



Hinckley & Bosworth
Borough Council

Witherley Neighbourhood Plan

Recommended modifications and HBBC's proposed response (Part of the Regulation 18 Decision Statement)

1 March 2023

As outlined in the Regulation 18 Decision Statement, Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 requires the Local Planning Authority to outline what action to take in response to the recommendations the Independent Examiner made in their report. Mr Chris Collison issued his report on 25 January 2023.

Below is Table 1, which outlines all the modifications listed in the Examiner's report, the Local Planning Authority's response to each, and the associated action, as required. Table 2 outlines the minor recommendations from the annex of the Examiner's report.

The Local Planning Authority have also recommended one further modification, ref LPA1. The context behind this, the reasons why, and the associated action are set out in Table 3 at the end of this document.

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

Modification Ref.	Page & Para Numbers of Report	Extract from the Examiner’s Report - explanation	Examiner’s recommended modification	HBBC Response and Action
1	Pages 25 – 39 Para’s 73 - 111	This modification is in relation to two policies, Policy H1 and Policy H2. The Examiner’s explanation for this recommended modification is written over several pages, therefore please refer to the Examiner’s report, pages 25 to 39, paragraphs 73 to 111.	Recommended modification 1: Delete Policies H1 and H2	Agreed. Policies H1 and H2 to be deleted.
2	Pages 40 – 42 Para’s 116 - 122	<p>This policy seeks to establish conditional support for windfall development of five or fewer dwellings on infill and redevelopment sites within the settlement boundary or adjacent to the settlement boundary if the proposed development is on previously developed land.</p> <p>In a representation the Borough Council refer to the Framework which states small and medium sized sites can make an important contribution to meeting the housing needs of an area. The Borough Council question whether the limit of five or fewer dwellings would restrict suitable windfall sites from coming forward. In response to my request for clarification regarding this matter the Parish Council stated “Further development exceeding 5 dwellings is considered unsustainable for any of the settlements. There is no hard evidence, however, the number was agreed as a result of consultation.” The Guidance is that proportionate, robust evidence should support the choices made and the approach taken in Neighbourhood Plan preparation. The limit on size of proposal has not been sufficiently justified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p> <p>Paragraph 69 of the Framework states Local Planning Authorities should support the development of windfall sites through their policies and decisions – giving greater weight to the benefits of using suitable sites within existing settlements for homes.</p> <p>Given the scale and nature of the form of the settlements in the Neighbourhood Area and limited past delivery of windfall development, as a matter of planning judgement, there is a likelihood of only a further limited supply of future windfall development during the plan period. Core Strategy Policy 13 relating to rural hamlets applies to Fenny Drayton and Ratcliffe Culey. These policies support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Core Strategy Policies 15 and 16. Core Strategy Policies 12 and 13 also support development that complies with Core Strategy Policy 17 relating to local needs. In response to my request for clarification the Borough Council state “Policy H4 should be considered with national and local policy in mind. If the settlement boundaries for Ratcliffe Culey and Fenny Drayton aren’t re-drawn in the Neighbourhood Plan, the Borough Council will continue to use the settlement boundaries in the 2016 Site Allocations and Development Management Policies DPD (SADMP DPD)” and “SADMP DPD Policy DM4 also gives situations/criteria as to when development outside of settlement boundaries (i.e. in designated countryside) is acceptable, therefore if the Parish Council agree to an amendment to this policy, perhaps it could read: ‘unless it is a proposal that complies with other local plan policies that state where and what type of development is acceptable in the countryside.’”</p> <p>The restriction in part b) of Policy H4 relating to previously developed land is in conflict with strategic policies with respect to the policy approach relating to development outside settlement boundaries and has not been sufficiently justified. The policy also fails to recognise the existence of settlement boundaries for Fenny Drayton and Ratcliffe Culey. It is confusing and unnecessary for this policy to refer to “other policies in this Plan” as all of the policies of the Neighbourhood Plan apply throughout</p>	<p>Recommended modification 2: In Policy H4</p> <ul style="list-style-type: none"> • delete “of 5 dwellings or fewer” • delete “and meeting all relevant requirements set out in other policies of this Plan and Borough-wide planning policies” • replace part b) with “is within the settlement boundaries of Witherley or Fenny Drayton or Ratcliffe Culey, unless it is a proposal that complies with other local plan policies that state where and what type of development is acceptable in the countryside.” 	<p>Agreed.</p> <p>Policy H4 should now read:</p> <p>POLICY H4: WINDFALL SITES - Small residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and where such development:</p> <p>a) meets a clearly identified housing need for the Parish;</p> <p>b) is within the settlement boundaries of Witherley, Fenny Drayton or Ratcliffe Culey, unless it is a proposal that complies with other local plan policies that state where and what type of development is acceptable in the countryside;</p> <p>c) is in keeping with the character of the surrounding area;</p> <p>d) the development is well integrated within the existing village and maintains the residential amenity of neighbouring properties. The scale and form will be complementary to surrounding properties;</p> <p>e) retains existing important natural boundaries and features such as gardens, trees, hedgerows, footpaths and streams;</p> <p>f) provides safe vehicular and pedestrian access to the site; and</p> <p>g) does not reduce garden space to an extent where there is an adverse impact on the character of the area, or the amenity of neighbours.</p>

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		<p>the Neighbourhood Area unless a lesser area is specified. The terms "the settlement boundary" and "relevant requirements of ... Borough-wide planning policies" are imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. In response to my request for clarification, the Parish Council has confirmed agreement to my recommended modification of part b) of the policy.</p> <p>As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan and does not seek to influence the quantity of supply of housing differently from strategic policies. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
3	Pages 42 – 44 Para's 123 - 129	<p>This policy seeks to establish design principles for new developments including having regard to the Design Guide presented in Appendix 6 of the Neighbourhood Plan.</p> <p>In a representation the Borough Council states support for locally specific design guides for neighbourhood plans. The Borough Council also state requirements for car parking should be in general conformity with the County Council Highways Design Guide. The car parking requirements set out in Appendix 6 of the Neighbourhood Plan have not been demonstrated to have sufficient regard for the considerations set out in Paragraph 107 of the Framework. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p> <p>Severn Trent Water recommend reference to the use of drainage hierarchy principles in the Witherley Design guide. This is not necessary to meet the Basic Conditions.</p> <p>Paragraph 127 of the Framework states "Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development." That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Policies should be clear about design expectations and how these will be tested.</p> <p>Paragraph 130 of the Framework states "Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking</p>	<p>Recommended modification 3:</p> <p>In the Design Guide presented at Appendix 6 of the Neighbourhood Plan replace "be a minimum of two for properties of 3 bedrooms or less, three for 4-bedroom properties and four for 5 bedrooms or more" with "meet the requirements of the Leicestershire County Council Highways Design Guide".</p>	<p>Agreed.</p> <p>Within the Design Guide, Appendix 6, on the Witherley Neighbourhood Plan website, here, the relevant paragraphs should now read:</p> <p>"Vehicle Access and Parking"</p> <p>All developments should provide adequate provision for vehicular access and off-road parking.</p> <p>The number of parking spaces should meet the requirements of the Leicestershire County Council Highways Design Guide"</p>

