

LEIRE NEIGHBOURHOOD PLAN (2020 - 2031)

Guidance and Directions

Timothy Jones, Barrister, FCI Arb,

Independent Examiner,

No 5 Chambers

28th July 2021.

Guidance and Directions

1. Harborough District Council (“HDC”), with the agreement of Leire Parish Council (“DPC”), has appointed me to examine the submission draft Leire Neighbourhood Plan 2020-2031 (“the NDP”). I am wholly independent of both councils and to the best of knowledge and belief of all others involved with the NDP, being a planning barrister based in Birmingham. I have no interest in any land in Harborough district.
2. The principal purpose of the examination is to consider whether the NDP meets the basic conditions. These are:
 - (1) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;
 - (2) the making of the NDP contributes to the achievement of sustainable development;
 - (3) the making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of HBBC (or any part of that area);
 - (4) the making of the NDP does not breach, and is otherwise compatible with, EU obligations; and
 - (5) the making of the NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
3. I am also required to consider: whether the NDP is compatible with Convention rights as defined in the Human Rights Act 1998; whether the NDP complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Act 2004; and (in certain circumstances) whether the area for any referendum should extend beyond the neighbourhood area to which the NDP relates.
4. The normal rule for neighbourhood planning representations is that they are conducted by written representations with any site visit being unaccompanied. A public hearing should be held when the examiner (a) considers that a key issue should be examined in more depth or (b) to ensure a person has a fair chance to put a case. Nothing in the papers that I have seen so far has persuaded me that a hearing is required.
5. An accompanied site visit may be required where it is necessary to access land that is not publicly accessible. Nothing in the papers that I have seen so far has persuaded me that an accompanied site visit is required.
6. In order to facilitate this process, I am issuing the following directions.

7. The point of contact for all communications with me is Matthew Bills, Neighbourhood and Green Spaces Officer (m.bills@harborough.gov.uk or planningpolicy@harborough.gov.uk) of Harborough District Council, The Symington Building, Adam and Eve Street, Market Harborough, LE16 7AG. All communications should be in writing, not by telephone or other oral communication. These will be publicly available documents.

8. I would be grateful for answers to the questions contained in the Appendix to these Guidance and Directions. While some are directed to particular participants, others may answer them if they consider it appropriate. The absence of a question does not mean that I do not consider it to be important. Rather, it means that at present I am satisfied that I can deal with it on the basis of the documentation that I already have and of an unaccompanied site visit.

10. It is important to emphasise that this is not an occasion for further submissions in general or for lengthy statements that go beyond reasonable answers to the questions I am asking.

11. Subject to the following paragraph, answers to the questions must be returned so as to be received by the point of contact at the address specified in paragraph 7 above no later than 4.00pm on Monday 23rd August 2021.

12. If any person considers that they need more time to answer the questions, they must apply for an extension of time to me, c/o the point of contact no later than 4.00 pm on Friday 20th August 2021, giving reasons for their application.

13. These Guidance and Directions are to be:

(1) Posted promptly on appropriate locations on websites of HDC and LPC; and

(2) Sent promptly to all who have made representations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

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Appendix

Questions

1 Do the alterations to the National Planning Policy Framework issued this month have any impact on the issues that I must consider? Any submission that an alteration has such an impact must identify the paragraph of the NPPF concerned and explain why the alteration makes a difference.

2. Is there any view that cannot be seen from points to which the public have a right of access that is relevant to the issues that I must consider? A submission that there is such a view should clearly identify it and either contain a photograph from the viewpoint concerned or explain why such a photograph cannot be provided.

3. [Directed primarily at LPC and the Leire Neighbourhood Plan Advisory Committee]

3.1 Please supply details of how the RAG scores in Table 2 of Appendix 5 to the NDP were calculated.

3.2 Is the area of the residential site allocation in policy H1 given by Andrew Grainger & Co, namely 0.34 hectare, agreed?

4. [Directed primarily Mr Tebbs and Ms Swann]

Please supply evidence of the ownership of site 327 and of the exact boundary of site 001.

5. [Directed primarily at Andrew Grainger & Co]

Is there any reason in law or in terms of viability where policy H1(b) should not require a minimum of two of the dwellings to be affordable housing as defined in Annex 2 to the NPPF?

6. [Directed to Leicestershire County Council and to the Andrew Grainger & Co]

What are the implications of brick walls adjoining the proposed access referred to in HDC's representation?