



Hinckley & Bosworth
Borough Council

Markfield Neighbourhood Plan

Examiner's recommended modifications and HBBC's proposed response

(Part of the Regulation 18 Decision Statement)

1st July 2021

As outlined in the 'Decision Statement', Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 also requires the LPA to outline what action to take in response to the recommendations the Independent Examiner made in their report.

Mr Chris Collison issued his report on 28 May 2021.

Below is a table of all the modifications listed in his report, the Local Planning Authority's response to each, and the associated action, as required.

Table 1: Examiner’s proposed modifications and HBBC’s proposed response

More detail and reasoning are given by the Examiner for his recommendations in the different sections throughout his report (May 2021).

The modifications text is coloured navy blue so that it can be distinguished from the Borough Council’s explanatory text.

Modifi- cation Ref.	Page Number of plan	Paragraph number of Examiner’s Report, and Examiner’s explanation/supporting text	Examiner’s recommended modification	HBBC Response and Action
1	Section 8	<p>57. Section 8 of the Neighbourhood Plan sets out a number of issues relating to traffic and transport. Section 8 includes reference to the road network; walking (including bridleways); cycling; and bus services. This section of the Neighbourhood Plan does not include any policies. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “<i>Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan</i>”.³³ The Neighbourhood Plan presents traffic and transport issues in a separate section of the document and in plain typeface. Whilst this differentiates the community issues and aspirations raised, from the policies of the Plan relating to other topic areas, which are presented in distinctive background coloured text boxes, I am not satisfied the approach adopted has sufficient regard for the Guidance. I have recommended a modification in this respect.</p>	<p>Re-title Section 8 Traffic and Transport as an Appendix of the Neighbourhood Plan</p>	<p>Agree with Examiner’s recommendation.</p> <p>Section 8 should be contained as an Appendix to the Plan.</p>
2	<p>Policies Map (Parish)</p> <p>Policies Map (Village)</p>	<p>82. The Borough Council has suggested the Policies Maps should be presented as A3 size maps to allow easier use. I have noted the Parish Council state the Policies Maps were submitted at A3 size. In the copy of the Neighbourhood Plan sent to me by the Borough Council the Policies Maps are presented at A4 size. At A4 size the maps do not enable identification of precise boundaries of areas. I have recommended a modification in this respect so that the Neighbourhood Plan has sufficient regard for national policy and “<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>” as required by paragraph 16d) of the Framework.</p>	<p>Ensure that in hard copy and electronic versions of the Neighbourhood Plan the Policies Map (Parish) and Policies Map (Village) are presented at A3 size</p>	<p>Agree, with Examiner’s recommendation.</p> <p>Policies Map (Parish) and Policies Map (Village) to be A3</p>

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3	<p>Policy M1</p> <p>Map 2</p>	<p>90. Paragraph 16 of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. Part 1 of the policy refers to Policies DM14 and DM15 without any additional level of detail or distinct local approach. Although intended as helpful cross-referencing it is confusing and unnecessary for Parts 2 to 8 inclusive of the policy to refer to other Neighbourhood Plan policies. It is confusing and unnecessary for Policies M1 and M17 to both seek to establish types of development that will be supported outside the defined settlement boundary. The term "<i>may be considered sustainable</i>" does not provide a basis for the determination of development proposals. Interpretation of Policy M1 requires the entire length of the Settlement Boundary to be visible on Map 2. Inclusion of the term "<i>adjacent to</i>" in Part 9 of the policy has not been sufficiently justified and is inconsistent with the other parts of the policy which differentiate without qualification between land inside and outside the settlement boundary. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>" as required by paragraph 16d) of the Framework.</p>	<p>In Policy M1 replace the second sentence and bullet points with; "The following types of development will be supported in countryside locations:</p> <ol style="list-style-type: none"> 1. Recreation and tourism that cannot be provided within the Settlement Boundary; 2. Development by statutory undertakers or public utility providers; 3. The subdivision of an existing residential dwelling; and 4. Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan." <p>Adjust Map 2 so that the Settlement Boundary is visible along its entire length and not over-printed with the Neighbourhood Area boundary</p>	<p>Agree with Examiner's recommendation.</p> <p>Policy M1 should be amended to:</p> <p>Policy M1: Countryside The Countryside (land outside the Settlement Boundary defined on Map 2 and the Policies Maps) will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. The following types of development will be supported in countryside locations:</p> <ol style="list-style-type: none"> 1. Recreation and tourism that cannot be provided within the Settlement Boundary; 2. Development by statutory undertakers or public utility providers; 3. The subdivision of an existing residential dwelling; and 4. Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan. <p>Map 2 should be amended so that the settlement boundary line is shown in its entirety.</p>
4	<p>Policy M2</p> <p>Figure 2</p> <p>Figure 3</p>	<p>97. The management of the local landscape is not a matter for planning policy. The terms "<i>where possible, enhancement</i>" and "<i>such as</i>" in part 2 of the policy do not provide a basis for the determination of development proposals. The retention of all woodland and hedgerows does not have sufficient regard for national policy. In commenting on the Borough Council representation, the Parish Council state "<i>the introduction of small parcels of land to keep ponies or horses in, can potentially erode landscape character, without some form of control.</i>" In response to my request to be directed to evidence that justifies the intention to control the conversion of farmland to pony paddocks the Parish Council stated "<i>A good example of this is a series of small fields, adjacent to the Altar Stones site on Altar Stones Lane (grid ref:448192 310857). For decades they were managed for hay and or just lightly grazed. They were also bounded by large mature hawthorn hedges. They were once assessed as a possible local wildlife site. Then 5/6 years ago, they were let for pony/horse grazing. Since then, the ecological quality of the grassland has deteriorated, some hedges have been removed and in other instances horses have heavily browsed them.</i>" The impacts referred to, in particular removal of hedges, have not been adequately shown to be a result of the use of the land, and application of the policy in this respect to the plan area as a whole has not been justified. Whilst the conversion of farmland to a pony paddock and subsequent related change (including jumps,</p>	<p>In Policy M2</p> <ul style="list-style-type: none"> • in the first sentence after "area" insert "(identified on Figure 3)" • replace "and management" with "of development proposals" • replace point 2 with "Retain and where possible enhance woodland, hedgerows, mature trees, and stone walls as features of landscape importance unless it is demonstrated this is not viable or practicable;" • delete point 4 • replace point 5 with "Be located and designed so as not to significantly harm the important long views from the publicly accessible locations at Billa Barra Hill, Hill Hole, and Altar Stones identified on the Map of Views; and" <p>Amend Figure 2 so that place names can be read.</p> <p>Amend Figure 3 so that the landscape character areas and their boundaries within the Neighbourhood Area can be more clearly identified.</p>	<p>Agree with Examiner's recommendation.</p> <p>Policy M2 should be amended to:</p> <p>Policy M2: Landscape Character Development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area (identified on figure 3) which it would affect.</p> <p>Development should:</p> <ol style="list-style-type: none"> 1. Conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design of development proposals; 2. Retain and where possible enhance woodland, hedgerows, mature trees, and stone walls as features of landscape importance unless it is demonstrated this is not viable or practicable; 3. Be well integrated within the landscape with planting to soften urban edges; 4. Be located and designed so as not to significantly harm the important long views from the publicly accessible locations at Billa Barra Hill, Hill Hole, and Altar Stones identified on the Map of Views; and 5. Provide appropriate landscape mitigation and/or suitable off-site enhancements.

