

# **SHEEPY NEIGHBOURHOOD PLAN 2018 - 2036**

**The Report of the Independent Examiner to Hinckley & Bosworth Borough  
Council on the Sheepy Neighbourhood Plan**

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9<sup>th</sup> January 2019**

## Summary

I was appointed by Hinckley & Bosworth Borough Council, in agreement with the Sheepy Parish Council, in November 2018 to undertake the Independent Examination of the Sheepy Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 23<sup>rd</sup> December 2018.

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

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Hinckley & Bosworth Borough Local Plan 2006 - 2026.

Subject to a series of recommended modifications set out in this Report I have concluded that the Sheepy Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.

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

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## **Introduction**

This report sets out the findings of the Independent Examination of the Sheepy Neighbourhood Plan 2018-2036. The Plan was submitted to Hinckley & Bosworth Borough Council by Sheepy Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 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 Report are to the original 2012 NPPF document.

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

## **The Role of the Independent Examiner**

The Examiner's role is to ensure that any submitted neighbourhood plan meets the legislative and procedural requirements. I was appointed by Hinckley & Bosworth Borough Council, in agreement with the Sheepy Parish Council, to conduct the examination of the Sheepy Neighbourhood Plan and to report my findings. I am independent of both the Hinckley & Bosworth Borough Council and the Sheepy Parish Council. I do not have any interest in any land that may be affected by the Plan.

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

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

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

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

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

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

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

In undertaking this examination I have considered the following documents:

- Sheepy Neighbourhood Plan as submitted
- Sheepy Neighbourhood Plan Basic Conditions Statement (August 2018)
- Sheepy Neighbourhood Plan Consultation Statement (June 2018)
- Sheepy Neighbourhood Plan Strategic Environmental Assessment Screening Statement (August 2018)
- Content at: [www.hinckley-bosworth.gov.uk/info/200246/neighbourhood\\_planning/1172/sheepy\\_neighbourhood\\_development\\_plan](http://www.hinckley-bosworth.gov.uk/info/200246/neighbourhood_planning/1172/sheepy_neighbourhood_development_plan)
- Content at: <https://sheeyparishneighbourhoodplan.com/>
- Representations made to the Regulation 16 public consultation on the Sheepy Neighbourhood Plan
- Hinckley & Bosworth Borough Local Plan 2006 – 2026
- Sibson Conservation Area documents at: [www.hinckley-bosworth.gov.uk/downloads/download/356/sibson\\_conservation\\_area](http://www.hinckley-bosworth.gov.uk/downloads/download/356/sibson_conservation_area)
- National Planning Policy Framework (NPPF) (March 2012)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)
- Ministerial Statement 18<sup>th</sup> June 2015.

I carried out an unaccompanied visit to the Neighbourhood Area on 23<sup>rd</sup> December 2018. I looked at Sheepy Magna, Sheepy Parva, Sibson, Wellsborough, Upton, Pinwall and their hinterland. I also viewed the character of the Sibson Conservation Area and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, neighbourhood plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Sheepy Neighbourhood Plan could be examined without the need for a public hearing and I advised Hinckley & Bosworth Borough Council accordingly. The Qualifying Body has helpfully responded to my enquiries so that I may have a thorough understanding of the thinking behind the Plan, and the correspondence has been shown on the Hinckley & Bosworth Borough Council neighbourhood planning website for the Sheepy Neighbourhood Plan.

### **Sheepy Neighbourhood Area**

A map showing the boundary of the Sheepy Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Sheepy Parish Council, Hinckley & Bosworth Borough Council approved the designation of the Neighbourhood Area on 22<sup>nd</sup> October 2015. This satisfied the requirement in line with the purposes of preparing a

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

## **Consultation**

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

The Planning Practice Guidance says:

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

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

A representation commented: “There may be issues of equality and discrimination in your process, which have not been adequately addressed”. However, I can see that an inclusive approach to community engagement and a range of formal and informal approaches and media has been used to invite and obtain participation. I note that in January 2016 two Drop-In Events were held to inform local people about the neighbourhood plan process and receive views and opinion on the key issues that the Neighbourhood Plan should address. Prior to the event, posters were displayed on village noticeboards, a publicity leaflet was distributed to all households, articles were included within both the Sheepy Group Gazette and the Grapevine; the Sheepy Parish Neighbourhood Plan Facebook page and Twitter account were also used to advertise the event. A report detailing the consultation results of the two drop in events was made available on the Sheepy Parish Neighbourhood Plan website and the responses were used in the preparation of the Sheepy Parish-wide questionnaire

In March 2016 the Rural Communities Council (RCC) was commissioned by the Sheepy Parish Neighbourhood Plan Committee to organise and independently facilitate a consultation workshop of key local stakeholders. The RCC developed a comprehensive list of stakeholder contacts who were invited to the event, including statutory and local amenity groups, parish councils, local businesses, community organisations and local clubs (which included a range of minority interest groups), and landowners. A total of 39 stakeholders participated in the session, which is impressive for the size of the Parish. Details of the event and discussion were placed on the Sheepy Parish Neighbourhood Plan website.

Two questionnaires were distributed to every household in Sheepy Parish during August 2016; one of the questionnaires was specifically for all those members of the Parish under the age of 18 inviting views of what they thought about where they live and what changes they would like to see. Distributors called at the households to hand over the questionnaires in person and follow up visits were undertaken if the occupiers were not in. Distributors also collected completed questionnaires. The survey was advertised in the Sheepy Benefice Gazette, on the Sheepy Parish Council and Neighbourhood Plan website, and on Parish Notice Boards. A total of 747 completed questionnaires were received to this survey, representing an excellent response rate of 76%. Responses were received from across the Parish and covered a broad range of ages. The preliminary findings of the surveys were circulated to the community in January 2017.

The six week public consultation period on the Pre-Submission Sheepy Neighbourhood Plan ran from 7<sup>th</sup> November 2017 to 5<sup>th</sup> January 2018. Publicity flyers were distributed to every

household in the Parish, the consultation was advertised on the Sheepy Parish Council and Neighbourhood Plan website and Parish Noticeboards and the documentation was made available at various locations throughout the Parish as well as at 'drop-in sessions'; the statutory consultees and stakeholder contacts were informed. A summary report of the analysis of the responses and the recommendations relating to them was prepared and is included within the Consultation Statement.

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

### **Representations Received**

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Hinckley & Bosworth Borough Council from Wednesday 5<sup>th</sup> September to Wednesday 17<sup>th</sup> October 2018. I have been passed representations – 13 in total - received from the following:

Highways England  
Carlton Parish Council  
Severn Trent  
Environment Agency  
National Grid  
Natural England  
Leicestershire County Council  
Coal Authority  
Colt Technology Services  
Member of the Public  
Historic England  
Gladman Developments  
Hinckley & Bosworth Borough Council

## **The Neighbourhood Plan**

The Sheepy Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2036. I can see that a sustained effort has been put into developing a Plan with a multi-faceted vision for 2036 set out on page 9 of the Plan. The Plan document is simply presented with a distinctive combination of text, illustrations and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

The wording of some content & Policies is not always as well-expressed as one might wish, but that is not uncommon in a community-prepared planning document and something that can readily be addressed. It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of "direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area" (PPG Reference ID: 41-001-20140306). It is evident that the Qualifying Body understands and has addressed the requirement for sustainable development.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to some amendment, proportionate and sustainable. The Plan sets out the community needs it will meet whilst identifying and safeguarding Sheepy's distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency and care, with input as required and support from Hinckley & Bosworth Borough Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). I bring these particular references to the fore because they will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

### **Basic Conditions**

The Independent Examiner is required to consider whether a neighbourhood plan meets the "Basic Conditions", as set out in law following the Localism Act 2011. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;



- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

The submitted Conditions Statement has very helpfully set out to address the issues in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Hinckley & Bosworth Borough Local Plan 2006 – 2026 which includes the Core Strategy 2009 and the Site Allocations and Development Management Development Plan Document (DPD) 2016; Appendix 3 of the latter documents sets out the Strategic Policies of the Local Plan (2006-2026) which are defined as wide-ranging, usually with Borough-wide implications over the course of the plan period.

