

## **Tur Langton Neighbourhood Plan 2017 – 2031**

### **Tur Langton Neighbourhood Plan Submission Version January 2018**

Final Report 22<sup>nd</sup> February 2019 to Harborough District Council of the Examination into the Tur Langton Development Plan 2017 – 2031.

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**22<sup>nd</sup> February 2019**

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## **1.0 INTRODUCTION AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.1** Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Tur Langton Neighbourhood Plan Submission Version January 2018 (the Plan) which is intended to cover the period up to 2031.
- 1.2** The rural Parish of Tur Langton, comprising the village of Tur Langton and its surrounding countryside, lies within the South Leicestershire area of Harborough District Council's administrative area of Leicestershire. This small rural parish is bisected a north-south by the B6047 as it runs to the north of Market Harborough. It borders the parishes of Kibworth Harcourt, East Langton, West Langton and Shangton. The village sits at the centre of the Parish on a crossroads with the east-west route between Kibworth Harcourt to the west and Cranoe to the east.
- 1.3** The Plan refers to noteworthy history associated with its physical and social development, character, historic buildings and landscape setting, defining the composition of its population and housing stock (including escalating property values).
- 1.4** The Plan advises that the population of the Parish according to the 2011 Census was 316 persons in 107 households. Due to the minimum size requirements for statistical reference under the Census, this data also includes the neighbouring hamlet of Shangton. This has not skewed the population and household composition data.
- 1.5** The Plan advises that the Parish Council applied to Harborough District Council in March 2015 to seek designation as a Neighbourhood Area and confirms this was approved on 6<sup>th</sup> May 2015 by Harborough District Council (HDC). The Parish Council have with the assistance of local residents, consultants, Officers and Members of the District Council undertaken progressive and extensive consultation exercises, conducted a number of separate, progressive consultation events, as indicated in a Neighbourhood Plan Flowchart and prepared both the initial Draft and (following the requisite six-week pre-submission consultation) the revised Submission versions of the Neighbourhood Plan.
- 1.6** My role as an Independent Examiner, when considering the content of a Neighbourhood Plan, is limited to assessing whether the submission version of the Neighbourhood Plan meets the 'basic conditions', and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a Neighbourhood Plan or to examine other material considerations. Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following 'basic conditions':
- it must have appropriate regard for national policy;
  - it must contribute towards the achievement of sustainable development;
  - it must be in general conformity with the strategic policies of the development plan for the local area;
  - it must be compatible with human rights requirements, and;
  - it must be compatible with EU obligations.

- 1.7** In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the Examiner must make a report on the submission version of the plan containing recommendations and reaching one of the following three concluding recommendations:
- (a) that the submission version of the Plan is submitted to a referendum, on the basis it meets all the legal requirements, or
  - (b) that subject to modifications specified in the Examiner's report being made to the submission version of the Plan and that the modified submission version of the plan proceeds to a referendum, or
  - (c) that the submission version of the Plan does not proceed to referendum on the basis that it does not meet the legal requirements.
- 1.8** If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Tur Langton Neighbourhood Area, to which the Plan relates. I make my recommendations on this aspect at the end of this Report.
- 1.9** I am independent of the qualifying body, associated residents, business leaders and the local planning authority. I do not have any interest in any land that may be affected by the Plan and I possess the appropriate qualifications and experience required to undertake the Examination.

## **2.0 BASIC CONDITIONS**

- 2.1** I now consider the extent to which the Plan meets the "basic conditions". A Basic Conditions Statement (Tur Langton Neighbourhood Plan 2017-2031 Statement of Basic Conditions) was prepared in October 2017 by Tur Langton Neighbourhood Parish Council. This Statement explains requirements the Tur Langton Neighbourhood Plan must meet under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 to satisfy the basic conditions tests, what these comprise and how the Plan meets these tests, including the contribution that the Plan makes towards the achievement of sustainable development and its general conformity with the strategic planning policies for the development of the area. This Statement has been supplied to me by Harborough District Council, together with the other examination documents including the Submission Version of the Plan (January 2018), the Consultation Statement (June 2018), Pre-Submission Consultation Regulation 14 Representations and Responses (undated), Post-Submission Consultation Regulation 17 Representations and Responses (Oct 2018) and Strategic Environmental Assessment Determination Report (July 2018).
- 2.2** The Basic Conditions Statement demonstrates how the Neighbourhood Plan conforms with provision made under sections 61E (2), 61J and 61L of the Town & Country Planning Act 1990, as amended by s38C(5)(b). I am content that the Tur Langton Neighbourhood Plan, has been submitted by a qualifying body, Tur Langton Parish Council, in accordance with requirements and processes set out in the Town & Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012. Tur Langton Parish Council as a qualifying body is thus entitled to prepare a Neighbourhood Plan for its area.

- 2.3** Tur Langton Neighbourhood Plan covers the entire Parish of Tur Langton. I am content that the Tur Langton Neighbourhood Plan meets the requirements of The Town & Country Planning Act 1990, s61G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this neighbourhood area.
- 2.4** In relation to the Plan period it is essential that the Tur Langton Neighbourhood Plan contains explicit reference to its starting point as well as its end point. The Plan's front cover page and text contain clear reference to its starting point as 2017 and end as 2031.
- 2.5** Section 5 "Vision" on page 16 of the Tur Langton Neighbourhood Plan explains that "*The vision for Tur Langton is that by 2031 the Parish remains a high-quality and sought-after rural location set within attractive open countryside and continues to be a place that people want to live and work in and to visit, with a range of services and facilities that meet people's needs within a vibrant and thriving community*". This section goes on to confirm the clear objectives of the Plan for the Built and Natural Environment, Community Facilities and Amenities.
- 2.6** I note that the Harborough Local Plan (LP) was adopted in 2001 and a Core Strategy (CS) 2006 - 2028 was adopted in November 2011, which either replaced or saved policies contained within the Local Plan. The Council advises on its own website that "The Core Strategy is now considered out of date in terms of policies relating to housing and economic development following the publication of the National Planning Policy Framework." It also advises that the revised, intended timetable for adoption of a replacement Local Plan for the District is currently as follows:
- (a) March 2018: Submission of Local Plan to Secretary of State for public examination
  - (b) October 2018: Examination hearings
  - (c) 16<sup>th</sup>-26<sup>th</sup> February 2019: Consultation on the Main Modifications to the Local Plan

No dates appear currently indicated/confirmed for formal adoption of the Local Plan.

