

Sheepy Neighbourhood Plan (Submission Plan dated August 2018)

As you are aware I have been appointed to conduct the Examination of the Sheepy Neighbourhood Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. I am sorry for the number of queries but the responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In particular I need to be sure that the Plan policies meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17*). 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.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

*NB As you are aware a new National Planning Policy Framework (NPPF) was published in July 2018 but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this document (and in the final Examination Report) are to the original 2012 NPPF document.

Equality and Discrimination

I note that a representation says: "There may be issues of equality and discrimination in your process, which have not been adequately addressed". Whilst I appreciate that, in part, this comment may relate to the Regulation 16 consultation, which was not in your hands, and I note that there is an Equalities Impact Assessment as part of the Basic Conditions Statement, do you have any comments on the extent to which the Qualifying Body's consultation work has reached out to individuals within and sections of the local community?

Map on page 3

The purpose of the map on page 3 is to define the Neighbourhood Area. Whilst I appreciate that the Parish and Neighbourhood Area boundaries are the same the key ought to refer to the Neighbourhood Area. Do you have any comment on this line of thought?

Local Plan Review

Paragraph 1.12 says that "once the new Local Plan is finalised, we may have to review the Plan to make sure that it is in general conformity". In fact there is no obligation to review the Neighbourhood Plan for this reason but paragraph 30 of the NPPF (2018) says that just as the Neighbourhood Plan will "take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict" those will in turn be "superseded by strategic or non-strategic policies that are adopted subsequently". Therefore the implications of the

new Local Plan for the Neighbourhood Plan may warrant review. It would be appropriate for the Plan to include for a review at least every five years. Do you have any comment on this line of thought?

Key Issues

Whilst I appreciate that what is listed here is a faithful record of the issues raised I believe it is unrealistic for a land use Neighbourhood Plan to address, in particular, “controlling speeding traffic”; I note that you have an Appendix for non-planning issues and I believe a note here should say that non land use matters will be addressed in Appendix 1. Do you have any comment on this line of thought?

Vision

In paragraph 1.30 I doubt that it is reasonable to say that developer contributions are made to compensate for “detrimental impacts”. Contributions are made to help facilitate growth. Do you have any comments on that line of thought?

Settlement Boundaries

I note that Policy S1 relies on the definition of the Settlement Boundaries but it is not until paragraph 5.8 that it is revealed that the Plan seeks to redraw the Settlement Boundaries as defined in the current Development Plan. However the Plan document does not explain either the difference of boundaries or the difference of approach to the definition of the Boundaries. My initial assessment is that these revised boundaries must be the subject of an early, separate Policy with a brief justification drawing on the origins of the proposal. Accordingly a brief explanation would be appreciated.

Policy S1: Countryside

The representation from the local authority notes that this Policy is not positively worded. It cannot be a purpose for the Policy to redefine the Countryside as the Green Belt by another name. I note that Policy DM4 within the Hinckley & Bosworth Site Allocations and Development Management Policies DPD says: “will be considered sustainable” rather than the “will be limited to” in Policy S1. The local authority further comments that Policy S1 expands on Policy DM4 by identifying other development types that would be acceptable beyond the Settlement Boundary. There is an evident danger that Policies with the same end goal but using different wording and/or different features may lead to misunderstandings or even exploitation of unintended differences. The question arises: what aspect(s) of this Policy do you see as being vital and specific to Sheepy and on what aspects are you content to rely on the Local Plan policy?

Policy S2: Public Rights of Way Network

Whilst it is helpful to prospective developers to know the extent of the public rights of way these are not defined by or created within the Neighbourhood Plan. It is therefore inappropriate for these rights of way to be included on the (already busy) Policies Map. The map on page 12 is sufficient provided it is referenced within the Policy – a map numbering scheme would help in this regard - and it is essential that its source is clearly stated as the map may become outdated over time. Do you have any comment on this line of thought?

