England’s statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England’s playing fields policy is set out in our Playing Fields Policy and Guidance document.</p>

		<p>http://www.sportengland.org/playingfieldspolicy</p> <p>Sport England provides guidance on developing planning policy for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded. http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p>
	ENV1	<p>ENV1</p> <p>We have noted that ENV1 does not designate Leys Crescent (identified in the Harborough PPS as South Kilworth Playing Fields) as a Local Green Space (LGS), despite the site meeting the criteria set out by the NPPF. This does not appear to be in keeping with the vision and objectives in section 4 of the plan, which highlights the need to retain and enhance the character and appeal of the unique assets of the parish including open green spaces. The PPS identifies that sections of the site are of poor quality therefore the plan should be reviewed to link with the requirements for improvement set out in the PPS and include an approach towards securing sports facility provision through the growth proposed.</p>
	ENV2	<p>ENV2</p> <p>We note that Leys Crescent/South Kilworth playing field site has been designated as an Important Open Space after being identified by the community, which is positive as the site is offered protection by this policy. However, the protection offered by this policy is not as great as the protection offered to sites designated as LGS. As the playing fields meet the criteria set out in the NPPF for a LGS we would recommend the site designation be reviewed and re-designated as a LGS.</p>
	H1	<p>H1</p> <p>We have noted that H1 designates the Abbatoir site for housing. Due to the allocation bordering the playing field and the close proximity of any development to the sports field, this allocation has the potential to prejudice the use of the playing fields. The Council will be aware of Sport England's role as a statutory consultee on planning applications affecting playing fields and we would wish to avoid having to make potential objections through the plan process and the subsequent planning application process to address the impact of potential allocations on community sports facilities. Therefore we would recommend that this allocation includes specific policies to require assessment work and any required mitigation to ensure the development will not prejudice the use of the playing fields.</p>
	H7	<p>H7</p> <p>Sport England supports the idea within the vision of supporting opportunities for residents to lead a healthy lifestyle. Sport and recreation can play a big part in helping to achieve this and we would encourage the health impact to be a design consideration for new communities and would encourage the inclusion of a design policy which encourages developments to be designed to promote active lifestyles through sport and physical activity, through use of Sport England's and Public Health England's established Active Design guidance (http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/).</p>