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		<p>and cycling networks. Paragraph 92 of the Framework states planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles. I am satisfied the approach adopted in Policy H5 has sufficient regard for national policy.</p> <p>As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan and does not seek to influence the quantity of supply of housing differently from strategic policies. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
4	Pages 44 - 46 Para's 130 – 139	<p>This policy seeks to designate specified sites as Local Green Space and establish a basis for determination of development proposals affecting them.</p> <p>Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figures 5.2 to 5.4 of the Neighbourhood Plan. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the green spaces in question. The scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.</p> <p>The term "that would result in the loss of, or have an adverse effect on" does not have sufficient regard for national policy. Decision makers must rely on paragraph 103 of the Framework that states "Policies for managing development within a Local Green Space should be consistent with those for Green Belts" and the part of the Framework that relates to 'Protecting Green Belt land', in particular paragraphs 147 to 151. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). I have recommended a modification in this respect. I have not adopted the Severn Trent recommendation for the same reason that would result in a more restrictive approach than that of national policy.</p> <p>Paragraph 101 of the Framework states "The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period."</p> <p>In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework. I have noted Cottagers Piece Witherley proposed for designation as Local Green Space is part of the area proposed as an area of separation in Policy ENV14. I am satisfied the two Policies are compatible.</p> <p>Paragraph 102 of the Framework states "The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example</p>	<p>Recommended modification 4:</p> <ul style="list-style-type: none"> replace the first sentence of Policy ENV1 with "The following sites (identified on Figures 5.2 – 5.4) are designated as Local Green Space:" after the list of sites insert "The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt." 	<p>Agreed.</p> <p>Policy ENV1 should now read:</p> <p>POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACE – The following sites (identified on Figures 5.2 – 5.4) are designated as Local Green Space.</p> <ul style="list-style-type: none"> St. Peter's churchyard, Witherley (inventory reference 642; area 0.42 ha) Cottagers' Piece, Witherley (603; 5.17 ha) All Saints churchyard, 'The Moat' and children's play area, Ratcliffe Culey (305/333/354; 3.14 ha) Lane setting lot 1, Ratcliffe Culey (gravel pits field) (338; 0.92 ha) St. Michael and All Angels churchyard, Fenny Drayton (555; 0.28 ha). <p>The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt.</p>

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		<p>because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land." I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.</p> <p>The submission Neighbourhood Plan includes in Appendix 8 information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of both sites including matters referred to in the Framework. I have visited each of the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. Appendix 8 of the Neighbourhood Plan provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.</p> <p>I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
5	Pages 46 & 47 Para's 140 - 144	<p>This policy seeks to establish criteria for loss or significant adverse effect on identified important open spaces.</p> <p>The suggested additional text recommended by Severn Trent is not necessary to meet the Basic Conditions. Paragraph 99 of the Framework states existing open space, sports and recreation buildings and land, including playing fields should not be built on unless specified circumstances exist.</p> <p>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 Local Green Space 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. In response to my request for clarification the Parish Council have agreed to the deletion from Policy ENV2 of the four sites that are included within land to be designated as Local Green Space under Policy ENV1. I have recommended site references FEN04; RATC02; RATC03; and WIT04 are deleted from Policy ENV2. The term "suitable location" is imprecise and does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 5:</p> <p>In Policy ENV2</p> <ul style="list-style-type: none"> • replace "Fenny Drayton and Ratcliffe Culey (figures 6.1-6.3)" with "and Fenny Drayton (Figures 6.1 and 6.2) • delete reference to sites FEN04; RATC02; RATC03; and WIT04 • replace "suitable location" with "accessible location for users" <p>Delete Figure 6.3.</p>	<p>Agreed.</p> <p>Figure 6.3 should be deleted, and Policy ENV2 should now read:</p> <p>POLICY ENV 2: IMPORTANT OPEN SPACES -The following open spaces in Witherley and Fenny Drayton (Figures 6.1 and 6.2) are of high value for recreation, beauty, amenity, tranquillity or as green spaces within or close to the built-up area. Development proposals that result in their loss, or have a significant adverse effect on them, 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 to the Parish Council that the open space is no longer required by the community.</p> <p><u>Witherley</u></p> <ul style="list-style-type: none"> • Orchard Close amenity green space (amenity green space) HBBC WIT02; inventory ref 645 • Witherley Memorial Grounds, Church Road (Amenity green space, children's play space, outdoor sports facilities) WIT03; 601

