

Gilmorton Parish Council

Gilmorton Neighbourhood Development Plan

A report to Harborough District Council of the Independent
Examination of the Gilmorton Neighbourhood Development
Plan

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Summary of Main Findings

This is the report of the Independent Examination of the Gilmorton Neighbourhood Development Plan. The plan area comprises the administrative area of Gilmorton Parish Council, with the exception that land forming part of the Bruntingthorpe Proving Ground is excluded. The plan area lies within the Harborough District Council area. The plan period runs to 2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities the power to develop a shared vision for their area*”.¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Gilmorton Parish Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Gilmorton Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Gilmorton Neighbourhood Area (the Neighbourhood Area) which was formally designated by Harborough District Council (the District Council) on 22 March 2016. The Neighbourhood Plan has been produced by an Advisory Committee made up of Parish Councillors, and other volunteers from the local community.
4. The submission draft of the Neighbourhood Plan and accompanying documents were submitted to the District Council on 22 January 2021. The District Council arranged a period of publication between 7 April 2021 and 19 May 2021 and subsequently submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

¹ Paragraph 29 National Planning Policy Framework (2021)

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.³
7. Should the Neighbourhood Plan proceed to local referendum⁴ and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area⁵ unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan.⁶ The Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.⁷
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of neighbourhood plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. I have forty

³ Paragraph 48 of the National Planning Policy Framework 2021 explains full weight is not given at this stage. Also see Planning Practice Guidance paragraph: 107 Reference ID: 41-107-20200407 Revision date: 07 04 2020 for changes in response to the coronavirus (COVID-19) pandemic

⁴ The Local Government & Police & Crime Commissioner (Coronavirus) (Postponement of Elections & Referendums) (England & Wales) Regulations 2020 Regulation 13 states referendums that would have been held from 7 April 2020 up to 6 May 2021 will be held on 6 May 2021

⁵ Section 3 Neighbourhood Planning Act 2017

⁶ Section 156 Housing and Planning Act 2016

⁷ Paragraph 12 National Planning Policy Framework 2021

years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁸ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁹

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.¹⁰ The Planning Practice Guidance (the Guidance) states *“it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”*

12. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had the opportunity to state their case. The Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. As I did not consider a hearing necessary, I proceeded on the basis of examination of the written representations and an unaccompanied visit to the Neighbourhood Plan area.

⁸ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁹ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

¹⁰ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.¹¹ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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 2017.¹²

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.¹³ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan Policies’.

15. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁴ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the

¹¹ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

¹² This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition “the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”.

¹³ The Convention Rights has the same meaning as in the Human Rights Act 1998

¹⁴ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

Regulations) which are made pursuant to the powers given in those sections.

16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 22 March 2016. A map of the Neighbourhood Area is included on page 3 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Gilmorton Parish Council boundary with the exception that land forming part of the Bruntingthorpe Proving Ground is excluded. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁵ and no other neighbourhood development plan has been made for the neighbourhood area.¹⁶ All requirements relating to the plan area have been met.
17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹⁷ and the Neighbourhood Plan does not include provision about excluded development.¹⁸ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁹ The front cover of the Submission Version Plan clearly states the Plan period is 2018 – 2031 and this is confirmed in paragraph 1.5 of the submission plan.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans.²⁰ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.

¹⁵ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38B (2) Planning and Compulsory Purchase Act 2004

¹⁷ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁸ Principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁹ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

²⁰ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2021

20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.²¹ I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

23. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
- Gilmorton Parish Neighbourhood Plan 2018-2031 Submission Version (including Policies Map - Village and Policies Map - Parish)
 - Gilmorton Neighbourhood Plan Consultation Statement, including Appendices 1-3 December 2020 [*In this report referred to as the Consultation Statement*]
 - Gilmorton Neighbourhood Plan Statement of Basic Conditions [*In this report referred to as the Basic Conditions Statement*]
 - Gilmorton Neighbourhood Plan Strategic Environmental Assessment Screening Report May 2018 and Determination October 2019
 - Information available on the Gilmorton Parish Council and Harborough District Council websites
 - Representations received during the Regulation 16 publicity period
 - Correspondence between the Independent Examiner and the District and Parish Councils including: the initial letter of the Independent Examiner dated 12 July 2021; the letter of the Independent Examiner seeking clarification of various matters dated 26 July 2021; and the

²¹ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

joint response of the Parish Council and District Councils which I received on 10 August 2021.