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		<p>horseboxes, waste matter, and other equipment) can significantly alter the appearance of agricultural land to the detriment of visual amenity particularly in an area of landscape sensitivity, point 4 of Policy M2 has not been sufficiently justified and the term "control" is imprecise.</p> <p>98. The important views and vistas are not defined in the Neighbourhood Plan itself, but the evidence base does contain a map and photographs that explain the intention of part 5 of Policy M2. This evidence is sufficient with respect to the three named locations but does not include information that justifies inclusion of the term "including" in the policy which introduces uncertainty. I have recommended the Map of Views in the evidence base that identifies the Billa Barra, Hill Hole, and Altar Stones viewpoints and direction of views should be included in the Neighbourhood Plan, however the direction of view arrows should terminate at the Neighbourhood Area boundary to avoid any misinterpretation that the Neighbourhood Plan policy applies beyond the plan boundary. Planning policies should operate in the public interest. As a matter for clarification, I asked the Parish and Borough Councils to confirm the three viewpoints are accessible to the general public. The Parish Council confirmed that this is the case. I have recommended a modification so that the policy is clear that it will operate in the public interest by stating it applies to the identified important views when seen from locations that are freely accessible to members of the general public.</p> <p>99. The term "safeguard" is imprecise; and the term "where possible" introduces uncertainty. It is not clear how the identified views could be enhanced. The place names on Figure 2 cannot be clearly read. Figure 3 is not sufficiently legible and should be replaced with a Figure more clearly identifying the landscape character areas and their boundaries within the Neighbourhood Area.</p> <p>100. I have recommended a modification in all the above respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. I further refer to Figure 2 in the Annex to my report.</p>	<p>The Map of Views in the evidence base that identifies the Billa Barra, Hill Hole, and Altar Stones viewpoints and direction of views should be included in the Neighbourhood Plan, however the direction of view indicators should not extend outside the Neighbourhood Area boundary.</p>	<p>Figure 2 should be included within the Plan so place names can be read, this could be achieved by including a larger map making sure clarity isn't lost.</p> <p>Figure 3 should be replaced by a version with greater clarity.</p> <p>Insert a new map into the plan which shows the 'Map of views' noted in criteria 4. The map included as supporting evidence should be used for this but be amended so that the arrows do not extend beyond the Markfield Neighbourhood Plan Designated Area.</p>
5	Policy M3	104. A representation by Severn Trent states blue infrastructure is also important but reference to this is not	Replace Policy M3 with "To be supported development proposals must demonstrate how they avoid significant harm to key features of the	<p>Agree with Examiner's recommendation.</p> <p>Replace Policy M3 with:</p>

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	Map 3	<p>necessary to meet the Basic Conditions. The representation on behalf of Pentland Estates states the scale of Map 3 is insufficient to determine whether the Green Infrastructure north of Ashby Road relates to the grass verge or the frontage of their client's land. In a representation the Borough Council state the green corridors on Map 3 need to be clearly identified. Whilst I recognise maps in electronic versions of the Neighbourhood Plan can be expanded to improve legibility, it is necessary for hard copies of the plan to also be legible. Map 3 and the Policies Map are not of sufficient scale to support application of Policy M3. I have recommended a modification in this respect so that the policy <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework.</p> <p>105. Charnwood Borough Council request green infrastructure within the administrative area of that Council is removed from Map 3. In commenting on this representation, the Parish Council has explained Map 3 is intended to show the wider green infrastructure context and does not imply the policies of the Neighbourhood Plan would apply outside the neighbourhood area. I have recommended a modification in this respect so that the Neighbourhood Plan has sufficient regard for national policy as the Neighbourhood Plan can only relate to land within the Neighbourhood Area.</p> <p>106. The representation on behalf of Pentland Estates states the type of Green Infrastructure indicated in respect of the grass verge or the frontage of their client's land is unclear; the area in question has limited connections; is not publicly accessible; and it is unclear how it meets the definition in the Framework. It is also stated the requirement to maintain and enhance does not allow any development to comply. Green Infrastructure is defined in Annex 2 of the Framework as <i>"a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities"</i>. Paragraph 20 of the Framework states strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for, amongst other things, green infrastructure. Paragraph 171 of the Framework states plans should <i>"take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure"</i>.</p>	<p>Green Infrastructure network identified on Map 3 and the Policies Maps. Where harm is demonstrated to be unavoidable proposals must mitigate and compensate for that harm.</p> <p>Proposals that create a new footway, cycle and bridleway route towards Groby; or mitigate traffic impacts along the A50/A511/M1 road corridors; or otherwise enhance the local Green Infrastructure network identified on Map 3 will be supported."</p> <p>Amend the policy title to "Green Infrastructure Network"</p> <p>Amend Map 3 and the Policies Map so that the boundaries of the Green Infrastructure network components can be clearly identified, and delete Green Infrastructure within the administrative area of Charnwood Borough Council.</p>	<p>Policy M3: Green Infrastructure Network To be supported development proposals must demonstrate how they avoid significant harm to key features of the Green Infrastructure network identified on Map 3 and the Policies Maps. Where harm is demonstrated to be unavoidable proposals must mitigate and compensate for that harm.</p> <p>Proposals that create a new footway, cycle and bridleway route towards Groby; or mitigate traffic impacts along the A50/A511/M1 road corridors; or otherwise enhance the local Green Infrastructure network identified on Map 3 will be supported.</p> <p>Amend Map 3 and the Policies Map so that they are clearer to read and delete any green infrastructure assets which fall outside the designated area in Charnwood Borough Council. The map could be made clear by being A3 in size or by the use of inset maps.</p>

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		<p>107. In response to my request for clarification regarding justification for the selection of the components of the local Green Infrastructure network identified on Map 3 the Parish Council stated "<i>Reference was made to Government and Natural England publications, which contain definitions of Green Infrastructure. The areas identified on Map 3 are composed of the following:</i></p> <ul style="list-style-type: none"> • <i>Areas of established woodland, which pre-date the establishment of the National Forest.</i> • <i>Areas of woodland created with the assistance of the National Forest over the past 25 years.</i> • <i>Established hedgerows - mainly those adjacent to rights of way or public highways.</i> • <i>Local Green Spaces – mainly owned by Markfield Parish Council.</i> • <i>District Council owned green spaces like Hill Hole and Billa Barra</i> • <i>Local Wildlife sites like Altar stones</i> • <i>Established roadside planting alongside the M1, A50 and A511</i> • <i>Established planting on active mineral working Cliff Hill Quarry and Bardon Hill quarry extension."</i> <p>I am satisfied the basis for the identification of the local Green Infrastructure network identified Map 3 is appropriate.</p> <p>108. Through inclusion of the term "<i>maintain and enhance</i>" Policy M3 is seeking to establish a more restrictive approach to development of green infrastructure than is set out in the Framework where a more balanced approach is adopted. The requirement to maintain and enhance has not been sufficiently justified.</p> <p>109. The term green infrastructure "<i>network</i>" should be applied consistently throughout the policy and in the policy title so that the policy "<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>" as required by paragraph 16d) of the Framework. A representation by the National Forest Company supports the policy but questions the delivery mechanism. In commenting on this representation, the Parish Council has provided background information relating to the aspiration to achieve the creation of a new active travel route between Markfield and Groby. It is not necessary for the policy to specify delivery mechanisms to meet the Basic Conditions however the term "<i>priorities for</i>" does not provide a basis for the determination of development proposals. The creation of new active travel routes has regard for paragraph 102 of the Framework</p> 		

