

## **The Kibworths Neighbourhood Plan Review Submission April 2022**

### **Consideration by Harborough District Council of Minor (non-material)/Major (material) updates to the 'Made' Kibworths Neighbourhood Plan (made 29 January 2018)**

#### **1 Planning process**

The Kibworths Neighbourhood Plan passed Referendum with 1111 yes votes out of 1191 persons that voted on a turnout of 24.8% on 25 January 2018. However, since submitting the Neighbourhood Plan the Harborough Local Plan has been formally adopted and the new National Planning Policy Framework (2019) is in force.

These significant developments resulted in the Parish Council taking the decision to formally review the Neighbourhood Plan to ensure that it remains relevant and shapes development within the Parish up to 2031, also the timescale for the new Harborough Local Plan.

The opportunity has been taken to review all the current Plan policies and consider whether they now meet the needs of the community. The revised Neighbourhood Plan allocates four sites for residential development, contains policies for affordable housing, housing mix and design of housing. The reviewed Plan considers a range of environmental protections to better reflect the importance of the countryside and open spaces locally. The review plan has also taken the opportunity to include a list of building of local importance. Some policies are new whilst others have a strengthened evidence base.

Other provisions within the Neighbourhood Plan remain unchanged from the version which passed referendum in 2018. The QB have sought to change only those policies that require updating in line with changed circumstances or community requirements and an action list is included in the Consultation Statement at page 26.

The process for reviewing the Neighbourhood Plan is set out in the Consultation Statement which is included within the Submission material.

In addition to the Consultation Statement The Kibworths Neighbourhood Plan Review 2022 is accompanied by:

- Updated Statement of Basic Conditions;
- Updated Consultation Statement, including Regulation 14 responses;
- Census data from 2011;
- Local Green Spaces evidence
- Housing Needs report
- Community Actions

- Affordable Housing Assessment
- Environmental Inventory
- Local Heritage Assets
- Profile of Neighbourhood
- Updated SEA determination/screening
- Statement from the Qualifying Body about whether the amendments are considered material or non-material.

## 2 Planning Strategy

The timescale for the ‘made’ The Kibworths Neighbourhood Plan was already aligned to the new Local Plan in reflecting a time period of 2017-2031.

The adopted Harborough Local Plan has removed the Limits to Development which were a part of the Core Strategy 2006-2028. The review Neighbourhood Plan has taken the opportunity to reinstate a settlement boundary (Policy SD1 – Limits to Development) and update the line in order to more accurately reflect the built area

The Local Plan does not set a minimum requirement for The Kibworths the Plan period. The allocation policies in the review The Kibworths plan seek to deliver housing development that has been identified as being important to the community.

Since The Kibworths Neighbourhood Plan was ‘made’, further revisions have been made to the National Planning Policy Framework (NPPF) in August 2018 and February 2019.

Paragraph 14 of the updated NPPF states that ‘the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits’, under specified circumstances if the Neighbourhood Plan provides additional housing. The Qualifying Body in reviewing The Kibworths Neighbourhood Plan has been able to take advantage of this opportunity.

## 3 Neighbourhood Plan Policies

The Review Neighbourhood Plan has introduced the following changes to the Neighbourhood Plan which was Made in June 2018. *The Local Planning Authorities consideration of the changes is provided in italics*

**Introductory section Section 3** Why we need a Plan for the Kibworth Villages – section updated to explain why the NP is being reviewed. *Minor amendment*

**Section 4 Purpose of the Plan** – updated to reflect the formal adoption of the Local Plan in April 2019. *Minor amendment*

**Section 5 Our neighbourhood** – the Submission version of the original Neighbourhood Plan included a 25-page description of Kibworth, which was removed by the Examiner. This is replaced in the Review version of the Neighbourhood Plan with a four-page summary of life in the Kibworths which we think is important but proportionate in setting the context for the policies in the Neighbourhood Plan. *Minor*

