

Examiner clarification Requests 17-08-21

| Question | Stoke Golding Response | HBBC Response |
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| 1. What is the most recent estimate of timing for adoption of the new Local Plan? | Hinckley and Bosworth Borough Council to respond. | Expectation for examination in 2022 and adoption in 2023 |
| 2. Please direct me to the reasoned justification for the alignment of the settlement boundary. | Please see attached [Methodology for Settlement Boundaries] | HBBC has nothing to add. |
| <p>3. Policy SG3 A member of the public objects to the settlement boundary adjacent to 77 Roseway. The Borough Council has queried whether it was intended to include a small patch of land to the east of 77 Roseway within the settlement boundary.</p> <p>No modification is necessary in this respect to meet the Basic Conditions. I have noted when commenting on the representation of the Borough Council the Parish Council has stated “<i>Qualifying Body would support modification to remove the area east of 77 Roseway from the Settlement Boundary.</i>” It is unclear from this response whether or not the Parish Council consider an error has been made. If an error has been made, I am able to recommend a correction is made. This would only be a recommendation to the Borough Council. If the Borough Council subsequently resolved to make such an adjustment, that may be contested by interested parties. The Borough Council may have to consider whether or not it is appropriate a step, or steps, back in the process of plan preparation are taken. I request the Borough and Parish Councils advise me of the situation, in particular whether an error has been made in the submission version Neighbourhood Plan and that it was actually intended the small area of land to the east of 77 Roseway should not be included within the Settlement Boundary and the reason for that non-inclusion. If an error has been made, please provide a map identifying the intended alignment of the Settlement Boundary, and identifying the area of land included in the Settlement Boundary in error.</p> | <p>The Neighbourhood Plan as submitted by the Parish Council has been the subject of consultation. The Borough Council and residents have queried the Settlement Boundary alignment to the east of 77 Roseway. The Parish Council has considered these representations and would support a modification that returns this small area of land to outside the Settlement Boundary. The Parish Council would also like to draw the Examiner’s attention to the attached appeal decision (paragraph 10) which may help the Examiner in his deliberations.</p> | <p>The question of an error is for the NP Group to answer.</p> <p>The patch of land comprises of mown grass and some bushes / trees along its eastern flank. It measures approx. 20 x 20 metres. Some kind of storage shed/porta cabin stands on the western side of the plot, near to No77 Roseway. See below table for site map and photos.</p> <p>It is owned by an individual who has unsuccessfully applied for planning permission for a dwelling on the site, and unsuccessfully appealed against the refusal. With the granting of pp for the East of Roseway site, circumstances concerning this plot have changed which could otherwise attract a subsequent planning application. Therefore, it would be reasonable to expect the owner to have opportunity to comment on a proposed modification that significantly impacts on the future development potential of the land.</p> |
| 4. Policy SG5 (Affordable Housing) Core Strategy Policy 17 establishes an approach to rural needs. Paragraph 16 of the Framework refers to the avoidance of unnecessary duplication of policies that apply in a particular area, including policies in the Framework. Variation from strategic policy has | The Parish Council would support the deletion of the second paragraph of Policy SG5 with paragraphs 1 and 3 being retained | Regarding the second paragraph of SG5 (Rural Exception Sites), CS Policy 17 and emerging Policy HO-10 have more criteria for judging appropriateness of rural |

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| <p>not been sufficiently justified. I intend to recommend deletion of the second paragraph of Policy SG5 as it is not in general conformity with the strategic policies contained in the development plan for the area. Whilst the first paragraph of Policy SG5 duplicates content of Core Strategy Policy 15 the latter must be read in the context of paragraph 64 of the Framework with respect to a threshold below which affordable housing is not to be sought. Under these circumstances I consider the first paragraph should be retained without modification so that the policy has sufficient regard for national policy and is <i>“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 invite comment on my intended approach.</p> | <p>without modification. Consequential amendments are required to Policy SG3.</p> | <p>exception sites. The second para of SG5 adds nothing of local significance so HBBC would support its deletion.</p> <p>Regarding the first paragraph of SG5 (general requirement for affordable housing), HBBC considers that this adds nothing of local significance over and above the CS Policy 15. Admittedly, Policy 15 has out of date size criteria, but this is rectified in the emerging Local Plan Policy HO-09, which can be given weight for clarifying the direction of change to accord with national policy. As such, the first paragraph of SG5 could also be deleted as duplication of local plan policy.</p> <p>As a consequential change, the third paragraph could be amended to replace the first leg of the sentence with <i>“Any affordable housing conditions or planning obligations for affordable housing provision should ensure....”</i></p> |
| <p>Policy SG6 - Countryside</p> <p>5. The policy seeks to limit housing development outside the settlement boundary to stated types. How does this approach have regard for entry-level exception housing sites supported by national planning policy?</p> <p>6. How does the policy relate to national policy regarding housing development that represents the optimal viable use of a non-redundant heritage asset or would be appropriate enabling development to secure the future of heritage assets?</p> <p>7. Paragraph 16 of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. The second sentence of the policy refers to Policy DM4 and part 2 of the policy refers to Policies DM14 and DM15 without any additional level of detail or distinct local approach.</p> | <p>5. The NPPF expects local planning authorities to support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. This is a matter for Hinckley and Bosworth Borough Council to address through its new Local Plan and the Qualifying Body cannot be expected to assess the need for such homes at the Borough level.</p> | <p>5. HBBC has no dedicated policy for entry-level exception sites. Entry level market housing can form up to 20% of housing on Rural Exception Sites, as part of emerging Policy HO-10.</p> <p>Policy SG6 has no regard to entry-level exception housing. If a policy criterion were to be added, it would need to be clear what circumstances would make such housing acceptable, including clear</p> |

