

SOUTH KILWORTH NEIGHBOURHOOD PLAN 2018-2031

South Kilworth Neighbourhood Plan Examination,
A Report to Harborough District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

October 2018



EST. 2011

Contents

1, Summary

2, Introduction

3, Basic Conditions and Development Plan Status

4, Background Documents and the South Kilworth Neighbourhood Area

5, Public Consultation

6, The Neighbourhood Plan: Introductory Section

7, The Neighbourhood Plan: Policies

8, The Neighbourhood Plan: Other Matters

9, Referendum

1. Summary

- 1 Subject to the modifications recommended within this Report, made in respect of enabling the Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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, European Union (EU) obligations; and
 - 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.

- 2 Taking the above into account, I find that the South Kilworth Neighbourhood Plan meets the basic conditions¹ and I recommend to Harborough District Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the South Kilworth Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the South Kilworth Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared through the South Kilworth Neighbourhood Plan Advisory Committee on behalf of South Kilworth Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Harborough District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the South Kilworth Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)
- 6 As confirmed in Section 3.0 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, South Kilworth Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. The Neighbourhood Plan relates only to the designated South Kilworth Neighbourhood Area and there is no other neighbourhood plan in place in the South Kilworth Neighbourhood Area. This is correctly confirmed in Paragraph 2.5 of the Basic Conditions Statement.
- 7 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012²) and Planning Practice Guidance (2014).

² A replacement National Planning Policy Framework was published in July 2018. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans until the 25th January 2019.

Role of the Independent Examiner

- 8 I was appointed by Harborough District Council, with the consent of the Qualifying Body, to conduct the examination of the South Kilworth Neighbourhood Plan and to provide this Report.
- 9 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 10 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 11 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 12 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the South Kilworth Neighbourhood Area to which the Plan relates.
- 13 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 14 A neighbourhood plan must specify the period during which it is to have effect.
- 15 The front cover of the Neighbourhood Plan clearly sets out that the plan period comprises "2018-2031."
- 16 In addition to the above, the Basic Conditions Statement states that:

"...the plan period for the Neighbourhood Plan is 2018 to 2031..."
- 17 There are mistakes on pages 5 and 6 of the Neighbourhood Plan, which refer to a slightly different plan period. I recommend:
 - **Page 5, first para and first line on page 6, change reference to "2017" to "2018"**
- 18 Taking the above into account, the Neighbourhood Plan specifies the plan period during which it is to have effect.

Public Hearing

- 19 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 20 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 21 Further to consideration of the information submitted, I confirmed to Harborough District Council that I would not be holding a public hearing as part of the examination of the South Kilworth Neighbourhood Plan.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions.*” These were *set out in law*³ following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. 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 neighbourhood 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, European Union (EU) obligations; and
 - 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.⁴
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁵
- 23 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

⁴ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

⁵ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 24 Subject to the content of this Report, I am satisfied that these three points have been met.
- 25 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

- 26 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 27 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 28 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁶. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).
- 29 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁷)
- 30 National advice then goes on to state⁸ that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 31 This process is often referred to as a screening report, opinion or determination. If the screening report identifies likely significant effects, then an environmental report must be prepared.

⁶ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

⁷ Paragraph 027, *ibid*.

⁸ Planning Practice Guidance Reference ID: 11-028-20150209.

- 32 A screening report was produced by Harborough District Council. This determined that:

"...it is the Council's opinion that a full SEA is not required for the South Kilworth Neighbourhood Plan."

- 33 In addition to SEA, a Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.

- 34 The screening report states:

"Each policy of the South Kilworth Plan has been individually assessed for its effects on Habitat Regulations (and other environmental effects)..."

- 35 It goes on to note that the HRA for the Harborough Core Strategy and Local Plan 2011 to 2031 (the District's emerging plan, submitted for examination in March 2018) determined that no European site lies within Harborough District and the nearest one is some 22km from population centres.

- 36 Further, taking account of the recent "*Sweetman*⁹" ruling, the screening report states that:

"...harmful effects, if any, have been considered in the preparation of the Screening Report...and the LPA believes they have been demonstrated to be nil or very minor to the natural and historic environment, Natura 2000 sites and Habitat Regulations."

- 37 The statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the screening report and none of them disagreed with its conclusions

- 38 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

"It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations" (Planning Practice Guidance¹⁰).

⁹ Ref: CJEU People Over Wind and Sweetman v Coillte Teoranta (C-323/17) April 2018.

¹⁰ Planning Practice Guidance Reference ID: 11-031-20150209.

- 39 In carrying out the work that it has and in reaching the conclusion that a full SEA is not required, Harborough District Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 40 Given the above, I conclude that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

4. Background Documents and the South Kilworth Neighbourhood Area

Background Documents

- 41 In undertaking this examination, I have considered various information in addition to the South Kilworth Neighbourhood Plan and draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018, after submission of the Neighbourhood Plan. The previous National Planning Policy Framework was published in 2012 and the replacement version differs from it in a number of ways.
- 42 As noted above, Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans until the 25th January 2019. Whilst the timing of the publication of the replacement document was such that the Neighbourhood Plan was considered against both the original and the replacement versions of the National Planning Policy Framework, this is neither unusual nor inappropriate – Paragraph 214 of the replacement National Planning Policy Framework must be considered in order for it to apply !
- 43 Taking this into account, information considered as part of this examination has included (but is not limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “the Framework”) (2012)
 - Planning Practice Guidance (2014)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Harborough District Local Development Framework Core Strategy 2006-2028 (2011)
 - Harborough District Local Plan 2001 (Saved Policies)
 - Basic Conditions Statement
 - Consultation Statement
 - South Kilworth Neighbourhood Plan Strategic Environmental Assessment Determination Report (2018)

Also:

- Representations received

44 In addition, I spent an unaccompanied day visiting the South Kilworth Neighbourhood Area.

South Kilworth Neighbourhood Area

45 The boundary of South Kilworth Neighbourhood Area is shown in Figure 1, on page 5 of the Neighbourhood Plan. It is the same as the boundary for South Kilworth Parish.