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				<ul style="list-style-type: none"> • Witherley C of E Primary School playing fields, Church Road (outdoor sports facilities) WIT05; 644 <p>Fenny Drayton</p> <ul style="list-style-type: none"> • Drayton Close green space (amenity green space, children's play space, outdoor sports facilities, young persons' facilities) FEN02; 554 • Rookery Close amenity green space (amenity green space) FEN05; 557
6	Pages 47 - 49 Para's 145 - 150	<p>Policy ENV3: Protection of Sites and Features of Natural Environmental Significance</p> <p>This policy seeks to establish that development proposals will be required to contribute to the protection and enhancement of identified sites and features of natural environment significance. Development proposals that would have a detrimental impact on such sites will not be supported unless the need for, and benefits arising from, development in that location clearly outweigh the environmental loss. The Policy is supported by an Environmental Inventory at Appendix 7 of the Neighbourhood Plan and the location of sites is identified on Figure 7 of the Neighbourhood Plan.</p> <p>The Regulation 16 representation of Emery Planning for Hollins Strategic Land LLP (HSL) states Policy ENV3 does not meet the Basic Conditions and refers to the site promoted in the representation for development at Kennel Lane Witherley as an example. In support of the assertion the site is not ecologically important the findings of an ecological survey undertaken by HSL are presented. It is stated there is no evidence the site contributes to carbon sequestration, and that the test in paragraph 174 of the Framework relating to locally valued sites is not met on the basis there has been no landscape assessment of the plan area and there is no robust evidence on the matter. It is stated Policy ENV3 should be deleted.</p> <p>Policy ENV3 does not relate to valued landscapes referred to in Paragraph 174 of the Framework but it does relate to sites of biological or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) which are also referred to in that paragraph. Paragraph 174 of the Framework also states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 131 of the Framework states existing trees should be retained wherever possible. Paragraph 180 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Strategic Policy DM6 seeks to ensure development proposals demonstrate how they enhance features of nature conservation and geological value.</p> <p>I am not satisfied Policy ENV3 is appropriate in these policy contexts. 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 have recommended a modification so that the policy can perform that role. This includes reference to Appendix 7. I have also recommended the deletion of the second sentence of the first paragraph of Policy ENV3 as that is purely descriptive without policy content, and has not been sufficiently justified. In formulating these recommendations, I have taken into consideration the response of the Borough Council to my request for clarification of matters which suggested "a slight amendment to the proposed</p>	Recommended modification 6: Replace Policy ENV3 with "The sites and features identified on Figure 7, and referred to in Appendix 7, are of at least local natural environment significance. To be supported development proposals affecting those sites and features must demonstrate consideration of the natural environment significance, and contribute to and enhance the natural and local environment."	Agreed. Policy ENV3 should now read: POLICY ENV 3: PROTECTION OF SITES AND FEATURES OF NATURAL ENVIRONMENT SIGNIFICANCE - The sites and features identified on Figure 7, and referred to in Appendix 7, are of at least local natural environment significance. To be supported development proposals affecting those sites and features must demonstrate consideration of the natural environment significance, and contribute to and enhance the natural and local environment.

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		<p>modification, in that the policy should aim to protect, maintain and enhance the features identified, where possible, to comply with national policy, for example more generally NPPF Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment". I have also taken into consideration the response of the Parish Council to my request for clarification. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance as recommended to be modified the policy is appropriate to be included in a 'made' neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.</p>		
7	Pages 49 & 50 Para's 151 - 156	<p>Policy ENV4: Biodiversity and Habitat Connectivity</p> <p>151. This policy seeks to safeguard habitats and species including those of local significance. The policy includes the sequence - avoid, mitigate or compensate. The policy seeks to protect bats, great crested newts, and old and species rich hedgerows. The policy also identifies wildlife corridors presented on Figure 9 where development proposals should not damage or adversely affect habitat connectivity.</p> <p>152. Whilst the second sentence of the policy precisely reflects paragraph 180 a) of the Framework I am satisfied this limited duplication serves a useful purpose in establishing the principles of the policy approach to be adopted. the second sentence of the policy would allow flexibility where habitat loss is unavoidable, for example to facilitate construction of a safe access.</p> <p>153. Paragraph 179 of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 180 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. I am satisfied the approach of Policy ENV4 is appropriate in this policy context and that the identification of the wildlife corridors without precisely defined borders is appropriate to allow properly considered response to details of development proposals.</p> <p>154. I am satisfied the information requirements regarding bats and great crested newts established in the policy are reasonable in the light of records presented in Figures 7.1 and 8. I have however recommended a modification of the term "industrial/commercial/strategic" so that the policy is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>155. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>156. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and</p>	<p>Recommended modification 7:</p> <p>In Policy ENV4 replace "industrial/commercial/strategic" with "new development"</p>	<p>Agreed.</p> <p>Policy ENV4 should now read:</p> <p>POLICY ENV 4: BIODIVERSITY AND HABITAT CONNECTIVITY - All new development proposals will be expected to safeguard habitats and species, including those of local significance. If significant harm to biodiversity cannot be avoided (through locating to an alternative site with less harmful impacts), adequately mitigated, or compensated for, planning permission should be refused.</p> <p>a) To ensure compliance with current legislation and best practice for bat protection, development proposals should use a bat survey by an appropriately qualified person to determine the presence or absence of bat roosts and commuting / foraging habitat in and adjacent to the development site. Based on the results, the development should:</p> <ul style="list-style-type: none"> • in known bat habitat areas, not incorporate exterior artificial lighting (on buildings or open areas) unless demonstrably essential; • in known or potential bat habitat areas, do not remove trees or hedgerows unless demonstrably essential; and • in all sensitive areas, apply mitigation methods in the design and location of artificial lighting using current best practice in respect of dark buffers, illuminance levels, zonation, luminaire specifications, curfew times, site configuration and screening. • result in biodiversity net gain. <p>b) To ensure compliance with current legislation and best practice for great crested newt protection, proposals for new development should be accompanied by a Great Crested Newt Survey. There is an expectation that such surveys are carried out by a qualified ecologist. This should</p>

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		Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.		<p>identify the appropriate avoidance or mitigation measures to be incorporated into the development proposal. Where appropriate, proposals should also incorporate specific enhancement measures for great crested newts that take account both of current best practice and of the characteristics of the proposal site and of biodiversity significance of adjacent areas.</p> <p>c) Development that damages or results in the loss of old and species-rich hedgerows will not be supported. Where loss of any hedgerow is unavoidable as a result of development, it must be minimised, and loss mitigated with replacement planting of locally appropriate native species to provide a demonstrable net gain in hedgerow length either on-site or locally within the Plan area</p> <p>d) Development proposals should not damage or adversely affect the habitat connectivity provided by the wildlife corridors identified in Figure 9.</p>
8	Pages 51 & 52 Para's 157 - 161	<p>Policy ENV5: Trees and Woodland</p> <p>This policy seeks to guard against unnecessary loss of trees and woodland. The policy also seeks to ensure adequate replacement of trees and woodland that may be lost.</p> <p>The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out what is required from applicants when submitting planning applications. The 'Guidance on Information Requirements and Validation' document published by the Department for Communities and Local Government Department (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include 'information to accompany the application as specified by the local planning authority on their local list of information requirements'. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain 'relevant, necessary and material'. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application. The policy is seeking to establish information requirements that are outside the statutory framework relating to local lists of information to be submitted in support of planning applications without sufficient justification. I have recommended a modification in this respect so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>Policy ENV5 seeks to relate, in part, to trees outside development sites and seeks to apply, without sufficient justification, principles of protection that exceed those set out in the Framework. Paragraph 131 of the Framework states development schemes should retain existing trees wherever possible. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 180 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and</p>	Recommended modification 8: In Policy ENV5 replace the first two paragraphs with "To be supported development proposals must demonstrate that wherever possible they avoid loss of trees and woodland."	<p>Agreed.</p> <p>Policy ENV5 should now read:</p> <p>POLICY ENV 5: TREES AND WOODLAND - To be supported development proposals must demonstrate that wherever possible they avoid loss of trees and woodland.</p> <p>If destruction of trees and woodland by new development is unavoidable, developers will be required to plant replacement trees or woodland on the site on a ratio of at least 1:1 or to make provision for an equivalent or greater compensatory area of planting elsewhere in the Parish.</p>