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		<p>which states opportunities to promote walking, cycling and public transport should be identified and pursued, and paragraph 104 of the Framework states planning policies should provide for high quality walking and cycling networks. The mitigation of traffic impacts along identified road corridors has sufficient regard for paragraph 102 of the Framework which refers to mitigation of adverse environmental impacts of transport infrastructure. I have recommended a modification so that the policy supports enhancement of the green infrastructure network in these respects.</p> <p>110. The focus of Policy M3 is concerned with the green infrastructure network as a whole rather than the individual elements of landscape or ecology which are the focus of other policies. This approach is consistent with the definition of green infrastructure set out in Annex 2 to the Framework, and does not amount to unnecessary duplication of policies which would be contrary to paragraph 15 f) of the Framework. As recommended to be modified Policy M3 does not seek to promote less development than set out in the strategic policies for the Neighbourhood Area, nor does it undermine the strategic policies, but it does seek to shape, direct and help to deliver sustainable development. The policy does establish a framework for assessment of development proposals. As recommended to be modified the policy will provide sufficient guidance to parties preparing development schemes, and to decision makers determining proposals, to ensure that the implications for the green infrastructure network are properly taken into account. The policy does not seek to prevent all development in the identified green infrastructure network area and will not prevent continuation of existing authorised activities.</p> <p>111. Core Strategy Policy 20 supports the provision of multi-user and traffic free access between Markfield and Groby. As recommended to be modified Policy M3 will relate to that part of the route within the Neighbourhood Area. The policy is in general conformity with the strategic policies included in the Local Plan 2006 to 2026 and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>112. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with</p>		

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		<p>promoting sustainable transport, promoting healthy and safe communities, and conserving and enhancing the natural environment the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
6	<p>Policy M4</p> <p>Map 4</p> <p>Policies Map</p>	<p>114. In a representation the Borough Council state "Reference to the map has been removed. It would be useful to include in the supporting text further information regarding the code used before the title of the Local Wildlife Site. It is assumed that these are the reference numbers given by Leicestershire Environmental Records Centre (LERC) this could be explained in the supporting text. Not all the spaces listed in this policy are contained on the map, is it the intention of the user of the policy to go to LERC or Leicestershire County Council to identify the boundaries for themselves? How will biodiversity enhancement be secured? Is this intended to be a S106 requirement? Is this CIL compliant?" I have noted the stated intention of the Parish Council that places listed in the policy are shown on Map 4 and the Policies Map. I have recommended modifications in relation to these points so that the policy has sufficient regard for national policy and "<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>" as required by paragraph 16d) of the Framework. I have noted the comment of the Parish Council regarding the Environment Bill but this is not a matter for my consideration.</p> <p>115. Paragraph 174 of the Framework sets out the ways that plans should protect and enhance biodiversity. Paragraph 175 of the Framework sets out national policy in respect of irreplaceable habitats including ancient woodland and ancient and veteran trees. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. I am satisfied the approach adopted in Policy M4 as recommended to be modified, has sufficient regard for national policy.</p> <p>116. The policy would represent a burdensome scale of obligations in respect of some development proposals, and in some cases the requirement to "<i>maintain and where possible enhance</i>" may not be practical or viable. Paragraph 16 of the Framework requires plans to be deliverable. The first sentence of the policy does not provide a basis for decision making in respect of development proposals. The</p>	<p>In Policy M4</p> <ul style="list-style-type: none"> replace the text before the list of sites with "To be supported development proposals that cannot avoid harm to the biodiversity or the geological significance of the following sites must include adequate mitigation, or as a last resort compensate for that harm:" replace "The priorities for biodiversity enhancement are" with "Proposals for biodiversity conservation or enhancement of the following types will be supported" <p>On Map 4, and the Policies Maps, delete sites outside the Neighbourhood Area; add a note to explain the reference numbers; and add a note that some sites identified in Policy M4 overlap on the map.</p>	<p>Agree with Examiner's recommendation.</p> <p>Policy M4 should be amended to:</p> <p>Policy M4: Ecology and Biodiversity To be supported development proposals that cannot avoid harm to the biodiversity, or the geological significance of the following sites must include adequate mitigation, or as a last resort compensate for that harm:</p> <p>Billa Barra Hill Local Nature Reserve Hill Hole Quarry Nature Reserve Altar Stones Nature Reserve</p> <p>Local Wildlife Sites:</p> <p>12544 Billa Barra Hill Nature Reserve 25283 Field South of Ulverscroft Wood 25374 Field North of Leicester Road 33856 Hill Hole Meadow 39269 Markfield Roadside Verge Nature Reserve 1 42896 Markfield Roadside Verge Nature Reserve 3 48479 Markfield Roadside Verge Nature Reserve 2 54201 Raunsccliffe 64650 Bardon Woodland Belt 1 65169 Shaw Lane, Hedgerow Ash 72527 Billa Barra Hill 72528 Hill Hole Quarry 80053 Altar Stone 90453 Land Adjacent Cricket Ground 90695 Lower Grange Farm Hedge 91172 Veteran Horse Chestnut off Main Street 91533 Elliott's Lane Hedge 91534 Cliffe Hill Road Verge 91816 Grassland by Stoney Farm</p> <p>Regionally Important Geological Sites:</p> <p>12603 Markfield Hill Hole Quarry 12619 Groby Upper Park 12620 Groby Park 12622 Altar Stones</p>

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		<p>terms "<i>will be expected to</i>" and "<i>the priorities for</i>" do not provide a basis for the determination of development proposals. The terms "<i>other ecological and landscape features</i>" and "<i>such as</i>" introduce uncertainty. Map 4 and the Policies Map identify sites outside the Neighbourhood Area. The Neighbourhood Plan can only relate to land within the Neighbourhood Area. In response to my request for clarification the Parish Council has explained some sites referred to in the policy overlap on Map 4. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>" as required by paragraph 16d) of the Framework.</p>		<p>Proposals for biodiversity conservation or enhancement of the following types will be supported:</p> <ol style="list-style-type: none"> 1. Management of woodlands, open grasslands and water features; 2. Restoration of drystone walls; 3. Planting of gaps in hedgerows to strengthen historic field patterns and management of over-mature hedges; 4. Tree planting to replace mature/veteran trees as they come to the end of their lives. 5. Maintenance of or creation of new stock fencing to prevent damage to the above. <p>Amend Map 4 and the Policies Map so that it is clear what is meant by the reference numbers, this could be included in the legend so that it is easier for the user to interpret the map.</p>
7	Policy M5	<p>121. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out what is required from applicants when submitting planning applications. The 'Guidance on Information Requirements and Validation' document published by the Department for Communities and Local Government Department (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include '<i>information to accompany the application as specified by the local planning authority on their local list of information requirements</i>'. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain '<i>relevant, necessary and material</i>'. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application. The policy is seeking to establish information requirements that are outside the statutory framework relating to local lists of information to be submitted in support of planning applications. I have recommended a modification in this respect so that the policy "<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>" as required by paragraph 16d) of the Framework.</p> <p>122. Paragraph 170 of the Framework states planning policies should contribute to and enhance the natural and</p>	<p>Replace Policy M5 with "To be supported development proposals that will result in the unavoidable loss of trees or hedgerows must include replacement planting of native species in locations where they would have the opportunity to grow to maturity, increase canopy cover and contribute to the local ecosystem and the appearance of the area."</p>	<p>Agree with the Examiner's recommendation.</p> <p>Amend Policy M5 to:</p> <p>Policy M5: Trees To be supported development proposals that will result in the unavoidable loss of trees or hedgerows must include replacement planting of native species in locations where they would have the opportunity to grow to maturity, increase canopy cover and contribute to the local ecosystem and the appearance of the area.</p>