- Harborough Local Plan 2011 to 2031 adopted 30 April 2019
- National Planning Policy Framework (2021) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [*In this report referred to as the Guidance*]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
- Local Government & Police & Crime Commissioner (Coronavirus) (Postponement of Elections & Referendums) (England & Wales) Regulations 2020

Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

25. Following designation of the Neighbourhood Area a meeting was held that led to the formation of the Gilmorton Neighbourhood Development Planning Group which in July 2016 held an open public meeting to seek views on development in the area. In October 2016 a questionnaire resulted in 356 responses. Results were published on the Parish Council website and shared with over 80 people attending an event in February 2017. Groups of Key Stage 1 and Key Stage 2 pupils of the Primary School were surveyed in June 2017. That same month an open public meeting gave residents the opportunity to consider housing site options put forward by developers. Throughout the plan preparation process local people have been informed of progress through a website, social media and newsletters.
26. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 16 April 2018 and 28 May 2018. Plan documents were published on the Parish Council website, and a summary draft plan was delivered to all premises in the parish. Publicity was also achieved through advertisement in the village newsletter, emails and posters displayed throughout the village. The seven representations received in response to the consultation are presented in Appendix 2 of the Consultation Statement. Action taken, including modification and correction of the emerging Neighbourhood Plan, is set out in Appendix 3. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Parish Council to the District Council.
27. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 7 April 2021 and 19 May 2021. Ten representations were submitted in total. The District Council has commented on general text in paragraphs 2.6 and 7.7 of the Neighbourhood Plan and has submitted specific comments in relation to Policies G3, G5, G9 and G10. Severn Trent Water comment on Policies G5 and G8 and offer general advice. Highways England and Natural England confirm no further comments. The representations of Leicestershire County Council, the Leicester Leicestershire and Rutland Clinical Commissioning Group, and the representation of the Harborough Disability Action Group do not necessitate any modification to meet the basic conditions. Sport England comment on Policy G8 and offer general advice. The Coal Authority confirm Harborough District is outside the coalfield.
28. I have been provided with copies of each of those representations. In

preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole, or in part in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations, including those of Severn Trent Water and Leicestershire County Council, suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.²²

29. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did not comment on the representations of other parties.

30. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.²³

31. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the

²² *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6)

²³ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Advisory Committee has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

32. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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

33. I have considered the European Convention on Human Rights and in particular Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁴ Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. An Equality Impact Assessment of the Neighbourhood Plan, which is presented as Appendix 1 of the

²⁴ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

Basic Conditions Statement, concludes *“this assessment has found no negative impacts on any protected characteristic by reference to data or evidence”*. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

34. The objective of EU Directive 2001/42²⁵ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²⁶ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²⁷
35. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Harborough District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
36. A Strategic Environmental Assessment Screening Report was prepared in May 2018 and the statutory consultation bodies did not vary from the conclusions reached. The Gilmorton Neighbourhood Plan Strategic Environmental Assessment Determination October 2019 states *“As a result of the assessment in Section 4 and the consideration of all the policies against Local Plan, NPPF, historic and environmental designations, Natura 2000 sites and HRA, it is unlikely there will be any significant environmental effects arising from the Gilmorton Neighbourhood Plan as submitted at the date of this assessment that were not covered in the Sustainability Appraisal of the Local Plan or considered as part of the determination of suitable housing sites during the preparation of the Plan. As such, it is the view of the LPA that the Gilmorton Neighbourhood Plan does not require a full SEA to be undertaken. The Environment Agency, Natural England and English Heritage have been consulted on this Screening Report and their responses have been included in section 1. The Statutory Consultees have not raised any concerns about the screening report*

²⁵ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²⁶ Defined in Article 2(a) of Directive 2001/42

²⁷ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

outcomes.” I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

37. I have earlier in my report, in Footnote 12, referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout the early period of preparation of the Neighbourhood Plan. The Basic Conditions Statement has been prepared to accompany the Neighbourhood Plan which was submitted to the District Council in January 2021. The Basic Conditions Statement states *“The Gilmorton Neighbourhood Plan is unlikely to have a substantial effect of the Natura 2000 network of protected sites”*. The Table presented at section 4.2 of the Strategic Environmental Assessment Determination document states *“Gilmorton Neighbourhood Plan is unlikely to have a substantial effect on the Natura 2000 network of protected sites. A full Habitat Regulations Assessment Screening Report was carried out as part of the Core Strategy preparation process in 2011 and an updated Habitat Regulation Assessment has been undertaken as part of the Local Plan preparation. The report concludes that the Harborough Core Strategy and subsequently the Local Plan, alone or in combination with other plans, are unlikely to have an adverse impact on any of the Natura 2000 sites within approximately 25kms of the boundary of the district. Of the 3 Natura 2000 sites looked at in the Screening Report, Ensor’s Pool SAC is approximately 20 Km of the Neighbourhood Development Area of Gilmorton. Ensor’s Pool was found to be essentially a self-contained eco system. The Habitat Regulations Assessment concluded that its vulnerabilities are very local in nature and unlikely to be caused harm by the Harborough Core Strategy. This conclusion can be assumed applicable for Gilmorton Neighbourhood Development Plan. The River Mease SAC and Rutland Water SPA were also considered in the Habitat Regulations Assessment Screening Report. They lie approx. 35km and 50km respectively from Gilmorton. The Screening Report concluded that the Core Strategy would not lead to significant adverse effects on either area given that: • the River Mease SAC is separate to any water courses in the district and does not contribute to the water supply or drainage of the district; and • any effects on Rutland Water SPA would be indirect and relate only to a greater number of visitors being attracted to the site from additional development in the District. It is considered that the NP will not affect the 3 specified Natura 2000 sites over and above the impacts identified in the Habitats Regulation Assessment Screening Report carried out for the Core Strategy in 2011 nor for the Local Plan in 2017. Therefore, it is concluded that a full Appropriate Assessment*