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		<p>a suitable compensation strategy exists. Paragraph 16 of the Framework states plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area including policies in the Framework where relevant. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
9	<p>Pages 52 & 53</p> <p>Para's 162 - 166</p>	<p>Policy ENV6: Sites of Historical Environment Significance</p> <p>This policy seeks to identify sites of historical environment significance and establish that the significance of the features should be balanced against the benefit of any development that will affect or damage them.</p> <p>Paragraph 194 of the Framework states, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 16 of the Framework states plans should not duplicate policies in the Framework.</p> <p>The term non-designated heritage asset as referred to in paragraph 203 of the Framework is reserved for assets within a local list maintained by the Local Authority. Although the policy refers to "non-designated local heritage assets" I consider there is potential for confusion and as the assets identified include archaeological sites, I have recommended a modification. Paragraph 203 of the Framework states the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 9:</p> <p>In Policy ENV6</p> <ul style="list-style-type: none"> • delete "non-designated" • replace the final sentence with "Development proposals affecting these sites will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset." 	<p>Agreed.</p> <p>Policy ENV6 should now read:</p> <p>POLICY ENV 6: SITES OF HISTORICAL ENVIRONMENT SIGNIFICANCE – In addition to the Scheduled Monuments (existing statutory protection), the sites mapped in Figure 10 (details in Appendix 7) are local heritage assets which have at least local significance for their historical features. The features are extant and have visible expression or there is proven buried archaeology on the site, and they are locally valued. Development proposals affecting these sites will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset.</p>
10	<p>Pages 53 – 56</p> <p>Para's 167 - 174</p>	<p>Policy ENV7: Local Heritage Assets</p> <p>This policy seeks to identify local heritage assets, and establish an approach to the determination of development proposals that would affect them.</p> <p>I have recommended a modification proposed by the Borough Council so that the policy refers to Figure 12 rather than the "map above". I have recommended a modification in this respect so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p>	<p>Recommended modification 10:</p> <p>Replace the opening paragraph of Policy ENV7 with "The following heritage assets (locations identified on Figure 12) are identified as non-designated locally valued heritage assets. In weighing applications that affect, directly or indirectly, any of these heritage assets, a</p>	<p>Agreed.</p> <p>Policy ENV7 should now read:</p> <p>POLICY ENV 7: LOCAL HERITAGE ASSETS – The following heritage assets (locations identified on Figure 12) are identified as non-designated locally valued heritage assets. In weighing applications that affect, directly or indirectly, any of these heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>

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		<p>The 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. In response to my request for clarification the Parish Council has agreed that the policy text should be amended to reflect the actual status as Locally Valued Heritage Assets, preferring the term non-designated locally valued heritage assets. I have recommended a modification so that the policy text is amended to reflect the actual status of the heritage assets referred to in the policy so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>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.</p> <p>The policy wording refers to "the benefits of a development proposal". Whilst public benefit is a matter referred to in paragraph 201 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 203 of the Framework states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." I have recommended a modification so that assessment of impact on locally valued heritage assets should be as though they were non-designated heritage assets so as to have sufficient regard for national policy and guidance in this respect. I have recommended a modification so the policy has sufficient regard for paragraph 203 of the Framework. I have recommended a modification so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p>	<p>balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."</p>	

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		<p>Whilst the Borough Council have queried the relationship of Policy ENV7 to Policies ENV8 and ENV9 I am satisfied that if modified as I have recommended the policies are consistent and complimentary.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
11	Pages 56 – 58 Para's 175 - 180	<p>Policy ENV8: Ridge and Furrow</p> <p>This policy seeks to identify ridge and furrow earthworks (shown on Figure 2) and establish a policy approach to developments affecting them.</p> <p>The 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. In response to my request for clarification the Parish Council has agreed that the policy text should be amended to reflect the actual status as Locally Valued Heritage Assets, preferring the term non-designated locally valued heritage assets. I have recommended a modification so that the policy text is amended to reflect the actual status of the heritage assets referred to in the policy so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>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.</p>	<p>Recommended modification 11:</p> <p>Replace Policy ENV8 with "The areas of ridge and furrow earthworks shown on Figure 13 are identified as non-designated locally valued heritage assets. In weighing applications that affect, directly or indirectly, the ridge and furrow earthworks, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."</p>	<p>Agreed.</p> <p>Policy ENV8 should now read:</p> <p>POLICY ENV 8: RIDGE AND FURROW - The areas of ridge and furrow earthworks shown on Figure 13 are identified as non-designated locally valued heritage assets. In weighing applications that affect, directly or indirectly, the ridge and furrow earthworks, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>

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		<p>The policy wording refers to "the public benefits that would arise from the development concerned". Whilst public benefit is a matter referred to in paragraph 201 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 203 of the Framework states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." I have recommended a modification so that assessment of impact on locally valued heritage assets should be as though they were non-designated heritage assets so as to have sufficient regard for national policy and guidance in this respect. I have recommended a modification so the policy has sufficient regard for paragraph 203 of the Framework. I have recommended a modification so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>180. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
12	Pages 58 - 60 Para's 181-186	<p>Policy ENV9: Lane Settings Lots</p> <p>This policy seeks to establish that seven Lane Setting Lots are non-designated heritage assets and establish an approach to development proposals affecting those lots.</p> <p>The 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. In response to my request for clarification the Parish Council has agreed that the policy text should be amended to reflect the actual status as Locally Valued Heritage Assets, preferring the term non-designated locally valued heritage assets. I have recommended a modification so that the policy text is amended to reflect the actual status of the heritage assets referred to in the policy so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>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</p>	<p>Recommended modification 12:</p> <p>Replace Policy ENV9 with "The Lane Setting Lots shown on Figure 14 are identified as non-designated locally valued heritage assets. In weighing applications that affect, directly or indirectly, the Lane Setting Lots, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."</p>	<p>Agreed.</p> <p>Policy ENV9 should now read:</p> <p>POLICY ENV 9: LANE SETTINGS LOTS - The Lane Setting Lots shown on Figure 14 are identified as non-designated locally valued heritage assets. In weighing applications that affect, directly or indirectly, the Lane Setting Lots, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>