Locally Important Views

As noted within a representation, “important views” are difficult to define since the ‘importance’ attaching to them is generally quite subjective. However, views chosen as helping “In defining the character of the Parish” (as noted in Appendix 2) may serve a constructive purpose. The key matters

are that each view should be defined with some precision and the basis for the selection process should be set down. Whilst I can see that the schedule within Policy S3 is cross-referenced to the related maps, the schedule does not always include details of the public viewpoint and the compass direction for the view (although I appreciate the latter is on the map if one looks closely); lack of clarity is compounded by the inclusion in Appendix 2 of two, often quite different, photos to illustrate the same view. The detail can be improved later but I would appreciate an overview as to why the 12 were selected to represent the character of the area.

The local authority has also commented that the wording should provide more guidance on how the Policy should be applied. Do you have any comment on this line of thought?

Renewable Energy

The local authority has noted that the policy as currently worded is restrictive on the land types on which ground-mounted solar photovoltaic farms will be considered which does not have appropriate regard for paragraph 97 of the NPPF, but which itself incorporates safeguards. No evidence has been put forward that would suggest that issues particular to Sheepy justify this significant difference of approach.

The local authority has noted that the complete rejection of wind farm installations is at odds with their equivalent Policy. I note that Policy S4 only needs to be in “general compliance” with the strategic policies of the Local Plan, and the Planning Guidance says that “In the case of wind turbines, a planning application should not be approved unless the proposed development site is [in] an area identified as suitable for wind energy development in a Local or Neighbourhood Plan” (Paragraph: 005 Reference ID: 5-005-20150618). Policy DM2 within the Hinckley & Bosworth Site Allocations and Development Management Policies DPD does not distinguish such areas within the Borough but neither does Policy S4 for the Neighbourhood Area; they both adopt a blanket approach and in the latter case a blanket rejection without reasoning. If the “Renewable Energy Capacity Study [unreferenced] found that the landscapes in Hinckley and Bosworth have a moderate/moderate high sensitivity to large scale turbines” (note, not to all turbines) that quote says nothing about Sheepy in particular.

Do you have any comments on my lines of thought here?

Ecology and Biodiversity

As with the section on Public Rights of Way, this section is not giving areas a new designation and therefore the existing designations should not be shown on the Policies Map but it is sufficient to cross-refer to the map on page 18. However that map lacks any numbering that would allow for the sites listed to be identified. Also, although I appreciate that there are cartographic challenges, your map should not be seen to stray across the boundary into a neighbouring Parish and so some care is needed when indicating what I presume is the course of the River Sence. The data source must also be shown as the base data may change over time. Do you have any comments on my lines of thought?

A representation notes that Paragraph 113 of the NPPF 2012 refers to the need for criteria-based policies in relation to proposals affecting protected wildlife or biodiversity or landscape areas, and that protection should be commensurate with their status which gives appropriate weight to their importance and contributions to wider networks. This implies that “not harm” is too blunt an approach. Do you have any comments on the line of thought here?

Flooding

As you note, flooding is an issue extensively covered in national policy and guidance. The question arises: what aspect(s) of this Policy do you see as being vital and specific to Sheepy and on what aspects are you content to rely on national and local policy? One evident local addition is the “5 square meter” threshold for SuDS provision but I believe that the guidance on the appropriate use of SuDS is significantly more nuanced than this (and as the local authority notes 5m² would include minor dwelling extensions). Please advise the basis for the use of a specific threshold for Sheepy.

Heritage and Design

Whilst it is useful to have all the information on designated and non-designated Heritage Assets brought together in one place I wonder whether there is any value in duplicating in policy terms the extensive HER data which is available as a public record? To do this will require that information sufficient to identify and justify each item be included within the Plan document. As I understand your Policy S7 its importance lies in the identification and recognition as a non-designated heritage asset of certain properties within the Sibson Conservation Area and other heritage properties identified by the Sheepy Historical Society and through the Neighbourhood Plan process. A schedule of these, to a single and manageable format, must be included within the Plan document (as part of Appendix 3 would be the obvious place) and I would be pleased to receive a copy of such a schedule. It is appropriate for supporting evidence to be available on a designated website but the Plan must contain all the information required to implement the Policy ie in this case sufficient detail to be able to identify the asset and understand the aspects of it that justify protection (in the terms of the Policy, its “significance”); I note that the local authority has made a helpful suggestion in this regard.