is not deemed to be required.” The analysis does not identify any negative effects relating to Habitats Regulations arising from any policy of the Neighbourhood Plan. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

38. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

39. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

40. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU obligations:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²⁸

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

41. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations

²⁸ Planning Practice Guidance paragraph 031 Reference ID: 11-031-20150209 revision 09 02 2015

of Local Plans²⁹ which requires plans to be “*consistent with national policy*”.

42. Lord Goldsmith has provided guidance³⁰ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
43. The most recent National Planning Policy Framework published on 21 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated in respect of Neighbourhood Planning on 25 September 2020. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. Whilst the Guidance has been updated on 24 May 2021 with respect to First Homes, transitional arrangements apply in the case of the Neighbourhood Plan which was submitted for independent examination before 28 June 2021.
44. Paragraph 2.6 of the Basic Conditions Statement states “*The following table identifies the sections of the National Planning Policy Framework that the Gilmorton Neighbourhood Plan conforms with and provides a supporting commentary. Reference is also made to the relevant Planning Practice Guidance (PPG).*” The table presented sets out a summary of how each policy of the Neighbourhood Plan has regard to the Framework and Guidance. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework and Guidance.
45. The Neighbourhood Plan includes, in paragraph 1.28, a positive vision for Gilmorton that has been prepared in the context of the need to be “*aspirational, but realistic.*” The vision includes economic dimensions (“*local services and facilities are retained*”), and social components (“*housing development reflects local needs*”, “*good access to the countryside*”), whilst also referring to environmental considerations

²⁹ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

³⁰ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

(“Gilmorton’s heritage is conserved”, “reduced impact of traffic”, “important green spaces are protected”, and “the character of the countryside is safeguarded”). The vision statement and the identification of key issues presented at paragraph 1.26 of the Neighbourhood Plan provide a framework for the policies that have been developed.

46. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘*have regard to*’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”
47. At the heart of the Framework is a presumption in favour of sustainable development³¹ which should be applied in both plan-making and decision-taking.³² The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”³³.
48. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some

³¹ Paragraph 10 National Planning Policy Framework 2021

³² Paragraph 11 National Planning Policy Framework 2021

³³ Planning Practice Guidance Paragraph 072 Ref ID:41-072-20190509 Revision 09 05 2019

alternative plan would make a greater contribution to sustainable development.

49. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The table at section 3.2 of the Basic Conditions Statement presents the results of an analysis which demonstrates ways in which the Neighbourhood Plan supports the economic, social and environmental aspects of sustainable development. The analysis does not highlight any negative impacts.

50. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Establish that countryside outside defined limits to development will be protected;
- Establish that the open character of a defined area of separation will be retained;
- Establish that development should safeguard and where possible enhance locally important views;
- Establish that development should protect and enhance the public right of way network in particular to create a “*Gilmorton Round*” across open fields;
- Establish that development should not harm the defined network of local ecological features and networks and demonstrate biodiversity net gain;
- Establish criteria for support of loss of identified community services and facilities;
- Establish conditional support for the sustainable growth and expansion of all types of business and enterprise;
- Designate 8 Local Green Spaces;
- Identify local heritage assets and establish a need for archaeological assessment of proposals within the historic core of Gilmorton and Cotes de Val;
- Establish conditional support for infill housing development within the Gilmorton Limits to Development;

- Ensure new housing development meets local needs;
- Establish requirements relating to provision of affordable housing;
- Establish that new development should not worsen identified traffic issues and seek to identify measures to reduce speeding traffic through Gilmorton village; and
- Establish car parking requirements for new dwellings.

51. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

52. The Framework states neighbourhood plans should “*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*”.³⁴ Plans should make explicit which policies are strategic policies.³⁵ “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area*”³⁶. *Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies*”.³⁷

53. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”³⁸

54. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the

³⁴ Paragraph 13 National Planning Policy Framework 2021

³⁵ Paragraph 21 National Planning Policy Framework 2021

³⁶ Footnote 18 National Planning Policy Framework 2021

³⁷ Paragraph 29 National Planning Policy Framework 2021

³⁸ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20190509 Revision 09 05 2019

authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Gilmorton Parish Neighbourhood Area and relevant to the Neighbourhood Plan is the Harborough Local Plan 2011 to 2031 and that with the exception of Policies GD6; GD9; H3; RT3; HC2; HC3; GI3; GI4; and CC4 all the policies of the Local Plan are to be regarded as strategic. Paragraph 1.6.7 of the Local Plan states *“With the exception of these policies, neighbourhood plans should be in general conformity with all policies of this Local Plan.”*

55. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*³⁹. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.
56. In considering a now-repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there to introduce a degree of flexibility.”*⁴⁰ The use of *‘general’* allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.
57. The Guidance states, *“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*
- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
 - *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*

³⁹ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision 09 05 2019

⁴⁰ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”⁴¹*

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

58. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the table presented at section 4.3 of the Basic Conditions Statement which seeks to explain how each of the policies of the Neighbourhood Plan conform with the Local Plan. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

59. The Neighbourhood Plan includes 15 policies as follows:

Policy G1: Countryside

Policy G2: Gilmorton Area of Separation

Policy G3: Locally Important Views

Policy G4: Public rights of Way network

Policy G5: Ecology and Biodiversity

Policy G6: Community Services and Facilities

Policy G7: Rural Economy

Policy G8: Local Green Spaces

Policy G9: Local Heritage Assets

⁴¹ Planning Practice Guidance Paragraph 074 ID ref: 41-074 20140306 Revision 06 03 2014

Policy G10: Infill

Policy G11: Construction Method Statements

Policy G12: Housing Mix

Policy G13: Affordable Housing

Policy G14: Transport

Policy G15: Car Parking and New Development

60. Paragraph 29 of the Framework states *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*. Footnote 16 of the Framework states *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*
61. Paragraph 15 of the Framework states *“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”*
62. Paragraph 16 of the Framework states *“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*

63. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*⁴²
64. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*⁴³
65. A neighbourhood plan should contain policies for the development and use of land. *“This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*⁴⁴
66. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”*⁴⁵ *“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”*⁴⁶
67. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the

⁴² Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306 Revision 06 03 2014

⁴³ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

⁴⁴ Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20190509 Revision 09 05 2019

⁴⁵ Planning Practice Guidance Paragraph 040 Reference ID 41-040-20160211 Revision 11 02 2016

⁴⁶ Planning Practice Guidance Paragraph 042 Reference ID 41-042-20170728 Revision 28 07 2017

determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy G1: Countryside

68. This policy seeks to establish a Gilmorton Limits to Development boundary and define those types of development proposals that will be supported outside those Limits to Development.
69. The Harborough Local Plan adopts a criteria-based approach to spatial policy. The Limits to Development boundary referred to in Policy G1 has been subject to community engagement and consultation during the Neighbourhood Plan preparation process. The Limits to Development boundary includes the contiguous built-up area of Gilmorton village. I am satisfied the Limits to Development boundary indicates a logical physical limit to development within which infill development will be conditionally supported over the plan period in accordance with Policy G10 as recommended to be modified, and outside which proposals will be subject to strategic policy. Later in my report when considering Policy G10 I find it is confusing for two policies to seek to specify the approach to development proposals outside the Gilmorton Limits to Development. I have recommended 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 Parish Council has stated it would not object to those modifications and the District Council has expressed support. In making the modification I had noted Policy G10 was seeking to propose a more restrictive approach to the types of housing development that will be supported outside the Limits to Development than national policy. Rather than extend that list I am recommending a modification in line with Paragraph 16 of the Framework which states *“plans should avoid unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*
70. Policy G1 will guide development to sustainable solutions. It is beyond my role to consider whether any alternative alignment of the Limits to Development boundary would offer a more sustainable solution. It is beyond my role to recommend modification of the Neighbourhood Plan where this is not necessary to meet the Basic Conditions or other requirements that I have identified. The Limits to Development

boundary is clearly defined. I am satisfied the approach adopted in Policy G1 has sufficient regard for national policy.