### **Appropriate Regard to National Policies and Guidance, including National Planning Policy Framework (NPPF)<sup>1</sup>**

- 2.7** Presumption in favour of sustainable development: NPPF 2018 advises that all plans should be based upon the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. Paragraph 13 of the NPPF 2018 acknowledges the application of presumption in favour of sustainable development will have implications for communities' engagement in neighbourhood planning. Neighbourhoods are encouraged to develop plans supporting the strategic development needs set out in Local Plans (including policies on housing and economic development) and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The Basic Conditions Statement asserts the Neighbourhood Plan is planning positively, enabling delivery of new housing of high quality within existing built-up areas respecting

<sup>1</sup> Paragraph 214 of NPPF 2018 identifies the transitional arrangements in place to address circumstances where Neighbourhood and Local Development Plans are already in preparation prior to the replacement of NPPF 2012 with the current version NPPF 2018 that allow such plans to continue to be considered under NPPF 2012. It comments that plans submitted before 24 January 2019 will be examined on the basis of NPPF 2012.

the character, form and design of existing dwellings by defining a development limit for Tur Langton, accepting that whilst (currently classified as 'open countryside' in the Core Strategy) the emerging Local Plan is updating the housing need and allocation across the District, it proposes a settlement hierarchy that places Tur Langton within 'Other Villages and Rural Settlements' identifying it as one of "*the least sustainable locations for growth and ... covered by housing in the countryside policy*" where "*new housing will be limited to housing to meet an identified need (either through a housing needs survey or a neighbourhood plan), housing to meet the needs of a rural worker, rural exception sites, isolated homes in the countryside in accordance with NPPF paragraph 55, and replacement dwellings*".

- 2.8** The Statement of Basic Conditions identifies on pages 6 to 9 inclusive within Table 1 how each of the Policies of the Neighbourhood Plan show regard to the NPPF. The NPPF 2018 explains at paragraph 29, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.
- 2.9** The Tur Langton Neighbourhood Plan includes a statement within Section 5 establishing a very clear Vision for the Parish that has been guided by extensive and progressive rounds of community consultation and engagement. Clearly setting out the extent of consultation prior to the draft Pre-Submission version of the Plan the Consultation Statement is accompanied by a summary of responses received, their analysis and any changes made as a consequence as an appendix to same, labelled "Pre-Submission Consultation Responses" addressing effectively those representations received as part of the Regulation 14 Consultation, confirming predominantly minor changes required to the text and proposed limits to development boundary of the Pre-Submission Draft Plan. A further document "Tur Langton Neighbourhood Plan Summary of responses 8<sup>th</sup> October 2018" sets out a schedule of those representations received as part of the Regulation 16 Consultation. The Parish Council has clearly sought to translate the vision into a series of meaningful planning policies to plan for sustainable housing growth (bearing in mind the scale of and facilities within the village), protect the character of the area and to determine future planning applications as part of the Development Plan for the District.
- 2.10** Paragraph 29 of the NPPF 2018 requires that non-strategic policies within Neighbourhood Plans should not promote less development than the strategic policies of the Development Plan or undermine those policies and (at footnote 16 that Neighbourhood Plans must be in general conformity with the strategic policies of the Development Plan). Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area. It is clear from the Basic Condition Statement that the District and Parish Councils believe the Tur Langton Neighbourhood Plan is in general conformity with the strategic policies of the 2011 Core Strategy, striking a positive balance between the physical and policy constraints of the Parish and the requirement to meet local housing demand. Helpfully, the Basic Conditions Statement sets out how each of the thematic policies supports relevant policies contained in the Core Strategy and Local Plan (retained policies) and conforms with the provisions of the Tur Langton Neighbourhood Plan on pages 12 to 14 inclusive in Table 2. The Submission Version of the Plan also clarifies from the outset that its life span has been matched to that of the emerging Local Plan (i.e. to 2031) so

that it may reasonably rely on the evidential background documentation used in its preparation. The Tur Langton Neighbourhood Plan also references the more recent emerging Local Plan, and identification of a single proposed area for support of employment opportunities at Manor Farm during the consultation process in its reasoning behind the decision to select a Limits to Development as a defined boundary within which development proposals would not be judged against open countryside development policies but positively enabled as infilling, conversion or redevelopment of previously developed sites to support the strategic housing policies of the Core Strategy and the emerging Local Plan.

**2.11** The Tur Langton Neighbourhood Plan Statement of Basic Conditions systematically sets out how the Submission Version of the Plan meets NPPF guidance based on the principal topic areas cross referenced to the Core Strategy and Local Plan policies. There is no qualification within the Basic Conditions Statement to confirm that it is the NPPF 2018 which is being referred to, unsurprisingly because it was prepared in October 2017. The Basic Conditions Statement may be updated to include a further column inserting references to the NPPF 2018 to assist future decision making. Although transitional arrangements exist for Plans in preparation to be judged under the NPPF 2012 the changes would be modest and make the Plan more up to date. Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to both national guidance and the Development Plan.

### **Contribution towards Achievement of Sustainable Development**

**2.12** At Section 6 "Planning Context and Sustainable Development" the Tur Langton Neighbourhood Plan defines the three dimensions to sustainable development as being, economic, social and environmental; the Tur Langton Neighbourhood Plan sets out the roles that the planning system is expected to perform in relation to each. The Tur Langton Neighbourhood Plan contributes to the achievement of sustainable development as defined within the NPPF, as outlined in Section 6 of the Plan, Section 4.2 of the Statement of Basic Conditions and Appendix 4 of the Strategic Environmental Assessment Screening Opinion prepared by Harborough District Council in respect of the Submission Version of the Plan.

**2.13** I consider that this approach offers a clear analytical framework to test the credentials of the Submission Version of the Plan and consider that the Plan would properly contribute to the objective of sustainable development, subject to various policy amendments that I have recommended below.

### **General Conformity with Strategic Policies for Local Area**

**2.14** The statutory development plan currently relating to the Tur Langton Neighbourhood Plan area currently comprises the Core Strategy adopted by Harborough District Council in 2011 which replaces/saves certain policies from the Local Plan adopted by the Council in 2001. The approach to the preparation of the Tur Langton Neighbourhood Plan has been to ensure general conformity with both the saved policies of the adopted Local Plan and those new/replacement policies contained in the Core Strategy to ensure that the Plan remains relevant for the period of the Core Strategy prior to its replacement by a new, emerging Local Plan for the District. This is demonstrated within the Basic Conditions Statement, Section 4.1 with regard to the NPPF and Section 4.3 with regard to the strategic policies of the Local Plan, which sets out clearly how the Tur Langton

Neighbourhood Plan conforms with each of the relevant strategic policies of both the Core Strategy, referring to the considerable regard given to the evidence base of the emerging Local Plan, particularly in relation to housing provision. I am, therefore, satisfied that the Neighbourhood Plan is in general conformity with the strategic policies in the Harborough Core Strategy.

