

TUGBY AND KEYTHORPE NEIGHBOURHOOD PLAN 2021 - 2031

**The Report of the Independent Examiner to Harborough District Council on the
Tugby and Keythorpe Neighbourhood Plan**

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29th June 2022**

Summary

I was appointed by Harborough District Council, in agreement with Tugby and Keythorpe Parish Council, in April 2022 to undertake the Independent Examination of the Tugby and Keythorpe Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 8th June 2022 after resolving my initial enquiries of the Qualifying Body.

The Area Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Tugby and Keythorpe Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, local character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Harborough Local Plan (adopted April 2019).

Subject to a series of recommended modifications set out in this Report, some of more significance than others, I have concluded that the Tugby and Keythorpe Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Tugby and Keythorpe Neighbourhood Plan 2021 - 2031. The Plan was submitted to Harborough District Council by Tugby and Keythorpe Parish Council in its capacity as the 'Qualifying Body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2021 and it is against the content of this NPPF that the Plan is examined. The changes between the 2019 and 2021 revisions of the NPPF have not been significant in the examination of Policies in this Plan.

This report assesses whether the Tugby and Keythorpe Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Tugby and Keythorpe Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Tugby and Keythorpe Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Development Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Harborough District Council, in agreement with Tugby and Keythorpe Parish Council, to conduct the Examination of the Tugby and Keythorpe Neighbourhood Plan and to report my findings. I am independent of both Harborough District Council and the Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector Body as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Tugby and Keythorpe Neighbourhood Plan is submitted to a referendum; or
- the Tugby and Keythorpe Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Tugby and Keythorpe Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

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 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (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 Qualifying Body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this Examination I have considered the following documents:

- Tugby and Keythorpe Neighbourhood Plan 2021 - 2031 as submitted
- Tugby and Keythorpe Neighbourhood Plan Basic Conditions Statement (November 2021)
- Tugby and Keythorpe Neighbourhood Plan Consultation Statement (undated)
- Tugby and Keythorpe Neighbourhood Plan Strategic Environmental Assessment Screening Report (January 2021)
- Tugby and Keythorpe Neighbourhood Plan Strategic Environmental Assessment Determination Report (February 2022) (including a Habitats Regulations Assessment)
- Content at: www.harborough.gov.uk/directory_record/3030/tugby_and_keythorpe_neighbourhood_area
- Content at: www.tugby-keythorpepc.org.uk/neighbourhood-plan.html
- Representations made to the Regulation 16 public consultation on the Tugby and Keythorpe Neighbourhood Plan
- The Harborough Local Plan adopted in April 2019
- National Planning Policy Framework (NPPF) (2021)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 8th June 2022. I looked at all the various sites and locations identified in the Plan document in their rural setting.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Tugby and Keythorpe Neighbourhood Plan could be examined without the need for a public hearing and I advised Harborough District Council accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence is being shown on Harborough District Council's Neighbourhood Planning website for the Tugby and Keythorpe Neighbourhood Plan.

Tugby and Keythorpe Neighbourhood Area

A map showing the boundary of the Tugby and Keythorpe Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Tugby and Keythorpe Parish Council, Harborough District Council approved the designation of the Neighbourhood Area on 8th November 2017. This satisfied the requirement in line with the

purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Consultation Statement explains that “The aim of the engagement process was to:

- Inform residents, local businesses, and other stakeholders about the neighbourhood planning process and to invite their participation so that local opinion informed the plan.
- Ensure that consultation events took place at critical points in the process.
- Ensure that as wide a range of people as possible were involved, that they could receive information and could provide feedback in a way that suited them.
- Ensure that information was readily available and accessible to everyone.
- Make sure that consultation feedback was available as soon as possible after events.”

As long ago as October 2018 a Steering Group was formed comprising local residents and Parish Councillors and that subsequently met on a frequent basis. Following an open event held at the Tugby Village Hall in June 2019, three theme groups were formed to focus on the Environment, Local Amenities and Housing Requirements. The aim of these groups was to explore in detail the issues that had been raised by villagers and to collate evidence and identify emerging priorities.

To provide updates on news and activities associated with the Neighbourhood Plan and give access to copies of and links to relevant documentation, a new website page was added to Parish Council website. Updates of the progress of the Neighbourhood Plan were also published in the “Tugby Diary”, the Parish magazine delivered to all households on a monthly basis. Prior to the instigation of the three theme groups, two community events were advertised and a display presented in June 2019 at the School village fete and Tugby Village Hall. In November 2019 letters were sent to local landowners inviting them to discuss their intentions for their land; a separate Housing Site Assessment Statement provides fuller details.

After each consultation event or questionnaire there was a detailed analysis which informed the next step in the drafting process.

The official Regulation 14 Consultation ran over a six-week period (November 9th to December 21st 2020). The comments received were collated by the Parish Clerk and after an initial review by Consultants YourLocale, the updated Plan was agreed and submitted to the Parish Council for final approval ahead of submission to Harborough District Council.

The comments and responses are detailed in an Appendix to the Consultation Statement. In addition to the general public, comments were received from:

- statutory bodies
- other local organisations
- local landowners.

Accordingly, overall, I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body have already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Harborough District Council from Wednesday 19th January 2022 to Wednesday 2nd March 2022. I have been passed the representations – just 4 in total – which were generated by the consultation and which are included along with the submitted Plan on Harborough District Council’s Neighbourhood Planning website. I have not mentioned every representation individually within this Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

Tugby and Keythorpe Parish Council is to be congratulated on their extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2031. I can see that a sustained effort has been put into developing a Plan around a vision for 2031:

“With its long history, its boundaries unchanged for over five hundred years and an unrivalled rural location high on the A47 ridge, Tugby & Keythorpe is a thriving, vibrant community respecting the past and looking forward to the future.”

The Plan document is well presented with a combination of text, maps and policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually, I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to be in general conformity with Local Plan strategic policies. Having considered all the evidence and representations

submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard the Tugby and Keythorpe's distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from the Harborough District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" (NPPF para 16). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the local strategic policies are set out in the Harborough Local Plan adopted in 2019. From the accompanying Strategic Environmental Assessment and Habitats Regulations Assessment, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Area Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2021 – 2031 on the front cover. The references to “Submission Plan” can now be removed.

Contents

The content listing will need to be reviewed in the light of my Recommendations below. I observe that section 5 alone of the Plan has sub-section numbering; this numbering helps significantly when navigating and quoting from the Plan and therefore the Qualifying Body may wish to consider extending this format.

Foreword

Although it may seem pedantic, it is important that I point out that the Foreword is incorrect in saying that “Neighbourhood Plans are required to be in general conformity with the strategic policies of the Local Planning Authority and the Government’s National Planning Policy Framework (NPPF) 2021.” In fact, Neighbourhood Plans must “have regard to” national policy and guidance.