71. The policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
72. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with; delivering a sufficient supply of homes, conserving and enhancing the historic environment; and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy G2: Gilmorton Area of Separation

73. This policy seeks to establish a Gilmorton Area of Separation within which development proposals which adversely affect the open character of the area and setting of Gilmorton village will not be supported. The policy also requires major development proposals to assess and address their impact on the setting of the village and the objective of separation giving specific attention to location, design and landscaping appropriate to the character of the area.
74. Paragraph 130 of the Framework states planning policies should ensure developments *"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."* Maintaining the distinctive and separate identity of Gilmorton is not the same as preventing any development in the identified Area of Separation between Gilmorton and the Lutterworth Strategic Development Area. Sustainable development could occur in the area to which the policy applies that does not undermine visual separation. A policy defining an area where no development is to be permitted would seek to establish a regime that is more restrictive than even that applying in designated Green

Belt. Such an approach would not have sufficient regard for national policy for it to be appropriate. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy, the maintenance of a distinctive and separate identity of a settlement can be a legitimate objective of land use policy.

75. The policy would not prevent sustainable development and has regard for those elements of the Framework that specifically recognise the importance of economic growth in rural areas; and the special circumstances where isolated homes in the countryside will be acceptable. As recommended to be modified the policy would not prevent the development of essential utility infrastructure that is appropriately sited and designed. The policy has regard for paragraph 130 of the Framework. I am satisfied the policy has regard for national policy and will not prevent sustainable development.
76. The policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
77. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the historic environment; and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy G3: Locally Important Views

78. This policy seeks to establish that development should be located and designed so it is sensitive to its landscape and should safeguard and where possible enhance identified important views and vistas.
79. In a representation the District Council state the policy wording implies the important views and vistas are listed in the policy but they are not. I have recommended a modification so that the views and vistas are

listed in the policy. I have recommended a modification in this respect so that the policy 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.

80. Paragraph 174 of the Framework refers to protection of valued landscapes. To be valued landscape a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond “ordinary”.⁴⁷ Policy G3 is not seeking to identify valued landscapes but is seeking to ensure development proposals must safeguard, and where possible enhance, locally important views and vistas. Whilst the term *“safeguard”* can require protection with an appropriate measure it could be interpreted as meaning views and vistas must be maintained thus preventing sustainable development. I have recommended a modification so that the policy is more clearly not seeking to prevent sustainable development and recognises development proposals within the identified important views, through careful consideration to design, siting and landscaping, or other mitigation measures, may be shown to not significantly harm the identified views. Planning policy must operate in the public interest. In response to my request for clarification the District and Parish Councils have jointly stated *“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”. I have recommended a modification to clarify the locations referred to are freely accessible to the general public and recommended a modification to revise the Map of Important Views. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and 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.

⁴⁷ Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)

81. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

82. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy G3

- replace “safeguard” with “not significantly harm”
 - replace “(as set out in Appendix 1)” with “seen from publicly accessible locations”
 - insert the list of important views and vistas in the policy
- Revise the Map of Important Views to that produced in response to my request for clarification**

Policy G4: Public rights of Way network

83. This policy seeks to establish development should protect rights of way and wherever possible create new links to the network. The re-creation of a “*Gilmorton Round*” across fields is encouraged.

84. Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks. The term “*encouraged*” does not provide a basis for the determination of development proposals. Planning policy must operate in the public interest. I have recommended a modification to clarify the policy relates to public rights of way. I have recommended a modification in these respects so that the policy “*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.

85. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

86. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy G4

- **replace “the Rights” with “public Rights”**
- **replace existing Rights” with “existing public Rights”**
- **replace “encouraged” with “supported”**

Policy G5: Ecology and Biodiversity

87. This policy seeks to establish development should not harm identified local ecological features and habitats. The policy also seeks to ensure new development should maintain and enhance ecological corridors and landscape features for biodiversity and demonstrate net gain. All new buildings are required to incorporate measures to enhance biodiversity.

88. In a representation Severn Trent Water has expressed support for the penultimate sentence of the policy.

89. Paragraph 179 of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. In a representation the District Council state site label F is hidden by the Neighbourhood Plan boundary on the Policies Map. The term “*which includes*” introduces uncertainty and

results in the policy not providing a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy 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.

90. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

91. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy G5 delete “which includes”

Make label F on the Policies Map more visible.

Policy G6: Community Services and Facilities

92. This policy seeks to establish criteria for support of the loss of identified community services and facilities.

93. Paragraph 93 of the Framework states planning policies should guard against the unnecessary loss of valued facilities and services. I am satisfied the approach adopted in Policy G6 has sufficient regard for national policy in this respect.