*amendment -context only.*

**Section 6 Vision** – The Examiner of the original Neighbourhood Plan expressed surprise that there was no overarching vision for the Neighbourhood Plan. This is rectified in this Review version which now includes an overarching vision for the Neighbourhood Plan up to 2031. *Material amendment not affecting the nature of the Plan*

**Neighbourhood Plan policies Policy SD1** – although the policy remains the same as in the Made Neighbourhood Plan, the opportunity has been taken to update the red-line boundary to more accurately reflect the built area given recent development activity in the Kibworths. *Material amendment not affecting the nature of the Plan*

**The narrative preceding Policy CSA2:** Schools has been updated in line with changes to educational provision locally. The policy remains the same. *Minor amendment for accuracy and to reflect factual changes*

**The narrative preceding Policy CSA3** has been updated to reflect changes in provision since the original Neighbourhood Plan was Made, and the Policy amended to remove the need for a new multi-functional facility to have the capacity to accommodate storage requirements for scout/guide groups. *Material amendment not affecting the nature of the Plan*

**Policy CSA5 on GP Premises, CSA6 and CSA7 on Parks and Green Spaces and the safeguarding of Community Facilities** are untouched although the preceding narrative to each policy has been updated. *Minor amendment for accuracy and to reflect factual changes*

**The introduction to the section on Housing and the Built Environment** has been brought up to date to reflect the housing requirements through the Adopted Local Plan. A new policy, H1 responds to the updated housing need by identifying 4 sites for residential development. *Material amendment affecting the nature of the Plan. The 'made' plan did not contain policies for housing allocations and this must be considered and amendment that requires examination and referendum.*

**A policy on Affordable Housing** was deleted by the Examiner who considered that it added no locally specific land-use policy to the Local plan Affordable Housing Policy. Policy H3 addresses this concern by requiring Affordable Housing proposals to meet the identified housing needs of Kibworth, including small families, young people and older people wishing to downsize. *Material amendment affecting the nature of the Plan. The inclusion of a new policy concerning affordable housing changes the nature of the Plan and should require examination and referendum. It makes specific housing requirements for affordable housing and for people with a local connection*

**Policy H4 on Housing Mix (now H5)** has been re-written to add additional detail about local housing need. *Material amendment not affecting the nature of the Plan*

**The narrative leading to Policy H5 (now H6) on Building Design Principles** has been amended to recognise the importance of providing pedestrian and cycleways between new developments and facilities in the two villages. This is reflected in a slightly revised policy. *Material amendment not affecting the nature of the Plan. The changes have revised an existing policy.*

**North East Kibworth SDA;** The original Neighbourhood Plan contained a section on the North East Kibworth SDA, which was under consideration at the time that the Neighbourhood Plan was being prepared. Ultimately, the SDA was not selected for allocation within the Harborough Local Plan so the policy which was H8 has been removed from the Review Neighbourhood Plan. *Material amendment affecting the nature of the Plan. Removal of a substantial policy can affect the nature of the Plan*

*and should require examination and referendum*

**Policy ENV3** originally said that 'Development proposals should protect local habitats and species'. This has been changed on Review to say 'Development proposals should protect and enhance local habitats and species' to reflect the revised wording contained in the 2021 NPPF. *Minor amendment for accuracy and to reflect factual changes in external documents.*

**Buildings and structures of local significance (ENV10);** This Review of the Neighbourhood Plan has taken the opportunity to include a policy on buildings and structures of local significance (ENV10). Four locally important buildings have been identified as Non-Designated Heritage Assets and are fully described with images in Appendix 7. *Material amendment affecting the nature of the Plan. Inclusion of new policy ENV10 may affect planning decisions and should require examination and referendum.*

**Policy T1** which identifies a range of transport requirements for new housing development emphasises the importance of pedestrian and cycle links. *Material amendment not affecting the nature of the Plan as the change seeks to emphasise the requirements of an existing policy.*

**The narratives to Policies T2, T4 and T6** which support proposals to improve access onto the A6, road safety and air quality have all been updated, although the policies remain unchanged. *Minor amendment for accuracy and to reflect factual changes.*