Recommendation 1:

1.1 On the front cover, and at any other location, remove “Submission Version”.

1.2 In the fourth paragraph of the Foreword replace “the Government’s National Planning Policy Framework (NPPF) 2021” with ‘have regard to the National Planning Policy Framework (NPPF) 2021 and Planning Practice Guidance (PPG)’.

1.3 Within the Plan consider adopting sub-paragraph numbering throughout.

1 About this Neighbourhood Plan

No comment.

2. The Consultation Process

No comment.

3. A Plan for Tugby and Keythorpe Parish

No comment.

4 Housing and the Built Environment

Housing Provision

I note from the Plan that “the up-to-date [housing] target has been confirmed with Harborough District Council as being five units. The Parish Council has agreed that to “future proof” the Neighbourhood Plan a small number of additional units would be supported to address any future increase in housing need” [across the Plan period]. This approach accords with the Planning Practice Guidance encouragement to go beyond the minimum requirement (Paragraph: 009 Reference ID: 41-009-20190509). I noted a slight disparity between the Plan text and the supporting Sustainable Site Assessment (SSA); the former suggests that the housing requirement is 5 dwellings and the latter 6. The Qualifying Body confirmed that the Plan text is more up-to-date than the SSA.

Residential Allocation

The paragraph immediately before Policy H1 says that the Plan is seeking to allocate a site for 8 units; the Policy that follows makes an allocation for “around eleven dwellings”. The Qualifying Body confirmed that the difference is between the sought allocation and the actually assessed site capacity. This ought to be explained in the text.

I shared with the Qualifying Body a number of concerns about the presentation of the Sustainable Site Assessment (in addition to the strange paragraph numbering):

Executive Summary: this seems to suggest that the outcome from the first iteration of the process – described as objective – was not liked so the criteria were changed to alter the outcome. Similarly, the later reference to: “The presentation of findings to the local community resulted in refinements to the site proposals” is not further explained. The Qualifying Body agreed that additional explanatory text was needed.

I noted that the ‘raw data’ on how each site was ‘scored’ on the traffic light system is presented separately but there are no maps outlining the particular site under consideration. The Qualifying Body confirmed that these were presented to the community as part of the consultative process, and they provided the same site location details for me.

Table 2 – SSA outcomes: before the table it is said that “The RAG Rating is obtained by deducting the “Red” scores from the “Green” scores”. There is no heading in the table for “RAG Rating”. The Qualifying Body confirmed that the column headed “HTG score” is in fact the ‘RAG Rating’.

Further to these points of clarification I can confirm that the allocation process has followed the general principles set down in the Planning Practice Guidance (Paragraph: 042 Reference ID: 41-042-20170728).

POLICY H1: Residential site allocation - Land at Harbrook Farm

In relation to the wording of this Policy:

- The Qualifying Body confirmed that, from indicative layouts, 11 dwellings are deliverable on the site (this being the threshold for the delivery of affordable housing).
- The fact that the site is set within a Conservation Area and any specific guidance related to it are not explicitly mentioned.
- It is unclear what an “independently assessed” housing need, as required in element g, might entail; the Qualifying Body indicated that an update might be required during the Plan period.
- Elements f and h appear to say the same the same thing in different words; the Qualifying Body agreed that these should be merged.
- A representation comments: “It is unclear which footpath is being referred to here [element i], but it is assumed a vehicular access with an adjacent footway leading into the development”; the Qualifying Body confirmed this is the case.
- As the site selected was originally offered as part of a larger site the Qualifying Body has confirmed that it is expected that a route through to the remainder of the site will be protected.

Recommendation 2:

2.1 Under the heading “Residential Allocation”, add to the final paragraph: “As a result of detailed discussions on the selected site its capacity was assessed as approximately 11 dwellings and that is reflected in Policy H1.”

2.2 Within the Sustainable Site Assessment Report (Appendix E):

2.2.1 In the Executive Summary insert ‘, on the basis of local knowledge and the advice of the consultant from YourLocale,’ between “.... by HTG members” and “and they requested”

2.2.2 In the second of two paragraphs numbered 5.2. (which should evidently be numbered 6.2 since it is in section 6), replace “The presentation of findings to the local community resulted in refinements to the site proposals” with ‘The findings of the SSA and the methodology used were presented to the local community and

explained in detail. Consultation arrangements were severely hampered by the onset of the pandemic.'

2.2.3 In Table 2 replace "HTG Score" with 'RAG Score'.

2.3 Within Policy H1:

2.3.1 In element (e) replace "achieve the standards specified in" with 'have regard to the Tugby Conservation Area Character Statement and', and capitalise Village Design Guide.

2.3.2 To element (f) add: 'and have regard to the residential amenity of new and existing, neighbouring dwellings'.

2.3.3 In element (g) replace "the latest independently assessed housing needs for the area" with 'a current assessment of housing needs for the Neighbourhood Area to the satisfaction of the local planning authority'.

2.3.4 Delete element (h) and replace with 'The layout shall incorporate the potential to extend the road access into further land in the same ownership.'

2.3.5 In element (i) replace "A footpath and vehicular link" with 'The access road and related footpath from Main Street' and delete "to Main Street to serve the site".

As amended Policy H1 meets the Basic Conditions.

Limits to development

I note that it is stated, in the second paragraph under this heading, that "The Harborough Local Plan has removed LTD in favour of criteria-based policies". Thus it is evident that "general conformity with the strategic policies of the Plan for the area", as required in the Basic Conditions, could be an issue. I note that the submitted Basic Conditions Statements says: "The Neighbourhood Plan satisfies the requirement of policy GD1 of a 'presumption in favour of sustainable development' and adds limits to development as a matter of local detail to help determine the most appropriate locations for development". Positively, I note that there is a stated methodology used to define the Limits to Development. In response to my enquiries the local authority has commented: "[Harborough District Council considers that a] LTD policy is an appropriate policy to permit and direct development in conjunction with other policies, for the following reasons:

- The LTD policy represents an enabling tool for residential development that would otherwise not necessarily have policy support and provides a mechanism to define the area within which proposals for housing development will be conditionally supported and will guide development to sustainable solutions.
- [Local Plan] Policy GD2 and other policies in the LP are clear that development sites must be directed towards appropriate locations. This also includes considering the nature, form and character of the settlement and its distinctiveness. A Neighbourhood Plan LTD policy considers the local context for development and can allow small numbers of new dwellings to be built in the most appropriate locations for communities.
- The LTD policy adds a local layer of detail to what constitutes the built area of Tugby."

With this additional detail and confirmation, I conclude that the Basic Condition relating to strategic policies is satisfied.

