

Barlestone Neighbourhood Development Plan 2020-2039

**A report to Hinckley and Bosworth Borough Council
on the Barlestone Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by the Borough Council in October 2021 to carry out the independent examination of the Barlestone Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 18 November 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its environmental and historic character. The Plan also allocates three sites for housing development. It has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Barlestone Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
31 January 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Barlestone Neighbourhood Development Plan 2020-2039 (the 'Plan').
- 1.2 The Plan has been submitted to Hinckley and Bosworth Borough Council (HBBC) by Barlestone Parish Council (BPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be both distinctive and complementary to the development plan. It also seeks to bring forward new development to address the growth expected for the neighbourhood area in the emerging Local Plan.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will form part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HBBC, with the consent of BPC, to conduct the examination of the Plan and to prepare this report. I am independent of both HBBC and BPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- Appendices 1-13 of the Plan (which include the Strategic Sites Assessment process (3), the Character Assessment (5) and the various elements of the environmental inventory (7-13));
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA and HRA screening opinion;
- the responses to the clarification note from BPC;
- the responses to the clarification note from HBBC;
- the representations made to the Plan;
- the adopted Hinckley and Bosworth Core Strategy Development Plan Document (DPD) 2009;
- the adopted Site Allocations and Development Management Policies Development Plan Document (DPD) 2016;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance (March 2014 and subsequent updates);
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA 1259; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 18 November 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HBBC of this decision once I had received BPC's responses to the clarification note.

3.4 The Plan was prepared in the context of the 2019 version of the NPPF. This is reflected in the Basic Conditions Statement. Since the Plan was submitted for examination the NPPF was updated in July 2021. Where it is necessary to do so, I comment on the relationship between the most current version of the NPPF and the policy concerned in Section 7 of the report.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 BPC prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (October to November 2020 and as extended to February 2021 to take account of the Covid pandemic). Its key strength is the way in which it sets out the key issues in a proportionate way which is then underpinned by more detailed information both in the report itself and its appendices.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the initial open event;
 - the two drop-in events (September 2017);
 - the establishment of a dedicated website (also linked from the Barlestone Parish Council website) and a local Facebook group;
 - the regular display of posters on local noticeboards and flyers available at key locations such as the Community Centre;
 - the use of information display boards at village events (which were usually manned by a volunteer from the Steering Group to answer questions);
 - the regular updates included in the Parish Council news section of the local free monthly publication (The Graphic);
 - the inclusion of additional questions in the Housing Needs Survey conducted by Midlands Rural Housing;
 - the organisation of a stakeholder event to provide an update on progress and gain further insight into the priorities of the Parish stakeholders (January 2018);
 - the organisation of a key issues workshop with Steering Group and others (March 2018);
 - the Primary School stakeholder event (June 2018);
 - the formation of Focus Groups to explore housing, environment and community sustainability matters (November 2018);
 - the distribution of reasons for identification of properties and details included in the heritage assets list to all affected owners/occupiers (January/February 2020);
 - the distribution of an Executive Summary of the Plan to all households and businesses in the Parish to share its content and to advise about the next steps; and

- the sharing of regular updates from the Neighbourhood Plan Facebook group to other local village Facebook groups, Barlestone News and the Barlestone Swap Shop.
- 4.4 The Statement also provides details of the way in which BPC engaged with statutory bodies. It is clear that the process has been proportionate to the Plan and robust in its nature.
- 4.5 The Statement also provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan (Appendix 10). It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HBBC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted Plan was undertaken by HBBC. It ended on 27 October 2021. This exercise generated comments from the following organisations:
- Heine Planning
 - Nottinghamshire County Council
 - Canal and River Trust
 - National Highways
 - Natural England
 - NHS West Leicestershire Clinical Commissioning Group
 - National Grid
 - Severn Trent Water
 - The Coal Authority
 - Historic England
 - Leicestershire County Council (in its capacity as the strategic planning authority)
 - Leicestershire County Council (in its capacity as a landowner)
 - Gladman Developments Limited
 - Land Allocation Limited
 - Maruti Developments Limited
 - British Horse Society
 - Leicestershire Police
 - Lagan Homes

- Hinckley and Bosworth Borough Council
- Leicester City Council

4.9 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Barlestone. Its population in 2011 was 2481 persons living in 1076 houses. It was designated as a neighbourhood area in May 2017. It is an irregular area located in the northern part of the Borough. The parish is located to the east of the A447 which connects Hinckley with Ibstock and provides a major thoroughfare in this part of the wider County.
- 5.2 Barlestone village is located in the south-western corner of the parish. It has developed along the B585 which runs on a west to east alignment through the village. The village is based around a number of older properties mainly on New Street, Main Street, Bagworth Road, Church Road and Chapel Street. There are three churches, two public houses, a Co-operative store, an Indian restaurant, two hairdresser's salons, a shoe shop, a chip shop, a Chinese takeaway, an undertaker, a shoe shop and a car repair garage. The village also has also a thriving football club. The recently built Community Centre is a focus for a variety of activities. The Church of England primary school provides education for 4- to 11-year-olds, the village playgroup caters for 2- to 4-year-olds. Within the village there are numerous green spaces including a cemetery and two sports fields.
- 5.3 The remainder of the neighbourhood area is rural and agricultural in its nature. Barlestone sits comfortably within this wider landscape and with its immediate neighbouring parishes (Newbold Verdon and Osbaston).

Development Plan Context

- 5.4 The Hinckley and Bosworth Core Strategy was adopted in December 2009. It sets out the basis for future development in the Borough up to 2026. The Core Strategy has been supplemented by the adoption of the Site Allocations and Development Management Policies (SADMP) DPD in July 2016. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 The Core Strategy sets out to focus new development in and around the Hinckley sub regional centre within the key urban area of the Borough through sustainable amendments to the settlement boundary and two sustainable urban extensions. A proportion of the required strategic development is also be distributed to the rural areas of the Borough to accommodate their particular development needs. As part of this process the rural centres are organised into different categories based on their size and their general location in the Borough. Barlestone is identified as one of four Key Rural Centres Stand Alone settlements (outside the National Forest and away from the edge of Leicester) that provide services to their rural hinterlands. The focus for these villages will be on consolidating and improving the existing services within the village and maintaining the strong sense of individual settlement identity. In addition improving transport links to settlements to the west of the Borough will be a priority to reduce the service deprivation currently experienced by a number of these wards as will strengthening and improving existing tourist attractions to encourage more weekend visits. Employment provision in Barlestone will be a priority for this village.

5.6 The following policies are particularly relevant to the Barlestone Neighbourhood Plan:

Core Strategy DPD

- Policy CP1 Settlement Strategy
- Policy CP2 Delivery Strategy
- Policy CP11 Key Rural Settlements standalone

Site Allocations and Development Management Policies DPD

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM4 Safeguarding the Countryside and Settlement Separation
- Policy DM 8 Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM 10 Development and Design
- Policy DM 19 Existing Employment Sites
- Policy DM 20 Provision of Employment Sites
- Policy DM 25 Community Facilities

Section 4 of the Basic Conditions Statement highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local policy context.

- 5.7 HBBC is progressing towards a new Local Plan. It will guide development in the Borough from 2020 to 2039. A third Regulation 18 consultation was held in late Summer of 2021. The emerging Plan identifies a preferred strategy which would direct around 70% of housing growth to the urban area and 30% to rural areas. This broadly reflects the existing population distribution of the Borough where around 62% of the population reside in the urban area, and 30% in the key rural centres. The remaining 8% of the population reside within the smaller rural villages and hamlets. This distribution of development reflects the urban area as the main centre for the Borough whilst maintaining sustainable managed growth within rural settlements. The Plan comments that this strategic approach would result in a presumption of a minimum of 200 dwellings in each Key Rural Centre to provide for managed growth and maintain the vitality and viability of those settlements and rural hinterland. The final minimum housing provision for each settlement will consider other planning policy priorities, constraints on land supply and other wider strategic planning issues
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the County. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 18 November 2021. I approached it from Newbold Verdon. This gave me an initial impression of its setting, character and topography. It also highlighted its connection to the strategic road system.
- 5.10 I looked initially at the village centre. I saw its range of commercial and community facilities. I also was able to appreciate the significance of the former mine-wheel in the open space in the middle of the village. Throughout the visit I looked at the various community facilities in the village and the identified open spaces (Policy EV4). I also looked carefully at the three proposed housing allocations (as identified in Figure 2 and Policy H2).
- 5.11 I walked along Newbold Road to the east of the village. I saw that the character of the village character from the intimacy of the village centre to a more open and suburb character. I also saw the attractive open space at the junction of Meadow Road and Newbold Road and the allotments on the other side of the road.
- 5.12 I then walked up Bagworth Road. I took time to look at St Giles Church and its attractive churchyard. I saw its interesting relationship with adjoining residential properties
- 5.13 I then took time to walk into the open spaces to the east of the village off Bagworth Road. I saw the playing fields – May Meadows (1014) and the proposed local green space (1015) to their south and east.
- 5.14 I then walked along Bosworth Road to the Recreation Ground. I saw that it was well-maintained and enjoyed a good range of facilities. On my way back into the village centre, I looked at the very attractive Manor House.
- 5.15 I took the opportunity to look at Barton Road on the western side of the village. I saw the scale, significance and social importance of the Primary School.
- 5.16 I finished the visit by driving to the A444 to the west of the village and then onto Hinckley to the south.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.