As with previous instances, where heritage features are already the subject of designation by other means (eg the Sibson Conservation Area) whilst an information map identifying them may be helpful they should not be included on the Policies Map for the Neighbourhood Plan.

In relation to Policy S7 the local authority has commented: “Whilst the criteria of policy S7 includes similar criteria to that set out in Policy DM11, other criteria included in Policy DM11 and DM12 are not considered in S7, nor is there any cross-reference to them. This could undermine the intentions of Policies DM11 and DM12 to ensure a robust assessment of development proposals which may have the potential to affect a heritage asset or its setting (at all levels of designation). Other criteria are included in DM11 against which proposals are required to set out the potential harm and impact of proposals on the heritage asset. These criteria will be lost if Policy S7 is to supersede DM11”. I doubt that this is your intention and some amended wording may be required to avoid any potential for confusion.

A representation comments that “for non-designated heritage assets, the policy must reflect the guidance set out within paragraph 135 of the [NPPF]. This states that the policy test that should be applied in these cases is that a balanced judgement should be reached having regard to the scale of any harm and the significance of the heritage asset”. A slight rewording to accommodate the “scale” of the harm may therefore be appropriate.

Your comments on these lines of thought are invited.

Design

As noted by the local authority, this section provides no context that would allow a prospective applicant and those implementing the Policy to determine confidently what is meant by “traditional character”; I imagine that there may be differing aspects between Sheepy Magna and Sibson? In the absence of an illustrated guide to local character, design policies often refer to proposals ‘demonstrably responding to the features of their setting’ so as to positively guide what is required

and what should be addressed in the accompanying Design and Access Statement. Criterion C requires a common judgement on when “significantly” arises whereas wording along the lines of ‘proposals should have appropriate regard to...’ ensures that the issues are openly addressed and can be challenged if required. Criterion D is not related to “design”. I comment later on a possible small addition to criterion E.

Your comments on these lines of thought are invited.

Local Green Spaces

I note that “the reasons for designating these Local Green Spaces is summarised in Appendix 4” but in fact the table there addresses in tick-box form just one of the NPPF criteria for designation. Additionally, Planning Practice Guidance says: “If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Ref: 37-011-20140306). Whilst the accompanying maps are helpfully at a scale that allows for the identification of the site boundaries, there needs to be a complete tabulation against the NPPF criteria and a brief explanation to support the entries on the tabulation. A representation has commented that the “local character” criterion may not have been met in all instances. I would be pleased to receive a redraft of Appendix 4.

The NPPF specifies (para 77): “The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.”

I am therefore doubtful that the Mill Lake, with a boundary drawn tightly around the area of water, qualifies as a “green” area (although I acknowledge that the Guidance does refer to an example of a space that might *include* a lake). I believe that the Mill Lake might more appropriately be protected as a non-designated heritage asset. As I have yet to visit the area I will not comment further on other areas but I would like to make my visit with the benefit of the additional detail requested above.

Housing

The housing requirement assessment starts with a significant difficulty in that the Core Strategy only runs to 2026 whereas the Neighbourhood Plan is intended to run to 2036. However, Neighbourhood Plans are not required to allocate land for housing, they are simply encouraged to do so in order that local choice on location is paramount. Since the site of the Hornsey Rise Memorial Home has now been granted an outline planning consent the sole site allocation within the Submission Plan is no longer appropriate. No numerical balancing of housing numbers is therefore required.

Housing Development

I have commented earlier on the matter of the Settlement Boundaries. The local authority has commented that the term “infill housing” in Policy S10 may require some further qualification either within the text or the Policy so that the nature of what will be supported is readily understood. On another wording matter a representation comments: “it is not within the remit of a Parish Council to determine planning applications and as such where reference is made to ‘permissions for housing’ being limited, we recommend that the policy wording is amended to ‘support for housing’”. Your comments on these lines of thought are invited.