In relation to the wording of Policy H2, strictly speaking, in the absence of specific criteria, proposals should be supported 'in principle' and, the last part of the second element should be: 'the strategic policies of the Local Plan and national policies'.

Recommendation 3:

3.1 Under the heading "Limits to Development", in the fourth paragraph delete "of" between "comprise" and "windfall".

3.2 Within Policy H2:

3.2.1 In the first sentence, after "supported" add ' , in principle, '.

3.2.2 In the second sentence, replace "local and National strategic planning policies" with 'the strategic policies of the Local Plan and national policies'.

As amended Policy H2 meets the Basic Conditions.

Windfall development

Having defined the Limits to Development in Policy H2 it is a related expectation that new development within the LTD is acceptable in principle; Policy H3 now better defines the criteria to be met by such developments. I noted to the Qualifying Body that the phrase at the end of the opening paragraph – "and apart from in only exceptional circumstances" – might be regarded as an overstatement of what Local Plan Policy GD1 provides. The Qualifying Body agreed that, for clarity, the Local Plan Policy might be specified.

In relation to the Policy H3 wording:

- i) Element a expects the retention of gardens whereas element c acknowledges, appropriately, that some/most development will involve development on existing garden space; the two elements need to be compatible. The Qualifying Body explained: "Criterion a) seeks the retention wherever possible of natural boundaries and features (including gardens) whilst criterion c seeks to ensure that development does not reduce garden space where it creates harm. Therefore, if the retention of a garden is not possible (as allowed by criterion a) then any reduction must not create harm as required by criterion c." The two elements therefore might helpfully be combined.
- ii) A representation comments: "Is the last sentence needed as it already refers to this in criterion d)? The Qualifying Body agreed that there is duplication.

Recommendation 4:

4.1 Under the heading "Windfall Development", in the first paragraph replace "apart from in only exceptional circumstances" with 'apart from in the exceptional circumstances set down in Local Plan Policy GD1'.

4.2 Within Policy H3:

4.2.1 Combine elements a and c as follows (and renumber the remaining elements accordingly):

'they retain, wherever possible, existing important natural boundaries and features such as gardens, trees, hedges, footpaths and streams; where garden space is necessarily reduced it should not be to an extent where there is an adverse impact on the character of the immediate vicinity.'

4.2.2 Delete the final sentence: "Development of 4+ bedroomed houses will only be acceptable if they are in a minority."

As amended Policy H3 meets the Basic Conditions.

Affordable Housing

The NPPF (paragraph 63) states that “Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required”. This is the purpose of Policy H4.

Policy H4 meets the Basic Conditions.

Design

Policy H5 is clearly an important one in relation to the new NPPF emphasis on good design and how it should be achieved. However, the Policy sets down “design principles” and references the Appendix “Design Guide”. The latter at paragraph 3.1.2 sets down “building design principles” and paragraph 3.3 sets down “Design Guidelines”. The basis of the relationship between the Policy “principles” and the Guide’s “principles” and “guidelines” is therefore confused.

The Qualifying Body responded: “The intention is to differentiate between general design ‘principles’ and more specific design ‘guidelines’, although there is overlap between the two. It is also the intention that development should ‘have regard’ to these principles and guidelines rather than that they are to be followed on a prescriptive basis.” Although no improvements were suggested, the content should therefore be presented as following that approach.

Within the “Guide” it is unclear how the “Parking Standards” relate to those prevailing in the County and how/why any variation, if any, has been justified. Accordingly, the County Standard should be specified although a higher standard might be encouraged.

Recommendation 5:

5.1 Under the heading “Design”, in the third paragraph replace the final sentence with: ‘The design principles to support the implementation of the Village Design Guide are as follows:’.

5.2 Within Policy H5 delete the over-prescriptive element (j) (iii) and renumber the following element accordingly.

5.3 Within the Design Guide (Appendix F, but renumbered as per a later recommendation):

5.3.1 In paragraph 3.1.2, opening sentence, delete “building design principles”.

5.3.2 In paragraph 3.10 under the heading “Residential Car Parking Standards” insert: ‘Parking standards should follow the requirements set out in the Leicestershire Highway Design Guide. Where appropriate and feasible the following parking provision is encouraged:’.

As amended Policy H5 meets the Basic Conditions.

5. The Environment

5.1 Introduction

5.2 Environmental inventory

No comment.

5.3 Local Green Space

The approach to identifying Local Green Spaces is an interesting one and obviously represented a huge commitment of volunteer time. However, there are a few general comments that I should make:

- i) The categories used – tranquillity, historical significance, etc – are used in the NPPF as examples only, what is critical is whether a space is “*demonstrably* special to a local community *and* holds a *particular* local significance” [my emphases]. The narrative might have better related to this requirement.
- ii) Planning Guidance contains a few other checks – such as whether the LGS designation can endure beyond the plan period. These ought to have been evidenced.
- iii) It is not declared how a cut-off point was selected making the division between LGS and not LGS. I am advised that this was a simple approach along the lines that designation should be the exception rather than the rule, which seems to show a limit of a scoring approach.

Having made these observations, and having visited each space, I agree that the spaces are appropriate for designation against the NPPF criteria (paragraph 102). However, the churchyard space is dominated by the Church itself and, by definition, that needs to be excluded from the Green Space.

Recommendation 6:

Under the heading “5.3 Local Green Space” amend the boundary of the St. Thomas a Becket Churchyard Local Green Space on Figure 5 and the supporting evidence to exclude the footprint of the Church from the designated space.

As amended Policy ENV 1 meets the Basic Conditions.

5.4 Historic environment

5.4.1 Sites of historic environment significance

As paragraph 189 of the NPPF says, heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

Whilst the inventory approach is an interesting one, I could not see that “The features for which the identified sites have been selected and notified are listed in the environmental inventory”. I was advised by the Qualifying Body that “the version of Appendix H Environmental Inventory on the Tugby and Keythorpe Parish website (as cross-referenced and linked in the online HDC submission Plan package) is an earlier draft and is incomplete, with some descriptions omitted, scores not representative of the evidence that was available, and no totals ... The examples of un-evidenced sites you quote (and probably the others with the same issue) are actually non-designated heritage assets in the Leicestershire Historic Environment Record. They were marked on the map (figure 6), their feature descriptions were added to the inventory and the score totals adjusted, but an out-of-date (incomplete) inventory version was then mistakenly uploaded to the parish council website as part of the Regulation 14 stage. The error was not picked up before Submission or during post-submission (Regulation 16 et seq) stages.” I was provided with a corrected version.

I have given some consideration as to whether the publishing of incorrect/incomplete evidence might have affected the value of the public consultation to which the Plan was required to be submitted. On the basis of the evidence of the representations and a fuller examination of the complete record I have concluded that the incomplete evidence did not

mislead, it would simply have been unhelpful for the reader who would have been left wondering, as I was, how the conclusions were reached.