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		<p>local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 175 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Paragraph 16 of the Framework states plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area including policies in the Framework where relevant. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.</p>		
8	<p>Policy M6</p> <p>Map 5</p>	<p>128. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Map 5 of the Neighbourhood Plan. When viewed electronically the Policies Map can be expanded to reveal the line of boundaries of the green spaces in question however it is important that the boundaries can be accurately interpreted when viewing a hard copy version of the Neighbourhood Plan. Appendix 1 of the Neighbourhood Plan does not include information to assist boundary identification in this respect. I am not satisfied all of the areas of land proposed for designation as Local Green Spaces have been adequately identified. I have recommended a modification in this respect so that the policy <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.</p> <p>129. Decision makers must rely on paragraph 101 of the Framework that states <i>“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”</i> and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 143 to 147. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy seeks to</p>	<p>Recommended modification 8: In Policy M6 replace the text before the list with “The following areas identified on Map 5 are designated as Local Green Space.”</p> <p>Amend Map 5 so that the boundaries of the designated Local Green Spaces can be clearly identified.</p>	<p>Agree with Examiner's recommendation.</p> <p>Amend Policy M6 to:</p> <p>Policy M6: Local Green Spaces The following areas identified on Map 5 are designated as Local Green Space:</p> <ul style="list-style-type: none"> A. Community Park B. Chapman Close C. Countryman Way D. Launde Road E. Whitcroft Close F. Bradgate Road G. The Leicester Road Cemetery H. Millennium Garden I. Sawpits Green and the two Upper Greens J. Jubilee Playing Fields <p>Amend Map 5 so that all Local Green Spaces listed in policy M6 are clearly shown in their entirety on the Map.</p>

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		introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not. ⁵³ I have recommended a modification so that the policy has sufficient regard for national policy.		
9	Policy M7	<p>142. The policy seeks to establish that the Neighbourhood Area is not a suitable location for wind turbine installations. In response to my request for clarification regarding justification for this component of the policy the Parish Council referred to the map of views in the evidence base and part of the Guidance that states wind energy development should only be granted if the proposal has the backing of the affected local community. The Parish Council states Policy M7 makes it clear that wind energy development in Markfield does not have the backing of the local community. This component of the policy has not been adequately justified to rule out all scales of wind turbine proposals regardless of impact. Paragraph 154 and Footnote 49 of the Framework set out national policy in respect of the determination of renewable and low carbon development proposals. National policy refers to the identification of areas suitable for wind energy development. There is no reference to the identification of areas as being <i>"not a suitable location for wind turbine installations"</i>. I have taken into consideration the part of the Guidance which states <i>"The written ministerial statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if: the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and 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. Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority."</i></p> <p>143. The term <i>"in accordance with current guidance"</i> in part 4 of the policy is imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework.</p>	In Policy M7 Delete "in accordance with current guidance" [in criteria 4] and the final sentence	<p>Agree with the Examiner's recommendation.</p> <p>Amend Policy M7 to:</p> <p>Policy M7: Renewable Energy Ground-mounted solar photovoltaic farms will be supported provided that:</p> <ol style="list-style-type: none"> 1. Wherever possible previously developed (brownfield) or non-agricultural land is used; 2. Their location in the landscape is selected sensitively; 3. Their impact on heritage assets, where applicable, has been fully assessed and addressed; 4. Their visual impact, both individually and cumulatively, has been fully addressed; 5. The installations are removed when they are no longer in use, and the land is fully restored.
10	Policy M8	149. Paragraph 110 of the Framework provides that, in the stated context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient	Replace Policy M8 with "Development proposals that incorporate facilities to enable the charging of electric vehicles in safe, accessible and	<p>Agree with Examiner's recommendation.</p> <p>Amend Policy M8 to:</p>

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		<p>locations. In the context stated in paragraph 109 of the Framework I consider it appropriate that Policy M8 should seek to establish support for charging facilities and seek to establish a minimum requirement for necessary ducting infrastructure. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. I am satisfied the policy recognises that it may not always be feasible for all new dwellings to have at least one electric vehicle charging point and therefore has sufficient regard for paragraph 16 of the Framework which states plans should be deliverable.</p>	<p>convenient locations will be supported. As a minimum:</p> <ul style="list-style-type: none"> every new dwelling with an associated dedicated car parking space within its curtilage must include ducting to facilitate the future installation of a vehicle chargepoint; and residential development with communal parking areas, and non-residential developments providing 10 car parking spaces or more, should include ducting to facilitate the future installation of one vehicle chargepoint for every five spaces." 	<p>Policy M8: Electric Vehicle Chargepoints Development proposals that incorporate facilities to enable the charging of electric vehicles in safe, accessible and convenient locations will be supported. As a minimum:</p> <ul style="list-style-type: none"> every new dwelling with an associated dedicated car parking space within its curtilage must include ducting to facilitate the future installation of a vehicle chargepoint; and residential development with communal parking areas, and non-residential developments providing 10 car parking spaces or more, should include ducting to facilitate the future installation of one vehicle chargepoint for every five spaces
11	<p>Policy M9 Map 7 Map 8 Para 4.76</p>	<p>156. Paragraphs 4.77 to 4.82 of the Neighbourhood Plan provide information how locally valued heritage assets have been identified. The Guidance refers to advice on local lists published on Historic England's website.⁵⁵ <i>Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018)</i> states "Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority's heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them." It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued without identifying the particular characteristics of assets that explain why they are valued. I have, however, noted evidence documents, in particular the self-guided Village Trail leaflet produced by the Markfield Local History Group and the Markfield Conservation Area Appraisal and Management Plan including Appraisal Map and annotated photographic records, offer much information in this respect. I am satisfied the approach adopted in the Neighbourhood Plan in these respects has sufficient regard for national policy. I have recommended the policy title and the policy text are amended to reflect the actual status of the heritage assets referred to in the policy.</p>	<p>In Policy M9</p> <ul style="list-style-type: none"> replace the first sentence with "Development proposals that will affect the following locally valued heritage assets or their setting will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset:" include full addresses or other means by which each heritage asset can be precisely located after "Ridge and Furrow" insert "areas identified on Map 8." <p>Retitle the policy "Locally Valued Heritage Assets"</p> <p>Amend Map 7 so that feature reference letters are legible</p> <p>In the notation to Map 7 clarify the Neighbourhood Plan only relates to land within the Neighbourhood Area.</p> <p>Revise Map 8 so that the location and precise spatial extent of known archaeological remains and ridge and furrow set out in the policy can be identified.</p> <p>Delete the final sentence of paragraph 4.76</p>	<p>Agree with the Examiner's recommendation.</p> <p>The first sentence and title of Policy M9 should be amended to:</p> <p>Policy M9: Locally Valued Heritage Assets Development proposals that will affect the following locally valued heritage assets or their setting will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset.</p> <p>Policy M9 should be amended so that the exact location of the heritage asset can be identified, this could be achieved by including the full the address or by a grid reference. The list below is contained within Policy M9 and each of the records below should be amended as per the Examiner's Recommendation.</p> <p>Features of Local Heritage Interest:</p> <ul style="list-style-type: none"> A. Congregational Church, 104 Main Street B. Cold War monitoring post west of Raunsccliffe Farm C. Lower Grange Farm, London Road D. The Old Bake House, Queen Street E. The Old Bake House, Main Street F. The Old Police House G. The Post Office H. The Village School I. Temperance Hall, Holywell Lane J. New Row, Hillside K. Manor House, Forest Road L. The Bull's Head, Forest Road M. Trinity Methodist Church, Main Street N. Mill House, 54 Main Street O. The George, Main Street P. The Earl Grey Arms, Main Street Q. The Congregational Church, Main Street R. The Red Lion, Main Street