Meeting Local Housing Needs

It is useful to word Policy S11 flexibly since housing needs will vary over the lifetime of the Plan; however, further clarity is needed. As the local authority comments, lower cost homes are not necessarily small and so both 1/2 bedroom houses *and* lower cost homes may be a priority? I read the second sentence of the Policy as particularising on the general requirement of sentence one; it would therefore read better if 'particularly' was added somewhere in the middle of the sentence. Your comments on these lines of thought are invited.

Affordable Housing

The local authority points out that there are disparities between Policy S12 and the related Core Strategy Policy 15. Whilst a difference may be appropriate no justification for the difference has been provided. In particular the restriction within the first paragraph to "windfall housing" would have the probably unintended consequence of apparently releasing the affordable housing obligation for any sites allocated through the new Local Plan. The local authority has commented that they would "prefer the reference to 'Commuted sums in lieu of on-site affordable housing may also be accepted' to be amended so that the sentence ends 'in exceptional circumstances' for the sake of clarity".

Your comments on these lines of thought are invited.

Hornsey Rise Memorial Home

I note that outline consent for the housing development here has been granted. The proposals appear to have had some regard for the Neighbourhood Plan draft Policy. The Policy in the Neighbourhood Plan cannot amend those aspects of the proposal that have been settled within the outline consent. Standard conditions require that details such as a landscaping scheme be provided as part of the reserve matters application. Accordingly I doubt that there is any remaining purpose for Policy S13; your comment on this line of thought is invited.

Services, Facilities and Infrastructure

The list of facilities within the Policy is not cross-referenced on the map; as the icons obscure what is beneath them perhaps a better approach would be that adopted for the Local Green Spaces – two maps, one for each settlement. I doubt that the "and" at the end of criterion A is realistic and it should be replaced with "or"; if a facility is no longer viable either its viability needs to be improved (probably not a planning matter) or the need for it has evaporated. Your comments on these lines of thought are invited.

Traffic and Parking

Para 39 of the NPPF says: "If setting local parking standards for residential and non-residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles." The local authority has pointed out that Policy S15 "such a blanket requirement is likely to face viability based challenges in application, particularly where the development of smaller scale

dwelling are concerned and the cost associated with providing land for two spaces is factored in” and added “Recent appeals have shown the Inspector disregarding neighbourhood plans that have too restrictive parking policies and that do not refer to the County Council guidance”. If a difference of approach is being suggested for Sheepy then all these factors need to have been addressed to arrive at a justified Policy; more realistically perhaps criterion E in Policy S8 might also refer to ‘appropriate on-site parking provision’. Your comment on this line of thought is invited.

Superfast Broadband

There is an argument that says this topic is being addressed through national policies not all of which are land use planning related. The question arises: what aspect(s) of this Policy do you see as being vital and specific to Sheepy and on what aspects are you content to rely on the Local Plan policy? I note from Appendix A that community comments were “inconclusive as to how the [mobile and broadband] services could be improved”.

Employment

The detailed requirements within the live/work aspect of Policy S17 are unexplained. By its nature the policy approach is designed to allow flexibility appropriate to current times, but circumstances will change again and yet some flexibilities are being prejudiced within the Policy; without the need for a planning consent a dwelling may contain some workspace and a commercial building some accommodation provided these are ancillary to the main use. Therefore any policy inflexibilities need justification.

The local authority has commented: “Policy S17 is not in general conformity with policies DM5 and DM20 of the SADM. Whilst the policy supports new employment land and the provision of rural worker accommodation, policy S17 does not include criteria against which such proposals can be assessed as provided in Policies DM5 and DM20 of the SADM. This is particularly important as new development is likely to be located outside of the settlement boundary.” Given the concern for the countryside expressed throughout the Plan I doubt that you would wish to invite other than respectful employment development which is where Policy DM20 is important.

Your comments on these lines of thought are invited.

Appendices

The Appendices are generally helpful and appropriate – subject to comments included above. I have noted in particular the need for Appendices 3 & 4 to be expanded.