94. Policy HC2 and Policy HC3 set out clear policy relating to community facilities and public houses, post offices and village shops. As these policies are not regarded as being strategic by the District Council Policy G6 is not required to be in general conformity with them. I am satisfied the factors identified in paragraph 3.6 of supporting text in the

Neighbourhood Plan sufficiently justifies the approach adopted in Policy G6.

95. The policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
96. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy G7: Rural Economy

97. This policy seeks to establish support for the sustainable growth and expansion of all types of business and enterprise through conversion of buildings and well-designed new buildings where it meets the requirements of Local Plan Policies GD3 and BE1 and the other policies of the Neighbourhood Plan.
98. Paragraph 81 of the Framework states planning policies should help to create the conditions in which businesses can invest, expand and adapt, and paragraph 84 states planning policies should enable the sustainable growth and expansion of all types of business in rural areas. It is unnecessary and confusing for a policy 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 have recommended a modification in this respect so that the policy 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 Parish Council has confirmed it would not object to this modification and the District Council agree with the modification.
99. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011

to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

100. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong, competitive economy, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy G7 delete “and the other policies of the Neighbourhood Plan”

Policy G8: Local Green Spaces

101. This policy seeks to designate 8 Local Green Spaces.
102. Severn Trent Water recommend the policy should state development of flood resilience schemes within local green spaces will be supported provided the schemes do not adversely impact the primary function of the green space. It is beyond my role to recommend additional areas of planning policy are included in the Neighbourhood Plan except where these are necessary so that the Neighbourhood Plan meets the Basic Conditions. The suggestion of Severn Trent Water is not necessary to meet the Basic Conditions.
103. In a representation Sport England state, the policy does not appear to reflect the specific needs of formal sports facilities/playing fields as detailed in paragraph 97 (now paragraph 99) of the Framework. The protection offered to existing open space, sports and recreational buildings and land, including playing fields by paragraph 99 of the Framework does not mean those types of facilities must be designated as Local Green Space.
104. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is

achieved. The proposed Local Green Spaces are presented on a map on page 20 of the Neighbourhood Plan. When viewed electronically the map can be expanded to better reveal the line of boundaries of the green spaces in question. The scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green spaces have been adequately identified.

105. Policy G8 includes the imprecise terms “*special character*” and “*significance and value*”. Decision makers must rely on paragraph 103 of the Framework that states “*Policies for managing development within a Local Green Space should be consistent with those for Green Belts*” and the part of the Framework that relates to ‘*Protecting Green Belt land*’, in particular paragraphs 147 to 151. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not.⁴⁸ I have recommended a modification in this respect.

106. Paragraph 101 of the Framework states “*The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*”

107. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

⁴⁸ *R on the Application of Lochailort Investments Limited v Mendip District Council*. Case Number: C1/2020/0812

108. Paragraph 102 of the Framework states *“The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.”* I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.
109. The Guidance states the Qualifying Body (Parish Council) *“should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.”*⁴⁹ The areas proposed for designation as Local Green Space have been subject to extensive consultation with the local community.
110. The submission Neighbourhood Plan includes in Appendix 2 information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of each site including matters referred to in the Framework. The Neighbourhood Plan evidence base includes a more detailed explanation of the reasons for designation. I have visited each of the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. Appendix 2 and the more detailed explanation in the Neighbourhood Plan evidence base provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.
111. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.
112. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by

⁴⁹ Planning Practice Guidance Paragraph: 019 Reference ID:37-019-20140306 Revision date 06 03 2014

providing an additional level of detail or distinct local approach to that set out in the strategic policies.

113. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy G8

- after “following sites” insert “(identified on the Policies Map)”
- delete the final sentence

Policy G9: Local Heritage Assets

114. This policy seeks to identify 7 local heritage assets, and establish an approach to the determination of development proposals that would affect them. The policy also seeks to establish that planning applications within identified areas should be accompanied by an appropriate desk based archaeological assessment, and where necessary a field evaluation.

115. The Guidance refers to advice on local lists published on Historic England's website.⁵⁰ *Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018) states “Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority's heritage list assessed. A*

⁵⁰ Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them.” It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued.