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		<p>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.</p> <p>The policy wording refers to "the benefits of such development". Whilst benefit is a matter referred to in paragraph 201 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 203 of the Framework states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." I have recommended a modification so that assessment of impact on locally valued heritage assets should be as though they were non-designated heritage assets so as to have sufficient regard for national policy and guidance in this respect. I have recommended a modification so the policy has sufficient regard for paragraph 203 of the Framework. I have recommended a modification so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		
13	Pages 60 – 62 Para's 187 - 194	<p>Policy ENV10: Protection of Important Views</p> <p>This policy seeks to establish new development proposals should be designed to respect, and where possible enhance, identified views. The policy seeks to establish development that will have an unacceptable impact on the views will not be supported.</p> <p>The Regulation 16 representation of Emery Planning for Hollins Strategic Land LLP refers to the site at Kennels Lane Witherley promoted for development in the representation and states appendix 10 of the Neighbourhood Plan cannot be considered robust in that it is simply a document with photo viewpoints and has not been undertaken under any landscape guidance and best practice and therefore Policy ENV 10 should be deleted.</p> <p>The Borough Council has queried the meaning of "unacceptable" as used in the policy. I agree the term "unacceptable" is imprecise and does not provide a basis for the determination of proposals. I have recommended a modification in this respect so that the policy refers to the loss of an identified view. I have also adopted the recommendation of the Borough Council that the supporting text should refer to the Borough Council Landscape Character Assessment and Landscape Character Study which will assist implementation of the policy. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p>	<p>Recommended modification 13:</p> <p>In Policy ENV10</p> <ul style="list-style-type: none"> replace "have an unacceptable impact on the identified views" with "result in the loss of an identified view" continue the policy with "Appendix 10 provides further details of view elements to be considered" <p>In the supporting text refer to the Borough Council Landscape Character Assessment and Landscape Character Study.</p>	<p>Agreed.</p> <p>Policy ENV10 should now read:</p> <p>POLICY ENV 10: PROTECTION OF IMPORTANT VIEWS – The following views (locations Figure 15) are important to the setting and character of the villages and Parish. New development should be designed to respect locally important and valued views and where possible enhance them. Development which would result in the loss of an identified view will not be supported.</p> <p>Appendix 10 provides further details of view elements to be considered.</p> <ol style="list-style-type: none"> The view from Sibson Road near footpath T21 looking North-East towards Sibson. The view South towards Ratcliffe Culey from the footbridge over the Sence Brook on footpath T12, near its confluence with the River Sence. View North-East from the road bridge over the River Sence that forms the north-west Parish boundary. The spire of All Saint's Church, Ratcliffe Culey, is on the horizon.

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		<p>The Borough Council has encouraged improved explanation of why identified views are important. I agree it would have been helpful for more detail to have been included in the supporting evidence in this respect, however, I am satisfied the views identified each have characteristics that justify a policy approach to avoid the loss of an identified view. The arrows on Figure 15 combined with the policy text provide a clear basis for identification of the view concerned, although I have recommended a modification to refer to Appendix 10 where images and some further details of view elements can be found. I have recommended a modification in this respect so that the policy is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>Paragraph 174 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond "ordinary" (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)). Policy ENV10 is not seeking to identify valued landscapes but is seeking to ensure development proposals are sensitive to significant aspects of the environmental, historic and aesthetic character of the area. Policy ENV10 is not seeking to prevent any development within identified views. Such an approach would be more restrictive than Green Belt designation and would not have sufficient regard for national policy. I am satisfied sustainable development, through careful consideration to siting and design, or other mitigation measures, may be shown to not result in the loss of an identified view. In the case of view 12 referred to in the representation of Emery Planning for Hollins Strategic Land LLP I am satisfied the 'Proposed site layout – Illustrative masterplan' accompanying planning application reference 22/01190/OUT confirms development design solutions are available that maintain views from Kennel Lane east to the higher ground beyond Fenny Drayton.</p> <p>Planning policy must operate in the public interest. I am satisfied the locations, identified by numbers in circles, from which the views referred to in the policy are seen, are freely accessible to the general public.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>		<ol style="list-style-type: none"> 4. Looking East on Ratcliffe Road across fields of surviving medieval ridge and furrow towards the spire of Ratcliffe Culey church 5. View looking north on footpath T31 towards Ratcliffe Culey church. 6. The view from the A444 Atherstone Road looking South-West towards Fenny Drayton with Witherley to the right and the Nuneaton Ridge on the horizon. 7. The view North-West towards Witherley from the junction of Drayton Lane and the A5 trunkroad. 8. The view from footpath T27 at Church Lane, Fenny Drayton looking West towards the A5 trunkroad and the Nuneaton Ridge. 9. View South-South-West from Drayton Lane, Fenny Drayton along footpath T44. 10. The view South towards Witherley from footpath T34 with the spire of St Peter's Church in the distance. 11. Views from the northern edge of Cottager's Piece, Witherley, north-east towards Ratcliffe Culey and south from footpath T30 at the footbridge over the River Anker (which forms the Parish's western boundary with North Warwickshire) across Cottager's Piece towards Witherley village and the church spire. 12. From Kennel Lane, Witherley, east to the high ground beyond Fenny Drayton, with the former Hunt Kennels to the right. 13. Northeast from Atterton Lane on the easterly approach to Atterton. 14. East from Atterton Lane between Witherley and Atterton, showing the wide verges and vistas along this popular route for walking, cycling and horse-riding. 15. Northwest from Fenny Drayton playing field (Drayton Close green space in Important Open Spaces, policy ENV 2) toward Witherley. <p>The supporting text above Policy ENV10 should now read:</p> <p>Consultation during the Neighbourhood Development Plan's preparation identified a widely held wish to protect what remains of Witherley's rural setting and its relationship with the surrounding landscape, the fully rural village character of Ratcliffe Culey and Atterton, and the open countryside setting of Fenny Drayton. One of the main ways in which residents expressed this wish was by identifying and mapping a number of highly valued viewpoints in the Plan Area. These consultation findings were supported and augmented by the environmental inventory, which although principally aimed at identifying sites of environmental significance also confirmed the eligibility and sightlines of the views proposed by residents and identified several more in the wider countryside (Figure 15, details in Appendix 10). To assist with the implementation of this policy, the Hinckley & Bosworth Landscape Character Assessment and Landscape Character Study provides valuable information to ensure development respects the identified locally important and valued views, and where possible, how views could be enhanced.</p>