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

### **The Plan in Detail**

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

#### **Front cover**

A neighbourhood plan must specify the period during which it is to have effect. I note that there is a reference to the Plan end date as 2036 within the text but it would be helpful to have this also prominently on the front cover.

#### ***Recommendation 1:***

*Show the Plan period prominently on the front cover, not just the submission date; delete “Submission” from the title.*

#### **Foreword**

As the Plan is on the verge of becoming a Development Plan document the Foreword has served its purpose and can now be deleted.

#### ***Recommendation 2:***

*Delete the “Foreword”.*

#### **List of Contents**

The Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report.

#### ***Recommendation 3:***

*Review the “Contents” pages once the text has been amended to accommodate the recommendations from this Report.*

### **1. Introduction**

This section provides a helpful and thorough context for the Plan. There are a few points that need correction for clarity.

#### ***Recommendation 4:***

*Under the heading “1. Introduction”:*

*4.1 The purpose of the map on page 3 is to define the Neighbourhood Area; the key should therefore say ‘Sheepy Neighbourhood Area/Parish Boundary’.*

4.2 Para 1.12: *there is no specific requirement to review the Neighbourhood Plan for “general conformity” after the adoption of the new Local Plan; therefore reword the final sentence as: ‘However, once the new Local Plan is adopted, there may be value in a review of the Neighbourhood Plan’.*

4.3 Para 1.27: *since not all the matters identified are addressed through the Neighbourhood Plan itself, the opening to this paragraph should be reworded as: ‘Feedback from the community consultation has identified the key issues that need to be addressed in the Sheepy Neighbourhood Plan and the related non-planning Appendix:’*

4.4 Para 1.30: *remove the stray comma between “new” and “infrastructure” in the first sentence.*

## **2. Rural Character**

### **Policy S1: Countryside**

I note that this Policy relates to redefined Settlement Boundaries for Sheepy Magna and Sibson but the Plan does not include a Policy that designates these new Boundaries (although they are mapped within the Housing section). Since the realigned Boundaries are more about gaining settlement land than losing Countryside, the Housing section is probably the more appropriate place for that Policy and so I will return to the subject later.

In their representation the local authority notes that Policy S1 is not positively worded. I note that the related 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. Para 28 in the NPPF says: “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”. The local authority format shows appropriate regard for the NPPF.

The preamble suggests that Policy S1 is about “retention of the countryside”. It is perhaps surprising in this context for the local authority to comment that Policy S1 expands on DPD Policy DM4 by identifying other development types that would be acceptable beyond the Settlement Boundary. The pre-amble to the Policy does not make a special case for the Sheepy countryside to have more exemptions from limits to development in the countryside, rather the contrary. It would seem that the Policy is saying ‘the types of activity that may be acceptable in the countryside are’ rather than what is actually written “Development in the Countryside will be limited to:”. As any prospective developer would need to read the two Policies together, there is a requirement that the Neighbourhood Plan should “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17); losing or implying the loss of the nuances of other related policies is therefore unhelpful and potentially a source for confusion. Looking at the Policy S1 criteria in turn:

A. Agriculture and forestry: neither the NPPF nor Core Strategy Policies give carte blanche for all such development although agricultural and forestry ‘activities’ will invariably predominate in the countryside; subsequent criteria are more specific;

B: The preservation of Listed Buildings: this activity is not peculiar to the countryside and is addressed within Section 3;

C: The reuse and adaptation of buildings in accordance with ...DPD Policy DM4: as correctly noted in Policy S10, the appropriate related Policy is in fact DM14, to which should be added DM15;

D: Flood protection: this sits within criterion H;

E: New dwellings in accordance with Policy S10: Policy S10 allows for more than just “new” dwellings;

F: Employment-generating development or farm diversification in accordance with Policy S17: these words would appear to encompass more enterprise than that envisaged within the NPPF (section 3) or even Policy S17;

G: Community services and facilities meeting a proven local need: it is unexplained why this would be equally or more sustainable than provision within settlement locations;

H: Development by statutory undertakers or public utility providers: this is not peculiar to the countryside;

I: Recreation and tourism: DPD Policy DM4 adds a caveat that it should “be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries”;

J: Transport infrastructure: this is not peculiar to the countryside and is often quite controversial;

K: Renewable energy in accordance with Policy S4: renewable energy projects are indeed likely to gravitate to countryside locations

**Recommendation 5:**

*Under the heading “Policy S1: Countryside”:*

*5.1 Reword the second sentence as follows:*

*‘In principle, subject to the caveats within the Hinckley & Bosworth Site Allocations and Development Management DPD Policy DM4, the following types of development may be considered sustainable in countryside locations.’*

*5.2 Delete criteria A, B, D, G and J; amend the numbering of the remaining criteria.*

*5.3 Amend criterion C to reference ‘Policies DM14 & DM 15’ in place of “Policy DM4”.*

*5.4 Amend criterion E by deleting the word “New”.*

*5.5 Amend criterion F to read: ‘Development and diversification of agricultural and other land-based rural businesses’, which accords with the NPPF.*

*5.6 Add to criterion I ‘provided it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries’.*

As amended Policy S1 meets the Basic Conditions.

**Policy S2: Public Rights of Way Network**

Not every development in the Parish will affect or be close to a public right of way and so a ‘where applicable’ needs to be introduced to the wording. As the public rights of way are derived from an external source and may change over time the source of the data needs to be declared on the map on page 12. For the same reason it is my opinion that the public rights of way should not be shown in addition on the Policies Map because Policy S2 does not define these features, it merely uses them as a reference; however the Qualifying Body appears to feel strongly that the map would be incomplete without them and I note that there is a reference back to the related Policy; accordingly I have not made a recommendation on this matter.

A representation has suggested that it might be helpful to show Rights of Way reference numbers on the proposals maps. I feel that the Proposals Map is already very busy and it is sufficient for the source of the map data to be referenced.

**Recommendation 6:**

*Under the heading “Policy S2: Public Rights of Way”:*

*6.1 In the Policy wording add ‘,where applicable,’ after “Development should” and ‘on the adjacent map and’ after “as shown” within the brackets.*

6.2 Add to the map on page 12 a source reference for the rights of way data.

As amended Policy S2 meets the Basic Conditions.