46 Harborough District Council formally designated the South Kilworth Neighbourhood Area on 22 March 2016. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 47 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 48 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

South Kilworth Neighbourhood Plan Consultation

- 49 A Consultation Statement was submitted to Harborough District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹¹.
- 50 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the South Kilworth Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework ("*the Framework*").
- 51 South Kilworth Parish Council established a South Kilworth Neighbourhood Plan Advisory Committee, comprising Parish Councillors and volunteers from the local community. An initial open consultation event was then held in September 2016. Also in September 2016, three "*theme*" groups were created, with up to twenty people involved in each group, undertaking research and assessment.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 52 The creation and dissemination of a Community Questionnaire followed in October 2016. This was delivered to every household in the Parish and was also made available in electronic form. Seventy-seven completed Questionnaires were returned and the information contained within them informed the plan-making process.
- 53 A further community consultation event was held in September 2017. This focused upon the emerging policies and the results of the consultation informed the subsequent production of the Draft Plan. The Draft Plan itself underwent public consultation between January and March 2018. The document was available on the Village website and hard copies were made available in the White Hart pub and the Village Hall.
- 54 Public consultation was well-publicised. Information relating to the Neighbourhood Plan, including regular updates and minutes from Parish Council meetings, was provided on-line, via the Village website. Further information was provided via village noticeboards, leaflets and flyers and regular articles in the South Kilworth newsletter.
- 55 In addition to the above, meetings took place with a variety of individuals, businesses, organisations and clubs.
- 56 Taking the above into account, I am satisfied that the consultation process was robust.

6. The Neighbourhood Plan – Introductory Section

- 57 I make a comment earlier in this Report in respect of changes to the plan period, as set out on pages 5 and 6 of the Neighbourhood Plan
- 58 The development plan is made up of adopted and made planning policies. For clarity, I recommend
- **Page 5, first para, change to “...the period 2018-2031. *Once made (or adopted) the Neighbourhood Plan sits alongside the adopted District-wide plan and thus forms part of the development plan, against which planning decisions are considered.*”**
- 59 The information set out on page 7 in relation to the adopted Core Strategy is not precise. I recommend:
- **Page 7, change to “*The Harborough District Core Strategy 2006-2028 was adopted in 2011. The Core Strategy is now considered out of date in terms of policies relating to housing and economic development, but its other policies remain and form part of the District’s development plan, alongside Saved policies from the Harborough Local Plan (2001). A new Local Plan is currently emerging and plan-makers have had regard to relevant information supporting this emerging document.***
- The Neighbourhood Plan takes into account the need to contribute to the achievement of sustainable development. The NPPF states...Plan. Section 5.0 of the Neighbourhood Plan considers the achievement of sustainable development in more detail.***
- 60 Paragraph 5.1 refers to the “*UK Planning System.*” The planning system differs in different parts of the United Kingdom and the National Planning Policy Framework is not applicable throughout the United Kingdom. I recommend:
- **Page 16, first sentence to “*The purpose of the planning system, as set out in...*”**

61 For clarity and precision, I recommend:

- **Page 16, last para, change to “...to *replace adopted policies in the development plan or the requirements of the NPPF. It supports these policies to give additional...already exist, they are not duplicated in this Neighbourhood Plan.*”**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Housing and the Built Environment

Policy H1: Housing Allocation

- 62 As stated earlier in this Report, the housing and economic development policies of the adopted Harborough Core Strategy (referred to in this Report as the “*Core Strategy*”) are now considered out of date. Consequently, there are no adopted housing policies for the Neighbourhood Plan to rely upon.
- 63 However, it is neither unusual nor inappropriate for a Neighbourhood Plan to come forward and be made at a time when there are no up-to-date District-wide housing policies in place. Rather, it is a fact that has been upheld in the High Court that a Neighbourhood Plan can come forward in the absence of an up to date local plan.
- 64 Whilst a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, Planning Practice Guidance¹² recognises that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. In this regard, Planning Practice Guidance goes on to emphasise the importance of collaborative working between the Qualifying Body and the Local Planning Authority.
- 65 Having regard to the above, plan-makers have taken relevant information informing the emerging Harborough Local Plan into account and evidence has been provided to demonstrate that plan-making was supported by a positive working relationship between plan-makers and Officers from Harborough District Council.

¹² Ref: 009 Reference ID: 41-009-20160211.