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14	Pages 62 – 63 Para's 199 - 202	<p>Policy ENV12: Renewable Energy Infrastructure</p> <p>This policy seeks to establish conditional support for renewable energy infrastructure. The policy specifies a scale and type of turbine developments that will be supported and includes provision that defined large scale turbines will not be supported.</p> <p>Paragraph 155 of the Framework supports energy from renewable sources whilst ensuring adverse impacts (including cumulative landscape and visual impacts) are addressed satisfactorily. I have taken into consideration the part of the Guidance which states "The written ministerial statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if: the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority." In this context, and the context of strategic policy and the area's environmental designation I consider it appropriate for the policy to draw a distinction between small-scale and large-scale wind generation infrastructure. The term "approval of residents" is however not acceptable as determination of development proposals must be undertaken by the Local Planning Authority in the first instance. It is unnecessary for the policy to state "in the Plan Area" as all of the policies of the Neighbourhood Plan apply throughout the plan area unless a lesser area is specified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 14:</p> <p>In Policy ENV12</p> <ul style="list-style-type: none"> • replace "approval" with "support" • delete "in the Plan Area" 	<p>Agreed.</p> <p>Policy ENV12 should now read:</p> <p>POLICY ENV 12: – RENEWABLE ENERGY INFRASTRUCTURE: Proposals for turbines of 80m or greater tip height will not be supported. Individual, small-scale, domestic or small business (up to 25m) proposals will be supported subject to compliance with other conditions in this policy, and with the support of residents.</p> <p>Subject to the above paragraph in respect of turbine size, renewable energy infrastructure of all types (including solar, ground source heat pumps and aerobic digesters) will only be supported if the proposal demonstrates that it will not adversely impact on:</p> <ol style="list-style-type: none"> a) Health and wellbeing of the community by virtue of noise, visual impact, reflections/glare, water pollution, smell, air quality, gaseous or noxious emissions or/and the biodiversity of the surrounding area. b) The character of the surrounding area including protected views and vistas. <p>Any proposal must be of an appropriate scale and supported by relevant documentation, for example impact assessments covering archaeology, landscape, visual impact, environmental impact, flood impact, ecological mitigation, arboriculture (impact & method) tree reference and protection.</p>
15	Page 64 Para's 203 - 206	<p>Policy ENV13: Flood Risk Resilience</p> <p>This policy seeks to establish an approach to the management of flood risk.</p> <p>The suggested additional text recommended by Severn Trent is not necessary to meet the Basic Conditions. Paragraphs 159 to 169 of the Framework establish a policy approach to the management of flood risk. It is not possible to express strong support in determination of a development proposal. I have recommended deletion of the limitation of the policy to proposals affecting more than 9 square metres of land as this has not been sufficiently justified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 15:</p> <p>In Policy ENV13</p> <ul style="list-style-type: none"> • delete "affecting an area larger than 9m2" • delete "strongly" 	<p>Agreed.</p> <p>Policy ENV13 should now read:</p> <p>POLICY ENV 13: FLOOD RISK RESILIENCE – Development proposals for new development in flood risk zones 2 and 3 and within the areas of surface water flood risk indicated in Figure 17 will be required, where appropriate, to demonstrate that the benefit of development outweighs the harm in relation to its adverse impact on national and Hinckley & Bosworth Borough Council climate change targets, and that it will not conflict with locally applicable flood resilience strategies and mitigation infrastructure.</p> <p>Proposals to construct new (or modify existing) floodwater management infrastructure (ditches, roadside gullies, retention pools, etc.), including within the built-up areas, will be supported.</p> <p>Development proposals for one or more new dwellings and/or for employment development should demonstrate that:</p> <ol style="list-style-type: none"> a) if in a location susceptible to flooding from rivers or surface water, an alternative site to meet the local residential development need is not available;

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				<ul style="list-style-type: none"> b) its location and design respect the geology, flood risk and natural drainage characteristics of the immediate area and is accompanied by a hydrological study whose findings must be complied with in respect of design, groundworks and construction; c) it includes a Surface Water Drainage Strategy which demonstrates that the proposed drainage scheme, and site layout and design, will prevent properties from flooding from surface water, including allowing for climate change effects, and that flood risk elsewhere will not be exacerbated by increased levels of surface water runoff, and that these will not threaten natural habitats and water systems; d) its design includes, as appropriate, sustainable drainage systems (SuDS) with ongoing maintenance provision, other surface water management measures and permeable surfaces; e) it does not increase the risk of flooding to third parties; f) proposed SuDs infrastructure includes, where practicable, habitat creation comprising e.g. landscaping, access and egress for aquatic and terrestrial animals, and native species planting; and g) it takes the effects of climate change into account.
16	<p>s 66 & 67</p> <p>Para's 214 - 218</p>	<p>Policy CA1: The Retention of Community Facilities and Amenities</p> <p>This policy seeks to establish criteria for support of the loss of identified community facilities.</p> <p>Paragraph 93 of the Framework states planning policies should guard against the unnecessary loss of valued facilities and services. Strategic Policy DM25 seeks to resist the loss of community facilities including ancillary areas except in specified circumstances. The representation of an individual states alternative provision "within the Parish" may not be satisfactory in terms of serving the needs of users. Paragraph 93 of the Framework refers to reduction of a community's ability to meet its day-to-day needs. I agree with the representation and have recommended an appropriate modification in this respect. In all other respects I am satisfied the approach adopted in Policy CA1 has sufficient regard for national and strategic policy.</p> <p>It is unnecessary and confusing for this policy to refer to the other policies of the Neighbourhood Plan as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. The term "general policies" is imprecise. I have recommended a modification so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 16:</p> <p>In Policy CA1 replace "within the Parish which complies with the other general policies of the Neighbourhood Development Plan" with "for users"</p>	<p>Agreed.</p> <p>Policy CA1 should now read:</p> <p>POLICY CA1: THE RETENTION OF COMMUNITY FACILITIES AND AMENITIES – Development leading to the loss of existing community facilities, including Witherley C of E Primary School, playing fields in all three villages, Public Houses, Witherley Parish Room, Witherley Football Club and our Churches will not be supported unless it can be demonstrated that:</p> <ul style="list-style-type: none"> a) there is no longer any need or demand for the existing community facility; or b) the existing community facility is, demonstrably, no longer economically viable or able to be supported by the community – such viability and support includes fundraising and volunteering by Parishioners and others; or c) the proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location for users.
17	<p>Page 67</p> <p>Para's 219 - 223</p>	<p>Policy CA2: New or Improved Community Facilities</p> <p>This policy seeks to establish conditional support for proposals that improve the quality and/or range of community facilities.</p>	<p>Recommended modification 17:</p> <p>In Policy CA2</p> <ul style="list-style-type: none"> • delete part a) • in part b) delete "unacceptable traffic movements or other" and 	<p>Agreed.</p> <p>Policy CA2 should now read:</p>