### **Policy S3: Locally Important Views**

I am concerned that, as drafted, Policy S3 does not “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). Two representations have expressed similar sentiments and the pre-amble to the Policy itself acknowledges that “the significance of a vista cannot be realised in text and images” but that is all that a reader of the Policy has to go on. From the introduction of the related Appendix 2 it would seem that the illustrations are chosen to be representative of the character of the rural Parish, highlighting the open countryside and its extensive vistas and it is to this setting that any development must be sensitive. I am advised that the pre-amble paragraph 2.11 derives from the relevant part of the 2017 Hinckley & Bosworth Borough Landscape Character Assessment and therefore that should be referenced within the text.

#### **Recommendation 7:**

*7.1 Under the heading “Important Views”:*

*In paragraph 2.11 add a reference to the relevant part of the 2017 Hinckley & Bosworth Borough Landscape Character Assessment.*

*7.2 Under the heading “Policy S3: Locally Important Views”:*

*Reword the opening sentences as follows:*

*‘Development should be located and designed in a way that is sensitive to the open landscape with extensive vistas dominated by natural features that characterises the Parish; the potential to enhance the landscape should be considered wherever possible. Particular sensitivity should be shown for the views that are regarded as highly characteristic as listed below and illustrated in more detail in Appendix 2:’*

*7.3 For each of the views within the Policy, add a compass direction (eg SW) and consistently ensure there is a location point (ie a ‘from’ reference is needed for views 3, 4, 6, 7, 11) so that there is no ambiguity as to the viewpoint being promoted.*

As amended Policy S3 meets the Basic Conditions.

### **Policy S4: Renewable Energy**

I do not believe that Policy S4 shows appropriate regard for national policy. One of the Core Planning Principles (para 17) says that planning should “support the transition to a low carbon future in a changing climate and encourage the reuse of existing resources, including conversion of existing buildings, .....and encourage the use of renewable resources (for example, by the development of renewable energy)”. There is therefore some support for the reuse of brownfield land. However, in relation to proposals for renewable energy the related Planning Guidance says: “Policies based on clear criteria can be useful when they are expressed positively (ie that proposals will be accepted where the impact is or can be made acceptable) Paragraph: 007 Reference ID: 5-007-20140306).

The Qualifying Body has referenced two other parts of the Planning Guidance:

Paragraph: 013 Reference ID: 5-013-20150327: “encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.”

Paragraph: 033 Reference ID: 5-033-150618: “The written ministerial statement made on 18 June 2015 clarifies that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if ... following consultation, it can be demonstrated that the planning impacts

identified by affected local communities have been fully addressed and therefore the proposal has their backing.”

I note that these references do not equate with a blanket restriction of solar farms to brownfield land only and a blanket ban on wind turbines. However, since national policy specifies regard for public concern then it is reasonable that the local Policy also includes some reference to that.

Expressing the Policy positively and in accordance with the Guidance whilst respecting the community’s preferences will require some rewording.

**Recommendation 8:**

*Reword Policy S4 as follows:*

*‘Ground-mounted solar photovoltaic farms will be supported provided that:*

- A. Wherever possible, previously developed (brownfield) or non-agricultural land is used;*
- B. Their location in the landscape is selected sensitively;*
- C. Their impact on heritage assets, where applicable, has been fully assessed and addressed;*
- D. Their visual impact, both individually and cumulatively, has been fully addressed and assessed in accordance with the applicable current guidance; and*
- E. The installations are removed when they are no longer in use and the land is fully restored.*

*The local community does not consider the Sheepy landscape suitable for hosting wind turbine installations.’*

As amended Policy S4 meets the Basic Conditions.

**Policy S5: Ecology and Biodiversity**

A representation notes that Paragraph 113 of the NPPF 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 for Policy S5.

As the network of ecological features and habitats is derived from external sources and is expected to change over time the source of the data needs to be declared on the map on page 18. For the same reason it is my opinion that the network should not be shown in addition on the Policies Map because Policy S5 does not define this, it merely uses it as a reference; however the Qualifying Body appears to feel strongly that the map would be incomplete without it and I note that there is a reference back to the related Policy; accordingly I have not made a recommendation on this matter. The Policy text and the map need to be cross-referenced with the site numbers and names.

As national and Local Plan policies recognise, it is impractical to expect that biodiversity net-gain is achievable with every development that affects a “landscape feature” at whatever scale; a qualifying “wherever possible” needs to be added.

**Recommendation 9:**

*Under the heading “S5: Ecology and Biodiversity”:*

*9.1 Replace “not harm” with ‘have appropriate regard for’.*

*9.2 Add after “as shown” within the brackets in the opening sentence ‘on the adjacent map and’.*



9.3 On the map on page 18 add the appropriate site cross-references and a source or sources for the data; since the Plan can only relate to the designated Neighbourhood Area ensure that none of the sites indicated stray across the Area boundary.

9.4 In the final paragraph add ‘, wherever possible,’ between “thus” and “demonstrating”.

As amended Policy S5 meets the Basic Conditions.

### **Policy S6: Water Management**

The Qualifying Body has explained that the inclusion of a “five square meter” threshold for the use of SuDS within Policy S6 was because that is the point above which permitted development for hard surfacing requires “either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse” (The Town & Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1, Class F). The Policy is therefore seeking to extend SuDS to every development with hard surfacing in place of a national permitted development policy applicable to hard surfacing run-off within the curtilage of a dwelling. Whilst I appreciate that there is evidence of flooding within the Neighbourhood Area, no evidence has provided to justify the replacement of national policy even if that was practical in application on the scale proposed. National policy on the use of SuDS is significantly more nuanced. A rewording is required to show support for SuDS ‘where feasible’.

#### **Recommendation 10:**

*Partially reword the second sentence of Policy S6 as follows:*

*‘Where feasible or required by other Policies, development should incorporate Sustainable Drainage Systems (SuDS) incorporating attenuation, storage and treatment capacities’.*

As amended Policy S6 meets the Basic Conditions.

## **3 Heritage and Design**

### **Policy S7: Features of Local Heritage Interest**

A representation identifies that “Whilst the criteria of policy S7 includes similar criteria to that set out in [Hinckley & Bosworth Borough] 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.” Another 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”.

Policy S7 seeks to combine regard for designated heritage assets (Listed Buildings), extensive heritage assets recognised through the local Historic Environment Record (HER) and heritage assets singled out for recognition through the Neighbourhood Plan by the Neighbourhood Planning Group and the Sheepy Historical Society. The reader must be able to understand confidently through the Policy what is being referenced and it is a requirement of the NPPF that the content has been justified with proportionate evidence. I note that Appendix 3 explains the selection process but does not provide any detail for the assets now singled out for recognition through the Neighbourhood Plan (other than through a Policies map but that is at a scale that does not allow for the identification of actual locations).

The Policy pre-ambule includes a schedule of the Listed Buildings within the Neighbourhood Area as well as a listing of the Scheduled Monuments and a Registered Battlefield but these are not cross-referenced to the accompanying map on page 25 (doubtless because the map scale does not allow). The map on page 24 identifies the Sibson Conservation Area but does not identify or cross-reference to the "Important Buildings" that are scheduled and justified within the on-line evidence and are the subject of the Policy. The map on page 25 has no related schedule but the on-line evidence has a source-linked listing of HER identified assets (both designated and non-designated), a list of two assets identified by the Planning Group with justification and in one case a map location, and a list of assets identified in 2014 (for Sheepy Magna, Sheepy Parva & Pinwall) as suggested by Sheepy Local History Society & other parties and confirmed at a public meeting but the list lacks a related justification or mapped location. This definitely falls short of a basis for "a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). Further, the title for the Policy suggests that it relates to the sub-heading immediately above, ie assets now recognised through the Neighbourhood Plan, but the Policies Map does not distinguish these assets from the general body of local heritage assets; the Qualifying Body has indicated that the Policy is intended to apply to all heritage assets within the Neighbourhood Area.