Recommendation 7:

Replace the contents of Appendix H (renumbered as per a later recommendation) with the version of the Environmental Inventory submitted by the Qualifying Body with their email dated 29th May 2022.

Subject to the correction of the supporting evidence Policy ENV 2 meets the Basic Conditions.

5.4.2 Statutorily protected heritage assets

No comments.

5.4.3 Local heritage assets

The Policy ENV 3 and its supporting information seem appropriately presented. However, “Rosemary Cottage, Main Street” is shown both as a property about which there is too little information and as a property addressed within the Policy. The Qualifying Body has confirmed that the Cottage is intended to be recognised as a local heritage asset. The Qualifying Body has also noted: “Well at Hazlerigg Farm’ has been incorrectly numbered TL03 (should be TL02) in Table 3”. The referenced NPPF paragraph number also needs to be corrected.

Recommendation 8:

Under the heading “5.4.3 Local heritage assets”:

8.1 In the first paragraph replace “footnote (63) to NPPF 2021 paragraph 180” with ‘NPPF paragraph 190’.

8.2 In the second paragraph delete “Rosemary Cottage, Main Street”.

8.3 Within Table 3 correct the entry for ‘Well at Hazlerigg Farm’ changing “TL03” for ‘TL02’.

Subject to the correction of the supporting evidence Policy ENV 3 meets the Basic Conditions.

5.4.4 Ridge and furrow

I noted to the Qualifying Body that, whilst the heritage asset value of ridge and furrow evidence is acknowledged, since planning cannot prevent the ploughing of fields there is a significant limit to what a Policy like ENV 4 can achieve. The Qualifying Body acknowledged this but commented: “The policies in the present NP designating a settlement boundary and allocating a site for development to meet local housing need establish a high degree of control over the location of future developments in this and subsequent NP iterations (for example if local need increases, or if new development in Tugby is necessitated by new HDC housing number targets). Policy ENV 4 will guide future NP site allocations to meet these needs by requiring fields with R&F to be ‘red-flagged’ when locations are considered; we consider this to be an approach consistent with the NPPF principle of sustainable development.” My site visit confirmed the presence of some evidence of ridge and furrow at the locations identified.

I note the suggestion in the supporting text that ridge and furrow may be regarded as “comparable in significance to that of surviving medieval buildings” but, in the absence of a source reference, that assertion should be deleted.

Recommendation 9:

In the sentence immediately before Policy ENV 4 delete “comparable in significance to that of surviving medieval buildings”.

Policy ENV 4 meets the Basic Conditions.

5.5 Natural environment and biodiversity

5.5.1 Sites of natural environment significance

5.5.2 Protecting and enhancing biodiversity

The NPPF (paragraph 179) says that plans should: “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.” Whilst the latter element is not addressed within the Neighbourhood Plan, both ENV 5 & ENV 6 seem to repeat the NPPF content, explicitly so in ENV 6. The Plan does however have the benefit of the local mapping as a background. The Qualifying Body responded: “Policies ENV 5 and 6 are intentionally separate and differently worded. ENV 5 deals with development proposals on or affecting the identified (existing designations plus 2019-21 inventory) sites of natural environment significance (the known habitats and species distinguishing them should be taken into account by an applicant when contemplating or preparing a proposal and the planning committee should make its determination partly on these grounds), while ENV 6 covers development proposals anywhere in the Plan Area, in which cases the general principles of habitat and species protection (NPPF and legislation) must be taken into account by both applicants and planning committees.” However, the NPPF (paragraph 16) says that plan policies should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”; therefore the “general principles of habitat and species protection” don’t need to be restated in the Neighbourhood Plan. Any differences of wording between the same policies at different levels will lead to confusion.

Policy ENV 5 uses “significance” one too many times.

Recommendation 10:

10.1 In Policy ENV 5, in the first sentence, delete “significance” after “environment”.

10.2 Delete Policy ENV 6 and its supporting text; renumber subsequent paragraphs and Policies accordingly.

As amended Policy ENV 5 meets the Basic Conditions.

5.5.3 Notable trees and hedges

NPPF paragraph 174 acknowledges that Plans should recognise “the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including ...trees and woodland”. The wording for Policy ENV 7 makes a distinction between “valued” and “notable” trees and hedges. Whilst the latter are identified in pictures and a location, the “valued” set are not. In neither instance is the selection criteria declared. The Qualifying Body has responded: “On reflection we are content for the policy to reference only notable trees. Its purpose is to support the planting of additional trees and to resist the loss of existing trees”. An alternative policy wording was suggested upon which my recommendation is based.

Recommendation 11:

Reword Policy ENV 7 (now renumbered as ENV 6) as follows:

‘Development proposals should:

a) increase tree coverage and retain existing trees and hedges by integrating them into the design of the development; and

b) not unavoidably damage or result in the loss of trees, hedges and woodlands of arboricultural, ecological and/ or amenity value.'

As reworded Policy ENV 6 (as renumbered) meets the Basic Conditions.

5.6 Important Open Spaces (IOS)

I note that it is proposed that sites 032 and A/B/C (on figure 12) now be removed as IOS sites as their designation as Local Green Space is confirmed. The supporting text also says that "[other sites than those identified by HDC] have demonstrable community value and can be classified in HDC OSSR typologies and are included here for similar treatment in the Planning system". The Basic Conditions Statement says there is "general conformity with the overarching principles contained in [Local Plan Policy] GI2 'open space sport and recreation'". However, Policy ENV 8 does not appear to be a complete equivalent to element 2 in Policy GI2 and confusion may therefore arise from unexplained disparities. The Qualifying Body responded: "Note that the HDC Open Spaces Strategy 2021 was adopted after Regulation 14 consultation and after the NP was finalised for submission. Our thinking is that the effect of ENV 8 on development proposals and planning determinations will be the same as that of GI2(2), but that its inclusion in the NP is justified by the site-specific identification and mapping of the HDC OSs in Tugby and the addition of the extra sites as 'local detail'." Whilst I agree with the approach, some amendment to the Policy wording is required.

Recommendation 12:

Amend Policy ENV 8 (now renumbered as ENV 7) by replacing the second sentence with: 'Development resulting in the loss of or reduction in defined open space, sport and recreation facilities will not be permitted unless it can be clearly demonstrated that the exceptions set out in the HDC Local Plan (2011 - 2031) Policy GI2(2) apply.'

As amended Policy ENV 7 (as renumbered) meets the Basic Conditions.

5.7 Important views

I noted to the Qualifying Body that planning policies cannot "protect" views from change. Also, a positive expression of what is being sought is required so that what is "unacceptable" has clarity. The Qualifying Body agreed that a rewording was appropriate.