- 66 South Kilworth benefits from having a school and a pub, and these features would qualify it as a *“Selected Rural Village”* in the emerging Harborough Local Plan – as they are representative of two or more of six key services. Harborough District Council is seeking to adopt a housing distribution strategy to 2031 that would require South Kilworth, as a Selected Rural Village, to provide for a minimum of 20 dwellings from the period April 2017 to 2031.
- 67 Consequently, the Local Planning Authority has provided a clear steer for plan-makers to work towards. In addition to this, further to identifying the call for sites process undertaken through consultation, the Neighbourhood Plan, on page 18, records a meeting between plan-makers and Harborough District Council officers at which the detail relating to proposed allocations was discussed and a way forward agreed¹³.
- 68 Taking all of the above into account, Policy H1 seeks to allocate land for 15 dwellings and the supporting text suggests that around 5 dwellings will come forward as windfall development during the plan period.
- 69 In the light of the national planning policy presumption in favour of sustainable development, the suggested figure of 20 dwellings is a minimum housing target. In this respect, I am mindful that the supporting text to Policy H1 refers to *“a total of 20 dwellings, in line with the HDC target.”*
- 70 As noted earlier in this Report with reference to the basic conditions, it is a requirement that the Neighbourhood Plan contributes to the achievement of sustainable development. Consequently, it should not, for example, unduly constrain the provision of housing appropriate to the settlement over the plan period, as this could place a significant obstacle in the way of sustainable development coming forward.
- 71 Harborough District Council has raised no concerns in respect of the Neighbourhood Plan's estimated windfall allowance of around 5 dwellings. In this respect, the settlement boundary associated with the *“Limits to Development”* would appear to provide for development opportunities within the village and there is no substantive evidence to the contrary. In addition, it may also be that, having regard to national policy which allows for appropriate residential development in the countryside (Paragraph 55, the Framework), windfall housing could come forward elsewhere across the Neighbourhood Area during the plan period.

¹³ Further submitted information has provided more clarity in respect of this meeting and this is taken into account in the Recommendations for Policy H1.

- 72 Land “*Opposite Leys Crescent*” is allocated for 5 dwellings. This is an unusual and somewhat unclear allocation. The site identified in the Neighbourhood Plan already has planning permission for 25 dwellings. At a meeting between plan-makers and Harborough District Council officers, it was agreed that the site with planning permission for 25 dwellings could potentially provide for a further 5 dwellings. However, no substantive evidence has been provided to demonstrate how this might occur, or what its impacts in respect of the existing planning permission might be.
- 73 Further to the above, as presented, the “*Opposite Leys Crescent*” allocation appears as a very large area of land relative to the settlement and there is no clarity or precision in respect of precisely where the “*allocation*” of 5 dwellings might be located within an area capable of providing for many times that number of dwellings. Whilst there may indeed be potential to alter the existing planning permission, this is something that could normally occur through the planning application process and that may give rise to windfall development. As set out, the Neighbourhood Plan is seeking to allocate land that already has planning permission, but for something different to that for which planning permission exists. This comprises an unnecessarily confusing approach that does not have regard to planning guidance¹⁴:

“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.”

- 74 The other proposed allocation in the Neighbourhood Plan comprises the “*Abattoir site*.” This comprises a partly brownfield site and as such, its residential allocation would lend the opportunity for the Neighbourhood Plan to make the most effective use of brownfield land, having regard to Paragraph 17 of the National Planning Policy Framework (referred to later in this Report as “*the Framework*”), which encourages:

“...the effective use of land by reusing land that has been previously developed...”

¹⁴ Planning Policy Guidance, Paragraph: 042 Reference ID: 41-042-20140306.

- 75 The Abattoir site is located within the proposed "*Limits of Development*" in Policy H2 and there is no substantive evidence before me to demonstrate that the site is unsuitable, or could not be made suitable, for housing.
- 76 Taking all of the above into account, I recommend:
- **Policy H1, change to "*Land is allocated at the Abattoir site shown on Figure 2 for around 10 dwellings. Proposals to increase the number of dwellings from the 25 currently permitted on the land indicated on Figure 2 as "Opposite Leys Crescent" will be supported.*"**
 - **Change title of Figure 2 to "*Housing allocation and potential for growth*"**
 - **6.2, delete second and third paras and replace with "*In line with Harborough District Council's proposed strategy, the Neighbourhood Plan seeks to ensure that sufficient provision is made to provide for sustainable housing growth appropriate to the status of the settlement. Consequently, the Neighbourhood Plan seeks to ensure that the Neighbourhood Area can provide for the development of at least 20 dwellings over the plan period.*"**
 - **6.3, second para (top of page 18), change last sentence to "*The only site that emerged through this process as suitable for residential development was the Abattoir site in the village.*"**
 - **6.3, delete last sentence and replace with "*Further to consideration together with the landowner and with officers from Harborough District Council, it was determined that the Neighbourhood Plan would support the provision of more housing on land opposite Leys Crescent (which already has planning permission for 25 dwellings). Assessments indicated that the addition of around 5 dwellings (to the 25 permitted) may be appropriate.*"**

Policy H2: Limits to Development

77 Policy H2 proposes the designation of a “*Limits to Development*” boundary around the settlement of South Kilworth. This would effectively provide a positive framework for windfall residential development within the settlement. As such, the Policy contributes to the achievement of sustainable development.

78 In the above regard, the boundary is widely drawn. It not only takes in the two sites referred to in Policy H1, but in the absence of substantive evidence to the contrary, it appears not to be so tightly drawn that it would exclude opportunities for windfall development to go ahead.

79 The first sentence of Policy H2 makes an unnecessary reference to other policies in the Neighbourhood Plan, as all of the policies in the development plan policies should, in any case, be considered as a whole. Also, the phrase “*subject to design and amenity considerations*” is imprecise and ambiguous. It does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework, which states that:

“Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”

80 The second paragraph of Policy H1 is wholly reliant upon policies not contained within, or controlled by, the Neighbourhood Plan. Also, in considering Policy H1 earlier in this Report, I noted that national policy provides a supportive planning context for appropriate residential development in the countryside. Given this, as well as their being some scope for the phrase “*Limits to Development*” to be read as though it seeks to establish a negative, rather than a positive approach to sustainable development, I recommend, below, that reference be made to national policy in the supporting text, to provide for clarity.