6.5 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Barlestone Neighbourhood Plan:

- a plan-led system– in this case the relationship between the neighbourhood plan and the adopted Hinckley and Bosworth Core Strategy 2009 and the adopted Site Allocations and Development Management Policies 2016
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- always seeking to secure high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it seeks to safeguard the quality and nature of its countryside and environmental features. It also provides a positive approach towards the identification of strategic housing development.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014 (and as subsequently updated on a regular basis). Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for the allocation of housing sites (Policy H2) and for infill development (Policy H4). It also includes a variety of employment-related policies (Policy BE1 to BE5). In the social role, it includes policies for local green spaces (Policy ENV1) and for community facilities (Policies CFA1-4). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on character and design (Policy H7), sustainable design (Policy BE5), landscape and natural environment (Policies ENV2, 3 and 8) and Key Views (Policy ENV12). BPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the Borough in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modification in this report, I am

satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation – Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HBBC commissioned a screening exercise (July 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening exercise reached this conclusion as follows:

'Environmental effects have the potential to take place as a result of the Barlestone Neighbourhood Plan, including in relation to the majority of the SEA 'topics. This SEA screening opinion provides the necessary analysis relating to the potential for negative effects on the nearby SAC, SSSIs, Scheduled Monuments and Listed Buildings. With respect to these designations, it is considered that these are unlikely to be significant in the context of the SEA Directive. The significance of potential effects will be limited by key aims of the Barlestone Neighbourhood Plan and these are in turn reflected by the policy approaches proposed by the latest version of the plan'

European Legislation - Habitat Regulations (HRA)

- 6.17 The commissioned SEA screening report also included a Habitats Regulations Assessment (HRA) of the Plan. It is a very comprehensive and helpful document. The submitted HRA assesses the impact of the submitted Plan on the River Mease Catchment SAC and The Ensor Pools SAC.
- 6.18 The HRA comments that 'the Borough Council considers that further stages in the HRA process are not required (including further screening, or Appropriate Assessment) and that the Barlestone Neighbourhood Plan is not considered to have any impact on the Natura 2000 network of protected sites'
- 6.19 The process followed provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters. Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

European Legislation – Human Rights

- 6.20 In a similar fashion, I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on

Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.21 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It does however include two Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary, I have identified the inter-relationships between the policies.
- 7.6 For clarity, this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional fashion. Its cover has been designed by Nyah Linnett and Katie Chiswell. It visually describes many of the ambitions of the Plan itself. The Plan makes a very effective use of maps. A very clear distinction is made between its policies and the supporting text.
- 7.9 The Background and Context section comments about the wider development of the Plan and what it has set out to achieve. It also provides background information on neighbourhood planning in general, and the way in which the submitted Plan will complement the wider development plan. It includes an excellent map of the neighbourhood area. It comments about the planning policy context within which the Plan has been prepared and the wider concept of sustainable development.
- 7.10 The following section comments about the neighbourhood area. It describes its history and its current profile. It also comments about the evidence gathered and used in the preparation of the Plan.

7.11 The Community Engagement process section comments about how the community was engaged in the earlier parts of the Plan. It healthily overlaps with the submitted Consultation Statement.

7.12 The Vision part of the Plan sets out a distinctive vision and objectives for the Plan. This sets the scene for the Plan in general, and the policies in particular. The vision is as follows:

‘Our vision for Barlestone Parish is that by 2039 it will remain an attractive and sustainable place for people to live and work, while keeping its character as a rural village.

In order to achieve this:

- *The special open spaces and heritage assets of our parish will be protected,*
- *Housing developments will be sympathetic to the character of the village, will have minimal environmental impact and will cater for the full range of local housing needs,*
- *Community amenities will be both preserved and enhanced,*
- *Appropriate local employment opportunities will be made available, and*
- *Recreational activities promoted to enhance the well-being of Barlestone residents.’*

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy H1: Housing Provision to meet an identified need

7.14 This policy sets out the Plan’s approach towards the delivery of new housing. The Plan summarises its position in the section entitled ‘What is the Barlestone housing need’ as follows (with some spacing refinements I have introduced for the purposes of this report):

Based on an approach which apportions the overall borough housing need to Barlestone based on its share of population (2.3%) the housing requirement for Barlestone up to 2039 is 194 dwellings.

There are two sites allocated in the Site Allocations DPD for a total of 148 dwellings. The first is Garden Farm, (Site Bar102). Planning permission has now been granted for the development of 99 dwellings. The second is Spinney Drive, South of Brookside, (Site Bar127) with capacity for 49 dwellings.

This leaves a residual target of 46 dwellings. When outstanding permissions are taken into account (18 homes in total), the housing requirement for Barlestone is 28.

However, the Borough Council recommend that some flexibility is built into the housing requirement and have recommended up to 10% is added onto the figure calculated through the standard methodology. This would add on up to a further 20 dwellings to the housing requirement for Barlestone, a total of 48.

The housing allocations identified in Policy H2 provide for a maximum of 57 dwellings over the Plan period.

7.15 The matter is complicated given the emerging nature of the Local Plan (see paragraph 5.7 of this report). In this context the Plan has generated a series of representations both from the development industry and from HBBC. Whilst the emerging Plan provides a broad context for future growth in the parish up to 2039 the stage at which it is within the plan-making process means that there is no final and definitive information on the future strategic target for housing in the neighbourhood area at this stage.

7.16 In its helpful response to the clarification note HBBC commented as follows:

As an update on the progress of the emerging local plan - The Local Plan is expected to be approved for submission in January 2022 with examination later in 2022 and adoption in 2023.

As an update on the sites identified as commitments in the SADMP - Planning permission was granted for 99 dwellings at Garden Farm on 15/10/2021 (20/00470/FUL). The Borough's Residential Land Assessment and SHELAA anticipate build out during 2023/24 and 2024/25. An outline planning application for 49 dwellings has recently been submitted for Spinney Drive (Ref: 21/00417/OUT). No date for its determination is known.

As an update on potential additional sites for residential development - The outline planning application for residential development of up to 55 dwellings on land North of Barton Road, Barlestone (ref: 21/00096/OUT) is expected to be determined at Planning Committee on 14 December 2021. This proved to be the case. The outline planning application for up to 50 dwellings at land east of Bagworth Road is under consideration and is likely to be presented to committee either in January or February 2022.

7.17 Representations from the development industry express overlapping concerns about the potential for the neighbourhood plan to accommodate the level of growth to be eventually captured in the Local Plan. They also commented about the way in which the figures in the submitted Plan had been presented and calculated and the degree of assurance which the submitted Plan had attached to committed sites already addressed in the SADMP.

7.18 I have considered these various matters in the round. On the one hand, the Plan has proactively addressed this important matter and has proposed a policy to clarify the issue. In addition, it has proposed the allocation of three sites which, collectively, would exceed its assessment of housing need in the Parish. On the other hand, the position of the emerging Local Plan remains unclear. The most recent document available at the time that this examination was proceeding was the Consultation Draft Plan (June 2021) which commented about the split of new housing growth between urban and rural areas. In particular that document identified Barlestone and one of a series of Key rural villages each of which would deliver a minimum of 200 homes in the Plan period. It also identifies that 23 homes were committed in Barlestone (in April 2020).