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| <p>Although intended as helpful cross-referencing it is confusing and unnecessary for Parts 2, 3, and 7 of the policy to refer to other Neighbourhood Plan policies. It is confusing and unnecessary for Policies SG3 and SG6 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. Inclusion of the term <i>“adjacent to”</i> in Part 6 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 intend to recommend 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 as follows: In Policy SG6 replace the second sentence and bullet points with; <i>“The following types of development will be supported in countryside locations:</i></p> <ul style="list-style-type: none"> • Recreation and tourism that cannot be provided within the Settlement Boundary; • Development by statutory undertakers or public utility providers; • Subdivision of an existing dwelling; and • 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>I invite comment on my intended approach.</p> | <p>6. Having regard to the heritage assets identified in the Neighbourhood Plan it seems highly unlikely that such a situation would arise. Nonetheless, if it was felt necessary, the Parish Council would support a modification that added ‘the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;’ to the list under part 2 of Policy SG3.</p> <p>7. The Neighbourhood Plan does not duplicate the policies of the Local Plan. The cross-referencing to Local Plan policies is clear, helpful and clarifies the relationship between the two plans. The Parish Council does not support the removal of this cross referencing which it believes will be detrimental to residents’ understanding of the Neighbourhood Plan, particularly at referendum stage.</p> <p>The Parish Council believes that it is imperative that Policies SG3 and SG6 address development outside Settlement Boundaries and be clear and unambiguous about how a decision maker should react to development proposals in the Countryside. In particular, the Parish Council would strongly object to the removal of the second part of Policy SG3 as this could lead to unsustainable development in countryside as neither that policy nor Policy SG6 (as proposed for modification) would explicitly prevent it. It</p> | <p>definitions of what counts as entry level housing. This could include First Homes.</p> <p>6. HBBC has emerging policy on enabling development in Policy HE-02 and paragraph 11.26 which leaves the assessment of enabling development as a judgement of benefits against dis-benefits in accordance with Historic England’s guidance. Policy SG6 is silent on enabling development. It has potential to consider any special circumstances of Stoke Golding’s historic assets or landscape.</p> <p>7. The examiner’s proposed replacement wording would improve clarity and remove duplication with local plan policy which provides criteria for countryside protection whether or not it is cross referenced in Policy SG6. Policy DM4, whilst technically out of date, was afforded significant weight by the Wykin Lane Appeal inspector for its broad compliance with the NPPF.</p> |

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| | <p>also renders the Settlement Boundaries pointless.</p> <p>Please also note, that in the recent Wykin Lane appeal decision (attached), the Inspector concluded that Local Plan Policy DM4 was out of date (paragraph 84).</p> <p>The terms “may be considered sustainable” and ‘adjacent to settlement boundaries’ were recommended by the Sheepy Parish Neighbourhood Plan Examiner (https://www.hinckley-bosworth.gov.uk/download/downloads/id/6350/examination_report_final.pdf recommendation 5).</p> | |
| <p>8. Through inclusion of the term “<i>compromise</i>” Policy SG8 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. I invite comment on my intended modification to replace the final sentence with “To be supported development proposals must be located and designed to avoid or minimise adverse impacts on the Green Infrastructure Network.”</p> | <p>The Parish Council would support such a modification.</p> | <p>HBBC considers that the proposed wording “...avoid or minimise adverse impacts on...” would be clearer than “...compromise...”</p> |
| <p>Policy SG10 – Locally Important Views</p> <p>9. When commenting on the representations of the Borough Council the Parish Council has stated supporting evidence has been updated. Please explain this comment and provide me with a copy of any updated evidence, drawing attention to changes.</p> <p>10. Please direct me to all of the existing evidence that supports inclusion of view point B as a Locally Important View</p> | <p>9. The Pre-Submission NP identified 13 Locally Important Views for protection. Hinckley and Bosworth Borough Council’s Pre-Submission representation expressed concern about the ‘blanket’ coverage of views. In response to this and other representations, the Parish Council agreed to modify the Locally Important Views by deleting the following views:</p> <p>A. View from the track adjacent to Convent Drive looking towards Stapleton and Sutton Cheney</p> | <p>HBBC comment not required.</p> |