81 The supporting text to Policy H2 is unclear and imprecise. As noted earlier in this Report, there are no up to date District-wide housing policies. Taking this and the above into account, I recommend:

- **Change Policy H2 to “*Residential development proposals will be supported on sites within the Limits to Development identified on Figure 3.*” (delete rest of Policy)**

- **6.4, delete first five paragraphs of supporting text and replace with *“The Limits to Development policy provides a supportive planning policy framework for residential development within South Kilworth village. Focusing development within the Limits of Development contributes to the achievement of sustainable development by supporting existing services and providing for the majority of development to take place within the largely built-up part of the Neighbourhood Area.***

The “Limits to Development” approach carries forward an approach previously used by Harborough District Council to support the provision of new housing where it helped to sustain existing communities.

It is noted that setting “Limits to Development” does not prevent development elsewhere in the Neighbourhood Area. Indeed, in respect of housing, Paragraph 79 of the NPPF provides for the development of appropriate new housing in the countryside, subject to a range of factors.”

- **Page 19, “Methodology,” change to *“The Limits to Development were determined using the following...b) The residential allocation in the Neighbourhood...”***
- **Page 20, penultimate sentence, change to *“...controlled. “Recognising the intrinsic character and beauty of the countryside” is highlighted in the NPPF as being something planning policies should contribute towards.”***
- **Page 20, delete last para (Policy H2 does not (and cannot) ensure that any development will take place in the village)**

Policy H3: Housing Mix

82 Paragraph 50 of the Framework requires planning for:

"...a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families, and people wishing to build their own homes.)"

83 Policy H3 has regard to this through its promotion of different types of housing to meet different needs. Supporting information indicates a local need for smaller homes and Policy H3 reflects this.

84 No changes recommended.

Policy H4: Affordable Housing

85 Policy H4 takes account of relevant, up-to-date information associated with the emerging Local Plan and provides for the provision of affordable housing on sites of an appropriate scale, having regard to national policy and advice. As such, the Policy contributes to the achievement of sustainable development.

86 As worded, the last sentence of the Policy is unclear, as it could be read as comprising a local connections Policy, which is not the case.

87 I recommend:

- **Policy H3, change last sentence to “*This could include shared ownership homes, starter homes and homes for people with a local connection, all of which is supported.*”**

Policy H5: Windfall Development

- 88 Generally, Policy H5 seeks to provide a supportive framework for windfall development.
- 89 However, as set out, the Policy introduces various constraints that could result in the Neighbourhood Plan failing to contribute to the achievement of sustainable development. As worded, the Policy restricts “*re-development*” to that within the “*Limits of Development.*” This fails to have regard to Paragraph 55 of the Framework, which, for example supports the re-use of redundant or disused buildings in the countryside and development that would involve the subdivision of an existing residential dwelling.
- 90 Policy H5 also seeks to restrict windfall development to 3 dwellings or fewer. This restriction is not supported by substantive evidence to demonstrate that all future windfall development sites in the Neighbourhood Area over the plan period would be incapable of providing for more than 3 dwellings in a sustainable manner.
- 91 The Policy also uses the phrase “*appropriate off-road parking*” without providing clarity in respect of what might, or might not be, “*appropriate.*” This part of the Policy is ambiguous and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 92 The definition of windfall sites provided in the supporting text is incorrect.
- 93 Taking all of the above into account, I recommend:
- **Change Policy H5 to “*Residential development proposals will be supported within the Limits to Development for South Kilworth subject to development: a) respecting local character; b) retaining...; and c) not reducing garden...*”**
 - **First para of supporting text, change to “*Windfall sites comprise sites that have not been allocated for new housing and which may come forward unexpectedly during the plan period. These sites may comprise redundant...scene.*” (delete last sentence in para)**

- **Second para of supporting text, change to “...time. *It is anticipated that windfalls will continue to make a valuable contribution to housing provision in the Parish over the plan period. Whilst Policy H5 provides support for windfall development within the Limits to Development, identified in Policy H2, it does not serve to prevent appropriate windfall development, in line with national policy, from coming forward elsewhere within the Neighbourhood Area.*”**
(delete rest of supporting text)

Policy H6: Built Heritage

- 94 Chapter 12 of the Framework, "*Conserving and enhancing the historic environment*," recognises heritage assets as an irreplaceable resource and goes on to require all heritage assets to be conserved:

"...in a manner appropriate to their significance."
(Paragraph 126, the Framework)

- 95 With specific regard to non-designated heritage assets, national policy states that:

"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."
(Paragraph 135, the Framework)

- 96 Policy H6 aims to conserve heritage assets and in this way, it has regard to national policy. However, as set out, the Policy is confusing. It does not correspond well to the supporting text - which largely refers to designated heritage assets, whereas the Policy is concerned with non-designated heritage assets.

- 97 Further, Policy H6 simply requires development to conserve or enhance non-designated heritage assets. Such an approach fails to provide for a balanced judgement and thus fails to have regard to the requirements of Paragraph 135 of the Framework, as set out above. Taking this and the above into account, I recommend:

- **Policy H6, change to "*Proposals affecting the following non-designated heritage assets will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset: (LIST THE FIVE NON-DESIGNATED ASSETS HERE)***
- **Change title of Policy to "*Non-Designated Heritage Assets.*"**

- Delete supporting text and replace with ***“South Kilworth’s historic character is one of its most important assets, and the community wishes to see it protected and enhanced. As well as containing a number of protected Listed Buildings, the village contains other important buildings and structures that make a valuable contribution to local heritage.”***

Policy H6 identifies these “non-designated heritage assets” to ensure that their importance to the community and South Kilworth’s heritage is recognised.”