It is my opinion that the heritage assets identified in the HER (both designated and non-designated) should not be shown on the Policies Map (in addition to the maps adjacent to the Policy) because Policy S7 does not define these features, it merely uses them as a reference; however the Qualifying Body appears to feel strongly that the map would be incomplete without them and I note that a reference back to the related Policy can be added (as has been the case with other Policies); accordingly I have not made a recommendation on this matter.

As will be explained later under consideration of Policy S9, I cannot conclude that the Mill Lake at Sheepy Parva qualifies for designation as a Local Green Space. However I do consider that the historic origins of the Lake qualify it for recognition as a non-designated local heritage asset. Therefore it would be appropriate for the Mill Lake at Sheepy Parva to be added to the schedule recommended at Recommendation 11.3(ii) below.

**Recommendation 11:**

*11.1 Retitle and reword Policy S7 as follows:*

*'Policy S7: Local Heritage Assets*

*Development proposals that affect local heritage assets (as shown on the adjacent maps and collectively on the Policies Map) must balance the need for, and the public benefit of, the proposal against the significance of the asset and scale of any harm or loss; they must also have regard to other related Policies within the Development Plan. The following are regarded as local heritage assets:*

- i) the designated and non-designated assets scheduled in the local Historic Environment Record (HER), as identified on the adjacent map;*
- ii) the important non-designated buildings within the Sibson Conservation Area, as identified on the adjacent map which is cross-referenced to the schedule within Appendix 3;*
- iii) the non-designated heritage assets in the remainder of the Neighbourhood Area, as identified on the adjacent map which is cross-referenced to the schedule within Appendix 3.'*

*11.2 Replace the maps on pages 24 & 25 with three maps each with a source and, except for the map of HER assets, a key which identifies each entry and which cross-references to a schedule in Appendix 3:*

- i) A map of the HER identified assets within the Neighbourhood Area.*
- ii) A map of the Sibson Conservation Area showing the important buildings now identified.*
- iii) A map of the Neighbourhood Area identifying the "Features of Local Heritage Interest" as explained in paras 3.13 – 3.15.*

11.3 Add to Appendix 3 two schedules that identify:

- i) The schedule of the important buildings now identified within the Sibson Conservation Area as presently included within the on-line evidence base and titled: "Policy S7 & Appendix 3 C NP Analysis for Sibson Conservation Area (ref 271)" but with a cross-referencing that relates to the related map adjacent to the Policy.
- ii) A single schedule of assets identified as "Features of Local Heritage Interest" to a format comparable with that for Sibson Conservation Area buildings schedule (ie including a brief justification that explains the characteristics are the basis for protection) and a cross-referencing that relates to the related map adjacent to the Policy; if desired, the Mill Lake at Sheepy Parva could be included on this schedule and map.

11.4 Ensure that the Policies map includes within its key the same three categories of heritage asset as at 11.2 above and that each of these includes a reference back to Policy S7.

As amended Policy S7 meets the Basic Conditions.

### **Policy S8: Design**

This Policy, along with all other Policies, needs to be expressed as a positive guide to what is expected for the Neighbourhood Area. 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". Criterion E would be a suitable place to include an obligation to provide 'appropriate on-site parking provision'.

### **Recommendation 12:**

*Under the heading Policy S8:*

12.1 Delete criterion D and renumber the remaining criteria as required;

12.2 Reword the Policy as:

*'Development proposals should be designed with evident care so as to:*

- A. demonstrably respond to the features of their setting, which does not exclude innovative design where appropriate;*
- B. work with the scale, form and character of the location and make a positive contribution to the street-scene;*
- C. protect important local features such as traditional walls, hedgerows and trees;*
- D. show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution; and*
- E. provide a safe and suitable access with appropriate on-site parking provision.'*

As amended Policy S8 meets the Basic Conditions.

## **4 Local Green Spaces**

### **Policy S9: Local Green Spaces**

I note that the Policy pre-amble says 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. The accompanying maps are helpfully at a scale that allows for the identification of the site boundaries and the evidence provided in the on-line evidence base is extensive (though some of the criteria add interpretation to the NPPF and PPG) and therefore the summary table in Appendix 4 could quite easily be made complete against the NPPF criteria (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), tranquility or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.”

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).

A representation has commented that the “local in character” criterion may not have been met in all instances. From my visit to the area I am satisfied that all the Spaces proposed for designation are “local in character”, also that they are “in reasonably close proximity” and are “demonstrably special to a local community and hold[s] a particular local significance” but it is very evident that one proposed Space – the Mill Lake at Sheepy Parva – is not “green”. I am advised by the Qualifying Body that the reason that no part of the setting of the lake has been included for designation is that this could serve to prevent recreation and tourism development which might otherwise be acceptable under Policy S1. But I note that recreation and potential attractiveness to tourists are often at the heart of Local Green Space designations and any proposals would have to show appropriate regard for Policy S3. Consequently I am not convinced that the water area of Mill Lake at Sheepy Parva, as delineated in the Submission Plan, can legitimately be regarded as a “green” space. I accept that a case has been made for recognition and preservation but the appropriate way for this to be achieved is by adding the Lake to the “Features of Local Heritage Interest” recognised by Policy S7 (with which Policy S3 will combine).

The NPPF defines the nature of the protection afforded by Local Green Space designation and therefore the Policy does not need to paraphrase this.

**Recommendation 13:**

*Under the heading “Policy S9: Local Green Space”;*

*13.1 Reword the opening of the Policy as: ‘The following sites identified on the adjacent maps and on the Policies Map are designated as Local Green Spaces:’*

*13.2 Delete “The Mill Lake, Sheepy Parva” from the Policy list and map; delete the final Policy paragraph; alter the list numbering accordingly.*

*13.3 Include within the key for both adjacent maps a schedule of the sites included there.*

*13.4 Extend the tabulation at Appendix 4 to include all the NPPF designation criteria plus the PPG criterion.*

As amended Policy S9 meets the Basic Conditions.

## **5. 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, I am advised that “the Borough Council are unable to provide a housing figure for individual settlements/parishes to include within their neighbourhood plans at this time. This is because the housing requirement for the Borough Council has not been determined for the period 2016-2036. This will be identified using the standard housing methodology (which

is still in draft form) in conjunction with the Leicester and Leicestershire Strategic Growth Plan which is currently being prepared". Further, "a recent appeal decision (APP/K2420/W/17/3188948) has clarified the position regarding the Borough Council's strategic policies of the Development Plan relating to housing provision. The Inspector concluded 'As a result of the acceptance that the development plan policies are out of date, with the housing requirement being agreed as 471 dwellings per annum (dpa) rather than the 450 dpa established under the Core Strategy'".

