

Harborough District Council

**Hallaton
Neighbourhood Development
Plan 2018 - 2031**

Independent Examiner's Report

By Ann Skippers MRTPI FHEA FRSA AoU

18 February 2021

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Summary

I have been appointed as the independent examiner of the Hallaton Neighbourhood Development Plan.

The Plan area comprises the Parish of Hallaton which lies some nine miles north of Market Harborough. It is rich in history and famous for its bottle kicking which is an old sport and custom that takes place every Easter Monday. At the last Census in 2011 there was a population of 594. The village has two public houses, the Stenning Hall, a primary school and a museum amongst other amenities.

Work started on the Plan in 2017. It is written in an engaging way and is detailed in its outlook. It contains 31 policies covering a wide variety of topics including a reserve site allocation and the designation of Local Green Spaces. The policies are ambitious and firmly aimed at complementing higher tier policies rather than duplicating them and this approach is to be welcomed.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Harborough District Council that the Hallaton Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
18 February 2021



1.0 Introduction

This is the report of the independent examiner into the Hallaton Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Harborough District Council (HDC) with the agreement of the Parish Council to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Harborough District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁹

I sought clarification on a number of matters from the Parish Council and HDC in writing on 29 September 2020 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners titled *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners*. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments on some of the representations and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run smoothly.

I made an unaccompanied site visit to familiarise myself with the Plan area on 20 September 2020.

Where any modifications are recommended they will appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these will appear in ***bold italics***.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 056 ref id 41-056-20180222

⁹ Ibid

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2017; a joint Parish Council and Community Group was established as an Advisory Committee of the Parish Council. The Committee met regularly throughout 2017 – 2019.

An Open Event was held in October 2017 to share key objectives for the Plan. Later that year a questionnaire was sent to all households in the Parish. This generated a respectable 40% of households response rate.

In 2018, theme groups were established; this enabled more residents to be involved and covered housing and built environment, environmental and historical and community facilities, employment and transport. As well as developing work on each theme, each group undertook research and evidence gathering and met with key groups, organisations and stakeholders as appropriate. Use was also made of Hallaton's newsletter HarePie, the village Facebook page and school newsletter.

A well-attended consultation event was held in November 2018 just before the pre-submission consultation stage.

Pre-submission (Regulation 14) consultation was held between 2 September – 14 October 2019. Posters advertised the consultation and flyers were distributed to all households. The Plan was available electronically and in hard copy. An informal information event was held to enable Parishioners to ask questions or seek clarification. The Consultation Statement indicates this was an informal event and did not form part of the formal process, but I am not clear why this is. Nevertheless the consultation and engagement carried out is satisfactory.

A representation queries the time period between the pre-submission consultation stage and the next stages. I see that the Plan was submitted to HDC on 27 November 2019. Whilst this is a short time between the end of the pre-submission stage and submission to HDC, there is no reason why this period cannot have a quick turnaround

or should be longer. There is nothing before me to suggest this was detrimental to the Plan making process.

Submission (Regulation 16) consultation was held between 22 January – 4 March 2020. The Regulation 16 stage resulted in 12 representations. I have considered all of the representations made and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Hallaton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area comprises the Parish of Hallaton. The Plan area is shown on Figure 1 on page 6 of the Plan. HDC approved the designation of the area on 27 January 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

Plan period

The Plan indicates that the period it covers is 2018 – 2031. This requirement is therefore met. These dates align with the time period for the Local Plan.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be

included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰

In this Plan, non-planning matters have been included as “Community Actions” and are interspersed with the planning policies. In this case, there is differentiation between the two. However, there is no explanation in the Plan of their evolution or status. In addition the Community Actions are also numbered in the same way as the planning policies. This could potentially lead to confusion when referring to them at a later date. Two Community Actions also have the same number. Therefore modifications are recommended to help with the clarity of this aspect of the Plan. They are not repeated elsewhere.

- **Add a new paragraph in the “Introduction” section that reads: “As part of the work on the Plan, a number of non-planning related matters were raised. These form the “Community Actions”. These are non-statutory actions that the Parish Council will lead on and pursue, but are not planning matters and do not form part of this statutory plan. They are clearly differentiated as they are presented in a different colour text and titled “Community Actions.”**
- **Change the numbering of the Community Actions to Community Actions 1, 2, 3, 4 etc. This means Community Action ENV 1 becomes Community Action 1, CFA 1 becomes Community Action 2, TR 1 (on page 61) becomes Community Action 3, TR 1 (on page 63) becomes Community Action 4 and BE 1 becomes Community Action 5**

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹¹

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹² They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and

¹⁰ PPG para 004 ref id 41-004-20190509

¹¹ NPPF para 13

¹² Ibid para 28

enhancing the natural and historic environment as well as set out other development management policies.¹³

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁴

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁵

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁶

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁷ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁸

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁹ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁰

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan and its policies align with the NPPF.

¹³ NPPF para 28

¹⁴ Ibid para 29

¹⁵ Ibid para 31

¹⁶ Ibid para 16

¹⁷ PPG para 041 ref id 41-041-20140306

¹⁸ Ibid

¹⁹ Ibid para 040 ref id 41-040-20160211

²⁰ Ibid

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²¹ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²² The objectives are economic, social and environmental.²³

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁴

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how the Plan aligns with the three components of sustainable development outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan relevant to this examination includes the Harborough Local Plan 2011 to 2031 (LP) adopted on 30 April 2019. Very helpfully, the LP identifies those policies which are to be regarded as 'strategic' for the purposes of the relevant basic condition.

The LP identifies Hallaton as a Selected Rural Village. LP Policy SS1 indicates that such settlements are regarded as sustainable locations for more limited growth that will help to sustain such villages; in other words meeting local needs whilst protecting their character and environment. The LP expects some 307 new dwellings to be provided through non-allocated or allocated sites through neighbourhood plans for Rural Centres and Selected Rural Villages as well as employment land.

LP Policy H1 requires a minimum of 30 dwellings to be provided in Hallaton over the Plan period.

Whilst this has formed part of my own assessment, the Basic Conditions Statement offers an assessment of how each Plan policy generally relates to the relevant LP policies.

²¹ NPPF para 7

²² Ibid para 8

²³ Ibid

²⁴ Ibid para 9

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment requirements, PPG²⁵ confirms that it is the responsibility of the local planning authority, in this case HDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is HDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination. Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Determination Report of December 2019 has been prepared by HDC. This document explains that an earlier screening report was undertaken dated September 2019. This concluded that the Plan was unlikely to have any significant environmental effects and therefore a SEA would not be needed.

Consultation with the three statutory bodies took place on the Screening Report. All three bodies agreed that a SEA would not be needed.

²⁵ PPG para 031 ref id 11-031-20150209

The SEA Determination of December 2019 and prepared by HDC confirmed that a SEA would not be needed.

I have treated the Screening Report and the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.²⁶

I consider that, on this basis, retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, the Determination Report explains that the HRA for the Local Plan has determined that no European sites lies within Harborough District. Outside the District, the nearest European site is the Rutland Water Special Protection Area and Ramsar site. The HRA for the LP concluded that the LP would not have a likely significant effect either alone or in combination with other plans or projects as there are no European sites within the District or impact pathways linking those further away to development within the District.