Recommendation 13:

Reword Policy ENV9 (now renumbered as ENV 8) as follows: 'The following views (see table 3 and figure 13) are important to the setting and character of the village. Development proposals should ensure that these views are respected by integrating new buildings within the landscape and ensuring that sightlines to significant landmarks/features are not obscured.'

As amended Policy ENV 8 (as renumbered) meets the Basic Conditions.

5.8 Footpaths and bridleways

Since footpaths and bridleways are afforded statutory protection, the primary value of Policy ENV 10 is that the network is defined for clarity. It is doubtful that a policy is required but, if a particular importance is attached to it – and I note that the County Council "strongly affirm and support draft Policy ENV10" - then a positive expression of what is sought would be required. The Qualifying Body agreed that a rewording was appropriate.

Recommendation 14:

Reword Policy ENV 10 (now renumbered as ENV 9) as follows:

'To be supported development proposals should retain public footpaths and bridleways (see figure 14) that are within their site; where there is an adverse impact on the value of the footpath/bridleway then appropriate mitigation is required.'

As amended Policy ENV 9 (as renumbered) meets the Basic Conditions.

5.9 Flood risk resilience

The NPPF (section 14) provides for a very specific approach to flood risks with the use of a Sequential Test and Exception Test as appropriate. Local Plan Policy CC3 is a local expression of the approach. It is not the purpose of Neighbourhood Plan policies to rewrite national policies but rather it is to give local expression to them according to evidenced requirements. The Qualifying Body has commented: "We have included this policy as it adds surface water to the causes of the problem to be dealt with by the sequential and exception tests and the requirement to balance local benefits of development against the harm of flooding." But that would not have regard to national Policy and Policy ENV 11 is not needed to duplicate Local Plan Policy CC3. Therefore, in the absence of Neighbourhood Area content supported with evidence, Policy ENV 11 should be restricted to supporting, in principle, flood resilience measures.

Recommendation 15:

Reduce Policy ENV 11 (now renumbered as ENV 10) to:

'Proposals to construct new (or improve existing) floodwater management infrastructure (ditches, roadside gullies, retention pools, etc.), including within the built-up area, will be supported in principle.'

As amended Policy ENV 10 (as renumbered) meets the Basic Conditions.

5.10 Renewable energy generation infrastructure

I noted to the Qualifying Body that, in all essentials, Policy ENV 12 says no more than Local Plan Policy CC2, which it references. The Qualifying Body responded that the intended difference is in the emphasis with ENV 12 being more encouraging of smaller scale turbines. Accordingly, an amendment to that end is recommended.

Recommendation 16:

Reword the first sentence of Policy ENV 12 (now renumbered as Policy ENV 11) as follows:

'Proposals for local resident, business, amenity or community-initiated solar and wind generation infrastructure, in particular single small-scale (turbines less than 30m), will be supported, subject to their complying with the environmental protection conditions listed in HDC Local Plan (2011 – 2031) Policy CC2.'

As amended Policy ENV 11 (as renumbered) meets the Basic Conditions.

6. Community Sustainability**Community facilities and amenities**

NPPG paragraph 84 supports, in rural locations, "the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

The particular contribution made by Policy CFA 1 is that it identifies the local properties that are regarded as "community facilities". In other respects, the Policy is a negatively worded equivalent of Local Plan Policy HC2, but there are other differences. For instance, the Neighbourhood Plan does not apparently expect that a replacement facility "is to be made

available before the closure of the existing facility". In similar manner Policy CFA 2 parallels other parts of Local Plan Policy HC2. The Qualifying Body agreed that nothing would be lost if a single Policy replaced two, this designating which properties are recognised as being community facilities. Local Plan Policy HC2 will then guide their replacement or improvement.

Recommendation 17:

Merge Policies CFA 1 & CFA 2 as follows, and renumber subsequent Policies accordingly: 'The following community facilities are valued by the community and are to be retained and their improvement is supported in principle: Tugby School, the Parish Church, the village hall and astroturf, the play area, the allotments, the car park and the pub. Development resulting in the loss of or reduction of a community facility will not be permitted unless it can be clearly demonstrated that the exceptions set out in the HDC Local Plan (2011 - 2031) Policy HC2 apply.'

As amended Policy CFA 1 meets the Basic Conditions.

Community Action CFA1: Maintenance of existing community assets

Planning Policy Guidance says: "Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, [but] actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex." (Planning Policy Guidance Paragraph: 004 Reference ID: 41-004-20170728). In this instance I consider it sufficient for the Community Action title (minus the "CFA") and colour to be different from the main Policy content, but to retain the clarity of that distinction for black and white printing I suggest that the Community Action is also italicised.

Recommendation 18:

Retitle "Community Action CFA 1" as 'Community Action 1', use a different colour to differentiate it from the Policy content and italicise the text.

As amended Community Action 1 meets the Basic Conditions.

Tugby Church of England School

As noted above, it is appropriate that the Plan should address the needs of community facilities. Since it would appear that there has been no particular assessment of the School site's ability to accommodate replacement or extended buildings, the Policy should only provide 'in principle' support. I note that the School building is historic in character but the Policy invites its "replacement", implying loss of the original building – but the Qualifying Body clarified that any replacement would be likely to be on another site. Element b of the Policy is ambiguous – it is unclear whether there a concern about the loss of open space per se or only a loss of open space which affects the immediate neighbours. The Qualifying Body clarified that the "intention is twofold - to retain the existing playing fields and to ensure that any extension to buildings on the site avoids loss of amenity to neighbours". The recommendation therefore follows those expectations.

Recommendation 19:

Reword Policy CFA 3 (renumbered as CFA 2) as follows:

'Proposals for relocating and/or expanding the facilities of the primary school in the Parish will be supported in principle so long as:

a) appropriate vehicular access and parking are provided which do not have a significant adverse impact upon traffic circulation;

b) the existing playing fields are substantially retained; and

c) they would not result in a significant loss of amenity to local residents or other adjacent uses.

As amended Policy CFA 2 (as renumbered) meets the Basic Conditions.

Traffic Management

Given that Neighbourhood Plan policies must “relate to the development and use of land” (Section 38A of the Planning and Compulsory Purchase Act 2004) traffic management is a difficult topic outside of the context of particular sites. A Community Action is therefore an appropriate way to go. In relation to the wording of Policy TR 1, it is difficult to envisage what design features would “minimise additional traffic generation and movement through the village”. A representation points out that the selected site for development will assure some additional traffic at the heart of the village – as would any development to varying degrees. Another representation points out that “a new development should only mitigate its own residual impact; it cannot be expected for developers to mitigate existing concerns”.

Recommendation 20:

20.1 Amend the title of “Community Action TR 1” to ‘Community Action 2’; use a different colour to differentiate it from the Policy content and italicise the text.