- 7.19 Given the uncertainty that exists on the eventual outcome Local Plan and the fluidity of the position with regard to the determination of planning applications in the parish (see paragraph 7.16 above), I am not convinced that providing clarity on potential growth by way of a specific policy is either desirable or practicable at this stage. In effect, it is a matter which will be determined by two related matters. The first is the outcome of the Local Plan examination. The second is the ongoing decisions which HBBC make on current and future planning applications in the parish. In any event, the submitted neighbourhood plan is assessed against the adopted development plan rather than the emerging Local Plan.
- 7.20 In these circumstances, I recommend that the policy is deleted. I also recommend that the existing associated supporting text is modified so that it reflects the matters which I have raised in this part of the report.
- 7.21 The submitted Plan properly includes a section on Monitoring and Review. Its final paragraph makes a connection with the emerging Local Plan. In paragraph 7.124 of this report, I separately recommend that this approach is expanded to make explicit reference to the uncertainty which exists over housing figures. An indirect effect of the recommended modifications is that it partly future proofs the Plan once the Local Plan has been adopted. Plainly if additional homes are required beyond those identified at this stage, BPC will have an opportunity to review its Plan at that time.

Delete the policy

Renumber the remainder of the Housing policies accordingly

Replace the 'What is the Barlestone housing need' with:

'Information in the emerging Local Plan (the Consultation Draft Plan June 2021) indicates that the gross housing requirement for the Borough for 2020 – 2039 is 9280 dwellings. As at April 2020, 4087 dwellings were committed

Based on an approach which apportions the overall housing need in the Borough to Barlestone based on its share of population (2.3%), the housing requirement for Barlestone up to 2039 is 194 dwellings or 214 dwellings with a 10% uplift to provide for an appropriate degree of flexibility.

The existing Site Allocations DPD identifies a total of 148 dwellings as commitments on two sites. The first is Garden Farm, (Bar102). Planning permission has now been granted for the development of 99 dwellings. The second is Spinney Drive, South of Brookside, (Bar127) with capacity for 49 dwellings.

Based on the current approach in the emerging Local Plan this leaves a residual target of 46 dwellings. When outstanding permissions are taken into account (18 homes in total), the housing requirement for Barlestone is 28 homes. In the event that the 10% flexibility as proposed by the Borough Council is applied, the residual requirement would be 48 homes.

The housing allocations identified in Policy H2 of this Plan provide for a maximum of 57 dwellings over the Plan period. This is proposed as a positive approach to the

uncertainty which exists leading up the submission of the Local Plan and the eventual outcome of its examination.

In these circumstances, the Parish Council will continue to assess the impact of the Borough Council's determination of applications for residential development in the parish and will monitor progress of the Local Plan leading up to its eventual adoption. In the event that committed sites do not come forward and/or the emerging Local Plan (once adopted) requires additional homes to be developed in the neighbourhood area the Parish Council will actively consider a review of the Plan. This matter is addressed in further detail in the Monitoring and Review section of this Plan.

Policy H2: Residential Site Allocations

7.22 This is an important policy within the Plan. It proposes the allocation of three housing sites as follows:

Site 1: North of Bagworth Road (approximately 40 homes);

Site 2: Land to the rear of 11-19 Newbold Road (approximately 6 homes); and

Site 3: Land to the north of Newbold Road (approximately 11 homes).

7.23 I looked at the three sites carefully during my visit to the neighbourhood area. I looked particularly at the way in which they related to the existing built format of the village.

7.24 The Plan's selection of the three sites has been underpinned by the Site Sustainability Assessment (SSA) process. The Plan comments that an important consideration was that as the Parish is a very linear settlement, expansion should be predominantly to the north or south of the current built form. It contends that further east-west growth extending the current built form was considered less suitable given its potential to generate increased traffic congestion and the associated risk of coalescence with nearby villages.

7.25 The SSA sets out its methodology and approach. It comments that it is 'a proven technique to compare the different potential locations for new residential development so that the "least worst" sites, in environmental terms, are developed'. It also advises that the process is an update of the findings of the Strategic Housing and Economic Land Availability Assessment (SHELAA) sites report published by HBBC in 2019. BPC and its consultants identified twenty-seven scoring criteria in the SSA scoring matrix. They were considered to be relevant to the selection and allocation of sites for new dwellings using amended criteria from the NPPF.

7.26 A total of fourteen sites were assessed for residential suitability through the SSA process. The three highest scoring sites are proposed as allocations in the Plan. As part of this process the sites were presented to the community through a series of open web events.

7.27 In the round, I am satisfied that the three sites identified represent an appropriate approach to the current understanding of the housing need in the parish within the plan period of the emerging Local Plan. They are well-related to the built form of the village

and have the clear ability to be accommodated in its environment and townscape in a sensitive fashion.

- 7.28 I sought information from BPC about the anticipated delivery of the three proposed allocated sites. Its response helpfully overlaps with the representation on this matter from HBBC. In summary the following information was provided:

Site 1 – Clarendon Land & Development approached BPC when the pre-submission Plan was published. More recently the landowner submitted the site in the latest version of HBBC's Strategic Housing and Employment Land Availability Assessment

Site 2 – Planning permission was granted for four dwellings on part of the site in 2015.

Site 3 – Planning permission was granted in 2020 for the development of eight dwellings on the site. Site clearance and drainage works are now underway.

- 7.29 Taking account of all the relevant information, I am satisfied that there is a realistic prospect that the sites will be developed within the Plan period. In the event that this does not prove to be the case, the recommended modifications to the supporting text and to the Monitoring and Review section of the Plan will allow BPC to review the Plan at an appropriate point.

- 7.30 The following representations propose the allocation of the following sites in the Plan:

Leicestershire County Council – Land to the north of Barton Road. This site is adjacent to but not within the neighbourhood area and now has planning permission.

Gladman Developments – Land off Cunnery Road.

Land Allocation Limited – Land to the east and south of Bagworth Road. This site is now subject to a current planning application.

Maturi Developments Limited – Land to the south of Newbold Road.

Lagan Homes – Land to the rear of Bagworth Road.

- 7.31 Having considered all the information available to me, I am not convinced that it would be appropriate to introduce new sites at this late stage of the plan's preparation. In particular, some of the sites have already been assessed in the SSA process. In addition, the local community would be unable to engage with such a process and submit comments. It could also have implications for the need or otherwise for Strategic Environmental Assessment. In any event the approach which I have taken with regard to Policy H1 of the Plan will allow these or other sites to be considered (if necessary) in any review of a 'made' neighbourhood plan.

- 7.32 The policy itself is relatively-straightforward. It proposes the allocation of the three sites and requires them to be developed in accordance with the requirements for housing mix, affordable housing and design included in Policies H4, H5 and H6 of the Plan respectively. It also provides information on indicative numbers. It specifically comments that Site 1 should address linkages between the development and existing housing to improve access to local facilities and amenities and the creation of

clear and safe entryways to the site. Sites 2 and 3 are required to deliver sustainable drainage systems.

- 7.33 In general terms I am satisfied that the policy's approach is clear and provides clarity for the landowners and developers concerned. HBBC suggest that the word 'around' for the various housing yields is replaced by 'approximately'. I consider that this approach will bring the clarity required by the NPPF. It will also be consistent with the approach taken in recent neighbourhood plans in the Borough.
- 7.34 HBBC comments about the scale of Figure 2 in the Plan which shows the location of the three sites. Whilst the sites were readily identified for examination purposes, I agree with HBBC's comment that Figure 2 is unsatisfactory for development plan purposes. As such, I recommend that it is replaced either by a single plan which more clearly shows the three sites or is supplemented by additional maps showing the nature of the three sites concerned.

Throughout the policy replace 'around' with 'approximately'

Either Replace Figure 2 either by a single plan which more clearly shows the three sites or supplement Figure 2 with detailed maps showing the nature of the three sites concerned.

Policy H3: Settlement Boundary

- 7.35 The policy largely sets out a spatial strategy for the Plan. It comments that development proposals on sites within the settlement boundary will be supported where they respect the character of that area of Barlestone. Land outside the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 7.36 The supporting text sets out the community's support for the continued use of a settlement boundary both generally and in particular to safeguard the importance and significance of the countryside surrounding the village. Details about specific parts of the countryside are captured in the detailed environmental inventories of the Plan and which feed into its various environmental policies.
- 7.37 The Plan sets out BPC's approach to the definition of the settlement boundary. In particular it identifies the importance of the settlement boundary following easily identifiable physical features and the incorporation of site within the defined boundary which are either committed for development and/or have planning permission. The definition of the settlement boundary has been helpfully revised to take account of comments from HBBC at the pre-submission stage.
- 7.38 Both Gladman Developments and Land Allocation comment on this policy. The former suggests that the policy should be revised so that it would support development adjacent to the settlement boundary. The latter queries the relationship between the approach to this matter in the emerging Local Plan and the extent to which the neighbourhood plan has been positively prepared.