In addition, the Determination Report assesses each policy in the light of its relationship to the NPPF, LP and the potential for likely significant effects.

The Determination Report concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Determination Report that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.²⁷ In undertaking work on SEA and HRA, HDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

²⁶ PPG para 028 ref id 11-028-20150209

²⁷ Ibid para 031 ref id 11-031-20150209

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. Where I suggest specific changes to the wording of the policies or new wording these appear in *bold italics*.

The Plan is presented to a very high standard. It has an eye-catching front cover and a distinctive feel to it helped by the logos designed by local school children. There are 31 policies. It starts with a helpful contents page and a foreword from the Chair of the Advisory Committee. The foreword will need some natural updating as the Plan progresses towards referendum.

1. Introduction

This is a helpful introduction to the Plan which sets out the background and purpose of the Plan. It does so clearly and is well-written. This section will also need some natural updating as the Plan progresses towards referendum.

2. About Hallaton Parish

This is a well-written and informative section which provides some background information about the Parish and its characteristics.

3. How the Plan was prepared

This section summarises how the Plan has evolved and the community engagement undertaken. It signposts readers to the Consultation Statement for further information.

4. The Plan, its purpose and what we want to achieve

The clearly articulated vision for the area is set out. It states:

“The Neighbourhood Plan for Hallaton seeks to ensure that in 2031 the village maintains its significant and unique historical heritage and character while providing a safe, vibrant and diverse rural community for all of its residents and many visitors to enjoy for generations to come.

Hallaton is recognised for its thriving village school, church with Norman origins, two pubs, recreation ground, village hall, museum and expansive green spaces - all of which are used extensively by residents and visitors from the local area. Its annual bottle kicking event held on Easter Monday attracts thousands of visitors from across the country. From the quintessential village green with historic Butter Cross, extending to the church, this street scene is a defining feature of its historical integrity and serves to attract many visitors to the village. The historic importance of the village also includes the early Norman Motte and Bailey castle, St Morrell’s chapel remains and of course the Hallaton hoard which was the largest collection of 1st century AD coins together with the Roman helmet.

As such, development will have provided appropriate new housing while enriching the people-focused community.”

The Plan usefully recognises that its purpose is not to duplicate planning policies at national or District level and this recognition is to be welcomed.

The Plan should be read as whole and again it is welcome that regular review will take place.

5. How the Plan fits into the planning system

This section offers a brief explanation of the Plan’s status and the basic conditions.

6. How the Plan supports sustainable development

Having made reference to the NPPF and its references to sustainable development, this part of the Plan sets out what sustainable development means in, and for, the Plan area.

7. Housing and the built environment

The Plan explains that Hallaton is identified in the HDC's Local Plan settlement hierarchy as a 'Selected Rural Village' where development should primarily be small-scale infill or limited extensions to help address economic, community or social objectives.²⁸

The section on delivering high-quality design has a number of quotes from the NPPF. The Plan then highlights one of the quoted paragraphs as being a material consideration in the determination of planning applications. This is not incorrect, but arguably gives the impression that the other parts of the NPPF might not be material considerations. In the interests of clarity a modification is therefore recommended to address this.

HDC suggest some replacement text for the Plan's supporting text in this section in the interests of clarity. I agree and modifications are made in this respect.

- **Delete "Para 127 a) to f)" in the first paragraph on page 17 of the Plan**
- **Replace the last two sentences on page 20 of the Plan with "*A Statement of Common Ground is currently being prepared by Leicester and Leicestershire Housing Market Area local authorities. This will set out how Leicester City's unmet housing need will be accommodated across the District authorities.*"**
- **Replace the last sentence in the first paragraph on page 21 of the Plan with "*Of this, about 8,792 dwellings have already been built or committed (through the granting of planning permission, or through allocation in neighbourhood plans) with a further 225 anticipated on windfall sites. The Local Plan therefore provides housing land for a minimum of a further 3,975 dwellings.*"**

Policy HBE 1: Design Standards

This is a long, criteria-based policy. It is aimed at ensuring that new development is of a high standard and is appropriate in its setting respecting the distinctive character of the area. Modern design is supported where this takes an innovative approach and makes a positive contribution. The policy makes reference to the principles and guidance set out in the Hallaton Design Guide as well as covering dark skies and lighting, visual amenity, living conditions, farmsteads and agricultural buildings, biodiversity and sustainable design.

The policy takes account of the NPPF's emphasis on good design and its aims to create or reinforce a sense of place and to respond to local character and history.²⁹ The policy

²⁸ Local Plan page 250

²⁹ NPPF paras 124, 125, 127

clearly sets out the community's design expectations and explains how these should be reflected in development.³⁰

It reflects LP Policies GD8 in particular and will help to achieve sustainable development.

However, a number of modifications are put forward. The first is to add clarity to the policy with regard to paragraph two.

Secondly, turning now to criterion 1. which requires new development to "enhance" local distinctiveness and character; this is a high bar which goes beyond national and local policy stances even in Conservation Areas. It therefore needs to be changed.

Thirdly, criterion 6. refers to street lighting. Whilst the maintenance of dark skies is a planning consideration, the policy is restrictive and specific without explanation and may, inadvertently, be problematic from a highway safety point of view. This element therefore should be deleted.

A representation suggests that watercourses are added to the criterion on biodiversity and I agree this would take account of national policy and guidance. The same representation makes a suggestion about water efficiency but unfortunately the Government has confirmed that neighbourhood plans cannot set out optional standards.³¹

Finally, a modification is made to include recycling within criterion 9.

With these modifications, the policy will meet the basic conditions as it takes account of national policy and guidance, is in generally conformity with the LP and is a local expression of the relevant policies in the LP and will help to achieve sustainable development.

- **Change the second paragraph of the policy to read: "Development proposals *will take account of* the Hallaton Village Design Guide (See Appendix 5) and...[retain as existing]"**
- **Replace the word "enhance" in criterion 1. of the policy with "*respect*"**
- **Delete the sentences in criterion 6. which begin "Proposals to install street lighting..." and "The use of on-street lighting..."**
- **Add the words "*and watercourses*" after "...existing trees and hedges" in criterion 7.**
- **Add the words "*and recycling*" after "...compliant with the refuse..." in criterion 9.**

³⁰ NPPF para 125

³¹ See Written Ministerial Statement 25 March 2015 and referred to in more detail on page 21 of this Report

Policy HBE 2: Limits to Development

This policy seeks to define a settlement boundary for the village of Hallaton known as “Limits to Development” (LtD).

Limits of Development were set out in a previous Core Strategy. However, the concept of defining settlement limits has since been replaced in the LP by LP Policy GD2. LP Policy GD2 supports development in the built up areas of Selected Rural Villages and on sites adjoining such areas subject to a number of criteria.

LP Policy GD2 and its supporting text makes it clear that once the minimum housing requirement in LP Policy H1 has been met, only minor residential development will be supported. LP Policy GD2 and other policies in the LP are clear that development sites must be directed towards appropriate locations. This also includes considering the nature, form and character of the settlement and its distinctiveness.