Policy H7: Design

- 98 National planning policy dedicates a Chapter of the Framework to good design, Chapter 7 *“Requiring good design.”* Within this Chapter, Paragraphs 56 and 58 state that:

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

...plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.”

- 99 Policy H7 seeks to provide for good design and in this respect, it has regard to national policy. However, the Policy goes on to require development proposals to *“incorporate features”* identified in an Appendix to the Neighbourhood Plan.
- 100 The *“Design Guide,”* as provided in Appendix 1 of the Neighbourhood Plan, is not an adopted planning document and does not form part of the Neighbourhood Plan. Furthermore, much of Appendix 1 reads as though it comprises Policy requirements – which it does not. Further, there is no evidence to demonstrate that the requirements therein are deliverable, having regard to Paragraph 173 of the Framework, which requires plans to be deliverable. As an aside, I also note that guidance is exactly that. Design guidance provides a tool to *“steer”* and guide development, rather than provide rigid requirements to be adhered to.
- 101 Policy H7 does not provide an opportunity to elevate an Appendix to the Neighbourhood Plan to something which has legal planning policy status. Further, taking into account the contents of Appendix 1, I recommend in the *“Other Matters”* section later in this Report, that it is removed as an Appendix, as its *“requirements”* appear confusing and unsupported by evidence in respect of deliverability, and detract from the land use planning policy requirements of the Neighbourhood Plan.

102 I recommend:

- **Policy H7, change to “*All development should be designed to make a positive contribution to its surroundings.*” (delete rest of policy)**
- **Supporting text, delete last sentence (“The design...enhanced.”)**

Environment

Policy Env 1: Protection of Local Green Spaces

- 103 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“Local communities...should be able to identify for special protection green areas of particular importance to them. By designating land as local Green Space local communities will be able to rule out new development other than in very special circumstances.”

- 104 The Framework requires policies for managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 78, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 105 Given the importance of the designation, it is appropriate that areas of Local Green Space are clearly identified in the Neighbourhood Plan itself and I make a recommendation in this regard, below.
- 106 The designation of land for Local Green Space must meet the tests set out in Paragraph 77 of the Framework.
- 107 These are that the green space is in reasonably close proximity to the community it serves; that it is 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 that it is local in character and is not an extensive tract of land.
- 108 In addition to the above, Paragraph 76 of the Framework requires that the designation of 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.

- 109 Policy Env 1 designates six areas of Local Green Space. Substantive evidence has been provided to demonstrate that each of these six areas emerged through the plan-making process having been considered against – and met - the national policy tests. Consequently, the community has identified these sites as special places to be protected.
- 110 As a significantly restrictive Policy, it is important that Policy Env 1 is clearly presented. It is difficult to see the precise boundaries of the sites towards the centre of the village on Figure 6 and this is a matter addressed below.
- 111 Also, the Framework is explicit in its requirement that policies for managing development within a Local Green Space should be consistent with those for Green Belts. As worded, Policy Env 1 does not have regard to this.
- 112 I recommend:
- **Policy Env 1, change to *“The areas below are designated as areas of Local Green Space, which will be protected in a manner consistent with the protection of land within Green Belts.”***
 - **Replace Figure 6 with a plan, or plans, to clearly identify all Local Green Space boundaries – the plans should be at a scale to ensure that no confusion could arise in respect of the precise location of each Local Green Space boundary**

Policy Env 2: Important Open Space

113 The Framework states that:

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities...Existing open space, sports and recreational buildings and land, including playing fields, should not be built on...”
(Paragraphs 73 and 74, the Framework)

114 Whilst Policy Env 2 has regard to national policy in the above regard, it is a confusing Policy. For example, the Policy includes land that is already identified as Local Green Space and which is subject to another Policy in the Neighbourhood Plan; and as well as recreational areas, it includes a burial ground and a green and suggests that these features have been identified as comprising open space that is special to the community (the supporting text also refers to *“outstanding community value”*). If this is the case, then national policy clearly provides an opportunity to protect such land as Local Green Space. This opportunity has not been taken in respect of the burial ground and green.

115 The wording of the Policy adds to its confusing nature. It is centred around an ambiguous requirement for the *“safeguarding”* of sites, on the basis that *“their integrity or value”* is not *“compromised”* by development. In the absence of clear definitions and supporting information, Policy Env 2 is vague and open to wide interpretation. It does not have regard to Paragraph 154 of the Framework in respect of providing a decision-maker with clarity.

116 Taking all of the above into account, I recommend:

- **Change Policy Env 2 to *“Development resulting in the loss of playing fields, allotments or land used for formal recreation will not be supported.”***
- **Delete supporting text and replace with *“The Neighbourhood Plan recognises the value to the community of its recreational areas and Policy Env 2 seeks to protect these.”***
- **Delete Figure 7**

Policy Env 3: Protection of Important Views

117 The supporting information to Policy Env 3 identifies important views in the Neighbourhood Area. The Policy seeks to ensure that development respects these views.

118 Consequently, Policy Env 3 has regard to Paragraph 58 of the Framework, which requires developments to respond to local character, as well as to Harborough Core Strategy (2011) (referred to in this Report as the “*Core Strategy*”) Policy CS11 (“*Promoting Design and Built Heritage*”), which requires development to respond to its wider local environment.

119 No changes are proposed.

Policy Env 4: Sites of Locally High Environmental Significance

120 National policy, as set out in Chapter 11 of the Framework ("*Conserving and enhancing the natural environment*") states that plans should:

"...promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species..."

