

# **INDEPENDENT EXAMINATION OF THE WITHERLEY NEIGHBOURHOOD DEVELOPMENT PLAN**

**INDEPENDENT EXAMINER:**  
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To Hinckley and Bosworth Borough Council and Witherley Parish Council

By email to Fran Morris, Senior Planning Officer (Policy), Hinckley and Bosworth Borough Council, and Anji Forsyth, Clerk, Witherley Parish Council  
Copy to Cllr Dayle Flude, Chair WPC and Neighbourhood Plans Team HBBC

Dated 2 January 2023

Dear Anji and Fran

## **Witherley Neighbourhood Development Plan Independent Examination – Examiner letter seeking clarification of matters**

Further to my initial letter of 12 December 2022 I am writing to seek clarification of the following matters:

### **Policy H1**

1. Pages 14/15 of the Neighbourhood Plan identify a housing requirement of 118 dwellings including flexibility uplift. Constraints on housing delivery are identified in general terms, but not in terms of housing numbers. Please direct me to the evidence that supports the selection of the upper limit for allocations to be around 15 dwellings and not a greater number, for example 30 dwellings.

### **Policy H2**

2. Where the policy refers to “outside the defined Settlement Boundary” what is the intention for Fenny Drayton and Ratcliffe Culey which have settlement boundaries established by the Site Allocations and Development Management Policies DPD?

### **Policy H4**

3. Please direct me to the evidence that supports the selection of the limitation to 5 dwellings or fewer.
4. Please direct me to the evidence that justifies the restriction adjacent to the settlement boundary to previously developed land, which appears to be in conflict with strategic policies. What is the intention for Fenny Drayton and Ratcliffe Culey which have settlement boundaries established by the Site Allocations and Development Management Policies DPD? Should part b) state “is within the settlement boundaries of Witherley or Fenny Drayton or Ratcliffe Culey, unless it

is a proposal that complies with Core Strategy Policy 17 which supports specified development adjacent to a settlement boundary.”

### **Policies ENV1 and ENV2**

5. Some areas of land are included in both Policy ENV1 and ENV2 which are not entirely compatible. An example is that Policy ENV2 would support loss if the open space is no longer required by the community whereas LGS should only be designated, amongst other requirements, where land is demonstrably special to a local community and holds a particular significance, and is capable of enduring beyond the end of the plan period. Could you please consider whether site references FEN04; RATC02; RATC03; and WIT04 should be deleted from Policy ENV2?

### **Policy ENV3**

6. The requirements of the second paragraph of the policy have the effect of restricting development proposals to levels that are not adequately justified and which do not have sufficient regard for national policy. The Environmental Inventory presented in Appendix 7 does however provide information that will inform the preparation of sustainable development proposals. I invite comment on replacing the policy with “To be supported development proposals affecting the sites and features of natural environment significance identified on Figure 7 must demonstrate consideration of the natural environment significance”.

### **Policies ENV7, ENV8 and ENV9**

7. The Planning Practice Guidance refers to advice on local lists published on Historic England’s website (Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019). Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018) states “*Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority’s heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them.*” It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued.

Paragraphs 14.43 to 14.45 of the Site Allocations and Development Management Policies DPD state “*Locally Important Heritage Assets are buildings, monuments, sites, places, areas or landscapes which are valued, distinct elements of the local historic environment. These assets hold meaning to the local community and contribute to their sense of history, place and quality of life. Locally Important Heritage Assets do not benefit from statutory designation however their*

*importance and significance is recognised by the Borough Council through their listing on the Locally Important Heritage Assets List. The List of Locally Important Heritage Assets will highlight the significance of the asset and identify the key features which should be retained through any development proposal. Development proposals should make every effort to retain the significance of locally listed heritage assets.” Policy DM 12 states “Locally Important Heritage Assets - Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11.”*

It is possible that as an administrative process separate from the Neighbourhood Plan preparation process the Parish Council may wish to nominate buildings and features of the built environment for assessment by the Borough Council as potential Non-Designated Heritage Assets to be included in a Locally Important Heritage Asset List. Any assets judged by the Borough Council to meet its published criteria may be added to that local list of Non-Designated Heritage Assets compiled and curated by the Borough Council. A clear statement of reasons for nomination of each heritage asset will be a critical success factor. I invite comment on modifications so that the policy text in ENV7 ENV8 and ENV9 is amended to reflect the actual status of the heritage assets as locally valued heritage assets.

I request any response to these matters is agreed as a joint response of the Parish and District Councils wherever possible. This request for clarification and any response should be published on the District Council website.

In order to maintain the momentum of the Independent Examination I would be grateful if any reply could be sent to me by 12.00 Noon on Thursday 12 January 2023.

As the Independent Examination progresses, I may seek clarification with respect to other matters. For the avoidance of doubt recommendations of modification of the Neighbourhood Plan that may be contained in my report of Independent Examination will not be limited to those matters in respect of which I have requested clarification.

I should be grateful if the District Council and the Parish Council could acknowledge receipt of this email.

Best regards

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