In this case, Hallaton is required by the LP to provide for a minimum of 30 dwellings over the Plan period. Appendix 6 explains that 33 were planned for as this used a 10% buffer to ‘future proof’ the Plan. The Plan explains that based on commitments, the figure now required to plan for is five. In response to a query on the minimum housing number Hallaton is expected to provide, HDC has confirmed that the number is 30 dwellings and that they have been provided for through a mixture of commitments and allocations.

The preferred approach of the Parish Council to accommodate this minimum growth is through a mix of defining a settlement boundary, site allocations and the allocation of a reserve site. This provision, despite the modifications I recommend on Policies HBE 3 and 4 later on in this report, will meet the growth requirement and I am confident that the Plan provides for sufficient housing over its Plan period.

I am also mindful of the lack of objection from HDC to this approach and that other neighbourhood plans within the District have also reintroduced Limits of Development.

Taking all these points into consideration, the policy’s approach is in general conformity with the LP taken as a whole and adds a local layer of detail to what constitutes the built-up area of Hallaton.

I turn now to the definition of the boundary itself. The boundary is clearly shown in Figure 2 on page 20 of the Plan. The Plan sets out the criteria-based approach to defining the boundary.

Despite a representation that makes a contrary point, it seems to me that the boundary defined is in line with the methodology outlined in the Plan. The methodology clearly sets out that sections of large curtilages of buildings relating more to the countryside than built form have been excluded; this is a common approach in neighbourhood plans

in my experience. I therefore do not consider that the gardens of properties in Hazel Grove should necessarily have been included.

Another representation refers to a site off North End and Hunts Lane. I note that planning permission has been refused (planning application reference 20/00032/FUL) in February 2020 for residential development on the site and that one of reasons for the refusal relates to the rural character of this part of the village. Given that the Plan as a whole plans for the housing and growth it is required to provide for, whilst there are always arguments for and against the inclusion of certain areas of land, there is no need to include this parcel within the defined LtD at the present time. It comprises some storage buildings and appears to be or have been in agricultural use most recently and this site would not then meet the criteria set out in the Plan for inclusion within a LtD.

It seems to me the LtD have been defined logically and sensibly.

The policy supports development in the LtD as well as new sporting or recreational facilities close to or adjacent to the boundary. Outside the LtD, land is regarded as open countryside where any development will be considered in line with national and District level policies. The policy specifically refers to a reserve site outside the proposed LtD that is subject of another policy in the Plan.

HDC suggest a modification in the interests of clarity and I agree this is necessary given the neighbourhood plan forms part of a suite of documents.

With this modification, for the reasons I have given above, I consider the policy will meet the basic conditions.

- **Replace the words “Development Plan” in the second paragraph of the policy with “Local Plan”**

Policy HBE 3: Housing Allocations

The Plan explains that HDC, through the LP and updates to housing need, have apportioned a minimum of 30 houses to the Parish. Since then, sites with planning permission have reduced this number to five. Whilst it is considered that five units could be provided through windfall development over the remaining Plan period, the Plan has taken the opportunity to allocate sites, subject of this policy and a reserve site subject of Policy HBE 4.

A ‘Call for Sites’ was undertaken and an assessment of the sites was carried out. On the basis of the information before me, there is no reason for me to conclude that the site assessment process was not carried out consistently. During the process, planning permission was granted for a site for 23 units. Nevertheless after a review of the situation, it was decided to continue with site allocations.

This policy therefore allocates three sites; all are within the proposed LtD. The sites are 1) Rear of 31 High Street for around two units; 2) Rear of 39-41 North End for around two dwellings and 3) Adjacent to the Fox Inn for around four dwellings. The only site stipulation is that existing trees should be retained and development be sensitive to the historic setting for Site 3.

In relation to Site 2) Rear of 39-41 North End, HDC object to the site allocation for two units. There is a refusal (planning application reference 19/01675/FUL) on the site for two. This in itself was preceded by another application for two units which was withdrawn. It is clear to me from the information submitted by HDC and from my own observations during my visit to the village, that this site should not be allocated for two units. It would be unusual to allocate a site for one unit; this is particularly so given the site falls within the LtD and therefore the principle of development is accepted and a planning application could be made. Therefore a modification to delete this site allocation is made.

HDC have also objected to the allocation of Site 3) Adjacent to the Fox Inn. This is because of the site's location in the Conservation Area and relationship to nearby listed buildings. HDC has submitted information from the Conservation Officer to support this position. As a result it is difficult to see how this site can remain as a site allocation.

Again the site falls within the LtD and so a planning application could be made for development and any proposal assessed on its merits through the planning application route. However, for this site to remain in Policy HBE 3 as a site allocation is difficult without much more detailed information to support its allocation. Therefore a modification is also made to delete this site allocation.

This then leaves the policy with one site allocation on Site 1) rear of 31 High Street. Usually, the use of the word "around" in relation to housing numbers on a potential site is acceptable and is regarded as flexible. Whilst it is not specific, it is normally not appropriate to use the word maximum as this can prevent a suitably design-led scheme coming forward. However, in this case, as per HDC's representation, it is appropriate to cap the number of units due to the site's location and constraints. A modification is made to add clarity.

With these modifications, the policy will meet the basic conditions and particularly be in general conformity with the LP and Policies SS1 and HI and will help to achieve sustainable development.

- **Delete Sites 2 and 3 from Policy HBE 3**
- **Amend Figure 3a to remove Sites 2 and 3**
- **Rename Policy HBE 3 "*Housing Allocation at Rear of 31 High Street*"**

- **Change Policy HBE 3 to read: “Land is allocated for residential development on land at rear of 31 High Street as shown on Figure 3a for a maximum of two dwellings.”**

Policy HBE 4: Reserve Site Allocation

In principle it is welcomed that the Plan seeks to allocate a reserve site. PPG indicates the allocation of reserve sites to help address emerging evidence of housing need can minimise potential conflicts and help to ensure policies in neighbourhood plans are not overridden by new local plans.³²

The site, land at Cow Close, is located outside, but adjacent to the proposed LtD. The site is shown clearly on Figure 3b on page 23 of the Plan.

The site is allocated for a round 11 units subject to four criteria. The criteria cover housing size, affordable housing, accessibility and design and character. All are appropriate for the site. However, criterion a) refers to current housing mix and given this is a reserve site, more flexibility is needed.

Criterion b) is not clear; it suggests bungalows are a focus but this may not represent the housing need at the time and is vague in that it could also mean that the affordable housing surrounds a bungalow development. This lack of clarity or future proofing means it should be deleted.

Criterion c) requires each dwelling to be built to Part M of the Building Regulations M4(2) and this part of Part M is an optional requirement.

A Written Ministerial Statement 488 (WMS) of 25 March 2015 made the Government’s position clear; “...neighbourhood plans...should not set...any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.”

It continues: “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards.” Therefore regrettably, this leaves me with no option but to recommend deletion of this criterion.

The landowner has also submitted a representation indicating that the criteria have not been agreed. Therefore a modification is made to correct this in the supporting text.