- 7.39 In the round, I am satisfied that the Plan has taken a positive approach to this matter. Within the uncertainty around what may eventually be included in emerging Local Plan for the period up to 2039, BPC has addressed the supply of housing land in a proactive way. I am not persuaded that it would be appropriate for the policy to incorporate flexibility for developments to come forward adjacent to the settlement boundary. This would have the clear ability to detract from the structured approach which BPC has taken to the identification of potential housing sites. In this context, most of the sites considered are located adjacent to the settlement boundary as set out in the SADMP. In any event, the approach taken elsewhere in the Borough (such as in the Burbage NDP) was in the context of a submitted Plan which did not include any allocated sites and where the examiner recommended modification to the relevant flexibility to address this matter.
- 7.40 HBBC raise a series of detailed comments about the details of the settlement boundary as proposed in the Plan and their relationship between the settlement boundary in the SADMP. Based on its comments I recommend that the way in which the Spinney Drive site is shown in the neighbourhood plan is amended to exclude the strategic landscaping as shown in the masterplan associated with the now-expired planning permission. I am satisfied that BPC has correctly interpreted the settlement boundary in respect of land North of Little Mill Close, South of 132 Newbold Road and South of 182 Newbold Road.
- 7.41 The policy itself takes an approach which supports development within the identified settlement boundary subject to a series of criteria which include respecting the character of the surrounding area and compliance with other Plan policies. The second element applies national and local countryside policies to land outside the settlement boundary. The policy meets the basic conditions.

Revise the proposed settlement boundary to exclude the strategic landscaping as shown in the masterplan associated with the development of Spinney Drive (see Appendix 1 of the HBBC representation)

Policy H4: Windfall Sites

- 7.42 This policy comments that small residential development proposals within the settlement boundary will be supported where they are well-designed and meet a series of criteria.
- 7.43 In general terms, I am satisfied that the approach in the policy meets the basic conditions. In particular it will focus new development in locations which are inherently sustainable and have good access to a range of services. The policy supplements the approach in Policies H1-3 and will allow an ongoing delivery of windfall development within the built form of the settlement. Nevertheless, I recommend detailed changes to the wording and structure of the policy to bring the clarity required by the NPPF. In particular the recommended modifications identify the need for any such development to be well-designed to be identified as an additional criterion rather than within the opening part of the policy.

- 7.44 I also recommend modifications to the supporting text in order to bring the clarity required by the NPPF. In doing so I have taken account of BPC's helpful response to the clarification note and of HBBC's representation to the Plan.

Replace 'subject to proposals being well-designed and meeting all Development Plan requirements and where such development:' with 'where they meet the following criteria:

Replace the first bullet point with 'they assist in the delivery of identified housing needs in the parish'

In the second bullet point replace 'Provides for' with 'they incorporate'

In the third bullet point replace 'Retains or enhances' with 'they retain or enhance'

In the fourth bullet point replace 'Does' with 'they do'

Add a fifth bullet point to read: 'they are well-designed in general terms and take account of the details of Policy H7 of this Plan'

In the supporting text delete the second¹ sentence. At the end of the section of the supporting text add 'Proposals for windfall development outside the settlement boundary will be considered against Policy H3 of this Plan and other relevant development plan policies'

Policy H5: Housing Mix

- 7.45 This policy seeks to ensure that new housing development takes account of identified housing needs and provides a mix of new housing. It comments that new development should provide for a mixture of housing types having regard to identified local housing needs. The provision of bungalows suitable for elderly people and dwellings of 2/3 bedrooms will be particularly supported. It also comments that the inclusion of four-bedroom or larger houses in housing developments will be supported where they are subservient in number to one, two and three-bedroom accommodation and where there is a proven housing need.
- 7.46 HBBC raise a series of helpful, technical comments about the way in which the submitted policy relates to adopted and emerging local planning policies. As the basic conditions test is against adopted policies rather than emerging policies, I have focused my attention on the contents of Policy 16 of the Core Strategy. That policy identifies specific percentages for different housing sizes. As the Plan relies on more recent evidence than that which was used for the Core Strategy, I am satisfied that its general approach is appropriate and meets the basic conditions. In the event that the emerging Local Plan takes a different (or more specific) approach BPC would have the opportunity to refresh its policy as part of a review of any 'made' neighbourhood plan.

¹ This Note is added by Hinckley and Bosworth Borough Council. After the final Report had been agreed it was noticed that the third sentence should be deleted, not the second. This was confirmed by Andrew Ashcroft by Email 3/2/22.

- 7.47 The policy reflects housing needs in the neighbourhood area and has been carefully designed to be non-preceptive. It will do much to assist in meeting housing needs in the parish. It meets the basic conditions

Policy H6: Affordable Housing

- 7.48 This policy sets out requirements for the provision of affordable housing. The Plan comments that local consultation has demonstrated support for more affordable units to be provided across a range of tenures. Similarly, the feedback from local consultation support provision to help achieve a balanced community. On this basis the Plan seeks a tenure split for the 40% of total site provision that is affordable housing as 80% social and affordable rented and 20% intermediate housing to be delivered. The policy has three main elements as follows:

- that new affordable housing meets the identified housing needs in the parish;
- that the affordable houses should be seamlessly integrated into the wider layout of the site; and
- that the delivered affordable housing should initially be offered to people with a connection to the local area.

- 7.49 The policy has attracted representations from HBBC, Gladman Developments and Maruti Developments Limited. In an overlapping fashion, they comment that either the policy is an unnecessary repetition of existing local planning policy or incorrectly interprets the contents of that policy. Having taken account of all the relevant information, including BPC's response to the clarification note, I recommend that the overlaps between the submitted Policy and the contents of Policy H15 of the adopted Core Strategy are deleted from the policy. National policy is clear that neighbourhood plans should not repeat or restate either national or local planning policies. I also recommend consequential modifications to the supporting text. I am satisfied that the remaining elements of the policy should remain with necessary modifications which would bring the clarity required by the NPPF.

Replace the policy with:

'Affordable housing should be provided and delivered on residential development sites to meet the following criteria:

- **they deliver the number and type of affordable homes as set out in Policy H15 of the adopted Core Strategy;**
- **they demonstrate how the proposal will meet the current and future housing needs of the parish as evidenced in the Parish Housing Needs Survey Report 2016 (Appendix 2) and the HBBC Housing Needs Study (2019) or any more recent document updating either of these reports;**
- **the affordable units should be integrated within the design and layout of a development such that they are externally indistinguishable from market housing on the same site; and**
- **wherever practicable, new affordable housing shall in the first instance be made available to eligible households with a connection to the Parish'**

In the supporting text delete the paragraph which provides the definition of affordable housing within the NPPF 2019

Replace the final two paragraphs of the supporting text with:

'Policy H15 of the HBBC Core Strategy sets out the Borough Council's approach to this important matter. Local consultation has demonstrated support its continued application whilst the emerging Local Plan is finalised. Feedback has also commented about the need for more affordable units to be provided across a range of tenures.

Policy H6 of this Plan also comments about the nature of the affordable housing to be delivered on development sites. Its approach has been designed to ensure that affordable housing units directly address local housing needs and are incorporated in an attractive way into the wider site concerned'.