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		<p>158. The policy refers to <i>"the need for the proposed development"</i>. This approach does not have sufficient regard for paragraph 197 of the Framework which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p> <p>159. Whilst the Parish Council state there has been a need to work within the constraints of the available mapping system, it is essential that the location of all of the heritage assets listed in Policy M9 can be identified through a full address or other means. I have recommended a modification in this respect. I have also recommended the deletion of the final sentence of paragraph 4.76 of the Neighbourhood Plan which seeks to introduce an element of policy in supporting text, which it may not. I have recommended these modifications so that the Neighbourhood Plan has sufficient regard for national policy and <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework.</p>		<p>S. Wardle's Butchers, Main Street T. The Dandees, 188 Main Street</p> <p>U. Townhead Farm, Ashby Road V. The Queen's Head, Ashby Road W. Council Houses, Ashby Road X. Raunscliffe, Ashby Road</p> <p>Known Archaeological Remains: MLE2754 Early extent of Groby Park MLE2779 Later extent of Groby Park MLE2943 Fishponds north-west of Allotment Gardens MLE2945 Roman site north-west of Whittington Grange MLE2947 Possible Roman road south-east of Rise Rocks Farm MLE2948 Windmill at Markfield Quarry MLE2949 Windmill, Shaw Lane Mill MLE2951 Undated boundary stone, Le Auterston MLE2955 Possible prehistoric double bank earthwork, Rise Rocks Farm MLE4345 'Via Devana' Roman road MLE4345 Historic settlement core of Markfield MLE6184 Anglo-Saxon pottery from near Markfield Lodge MLE8338 Roman slate quarry north-east of Groby Upper Parks Farm MLE9513 Medieval slate quarry north-east of Upper Parks Farm, Groby MLE17213 Flint scatter south-west of Old Rise Rocks MLE17214 Flint scatter north-west of Hobby Hall MLE20653 Turnpike Road, Leicester to Ashby-de-la-Zouch MLE20912 Markfield Turnpike MLE21000 Bronze Age axe from near Stoney Lane Farm MLE21633 Markfield Quarry 'Hill Hole', Hill Lane MLE21761 Mineral railway, Old Cliffe Hill Quarry MLE21792 Iron Age site, west of Hobby Hall MLE21794 Bronze Age/Iron Age pit alignment west of Rise Rocks Farm MLE23894 Site of a cruck barn, Markfield</p> <p>Amend final part of Policy M9 to:</p> <p>Ridge and Furrow (areas identified on Map 8)</p> <p>Map 7 should be amended so that the references are clear and legible and include in the notation to Map 7 that the Neighbourhood Plan only relates to land within the Neighbourhood Area.</p> <p>Revise Map 8 so that the location and precise spatial extent of known archaeological remains and ridge and furrow set out in the policy can be identified.</p> <p>Delete the final sentence of paragraph 4.76:</p> <p>4.76. The above places have already been designated and offered protection through national and local planning policies, however there are other buildings and sites in the parish that make a positive contribution</p>

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				providing local character because of their heritage value. Although such heritage features may not be nationally designated, they may be offered some level of protection through the Neighbourhood Plan. Mature hedges especially those defining the village boundaries should be preserved.
12	M10	<p>166. Paragraph 126 of the Framework states <i>"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified"</i>. Paragraph 124 of the Framework refers to being clear about design expectations and how these will be tested, and Paragraph 126 of the Framework states <i>"Neighbourhood Plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development."</i> The requirement of Policy M10 that development should reflect the traditional character of Markfield has not been sufficiently evidenced. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework.</p> <p>167. Paragraph 127 of the Framework states <i>"Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine</i></p>	<p>In Policy M10</p> <ul style="list-style-type: none"> replace the first sentence with "To be supported development must be sympathetic to local character and history, unless the development is of exceptional quality or innovative design." in point 8 after "buildings" insert "are" 	<p>The Borough Council agrees with the Examiner's recommendation.</p> <p>Amend Policy M10 to:</p> <p>Policy M10: Design To be supported development must be sympathetic to local character and history, unless the development is of exceptional quality or innovative design. Development must also:</p> <ol style="list-style-type: none"> 1. Be in keeping with the scale, form and character of its surroundings; 2. Protect important features such as jitties¹, granite setts, traditional walls, hedgerows and trees; 3. Have safe and suitable access; 4. Integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the development site; 5. The amenities of residents in the area should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution; 6. Create a place with a locally inspired or otherwise distinctive character and: <ol style="list-style-type: none"> a) Resist the encroachment of modern, generic, domestic forms along key historic routes such as Main Street and the Green; b) Ensure development responds to the agricultural and quarrying precedents in the village through materials and form; c) Protect the influence of agricultural buildings and quarrymen's cottages to the south and west of the village. d) Meets the general design principles of the National Forest. 7. Take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates; 8. Ensure buildings are designed and positioned to enhance streets and spaces; 9. Be designed in a way that encourage low vehicle speeds; 10. Ensure parking is integrated so that it does not dominate the street; 11. Ensure public and private spaces are clearly defined and designed to be attractive, well managed and safe; and 12. Provide adequate external storage space for bins and recycling as well as vehicles and cycles.