116. In a representation the District Council state the Local Heritage Assets do not show up very clearly on the Policies Map. The representation also states the policy implies “Ridge and furrow” is shown on the Policies Map which it is not. In response to my request for clarification the Parish Council state *“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.”* I have recommended the certain and probable ridge and furrow features are mapped in the Neighbourhood Plan and that the relevant map is referred to in Policy G9.
117. Paragraph 194 of the Framework states local planning authorities should require a desk-based assessment and where necessary a field evaluation where proposals include or have the potential to include heritage assets with archaeological interest. It is appropriate for a Neighbourhood Plan to identify an area with that potential however the term *“historic settlement core”* is imprecise. In response to my request for clarification the Parish Council has presented a copy of the archaeological sites map that shows the historic settlement core of Gilmorton and Cotes de Val. I have recommended a modification so that this map is included in the Neighbourhood Plan and referred to in Policy G9.
118. 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 have recommended 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 have recommended a modification so the policy has sufficient regard for paragraph 203 of the Framework. The Parish Council do not object to the modification. The District Council has agreed this modification and also recommended that although there are currently no entries in Gilmorton reference should be made in the Neighbourhood Plan to the HDC local list of non-designated heritage assets. As this would assist understanding I have made a recommendation of modification in this respect.

119. I have recommended a modification in all of the above respects so that the policy has sufficient regard for national policy and 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.

120. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

121. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy G9

- after “furrow” insert “(several locations)”
- replace “balance the need for or public benefit of the proposed development” with “have regard for”
- remove the emboldened typeface in part F

In the text supporting the policy, reference should be made to the District Council local list of non-designated heritage assets.

Include in the Neighbourhood Plan a map that shows the historic settlement core of Gilmorton and of Cotes de Val. The certain and probable ridge and furrow features identified by the Leicestershire Historic Environment office should also be mapped in the Neighbourhood Plan. The relevant maps should be referred to in the policy.

Adjust the Policies Map so that the Local Heritage Assets show up more clearly.

Policy G10: Infill

122. This policy seeks to establish conditional support for housing development proposals within the Gilmorton Limits to Development. The policy also seeks to limit development outside the Gilmorton Limits to Development to specified types.
123. In a representation the District Council state there may be some potential conflict between approaches to rural housing as set out in Policies G1 and G10. I agree that it is confusing for two policies to seek to specify the approach to development proposals outside the Gilmorton Limits to Development. I have recommended 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 Parish Council has stated it would not object to those modifications and the District Council has expressed support. I have recommended a modification in these respects so that the policy *“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.
124. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
125. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the

Framework, and the components of the Framework concerned with delivering a sufficient supply of homes; achieving well-designed places; conserving and enhancing the historic environment; and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:
In Policy G10 delete the text after “people”

Policy G11: Construction Method Statements

126. This policy seeks to establish that for development other than minor a construction method statement covering specified matters shall be prepared in liaison with the Parish Council prior to the commencement of development.
127. 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”*. Whilst the Parish Council state the Written Ministerial Statement concerns technical standards it does also restrict *“requirements”*. 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. The Parish Council has stated *“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.”* The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land as expressed in the policies of the Neighbourhood Plan. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct

relevance to land use planning policy, or which for other reasons cannot be the subject of a neighbourhood plan policy, represents good practice. The Guidance states, *“Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan”*.⁵¹ In recognition of the comment of the Parish Council I have recommended the text of Policy G11 should be presented in plain typeface and not in a background shaded text box. Policy G11 should be deleted from the title and replaced with a clear descriptive title and explanation that differentiates this community aspiration from the policies of the Neighbourhood Plan. This approach will have sufficient regard for the Guidance.

Recommended modification 8:

In Policy G11 in the title replace “Policy G11” with “Community Aspiration” and remove the background shaded box

Policy G12: Housing Mix

128. This policy seeks to establish that new housing development shall provide for a mix of housing types that will be informed by the most recent strategic housing market assessment and local evidence of housing need. The policy also requires applicants to demonstrate how the housing needs of older households and the need for smaller homes will be met.
129. Paragraph 62 of the Framework (which should be read in the context of paragraph 61) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. I am satisfied the approach adopted in Policy G12 has sufficient regard for national policy in this respect.
130. The policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
131. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable

⁵¹ Planning Practice Guidance *Paragraph: 004 Reference ID: 41-004-20190509 Revision 09 05 2019*

development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy G13: Affordable Housing

132. This policy seeks to establish the need for affordable housing will be met by existing commitments. The policy states on windfall housing developments of 10 dwellings or more, the minimum affordable housing provision is 40%. The policy also requires all affordable housing to be subject to a condition or planning obligation establishing priority in allocations to people with a defined local connection.
133. Paragraph 78 of the 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. As a point of clarification, I asked the Parish and District Councils to direct me to the assessment of local needs for affordable housing that justifies the approach taken in Policy G13. The Parish Council responded *"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."*
134. Strategic Policy H3 includes limitations on circumstances when rural exception sites will be supported one of which requires the development to meet clearly evidenced local affordable housing need. Whilst the situation described by the Parish Council will mean it is extremely unlikely clearly evidenced need will be able to be

demonstrated, it is not acceptable for planning policy to be introduced through general supporting text. I have recommended a modification in this respect so that the Neighbourhood Plan has sufficient regard for national policy and *“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.