³² PPG para 009 ref id 41-009-20190509, para 103 ref id 41-103-20190509

With the other modifications recommended, I consider the other comments made by the landowner about the policy's criteria have been addressed allowing me to conclude that this policy does have landowner support in its modified format.

With these modifications, the policy will meet the basic conditions, particularly helping to boost housing supply, generally conform to the relevant policies in the LP and help to achieve sustainable development.

- **Delete the sentence that begins “Currently, the following dwellings are required...” from criterion a) of the policy**
- **Delete “...to be focused around 2-bed bungalows;” from criterion b) of the policy**
- **Delete criterion c) of the policy**
- **Delete the last sentence of the first paragraph of the supporting text on page 23 of the Plan which begins “The criteria have all been agreed...”**

Policy HBE 5: Housing Mix

District level evidence and a Housing Needs Report inform this policy which seeks to ensure that new development also meets local housing needs. The policy requires new development to provide for a mix of housing types informed by local needs, supports the provision of bungalows and dwellings of up to three bedrooms. Larger homes of four or more bedrooms are supported as part of larger schemes where there is housing need and where they do not prevail over smaller houses.

The NPPF is clear that the size, type and tenure of housing needed for different groups should be assessed and reflected in policies.³³ Given the policy is clear that up to date evidence is needed, this retains sufficient flexibility.

The policy meets the basic conditions in that it provides for a mix of housing in line with the NPPF, LP Policy SS1 in particular and will help to achieve sustainable development. There is one modification to make the policy clearer.

- **Add the word “*particularly*” after “...dwellings of up to three bedrooms will be...” in the last sentence of the first paragraph of the policy**

³³ NPPF para 61

Policy HBE 6: Affordable Housing

This policy seeks to ensure that affordable housing is provided and that priority is given to those with a local connection in the allocation of any such housing. It also requires affordable housing to be indistinguishable from market housing.

In answer to a query on this policy, the Parish Council have helpfully confirmed that there is an error in the wording as it refers to market housing. A modification has been made to correct this; I do not consider anyone would be prejudiced by making this change given that the change will result in a less onerous position in relation to local connection.

LP Policy H2 deals with affordable housing. LP Policy H3 deals with rural exception sites and within the supporting text for that policy, the LP indicates that a local connection policy will be agreed per scheme. This is because the development of rural exception sites is regarded as an exceptional circumstance.

A modification is also made to enhance the clarity of the language used.

With these modifications, the policy will meet the basic conditions.

- **Change the second paragraph of the policy to read: “The use of planning *conditions or obligations* is supported to ensure that *affordable home ownership and rental housing* is available for people with a local connection to the Plan area.”**
- **Change the third paragraph of the policy to read: “*Affordable housing should be indistinguishable from market dwellings and be spread throughout the development.*”**

Policy HBE 7: Accessible Housing

This policy seeks to ensure that housing is built to Part M(2) standards of the Building Regulations. I note LP Policy H5 sets the same standard but only for sites capable of providing 100 or more dwellings. As explained earlier in this report, the Government has made it clear that neighbourhood plans cannot set such standards. Therefore I regrettably have no option but to recommend deletion of this policy. The policy and its supporting text could be moved to a community aspirations section of the Plan if desired.

- **Delete Policy HBE 7 and its supporting text**

Policy HBE 8: Windfall Sites

The policy and its supporting text refer to windfall sites, but although the supporting text refers to barns and so on, the first criterion of the policy restricts windfall sites to those within the LtD.

Whilst I appreciate that most windfalls are likely to be within the LtD, this approach is too restrictive and does not accord with national policy in that windfalls could occur through rural building conversions or the subdivision of existing units or dwellings of exceptional quality in the countryside for example.

The rest of the criteria reflect this overly restrictive stance. To recommend modifications would repeat issues such as effect on the living conditions of nearby occupiers or design matters which are included in other policies of the Plan.

Therefore the recommendation is to delete this policy as it does not reflect national policy and guidance and no justification has been given for not taking those national policies into account.

- **Delete Policy HBE 8 and its supporting text**

8. The natural and historic environment

Policy ENV 1: Local Green Spaces

Five areas of Local Green Space (LGS) are proposed. All are clearly shown on Figure 6 on page 32 of the Plan.

The NPPF explains that LGSs are green areas of particular importance to local communities.³⁴

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.³⁵ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.³⁶ The NPPF sets out three criteria for green spaces.³⁷ Further guidance about LGSs is given in PPG.

³⁴ NPPF para 99

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid para 100

I made a site visit to each proposed LGS and the Plan explains that four scored highly in the assessment made, contained in Appendix 8, and that one is part of a new development.

Hare Pie Bank is the largest of the proposed LGSs. It is valued for its historic importance as the site is the setting for the Easter bottle kicking ceremony Hallaton is so famous for along with many important archaeological findings. It is also valued for its beauty.

Lady Close is an area of allotments and a play area known locally as the 'rocking horse park'. The area is at the heart of the village and provides opportunities for social interaction, growing produce and recreation.

Hacluit's Pond and North End 'village green' contain a large pond and areas of common land. It is particularly valued for its visual amenity as one of the entrances to the village and its history.

Walnut Paddock comprises a public open space, a pond, wet meadow and species-rich meadow grasslands and native trees. It forms part of a new development yet to be constructed, but is clearly an important open space in the heart of the village.

Hunt's Lane is a narrow lane with high banks valued for biodiversity. It has the sense of a green corridor and is an ancient lane.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 100 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

Turning now to the wording of the policy, the proposed LGSs are referred to and cross-referenced on Figure 6. The next element in setting out what development might be permitted, should take account of and be consistent with the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.³⁸ Therefore the policy needs modification to ensure that it takes account of national policy and is clear.

Some of the proposed LGSs are also identified in Policy ENV3 as Important Open Space. There is a potential conflict as Policy ENV3 allows for their loss in certain circumstances whereas the designation of these areas as LGS would not. Given this internal conflict within the Plan, I make modifications to Policy ENV3 to delete the duplications as I consider the LGS designation is of a higher status.

With this modification, the policy will meet the basic conditions.

³⁸ NPPF para 101

- **Change the policy to read: “The following areas, and as shown on Figure 6 and described in Appendix 8, are designated as Local Green Spaces: [retain the existing five bullet points] and add a new sentence at the end that reads: “Development in the Local Green Spaces will be consistent with national policy for Green Belts.”**

Policy ENV 2: Protection of Sites of Environmental Significance

This policy identifies a number of sites with environmental significance which includes natural or historical features. The sites are shown on Figures 7.1 and 7.2 on pages 34 and 35 of the Plan.

I found it hard to understand how the sites have been identified, what evidence there is to support the policy and how these sites fit in with the hierarchy of nature conservation sites outlined in the NPPF.³⁹ I also found it difficult to interpret Figures 7.1 and 7.2. I therefore asked a question of clarification on this policy. Appendix 7 is the inventory of the sites and is put forward as the evidence base for the policy.

The policy seeks to ensure that the significance and value of the sites identified is balanced against any local benefit a development might bring if that development would affect or destroy them. Local benefit is defined in the supporting text.