20.2 Reword Policy TR 1 as follows:

POLICY TR1: TRAFFIC IN A RURAL COMMUNITY - With regard to the rural highway network of the Parish and the need to minimise the adverse impacts of vehicular traffic, all housing and commercial development must:

- a) incorporate sufficient off-road parking;*
- b) not remove or compromise the use of any existing off-road parking areas unless a suitable replacement is provided;*
- c) provide any necessary improvements to site access and the highway network either directly or by financial contributions; and*
- e) where appropriate, effect the improvement and the creation of footpaths and cycleways to connect with key village services.*

As amended Policy TR 1 meets the Basic Conditions.

Electric Vehicles

A neighbourhood level land-use planning policy is not the place to set down technical standards, not least because they are part of national standards. The NPPF at paragraph 107 supports “an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles”.

Recommendation 21:

Amend element a) of Policy TR 2 as follows:

‘Residential development of one dwelling or more should include the infrastructure for home electric vehicle charging.’

As amended Policy TR 2 meets the Basic Conditions.

Footpaths, Bridleways and Cycleways

The Qualifying Body agreed that footpaths and bridleways are already the subject of Policy ENV 10. Policy TR 3 is therefore more appropriately a Community Action as no planning consent would be involved in the maintenance or upgrading of footpaths etc..

Recommendation 22:

Amend Policy TR 3 to become 'Community Action 3'; use a different colour to differentiate it from the Policy content and italicise the text.

Businesses and employment

I note some tension between Policies BE 1 & BE 2 and their equivalent Local Plan Policies. Local Plan Policy BE3 says: "Development of starter homes on industrial and commercial land that is considered under-used or unviable for future commercial uses and suitable for housing will be permitted providing that: a. any such provision does not prejudice the use of other well-used or viable employment land or premises; and b. the development would not result in unsatisfactory residential amenity for future residents." Local Plan Policy BE1 supports "on sites within or *well related to* [my emphasis] Rural Centres and Selected Rural Villages, sustainable development which delivers local employment opportunities, supports and diversifies the rural economy or enables the expansion of business and enterprise will be permitted" subject to criteria indicating a preference for re-use of buildings or land. In the absence of evidence that a difference of approach is justified for Tugby, the Policy wordings need to be better aligned.

Recommendation 23:

23.1 Amend Policy BE 1 to replace "has no potential for either reoccupation or redevelopment for employment generating uses and" with 'are under-used or unviable for future commercial uses'.

23.2 Amend Policy BE 2 to replace "Fall within the boundary of planned limits of development for the Tugby Parish" with 'Fall within or be well related to the Limits to Development for Tugby'.

As amended Policies BE 1 & BE 2 meet the Basic Conditions.

Home working

Where homeworking is incidental to the residential use of a dwelling, no planning consent is likely to be required; a personal office is indistinguishable from a study. A distinct difference however arises when a business employs other people and they work from someone else's home and/or when delivery and collection of goods/materials becomes more dominant than the residential use. As written, Policy BE 3 does not appear to acknowledge that a policy is not needed for incidental uses or that light industrial and employment generating uses within residential areas are unlikely to involve "No significant and adverse impact"; the Policy should not mislead. The Qualifying Body responded: "The policy is supportive of development which enables people who wish to work from home to do so where their existing building does not currently allow this, and this may therefore see development proposals being approved where they may not otherwise be." But I am unconvinced that this is the case given that the constraints within the Policy, realistically, represent significant hurdles.

Recommendation 24:

24.1 Under the heading "Home working", at the end of the second paragraph, add: 'It is likely that many of these activities did not require a planning consent as they are incidental to the residential use of a dwelling.'

24.2 Within Policy BE 3 reword the opening sentence as follows:

'Proposals for accommodating working from home, beyond that already allowed as 'permitted development', involving small-scale free-standing buildings within a residential curtilage, extensions to the dwelling or conversion of outbuildings, will be supported where:'.

As amended Policy BE 3 meets the Basic Conditions.

Farming

NPPF paragraph 84 supports “the development and diversification of agricultural and other land-based rural businesses” and Local Plan Policy GD3 ‘Development in the countryside’ supports new uses from diversification related to the rural economy. However, Policy BE 4 does not appear to recognise that a range of diversification uses may be achieved within permitted development or prior approval rights. One reading of the Policy might be that the loss of an agricultural site to residential use would be acceptable if that supported another business on another site – the Qualifying Body confirmed that this was not intended. Some redrafting is therefore required.

Recommendation 25:

Within Policy BE 4 reword the opening sentence as follows:

‘Where a planning consent is required, development proposals for farm diversification in support of the rural economy will be supported subject to.’

As amended Policy BE 4 meets the Basic Conditions.

Broadband and mobile infrastructure

Section 10 of the NPPF supports “high quality communications”. At paragraph 115 it says “The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion”; therefore, the third element of Policy BE 5 is not required. Comparison with Local Plan Policy IN3 shows that the latter adopts a more nuanced approach and range of considerations, but no particular conflict. Whilst I note the intention for mobile phone infrastructure and upgrades to be encouraged, I noted to the Qualifying Body that the last element in the Policy seems to present a high bar for a predominantly rural Parish; the Qualifying Body suggested revised wording upon which my recommendation is based.

Recommendation 26:

Within Policy BE 5 delete the third element and reword the fourth as:

‘Above ground network installations must be sympathetically located and designed to integrate into the landscape.’

As amended Policy BE 5 meets the Basic Conditions.

7. Infrastructure

Policy INF 1 would appear more appropriately to be a Community Action Policy. S106 monies are restricted to items that ensure that a development proposal can be policy compliant, and CIL payments relate to a range of infrastructure investments identified when setting the CIL tariff. However, a proportion of CIL funds generated by development will be passed to the relevant Parish Council and Policy INF 1 would appear to be committing the Parish Council to a particular pattern of spending from those funds. The Qualifying Body agreed the change to a Community Action Policy.

Recommendation 27:

Amend Policy INF 1 to become ‘Community Action 4’; use a different colour to differentiate it from the Policy content and italicise the text.

7. Monitoring and Review

This commitment is appropriate but I presume this section should be numbered 8, as indicated on the Contents page.

Recommendation 28:

Renumber the “Monitoring and Review” section from “7” to ‘8’.

Appendices

The Contents page shows a number of Appendices but I regard two of these as vital to the implementation of the Neighbourhood Plan – the Design Guide and the Environmental Inventory. The others I regard as supporting documents, helping to justify or explain policies but not likely to be called upon in the application of the policy. Accordingly, I would suggest that Appendices F & H (suitably renumbered) are included with the Plan text whereas the other Appendices are listed as ‘Supporting Documents’ with a hyperlink to their location. The Qualifying Body agreed with this approach.