135. Subject to the recommended modification of supporting text the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

136. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

In paragraph 7.13 replace the text after “consider” with “clearly evidenced local affordable housing need will be evidenced to support approval of rural exception sites in accordance with strategic Policy H6”

Policy G14: Transport

137. This policy seeks to establish new development that will generate additional traffic in Gilmorton village if identified transport conditions will not be made worse. The policy also states such development should also give consideration to opportunities to reduce speeding traffic through Gilmorton village.

138. 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.”* As a matter for clarification, I asked the Parish and District Councils: 1. how the policy

has regard for paragraph 111 of the Framework? 2. how it will be determined if new development would generate additional traffic in Gilmorton village? 3. how it could be demonstrated development will not make issues identified in A and B worse? and 4. how the development of a house for example, could provide opportunities to reduce speeding traffic? In response the Parish Council referred to the Transport Strategy in the evidence base and identified transport statement or transport assessments as a mechanism to assess the impact of proposals. The response also stated the development of a house for example could provide opportunities to reduce speeding traffic through “*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.*”

139. I am persuaded it would be open to a decision taker to rationally conclude that a given development could wash its own face in highway impact terms, but due to existing over capacity, the residual cumulative impacts of the development could be severe⁵². Paragraph 113 of the Framework refers to transport statements and transport assessments in the context of developments that will generate significant amounts of traffic. Such requirements would represent a disproportionate burden on sustainable development of small-scale schemes. This same impediment applies to the viability of small-scale schemes contributing to traffic speed reduction schemes. I have recommended a modification that limits the requirements of the policy to major development as defined in Appendix 2 Glossary to the Framework. The term “*give consideration to*” is in any case without practical effect. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and 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.

140. As recommended to be modified the policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

⁵² Mr Justice Holgate Case reference: *Bovis Homes Ltd & Miller Homes Ltd v SSCLG* (CO/3029/2016) (2 September 2016).

141. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:
In Policy G14 replace “New” with “Major”

Policy G15: Car Parking and New Development

142. This policy seeks to establish car parking standards for new residential development.
143. Paragraph 107 of the Framework specifies matters that should be taken into account if policies seek to set local parking standards for residential and non-residential development. As a matter for clarification, I asked the Parish and District Councils to direct me to the evidence demonstrating the matters listed in paragraph 107 of the National Planning Policy Framework have been taken into account. The Parish council responded *“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.”* I am satisfied the requirements of paragraph 107 have been met and the levels of provision of car parking space will in most circumstances be practical. I have recommended a modification to allow discretion in this latter respect and also in respect of circumstances where viability is at issue in accordance with the requirement for deliverability set out in paragraph 16 of the Framework.
144. The policy is in general conformity with the strategic policies included in the Harborough Local Plan 2011 to 2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The

policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

145. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:

Continue Policy G15 with "Alternative levels of provision of off-street parking spaces will be supported where this is demonstrated to be necessary on grounds of practicality or viability."

Conclusion and Referendum

146. I have recommended 11 modifications to the Submission Version Plan.

147. I am satisfied that the Neighbourhood Plan⁵³:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;

⁵³ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- 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 2017.⁵⁴

I recommend to Harborough District Council that the Gilmorton Parish Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

148. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁵⁵ I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”⁵⁶. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Harborough District Council as a Neighbourhood Area on 22 March 2016.

Annex: Minor Corrections to the Neighbourhood Plan

149. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the

⁵⁴ This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

⁵⁵ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵⁶ Planning Practice Guidance Paragraph 059 Reference ID: 41-059-20140306 Revision 06 03 2014

other requirements I have identified.⁵⁷ If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

150. The District Council propose:

- The third sentence of paragraph 2.6 should be corrected as Local Plan Policy GD3 f) allows for rural housing in accordance with Policy GD 4 New housing in the countryside. I recommend the sentence in question is replaced with “Development in the Countryside will be strictly controlled in accordance with Harborough Local Plan Policies SS1 and GD3.”
- Correct paragraph 7.7 to recognise there are currently no Limits to Development by deleting the word “*updated*”

As I am able to recommend the correction of errors, I recommend these changes are made.

Recommended modification 12:

Modify policy explanation sections, general text, figures and images to achieve consistency with the modified policies, and to correct identified errors.

Chris Collison
Planning and Management Ltd
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18 August 2021
REPORT END

⁵⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990