### **Compatibility with European Union Obligations**

- 2.15** In relation to the Tur Langton Neighbourhood Plan, Harborough District Council provided a Screening Opinion which at 1.2 of the Strategic Environmental Assessment Determination confirms *"After consultation with the Statutory Consultees it is the Councils opinion that a full SEA is not required for the Tur Langton Neighbourhood Plan"*. This opinion is then clarified by the table at 4.2 showing the assessment undertaken in order to reach this conclusion. The Screening Opinion explains at Appendix 4 that as a result of that assessment *"The Tur Langton Neighbourhood Plan has been screened and assessed at regulation 16 stage. The table below has demonstrated that in the opinion on the Local Planning Authority the policies of the Tur Langton Neighbourhood Plan do not give potential for significant detrimental effects on local historic or environmental sites, Natura 2000 sites, or Habitat Regulations"*, confirming the advice in the National Planning Policy Guidance (NPPG), February 2015, which clarifies where a SEA may be required for a neighbourhood plan.
- 2.16** Harborough District Council website advises that as part of the emerging replacement Local Plan they also undertook an interim Sustainability Appraisal in respect of nine alternative sites considered for housing and employment allocation in the District. At 5.1 the Screening Opinion confirms *"Tur Langton has not been assessed as part of the Sustainability Appraisal and SEA for the New Local Plan, as the Local Plan does not allocate a quantum of housing to this settlement."*
- 2.17** The Regulation 16 consultations did not indicate any parties were discontent with the methodology or finding of the Screening Opinion issued in respect of the Tur Langton Neighbourhood Plan. I therefore consider that a proportionate and focussed approach has been taken through the SEA process for the Tur Langton Neighbourhood Plan and that the assessment has been completed in a timely fashion at the appropriate stage of the Plan preparation. The NPPG advises, at paragraph 030, that it is for the local planning authority to ensure that the strategic environmental assessment requirements have been met and whether the neighbourhood plan proposal is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive).
- 2.18** I consider in relation to sustainability appraisal, including Strategic Environmental Assessment, the analysis undertaken is sufficient in a neighbourhood planning context and following on from the recent work undertaken in informing policy development for the emerging replacement Local Plan that the Basic Conditions have been met in contributing to sustainable development and meeting this component of EU regulation.

### **Habitat Regulations Assessment**

- 2.19** A Habitats Regulations Assessment Screening Report has been incorporated within the SEA Determination Report to assess whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the Neighbourhood Plan Area and at Appendix 4 states *"The table below has demonstrated that in the opinion on the Local Planning Authority the policies of the Tur Langton Neighbourhood Plan do not*



*give potential for significant detrimental effects on local historic or environmental sites, Natura 2000 sites, or Habitat Regulations.”*

- 2.20** Due to the lack of evidence of any relevant designated sites likely to be impacted upon, I agree that the neighbourhood development plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or any European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007), either alone or in combination with other plans or projects. I also consider the making of the neighbourhood development plan would not be likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

### **Compatibility with Human Rights Requirements**

- 2.21** Section 4.4 of the Basic Conditions Statement provides an analysis (equating to an Equalities Impact Assessment of the Plan) which considers that the Plan's preparation has had due regard throughout to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that requisite consultation complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. I consider that the assessment needed has been undertaken.

## **3.0 BACKGROUND DOCUMENTS**

- 3.1** In examining the Tur Langton Neighbourhood Plan, I have had particular regard to the following documents which include the Submission Version of the Plan:

- a) National Planning Policy Framework, 2012 (superseded)
- b) National Planning Policy Framework, 2018 (revised)
- c) National Planning Policy Framework, Planning Practice Guidance, 2015
- d) Town and Country Planning Act 1990 (as amended)
- e) The Planning and Compulsory Purchase Act 2004 (as amended)
- f) The Planning Act 2008
- g) The Localism Act (2011)
- h) The Neighbourhood Planning (General) Regulations (2012)
- i) The Housing & Planning Act (2016)
- j) Harborough Core Strategy
- k) Harborough Local Plan 2011-2031 Proposed Submission September 2017
- l) Tur Langton Neighbourhood Plan Approved Designated Area Map, May 2015
- m) Tur Langton Neighbourhood Plan Housing Location Process, January 2018
- n) Tur Langton Land Registry Data 1995 to 2014
- o) Tur Langton Census Parish Profile, January 2016
- p) Tur Langton Neighbourhood Plan Environmental Inventory, Undated
- q) Tur Langton Supporting Document: Local Green Spaces (Policy ENV1)
- r) Tur Langton Neighbourhood Plan Statement of Basic Conditions, October 2017
- s) Tur Langton Neighbourhood Plan Strategic Environmental Assessment Screening Report, July 2017
- t) Tur Langton Neighbourhood Plan Strategic Environmental Assessment Determination Report, July 2018
- u) Tur Langton Neighbourhood Plan Consultation Statement, June 2018
- v) Tur Langton Neighbourhood Plan Flowchart, Undated
- w) Tur Langton Neighbourhood Plan Submission Version, January 2018
- x) Tur Langton Neighbourhood Plan Pre-Submission Consultation Responses, Reg 14, Undated
- y) Tur Langton Neighbourhood Plan Summary of Representations submitted by Harborough District Council to the Independent Examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012, 8<sup>th</sup> October 2018

## **4.0 PUBLIC CONSULTATION AND CONSULTATION STATEMENT**

- 4.1** Part 5 of The Neighbourhood Planning (General) Regulations 2012, "the Regulations", makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning

(General) Regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process, &;
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

- 4.2** The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement are a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the plan-making process has raised awareness and encouraged the community in the Parish to understand/question both the proposed policies as well as the Plan's scope/limitations.
- 4.3** The Consultation Statement sets out in some considerable detail the events that took place to secure public engagement in the Plan area and with statutory consultees, with the assistance of private consultants and officers of Harborough District Council. The Consultation Statement charts the progress and activities to the point it was deemed ready for submission to Harborough District Council to undertake relevant Regulation 16 Consultation and then forward to an Independent Examiner.
- 4.4** I note that the Pre-Submission Plan Regulation 14 Consultation Period ran for the requisite six-week time-period and that during that period a proportionate programme of information dissemination about the draft Plan was undertaken together with further meetings to explain the emerging proposals. At the end of the consultation period, the detailed responses were analysed. The Consultation Statement demonstrates that of the 42 total comments from 7 statutory consultees and a combination of local landowners, their agents and residents mainly commented on relatively minor details all of which were addressed by adjustments to the text and development limit boundary of the Neighbourhood Plan prior to its finalisation and formal Submission to Harborough District Council in April 2018.
- 4.5** The Consultation Statement when supplemented by the Regulation 14 responses to the draft policies reflects the views from the statutory consultees, private consultants, landowners, residents and Harborough District Council on draft policy formulation. Importantly, the Neighbourhood Plan Pre-submission Consultation Responses, May 2018, explains in a tabular form the actions taken in relation to the comments received with a view to responding to concerns with the intention of enhancing the quality of the Plan.
- 4.6** The Consultation Statement does not cover the Regulation 16 Consultation. However, the "Summary of representations submitted by Harborough District Council to the Independent Examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012" provide the 10 timely and 2 belated responses received from parties received from this round of consultation. I have taken these details into consideration in the examination of the Plan and in making my observations on the proposed policies (see below).

