

INDEPENDENT EXAMINATION OF THE GILMORTON NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
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To Harborough District Council and Gilmorton Parish Council

By email to Matthew Bills, Neighbourhood and Green Spaces Officer, Harborough
District Council and Yvette Walters, Clerk, Gilmorton Parish Council

Dated 26 July 2021

Dear Yvette and Matthew

Gilmorton Neighbourhood Development Plan Independent Examination - Examiner Letter Seeking Clarification of Matters

Further to my initial letter of 12 July 2021 I am writing to seek clarification of the
following matters:

QB comments in red

HDC comments in blue

Policy G3

1. Please confirm each of the identified views and vistas are seen from publicly
accessible locations and provide me with an amended version of the map
presented at page 35 of the Neighbourhood plan more clearly indicating this to
be the case. Viewpoint 3 should be positioned on Flat Lane. Viewpoint 4 may
need to be positioned on the adjacent highway if it is not on publically accessible
land. The direction of view indicator for viewpoint 1 does not match the
description on page 36 of the Neighbourhood Plan.

All the identified views and vistas are intended to be from the public highway
or Public Rights of Way as follows:

- 1 Footpath Y93 : Wheelers field view South
- 2 Footpath Y93 : Wheelers field view West
- 3 Flat Lane (off Mill Lane) : View North
- 4 Footpath Y90 : All Saints Church and Norman Motte
- 5 Footpath Y87 : North towards the churchyard
- 6 Footpath Y94 : Gilmorton Allotments
- 7 Footpath Y94 : View north towards Playing Fields
- 8 Footpath Y94 : View East. Ridge and Furrow field.

9 Footpath Y94 : View north across Gilmorton Playing Fields

A revised map of views is attached.

HDC have no further comment

Policy G7

2. It is unnecessary and confusing for this policy (and no other policy of the Neighbourhood Plan) to include the non-specific statement “*and the other policies of the Neighbourhood Plan*” as the Neighbourhood Plan should be read as a whole. I invite comment on my intention to recommend a modification to delete those words so that the Neighbourhood Plan is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

The Qualifying body would not object to this modification.

HDC agree that the additional text is not required. The Plan should be read as a whole

Policy G9

3. How is the term “*historic settlement core of Gilmorton and Cotes de Val*” to be interpreted by parties preparing development proposals and by decision makers determining development proposals?

Please find attached the archaeological sites map that shows the historic settlement core of Gilmorton (MLE9865) and Cotes de Val (MLE1541).
Source: Leicestershire CC HNET

HDC have no further comment

4. The policy wording refers to public benefit. Whilst this is a matter referred to in paragraph 201 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 203 of the Framework states “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*” I intend to recommend a modification so that assessment of impact on locally valued heritage assets should be as though they were non-designated heritage assets so as to have sufficient regard for national policy and guidance in this respect. I invite comment on my intention to recommend a modification so the policy has sufficient regard for paragraph 203 of the Framework.

The Qualifying body would not object to this modification.

HDC support this proposal for clarification.

Further comments from Conservation Officer: There is national policy and guidance in respect of non-designated heritage assets. The proposed modification is giving the full weight of that to the locally valued assets identified in the plan, which is to be encouraged.

Although there are currently no entries in Gilmorton, I would recommend reference to the HDC local list of non-designated heritage assets is included. Policy in respect of non-designated heritage assets included on the HDC list and locally valued heritage assets identified in the NDP should give regard to paragraph 203 of the Framework.

5. It is stated assets A - G are shown on the Policies Map. Asset G Ridge and Furrow is not shown on the Policies Map. I invite comment how this error can be corrected.

Ridge and furrow is an archaeological pattern of ridges and troughs created by a system of ploughing used in Europe during the Middle Ages, typical of the open field system. This feature of the farming system that predated Enclosure was characteristic of Leicestershire countryside, but very little ridge and furrow now remains in Gilmorton.

'Turning the Plough' ridge and furrow data has been provided by the Leicestershire Historic Environment Record office and is shown on the attached map.

HDC have no further comment

Policy G10 and Policy G1

6. It is confusing for two policies to seek to specify the approach to development proposals outside the Gilmorton Limits to Development. I invite comment on my intention to recommend a modification so that Policy G1 relates to land outside the Limits to Development and Policy G10 relates to land within the Limits to Development. Indeed, the policy titles suggest that is the intended approach.

The Qualifying body would not object to these modifications.