Recommendation 29:

Renumber Appendices F & H as Appendices 1 & 2 and attach these to the Plan text.

Renumber the other Appendices as required and list these as ‘Supporting Documents’ with a hyperlink to their location.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Tugby and Keythorpe Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

Harborough District Council, in its screening opinion of February 2022, following a consultation period with the Statutory Bodies, confirmed that a Strategic Environmental Assessment (SEA) under the Environmental Assessment of Plans and Programmes Regulations 2004 was not required. The Report concluded (in summary): “it is unlikely there will be any significant environmental effects arising from the Tugby and Keythorpe Neighbourhood Plan as submitted at the date of this assessment, that were not covered in the Sustainability Appraisal for the Strategic Environmental Assessment Determination Report. As such, it is the determination of the Council that the Tugby and Keythorpe Neighbourhood Plan does not require a full SEA to be undertaken.”

Harborough District Council’s Strategic Environmental Assessment Screening Report of January 2021 concluded that an appropriate assessment would not be necessary in relation to the European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2010 (as amended). The Report noted: “This SEA Screening Report dated January 2021 for the Tugby and Keythorpe Neighbourhood Plan does not take account of measures intended to avoid or reduce the harmful effects of the Plan. The harmful effects, if any, have been considered in the preparation of the Screening Report of January 2021 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.”

In regard to the European Convention on Human Rights, the Basic Conditions Statement that accompanies the Area Neighbourhood Plan states: “The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.” No evidence has arisen or been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Tugby and Keythorpe Neighbourhood Plan, as modified, is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Tugby and Keythorpe Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to Harborough District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Tugby and Keythorpe Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by Harborough District Council on 8th November 2017.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	<p>1.1 On the front cover, and at any other location, remove “Submission Version”.</p> <p>1.2 In the fourth paragraph of the Foreword replace “the Government’s National Planning Policy Framework (NPPF) 2021” with ‘have regard to the National Planning Policy Framework (NPPF) 2021 and Planning Practice Guidance (PPG)’.</p> <p>1.3 Within the Plan consider adopting sub-paragraph numbering throughout.</p>	For clarity and accuracy
2	<p>2.1 Under the heading “Residential Allocation”, add to the final paragraph: “As a result of detailed discussions on the selected site its capacity was assessed as approximately 11 dwellings and that is reflected in Policy H1.’</p> <p>2.2 Within the Sustainable Site Assessment Report (Appendix E):</p> <p>2.2.1 In the Executive Summary insert ‘, on the basis of local knowledge and the advice of the consultant from YourLocale,’ between “.... by HTG members” and “and they requested”</p> <p>2.2.2 In the second of two paragraphs numbered 5.2. (which should evidently be numbered 6.2 since it is in section 6), replace “The presentation of findings to the local community resulted in refinements to the site proposals” with ‘The findings of the SSA and the methodology used were presented to the local community and explained in detail. Consultation arrangements were severely hampered by the onset of the pandemic.’</p> <p>2.2.3 In Table 2 replace “HTG Score” with ‘RAG Score’.</p> <p>2.3 Within Policy H1:</p> <p>2.3.1 In element (e) replace “achieve the standards specified in” with ‘have regard to the Tugby Conservation Area Character Statement and’, and capitalise Village Design Guide.</p> <p>2.3.2 To element (f) add: ‘and have regard to the residential amenity of new and existing, neighbouring dwellings’.</p> <p>2.3.3 In element (g) replace “the latest independently assessed housing needs for the area” with ‘a current assessment of housing needs for the Neighbourhood Area to the satisfaction of the local planning authority’.</p> <p>2.3.4 Delete element (h) and replace with ‘The layout shall incorporate the potential to extend the road access into further land in the same ownership.’</p>	For clarity and accuracy ad to meet Basic Condition 1

	2.3.5 In element (i) replace “A footpath and vehicular link” with ‘The access road and related footpath from Main Street’ and delete “to Main Street to serve the site”.	
3	<p>3.1 Under the heading “Limits to Development”, in the fourth paragraph delete “of” between “comprise” and “windfall”.</p> <p>3.2 Within Policy H2: 3.2.1 In the first sentence, after “supported” add ‘, in principle,’.</p> <p>3.2.2 In the second sentence, replace “local and National strategic planning policies” with ‘the strategic policies of the Local Plan and national policies’.</p>	For clarity and accuracy and to meet Basic Condition 1
4	<p>4.1 Under the heading “Windfall Development”, in the first paragraph replace “apart from in only exceptional circumstances” with ‘apart from in the exceptional circumstances set down in Local Plan Policy GD1’.</p> <p>4.2 Within Policy H3: 4.2.1 Combine elements a and c as follows (and renumber the remaining elements accordingly): ‘they retain, wherever possible, existing important natural boundaries and features such as gardens, trees, hedges, footpaths and streams; where garden space is necessarily reduced it should not be to an extent where there is an adverse impact on the character of the immediate vicinity.’</p> <p>4.2.2 Delete the final sentence: “Development of 4+ bedroomed houses will only be acceptable if they are in a minority.”</p>	To meet Basic Conditions 1 & 3
5	<p>5.1 Under the heading “Design”, in the third paragraph replace the final sentence with: ‘The design principles to support the implementation of the Village Design Guide are as follows:’.</p> <p>5.2 Within Policy H5 delete the over-prescriptive element (j) (iii) and renumber the following element accordingly.</p> <p>5.3 Within the Design Guide (Appendix F, but renumbered as per a later recommendation): 5.3.1 In paragraph 3.1.2, opening sentence, delete “building design principles”.</p> <p>5.3.2 In paragraph 3.10 under the heading “Residential Car Parking Standards” insert: ‘Parking standards should follow the requirements set out in the Leicestershire Highway Design Guide. Where appropriate and feasible the following parking provision is encouraged:’.</p>	For clarity and to meet Basic Conditions 1 & 3
6	Under the heading “5.3 Local Green Space” amend the boundary of the St. Thomas a Becket Churchyard Local Green Space on Figure 5 and the supporting evidence to exclude the footprint of the Church from the designated space.	For clarity and accuracy and to meet