**4.7** I am satisfied that the Consultation Statement in combination with the two tabulated form response summaries complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

## **5.0 TUR LANGTON NEIGHBOURHOOD PLAN 2017–2031 – LAND USE PLANNING POLICIES**

**5.1** I now turn to consider the land use planning policies of the Tur Langton Neighbourhood Plan. It was established in *R. (Maynard) v Chiltern District Council*<sup>1</sup> that it is wrong to consider each policy within a neighbourhood development plan examination, in the context of compliance with the strategic policies of the development plan and the NPPF, in relation to Basic Conditions a) and e), but rather it is the Plan as whole that needs to be considered in the context of such policy guidance, in terms of "general conformity". In *Woodcock*<sup>2</sup>, paragraph 8(2)(e) of Schedule 4B of 1990 Act only required the LPA to consider whether the draft Neighbourhood Plan, as a whole, is in general conformity with the adopted Development Plan. It is not appropriate to consider whether there is a tension between one policy of the Neighbourhood Plan and one element of the Local Plan or Core Strategy. I have used this approach in assessing whether the Plan meets the Basic Conditions.

**5.2** However, I consider that it is still prudent from an implementation perspective, to briefly review each of the policies to ensure that they are genuine land use planning policies and that they will serve the Parish in future for development management purposes, should the Plan be made. Before doing so, I note that whilst each of the main sections of the Submission Version of the Plan is numbered, there is a practical requirement for each and every Sub-Section (i.e. those titles in green print) and all individual paragraphs of text within the Plan to be individually enumerated for greater ease of future reference and legibility by those endeavouring to make practical use of it for development management purposes in the future.

### **Strategic Framework – Limits to Development**

**5.3** Harborough District Council has confirmed that it can currently demonstrate a housing supply of 6.94 years<sup>3</sup>. This figure has only just been released after recalculations undertaken following the issue of NPPF 2018. There is, therefore, no essential requirement for the draft Tur Langton Neighbourhood Plan to propose new sites for housing development. The Plan makes clear, however, the community desire to plan for and accommodate sufficient growth required to support local services and focus new development in the most sustainable location by updating the existing Limits to Development used by Harborough District Council to take account of recent completed and committed sites that have taken place since the Limits to Development were introduced, taking the area within those limits outside of the current definition of 'open countryside', so enabling not only new housing but also all other forms of general development to be considered more positively.

### **5.4 Policy S1: Limits to Development**

***Residential development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development as identified in Figure 2 (above) where it complies with the policies of this Neighbourhood Plan and subject to design and amenity considerations.***

<sup>1</sup> [2015] EWHC 3817 (Admin), Holgate J, 16th November 2015

<sup>2</sup> *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government*, [2015] EWHC 1173 (Admin), [2015] JPL 1151, Holgate J, 1st May 2015.

<sup>3</sup> [https://www.harborough.gov.uk/downloads/file/4613/31\\_march\\_2018\\_new\\_nppf\\_update\\_aug\\_2018](https://www.harborough.gov.uk/downloads/file/4613/31_march_2018_new_nppf_update_aug_2018)

- 5.5** Representations received identify a strong principal objection to the policy on the basis that it is perceived as seeking to enforce where development may not be permitted, i.e. outside the limit defined, when the emerging Harborough District Plan is moving away from the current adopted Core Strategy of defined limits. Bearing in mind the general principle that development in the open countryside should only be considered on the basis of various exceptions, the proposed defined limit/boundary for Tur Langton village actually represents an enabling tool for residential development that would otherwise not, necessarily have current policy support. I conclude, therefore, that the policy is positive in its intent and effect as reflected in the tone of its wording.
- 5.6** Neither do I consider that defining a limit/boundary will prejudice consideration of other sustainable development outside that limit/boundary, as there is more planning policy support for development (e.g. in the form of 'greenfield' exception sites for affordable housing provision and 'brownfield' redevelopment within domestic curtilage/garden of existing dwellinghouses) which whilst it may lie outside a defined settlement development limit/boundary still abuts or lies close to same. Policy S1 is clearly aimed at defining an area within which general residential development proposals are to be supported. There is no fundamental issue with the policy in this respect.
- 5.7** The stated compliance with other policies of this Plan is an unnecessary reference as this is a given requirement for all development proposals and could equally apply to the policies of the District Plan. Design and amenity considerations are also undefined. Accordingly, the following changes to wording are suggested to simplify the structure and provide greater clarity to enable easier interpretation of the policy to enable more effective application for development management purposes:

***Policy S1: Limits to Development***

***Residential development proposals will be supported on sites within the Limits to Development as identified in Figure 2 (above).***

**5.8 *Policy S2: Development Proposals Outside the Limits of Development***

***Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.***

- 5.9** There is no need for any policy to reference as to how development outside the defined limit will be viewed, as this is the prerogative of strategic policies contained within the Harborough Core Strategy and emerging replacement Local Plan. The policy should therefore be completely removed (and the reference be placed within the supporting text).