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		<p><i>the quality of life or community cohesion and resilience.</i>" Paragraph 104 of the Framework states planning policies should provide for high-quality walking and cycling networks. Paragraph 91 of the Framework states planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles. I am satisfied the approach adopted in Policy M10, as recommended to be modified, in these respects has sufficient regard for national policy.</p>		
13	Policy M11	<p>174. Policy DM 25 includes "<i>Retention of Existing Provision - The Borough Council will resist the loss of community facilities including ancillary areas. The redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that: a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site. Loss of Existing Facilities Where replacement facilities will not be provided or a surplus cannot be demonstrated and the scheme would not result in wider community benefits on the remainder of the site, the loss of a community facility would only be considered acceptable where it can be demonstrated that: d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy. e) It has been offered to the local community for them to take ownership of the facility.</i>" I have recommended a modification in these respects so that the policy is in general conformity with the strategic policy and provides an additional level of detail to that set out in the strategic policy.</p>	<p>In Policy M11 replace the text before "A" with "The community facilities listed below should be retained in accordance with Site Allocations and Development Management Policies DPD Policy DM25:"</p>	<p>Agree with the Examiner's recommendation.</p> <p>Amend Policy M11 to:</p> <p>Policy M11: Community Services and Facilities The community facilities listed below should be retained in accordance with Site Allocations and Development Management Policies DPD Policy DM25:</p> <ul style="list-style-type: none"> A. Mercenfeld Primary School B. Markfield Medical Centre C. Markfield Community Library D. Markfield Community and Sports Centre E. Jubilee Playing Fields F. Hill Hole Quarry Allotments G. Copt Oak Memorial Hall H. Congregational Church Hall I. Markfield Scouts meeting hall
14	M13 Map 9	<p>181. The Borough Council also state "<i>the Chitterman Way Neighbourhood Centre boundary is not shown in its entirety and the full extent of the boundary should be shown on the map.</i>" The Parish Council state display of the full boundary would require a scale of Map 9 that would result in a reduction in clarity and that the full boundary is shown on the Policies Map. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and "<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>" as required by paragraph 16d) of the Framework.</p>	<p>Replace Policy M13 with "Development proposals that will enhance the commercial, business and service functions (included within Use Class E of the Use Classes Order 1987 as amended) of the Main Street Local Centre or the Chitterman Way Neighbourhood Centre, defined on Map 9 and the Policies Maps, will be supported. Development proposals that will adversely affect the vitality and viability of the Main Street Local Centre or the Chitterman Way Neighbourhood Centre will not be supported."</p>	<p>Agree with the Examiner's Recommendation.</p> <p>Amend Policy M13 to:</p> <p>Policy M13: Local and Neighbourhood Centres Development proposals that will enhance the commercial, business and service functions (included within Use Class E of the Use Classes Order 1987 as amended) of the Main Street Local Centre or the Chitterman Way Neighbourhood Centre, defined on Map 9 and the Policies Maps, will be supported. Development proposals that will adversely affect the vitality and viability of the Main Street Local Centre or the Chitterman Way Neighbourhood Centre will not be supported.</p>

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		<p>182. The terms “do not detract from the character of the area” and “over-concentration” are imprecise and do not provide a basis for the determination of development proposals. The time limit and size thresholds have not been sufficiently justified. It is confusing and unnecessary to refer to permitted development. The policy duplicates national policy set out in paragraphs 85 to 90 of the Framework in part, and seeks to introduce variations from national policy that have not been sufficiently justified.</p> <p>183. Policy M13 is not in conformity with parts a) and b) of Policy DM22. As recommended to be modified the policy is in general conformity with the strategic policies included in the Local Plan 2006 to 2026 and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.</p>	Amend Map 9 to include the entire Chitterman Way Neighbourhood Centre boundary	Map 9 should be amended so that the Chitterman Way Neighbourhood Centre is shown in its entirety.
15	Policy M14	<p>188. The policy is reliant on third party organisations for its implementation, which it may not be. It is appropriate for the Neighbourhood Plan to identify priorities for the utilisation of any locally determined element of developer contributions. The opening statement of the policy is imprecise and the use of the term “where appropriate” introduces uncertainty. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p>	In Policy M14 replace the text before “1” with “Any locally determined element of developer contributions will be utilised for new or improved infrastructure relating to the following:”	<p>Agree with Examiner's recommendation.</p> <p>Amend Policy M14 to:</p> <p>Policy M14: Infrastructure Any locally determined element of developer contributions will be utilised for new or improved infrastructure relating to the following:</p> <ol style="list-style-type: none"> 1. Improvements to the operation of the A50, the A511, M1 J22 and the A46/A50 and other highways; 2. The improvement, remodelling or enhancement of: <ol style="list-style-type: none"> a) Mercenfeld Primary School b) Markfield Medical Centre c) Markfield Community Library d) Markfield Community and Sports Centre e) Copt Oak Memorial Hall f) Jubilee Playing Fields 3. The provision of park, amenity greenspace, children's play areas, facilities for young people, allotments and burial space; 4. Community infrastructure improvements including the provision of parish notice boards, seats, children's play area equipment, bus shelters, litter bins; Public Rights of Way, Green Infrastructure; and 5. National Forest planting in accordance with Hinckley and Bosworth Local Plan Core Strategy Policy 21. <p>Contributions are governed by the provisions of the Community Infrastructure Regulations 2010. To ensure the viability of housing development, the costs of the Plan's requirements may be applied flexibly where it is demonstrated that they are likely to make the development undeliverable.</p>

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16	M15	<p>212. The references to other policies of the Neighbourhood Plan is unnecessary and confusing as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. I have recommended a modification in this respect so that the policy <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework. In commenting on the Regulation 16 representations the Parish Council has attached a Housing Note produced in March 2020. This note confirms the Parish Council had approached the Borough Council to provide an indicative housing provision for the neighbourhood area. As the Borough Council was at the time not in a position to provide an indicative figure the Parish Council <i>"has determined a housing requirement figure taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area"</i>. The Borough Council regard this as a sound and logical approach. Paragraph 6.5 of the Neighbourhood Plan explains the housing requirement of 334 dwellings stated in Policy M15 is based on the population share of the Borough within the neighbourhood area. Taking account of current commitments, the residual housing requirement is 308 dwellings. Policy M15 states the housing allocation made in Policy M16 which refers to some 280 dwellings will contribute to meeting this requirement. The Borough Council has, on 30 March 2021, resolved to grant planning permission for 283 dwellings in respect of application reference 20/01283/FUL submitted by Jelson Limited subject to conditions and the completion of a S106 Agreement. Paragraph 6.6 of the Neighbourhood Plan states an estimated two dwellings per year, or 38 homes, could come forward as windfall sites over the plan period including small-scale infill development within updated settlement boundaries. In the Housing Note prepared in response to Regulation 16 representations the Parish Council anticipate, based on past take-up, 25 dwellings will be met by windfall development in accordance with Policy M17. Given the size and nature of the Neighbourhood Area and based on information of recent commitments, as a matter of planning judgement, I consider it is reasonable to assume there will be a windfall supply of dwellings during the Plan period which will boost the supply of homes in the Neighbourhood Area by the modest amount indicated. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for Markfield Parish and provides the necessary justification that those</p>	<p>In Policy M15</p> <ul style="list-style-type: none"> • before "334" insert "a minimum of" • delete the second sentence including bullet points 	<p>Agree with Examiner's recommendation to include the housing figure as a minimum and the method used in determining the housing figure is supported by the Borough Council as a sound approach.</p> <p>Policy M15 should be reworded to:</p> <p>Policy M15: Housing Provision The housing provision for Markfield for the period 2020 to 2039 is a minimum of 334 dwellings.</p>

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		<p>policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met.</p> <p>213. I asked the Borough and Parish Councils whether it is intended the figure of 334 dwellings should be the minimum housing provision for the period 2020-2039, and if this figure is not intended as a minimum housing provision, where can I find the evidence that confirms sustainable development proposals above that figure should not be supported. In answer to this request for clarification the Parish Council stated <i>"Against a housing requirement for Markfield of 334 dwellings for the period 2020 to 2039, the Neighbourhood Plan makes provision for 347 dwellings. Therefore, the requirement of 334 dwellings could be regarded as a minimum. However, while the expression of the overall housing requirement as a minimum may provide for flexibility, it is not a signal that the figure should be comprehensively exceeded by, for example, extending the settlement boundary to include the whole of the planning application site associated with 20/01283/FUL."</i></p> <p>214. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies. I am satisfied it is appropriate for Policy M15 to indicate the scale of development that is being planned for. I have however recommended use of the term <i>"minimum"</i> which would not preclude a sustainable development scheme that results in the achievement of a greater total number of dwellings. This is consistent with the fact the Neighbourhood Plan places no cap or limit on the number of dwellings that can be provided within the Settlement Boundary nor on the number of dwellings that can be provided outside the Settlement Boundary subject to it being of types that are consistent with other policies of the Neighbourhood Plan, and national and strategic planning policy. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework. As recommended to be modified Policy M15 is positively worded and does not promote less development than set out in strategic policies, as required by paragraph 29 of the Framework. In the context of the characteristics of the Neighbourhood Area Policy M15 will significantly boost the supply of housing.</p>		

