

Responses to Guidance and Directions issued 20 August 2021

**To all Regulation 16 consultation respondents for the Leire Neighbourhood Plan**

The Examiner for Leire Neighbourhood Plan has asked whether respondents would like to comment on the attached.

The Examiner has also granted an extension of time for the previous Guidance and Directions issued on 28<sup>th</sup> July 2021 (Appendix 1) until Monday 6<sup>th</sup> September.

If you have any comments to make on any of the questions asked by the Examiner please return them to me by **Midday on 6<sup>th</sup> September** in order for me to pass them on to the Examiner by the deadline of **4pm on 6<sup>th</sup> September 2021**.

All comments will be made publicly available.

Regards

Matthew Bills

Neighbourhood and Green Spaces Officer

Attachments <https://www.harborough.gov.uk/downloads/file/6858/guidanceanddirections2>

**Responses**

**From HDC Development Management**

The Parish representations received on this application are: *“At their meeting on 25th August, the Parish Council resolved to abstain from commenting on the application as it is a site included in the Neighbourhood Plan that is currently undergoing Independent Examination.”*

The Parish comments will be on our website under the Planning application if the Examiner needed to see them. (21/01248/OUT | Outline application for the erection of 5 dwellings (access to be considered) | Land Off Airedale Close Leire Leicestershire)

The attached letter has been received by Development Management in response to the planning application and Parish Council meeting

SI  
int comp / DM  
6/9/2021

02/09/2021



Dear Mrs Ruth Meddows-Smith

**Re: Planning application 21/01248/OUT Land off Airedale Close, Leire**

**Formal Complaint against Leire Parish council**

At the Leire Parish council meeting held on 27<sup>th</sup> July 2021 two planning applications were discussed. Following discussions the Parish Council voted to object to both applications. Additionally, the Chairperson stated they had been misled about having to include the need for more houses in the Neighbourhood plan. Two of the councillors voted to object by raising their hands and one abstained. At this meeting there were 12 parishioners attending who witnessed this process.

The next Parish council meeting, held on 25<sup>th</sup> August 2021 included once again, an agenda item on the above planning application. This seemed odd considering they had already agreed to object in July. However, hours before the August meeting the draft minutes of the July meeting appeared on the Parish Council Web site. These stated the first application 21/01138/FUL had been objected to. However, on the above application it stated they agreed to make further enquiries with no mention of the fact they had voted to object. This statement in the minutes is completely incorrect. At the meeting numerous parishioners challenged this statement but the chairman refused to accept they had voted to object to the planning application. He himself had raised his hand in the vote to object. It seemed clear at the Parish council meeting they were being heavily influenced by the Neighbourhood plan sub- committee. Hence an attempt to take a complete u-turn.

The actions of Leire Parish Council are completely unprofessional and therefore I ask that the Harborough District Council fully investigate this matter at a senior level and take appropriate action. I and several others are more than happy to provide witness statements if required.

Yours sincerely



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## From Resident

I am responding to the invitation on August 20th from the Independent Examiner Timothy Jones to comment on the following two points regarding the Leire Neighbourhood Plan (LNP):

**1. The current planning application 21/01/OUT**

I am uncomfortable about the submission of the above application before the LNP has been approved by the Examiner and voted for in the village. Additionally, in the planning application, exactly the same development is described as 'Land off Airedale Close ' while in the LNP, policy H1 (page 18) it is described as 'Land to the rear of Orchard Cottage'. The two different descriptions indicate an opportunistic attempt to muddy the water, aimed at pushing the development through, regardless of the verdict of the examination and the views of the residents.

The draft LNP describes the proposal for new dwellings in policy H1 as 'future proofing' (page 18). However the immediate, unnecessary construction of 5 houses on this site could be seen as jeopardising the housing needs of the future. The Parish Council is now aware that it is not obligatory to include any recommendation for development in the LNP. Removing policy H1 from the plan allows the opportunity to consider other, less controversial, sites, including those missed in the advisory committee's original identification of sustainable sites for development, when need arises in the future.

In recommending the decline of consent for this planning application, the Parish Council is quite rightly considering the emphasis for sustainable development, which is described in paragraph 7 of the National Planning Policy Framework (NPPF), as balancing the needs of the present without compromising those of the future.

**2. Response to the question contained in Appendix 1 'Do the alterations to the National Planning Policy Framework have any impact on the issues that I must consider?'**

Under heading 5 in the July issue of the NPPF -' Delivering a Sufficient Supply of Homes', the amendment to paragraph 70 now states that planning groups should give 'particular consideration' to the opportunities for allocating small and medium sites.