Policy H7: Design

- 7.50 This policy sets out a series of design criteria which will be applied to new development on a proportionate basis. The criteria include:
- a relationship with existing built development in the immediate locality;
 - car parking provision;
 - general amenity issues;
 - biodiversity and the natural environment;
 - the use of sustainable building techniques; and
 - the use of sustainability drainage systems.
- 7.51 The policy is underpinned by the Character Assessment (Appendix 5). It assesses 13-character areas in the neighbourhood area. It is an excellent piece of work undertaken by the local community. It is also an excellent local response to the national design agenda as captured in the NPPF.
- 7.52 The policy has been carefully developed so that it would apply as appropriate to the scale, nature and location of the development concerned. In addition, whilst there is a focus on development which reflects existing character contemporary and innovative design is supported in the first criterion where it will not conflict with the wider character of the neighbourhood area. I recommend a series of detailed modifications to the wording used in the criteria to bring the clarity required by the NPPF. In some cases, the wording used does not naturally flow from the initial part of the policy itself. In certain respects, criteria e and g overlap with each other. I recommend a consolidation of the issues raised by way of modifications.
- 7.53 In the absence of any specific evidence to support the car parking standards in the second criterion which are higher than those in the Leicestershire Highways Design Guide I recommend that this element of the policy is modified accordingly

In the opening part of the policy replace 'Development proposals of' with 'Development proposals for'

In a) replace 'Development should fit in with' with 'Proposals should respect' and 'where possible' with 'where practicable'

Replace b) with:

'Sufficient off-road parking should be provided at a minimum of the standards in the Leicestershire Highways Design Guide. In particular there should be adequate parking areas for residents and visitors within each development'

In c) replace 'Does' with 'The proposal does'

In d) replace 'Development' with 'Proposals' and 'whenever possible' with 'whenever practicable'. In the second sentence replace 'must' with 'should'. In the third sentence replace 'whenever possible' with 'whenever practicable'

In e) delete the final sentence

In f) replace 'Development' with 'Proposals'

Replace g) with:

'Development should incorporate sustainable drainage systems such as use of water butts, permeable surfaces and balancing ponds to retard surges and to minimise the vulnerability to flooding and poor drainage. Development proposals should demonstrate that all surface water discharges have been addressed in a sustainable way so that discharge to the public sewerage systems is avoided. All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate'

Replace h) with:

'The lighting design, location, type, lux levels of development proposals should take account of best practice including advice from the Institute of Lighting Professionals'

Replace i) with:

'Development proposals should make appropriate provision for the storage of waste and recycling'

Policy ENV1: Protection of Local Green Space

7.54 This policy proposes the designation of four local green spaces (LGS) as follows (and as shown on Figure 6):

- St Giles Churchyard (inventory reference 1013);
- The Boardwalk (inventory reference 1015);
- Bosworth Road Playing Fields (inventory reference 1001); and
- Old Pasture (inventory reference 2001).

- 7.55 The four proposed LGSs have been proposed following a detailed assessment of open spaces in the parish (as detailed in Appendix 8). In particular the appendix relates the proposed LGS to the criteria for such designation in the NPPF.
- 7.56 I looked carefully at the proposed LGSs during my visit. I saw their different uses. They range from the peaceful churchyard to the more open playing fields. Information provided by BPC in its response to the clarification note confirmed that the four sites are local in character and not extensive tracts of land. I am satisfied that it meets the three criteria in paragraph 102 of the NPPF.
- 7.57 In addition, I am satisfied that the proposed designations would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are established and well-used elements of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.58 As submitted, the policy identifies the policy implications of the designation. The policy implications have a rather complicated format and go beyond the rather matter of fact approach on this matter in the NPPF. I recommend modification both to the policy and to the supporting text to remedy this matter. The recommended modifications take account of recent court cases (see paragraph 3.1 of this report) which addressed the way in which LGS should be designated.

Replace the policy with:

‘The Plan designates the following as Local Green Space (and as shown on Figure 6):

[List the four sites]

Development proposals within designated local green spaces will only be supported in very special circumstances’

At the end of the supporting text add:

‘Policy ENV1 designates the four spaces as a local green space. In doing so it follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on local green spaces within the Plan period, they can be assessed on a case-by-case basis by the Borough Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy.

Policy ENV2: Protection of sites of Historical Environmental Significance

- 7.59 This policy comments about sites of historical significance. It captures both built heritage and archaeology. It comments that the historical and cultural significance of

the sites and the features present on them should be balanced against the local benefit of any development that would affect or damage them.

- 7.60 The policy takes a balanced and well-researched approach to this important matter. The various sites have been assessed as part of the wider work undertaken in Appendix 6.
- 7.61 I recommend two detailed modifications to the wording of the policy. The first substitutes 'historical environment features' with 'non-designated heritage assets'. This will better reflect the wording used in the NPPF. The second is to ensure that the balancing act in the policy more fully takes account of the contents of paragraph 203 of the NPPF. This is particularly important as both the policy itself and figure 7.1 addresses sites with differing status.

Replace 'The sites listed... archaeology)' with 'The sites listed and mapped (figure 7.1) are non-designated local heritage assets and have been identified as being of significance for their historical environmental features (built heritage or archaeology) ...'

At the end of the policy add: 'having regard to the scale of any harm or loss and the significance of the heritage asset'.

Policy ENV3: Protection of sites of Natural Environmental Significance.

- 7.62 This policy identifies a series of sites of natural environmental significance. The policy approach requires that development proposals, or changes of use requiring planning permission, should demonstrate that the development's local value outweighs the environmental significance of the site or feature.
- 7.63 This policy identifies a series of sites which are considered to be of environmental significance on Figure 7.2. Their details are set out in Appendix 6 of the Plan.
- 7.64 The policy has regard to the approach taken in the NPPF (Sections 15 and 16). In particular it is non-prescriptive to the extent that it requires that development proposals should demonstrate that the development's local value outweighs the environmental significance of the site or feature.
- 7.65 In general terms I am satisfied that the policy meets the basic conditions. It seeks to take an approach which reflects the relationship between the importance of the site concerned and the development proposed. This is particularly important given that Figure 7.2 identifies sites with differing levels of significance. However, in this wider context, I recommend that the policy is consolidated to relate its coverage to the sites included in Figure 7.2. Finally, I recommend that the basis of the replaced policy element is incorporated within the existing supporting text. I also recommend that the existing supporting text is updated to take account of the replacement of the NPPF 2019 with the NPPF 2021.
- 7.66 Gladman Developments Limited raises a technical query with regard to the small area edged in yellow on Figure 7.2 to the immediate west of Bosworth Road (and the

identified site 2002). As there is no information in the details in Appendix 6, I recommend that the yellow strip is deleted from Figure 7.2.

- 7.67 Land Allocation raises a separate issue with regards to parcels of land 4004 and part of 4005 on Figure 7.2. In relation to 4004 the representation comments that the presence of a pond and other associated wildlife does not justify identifying the site as a site of biodiversity significance. In relation to 4005 it comments that the importance of the identified hedgerow has been identified in the current planning application for the development of land off Bagworth Road (21/0460/OUT). On the balance of the information and evidence available to me, I recommend that 4005 is retained in the Plan and that 4004 is deleted.
- 7.68 Appendix 6 underpins this and other environmental policies. It is both comprehensive and detailed in the way in which it addresses and scores the various site. However, it is presented in scoring order rather than in site numbering order. This makes an understanding of its contents very difficult. I recommend that it is rearranged so that the various sites appear in numerical order.

Replace the policy with:

The Plan identifies a series of sites (as shown on Figures 7.1 and 7.2) as having significance for their natural environment features (habitats and species).

Development proposals affecting the identified sites should safeguard and where practicable enhance their environmental features. To be supported development which would affect the identified sites should demonstrate that the development's value outweighs the natural environment significance of the site or features.

In the second paragraph of supporting text update the references and paragraph numbers to take account of the 2021 version of the NPPF.

At the end of the supporting text add:

'Policy ENV2 seeks to safeguard these important features of the neighbourhood area. It balances the significance of the sites with the importance of the development proposed to the local community. The sites have been identified as being of local significance for their environmental features (natural and/or historic). They are ecologically important in their own right, their historical features are extant and have visible expression, or there is proven buried archaeology on the site, and they are locally valued'

Delete site 4004 from Figure 7.2 as a site of biodiversity significance

Delete the yellow strip to the immediate west of Bagworth Road (and to the west of site 2002) from Figure 7.2 as a Local Wildlife Site

Reorder Appendix 6 so that the sites appear in numerical order

Policy ENV4: Important Open Spaces

- 7.69 This policy identifies a series of open spaces with a sport and/or recreation function, amenity value, or significance for the contribution they make to the setting and character of the parish. They are shown on Figure 8. It then comments that development proposals that result in their loss, or have a significant adverse effect on their character or use, will not be supported unless the open space is replaced by equivalent or better provision in an equally suitable location, or unless it can be demonstrated that the open space's amenities are no longer required by the community.
- 7.70 The policy recognises the importance of the various open spaces to the character of the neighbourhood area. I recommend that the schedule excludes any open spaces which have been designated as LGSs in Policy ENV1. Those sites already would benefit from the specific protection which arises from such designation.
- 7.71 I recommend detailed modifications to the wording used so that they have the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will do much to ensure that open spaces are safeguarded.