The Planning Practice Guidance says: "Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need" (Paragraph: 044 Reference ID: 41-044-20160519). The current evidence for Sheepy is unfortunately far from clear. However, I note that since 2006 there have been 71 dwellings either completed, started on site, with a planning permission or as with the Hornsey Rise site the subject of Policy S13 with a permission pending; this compares with the 20 dwellings identified in the Core Strategy 2006 for site allocation. If one increases the 20 by the same proportion that strategic housing policy has been found wanting, the notional increase for Sheepy is 1 dwelling; extending these 21 dwellings for 2006-2026 proportionately to 2036 one arrives at another notional figure of 32 dwellings. Since the current actual or permitted housing delivery is considerably in excess of this reassessed housing requirement it is reasonable for me to conclude that the Basic Conditions have been met.

#### **Policy S10: Housing Development**

Whilst it is noted in paragraph 5.8 that the settlement boundaries for Sheepy Magna and Sibson have been redrawn, this is not effected explicitly through Policy nor justified with proportionate evidence. A representation challenges the approach as lacking flexibility. However, the approach is in general conformity with the approach adopted in the Hinckley & Bosworth Borough Core Strategy 2006 – 2026 Spatial Strategy which says that Rural Villages (Policy 12), which includes Sheepy Magna, "will be the focus of limited development with the aim of ensuring existing services, particularly primary schools" and that in Rural Hamlets (Policy 13), that include Sibson, "development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses". The Hinckley & Bosworth Site Allocations and Development Management Policies DPD defines settlement boundaries for Sheepy Magna and Sibson but the Local Authority has acknowledged that the defining of the settlement boundaries is not a strategic policy. The Neighbourhood Plan methodology for defining the settlement boundaries should be set out briefly as an Appendix to the Plan since two Policies rely directly on the boundaries where redrawn. I am advised that the alteration to the boundary at Sheepy Magna is primarily to accommodate two planning permissions to the west and east of Twycross Road. For Sibson the very minor boundary alteration is accepted by the Qualifying Body as being of no consequence and they are content that the settlement boundary be left unaltered.

In relation to Policy S10 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'". Accordingly the wording of Policy S10 needs some adjustment.

#### **Recommendation 14:**

*14.1 Under the heading "Housing Development" add to paragraph 5.8: 'The methodology for defining the settlement boundaries and its application for Sheepy Magna and Sibson is set out in Appendix 5.'*

14.2 Add a new 'Appendix 5: Methodology for defining the settlement boundaries and its application for Sheepy Magna and Sibson', derived from the on-line evidence base document expanded to include: 'The primary consequence of the application of this approach in Sheepy Magna is that the boundary is extended to include land to the north of the settlement with planning permission for housing as follows: 1. Land North of Dormer House Twycross Road: site of three dwellings (17/00340/FUL); 2. Rodney Gardens, off Twycross Road: Trout Ponds Farm site of 24 dwellings (14/00136/FUL); 3. Land North of Holly Tree Cottage: site of three dwellings (14/00292/FUL). For Sibson the resultant boundary variation was of little consequence and the Hinckley & Bosworth Site Allocations and Development Management Policies DPD Settlement Boundary alignment is retained for simplicity'; renumber the Glossary as Appendix 6.

14.3 Amend Policy S10 as follows:

14.3.1 Add a new opening sentence to read: 'A revised Settlement Boundary is defined for Sheepy Magna on the adjacent map and on the Policies Map; the Settlement Boundary for Sibson is that defined within the Hinckley & Bosworth Site Allocations and Development Management Policies DPD; each boundary separates the settlement and countryside areas where different policies may apply.'

14.3.2 Replace the existing opening sentence with: 'Within the Sheepy Magna and Sibson Settlement Boundaries infill housing will be supported subject to proposals being at a scale appropriate to each settlement and in accordance with Policy S8'.

14.4 Amend the map for Sibson on page 32 to revert to the Hinckley & Bosworth Site Allocations and Development Management Policies DPD Settlement Boundary alignment and add the source reference.

As reworded Policy S10 meets the Basic Conditions.

### **Policy S11: Housing Mix**

Policy S11 has evident regard for its equivalent Core Strategy Policy 16. It is useful that Policy S11 is worded flexibly since housing needs will vary over the lifetime of the Plan; however, the local authority has commented that lower cost homes are not necessarily small and so both 1/2 bedroom houses *and* lower cost homes may be a more accurate description of priorities. 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 sentence.

### **Recommendation 15:**

*Reword the second sentence of Policy S11 as follows:*

*'In particular, development proposals for 10 or more dwellings should address the needs of older households and the need for smaller and/or low-cost homes.'*

As partly amended Policy S11 meets the Basic Conditions.

### **Policy S12: Affordable Housing**

The local authority points out that there are disparities between Policy S12 and the related Core Strategy Policy 15. Whilst a difference might be appropriate no justification for the difference has been provided. My understanding is that the restriction within the first paragraph to "windfall housing" derives from the fact that, in the absence of allocated sites, all new housing will be windfall, but the Plan covers the lengthy period to 2036. 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". Whilst I understand that commuted

sums were accepted in respect of the development proposed for the Hornsey Rise site, such judgements must be made on a site-by-site basis, as is acknowledged in the previous sentence of the Policy, which is taken directly from the Core Strategy Policy 15.

**Recommendation 16:**

*16.1 Replace the opening paragraph of Policy S12 as follows:*

*‘Development proposals should include for affordable housing in accordance with the terms of Policy 15 of the Hinckley & Bosworth Core Strategy 2016’.*

*16.2 Within the second paragraph of Policy S12, replace the words after “...otherwise be met” with ‘; for the avoidance of doubt, all such proposals will still need to address Neighbourhood Plan Policies S3 and S8.’*

As partly amended Policy S12 meets the Basic Conditions.

**Hornsey Rise Memorial Home**

Since the Neighbourhood Plan was submitted planning application 17/01050/OUT for the Hornsey Rise Memorial Home, Wellsborough Hinckley & Bosworth Borough Council has resolved to grant an outline planning permission subject to the completion of a S106 Agreement and conditions. Therefore the preamble paragraph 5.21 S13 needs to be updated.

**Recommendation 17:**

*Under the heading Hornsey Rise Memorial Home update paragraph 5.21 to record the updated position following the resolution to grant a permission for Outline Application 17/01050/OUT.*

**Policy S13: Hornsey Rise Memorial Home**

On the face of it, since the outline consent for the housing development here is pending there is no remaining purpose for Policy S13. However both the local authority and the Qualifying Body wish the site allocation to remain so that it establishes the principle of development should the current permission not proceed, in accordance with Policy SA1 of the Hinckley & Bosworth Site Allocation and Development Management Policies DPD. The permission relates to “Demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part)”. The Policy in the Neighbourhood Plan cannot conflict with those aspects of the proposal that will have been settled within the outline consent. Whilst the mix of dwellings is yet to be resolved it is evident from the Officers Report on the planning application that viability issues would arise from restricting the development to three only dwellings of 4 bedrooms or more – even if such a specific restriction had been justified. Sticking with the evidence, Policy S13 can repeat the expectation of Policy S11 that the needs of older households and the need for smaller and low-cost homes should be addressed. The Policy could also be simplified for clarity.

**Recommendation 18:**

*18.1 Reword the opening paragraphs of Policy S13 as follows:*

*‘Land at Hornsey Rise Memorial Home, Bosworth Road, Wellsborough, as shown on the adjacent map and the Policies Map, is allocated for the development of up to 20 dwellings subject to the following:*

*A. The extent of the developable area is restricted to the 1.5 ha as shown on the adjacent map;*

*B. The development provides for a mix of dwelling sizes which addresses identified housing need, in particular the needs of older households and the need for smaller and/or low-cost homes.’*

## 18.2 Renumber the remaining Policy criteria as C – F.

As amended Policy S13 meets the Basic Conditions.