		Basic Condition 1
7	Replace the contents of Appendix H (renumbered as per a later recommendation) with the version of the Environmental Inventory submitted by the Qualifying Body with their email dated 29th May 2022.	For clarity and accuracy and to meet Basic Condition 1
8	Under the heading “5.4.3 Local heritage assets”: 8.1 In the first paragraph replace “footnote (63) to NPPF 2021 paragraph 180” with ‘NPPF paragraph 190’. 8.2 In the second paragraph delete “Rosemary Cottage, Main Street”. 8.3 Within Table 3 correct the entry for ‘Well at Hazlerigg Farm’ changing “TL03” for ‘TL02’.	For clarity and accuracy
9	In the sentence immediately before Policy ENV 4 delete “comparable in significance to that of surviving medieval buildings”.	For clarity and accuracy and to meet Basic Condition 1
10	10.1 In Policy ENV 5, in the first sentence, delete “significance” after “environment”. 10.2 Delete Policy ENV 6 and its supporting text; renumber subsequent paragraphs and Policies accordingly.	For clarity and accuracy and to meet Basic Conditions 1 & 3
11	Reword Policy ENV 7 (now renumbered as ENV 6) as follows: ‘Development proposals should: a) increase tree coverage and retain existing trees and hedges by integrating them into the design of the development; and b) not unavoidably damage or result in the loss of trees, hedges and woodlands of arboricultural, ecological and/ or amenity value.’	For clarity and accuracy and to meet Basic Condition 1
12	Amend Policy ENV 8 (now renumbered as ENV 7) by replacing the second sentence with: ‘Development resulting in the loss of or reduction in defined open space, sport and recreation facilities will not be permitted unless it can be clearly demonstrated that the exceptions set out in the HDC Local Plan (2011 - 2031) Policy GI2(2) apply.’	For clarity and accuracy and to meet Basic Conditions 1 & 3
13	Reword Policy ENV9 (now renumbered as ENV 8) as follows: ‘The following views (see table 3 and figure 13) are important to the setting and character of the village. Development proposals should ensure that these views are respected by integrating new buildings within the landscape and ensuring that sightlines to significant landmarks/features are not obscured.’	For clarity and accuracy and to meet Basic Condition 1
14	Reword Policy ENV10 (now renumbered as ENV 9) as follows: ‘To be supported development proposals should retain public footpaths and bridleways (see figure 14) that are within their site;	For clarity and to meet

	where there is an adverse impact on the value of the footpath/bridleway then appropriate mitigation is required.'	Basic Condition 1
15	Reduce Policy ENV 11 (now renumbered as ENV 10) to: 'Proposals to construct new (or improve existing) floodwater management infrastructure (ditches, roadside gullies, retention pools, etc.), including within the built-up area, will be supported in principle.'	For clarity and accuracy and to meet Basic Conditions 1 & 3
16	Reword the first sentence of Policy ENV 12 (now renumbered as Policy ENV 11) as follows: 'Proposals for local resident, business, amenity or community-initiated solar and wind generation infrastructure, in particular single small-scale (turbines less than 30m), will be supported, subject to their complying with the environmental protection conditions listed in HDC Local Plan (2011 – 2031) Policy CC2.'	For clarity and accuracy and to meet Basic Conditions 1 & 3
17	Merge Policies CFA 1 & CFA 2 as follows, and renumber subsequent Policies accordingly: 'The following community facilities are valued by the community and are to be retained and their improvement is supported in principle: Tugby School, the Parish Church, the village hall and astroturf, the play area, the allotments, the car park and the pub. Development resulting in the loss of or reduction of a community facility will not be permitted unless it can be clearly demonstrated that the exceptions set out in the HDC Local Plan (2011 - 2031) Policy HC2 apply.'	For clarity and accuracy and to meet Basic Conditions 1 & 3
18	Retitle "Community Action CFA 1" as 'Community Action 1', use a different colour to differentiate it from the Policy content and italicise the text.	For clarity and accuracy and to meet Basic Condition 1
19	Reword Policy CFA 3 (renumbered as CFA 2) as follows: 'Proposals for relocating and/or expanding the facilities of the primary school in the Parish will be supported in principle so long as: <ul style="list-style-type: none"> a) appropriate vehicular access and parking are provided which do not have a significant adverse impact upon traffic circulation; b) the existing playing fields are substantially retained; and c) they would not result in a significant loss of amenity to local residents or other adjacent uses. 	For clarity and accuracy and to meet Basic Condition 1
20	20.1 Amend the title of "Community Action TR 1" to 'Community Action 2'; use a different colour to differentiate it from the Policy content and italicise the text. 20.2 Reword Policy TR 1 as follows: POLICY TR1: TRAFFIC IN A RURAL COMMUNITY - With regard to the rural highway network of the Parish and the need to minimise the adverse impacts of vehicular traffic, all housing and commercial development must: <ul style="list-style-type: none"> a) incorporate sufficient off-road parking; 	For clarity and accuracy and to meet Basic Condition 1

	<p>b) not remove or compromise the use of any existing off-road parking areas unless a suitable replacement is provided;</p> <p>c) provide any necessary improvements to site access and the highway network either directly or by financial contributions; and</p> <p>e) where appropriate, effect the improvement and the creation of footpaths and cycleways to connect with key village services.</p>	
21	Amend element a) of Policy TR 2 as follows: 'Residential development of one dwelling or more should include the infrastructure for home electric vehicle charging.'	For clarity and accuracy and to meet Basic Condition 1
22	Amend Policy TR 3 to become 'Community Action 3'; use a different colour to differentiate it from the Policy content and italicise the text.	For clarity and accuracy and to meet Basic Condition 1
23	<p>23.1 Amend Policy BE 1 to replace "has no potential for either reoccupation or redevelopment for employment generating uses and" with 'are under-used or unviable for future commercial uses'.</p> <p>23.2 Amend Policy BE 2 to replace "Fall within the boundary of planned limits of development for the Tugby Parish" with 'Fall within or be well related to the Limits to Development for Tugby'.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
24	<p>24.1 Under the heading "Home working", at the end of the second paragraph, add: 'It is likely that many of these activities did not require a planning consent as they are incidental to the residential use of a dwelling.'</p> <p>24.2 Within Policy BE 3 reword the opening sentence as follows: 'Proposals for accommodating working from home, beyond that already allowed as 'permitted development', involving small-scale free-standing buildings within a residential curtilage, extensions to the dwelling or conversion of outbuildings, will be supported where:'.</p>	For clarity and accuracy and to meet Basic Condition 1
25	Within Policy BE 4 reword the opening sentence as follows: 'Where a planning consent is required, development proposals for farm diversification in support of the rural economy will be supported subject to:'.	For clarity and accuracy and to meet Basic Conditions 1 & 3
26	Within Policy BE 5 delete the third element and reword the fourth as: 'Above ground network installations must be sympathetically located and designed to integrate into the landscape.'	For clarity and accuracy and to meet Basic Condition 1
27	Amend Policy INF 1 to become 'Community Action 4'; use a different colour to differentiate it from the Policy content and italicise the text.	For clarity and accuracy

		and to meet Basic Condition 1
28	Renumber the "Monitoring and Review" section from "7" to '8'.	For clarity and accuracy
29	Renumber Appendices F & H as Appendices 1 & 2 and attach these to the Plan text. Renumber the other Appendices as required and list these as 'Supporting Documents' with a hyperlink to their location.	For clarity and accuracy