Replace the opening sentence of the first part of the policy with:

'The Plan identifies the following sites (and as shown on Figure 8) as open spaces with a sport and/or recreation function, amenity value, or significance for the contribution they make to the neighbourhood area's setting and character. [Thereafter list the sites]

Delete the first two sites in the schedule.

Policy ENV 5: Built Environment:

- 7.72 This policy identifies a series of local heritage assets. It comments that development proposals that affect the buildings and structure, or their setting, will be expected to conserve the significant features which make them important. It also comments about the decision-making process and that in weighing planning applications that affect directly or indirectly a building or structure in the list below, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the building or structure.
- 7.73 The policy is commendably evidence-based. Appendix 10 provides details about the proposed non-designated assets. They are also shown on Figure 9 of the Plan. In addition, the approach in the policy has regard to the approach on non-designated assets in the NPPF (paragraph 203).
- 7.74 I recommend a series of recommended modifications. The first identifies the various buildings as non-designated heritage assets. This will better reflect the wording used in the NPPF. The second is that the policy draws attention to Figure 9 to provide clarity on the location of the identified buildings. Otherwise, the policy meets the basic conditions.

Replace the policy with:

‘The Plan identifies the following non-designated heritage assets (and as shown on Figure 9).

Development proposals that affect the identified buildings or their settings, should conserve the significant features which make them important. In weighing planning applications that affect directly or indirectly a non-designated heritage asset a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the building or structure’

Policy ENV6: Ridge and Furrow

- 7.75 This policy identifies a series of ridge and furrow fields as non-designated heritage assets. They are shown on Figure 10.2. It comments that the areas of ridge and furrow earthworks mapped in figure 10.2 are identified as non-designated heritage assets. Any loss or damage arising from a development proposal (or a change of land use requiring planning permission) is to be avoided; the benefits of such development must be balanced against the significance of the ridge and furrow features as heritage assets.
- 7.76 I am satisfied that the policy is evidence-based. The supporting text makes reference to work undertaken by English Heritage in the 1990s. Figure 10.1 also shows the findings of the ‘Turning the Plough’ survey
- 7.77 I recommended modifications to the detailed wording of the policy to ensure that it has full regard to the balancing act in the NPPF and to bring clarity to its intentions. Otherwise, it meets the basic conditions.

In the first sentence of the policy replace ‘are recorded here as’ with ‘are identified as’

Replace the second sentence of the policy with:

‘In assessing development proposals which would involve any loss or damage to an identified area of ridge and furrow earthwork on Figure 10.2 the benefits of the development will be balanced against the significance of the feature concerned as a heritage asset’

Policy ENV7: Notable Trees, Woodland and Hedges

- 7.78 This policy identifies a series of notable trees, woodlands and hedges. It is underpinned by the extensive background information in Appendix 11.
- 7.79 The policy takes an appropriate approach to this matter. As the Plan comments the parish enjoys a higher degree of tree cover than the remainder of the county. I recommend two detailed modifications to the wording of the policy to ensure that they have the clarity required by the NPPF. They do not affect its overall direction and approach.

Replace the first sentence of the policy with: ‘The Plan identifies notable trees, woodland and hedgerows (as shown in figure 11) as having high arboricultural, historical, ecological and/or landscape value’

Replace the final sentence of the policy with: ‘Where the loss of any features identified in figure 11 is unavoidable the principles of mitigation and biodiversity net gain should be applied in accordance with paragraph 32 of the NPPF’.

Policy ENV8: Biodiversity and Habitat Connectivity

- 7.80 This policy comments about biodiversity and habitat connectivity and wildlife corridors. It seeks to build on Policy ENV 3 which deals with the protection of identified parcels of land of high biodiversity value. In this case, it covers the general principle of biodiversity protection through the planning system. It also identifies two wildlife corridors (shown in Figure 12), which incorporate some of the best biodiversity sites in the parish and passing close to or through the village. The Plan comments that these wildlife corridors will provide habitat connectivity to enable wildlife populations to move between the otherwise isolated surviving places for living, breeding, foraging and feeding, and (because of their proximity to the village) give opportunities for local people to enjoy the benefits of appreciation of the natural world.
- 7.81 I recommend detailed modifications to the wording used in the policy. This will bring the clarity required by the NPPF. I also recommend that the descriptive element of the Bagworth to Market Bosworth Corridor in the policy is deleted and repositioned into the supporting text. This reflects its descriptive rather than policy-based nature.
- 7.82 Gladman Developments raises a technical query about a parcel of land to the west of Bosworth Road. I have already addressed this matter in my assessment of the representation in Policy ENV3.

In the first sentence replace ‘will be expected to’ with ‘should’ and ‘where possible’ with ‘where practicable’

In the second sentence replace ‘where possible’ with ‘where practicable’

In the second sentence delete ‘which is the green infrastructure corridor that spans Barlestone NP area’

At the end of the supporting text under the Wildlife Corridor heading add: ‘Policy ENV8 comments about the Bagworth to Market Bosworth Corridor which is the green infrastructure corridor that spans the parish’

Policy ENV9: Bat Conservation

- 7.83 This policy addresses the conservation of bats in the neighbourhood area. It is underpinned by local and parish-based research and evidence
- 7.84 It deals with the four factors on which bat conservation relies – the provision of roosting opportunities, the availability of foraging and commuting habitat (including connectivity), appropriate management and protection of existing roosts and areas and appropriate artificial lighting.

- 7.85 The policy takes a balanced and evidence-based approach to this matter. I recommend a detailed modification to the wording of the policy. This will ensure that it has the clarity required by the NPPF and provides an appropriate context for the criteria. Otherwise, it meets the basic conditions.

Replace the opening part of the policy with:

‘Development proposals should use independent research to determine the presence or absence of bats, bat roosts and commuting and foraging habitat in, and adjacent to, the site concerned.

Based on the findings of the research, development proposals should:’

Policy ENV10: Rights of Way

- 7.86 This policy has two related parts. The first sets out to ensure that new development does not have an unacceptable impact on existing rights of way. The second offers support to the creation of new footpaths or the enhancement of existing footpaths.
- 7.87 In general the policy provides a very positive approach to this important matter. As the supporting text comments ‘a good network of footpaths and bridleways survives in the Plan Area. To some extent they are a characteristic historic feature, as well as being a well-used community asset that helps improve physical and mental wellbeing for local residents (and visitors)’.
- 7.88 The policy has its own integrity and value. Elsewhere in this report, I have recommended the deletion of Policy TR3 which addresses very similar matters.
- 7.89 The policy takes a positive and effective approach to this important matter. I recommend three detailed modifications to the wording used so that it has the clarity required by the NPPF. In addition, I recommend the insertion of an additional sentence at the beginning of the policy. It sets out a positive approach towards how development proposals should approach and address rights of way. Finally, I recommend that the wording of the second part of the policy is expanded to incorporate the added value of the contents of Policy TR3. It will complement the initial sentence in the submitted Plan. Otherwise, this policy meets the basic conditions and will contribute towards the delivery of the social dimension of sustainable development.

At the beginning of the policy add: ‘Development proposals should take account of existing rights of way and be designed to respect their importance to the local community’

In the first sentence replace ‘significant adverse’ with ‘unacceptable’

In the second sentence replace ‘The creation.... existing footpaths’ with ‘The creation of new footpaths, or the enhancement, upgrading or extension of existing footpaths’

In the second sentence replace ‘is supported’ with ‘will be supported’

Policy ENV11: Flood Risk

- 7.90 This policy addresses flood risk issues. It takes account of important background information in the supporting text which comments that:

'Barlestone village is not at risk of flooding from main rivers, and although the floodplain of Booson Brook, which forms the northwest boundary of the Plan Area, is mapped as Zone 3, it is in open countryside. Any future approved development proposals here would be affected by, and would have deleterious effects on, flood events and downstream properties and infrastructure. However, two watercourses do pass through and close to the village; residents' experience is that these do cause local flooding, either from the watercourses themselves or from surface water in low-lying areas along their valleys. The effects of new development, more intensive arable farming practice and climate change have exacerbated these local flood events in recent decades'

- 7.91 The policy carefully addresses a series of issues including climate change, sustainable drainage systems and the need to avoid the risks of development work causing flooding downstream (and beyond any planning application site). It takes an approach designed to be both relevant to an application site and proportionate to the development proposed. Whilst this is a practical way forward, I recommend modifications to the opening part of the policy so that it more closely reflects its ambitions and has the clarity required by the NPPF.