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		<p>Paragraph 93 of the Framework states planning policies should plan positively for the provision of community facilities including meeting places. Strategic Policy DM25 seeks to support the formation of new community facilities. I am satisfied the approach adopted in Policy CA2 has sufficient regard for national and strategic policy.</p> <p>The terms "can be used as a central facility for all of the community" and "unacceptable traffic movements" and "a need for parking that cannot be adequately catered for" are imprecise and do not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>replace "and incorporates adequate parking" with "including from traffic movements"</p> <ul style="list-style-type: none"> in part c) replace "a need for parking that cannot be adequately catered for" with "additional on-street parking" 	<p>POLICY CA2: NEW OR IMPROVED COMMUNITY FACILITIES - Proposals that improve the quality and/or range of community facilities, will be supported provided that the development:</p> <ol style="list-style-type: none"> will not result in disturbance to residential properties including from traffic movements; will not generate additional on-street parking; is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle; and takes into full account the needs of people with disabilities.
18	Page 68 & 69 Para's 224 to 228	<p>Policy CA3: Broadband and Mobile Phone Infrastructure</p> <p>This policy seeks to support proposals to provide improved access to superfast broadband and improvements to the mobile telecommunications network. The policy also requires mast sharing where possible and requires proposals to be sympathetically designed and located in landscape terms.</p> <p>Paragraph 114 of the Framework supports the expansion of electronic communication networks.</p> <p>Paragraph 115 of the Framework encourages mast sharing. Paragraph 16 of the Framework states plans should avoid unnecessary duplication of policies. The term "superfast" is imprecise. Limitation of the policy to businesses and households only has not been sufficiently justified. It is unnecessary to state "in Witherley Parish" as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. Proposals may necessarily need to be in or near open landscape for technical reasons. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 18:</p> <p>In Policy CA3</p> <ul style="list-style-type: none"> replace the first paragraph with "Proposals to provide improved access to faster broadband, including connectivity to future generations of mobile technology, will be supported" in the second paragraph replace "be in or near to open landscapes" with "significantly adversely affect the landscape setting" 	<p>Agreed.</p> <p>Policy CA3 should now read:</p> <p>POLICY CA3: BROADBAND AND MOBILE PHONE INFRASTRUCTURE - Proposals to provide improved access to faster broadband, including connectivity to future generations of mobile technology, will be supported.</p> <p>Any infrastructure improvements, possibly requiring above ground network installations, must be sympathetically located, designed to integrate into the landscape and not significantly adversely affect the landscape setting.</p>
19	Page 69 Para's 229 - 232	<p>Policy TR1: Traffic Management</p> <p>This policy seeks to establish traffic management principles for new housing and commercial development.</p> <p>Policy TR1 is not seeking to establish car parking requirements which would require consideration of matters specified in Paragraph 107 of the Framework. The term "with particular regard to the rural highway network of the Parish and the need to minimise any increase in vehicular movement" is not sufficiently justified. Part a) of the policy is not sufficiently justified and is imprecise. The term "sufficient off-road parking" is imprecise. I have recommended a modification in these respects so</p>	<p>Recommended modification 19:</p> <p>In Policy TR1</p> <ul style="list-style-type: none"> delete "With particular regard to the rural highway network of the Parish and the need to minimise any increase in vehicular traffic," delete part a) 	<p>Agreed.</p> <p>Policy TR1 should now read:</p> <p>POLICY TR1: TRAFFIC MANAGEMENT - All housing and commercial development should:</p> <ol style="list-style-type: none"> Not result in additional on-road parking. not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided.

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		<p>that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<ul style="list-style-type: none"> replace part b) with "Not result in additional on-road parking" 	<ul style="list-style-type: none"> c) provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions d) consider, where appropriate, the improvement and where possible, the creation of footpath and cycleways to key village services.
20	Page 70 Para's 233 - 237	<p>Policy TR2: Electric Vehicles</p> <p>This policy seeks to require new residential development to include cabling that will facilitate subsequent installation of home electric vehicle charging points. The policy also conditionally supports communal vehicle charging points.</p> <p>I am satisfied the first part of the policy relates to cabling and does not require installation of electric vehicle charging points which would require consideration of viability. In the context of setting parking standards Paragraph 107 of the Framework refers to provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 152 states the planning system should support the transition to a low carbon future.</p> <p>It is confusing and unnecessary for this policy to state "within the parish" as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 20:</p> <p>In Policy TR2 delete "within the parish" twice</p>	<p>Agreed.</p> <p>Policy TR2 should now read:</p> <p>POLICY TR2: ELECTRIC VEHICLES - Residential development of one dwelling or more should provide 7kW cabling, or better if feasible, to the most practical point in the home to facilitate subsequent installation of a home electric vehicle charging point.</p> <p>The provision of communal vehicular charging points will be encouraged so long as there is universal access and they do not impact negatively on the availability of existing parking.</p>
21	Pages 70 & 71 Para's 238 – 242	<p>Policy BE1: Support for Existing Businesses and Employment Opportunities</p> <p>This policy seeks to establish criteria for the loss of employment premises or land.</p> <p>Paragraph 81 of the Framework states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.</p> <p>Policy BE1 includes sufficient flexibility to respond to changing economic circumstances. The reference to change of use but not new development is not sufficiently justified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the</p>	<p>Recommended modification 21:</p> <p>In Policy BE1 after "Applications for" insert "development or"</p>	<p>Agreed.</p> <p>Policy BE1 should now read:</p> <p>POLICY BE1: SUPPORT FOR EXISTING BUSINESSES & EMPLOYMENT OPPORTUNITIES – There will be a presumption against the loss of commercial premises or land that provides employment opportunities. Applications for development or a change of use to an activity that does not provide employment opportunities would only be supported if it can be demonstrated that:</p> <ul style="list-style-type: none"> a) the commercial premises or land in question has not been in active use for at least 12 months; and b) the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment-generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.