### 6. Services, Facilities and Infrastructure

#### Policy S14: Community Services and Facilities

Policy S14 echoes the approach of Hinckley & Bosworth Site Allocations and Development Management DPD Policy DM25 but minus some important detail. I note that the list of facilities within the Policy is not cross-referenced on the map; as the icons on the map obscure what is beneath them 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.

#### **Recommendation 19:**

19.1 Reword the opening of Policy S14 as follows:

*‘Development must show appropriate regard for the retention of the community facilities listed below; proposals that would result in the loss of or harm to any of these (as shown on the adjacent maps and the Policies Map) will not be supported unless it can be demonstrated, with particular regard to Local Plan Policy DM25, that:*

*A. It is no longer viable; or’*

19.2 Replace the map on page 40 with two, showing the settlements of Sheepy Magna and Sibson separately; cross-reference the listed community facilities within the keys to the maps.

As amended Policy S14 meets the Basic Conditions.

#### Policy S15: Car Parking and New Housing Development

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 in relation to Policy S15 that “such a blanket requirement is likely to face viability based challenges in application, particularly where the development of smaller scale dwellings 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”. The County Council has commented that a detailed understanding of parking problems is required to initiate discussions regarding concerns. I note that inflexible parking requirements might operate against the housing ambition to meet the needs of older households and the need for smaller and low-cost homes.

If a difference of approach is being suggested for Sheepy then all the above factors need to have been addressed to arrive at a justified Policy. The Qualifying Body notes that their Consultation Statement (page 84) records: ‘The provision of services and facilities in Sheepy Parish is limited and the only bus service is a two-hourly, Monday to Saturday service only, with a stop in Sheepy Magna and Pinwall and nowhere else in the wider Sheepy Parish. Consequently, there is a reliance on the private car for many journeys as demonstrated by high levels of car ownership (95% of Sheepy Parish households have access to a car/van compared with 85% in Hinckley & Bosworth Borough source: 2011 Census). Furthermore, on-street parking was identified as an important issue for local people.’ I note that these considerations already feature in Hinckley & Bosworth Site Allocations and Development



Management DPD Policy DM18 but it may be appropriate and helpful to borrow an aspect of that Policy for Sheepy.

**Recommendation 20:**

*Reword Policy S15 as follows:*

*'Parking provision for new housing will be in accordance with Hinckley & Bosworth Site Allocations and Development Management DPD Policy DM18; developments within Sheepy Magna and Sibson should demonstrate that they would not exacerbate any existing problems in the vicinity with increased on-street parking.'*

As amended Policy S15 meets the Basic Conditions.

**Policy S16: Communications Infrastructure**

I note that Policy S16 takes a proportionate and land use based approach to the issue of broadband connectivity which has support in para 43 of the NPPF. Accordingly I conclude that Policy S16 meets the Basic Conditions.

**7. Employment**

**Policy S17: Rural Economy**

The local authority has commented: "Policy S17 is not in general conformity with policies DM5 and DM20 of the SADM [Site Allocations and Development Management DPD]. 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." The Qualifying Body has accepted the basis of this concern and suggested a revised wording for Policy S17.

The third paragraph of the Policy would allow live/work units on the basis of a 50:50 split whereas the preamble suggests that such buildings should be "primarily for employment purposes". The Qualifying Body notes that the NPPF, Local Plan and the other policies of the Neighbourhood Plan do not support isolated new homes in the countryside, whereas new employment development in such locations can be acceptable. However, in my judgement the proposal still amounts to allowing isolated new homes in the countryside, with a proviso that they show an ancillary work unit; I do not believe that it would be realistic to devise and enforce conditions that meet the test of para 206 of the NPPF to permanently effect "preventing sub-division and restricting residential occupation to those employed in the linked workspace". I note that live/work within settlements is already encouraged through Core Strategy Policies 12 & 13 which "Support development enabling home working and other small scale employment uses within settlement boundaries".

**Recommendation 21:**

*21.1 Reword the first two paragraphs of Policy S17 as follows:*

*'Small-scale business and enterprise development, including live/work units, through the conversion of existing buildings and well-designed new buildings will be supported where it meets the requirements of Site Allocations and Development Management Policies DPD Policies DM5 & DM20 and the other policies of the Neighbourhood Plan. Tourism development is particularly encouraged, especially that associated with Richard III and the Battle of Bosworth Field.'*

*21.2 Delete paragraph 3 of Policy S17.*

As amended Policy S17 meets the Basic Conditions.

## **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 made complete and for the addition of an Appendix 5: The methodology for defining the settlement boundaries of Sheepy Magna and Sibson.

### **Recommendation 22:**

*22.1 As noted above, add to Appendix 3 two schedules that identify:*

*i) The schedule of the important buildings now identified within the Sibson Conservation Area as presently included within the on-line evidence base and titled: “Policy S7 & Appendix 3 C NP Analysis for Sibson Conservation Area (ref 271)” but with a cross-referencing that relates to the related map adjacent to the Policy.*

*ii) A single schedule of assets identified as “Features of Local Heritage Interest” to a format comparable with that for Sibson Conservation Area buildings schedule ie including a brief justification that explains the characteristics are the basis for protection and a cross-referencing that relates to the related map adjacent to the Policy.*

*22.2 As noted above, extend the tabulation at Appendix 4 to include all the NPPF designation criteria plus the PPG criterion.*

*22.3 As noted above, add a new Appendix 5: Methodology for defining the settlement boundaries and its application for Sheepy Magna and Sibson, expanded from the on-line evidence base document; renumber the Glossary as Appendix 6.*

## **Other matters raised in representations**

Some representations have suggested additional content that the Plan might include. However, given that the Neighbourhood Plan sits within the development plan documents as a whole, keeping content pertinent to Sheepy identified priorities is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Plan addresses only the “development and use of land”. Even within this restriction there is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

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

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

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion for the Sheepy Neighbourhood Plan has been used to determine whether or not the content of the Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, the Hinckley & Bosworth Borough Council determined in August

2018 that an environmental assessment of the emerging Sheepy Neighbourhood Plan was not required as it is unlikely to have significant environmental effects. The report concluded: “Whilst environmental effects have the potential to take place as a result of the Sheepy Parish Neighbourhood Plan, including in relation to the majority of the SEA ‘topics’, it is considered that these are unlikely to be significant in the context of the SEA Directive. This SEA screening opinion provides the necessary analysis relating to the potential for negative effects on the nearby SSSIs, Scheduled Monuments, Listed Buildings and the Sibson Conservation Area. In this context, the significance of potential effects will be limited by key aims of the Sheepy Parish Neighbourhood Plan. These are in turn reflected by the policy approaches proposed by the latest version of the plan” and “It is the opinion of Hinckley & Bosworth Borough Council that a full Habitats Regulations Appropriate Assessment of the current Sheepy Parish Neighbourhood Plan is not required, as it is unlikely to have a significant effect on any designated sites”. In making this determination, the Borough Council had regard to Schedule 1 of the Regulations and carried out consultation with the consultation bodies who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory bodies or the Local Planning Authority, I can confirm that the Screening undertaken was appropriate and proportionate and confirm that the Plan has sustainability at its heart.