Replace the opening part of the policy with: 'As appropriate to their scale, nature and location development proposals should demonstrate that:'

Policy ENV 12: Protection of Important Views

- 7.92 This policy identifies five important views in the neighbourhood area. Thereafter it proposes a policy approach to ensure that development proposals respect the identified views. The views are shown on Figure 15. Further details are provided on the various views in Appendix 13.
- 7.93 In general terms, I am satisfied that the views are appropriate and distinctive to the parish. They are based on public viewpoints. They help to provide a context to the village and its attractive rural setting. As the supporting text comments, the selection of the various views has been underpinned by the work undertaken on updating the Environmental Inventory.
- 7.94 The policy identifies the important views and applies a policy format to safeguard the various views. However as submitted the approach is unclear. I recommend that the policy is recast so that it has the necessary clarity for a development plan policy. I also recommend consequential modifications to the supporting text.

Replace the policy with:

'The Plan identifies the following important views (as shown on Figure 15).

[List the views at this point]

Development proposals which would affect the identified views should be designed to ensure that their layout, scale and mass respect the significance and character of the views concerned. Where necessary, development proposals should include measures to mitigate the effects of the development on the important view concerned'

At the end of the relevant supporting text add: 'Policy ENV12 provides a context to ensure that new developments respect the identified views. Where necessary, development proposals should include appropriate mitigation measures. Plainly they will vary on a case-by-case basis. However, they could include reduced or varied heights of buildings, the provision of gaps through development by sensitive layout planning, landscaping or tree-planting to soften the impact of built structures in a rural landscape'

Policy CFA1: Retention of Community Facilities and Amenities

- 7.95 The policy identifies a series of community facilities and sets out an approach that proposals which would result in their loss or a lessened effect will not be supported other than in a limited set of circumstances. I am satisfied that the facilities listed in the supporting text are important facilities in the parish and worthy of the approach set out in the policy.
- 7.96 The policy reflects the importance of the various community facilities in the village to its sustainability and well-being. It takes appropriate account of viability issues, the potential for an alternative provision to come forward as part of development proposals and circumstances where the facility is no longer needed by the local community.
- 7.97 I recommend a detailed modification to ensure that the policy has the clarity required by the NPPF and more explicitly relates to the development management process. Otherwise, it meets the basic conditions. It will do much to ensure that the Plan contributes towards the delivery of the social dimension of sustainable development.

Replace 'Development leading to' with 'Development proposals which would result in'

Policy CFA2: New and Improved Community facilities

- 7.98 This policy continues the approach taken in Policy CF1. In this case, it comments that proposals that improve the quality and/or range of community facilities, particularly those which encourage healthy lifestyles and/or support youth engagements, will be supported subject to a series of criteria.
- 7.99 In general terms the policy meets the basic conditions. As with Policy CFA1 will contribute significantly to the delivery of the social dimension of sustainable development in the neighbourhood area.
- 7.100 I recommend detailed modifications to some of the criteria to bring the clarity required by the NPPF. I also recommend that the second and third bullet points are refined and extended. This will provide a greater degree of granularity to their details. It will also

ensure that their approach becomes positive rather than negative. Nevertheless, its overall effect is unchanged. Otherwise, it meets the basic conditions.

In a) replace ‘stated’ with ‘set out’ and add ‘of this Plan’ after ‘Policy H5’

Replace the second and third bullet points with:

- **Can be satisfactorily incorporated in the local highway network;**
- **Can be satisfactorily accommodated with any residential properties in the immediate locality;**
- **Will provide appropriate levels of parking;**

Policy CFA3: Doctor’s Surgery

7.101 This policy offers support for extensions to the GP surgery. The policy is based on the expected increased need for medical services as the population of the neighbourhood area increases as a result of the development of new houses. Its ambition is wholly appropriate and will do much to contribute to the social dimension of sustainable development.

7.102 I recommend that the explanatory supporting text in the initial part of the policy is deleted. It is already addressed in the excellent supporting text. I recommend that the remainder of the policy is recast so that it makes the distinction between the potential for an extension to the existing surgery and for a potential new facility. As submitted the criteria in the policy read as applying principally to the latter.

Replace the policy with:

‘Development proposals for the extension and/or adaptation of the existing surgery will be supported.

Development proposals for the provision of a new surgery will be supported subject to the following criteria:

- **it can be safely and conveniently accessed by pedestrians and cyclists;**
- **it provides for appropriate levels of car parking;**
- **it has an appropriate vehicular access and can be safely accommodated in the local highway network; and**
- **it would not result in an unacceptable loss of open space and amenity to local residents or other adjacent uses.’**

Policy CFA4: School and Pre-School Facilities

7.103 This policy offers support to enhance the size and/or the range of facilities at the School and at the pre-school facilities in the village. It is criteria-based policy.

7.104 I recommend similar modifications to the criteria as I have done for Policy CFA3. In this case I recommend the deletion of the reference to their accessible locations as the policy refers only to the extensions/adaptations of the facilities rather than to a potential relocation.

Replace the policy with:

‘Development proposals for the extension and/or adaptation of the existing school and pre-school facilities will be supported subject to the following criteria:

- **they provide for appropriate levels of car parking;**
- **they retain an appropriate vehicular access and can be safely accommodated in the local highway network; and**
- **they would not result in an unacceptable loss of open space and amenity to local residents or other adjacent uses.’**

Policy TR1: Traffic management

- 7.105 This policy seeks to ensure that any housing and commercial development address a series of traffic management and capacity issues.
- 7.106 Whilst the policy overlaps with national and local policies the supporting text ensures that it has a distinctive flavour which directly relates to circumstances in the parish and is directly related to its scale and nature. In general terms it meets the basic conditions.
- 7.107 To ensure that the policy has the clarity required by the NPPF, I recommend that the element of the policy which is explanatory in nature in the opening part of the policy is deleted and repositioned into the supporting text. I also recommend that the fourth bullet point is modified so that it meets the requirements of the Community Infrastructure Levy Regulations which require that contributions should only be sought from developers where they are essential to make the proposal acceptable and are related in scale and nature to the proposal concerned.

Replace the opening element of the policy with: ‘As appropriate to their scale, nature and location new housing and commercial development should:’

Replace the fourth bullet point with: ‘provide any necessary improvements to site access, communal parking and the highway network (either directly or by financial contributions) where it is necessary to ensure that the development can proceed in a satisfactory manner and is directly related to its scale and nature’

At the end of the supporting text add: Policy TR1 seeks to address these various matters. In doing so it pays particular attention to the rural nature of the highway network, and the need to minimise any increase in vehicular traffic as the population of the parish increases in the Plan period’

Policy TR2: Electric Vehicles

- 7.108 This policy sets out the Plan’s approach towards the need for electric vehicle charging points in new dwellings. It appropriately looks to plan for the future and to take account of the government’s ambitions for the roll out of sustainable vehicles.
- 7.109 I recommend two modifications. The first removes any direct reference to the technical standards of charging facilities. This acknowledges the likelihood that technology will

be refined during the Plan period as electric vehicles increasingly become embedded in driving habits. The second introduces a viability element to the policy. In some cases, the costs of implementing the policy may affect the viability of development proposals. This has the greater ability to affect smaller schemes and in the earlier years of the Plan period until the technical challenges associated with vehicle charging are overcome and the costs reduce.

Replace the policy with:

‘Residential development of one dwelling or more should provide cabling to industry standards in place at that time and to the most practical point in the home to facilitate subsequent installation of a home electric vehicle charging point unless such provision would not be commercially viable.

The provision of communal vehicular charging points within the Parish will be supported so long as they would allow universal access and they do not have an unacceptable impact on the availability of existing parking within the Parish’

Policy TR3: Footpaths

- 7.110 This policy offers support for the upgrading and extension of the public footpath network. It takes an appropriate and supportive approach. Nevertheless, it largely repeats the contents of Policy EV10. I have already recommended modifications to that policy to take account of the specific details of Policy TR3. In these circumstances I recommend that Policy TR3 is deleted from the Plan. I am satisfied that the supporting text associated with the policy should remain in the Plan with an addition to its content to make a connection with Policy EV10.

Delete the policy.