**Built Environment: Housing Provision**

**5.10 *Policy H1: Windfall Sites***

***Small residential development proposals of up to three dwellings on infill and redevelopment sites within the Limits to Development will be supported subject to proposals being well designed and meeting all relevant requirements set out in other policies in this Plan and the District-wide planning policies and where such development:***

- a) Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the Limits to Development;***
- b) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling; and***
- c) Involves single-fronted dwellings where appropriate and avoids tandem development.***

**5.11** The policy aims to provide support for 'small scale' developments on unallocated sites as infilling or redevelopment of previously developed sites. However, the policy phrasing and structure defeats its purpose. There is no explanation or rationale for choice of '3' as the limit to the number of dwellings to be considered favourably. The capacity of each site to accommodate new residential development will fall to be assessed on its own merits. There are no proposed allocated sites within the proposed Limits to Development and thus the undefined nature of 'infill and redevelopment sites' fails to provide the requisite clarity as to the nature or size of such sites. Reference to highway frontage form and protection of visual character and residential privacy place clear restrictions further limiting the scale/density of new development. As has been mentioned previously, the reference to compliance with other policies of the Neighbourhood Plan Policies (and those within the District Local Plan) is unnecessary. I recommend the policy is altered to the following, in order to provide greater clarity of phrasing and render the policy more robust and practicable to use for effective development management purposes:

**Policy H1: Windfall Sites**

***Minor residential development proposals within the defined Limits to Development will be supported where they incorporate:***

- a) high quality design, highway frontage development which does not include tandem/backland development, and;***
- b) does not reduce existing garden space to such an extent it adversely impacts on the character of the area or provides inadequate levels of private residential amenity of neighbouring and proposed dwelling(s).***

**5.12 Policy H2: Housing Mix**

***Developments comprising housing of 3 or fewer bedrooms and those suitable for older people will be supported on sites that meet the policies of this plan. Rental units are supported. Dwellings with 4+ bedrooms will only be supported where local need is adequately evidenced.***

**5.13** The policy wording would have greater strength by making it a requirement that all new development proposals meet the various criteria. Evidenced need requires a more specific reference point, i.e. that of the Parish. Reference to other policies of the Plan is, again, irrelevant. In addition, wording requires revision to simplify the structure, make the requirements clearer and make the policy more effective. Accordingly, I suggest the following amended wording to secure a more robust policy for development management.

**POLICY H2: Housing Mix**

***New housing development shall provide a mixture of housing types which meets identified current local needs in Tur Langton Parish. Development incorporating new dwellings of three or fewer bedrooms and/or single storey accommodation suitable for older people, particularly properties to rent, will be supported, whilst dwellings of four or more bedrooms will be supported only where they are subservient in number to any one, two or three-bedroom accommodation in any development.***

**5.14 Policy H3: Building Design Principles**

***All new development proposals of one or more houses, replacement dwellings and extensions are encouraged to have regard to the building design principles outlined below:***

***a) New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area, and proposals should clearly show how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views;***

***b) New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment and of the Conservation Area;***

- c) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more, in line with Leicestershire County Council policy;***
- d) All new housing should reflect the character and historic context of existing developments within the Parish. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context;***
- e) Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be sensitive to their distinctive character, materials and form;***
- f) Proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient;***
- g) Development should incorporate features that promote biodiversity and relate well to the topography of the area, with existing trees and hedges preserved whenever possible;***
- h) Where possible, enclosure of plots should be of native hedging, wooden fencing, or stone/brick wall of rural design. Any enclosures that are necessarily removed through the development process should be reinstated in keeping with the original;***
- i) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate; and***
- j) Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensuring appropriate provision for the storage of waste and recyclable materials.***

**5.15** The policy has positive goals of encouraging high quality, sustainable design, which respects local character or introduces new development of exemplar design, whilst protecting residential privacy and incorporating sustainable construction/management. The current wording of the multiple criteria is overly complex, repetitive and unwieldy. Restructuring and simplification will make it a more robust development management tool that is easier for everyone to understand and use for all forms of residential development, whether new-build, replacement, conversion or extension/alteration. In addition, the use of 'shall' makes the requirements of the policy compelling rather than advisory, giving the aspiration real teeth when it comes to considering development proposals in the light of the policy requirements. I consider adjustment is needed to enhance effectiveness of the policy for development management purposes and suggest the following amended wording:

***Policy H3: Building Design Principles***

***Residential development proposals involving erection of new buildings, conversion and/or extension of existing structures shall have regard to the following building design principles and clearly demonstrate:***

- a) enhancement and reinforcement of local distinctiveness and visual character, particularly within the Conservation Area, through a consistent design approach in the use of materials, fenestration and rooflines, with external materials which complement both the proposed design and the quality and visual character of their setting, showing respect for that context in terms of visual character, scale, form, mass, density and layout by either reflecting the visual character and historic built context of existing development or, where contemporary and innovative materials and design are proposed, clearly demonstrating positive enhancement to visual character;***
- b) incorporation of features that promote biodiversity and sensitivity to local topography, with existing trees and hedges retained where practicable and reinstatement of historic enclosures temporarily removed to facilitate construction reinstated in keeping with the original and provision of new enclosures comprising native hedging, wooden fencing, or local stone/brick wall design/materials, with any historic enclosures;***
- c) lack of adverse impact on private residential living quality in terms of noise, odour and/or light pollution, with security lighting proportionate, unobtrusive and energy efficient;***
- d) sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology;***
- e) sustainable drainage system design with maintenance regimes which minimise vulnerability to flooding and climate change;***

- f) provision of adequate off-road parking to Leicestershire County Council parking standards, and;*
- g) provision for storage and collection of waste and recyclable materials.*

### **Natural & Historic Environment**

#### **5.16 Policy ENV1: Protection of Local Green Spaces**

*Within the area of Local Green Space sites designated in this policy and identified on the map below (Figure 4), development is ruled out other than in very special circumstances.*

- *Old Pits Meadow (inventory site and map reference 239)*
- *East Field (240)*
- *Old Chapel paddock (417)*
- *Manor Gardens earthworks meadow (418)*
- *South Meadow (433)*

**5.17** The policy intent may be positive, but the phrasing is negative and thus inappropriate for inclusion within a Neighbourhood Plan which is required to be an enabling development management tool. The policy seeks to protect the Local Green Spaces identified and justified through the scored criteria based assessment undertaken as part of an Environmental Inventory of various parcels of open land within the Parish. Restructuring and positive rewording to give it a positive form and strength which will enable the policy to perform more effectively as a robust development management tool. The addition of enumeration to each of the sites listed will further assist in their referencing and identification. Accordingly, I suggest the following amended wording:

#### ***Policy ENV1: Local Green Spaces***

*Development will be supported only where it would not result in the loss of, or have an adverse effect on, the following designated Local Green Spaces (map Figure 4, detailed in the supporting Environmental Inventory), or their settings:*

- a) Old Pits Meadow (239)*
- b) East Field (240)*
- c) Old Chapel paddock (417)*
- d) Manor Gardens earthworks meadow (418)*
- e) South Meadow (433)*

#### **5.18 Policy ENV2: Protection of Other Sites of Environmental (Natural and Historical) Significance**

*The following sites (environmental inventory and map figure 5) are of local significance for wildlife and/or history. They are important in their own right and are locally valued. Development proposals that affect them will be expected to protect or enhance their identified features.*