Neighbourhood plans have a duty to conform to national strategic policies.

On pages 20-22 of the LNP however, there is a proposal to restrict the Limits to Development for the village, contrary to the Harborough Local Plan which has removed Limits to Development across the district. Paragraph 12 of the NPPF states that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted'.

The proposed changes mean the new development boundary in the LNP would fall short of the present village settlement, thus excluding potential sites 001 (medium site) and 327 (small site) and possibly other sites also, from 'particular consideration' for development. (ref map page 37 LNP).

In order that the LNP adheres with the new emphasis in paragraph 70 of the NPPF, I propose that this limit of development for the village is reconsidered.

Yours faithfully

## From Leire Parish Council

### LEIRE PARISH COUNCIL NEIGHBOURHOOD PLAN

#### Response to Independent Examiners Guidance and Directions – August 2021

Leire Parish Council and the Neighbourhood Plan Sub-Committee maintain that the inclusion of a small site in the Neighbourhood Plan provides for a complete Plan and gives additional protection on certain circumstances against future developments.

At the Parish Council meeting held in July a planning application for the site included in the Neighbourhood Plan was presented to the Parish Council. There were only three Councillors present at the meeting, which was well attended by parishioners. The parishioners opposed to the inclusion of the site in the Plan made representations on the application and the Plan as a whole. During the discussion two of the Councillor's said that as a standalone application that they would personally object to any development, one councillor also incorrectly stated that the Parish Council had been advised that they had to include a development site, at this point the District Councillor interjected to advise that this was not the case. Tensions escalated and it was left that the Parish Council would investigate whether a site has to be included in the Plan and if not if the Plan could be revised to remove the site.

The understanding by a Councillor that a site has to be included was an error brought about by the fact that the Councillor who has the most knowledge of the Neighbourhood Plan was not present at the meeting and under pressure an erroneous comment was made.

The day following the meeting the Parish Clerk contacted Matthew Bills at Harborough District Council, the Parish Council, and the Neighbourhood Plan Sub-Committee. The Sub-Committee reiterated to all Councillor's that a site does not have to be included but it was decided that it would be of benefit to the Plan and the village as a whole to include a small-scale development site. The Sub-Committee has never taken the view that the inclusion of a site is obligatory. In addition, the Leire Village Questionnaire, carried out at the start of the process showed that a high proportion of the responders were happy to have an additional small-scale development, and in fact at our Open Neighbourhood Plan Exhibition, held at a similar time, villagers indicated on a Plan where they felt that such a site could be located. The progress of selecting a small site was always updated at our open meetings, and to the best of our knowledge none of the complainants attended either the open exhibition or the open meetings. Progress on the Plan was also on the agenda at our Parish Council meetings.

The Parish Council are clear why a site has been included and are fully supportive of the Neighbourhood Plan in its current form. Therefore, under the provision of Standing Order 7b, an extraordinary meeting was called on 25.08.21 specifically to reverse the resolution made at the July meeting due to a recommendation of the Neighbourhood Plan Committee. At this meeting it was resolved that the Parish Council would abstain from commenting on the application as it forms part of the NP that is currently undergoing independent examination. The Parish Council were unable to convene an extraordinary meeting prior to 25.08.21 due to holidays.

The submission of the planning application was unfortunate timing as it was presented to the Parish Council when the Parish Council representative on the Neighbourhood Plan Sub-Committee was absent and statements were made under pressure.

**Leire Parish Council**

## From Resident

### Email 1

Dear Matthew Bills

Can you please confirm that the independent Examiners Guidance and Directions 2 dated 20th August 2021 has been placed on Leire PC's website as directed by the examiner.

Thank you  
Kind regards

### Email 2

Dear Matthew Bills

Thank you for your email.

We note that the Independent Examiners Guidance and Directions 2 were placed on Leire PC website on Monday 13th September.

We requested copies of the recordings of Leire PC meetings for July and August from the clerk to the PC on 27th August but have not received them.

We would have liked to forward copies of these recordings to the Independent Examiner as we feel they clearly illustrate:-

- 1- That not all councillors are in support of the site selected for development in the NP and they feel the PC has been badly advised. (July meeting)
- 2- That the correct procedure for putting together a NP has not been carried out (August meeting)

At no point during the meeting is any other site mentioned by name or used to evidence why the selected site is preferable.

At no point are meetings with parishioners where site selection has been discussed referred to (because there have not been any).

When one councillor is asked if he has visited the other sites he states "not all of them, there is only so much you can do" and provides no reason for declaring that the "selected site" is the best one.

If the Independent Examiner feels these recordings are of help to him he will hopefully request copies himself.

Kind regards