(Paragraph 117, the Framework)

121 Policy Env 4 seeks to afford protection to sites that are considered important for reasons relating to biodiversity and "*history*." History is a very broad term and the sites identified in Policy Env 4 for historical reasons cover swathes of land, without specific detail as to the precise reason why the whole of each area is identified, or what the "*identified features*" referred to in the Policy comprise. This part of the Policy is imprecise.

122 Similarly, the approach to "*natural environment sites*" is vague. Whilst Policy Env 4 seeks to protect "*identified features*," it simply relates to large swathes of land that are "*important in their own right*." Whether or not these areas of land are "*locally valued*" and scored highly in a local assessment of the natural environment, Policy Env 4 is vague and imprecise. It does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

123 I recommend:

- **Delete Policy Env 4, Figure 10 and supporting text**

Policy Env 5: Woodland, Trees and Hedges

- 124 As noted above, national policy requires positive planning for biodiversity. In addition, Paragraph 118 of the Framework recognises ancient woodland and ancient or veteran trees as being irreplaceable.
- 125 Policy Env 5 seeks to protect woodland, trees and hedges and has regard to national policy in this respect. As set out, the Policy simply resists any development that results in loss. As such, it does not allow for a balanced approach to development that may, for example, provide for loss to be mitigated by replacement that could, itself, result in overall enhancement or net gains for biodiversity. This may place a barrier in the way of the achievement of sustainable development.
- 126 Further to the above, the Policy fails to correspond to the supporting text, which clearly recognises that there may be circumstances where loss is unavoidable, but that the planting of new trees, hedges and woodland may compensate for such.
- 127 I recommend:
- **Policy Env 5, change to “*Development should not result in the loss of trees of biodiversity, landscape, amenity or arboricultural value, or result in loss or damage to woodland or hedgerows. Where such loss is unavoidable, development should demonstrate net gains in biodiversity, through the planting of new trees, woodland and hedgerows.*” (delete rest of Policy)**

Policy Env 6: Biodiversity and wildlife corridors

- 128 Part of Policy Env 6 sets out an expectation that development will safeguard habitats and species protected by English and European legislation. This is unnecessary. Legal protection is exactly that.
- 129 Whilst it also suggests that locally significant habitats and species should be safeguarded, the Policy is vague in that it does not set out what these are, or even differentiate between what is and what is not locally significant. Consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 130 The Policy goes on to set out a requirement in respect of permitted development. This is highly confusing, as by its very nature, permitted development does not require planning permission.
- 131 Notwithstanding all of the above, which detracts from the precision and clarity of Policy Env 6, Paragraph 109 of the Framework seeks to ensure that the planning system provides net gains in biodiversity and to some considerable degree, Policy Env 6 and its supporting text identifies that it seeks to support the protection of ecological networks and to secure net gains for biodiversity.
- 132 I recommend:
- ***Policy Env 6, change to “Development affecting the wildlife corridors identified on Figure 11 should not result in the creation of barriers to the permeability of the landscape for wildlife or lead to the fragmentation of populations of species of conservation concern. The conservation and/or enhancement of the identified wildlife corridors will be supported. Development impacting on biodiversity should secure measurable net gains for biodiversity.”***

Policy Env 7: Ridge and Furrow Fields

133 As noted earlier in this Report, Paragraph 135 of the Framework states that:

“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.”

134 Policy Env 7 effectively identifies Ridge and Furrow fields as non-designated heritage assets to be afforded protection. Generally, the Policy therefore has regard to national policy. However, as set out, it does not apply the relevant policy test as denoted by Paragraph 135 of the Framework, above.

135 I therefore recommend:

- **Policy Env 7, change to “Development should conserve the identified areas of well-preserved ridge and furrow (Figure 12) in accordance with their significance.”**

Policy Env 8: Flooding

136 Paragraphs 100 to 104 of the Framework establish national policy in respect to flood risk. Paragraph 100 states that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere.”

137 Policy Env 8 generally seeks to ensure that development is safe from flood risk. However, as set out, part of the Policy is vague – no indication is provided of what might comprise “*appropriate scale*” or what might be “*relevant*” or what taking “*flood risk into account*” actually means. The Policy also requires the results of a hydrogeology study to be complied with, regardless of what these results are, how they have been recorded, who by, or on what basis. The Policy is imprecise in this regard.

138 I recommend:

- **Change Policy Env 8 to “*Development should ensure that: a) the development...; b) its design includes...parties*” (delete rest of Policy)**

Policy Env 9: Renewable Energy

139 Paragraph 17 of the Framework states that planning should:

“...support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources.”

140 Further, Core Strategy Policy CS9 (*“Addressing Climate Change”*) provides a supportive planning framework for renewable energy development.

141 As worded, part of Policy Env 9 sets out how it will *“strictly apply”* policies that are neither contained within, nor under the control of the Neighbourhood Plan. In this regard, I also note that the Parish Council is not the Local Planning Authority and does not have the power to determine planning applications. It is not for the Neighbourhood Plan to state how the criteria of another policy in another document might be applied.

142 The whole of Policy Env 9 is reliant upon a vague reference to *“criteria established by Harborough District Council.”* The supporting text suggests that this relates to an emerging policy that has not yet been rigorously examined and is therefore subject to change.

143 Part of the supporting text is worded in an unduly negative way, such that creates significant confusion. The Policy would support the consideration of proposals for small scale wind turbines but the supporting text states that it is unlikely that small scale wind energy schemes would be acceptable. This is confusing and results in the Neighbourhood Plan appearing vague and imprecise. As a result of this and the above, Policy Env 9 and its supporting text fails to provide a decision maker with a clear indication of how to react to a proposal for, say, a wind turbine in the Neighbourhood Area, having regard to Paragraph 154 of the Framework.