The Sheepy Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

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



## Conclusions

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

I therefore conclude that, subject to the modifications recommended, the Sheepy Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

**On that basis I *recommend* to the Hinckley & Bosworth Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Sheepy Neighbourhood Plan to proceed to referendum.**

### Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Hinckley & Bosworth Borough Council on 22<sup>nd</sup> October 2015.

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

Rec.	Text	Reason
1	Show the Plan period prominently on the front cover, not just the submission date; delete "Submission" from the title.	For clarity
2	Delete the "Foreword".	For clarity
3	Review the "Contents" pages once the text has been amended to accommodate the recommendations from this Report.	For clarity and correction
4	<p>Under the heading "1. Introduction":</p> <p>4.1 The purpose of the map on page 3 is to define the Neighbourhood Area; the key should therefore say 'Sheepy Neighbourhood Area/Parish Boundary'.</p> <p>4.2 Para 1.12: there is no specific requirement to review the Neighbourhood Plan for "general conformity" after the adoption of the new Local Plan; therefore reword the final sentence as: 'However, once the new Local Plan is adopted, there may be value in a review of the Neighbourhood Plan'.</p> <p>4.3 Para 1.27: since not all the matters identified are addressed through the Neighbourhood Plan itself, the opening to this paragraph should be reworded as: 'Feedback from the community consultation has identified the key issues that need to be addressed in the Sheepy Neighbourhood Plan and the related non-planning Appendix.'</p> <p>4.4 Para 1.30: remove the stray comma between "new" and "infrastructure" in the first sentence.</p>	For clarity and correction
5	<p>Under the heading "Policy S1: Countryside":</p> <p>5.1 Reword the second sentence as follows: 'In principle, subject to the caveats within the Hinckley &amp; Bosworth Site Allocations and Development Management DPD Policy DM4, the following types of development may be considered sustainable in countryside locations:'</p> <p>5.2 Delete criteria A, B, D, G and J; amend the numbering of the remaining criteria.</p>	For clarity and correction and to meet Basic Conditions 1 & 3

	<p>5.3 Amend criterion C to reference 'Policies DM14 &amp; DM15' in place of "Policy DM4".</p> <p>5.4 Amend criterion E by deleting the word "New".</p> <p>5.5 Amend criterion F to read: 'Development and diversification of agricultural and other land-based rural businesses' which accords with the NPPF.</p> <p>5.6 Add to criterion I 'provided it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries'.</p>	
6	<p>Under the heading "Policy S2: Public Rights of Way":</p> <p>6.1 In the Policy wording add ',where applicable,' after "Development should" and 'on the adjacent map and' after "as shown" within the brackets.</p> <p>6.2 Add to the map on page 12 a source reference for the rights of way data.</p>	For clarity and correction
7	<p>7.1 Under the heading "Important Views": In paragraph 2.11 add a reference to the relevant part of the 2017 Hinckley &amp; Bosworth Borough Landscape Character Assessment.</p> <p>7.2 Under the heading "Policy S3: Locally Important Views": Reword the opening sentences as follows: 'Development should be located and designed in a way that is sensitive to the open landscape with extensive vistas dominated by natural features that characterises the Parish; the potential to enhance the landscape should be considered wherever possible. Particular sensitivity should be shown for the views that are regarded as highly characteristic as listed below and illustrated in more detail in Appendix 2.'</p> <p>7.3 For each of the views within the Policy, add a compass direction (eg SW) and consistently ensure there is a location point (ie a 'from' reference is needed for views 3, 4, 6, 7, 11) so that there is no ambiguity as to the viewpoint being promoted.</p>	For clarity and correction and to meet Basic Condition 1

8	<p>Reword Policy S4 as follows:  'Ground-mounted solar photovoltaic farms will be supported provided that:  A. Wherever possible, previously developed (brownfield) or non-agricultural land is used;  B. Their location in the landscape is selected sensitively;  C. Their impact on heritage assets, where applicable, has been fully assessed and addressed;  D. Their visual impact, both individually and cumulatively, has been fully addressed and assessed in accordance with the applicable current guidance; and  E. The installations are removed when they are no longer in use and the land is fully restored.</p> <p>The local community does not consider the Sheepy landscape suitable for hosting wind turbine installations.'</p>	For clarity and correction and to meet Basic Conditions 1 & 3
9	<p>Under the heading "S5: Ecology and Biodiversity":  9.1 Replace "not harm" with 'have appropriate regard for'.  9.2 Add after "as shown" within the brackets in the opening sentence 'on the adjacent map and'.  9.3 On the map on page 18 add the appropriate site cross-references and a source or sources for the data; since the Plan can only relate to the designated Neighbourhood Area ensure that none of the sites indicated stray across the Area boundary.  9.4 In the final paragraph add ', wherever possible,' between "thus" and "demonstrating".</p>	For clarity and correction and to meet Basic Condition 1
10	<p>Partially reword the second sentence of Policy S6 as follows:  'Where feasible or required by other Policies, development should incorporate Sustainable Drainage Systems (SuDS) incorporating attenuation, storage and treatment capacities'.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
11	<p>11.1 Retitle and reword Policy S7 as follows:  'Policy S7: Local Heritage Assets</p>	For clarity and correction and to meet Basic Condition 1

	<p>Development proposals that affect local heritage assets (as shown on the adjacent maps and collectively on the Policies Map) must balance the need for, and the public benefit of, the proposal against the significance of the asset and scale of any harm or loss; they must also have regard to other related Policies within the Development Plan. The following are regarded as local heritage assets:</p> <ul style="list-style-type: none"> <li>i) the designated and non-designated assets scheduled in the local Historic Environment Record (HER), as identified on the adjacent map;</li> <li>ii) the important non-designated buildings within the Sibson Conservation Area, as identified on the adjacent map which is cross-referenced to the schedule within Appendix 3;</li> <li>iii) the non-designated heritage assets in the remainder of the Neighbourhood Area, as identified on the adjacent map which is cross-referenced to the schedule within Appendix 3.'</li> </ul> <p>11.2 Replace the maps on pages 24 &amp; 25 with three maps each with a source and, except for the map of HER assets, a key which identifies each entry and which cross-references to a schedule in Appendix 3:</p> <ul style="list-style-type: none"> <li>i) A map of the HER identified assets within the Neighbourhood Area.</li> <li>ii) A map of the Sibson Conservation Area showing the important buildings now identified.</li> <li>iii) A map of the Neighbourhood Area identifying the "Features of Local Heritage Interest" as explained in paras 3.13 – 3.15.</li> </ul> <p>11.3 Add to Appendix 3 two schedules that identify:</p> <ul style="list-style-type: none"> <li>i) The schedule of the important buildings now identified within the Sibson Conservation Area as presently included within the on-line evidence base and titled: "Policy S7 &amp; Appendix 3 C NP Analysis for Sibson Conservation Area (ref 271)" but with a cross-referencing that relates to the related map adjacent to the Policy.</li> <li>ii) A single schedule of assets identified as "Features of Local Heritage Interest" to a format comparable with that for Sibson Conservation Area buildings schedule (ie including a brief justification that explains the characteristics are the basis for</li> </ul>	
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	<p>protection) and a cross-referencing that relates to the related map adjacent to the Policy; if desired, the Mill Lake at Sheepy Parva could be included on this schedule and map.</p> <p>11.4 Ensure that the Policies map includes within its key the same three categories of heritage asset as at 11.2 above and that each of these includes a reference back to Policy S7.</p>	
12	<p>Under the heading Policy S8:</p> <p>12.1 Delete criterion D and renumber the remaining criteria as required;</p> <p>12.2 Reword the Policy as:  'Development proposals should be designed with evident care so as to:  A. demonstrably respond to the features of their setting, which does not exclude innovative design where appropriate;  B. work with the scale, form and character of the location and make a positive contribution to the street-scene;  C. protect important local features such as traditional walls, hedgerows and trees;  D. show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution; and  E. provide a safe and suitable access with appropriate on-site parking provision.'</p>	For clarity and correction and to meet Basic Conditions 1 & 3
13	<p>Under the heading "Policy S9: Local Green Space";</p> <p>13.1 Reword the opening of the Policy as:  'The following sites identified on the adjacent maps and on the Policies Map are designated as Local Green Spaces:'</p> <p>13.2 Delete "The Mill Lake, Sheepy Parva" from the Policy list and map; delete the final Policy paragraph; alter the list numbering accordingly.</p> <p>13.3 Include within the key for both adjacent maps a schedule of the sites included there.</p> <p>13.4 Extend the tabulation at Appendix 4 to include all the NPPF designation criteria plus the PPG criterion.</p>	For clarity and correction and to meet Basic Condition 1
14	14.1 Under the heading "Housing	For clarity and correction and to meet