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16	<p>Policy M16</p> <p>Para 6.18</p>	<p>230. Part 1 of the policy is imprecise with respect to the alignment of the Settlement Boundary and the term "some" is less universally understood than the term "approximately", the latter being more appropriate for a formal document. It is unnecessary and confusing to refer to other policies of the Neighbourhood Plan in parts 2,10,11, and 12. All of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. Part 7a of the policy is reliant on the actions of a third party which it may not be. Part 7b of the policy fails to recognise the delivery issues arising from the active travel route referred to extending beyond the allocation site. Part 8b of the policy does not have sufficient regard for national policy relating to trees and hedgerows. In part 8f of the policy the term "<i>An appropriately designed, constructed and maintained</i>" is imprecise and does not have sufficient regard for national policy. The requirement of part 9 of the policy has not been sufficiently justified. Part 12 of the policy does not have sufficient regard for deliverability as required by national policy. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>" as required by paragraph 16d) of the Framework.</p>	<p>In Policy M16</p> <ul style="list-style-type: none"> • in part 1 after "Boundary" insert (identified on Map 2 and the Policies Maps) • in part 1 replace "some" with "approximately" • delete part 2 • delete part 6 • in part 7a before "The diversion" insert "Provision for" • in part 7b delete "The provision of" with "On-site provision and off-site contributions to achieve" • continue part 8b with "or replacement where loss is essential" and delete "and management" • in part 8f replace "An appropriately designed, constructed and maintained" with "A" • commence part 9 with "Provision for" and delete "should be incorporated" • delete part 10 • in part 11 delete the text before "contributions" • delete the first sentence of part 12 and "In particular," • continue part 12 with "unless it is demonstrated to be not practicable or viable" <p>In paragraph 6.18 refer to Map 2 and the Policies Maps where the Settlement Boundary is identified.</p>	<p>Agree with the Examiner's recommendation.</p> <p>Amend Policy M16 to:</p> <p>Policy M16: Housing Allocation- Land south of London Road Some 18 hectares of land at south of London Road, as defined on Map 10, and the Policies Maps, is allocated for housing development. Housing development will be supported subject to the following criteria:</p> <ol style="list-style-type: none"> 1. The development shall provide for approximately 280 dwellings within development blocks inside the Settlement Boundary (identified on Map 2 and the Policies Maps); 2. The provision of a Transport Assessment concerning the operation of the A50, the A511, M1 J22 and the A46/A50; 3. The principal point of vehicular access will be from a new priority T-junction on London Road, to the east of Chitterman Way. A secondary point of access will be via Doctor Wright Close but the internal layout of the scheme should be designed to encourage the majority of traffic to use the new London Road access. A pedestrians and cyclists only access should be provided from Croftway; 4. New and improved pedestrian crossings on London Road should be provided to enable new residents to access Main Street Local Centre, Chitterman Way Neighbourhood Centre and Mercenfeld Primary School; 5. Pedestrian and cycle connectivity should be significantly enhanced through the creation of a new network of routes within the development and the retention and improvement of existing Public Rights of Way. This shall include: <ol style="list-style-type: none"> a) Provision for the diversion of footpath route R4 through a new green corridor within the scheme; b) On-site provision and off-site contributions to achieve a convenient, all weather pedestrian and cycle route from Markfield village to South Charnwood School, by either enhancing Rights of Way R2 and R26 or the existing route alongside Forest Road/Grassy Lane/Broad Lane. 6. A landscaping scheme comprising some 7 hectares of Green Infrastructure should be implemented to provide for an improvement in biodiversity and include: <ol style="list-style-type: none"> a) A multi-functional green corridor alongside the existing brook; b) The retention and of existing hedgerows and trees or replacement where loss is essential; c) Woodland planting along the southern and western boundaries of the site to strengthen screening of Markfield village from the M1; d) The planting of substantial woodland blocks in addition to tree planting throughout the site; e) Allotment provision to the east of the site together with suitable parking provision and mains water supply;

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				<p>f) A sustainable drainage system with suitable surface water and foul water drainage strategies devised in consultation with the relevant infrastructure bodies.</p> <p>7. Provision for Superfast broadband fibre connections to each property;</p> <p>8. Contributions to the provision of a new footway access to Mercenfeld Primary School from London Road with school drop-off and pick-up facilities;</p> <p>9. The site entrance gateway, feature squares, private drives, walls, and house building materials should respond to local quarrying precedents through the use of granite unless it is demonstrated to be not practicable or viable.</p> <p>In paragraph 6.18 refer to Map 2 and the Policies Maps where the Settlement Boundary is identified.</p>
18	Policy M17	<p>235. It is confusing and inappropriate for the policy to refer to "<i>permission</i>" as paragraph 2 of the Framework makes it clear material considerations must be considered. The limitation to exclude rural exception housing sites, and to exclude entry-level exception sites where need has not already been met within the Borough Council area, does not have sufficient regard for national policy. The policy does not have regard for national policy regarding housing development that represents the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. The policy does not have sufficient regard for the requirement of national policy that development of exceptional design quality must significantly enhance its immediate setting, and be sensitive to the defining characteristics of the area. The Parish Council has confirmed agreement to a modification in respect of these latter two matters. It is confusing and unnecessary to refer to strategic Policies DM5, DM14, and DM15 and to other policies of the Neighbourhood Plan. It is confusing and unnecessary for Policies M1 and M17 to both seek to establish types of development that will be supported outside the defined settlement boundary. All of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. Paragraph 16 of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. The Guidance states a neighbourhood plan should not be used to constrain the delivery of a strategic site allocated for development in the local plan. As recommended to be modified the policy would not be in conflict with strategic policy should any future strategic housing allocation be made in the Neighbourhood Area. My recommended modifications have necessitated an appropriate modification of the policy title. I have recommended a modification in these respects so that the</p>	<p>Replace Policy M17 with "Housing development proposals will be supported within the Settlement Boundary identified on Map 2 and the Policies Maps.</p> <p>Amend the policy title to "Infill housing development"</p>	<p>Agree with the Examiner's recommendation.</p> <p>Amend policy to:</p> <p>Policy M17: Infill housing development Housing development proposals will be supported within the Settlement Boundary identified on Map 2 and the Policies Maps.</p>