144 In respect of solar energy, Policy Env 9 is equally vague. It simply states that proposals will be assessed on the basis of criteria not contained within or under the control of the Neighbourhood Plan.

145 Policy Env 9 does not meet the basic conditions. I recommend:

- **Delete Policy Env 9, supporting text and Figure 14**

Policy Env 10: Access and Rights of Way

146 Paragraph 75 of the Framework states that:

“Planning policies should protect and enhance public rights of way.”

147 Policy Env 10 seeks to protect and supports the enhancement of, public rights of way. The Policy has regard to national policy.

148 The last part of Policy Env 10 sets out various ways in which access and rights of way might be improved. However, no substantive evidence has been provided to demonstrate how any of these things might be delivered. Consequently, the information provides a helpful addition to the supporting text, rather than a land use planning policy requirement.

149 I recommend:

- **Policy Env 10, delete the unnecessary “the” in the second line and end the Policy “...Parish will be supported.”**
- **Move points a) to d) to a new paragraph at the end of the supporting text, “Policy Env 10 is intended to support proposals to improve access and rights of way, including: a) Service...village.”**
- **Supporting text, page 48, five lines up from bottom of page, delete “and should be protected” which reads as though the supporting text were a Policy, which it is not.**

Community Facilities and Amenities

Policy CF1: Retention of Community Facilities and Amenities

150 In order to support a prosperous rural economy, Paragraph 28 of the Framework requires neighbourhood plans to promote the retention of community facilities. In addition, to ensure provision of the facilities a community needs, Paragraph 70 of the Framework requires planning policies to:

“...guard against the unnecessary loss of valued facilities...”

151 In seeking to protect community facilities, Policy CF1 has regard to this.

152 As worded, the Policy uses the vague phrase *“is economically viable as such.”* In the interests of precision, I recommend:

- **Policy CF1, change to “...b) further to 12 months active and open marketing it can be demonstrated that the existing community facility is no longer economically viable; or...”**

Policy CF2: New or Improved Community Facilities

153 Paragraph 70 of the Framework, referred to above, supports the provision of new community facilities.

154 In general terms, Policy CF2 has regard to national policy in that it seeks to provide for improved community facilities, but as worded, it actually presents a barrier in the way of such. As set out, the Policy refers only to improvements to the quality or range of community facilities. This is a vague reference as no information is provided in respect of how this might be measured, on what basis or who by.

155 I recommend:

- **Change Policy CF2 to “*The development of new or the improvement of existing community facilities will be supported, provided that the development: a) Will not...wishing to walk or cycle; and d) Takes...disabilities.*”**

Policy CF3: Expansion of the Primary School

156 Policy CF3 is a generally supportive Policy that provides for the growth of the Primary School, having regard to national policy support for community facilities, noted earlier in this Report and to Paragraph 72 of the Framework, which affords:

"...great weight to the need to create, expand or alter schools..."

157 The final part of the Policy fails to provide for an appropriate planning balance, having regard to sustainable development and it is not clear, in the absence of any information, why mitigation of severe problems would, in all cases, be appropriate.

158 For clarity, I recommend:

- **Policy CF3, change to "*...will be supported subject to it not resulting in severe impacts on access, parking or highway safety.*"**

Policy CF4: Assets of Community Value

159 There are no Assets of Community Value in South Kilworth.

160 By their very nature, Assets of Community Value, once designated, are afforded legal protection. In the absence of any information, it is unclear what "*very special circumstances*" might arise to warrant overcoming such legal protection – how might quality and quantity be considered with specific regard to the Asset in question, who would be the arbiter of this and on what basis? The Policy gives rise to uncertainty and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

161 Policy CF4 highlights the difficulties of creating land use planning policy for something that does not exist.

162 I recommend:

- **Delete Policy CF4 and supporting text**

Transport, Roads and Parking

Policy TR1: Traffic Management

- 163 It is not clear in the absence of any information, how development must minimise additional traffic generation and the movement of vehicles over 7.5 tonnes through the village. This appears to be a matter outside the scope of the Neighbourhood Plan and there is no substantive evidence to the contrary.
- 164 It is not clear how and why necessary improvements to highways and access will be done either directly or by financial contributions. Who will determine this and on what basis? The Policy is vague in this regard. No indication is provided of where it might be “*appropriate*” to improve footpaths and cycleways and this part of the Policy is also vague.
- 165 Notwithstanding all of the above, it is not clear why there is a “*need to minimise any increase in vehicular traffic.*” An increase in the use of electric vehicles, for example, might result in improved sustainability, having regard to the aims of Chapter 4 of the Framework “*Promoting sustainable transport.*”
- 166 I recommend:
- **Change Policy TR1 to “*In the interests of highway safety, development should incorporate sufficient off-road parking; not remove or compromise the use of existing off-road parking unless a suitable equivalent alternative is provided; and provide for safe access.*”**
 - **Delete last paragraph of supporting text on page 59, which does not relate directly to the Policy**

Economy: Business and Employment

Policy E1: Support for Existing Employment Opportunities

167 National policy places significant weight on the need to support economic growth. Policy E1 recognises the importance of existing employment to South Kilworth and seeks to provide a supportive framework for its retention. It is noted that the Abattoir site has been allocated for residential development and this is taken into account below.

168 It is noted earlier in this Report that the Neighbourhood Plan cannot determine planning applications and the phrase "*will not be permitted*" also runs the risk of pre-determining the planning application process.