Despite my best endeavours, I remain confused as to how the sites subject to Policy ENV 2 have been identified and justified. In addition, both Figures show a number of sites but I cannot correlate them to Appendix 7 with any ease. The Figures also have different keys and some sites appear to already have statutory protection.

With reluctance, I have to conclude that the policy lacks the necessary evidence and clarity. It therefore does not meet the basic conditions and should be deleted.

- **Delete Policy ENV 2 and its supporting text**

Policy ENV 3: Important Open Spaces

Policy ENV 3 identifies 22 areas which are valued for sport, recreation, amenity, tranquility or as green spaces within the village area. They have been identified through a variety of means including through supporting evidence for the Local Plan as well as evidence gathered for this Plan. The policy identifies the spaces which are mapped on Figure 8 on page 37 of the Plan. This should be cross-referenced in the policy for completeness.

³⁹ NPPF para 179

The policy seeks to protect these spaces from development that would result in their loss or have a significant adverse effect on them unless the space is replaced by suitably located and equal or better provision or it can be demonstrated there is no longer a need for the open space. This is a typical approach to recreational open spaces and takes account of the NPPF⁴⁰ which resists existing open spaces and land from being built on. The policy is clearly worded although to 'future proof' it, a further modification is made to the wording.

Some of the designations overlap with those identified in the LP via LP Policy GI2. For completeness it is arguably useful they remain shown on Figure 8.

However, some of the areas which will be designated by this Plan (as new areas) overlap with areas proposed as Local Green Spaces under Policy ENV 1 as I mentioned in my discussion of that policy earlier in this report. If a space is identified as a LGS and as an important open space there is clearly a conflict between the two designations as the policy on important open spaces allows for their replacement. As a result, any important open space identified in this Plan as LGS should be deleted. Although some spaces identified as LGS in this Plan will remain as important open spaces in the LP, this Plan will supersede that designation once adopted.

Space G is mapped incorrectly as all being yellow. HDC suggests an addition to Important Open Space L. Both are deleted from this policy as they are now LGSs in this Plan.

With these modifications, the policy will take account of the NPPF and generally conform to the LP and particularly LP Policy GI2. It is a local expression of this policy and guidance adding a local layer of detail. It will help to achieve sustainable development.

There is also a Community Action (ENV 1) associated with this section of the Plan and I have made modifications in relation to the Community Actions earlier in this report.

- **Add the words “*and as shown on Figure 8*” after “The following sites...” in the first sentence of the policy**
- **Add “*in the short, medium or long term*” after “...that the open space is no longer required.” in the last sentence of the policy**
- **Delete Sites G, H, L, Q, S and T1 from the policy and Figure 8**

⁴⁰ NPPF para 97

Policy ENV 4: Built Environment: Local Heritage Assets

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁴¹ However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁴² There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁴³

The Plan identifies 28 such assets. They are shown on Figure 10 on page 39 of the Plan. Appendix 10 describes the assets. It would be helpful for the Appendix to contain a location map of each asset and to ensure that it is clear which photograph sits with which asset.

HDC points out that three of the proposed assets are already listed; 10. Hand Pump, 25. Water conduit, 27. Pump and well adjacent to 8 Churchgate so these should be deleted. Otherwise no objections have been raised to the proposed list.

Given the stance of PPG, I asked how the proposed assets had been identified and what selection criteria had been used as Appendix 10 describes the assets. In response I am informed that the identification and selection process and criteria followed Historic England's Advice Note 7 on Local Heritage Listing.

Policy ENV 4 designates these assets as non-designated heritage assets, lists them and cross-references Figure 10. It seeks to protect their features and setting "wherever possible", continuing that the benefits of any development proposal will be judged against the feature's significance.

The NPPF⁴⁴ explains that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁴⁵ I consider that the wording of the policy requires some modification so that it takes better account of the NPPF as its present stance is more akin to designated, rather than non-designated heritage assets.

⁴¹ PPG para 040 ref id 18a-040-20190723

⁴² Ibid

⁴³ Ibid

⁴⁴ NPPF para 184

⁴⁵ Ibid para 197

With these modifications, the policy will meet the basic conditions by taking account of the NPPF, adding local detail to, and being in general conformity with, LP Policies GD8 and HC1 and helping to achieve sustainable development.

- **Add a detailed location map for each asset to the description in Appendix 10 making sure that it is clear which photograph goes with which asset**
- **Delete Numbers 10., 25. and 27. from the policy and Figure 10 and amend Appendix 10 to reflect their removal**
- **Change the second sentence of the policy to read: “They are important for their contribution to the layout and characteristic mix of architectural styles in the village, and their features, *settings and significance* should be protected wherever possible.”**
- **Change the third sentence of the policy to read: “*In determining development proposals including change of land use requiring planning approval, the effect on their significance will be taken into account and a balanced judgement made having regard to the scale of any harm or loss and the significance of the heritage asset.*”**

Policy ENV 5: Ridge and Furrow

The Plan explains that the Parish was included in a national research project led by Historic England on Midland open fields. A survey for the Plan was carried out in 2018 using the same methods. Comparisons with earlier surveys revealed that the Parish has a relatively high proportion of ridge and furrow but that there is loss of these field systems.

In response to a query on this policy, the Parish Council have confirmed that all surviving areas of ridge and furrow are mapped. Figure 11.4 on page 44 of the Plan shows four categories of ridge and furrow as a result of the survey work ranging from “surviving” to “highest quality, very well preserved”. The Parish Council explain that these four levels of significance are intended to help decision-makers apply the appropriate level of significance.

Historic England recommend that all surviving ridge and furrow should be treated as non-designated heritage assets. This policy follows that advice. The policy seeks to identify all of these areas as non-designated heritage assets and to protect them in line with the advice in the NPPF on non-designated heritage assets. However, a modification is made to take better account of the NPPF’s stance on such assets.

With this modification, the policy will take account of national policy and guidance, be in general conformity with the LP and LP Policy HC1 in particular and help to achieve sustainable development.

- Change Policy ENV 5 to read:

“The *areas of ridge and furrow earthworks shown on Figure X are identified as non-designated heritage assets.*

Where possible, loss or damage arising from a development proposal (or change of land use requiring planning permission) that directly or indirectly affects the significance of these areas is to be avoided. A balanced judgement will be made in determining any applications having regard to the scale of any harm or loss and the significance of the ridge and furrow as a heritage asset.”

Policy ENV 6: Notable Trees

Appendix 11 identifies trees within the Parish which are considered to be of historical, arboricultural or ecological value. The Plan explains that the contribution made is to the built and social environment and that they are particularly important to the local community.

I asked how the trees have been identified alongside some other queries of clarification on this policy. They have been identified by local residents using local knowledge including that of tree wardens.

Some of the trees identified fall within the Conservation Area or are already subject to Tree Preservation Orders. I have considered whether the inclusion of these trees creates confusion or duplication. However, I consider their inclusion within this policy signals the value the local community places on them.

Some hedges are identified in the Appendix and I am informed these hedgerows have trees within them.