- Field with site of Roman villa (inventory site 404)*
- Field with Anglo-Saxon site and woodland (411)*
- John Stanhope Memorial Wood (413a)*
- Ridge and furrow field north of village (120)*
- Small enclosure field north of 'St Andrews View' (122)*
- Small enclosure field north of South View farm (125)*
- Long field west of Shangton Road (130)*
- Field east of [name] (238)*
- Gravel pits spinney (231)*
- Ridge and furrow field with pond north of Cranoe Road (234)*
- King Charles's Well field (225)*
- Croxfield spinney and field (213)*
- Ridge and furrow field (228)*
- Ridge and furrow field with stream and pond (221)*

**5.19** The policy seeks to provide additional protection to inventoried sites of local value. The first two sentences should be moved to the supporting text as they solely provide commentary/explanation for the policy itself. Site 238 also requires insertion of a name where the square brackets currently sit. I see no sign of a name for the two, large agricultural buildings which sit to the west of this field and have inserted a suggestion which the Parish may be able to replace with something more specific from local knowledge. Enumeration of each of the sites will make referencing same much easier. The phrasing and wording of the policy requires modification to secure its effectiveness. Accordingly, the following amended wording is suggested.

***Policy ENV2: Protection of Other Sites and Features of Environmental Significance***

***Development proposals affecting the following sites (map figure 5, detailed in the supporting Environmental Inventory) will be expected to protect or enhance their identified features.***

- a) Field with site of Roman villa (404)***
- b) Field with Anglo-Saxon site and woodland (411)***
- c) John Stanhope Memorial Wood (413a)***
- d) Ridge and furrow field north of village (120)***
- e) Small enclosure field north of 'St Andrews View' (122)***
- f) Small enclosure field north of South View farm (125)***
- g) Long field west of Shangton Road (130)***
- h) Field east of modern agricultural buildings (238)***
- i) Gravel pits spinney (231)***
- j) Ridge and furrow field with pond north of Cranoe Road (234)***
- h) King Charles's Well field (225).***
- i) Croxfield spinney and field (213)***
- j) Ridge and furrow field (228)***
- k) Ridge and furrow field with stream and pond (221)***

**5.20 Policy ENV3: Important Woodland, Trees and Hedges**

***The wooded appearance of the village is a valued characteristic. Trees have been identified (map below) at the following locations.***

***Roadside and layby, Shangton Road east***  
***Paddock opposite Jasmine Cottage, Shangton Road east***  
***'Village Green north'***  
***Cranoe Road south***  
***'Village Green south'***  
***'The Elms', Main St***  
***St Andrews churchyard***  
***'The Chestnuts', Main Street***  
***Pond House***  
***'The Laurels', Main Street***  
***Buckey Lane***  
***'Greystones'***  
***Entrance to The Manor***  
***Verge in front of Village Hall***  
***Yew Tree House***  
***Grounds of The Crown Inn***  
***Crox Barn garden***

***Trees and hedgerows of good arboricultural, biodiversity and amenity value should be protected from loss or damage as a result of development. Wherever possible, they should be integrated into the design of development proposals and their enhancement will be supported. Proposals should be accompanied by a tree survey of at least (currently) BS5837 standard, or the standard in force at the time, that establishes the health and longevity of any affected trees. (maps below, figures 6.1 and 6.2).***



***Development should seek to preserve these trees and hedgerows and where damage is unavoidable replacements should be planted 16 sites (environmental inventory and map, figure 6 below) have been identified as being of local significance for their high community value, and for recreational, amenity or village landscape reasons. Development that changes their character and features will not be supported.***

**5.21** The policy aims to provide added protection to important ecological features in the village streetscape. The first sentence should be moved to the supporting text as it solely provides commentary/explanation for the policy itself. Enumeration of each of the sites will make referencing same much easier. Adjustments are required to ensure the policy is positively worded and becomes an effective development management tool. Accordingly, the following is suggested as amended wording:

***Policy ENV3: Important Woodland, Trees and Hedges***

***The following locations have important trees (map Figure 6.1, detailed in the supporting Environmental Inventory) at the following locations.***

- a) ***Roadside and layby, Shangton Road east***
- b) ***Paddock opposite Jasmine Cottage, Shangton Road east***
- c) ***'Village Green north'***
- d) ***Cranoe Road south***
- e) ***'Village Green south'***
- f) ***'The Elms', Main St***
- g) ***St Andrews churchyard***
- h) ***'The Chestnuts', Main Street***
- i) ***Pond House***
- h) ***'The Laurels', Main Street***
- i) ***Buckey Lane***
- j) ***'Greystones'***
- k) ***Entrance to The Manor***
- h) ***Verge in front of Village Hall***
- i) ***Yew Tree House***
- j) ***Grounds of The Crown Inn***
- k) ***Crox Barn garden***

***Trees (maps 6.1 and 6.2, detailed in the supporting Environmental Inventory) and hedgerows of good arboricultural, biodiversity and visual character shall be protected from loss or damage in development proposals and integrated into their design. Proposals which enhance their visual and ecological contribution will be supported. Proposals shall be accompanied by a tree survey (BS5837 standard or its replacement) to establish the health and longevity of affected trees. Development shall retain these trees and hedgerows or, where damage or loss is unavoidable, secure replacement planting.***

**5.22 Policy ENV4: Biodiversity**

***Development proposals will be expected to protect local habitats and species, and where possible and viable, to create new habitats for wildlife.***

**5.23** The policy aims of supporting biodiversity requires subtle rewording to ensure its effectiveness. Accordingly, the following amended form is suggested:

***Policy E4: Biodiversity***

***Development proposals shall safeguard locally significant habitats and species and/or create new habitats for wildlife.***

**5.24 Policy ENV5: Ridge and Furrow Fields**

***The surviving areas of ridge and furrow fields (figure 7) are non-designated heritage assets and any***

***harm arising from a development proposal will need to be balanced against their significance as heritage assets.***

- 5.25** The supportive nature of the policy for heritage assets is compromised by poor/weak phrasing and wording which may be readily remedied. Accordingly, to make the policy more effective for development management purposes the following amended wording is suggested:

***Policy ENV5: Ridge and Furrow Fields***

***Any loss or damage from development of ridge and furrow earthworks (map Figure , detailed in supporting Environmental Inventory) shall be avoided and the demonstrable benefits of development balanced against the significance of the ridge and furrow features as heritage assets.***

**5.26 Policy ENV6: Footpaths and Bridleways**

***Exiting footpaths and rights of way must be preserved. Any development that impacts on rights of way must ensure that adverse impacts are minimised and that any loss is replaced by alternative routes***