169 I recommend:

- **Policy E1, change to "...employment use (*excluding the residential allocation in Policy H1 of this Plan*), *will not be supported unless it...year or that the commercial...Parish.*"**

Policy E2: Support for New Business and Employment Opportunities

170 In supporting a prosperous rural economy, Paragraph 28 of the Framework states that planning policies should enable:

“the sustainable growth and expansion of all types of business and enterprise in rural areas...”

171 Policy E2 comprises a supportive Policy for the creation of new business and employment opportunities and has regard to the Framework.

172 As worded, the Policy runs the risk of supporting inappropriate development by allowing for the *“relocation of existing employment parishes across the parish.”* In the absence of evidence to the contrary, this could result in support for development that fails to contribute to the achievement of sustainable development, for example, through support for the relocation of employment premises to remote and isolated parts of the Neighbourhood Area. The approach set out fails to have regard to national policy, set out above.

173 The final criterion of the Policy refers to *“unacceptable levels of traffic”* and *“adequate parking”* without defining what this might comprise. As such, this part of the Policy appears vague and imprecise.

174 Taking the above into account, I recommend:

- **Policy E2, change to “The following types of employment development will be supported: *the growth and expansion of existing businesses*; and b) Small-scale new build development within or adjacent to *South Kilworth’s Limits to Development*; In supporting...property; and d) *Not result in harm to highway safety.*”**
- **Delete final sentence of supporting text, which reads as though it comprises a Policy, which it does not (and which in any case, fails to provide for the balanced consideration of development proposals)**

Policy E3: Working from Home

175 Policy E3 states that new “*small scale*” buildings and any extensions to dwellings will be supported, so long as they provide for office or light industrial use. However, no detailed evidence has been provided to demonstrate that such an approach would, in all cases, ensure that sufficient regard would be given to the residential amenity of neighbours.

176 In the absence of this, it is not clear how support for all kinds of extensions and “*small scale*” buildings would contribute to the achievement of sustainable development.

177 Various forms of development, including much of that related to home working, does not require planning permission. Where development proposals reach the threshold whereby planning permission is required, this is because the scale of development is such that it may give rise to issues in relation to a wide range of factors, including residential amenity. In the absence of detailed information to the contrary, the approach set out in Policy E3 runs the risk of supporting forms of development that do not contribute to the achievement of sustainable development.

178 I recommend:

- **Delete Policy E3 and supporting text**

Policy E4: Farm Diversification

179 Paragraph 28 of the Framework supports:

"...the development and diversification of agricultural and other land-based rural businesses."

180 Policy E4 seeks to support farm diversification and in so doing, it has regard to national policy.

181 However, it is not clear, in the absence of any information, what use *"is appropriate to the rural location"* and this part of the Policy is consequently imprecise. Also, as set out earlier in this Report, national policy does not simply seek to prevent any development that has *"an adverse impact"* on heritage assets or the environment, but provides for a balanced consideration, having regard to sustainability.

182 Also, Criterion c) of the Policy is vague, in referring to *"capable of accommodating"* and *"adequate"* and the final Criterion reads as an incomplete catch-all that fails to provide for a balanced consideration of harm and benefits.

183 I recommend:

- **Policy E4, change to *"...The use proposed respects local character, residential amenity and highway safety; and b) the development conserves heritage assets in a manner appropriate to their significance."* (delete rest of Policy)**

Policy E5: Mobile and Telecommunication Infrastructure

184 Paragraphs 42 and 43 of the Framework recognise that:

“Advanced, high quality communications infrastructure is essential for sustainable economic growth

...planning policies should support the expansion of electronic communications networks...”

185 Policy E5 generally provides a supportive Policy to provide for appropriate infrastructure, although the final sentence introduces an ambiguous approach that fails to provide a decision maker with a clear indication of how to react to a development proposal.

186 Whilst the Policy requires the sympathetic location of equipment, having regard to local character, it goes on to state that no development should be located *“in or near to open landscapes.”* This requirement is open to wide interpretation and is unnecessary, given the need for development to be sympathetically located and designed to integrate with the landscape.

187 I recommend:

- **Policy E5, delete “...and not be located in or near open landscapes.”**

8. The Neighbourhood Plan: Other Matters

188 The last sentence on page 64 reads as though it comprises a Policy requirement, which it does not.

189 I recommend:

- **Delete last sentence on page 64 (“These...policies.”)**

190 No Policy is provided in the Infrastructure section. For clarity, I recommend:

- **Page 65, last para, change to “...community development. *The Community Actions identified in Section 13 provide an indication of the priorities in respect where the spending of these funds might be most needed and most desired.*”**

- **Delete para of supporting text on page 66**

191 Taking into account the consideration of the Neighbourhood Plan's Design Policy (Policy H7) earlier in this Report, I recommend:

- **Do not append the “*Design Guide*” to the Neighbourhood Plan**

192 The recommendations made in this Report will have a subsequent impact on contents, page, policy, paragraph and figure numbering.

193 I recommend:

- **Update the contents, page, policy, paragraph and figure numbering, taking into account the recommendations contained in this Report.**

9. Referendum

194 I recommend to Harborough District Council that, subject to the modifications proposed, **the South Kilworth Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

195 I am required to consider whether the Referendum Area should be extended beyond the South Kilworth Neighbourhood Area.

196 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

197 Consequently, I recommend that the Plan should proceed to a Referendum based on the South Kilworth Neighbourhood Area approved by Harborough District Council and confirmed by public notice on the 22 March 2016.

Nigel McGurk, October 2018
Erimax – Land, Planning and Communities



EST. 2011