Modification Ref.	Page Number of plan	Paragraph number of Examiner's Report, and Examiner's explanation/supporting text	Examiner's recommended modification	HBBC Response and Action
		policy has sufficient regard for national policy and <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework.		
19	Policy M18	241. In a representation the Borough Council state <i>"Paragraphs 6.21 and 6.22 "should say reflect the most up to date housing needs rather than give set figures as this becomes out of date quickly. Also, smaller family homes are not defined" and "Paragraphs 6.21-6.22 – these paragraphs still refer to the 2017 HEDNA, although the policy does note that the most recent data should be used if available. There is more up to date information available in the 2019 Housing Needs Study - page 108 contains the updated table. It is suggested the reference to the 2017 HEDNA is replaced by a reference to the Housing Needs Study and the table updated to that in the study."</i> The Parish Council has stated agreement with the Borough Council representation. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework.	Replace Policy M18 with "To be supported housing development proposals (other than at Markfield Court Retirement Village and at Markfield Institute of Higher Education) must demonstrate that the housing mix will reflect the assessment of local housing need in the 2019 Housing Needs Study or more recent evidence."	Agree with Examiner's recommendation. Amend Policy M18 to: Policy M18: Housing Mix To be supported housing development proposals (other than at Markfield Court Retirement Village and at Markfield Institute of Higher Education) must demonstrate that the housing mix will reflect the assessment of local housing need in the 2019 Housing Needs Study or more recent evidence.
20	M19	246. In a representation the Borough Council state <i>"criteria 4 should be re-worded to read additional access should be avoided"</i> . In commenting on the Borough Council representation, the Parish Council state criterion 4 is sufficiently clear. I have recommended a modification in respect of this part of the policy as the absolute restriction on stated forms of access has not been sufficiently evidenced. I have recommended a modification in this respect so that the policy has sufficient regard for national policy, in particular paragraph 109 of the Framework.	In Policy M19 part 4 delete "There is no", and after "pedestrians" insert "will only be supported if demonstrated to be essential to avoid severe impact on the highway network or on grounds of highway safety"	Agree with the Examiner's recommendation. Amend Policy M19 to: Policy M19: Markfield Court Retirement Village and Woodrowe House The development of community facilities and the provision of new residential accommodation at Markfield Court Retirement Village, and the development of facilities at Woodrowe House, will be supported subject to the following: <ol style="list-style-type: none"> 1. New independent, residential accommodation is for persons aged 55 or over only; 2. Built development does not extend beyond the Markfield Court Retirement Village and Woodrowe House area shown on Map 11 and the Policies Maps; 3. The amenities of residents in the area should not be significantly adversely affected, including by noise and disturbance; and 4. Additional access to the site for vehicles, cycles and pedestrians will only be supported if demonstrated to be essential to avoid severe impact on the highway network or on the grounds of highway safety.
21	M21	255. Paragraph 80 of the Framework states planning policies should help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 of the Framework states planning policies should recognise and address the specific locational requirements of different	In Policy M21 replace "allowed" with "supported"	Agree with Examiner's recommendation. Amend Policy M21 to: Policy M21: Markfield Industrial Estate

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		sectors. Policy M21 includes flexibility to support non-B class economic development uses subject to stated criteria. The term "allowed" does not provide a basis for the determination of development proposals and does not have sufficient regard for the need to consider material considerations as required by paragraph 2 of the Framework. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.		Markfield Industrial Estate, as defined on Map 12 and the Policies Maps, will be retained for B2 and B8 employment uses. Non-B class uses development will only be supported if it: <ol style="list-style-type: none"> 1. Is for small-scale uses providing services to support the business on the Markfield Industrial Estate or non-B class economic development use; 2. Would not result in any significant loss in employment; 3. Would, where possible, enhance the quality and attractiveness of the Industrial Estate; and 4. Would not, alone or cumulatively, result in the Industrial Estate ceasing to be predominantly in B class use.
22	Policy M24 Para 7.8	267. A representation on behalf of C.J. Upton and Sons Limited states the policy is too restrictive on expanding businesses and suggest enterprise expansion of all sizes should be supported and the National Forest and Charnwood Forest should not be referenced as a constraint to development to be consistent with Policies 21 and 22 of the Core Strategy which seek to guide development form. Paragraph 83 of the Framework states plans should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Although referring to the Parish Council and not a policy of the Neighbourhood Plan, Paragraph 7.8 of the Neighbourhood Plan can be interpreted as introducing an element of planning policy which it may not. Paragraph 83 of the Framework states plans should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. It is confusing and unnecessary to refer to another policy of the Neighbourhood Plan as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area of application is specified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and <i>"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"</i> as required by paragraph 16d) of the Framework.	In Policy M24 <ul style="list-style-type: none"> • delete "small-scale" • delete point 5 Delete the first sentence of paragraph 7.8	Agree with Examiner's recommendation. Amend Policy M24 to: Policy M24: Business Expansion The expansion of existing business and enterprise will be supported where the development will: <ol style="list-style-type: none"> 1. Deliver local employment opportunities or support and diversify the rural economy; 2. Where possible, re-use existing buildings or re-develop existing and former employment sites and commercial premises; 3. Comprise well designed new buildings of a size and quality to cater for the identified needs of the existing business; and 4. Help meet modern business requirements. Delete the first sentence of paragraph 7.8.

Table 2: Amendments made in response to Minor Updates, Clarifications and Corrections (including those raised in the Examiner's Report)

Examiner's Report Minor Corrections to the Neighbourhood Plan

Paragraph Number of Examiner's Report and Examiner's explanation/supporting text	HBBC Response and Action
<p>273. A number of consequential modifications to the general text, and in particular the reasoned justification and other general text of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. Reasoned justification and other supporting text must not introduce any element of policy that is not contained within the Neighbourhood Plan policies.</p> <p>275. The Borough Council has also stated Map 6 shows five designated Listed Buildings – adjust the notation to explain the location of the sixth Listed Building referred to in paragraph 4.68. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.73 I recommend minor change only in so far as it is necessary to correct an error, or where it is necessary so that the Neighbourhood Plan provides a practical framework which makes it evident how a decision maker should react to development proposals as required by paragraph 16 of the Framework.</p> <p>274. The Borough Council has suggested “on Figure 2 there is no scale, or copyright, place names and the legend are blurred and difficult to read. The base map could be improved to aid its interpretation. This map is referred to as a figure whereas other maps are labelled as maps. There should be consistency in the labelling, for example all maps and diagrams be labelled as figures.” I agree with these points and recommend the appropriate modifications. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p> <p>Recommended modification 23: Modify general text, figures or images to achieve consistency with the modified policies, to correct identified errors, and so it is evident how a decision maker should react to development proposals</p>	<p>Agreed, when implementing the modifications above it may become apparent that the supporting text is also required to be redrafted. Where these amendments are necessary the Plan can be amended so long as no additional policy elements are included that are not already included in the Neighbourhood Plan policies as amended. All figures and maps should be clear and legible.</p>

Page/Para	Change	Reason
Title Page	Amend Title from 'Submission Draft' to 'Referendum Version'	To reflect the current stage of the document.
Contents Page	The contents page should be updated to reflect the Referendum Version contents.	To reflect the latest amended version of the Plan.
Para 1.27	In the final sentence delete 'will be made' to 'are'	To reflect the latest stage of the Plan.
Para 1.28-1.31	Amend these paragraphs to reflect the status of the document going to referendum.	To reflect the latest stage of the Plan.
Figure 2	The Examiner has recommended that Figure 2 should be included within the Plan so place names can be read, this could be achieved by including a larger map making sure clarity isn't lost. If the figure has been sourced from an evidence base document the source should be cited and the copyright should be included on the map.	For clarity.
Figure 3	The Examiner has recommended that Figure 3 should be replace by a version with greater clarity. If the figure has been sourced from an evidence base document the source	For clarity.

	should be cited and the copyright should be included on the map.	
Map 8	The colours of the map polygons are very similar which reduces the accessibility of the document for some users. The colours should be amended so that they are more distinguished	For clarity and accessibility.