- 5.27** This policy aims to protect the local rights of way network and, in addition to correcting a spelling error in the first word, only requires modest amendment to increase its usability for development management purposes and ensure consistency of enumeration with other policies of the Plan. Accordingly, the following alternative wording is suggested:

***Policy ENV6: Footpaths and Bridleways***

***Development will be supported provided it does not result in the loss of, or have a significant adverse effect on, the existing network of footpaths and bridleways (map Figure 8) and where it facilitates maintenance/upgrade/extension/effective diversion.***

**5.28 Policy ENV7: Sustainable Development**

***Development proposals that are compliant with the aims of a low carbon economy, and contribute to mitigating and adapting to climate change including sustainable design, energy generation, drainage and construction techniques and practices will be viewed positively, where (whether in isolation or in combination with existing infrastructure) the development:***

- a) Does not have a materially adverse impact on the health, wellbeing or amenities of local residents and visitors, or on biodiversity;***
- b) Does not have a materially adverse impact on the area in relation to views or the character of the surrounding landscape; and***
- c) Is of an appropriate scale for the size, character and level of other facilities, the built environment and services in Tur Langton parish.***

- 5.29** The policy seeks to encourage eco-friendly development incorporating the latest advances in energy efficiency and water management/conservation. Minor change is suggested, as follows, to simplify the structure and increase effectiveness:

***Policy ENV7: Sustainable Development***

***Where development proposals help achieve the aim of a low carbon economy, contributing to mitigating and adapting to climate change by including sustainable design, energy generation, drainage and construction techniques and practices (in isolation or in combination with existing infrastructure) they will be supported provided they do not materially detract from:***

- a) health, well-being, privacy (aural or visual) of property occupants;***
- b) biodiversity;***
- c) visual character of the built environment and local landscape, or;***
- c) are disproportionate in scale to the size/level of local facilities/services.***

### 5.30 Policy ENV8: Rivers and Flooding

*Development proposals of appropriate scale and where relevant will be required to demonstrate that:*

- a) Its location takes geology, flood risk and natural drainage into account, including undertaking a hydrogeological study whose findings must be complied with in respect of design, groundworks and construction;*
- b) Its design includes, as appropriate, sustainable drainage systems (SuDS), other surface water management measures and permeable surfaces;*
- c) It does not increase the risk of flooding to third parties.*

**5.31** The policy aims to mitigate against the potential risk of flooding from new development. The study type referred to is too specific and reference to compliance in relation to construction related matters is already encompassed within the scope of Building Regulations and so should not be subject to duplication or overlapping. With minor rewording and restructuring the policy's legibility and effectiveness would be improved:

***Policy ENV8: Managing Flood Risk***

*Development will be required to demonstrate that:*

- a) the selected location takes full account of geology, hydrology and potential flood risk, ensuring it does not increase the risk of flooding to third parties, and;*
- b) its design includes sustainable drainage systems (SuDS), incorporating surface water management measures and permeable surfaces.*

### **Community Facilities and Amenities**

### 5.32 Policy CF1: The Retention of Community Facilities

*Development leading to the loss of an existing community facility (including the Village Hall, St Andrews Church and Crown Pub) will not be supported unless it can be demonstrated that:*

- a) There is no longer any need or demand for the existing community facility; or*
- b) The existing community facility is no longer economically viable; or*
- c) The proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the Parish which complies with the other general policies of the Neighbourhood Plan.*

**5.33** This policy seeks to preserve existing facilities and services of value to the local community. Minor corrections are required to spelling/naming. Removal of the unnecessary references to 'within the Parish' and compliance with other policies of the Plan is essential. The phrasing of the policy requires to be made positive and enabling rather than negative in order to be more effective and robust for development management purposes and so the following amended wording is suggested:

***Policy CF1: The Retention of Community Facilities***

*Development leading to the loss of an existing community facility (including the Village Hall, St Andrew's Church and The Crown Inn) will only be supported where it can demonstrate:*

- a) there is no longer any need or demand for the existing community facility;*
- b) the existing community facility is no longer economically viable, or;*
- c) the proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location.*

### 5.34 Policy CF2: New or Improved Community Facilities

*Proposals that improve the quality and/or range of community facilities, particularly those for young*

*people, will be supported provided that the development:*

- a) Meets the design criteria stated in policy H4;*
- b) Will not result in unacceptable traffic movements or other disturbance to residential properties;*
- c) Will not generate a need for parking that cannot be adequately catered for; and*
- d) Is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle.*

**5.35** This policy clearly aims to encourage community facility development. The need to make specific reference to the design criteria of Policy H3 (erroneously cited as non-existent Policy H4) could have been avoided had that policy not been specifically tied to only residential development and thus been equally applicable to all forms of proposed development. and with the following suggested changes will be more effective for development management purposes:

***Policy CF2: New or Improved Community Facilities***

***Proposals that improve the quality and/or range of community facilities, will be supported provided that the development will:***

- a) meet design criteria of Policy H3;*
- b) not detract from residential amenity by merit of excessive traffic movement or other disturbance;*
- c) not generate parking need that cannot be adequately catered for within the site;*
- d) be of a scale proportionate to local need, and*
- e) be readily accessible for cyclists and/or pedestrians.*

### **New Employment Opportunities**

#### **5.36 Policy CF3: Support for New Employment Opportunities**

***In supporting additional employment opportunities, new development should:***

- a) Be within the curtilage of Manor Farm (Figure 10) unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are proven exceptional circumstances; and*
- b) Be sited, wherever possible, in existing buildings or on areas of previously developed land; and*
- c) Be of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the Neighbourhood Plan area, including the countryside; and*
- d) Not involve the loss of dwellings; and*
- e) Not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property; and*
- f) Not generate unacceptable levels of traffic movement; and*
- g) Contribute to the character and vitality of the local area; and*
- h) Be well integrated into and complement existing businesses.*

***The development of an Innovation Hub at Manor Farm to support the increasing numbers of people working from home would be supported.***

**5.37** This policy seeks to minimise adverse impact whilst maximising community benefit from traffic related matters. A slight re-ordering of the final criteria would enhance the effectiveness of the policy and so the following alternative is proposed:

***Policy CF3: Support for New Employment Opportunities***

***The development of additional employment opportunities will be supported, where it would:***

- a) be contained within the curtilage of Manor Farm (map Figure 10), unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development requiring a countryside location;*

- b) involve re-use of existing buildings or areas of previously developed land;*
- c) be of a size and scale which does not adversely affect the visual character/setting of the village/countryside, existing infrastructure and/or biodiversity;*
- d) not involve the loss of existing dwellings;*
- e) not increase noise levels to an extent which would materially detract the aural privacy of residential property;*
- f) not generate unacceptable levels of traffic movement;*
- g) contribute positively to the visual character and vitality of the local area; and*
- h) integrate with and/or complement existing local businesses.*