**Electric Vehicle Charging (Policy T7);** The opportunity has been taken to include a policy on Electric vehicle charging to reflect a government priority that is not yet incorporated into Building Regulations. This is included as Policy T7. *Material amendment affecting the nature of the Plan. The inclusion of a new policy for electric charging points in new development will affect planning decisions and should require examination and referendum.*

**Farm Diversification (Policy E4);** A minor addition is made to the narrative providing evidence for Policy E4 on farm diversification (policy unchanged). *Minor amendment for accuracy and to reflect new evidence.*

**Developer Contributions;** A new section (Section 7) is included on Developer Contributions, highlighting priorities for infrastructure improvements in the event of future development taking place. *Material amendment affecting the nature of the Plan. The new section sets out the infrastructure requirements that are expected from new development. The inclusion of this section, although not set out in policy, may affect planning decisions and makes a material change of the plan that should be examined and be subject to referendum.*

The following policies remain unchanged from the Made Neighbourhood Plan: POLICY CSA1: PRE-SCHOOL PROVISION; POLICY CSA2: SCHOOLS; POLICY CSA 4: SPORTING FACILITIES; POLICY CSA5: GP PREMISES; POLICY CSA6: PARKS AND GREEN SPACES; POLICY H2: WINDFALL SITES; POLICY H3: PROMOTING SELF-BUILD; POLICY H6: RESIDENTIAL CAR PARKING; POLICY H7: REFUSE STORAGE; POLICY H8: EXTERNAL STORAGE; POLICY ENV1: PROTECTION OF LOCAL GREEN SPACES; POLICY ENV2: IMPORTANT TREES AND WOODLAND; POLICY ENV4: RIDGE AND FURROW FIELDS; POLICY ENV5: IMPORTANT HEDGES; POLICY ENV6: AREA OF SEPARATION; POLICY ENV7: RENEWABLE AND LOW CARBON ENERGY DEVELOPMENT; POLICY ENV8: WATERCOURSES AND FLOODING; POLICY ENV9: GRAND UNION CANAL IN KIBWORTH BEAUCHAMP; POLICY T2: ACCESS ONTO THE A6; POLICY T3:

PUBLIC CAR PARKING; POLICY T4: IMPROVEMENTS TO ROAD SAFETY; POLICY T5: TRAFFIC MANAGEMENT; POLICY T6: AIR QUALITY; POLICY E1: LOCAL SHOPPING CENTRE; POLICY E2: SHOP FRONTAGES; POLICY E3: HOME WORKING; POLICY E4: FARM DIVERSIFICATION - RE-USE OF AGRICULTURAL AND COMMERCIAL BUILDINGS

#### **4 Note on the Nature of the Changes**

The Qualifying Body take the view that while some changes were non-material modifications and some were material modification that both did and did not affect the nature of the Plan there were sufficient changes that alter the nature of the Plan and require Examination and Referendum.

Planning Practice Guidance, reviewed in May 2019, introduces the following categories:

1. Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
2. Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
3. Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

The Review Neighbourhood Plan has been amended to allocate housing sites and continues to direct growth through the newly defined limits to development, windfall and Local Green Space protection policies.

#### **5 How are these changes regarded by the Qualifying Body?**

The Qualifying Body are fully supportive of the changes to the Made Neighbourhood Plan as described above and take the view that the changes to the Plan are material and affect the nature of the Plan.

Amendments were considered following Regulation 14 consultation and changes incorporated into the Submission version of the Neighbourhood Plan as identified in the Regulation 14 comments and responses document.

The Kibworths Review Neighbourhood Plan was formally approved by the Kibworth Harcourt Parish Council at its meeting on 7 April 2022 (minute item 22/008 refers) and by Kibworth Beauchamp Parish Council (The Qualifying Body)

## **6 Conclusion**

It is the view of the Council that the changes are material and affect the nature of the Plan. In the view of the Council The Kibworths Review Plan requires examination and a referendum.