	<p>Development” add to paragraph 5.8: ‘The methodology for defining the settlement boundaries and its application for Sheepy Magna and Sibson is set out in Appendix 5.’</p> <p>14.2 Add a new ‘Appendix 5: Methodology for defining the settlement boundaries and its application for Sheepy Magna and Sibson’, derived from the on-line evidence base document expanded to include: ‘The primary consequence of the application of this approach in Sheepy Magna is that the boundary is extended to include land with planning permission for housing as follows:  1. Land North of Dormer House Twycross Road: site of three dwellings (17/00340/FUL); 2. Rodney Gardens, off Twycross Road: Trout Ponds Farm site of 24 dwellings (14/00136/FUL); 3. Land north of Holly Tree Cottage: site of three dwellings (14/00292/FUL). For Sibson the resultant boundary variation was of little consequence and the Hinckley &amp; Bosworth Site Allocations and Development Management Policies DPD Settlement Boundary alignment is retained for simplicity’; renumber the Glossary as Appendix 6.</p> <p>14.3 Amend Policy S10 as follows:  14.3.1 Add a new opening sentence to read: ‘A revised Settlement Boundary is defined for Sheepy Magna on the adjacent map and on the Policies Map; the Settlement Boundary for Sibson is that defined within the Hinckley &amp; Bosworth Site Allocations and Development Management Policies DPD; each boundary separates the settlement and countryside areas where different policies may apply.</p> <p>14.3.2 Replace the existing opening sentence with: ‘Within the Sheepy Magna and Sibson Settlement Boundaries infill housing will be supported subject to proposals being at a scale appropriate to each settlement and in accordance with Policy S8’.</p> <p>14.4 Amend the map for Sibson on page 32 to revert to the Hinckley &amp; Bosworth Site Allocations and Development Management Policies DPD Settlement Boundary alignment and add the source reference.</p>	<p>Basic Conditions 1 &amp; 3</p>
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15	<p>Reword the second sentence of Policy S11 as follows:  <i>'In particular, development proposals for 10 or more dwellings should address the needs of older households and the need for smaller and/or low-cost homes.'</i></p>	For clarity and correction
16	<p>16.1 Replace the opening paragraph of Policy S12 as follows:  'Development proposals should include for affordable housing in accordance with the terms of Policy 15 of the Hinckley &amp; Bosworth Core Strategy 2016'.</p> <p>16.2 Within the second paragraph of Policy S12, replace the words after "...otherwise be met" with '; for the avoidance of doubt, all such proposals will still need to address Neighbourhood Plan Policies S3 and S8.'</p>	For clarity and correction and to meet Basic Condition 1 & 3
17	<p>Under the heading Hornsey Rise Memorial Home update paragraph 5.21 to record the updated position following the resolution to grant a permission for Outline Application 17/01050/OUT.</p>	For clarity and correction
18	<p>18.1 Reword the opening paragraphs of Policy S13 as follows:  'Land at Hornsey Rise Memorial Home, Bosworth Road, Wellsborough, as shown on the adjacent map and the Policies Map, is allocated for the development of up to 20 dwellings subject to the following:  A. The extent of the developable area is restricted to the 1.5 ha as shown on the adjacent map;  B. The development provides for a mix of dwelling sizes which addresses identified housing need, in particular the needs of older households and the need for smaller and low-cost homes.'</p> <p>18.2 Renumber the remaining Policy criteria as C – F.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
19	<p>19.1 Reword the opening of Policy S14 as follows:  'Development must show appropriate regard for the retention of the community facilities listed below; proposals that would result in the loss of or harm to any of these (as shown on the adjacent maps and the Policies Map) will not be supported unless it</p>	For clarity and correction



	<p>can be demonstrated, with particular regard to Local Plan Policy DM25, that: A. It is no longer viable; or'</p> <p>19.2 Replace the map on page 40 with two, showing the settlements of Sheepy Magna and Sibson separately; cross-reference the listed community facilities within the keys to the maps.</p>	
20	<p>Reword Policy S15 as follows: 'Parking provision for new housing will be in accordance with Hinckley &amp; Bosworth Site Allocations and Development Management DPD Policy DM18; developments within Sheepy Magna and Sibson should demonstrate that they would not exacerbate any existing problems in the vicinity with increased on-street parking.'</p>	For clarity and correction and to meet Basic Conditions 1 & 3
21	<p>21.1 Reword the first two paragraphs of Policy S17 as follows: 'Small-scale business and enterprise development, including live/work units, through the conversion of existing buildings and well-designed new buildings will be supported where it meets the requirements of Site Allocations and Development Management Policies DPD Policies DM5 &amp; DM20 and the other policies of the Neighbourhood Plan. Tourism development is particularly encouraged, especially that associated with Richard III and the Battle of Bosworth Field.'</p> <p>21.2 Delete paragraph 3 of Policy S17.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
22	<p>22.1 As noted above, add to Appendix 3 two schedules that identify: i) The schedule of the important buildings now identified within the Sibson Conservation Area as presently included within the on-line evidence base and titled: "Policy S7 &amp; Appendix 3 C NP Analysis for Sibson Conservation Area (ref 271)" but with a cross-referencing that relates to the related map adjacent to the Policy. ii) A single schedule of assets identified as "Features of Local Heritage Interest" to a format comparable with that for Sibson Conservation Area buildings schedule ie including a brief justification that explains the characteristics are the basis for protection and a cross-referencing that</p>	For clarity and correction and to meet Basic Condition 1

	<p>relates to the related map adjacent to the Policy.</p> <p>22.2 As noted above, extend the tabulation at Appendix 4 to include all the NPPF designation criteria plus the PPG criterion.</p> <p>22.3 As noted above, add a new Appendix 5: Methodology for defining the settlement boundaries and its application for Sheepy Magna and Sibson, expanded from the on-line evidence base document; renumber the Glossary as Appendix 6.</p>	
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