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| | <p>C. View from Hinckley Road (Stokefields farmland) looking down Stoke Road towards Hinckley</p> <p>D. View from Hinckley Road (Stokefields farm track) looking towards Hinckley</p> <p>G. View from near the top of Higham Lane looking towards Higham</p> <p>H. View from near the top of Higham Lane looking towards MIRA</p> <p>L. View from Millfield farmland (near War Bunker) looking towards Higham</p> <p>The Submission NP now identifies 7 Locally Important Views. The Borough Council's representation on the Submission Plan highlighted that the 'views' evidence on the NP website related to the original 13 Locally Important Views. This has subsequently been updated to ensure that the evidence matches the seven Locally Important Views identified by Submission NP Policy SG10 (attached).</p> <p>10. The selection of which views to include or exclude was undertaken by Neighbourhood Plan Advisory Committee members, starting with an original long list of far more candidates. The locally important aspect of this view is that it is a pleasant, tree-lined, single-track lane into the village with open countryside on both sides and much valued for recreational purposes. As a result, this makes it a desirable route for pedestrians, dog walkers and horse riders. The inclusion of this view was intended to reflect this.</p> | |
| <p>Policy SG11 – Ecology and Biodiversity</p> | <p>11. Please find attached the citation for Potential Local Wildlife Site 91289 prepared</p> | <p>Is the reference 81289 or 91289? It is 81289 in the NP.</p> |

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| <p>11. A representation on behalf of Springbourne Homes states Local Wildlife Site reference 91289 (Ash Tree) does not meet the basic classification criteria for LWS designation and that it should not be indicated as a LWS within the Neighbourhood Plan. Please direct me to the evidence confirming that it is appropriate to identify a single tree as a Local Wildlife Site and provide details that any criteria are met in the case of the Ash tree in question.</p> <p>12. Please also explain the relationship of the policy with Policy SG12 as far as it also relates to trees.</p> | <p>and the Guidelines for the selection of Local Wildlife Sites. Please note that it is common for Potential LWS to be protected e.g see Melton Local Plan Policy EN2 criterion I (p100): https://40598510-d83b-48fe-b4fd-63400f103e39.filesusr.com/ugd/2778e035bd1d8004d24a8ca36e517409fc1456.pdf</p> <p>12. Policy SG11 protects identified trees for their habitat value. Policy SG12 protects trees for their arboricultural and amenity value.</p> | <p>This is a matter for the Parish to address.</p> |
| <p>Policy SG13</p> <p>13. Please direct me to the existing evidence that justifies ruling out all scales of wind turbine proposals regardless of location and impact.</p> | <p>Please also see Planning Practice Guidance paragraph: 033 Reference ID: 5-033-150618. Wind energy development should only be granted if the proposal has the backing of the affected local community.</p> <p>Question 50 of the 2017 Neighbourhood Plan Consultation Survey asked if wind turbines in the area would be acceptable. 56% of respondents said no. Of the remaining 44%, 5% gave no response, 33% might support turbines depending on location and only 6% gave outright approval.</p> <p>Policy SG13 makes it clear that wind energy development in Stoke Golding does not have the backing of the local community.</p> | <p>HBBC has a criteria based policy for determining renewable energy developments (Policy DM2). The emerging local plan proposes a similar criteria based replacement policy (CC-04). No areas of Hinckley & Bosworth are designated as being inappropriate for wind turbine development.</p> <p>Justification for this part of Policy SG13 is a matter for the Parish to address.</p> |
| <p>Policy SG16</p> <p>14. The Stoke Golding Neighbourhood Plan Evidence Base on the Stokegolding.co.uk website states the LGS designation form for the Zion Baptist Church allotments is available separately on request from the Parish Clerk. Please provide me with a copy of the document referred to. Please also confirm the reference in paragraph 7.3 of the Neighbourhood Plan is to this document</p> | <p>Please find attached the completed LGS Proforma for the Zion Baptist Church Allotments. This is the document referred to in NP paragraph 7.3.</p> | <p>This is a matter for the Parish to address.</p> |

Land next to 77 Roseway: Map and Photo