There are also two corrections; firstly the policy refers to 49 trees, but Appendix 11 details more. This discrepancy has arisen from additional trees being identified at Regulation 14 consultation stage. Secondly, the figure in the Plan which maps all the trees is Figure 12 but the Appendix refers to Figure 14. The Parish Council helpfully confirm that Figure 12 is correct.

The policy identifies the trees, cross-references Figure 12 and seeks to protect them from felling, uprooting or willful damage unless judged to be a safety risk.

The NPPF is clear that planning policies should conserve and enhance the natural environment. This includes recognising the intrinsic character and beauty of the countryside and the benefits of natural capital and ecosystems including of trees and woodland.⁴⁶

⁴⁶ NPPF para 170

With the correction below, the policy will meet the basic conditions.

- **Change “49” in the policy to “60”**

Policy ENV 7: Local Landscape Character Area

Policy ENV 7 identifies a large area to the southwest of the village as a “Local Landscape Character Area”. It is shown on Figure 13 on page 46 of the Plan.

The Plan explains the area is of high landscape value with high viewpoints, wooded valleys, pasture, parkland and a number of historic features.

I saw at my visit the area has been identified logically, but it also includes an area identified as a LGS known as Hare Pie Bank. As this may cause confusion or conflict, I raised a query about this. The Parish Council helpfully confirm that this area can be deleted from this policy. I therefore make a modification to this effect in the interests of clarity.

The policy requires any development proposal which would harm the area to respect and enhance the quality, character, distinctiveness, natural and historical significance and amenity value of the landscape. This seems to me to be a contradiction; if a proposal would adversely affect the area it clearly will not respect or enhance the area. In addition, more flexibility is needed over enhancement as preservation is usually an acceptable bar. This then needs modification so that the wording is clear.

With these modifications, the policy will meet the basic conditions, particularly taking account of the NPPF which states that planning policies should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside,⁴⁷ generally conform to the LP and particularly LP Policy GD5 and help to achieve sustainable development.

- **Remove the area known as Hare Pie Bank from this policy amending Figure 13 accordingly**
- **Change the policy to read: *“Development proposals falling within or affecting the local landscape character area identified in Figure 13 are required to respect and, where possible, enhance the area’s character and local distinctiveness and its natural and historical significance. Proposals that have a harmful effect on the area’s local landscape character will not be supported.”***

⁴⁷ NPPF para 170

Policy ENV 8: Biodiversity, Hedges and Habitat Connectivity

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment.⁴⁸

This policy has three elements to it. Firstly, it expects development proposals to safeguard locally significant habitats and species, but then refers to those protected by English and European legislation and to create new habitats.

Secondly, development that results in harm or the loss of hedges will be resisted.

Thirdly, development should not damage wildlife corridors identified on Figure 14 on page 48 of the Plan.

There is much to commend the basic premise of this policy, but it requires modification to ensure it takes account of the NPPF and the NPPF's stance that a distinction should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status,⁴⁹ it is clear about biodiversity gain and satisfactorily enhances the natural environment.

With these modifications, the policy will meet the basic conditions.

- **Reword the policy to read:**

“Development proposals must protect and enhance wildlife-rich habitats and ecological networks and take every opportunity to provide a net gain in biodiversity including through the creation of new habitats.

Development proposals should avoid the total loss or harm to hedgerows of historical and ecological importance or amenity value. Where removal or harm is absolutely necessary, replacement hedgerows or other suitable replacement habitats will be provided.

Development proposals should not damage or adversely affect the habitat connectivity provided by the wildlife corridors identified on Figure 14.”

Policy ENV 9: Protection of Important Views

16 views particularly valued by the local community are identified in this policy and clearly mapped on the accompanying Figure 15 on page 50 of the Plan. The evidence largely relies on the information in the Appendix 7 Environmental Inventory. I also saw

⁴⁸ NPPF para 170

⁴⁹ Ibid paras 171, 175

on my site visit that these views are important to the unique character and topography of the village and its setting.

Appendix 9 of the Plan contains photographs of each view. I consider it would be helpful if these photographs were brought into the main Plan document.

The policy seeks to ensure these views are not “significantly harmed” by development and also requires “the treatment of views” to be included in any design statement. Whilst the intent of the policy is clear, I consider that the language used could be open to interpretation and inadvertently lead to arguments at the planning application stage.

Therefore modifications are made to ensure that the policy has clarity and provides a suitable basis for decision-making. With these modifications, the policy will meet the basic conditions particularly as a local expression of LP Policy GD5 in particular and contribute to the achievement of sustainable development.

- **Change the policy to read:**

“The following views 1 – 16 as shown on Figure 15 are important to the setting and character of the village. Development proposals must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of village edges and open agricultural countryside. Development proposals should include a proportionate explanation of how the impact of the development has taken into account the relevant view.” [retain 1 – 16 as existing]

- **Include the photographs in Appendix 9 in the Plan document if desired**

Policy ENV 10: Biodiversity Protection in New Development

This policy seeks to ensure that new development incorporates measures to encourage wildlife and enhance biodiversity. It includes some specific measures. I asked for further information about the policy and it is clear the policy has been developed to help encourage development to meet best practice.

Mindful that the NPPF seeks to protect and enhance biodiversity and specifically encourages opportunities to be taken including to secure net gains for biodiversity,⁵⁰ I consider, with some revision to enhance flexibility, this policy will meet the basic conditions.

⁵⁰ NPPF para 175

- **Change Policy ENV 10 to read:**

“Every opportunity should be taken in new developments to protect and enhance biodiversity. This could include through integral bird nesting boxes, bat breeding and roosting sites, provision of hedgerows or other boundary treatments which encourage connectivity for animals, careful consideration of lighting and other measures aimed at incorporating biodiversity improvements in and around developments.”

Policy ENV 11: Renewable Energy Infrastructure

There is a reference to Policy ENV 10 in the supporting text which should be ENV 11.

Whilst large scale proposals are resisted, small scale domestic and community based renewable energy schemes are supported in principle by this policy subject to a number of criteria. One of the criteria is largely duplicated and is also specific without any explanatory text to support it and so this is recommended for deletion.

This is broadly in line with the NPPF⁵¹ which supports community-led schemes including those taken forward through neighbourhood planning.

With this modification, the policy will meet the basic conditions.

- **Correct the reference to “Policy ENV 10” to “Policy ENV 11” in the third paragraph of supporting text on page 51 of the Plan**
- **Delete [the first] criterion e) of the policy which begins “they provide, in the interests of residential amenity...”**

9. Community facilities and amenities

Policy CFA 1: The Retention of Community Facilities and Amenities

There are a number of facilities in the Plan area including two public houses, the primary school, the Stenning Hall and the museum which are valued by the community.

This policy seeks to retain existing community facilities. The clearly worded policy takes account of the NPPF⁵² which promotes the retention, and development, of local services and community facilities, is a local expression of LP Policy HC2 in particular and

⁵¹ NPPF para 152

⁵² Ibid paras 83, 92

helps to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

A Community Action (CFA 1) accompanies this policy.

Policy CFA 2: New or Improved Community Facilities

This policy supports new or enhanced facilities subject to a number of criteria. All are appropriate for the Parish.