*The development of an Innovation Hub at Manor Farm to support the increasing numbers of people working from home would also be supported.*

### **Broadband Infrastructure**

#### **5.38 Policy CF4: Broadband Infrastructure**

*Proposals to provide access to a super-fast broadband service (minimum 30 mbps or greater over the lifetime of the Neighbourhood Plan to reflect currently unforeseen improvements in telecommunications infrastructure) and improve the mobile telecommunication network that will serve businesses and other properties within the Parish will be supported. This may require aboveground network installations, which must be sympathetically located and designed to integrate into the landscape and not be located in or near to open landscapes.*

The policy seeks to encourage enhanced communications for the area and only requires minor adjustment. As with other policies in the Plan removing unnecessary reference to 'within the Parish' is essential, as the Plan (by definition) can only cover development within the Neighbourhood Area boundary. Reference to the 'unforeseen' needs to be removed due to its nebulous nature (e.g. potentially beyond the Plan period). Much over ground telecommunications development is enabled through the current 'permitted development' regime and so outside of the control of adopted planning policy. Reference to 'open landscapes' is too nebulous for development management purposes. The policy requires only minor adjustment its structure to improve its strength as a development management tool. The following amended wording is suggested:

#### ***Policy CF4: Broadband Infrastructure***

*Development to provide increased access to a super-fast broadband service and improve the mobile telecommunications network serving businesses and other properties will be supported, provided any above ground installations are located and designed to minimise potential adverse visual impact.*

### **Working from Home**

#### **5.39 POLICY CF5: Working from Home**

*Development for the use of part of a dwelling for office and/or light industrial uses, and for small scale free standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, will be supported where:*

- a) There is no significant adverse impact on the amenity of neighbouring occupiers, having regard to matters including noise and disturbance, fumes, odour, outlook and privacy; and*
- b) Any extension or free-standing building shall be designed having regard to policies in this Plan and should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction.*

**5.40** The policy seeks to provide further support to that provided in the two preceding policies for home working.

**POLICY CF5: Working from Home**

**Proposals involving use of part of a dwelling for office and/or light industrial uses, and for small scale free-standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, will be supported where:**

- a) there is no significant adverse impact on the private enjoyment of neighbouring property as a consequence of noise, fumes, odour, privacy and openness; and**
- b) any extension or free-standing building design meets the relevant criteria of Policy H3.**

**6.0 SUMMARY**

- 6.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out the summary of my findings below.
- 6.2 I am satisfied that Tur Langton Parish Council is the qualifying body and accordingly entitled to submit a Neighbourhood Development Plan for the designated plan area and that this area is one which is appropriate for designation as a Neighbourhood Area. Formal designation was confirmed by Harborough District Council on 6<sup>th</sup> May 2015.
- 6.3 The policies proposed within the Tur Langton Neighbourhood Plan relate to development and use of land within the designated Neighbourhood Area.
- 6.4 The plan period of the Tur Langton Neighbourhood Plan is 2017 to 2031 and it does not contain policies relating to "excluded development" as defined s61K of the Town & Country Planning Act 1990 (as amended).
- 6.5 I am also satisfied that the Tur Langton Neighbourhood Plan 2018 – 2031 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 6.6 The Plan has been examined against current national and adopted local planning policy.
- 6.7 The Plan has also been subject to an Assessment in compliance with EU Directive 2001/42 on Strategic Environmental Assessment to inform the consideration of the Submission Version of the plan. The policies within the Submission Version of the Tur Langton Neighbourhood Plan appraised well against the sustainability framework. This gives confidence that the Plan, if made, should make a positive contribution to sustainable development within the Plan area.

**Habitat Regulations Assessment**

- 6.8 A Habitats Regulations Assessment Screening Report has been undertaken by Harborough District Council officers to determine whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the district. The lack of any evident protected sites likely to be affected by the employment site allocation proposals contained within the Plan means it appears evident no further screening or further assessment was required. I agree therefore that the neighbourhood development plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007, either alone or in combination with other plans or projects.

## **Public Consultation**

6.9 As to public consultation, the process and management of the community consultation appears thorough and I am confident that the Consultation Statement outlining the terms of reference and actions of the Parish Council, the supporting evidence from the workshops, consultation correspondence and feedback leading to the formulation of draft policies, subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2), Part 5 of the Neighbourhood Planning (General) Regulations 2012.

### **Compatibility with Human Rights Requirements**

6.10 The Basic Conditions Statement provides confirmation at 4.4 that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. I am satisfied the Plan is otherwise compatible with EU obligations and will contribute to achieving sustainable development within the Tur Langton Neighbourhood Plan area.

### **Textual, Policy & Map/Figure Revisions**

6.11 I am satisfied that subject to the recommended policy revisions being accepted, that the draft Tur Langton Neighbourhood Plan 2017-2031, has given adequate regard to the policies in the National Planning Policy Framework (NPPF) and other relevant national planning guidance and would be in conformity with the strategic policies of the adopted Harborough District Local Plan 2001 (retained policies) and Core Strategy adopted in 2011. If these recommended changes are accepted (and the necessary associated modifications are made to the supporting text by the Parish Council to ensure consistency and legibility within the document) I believe that the Tur Langton Neighbourhood Plan 2017-2031 will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area.

## **7.0 RECOMMENDATIONS**

### **Modifications to meet the basic conditions**

7.1 For the reasons set out above and subject to the modifications indicated in the preceding sections of this examination report being accepted and incorporated into a revised version of the Plan which includes a clear statement of its compliance with Human Rights legislation, I consider that the Plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

7.2 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are

made to the Tur Langton Neighbourhood Plan 2017-2031 and that the Submission Version of the Plan as modified may be submitted to a referendum.

### ***Referendum Area***

- 7.3 It is the Independent Examiner's role to consider the referendum area appropriate should event that the Parish Council wishes to proceed to the referendum stage.
- 7.4 In the event that the Parish Council wishes to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the full extent of the originally designated Plan Area, as confirmed on 6<sup>th</sup> May 2015 and as identified edged red on Figure 1 on page 5 of the Tur Langton Neighbourhood Plan 2017–2031.

## **8.0 CONCLUSIONS**

- 8.1 I conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.
- 8.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Plan and if accepted, the Tur Langton Neighbourhood Plan 2017 – 2031 is submitted to a referendum.

**Martin S. Lee**  
**MA MRTPI AMInstLM MTCPA NPIERS**  
**22<sup>nd</sup> February 2019**