At the end of the supporting text add: These various matters are addressed in Policy EV10 of this Plan (in the Environment Section)

Policy BE1: Support for Existing Businesses and Employment Opportunities

- 7.111 This policy sets out a strong presumption for the protection of existing business operations from change of use proposals to non-commercial uses. It comments that proposals which would result in the loss of business premises will only be supported where the premises have not been in use for a period of twelve months and there is no potential for its reoccupation or redevelopment for other employment uses based on a detailed valuation has been undertaken associated with a marketing campaign.
- 7.112 I recommend a modification to the second sentence of the policy so that its effect has the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute significantly to the delivery of the economic dimension of sustainable development.

Replace the second sentence of the policy with:

‘Development proposals for a change of use or the redevelopment of a business or commercial use to an activity which does not provide employment opportunities will only be supported where it can be demonstrated that:’

Policy BE2: Support for New Business and Employment

7.113 This policy has a focus on new business opportunities. It sets out a series of requirements which any proposed such uses should meet. The policy takes a positive approach to this matter. In particular it has regard to national policy as set out in paragraphs 81-85 of the NPPF.

7.114 I recommend modifications to the wording in the criteria so that they relate to the use of the plural in the opening element of the policy. In addition, I recommend that the final criterion is modified so that it has a clearer focus on land use issues. As submitted, its use of ‘complements’ suggests that the intention is to mirror existing business uses rather than to compete with them commercially. Business competition is not a land use matter.

In the various criteria replace ‘It is’ with ‘They are’

Replace the final bullet point with: ‘They relate to the existing distribution of employment uses in the neighbourhood area’

Policy BE3: Homeworking

7.115 This policy offers support for homeworking. It sets out a series of criteria against which such proposals will be assessed. It is a very timely policy in the Covid era.

7.116 I recommend a modification so that the policy acknowledges that not all such proposals will need planning permission. In several circumstances, HBBC may take the view that homeworking does not bring about a material change of use of the host property. I also recommend detailed modifications to the wording of the second and third criteria of the policy. In both cases they will bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of both the economic and the social dimensions of sustainable development.

At the beginning of the policy add: ‘Insofar as planning permission is required’

In b) replace ‘significant and adverse’ with ‘unacceptable’

In c) replace ‘shall be designed having regard to’ with ‘is designed to take account of’

Policy BE4: Farm Diversification

7.117 This policy offers general support for farm diversification to promote sustainable growth, the expansion of businesses and for the conversion of existing agricultural buildings.

7.118 As submitted the policy is unclear on the acceptable alternative uses for existing agricultural buildings. I recommend a modification to remedy this matter. I also recommend detailed modifications to the criteria to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions and has the ability to contribute to the delivery of the economic dimension of sustainable development.

Replace the opening element of the policy with:

‘Proposals for the conversion of existing agricultural buildings to employment-related uses or community uses will be supported subject to:’

In c) replace ‘adverse’ with ‘unacceptable’

Replace e) with: ‘the proposed development would not cause unacceptable harm to the amenities of residential properties in the immediate locality’

Policy BE5: Broadband and Mobile Phone Infrastructure

7.119 This policy takes a comprehensive approach to this increasingly important matter of social and business connectivity. It comments that proposals to provide improved access to faster broadband for all businesses and households will be supported where the improvements serve all businesses and households within the parish. It also comments that if a new mast is to be installed, a shared provider policy should be adopted where possible to minimise the number of masts within the parish. Finally, it comments that any infrastructure improvements requiring above ground network installations, must be sympathetically located, designed to integrate into their surroundings, and not be in or near to open landscapes

7.120 The policy takes a positive approach to this important matter. Nevertheless, some of the development anticipated by the policy may not generate the need for a planning application as a consequence of the permitted development regime. On this basis I recommend a modification to the policy to address this matter.

7.121 The opening part of the policy is a broad statement of ambition rather than a planning policy. As such I recommend its deletion. However, to capture the ambition I recommend that wording is repositioned into the supporting text.

7.122 Otherwise, the meets the basic conditions. It will make a positive contribution to the delivery of the social dimension of sustainable development

Delete the opening component of the policy.

Reposition the opening component of the policy to the end of the supporting text.

Review of the Plan

7.123 Section 5 of the Plan comments about the management and review of the Plan. It takes a positive approach to this matter both generally and within the context of the emerging review of planning policy in the Borough in particular. The resulting Local Plan will run until 2039 and the submitted Plan carefully utilises the same plan period.

7.124 In particular Section 5 comments that BPC 'proposes to formally review the Neighbourhood Plan on a five-year cycle commencing in 2023 or to coincide with the review of the Hinckley & Bosworth Local Plan if this cycle is different'. Within the context of this very positive statement, I recommend that additional wording is included to highlight the importance of the adoption of the emerging Local Plan and the way in which BPC would respond to any conflicts which may exist between the two plans at that time. This approach takes account of section 38(5) of the Planning and Compulsory Purchase Act 2004 which requires that any such conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. This legislative context has the potential to make elements of any 'made' neighbourhood plan (and as assessed for general conformity against the existing Core Strategy/SADMP) out of date.

At the end of the final paragraph of Section 5 of the Plan add: 'In this context the Parish Council will assess the implications of the adoption of the emerging Local Plan on the contents of a 'made' neighbourhood plan. Where necessary it will assess the scale, nature and extent of any conflicts and consider how best to review the Plan. It will also ensure that the made or reviewed Plan is monitored on a regular basis to test the effectiveness of the policies and to respond accordingly'

Community Actions.

7.125 The Plan identifies two community actions. They are non-land use actions which have naturally come forward as the Plan was prepared. They are as follows:

CA CFA1 – Cemetery

CA CTR1 – Traffic Management

7.126 National policy comments that such community actions should be captured in a separate part of the Plan to distinguish them from the land use policies. In this case they are weaved into the body of the Plan and within the topic-based elements of the Plan. Taking account of all the evidence, I am satisfied that this approach is appropriate in the circumstances of the Plan. I have reached this conclusion for three related reasons. The first is that the Actions complement the related land use policies. The second is that their position in the Plan adds to its overall legibility. The third is that they are shown in a different text and colour from the land use policies.

7.127 I recommend that the title of CA TR1 is modified so that it is different from that of Policy TR1. This will avoid any uncertainty for development management purposes.

Replace the title of CA TR1 from 'Traffic Management' to 'Traffic and Parking'

Other matters - General

7.128 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of the recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the

policies. It will be appropriate for HBBC and BPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

7.129 The representation from HBBC makes a series of comments on the initial sections of the Plan. I have found these comments very helpful within the wider context of the examination. In some cases, the overall HBBC comments have helped to inform the recommended modifications to the policies as set out earlier in this report.

7.130 Based on the HBBC comments, I recommend the following modifications to the general parts of the Plan insofar as they are necessary to ensure that they meet the basic conditions:

Delete the first two paragraphs of the ‘What is the Leicestershire housing need?’ section (page 15)

In the ‘Delivering sustainable growth to meet housing need’ section (page 16) insert the following additional wording at the end of the first paragraph:

‘Whilst the findings of this report do not directly contribute towards the overall assessment of housing need, they nevertheless provide a context to the ongoing need for affordable housing to be delivered in the parish’

Other matters – NPPF 2021

7.131 The Plan makes several references to the NPPF 2019. As I have commented in paragraph 3.4 of this report the Plan was finalised and submitted for examination immediately prior to the publication of the updated version of the NPPF in July 2021. I recommend that any references to the NPPF 2019 in the Plan which are not otherwise addressed in this report are updated to refer to the NPPF 2021.

Replace any references in the Plan to the NPPF 2019 with the NPPF 2021

Other Matters – Advisory Comments

7.132 HBBC comments about the lack of paragraph numbering in the Plan and its potential effects on the clarity of development management reports in the event that the Plan is ‘made’. I agree with HBBC that the Plan would be more legible if it included paragraph numbers. Indeed, some of the recommended modifications in this report would have been easier to describe if this had been the case.

7.133 The inclusion of paragraph numbers is not basic conditions point and as such I do not specifically recommend this course of action. One of the key principles of the localism agenda has been to allow communities to bring forward their own plans with individual designs and layouts. Nevertheless, I would strongly encourage BPC to work with HBBC to agree on how best the Plan can be arranged and organised.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2039. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Barlestone Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Hinckley and Bosworth Borough Council that subject to the incorporation of the modifications set out in this report that the Barlestone Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the Borough Council in May 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. This has been particularly important given the number of policies in the Plan and the level of detail included in many of the representations.

Andrew Ashcroft
Independent Examiner
31 January 2022