HDC support this approach for clarification

Policy G11

7. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: *"From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings"*. The policy is also reliant on a third party to the applicant and local planning authority for its realisation which it may not be. The policy does not meet the basic conditions. I invite comment on my proposal to recommend a modification so that the policy is deleted.

The Written Ministerial Statement referred to concerns technical standards for new housing included in Building Regulations, not construction methods. While the Parish Council might be regarded as a third party, it is a statutory consultee on planning applications. With substantial housing growth, Gilmorton is expected to grow by 50% within a very short timescale and therefore it is important that builders respect the amenities of existing residents in this small, historic village. The deletion of Policy G11 would not be supported.

HDC comment: The requirements of G11 are generally for Development Management to require through condition and may be outside the remit of the Parish Council. Some of the requirements of G11 may not be relevant for every new housing development. The clauses of policy G11 could be converted to a community action for the Parish Council to request that suitable Construction Method Statements are provided for approval by the LPA prior to commencement of development. This would ensure that the LPA continued to seek CMS as part of an application but remove the onerous nature of the requirement from policy.

Policy G13

8. Paragraph 78 of the National Planning Policy Framework states local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. Paragraph 7.13 of the Neighbourhood Plan quantifies anticipated delivery of affordable houses. Could you please direct me to the assessment of local needs for affordable housing that justifies the approach taken in Policy G13.

Over 50 new affordable houses will be built in Gilmorton over the coming years through the development of existing housing commitments. Over 1,000 affordable housing will also be delivered through the proposal to build about 2,750 dwellings in the form of a Strategic Development Area (SDA) on land to the east of Lutterworth just a short distance away.

It is therefore reasonably self-evident that the local need for affordable housing will be met for years to come.

Further, Gilmorton is expected to grow by 50% within a very short timescale and there is no appetite for further growth. Instead, a period of assimilation is required to allow the community to adjust to the impact of this development.

For these reasons exception site affordable housing is not needed and would not be welcomed.

Further comment from HDC Strategic Housing and Enabling Officer:
Harborough's waiting list data shows need at ward level and Gilmorton is part of Misterton Ward which across the whole ward shows a reasonable level of need. However the numbers of units already permitted for Gilmorton appears to exceed the current need showing for the ward as a whole. There has not been any specific housing needs assessments undertaken for Gilmorton.

Whilst it is the case that current permitted development already in the pipeline will sufficiently meet any immediate affordable need and for the foreseeable future, it is also the case that need will change over time and grow. Therefore

sites brought forward in future will be subject to the requirements of Policy G13 of the Gilmorton NDP.

Policy G14

9. Paragraph 111 of the Framework states “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” Could you please explain:

- how the policy has regard for paragraph 111 of the Framework?
Traffic conditions at the places named in Policy G14 are already severe and/or there are highway safety issues.
- how it will be determined if new development would generate additional traffic in Gilmorton village
A transport statement or transport assessment.
- how it could be demonstrated development will not make issues identified in A and B worse?
A transport statement or transport assessment.
- how the development of a house for example, could provide opportunities to reduce speeding traffic?
Developer contributions to parking restrictions, vehicle activated signs, more signs and road markings, speed indicator devices, virtual speed humps, road surface treatments, village gateways, chicanes etc.

We draw the examiner’s attention to the attached transport strategy.

No HDC comment

Policy G15

10. In that the policy is seeking to introduce parking standards please direct me to the evidence demonstrating the matters listed in paragraph 107 of the National Planning Policy Framework have been taken into account.

As set out in section 3 of the Neighbourhood Plan, Gilmorton has only a basic range of services and facilities. Further, Gilmorton has limited opportunities for sustainable travel- there is no bus service. Therefore, residents are highly dependent upon the private car for access to jobs, shopping, leisure etc. This is reflected in high car ownership levels, with 94.3% of households having access to at least one car/van compared with 74.2% in England.

No HDC comment

I request any response to these requests for clarification is agreed as a joint response of the Parish and District Councils wherever possible. This request for clarification and any response should be published on the District Council website.

In order to maintain the momentum of the Independent Examination I would be grateful if any reply could be sent to me by 12.00 Noon on Tuesday 10 August 2021.

As the Independent Examination progresses, I may seek clarification with respect to other matters. For the avoidance of doubt recommendations of modification of the

Neighbourhood Plan that may be contained in my report of Independent Examination will not be limited to those matters in respect of which I have requested clarification.

I should be grateful if the District Council and the Parish Council could acknowledge receipt of this email.

Best regards

Chris Collison
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