The policy takes account of the NPPF and will help to achieve sustainable development. However, in the interests of clarity, modifications are made to ensure that all the criteria must be complied with in the determination of planning applications. With this modification, it will meet the basic conditions.

- **Add the word “and” after criteria a), b), c) and d) in the policy**

Policy CFA 3: New School

The Parish boasts an existing primary school which is clearly valued by the local community. However, there is concern that the capacity of the school will be stretched by new development and that there is no room on its existing site for expansion. There is limited parking for both staff and parents.

The policy therefore supports the relocation of the primary school to a new site subject to criteria which cover access and parking and waiting areas, amenity considerations and design.

Although the policy does not identify a suitable new site, it sends out a signal. The policy is clearly worded. It takes account of the NPPF’s stance on school places.⁵³ It will help to achieve sustainable development. It therefore meets the basic conditions. No modifications are suggested although I note HDC suggests retitling the policy to “Hallaton Primary School”; this can be done if desired without affecting my conclusions on the basic conditions.

I note that a representation suggests a potential site for discussion. This may be something the Parish Council wish to explore in any future review of the Plan.

⁵³ NPPF para 94

10. Traffic management

Policy TR 1: Traffic Management

The Plan explains that the local community is concerned about a number of transport related issues. These include a lack of parking, congestion, access for emergency vehicles and speeding. Some of the matters highlighted are not development and use of land related, but relate more to traffic management. However, they do paint a picture of the issues in the village.

The criteria-based policy seeks to ensure that new development is designed to minimise traffic generation and movement through the village, provides satisfactory parking, replaces any existing off-street parking provision if lost through the development, provides improvements to access, parking and the highway network as necessary and enhance and provide footways and cycleways.

The policy is clearly worded. It takes account of the NPPF's advice that transport issues should be considered from the earliest stages of plan-making so that the impacts of development can be addressed, that walking and cycling can be improved, the environmental impacts can be taken into account and patterns of movement, streets, parking and so on form an integral part in the design of development schemes.⁵⁴ It is a local expression of LP Policies GD8 and IN2 in particular and will help to achieve sustainable development.

The policy meets the basic conditions and no modifications are put forward.

There is an associated Community Action (TR 1).

Policy TR 2: Electric Vehicles

Recognising the rise in the use of electric vehicles, this policy firstly seeks to ensure new dwellings provide for an electric vehicle charging point. Secondly, the provision of communal charging points is supported.

The policy is quite specific without any explanation. In addition requirements may change over time. Therefore a modification is made. With this modification, the policy will meet the basic conditions, be a local interpretation of the LP especially LP Policy IN2 and seem to me to particularly help to achieve sustainable development.

⁵⁴ NPPF para 102

- **Change the first sentence of the policy to read: “All new dwellings will be built to ensure that the installation of a home electric vehicle charging point can be facilitated.”**

There is an associated Community Action (TR 1).

Policy TR 3: Footpaths, Bridleways and Cycleways

The Plan explains there are various footpaths, bridleways and cycleways in the Parish which provide a resource for local residents as well as attracting visitors to the area.

The policy seeks to improve this network. However, it also refers to some issues such as the maintenance which are not development and use of land related. Therefore some modification is made to ensure the policy’s intentions are clearer and planning related.

In addition, even though the policy title and the supporting text refer to cycleways and bridleways, the policy focuses on footpaths. A modification is made to address this point to better take account of the stance of national policy and guidance.

With these modifications, the policy will meet the basic conditions. It will particularly ensure that opportunities to promote walking and cycling are taken,⁵⁵ be a local expression of LP Policy IN2 and help to achieve sustainable development.

- **Change the first sentence of the policy to read: “The retention, upgrading and, where appropriate, extension of *the footpath, cycleway and bridleway networks* in the Parish will be supported in order to:”**
- **Change criterion c) to read: “Provide an improved and more extensive *footpath, cycleway and bridleway* network to support exercise and leisure activities for Hallaton Parish residents and visitors.”**

11. Businesses and employment

Policy BE 1: Support for Existing Businesses and Employment Opportunities

The supporting text to this section of the Plan recognises the contribution economic development makes to the rural economy and the wellbeing of the village.

⁵⁵ NPPF paras 94, 102 and 104

This policy resists the loss of sites that provide employment opportunities either or with the potential to do so. It is a criteria-based policy. It includes many of the common tests for changes of use including active use, marketing activity and potential.

The policy is clearly worded and has sufficient flexibility taking account of the NPPF's stance on building a strong, competitive economy and supporting a prosperous rural economy.⁵⁶ It is a local expression of LP Policy BE1. It will help achieve sustainable development. It meets the basic conditions and no modifications are recommended except to delete the word "strong" from the policy as this is superfluous.

- **Delete the word "strong" from the first sentence of the policy**

Policy BE 2: Support for New Businesses and Employment

In offering support for new employment ventures, this policy does so subject to eight criteria. The NPPF is clear that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements. The policy requires some change to better take account of national policy and to recognise the sustainable growth of all types of businesses through conversions and well-designed new buildings or the diversification of land-based rural businesses. This will also be in line with LP Policy BE1 and help to achieve sustainable development.

The criteria also include some 'standalone' scenarios and this should be clearer.

In addition, some criteria are unclear or ambiguously worded or not supported by sufficient explanation.

Finally, criterion h) requires new development to integrate and complement existing businesses. It is not clear to me why this might be, particularly as other criteria deal with the effects of any new proposals. This therefore might stifle new or innovative businesses wishing to locate in the area and should be removed.

In order for the policy to meet the basic conditions, a number of modifications are therefore put forward.

- **Change criterion b) to read: "be located on previously developed land or sites containing existing agricultural or other land-based rural businesses or provide a clear justification as to why the proposed site is more appropriate;"**
- **Delete criterion d)**
- **Change criterion f) to read: "not generate unacceptable levels of traffic movement and on road parking and provide satisfactory off street parking;"**

⁵⁶ NPPF paras 80, 83

- Delete criterion h)
- Insert the word “*or*” after criteria a), b)
- Insert the word “*and*” after criteria c), e), f)

Policy BE 3: Home Working

This policy supports home working including in office type accommodation and light industrial uses. It does so subject to three criteria relating to traffic and parking, effects on nearby residents and character and appearance.

The policy is clearly worded and the criteria are appropriate for this rural area. It meets the basic conditions, particularly helping to achieve sustainable development. No modifications are therefore recommended.

Policy BE 4: Farm Diversification

This policy supports farm diversification subject to five criteria. The criteria relate to the appropriateness of the use to a rural area, character and appearance issues, impact on historical and environmental features, effect on the local road network and parking and effect on living conditions. All are appropriate for this local area.

The NPPF supports the development and diversification of farm and other land-based rural businesses.⁵⁷ However, it also supports well-designed new buildings. This should be added to the policy to ensure it takes account of the NPPF.

Otherwise, the policy is a local expression of LP Policies GD3 and BE1 and will help to achieve sustainable development.

A further modification is put forward in the interests of clarity and flow.

- Add the words “*and well-designed new buildings*” after “...existing agricultural and commercial buildings...”
- Replace the words “subject to” in the first paragraph of the policy with “*where*”

⁵⁷ NPPF para 83

Policy BE 5: Tourism

Support for sustainable tourism and leisure developments which respect the character of the countryside is given in the NPPF.⁵⁸

Policy BE 5 supports tourism development subject to five criteria. These cover scale, effect on character, impact on infrastructure, benefits to the local community and where feasible involve the reuse of existing buildings or form part of a farm diversification.

These latter two criteria are more restrictive than the NPPF and therefore require modification to enable the policy to meet the basic conditions.

There are also some syntax changes to make the policy flow better.

With these modifications, the policy will take account of the NPPF, be in general conformity with the LP, particularly LP Policies GD3 and RT4 and help to achieve sustainable development.

There is an associated Community Action (BE 1).

- **Change the word “settlement” in criterion a) to “Parish”**
- **Change the word “Does” in criteria b) and c) to “Do”**
- **Change the word “provides” in criterion c) to “provide”**
- **Delete criteria d) and e)**
- **Add the word “and” after criterion c)**

Policy BE 6: Broadband and Mobile Infrastructure

Policy BE 6 supports the provision of telecommunications infrastructure. This is in line with the NPPF’s support for high quality communications infrastructure.⁵⁹ This policy sets out expectations for such development and the caveats are appropriate in the context of this Parish. It is a local expression of LP Policy IN3 and will help to achieve sustainable development.

The policy is clearly worded and meets the basic conditions. As a result no modifications are recommended.

⁵⁸ NPPF para 83

⁵⁹ Ibid para 112

12. Monitoring and review

This section explains that the Plan will be regularly reviewed. Whilst this is not a requirement for neighbourhood planning presently, it is to be welcomed and commended as good practice.

Appendices

A number of appendices accompany the Plan. These are useful, well-produced documents important to a number of policies. I have made a suggestion in relation to Appendix 9 and a modification in relation to Appendix 10 earlier in this report.

8.0 Conclusions and recommendations

I am satisfied that the Hallaton Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Harborough District Council that, subject to the modifications proposed in this report, the Hallaton Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Hallaton Neighbourhood Plan area as approved by Harborough District Council on 27 January 2017.

Ann Skippers MRTPI
Ann Skippers Planning
18 February 2021

Appendix 1 List of key documents specific to this examination

Hallaton Neighbourhood Development Plan 2018 – 2031 Submission Version

Statement of Basic Conditions October 2019

Strategic Environmental Assessment Determination Report December 2019

Consultation Statement Final 22.11.19 including 14 October 2017 Consultation Summary, Community Consultation Analysis November 2017, Community Engagement Drop-in Event 3/11/18 Consultation Analysis and Pre submission Consultation Responses September – October 2019 (all presented as separate appendices to the Consultation Statement)

Harborough Local Plan 2011 – 2031 adopted 30 April 2019

Other information on website <https://www.leicestershirecommunities.org.uk> including Appendices 3a (Hallaton Census 2011 Profile), 3b (Hallaton Land Registry Data), 4 (Housing Needs Report), 5 (Hallaton Design Guide), 6 (SSA Process), 7 (Environmental Inventory), 8 Local Green Spaces), 9 (Important Views in Hallaton), 10 (Local Heritage List) and 11 (Notable Trees in Hallaton); Strategic Site Assessments (SSA) 1, 2, 3, 4, 5, 6, 7a, 7b, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19a, 19b [note there is no number 10]; the Listed Buildings Spreadsheet; and Statutory Historic Assets

List ends

Appendix 2 Questions of clarification from the examiner

Hallaton Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and HDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please could HDC clarify their comment on page 35 of the representations document in relation to page 21 of the Plan and indicate what, if any, modification might be needed?
2. Please could HDC confirm the up to date minimum housing number Hallaton is expected to plan for in the Plan period (taking into account completions and commitments etc.)?
3. Please could I be updated on any planning applications or appeals on the three proposed site allocations subject of Policy HBE 3.
4. Please could I be provided with a map which shows all the housing sites assessed?
5. Please provide me with the planning history of the site referred to in a representation as "Site at North End/Hunts Lane".
6. Policy HBE 6 appears to require market housing should be available for people with a local connection; is this the intention?
7. Policy ENV 1 – Appendix 8 indicates the history for Hacluit's Pond and North End Village Green is included. I cannot find it. If this has already been published, please send me a copy.
8. Policy ENV 2 identifies a large number of sites across two Figures, 7.1 and 7.2. The policy relies on Appendix 7 which I find hard to interpret and does not appear to distinguish between the hierarchy of sites outlined in the NPPF. Some of the sites are already protected. In addition, on both figures there are various areas with numbers but which are not coloured in. Please provide a map or maps of the sites subject of the policy and point me in the direction of the evidence to support their identification and a way forward for this policy.
9. Policy ENV 3 – please provide a copy or link to the documents referred to at the bottom of page 35 of the Plan i.e. Local Green Space, Open Spaces Strategy and Provision for Open Space, Sport and Recreation (2015 – 2016). What status do these documents have?
10. Policy ENV 4 seeks to identify non-designated heritage assets. These are described in Appendix 10, but please explain how these they were identified and what selection criteria were used.
11. Policy ENV 5 seeks to identify a number of areas of ridge and furrow as non-designated heritage assets. Please explain what selection criteria were used. Should all the areas identified in Figure 11.4 should be identified in the policy or only the highest quality areas perhaps?
12. Policy ENV 6 identifies notable trees shown in Appendix 11. Please explain how the trees were identified and what the selection criteria are. Is it necessary to identify those located in

the Conservation Area or already with Tree Preservation Orders on them? What additional benefit would be had from their inclusion in this policy? If none can be identified, please send me a revised list of trees. Additionally, some hedges are identified in the Appendix; should these be retained in this policy? Finally, please clarify the number of trees; the policy indicates 49 but the appendix details more (including 59 and 60 which do not appear to be on Figure 12 in the Plan?).

13. Policy ENV 7 includes an area identified as a Local Green Space in Policy ENV 1. I see a potential conflict here; please explain why there is no conflict and/or indicate which policy would it be best for Hare Pie Bank be in?
14. Policy ENV 10 is quite specific in some of its requirements. Please point me in the direction of the explanation for the requirements if already published.
15. Policy ENV 11 refers to views; are these the same views identified in Policy ENV 9 or is the reference general?
16. Please could HDC confirm their local requirements in relation to planning applications in respect of design and access statements or similar documents.
17. Please could HDC confirm the number of representations received at Regulation 16 stage?
18. Appendix 5 is the Design Guide. I consider a number of changes are needed to ensure it meets the basic conditions. This is because it is an important document in relation to Policy HBE 1, but it includes a number of statements and policy requirements which should be deleted as the document is not policy. Please could I be provided with a word document version of it to enable me to make track changes so I can then forward it to you. This is then likely to require a short period of further consultation (depending on my intended modifications) to allow all parties to make any comments.
19. Finally, I confirm that the Parish Council has been given an opportunity to comment on all or any of the representations made at Regulation 16 stage. Please could any comments the Parish Council wish to make are sent to me by the date in this note and questions of clarification.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI
Independent Examiner
29 September 2020