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		policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.		
22	Pages 71 & 72 Para's 243 - 247	<p>Policy BE2: Support for New Businesses and Employment</p> <p>This policy seeks to establish conditional support for new development providing additional employment opportunities.</p> <p>Paragraph 81 of the Framework states planning policies should help to create the conditions in which businesses can invest, expand and adapt. Paragraph 84 of the Framework states plans should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 120 of the Framework states planning policies should give substantial weight to the value of using suitable brownfield land within settlements and support the development of underutilised land and buildings. Paragraph 85 of the Framework makes reference to unacceptable impact on local roads and states the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.</p> <p>The restriction of part d) of the policy does not have sufficient regard for national policy and have not been adequately justified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 22:</p> <p>In Policy BE2 delete part d) of the policy.</p>	<p>Agreed.</p> <p>Policy BE2 should now read:</p> <p>POLICY BE2: SUPPORT FOR NEW BUSINESSES AND EMPLOYMENT - In supporting additional employment opportunities, new development will be required to:</p> <ul style="list-style-type: none"> a) fall within the boundary of planned limits of development for the Parish, unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location or there are exceptional circumstances; b) be sited, wherever possible, in existing buildings or on areas of previously developed land; and c) be of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the Neighbourhood Development Plan area, including the countryside;
23	Pages 72 & 73 Para's 248 - 252	<p>Policy BE3: Home Working</p> <p>This policy seeks to establish conditional support for proposals that facilitate home working.</p> <p>Paragraph 82 of the Framework states planning policies should allow for new and flexible working practices (such as live-work accommodation).</p> <p>The terms "unacceptable", "appropriate" "and Policies in this Plan" are imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 23: In Policy BE3</p> <ul style="list-style-type: none"> • replace part a) with "Such development will not result in traffic movements that cause nuisance to residential amenity and not generate additional on-road parking;" • in part c) replace "having regard to policies in this Plan" with "to reflect local character" 	<p>Agreed.</p> <p>Policy BE3 should now read:</p> <p>POLICY BE3: HOME WORKING -Proposals for the use of part of a dwelling for office and/or craftwork and for small-scale, free-standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses, would be supported where:</p> <ul style="list-style-type: none"> a) Such development will not result in traffic movements that cause nuisance to residential amenity and not generate additional on-road parking; b) no significant and adverse impact arises to nearby residents or other sensitive land uses from noise, fumes, light pollution, or other nuisance associated with the work activity; and c) any extension or free-standing building shall be designed to reflect local character and should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction.

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24	Page 73 Para's 253 - 257	<p>Policy BE4: Farm Diversification</p> <p>This policy seeks to establish conditional support for development related to the sustainable expansion of farm businesses and farm diversification.</p> <p>Paragraph 84 of the Framework states planning policies should enable the diversification of agricultural businesses. Paragraph 85 of the Framework refers to unacceptable impact on local roads.</p> <p>The reference to the GDPO is unnecessary and confusing. The terms "commercial" and "adequate" are imprecise". I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 24:</p> <p>In Policy BE4</p> <ul style="list-style-type: none"> • replace the text before a) with "Diversification and the sustainable growth and expansion of farm businesses will be supported subject to:" • replace d) with "the development proposals will not have unacceptable impact on local roads or generate additional on-road parking; and" 	<p>Agreed.</p> <p>Policy BE4 should now read:</p> <p>POLICY BE4: FARM DIVERSIFICATION - Diversification and the sustainable growth and expansion of farm businesses will be supported subject to:</p> <ul style="list-style-type: none"> a) the use proposed is appropriate to the rural location; b) the conversion/adaptation respects the local character of the surrounding area; c) the development will not have an adverse impact on any archaeological, architectural, historic or environmental features; d) the development proposals will not have unacceptable impact on local roads or generate additional on-road parking; and e) there is no significant adverse impact on neighbours through noise, light or other pollution, increased traffic levels or increased flood risk.
25	Page 74 Para's 258 - 262	<p>Policy BE5: Tourism</p> <p>This policy seeks to establish conditional support for proposals to enhance tourism.</p> <p>Paragraph 84 of the Framework states planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 of the Framework refers to unacceptable impact on local roads.</p> <p>The requirement for benefit to the local community in part e) of the policy does not have sufficient regard for paragraph 84 of the Framework which supports the growth and expansion of all types of businesses in rural areas. The term "adequate parking facilities" is imprecise. I have recommended a modification so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.</p> <p>The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.</p>	<p>Recommended modification 25:</p> <p>In Policy BE5</p> <ul style="list-style-type: none"> • replace part d) with "does not result in additional on-road parking" • delete part e) 	<p>Agreed.</p> <p>Policy BE5 should now read:</p> <p>POLICY BE5: TOURISM -Support will be given to facilities to enhance and manage tourism where it:</p> <ul style="list-style-type: none"> a) is on a scale appropriate to the settlement; b) does not have a detrimental effect on the distinctive rural character of the Parish; c) does not adversely affect the surrounding infrastructure, particularly local road networks, water supply and sewerage; d) does not result in additional on-road parking; and e) where feasible, the development involves the re-use of existing buildings or is part of farm diversification.

Table 2: Minor amendments made as a result of the recommendations made in the annex of the Examiner's report

Modification Ref.	Page Number of Report	Extract from the Examiner's Report - explanation	Examiner's recommended modification	HBBC Response and Action
26	75 - 76	<p>I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.</p> <p>The Borough Council recommend:</p> <ul style="list-style-type: none"> • The clarity of Maps, in particular Figure 5.1 should be improved where possible. • On Page 6 after "emerging Local Plan" replace 2016 with 2020 and replace the reference to page 12 with page 13. • In Part 6.2 of the Neighbourhood Plan the Ecological Survey (Appendix 11) should be referenced as an additional part of the evidence base supporting the environmental policies. • In Appendix 5 Sustainable Site Assessments should include a map of each site considered. <p>I recommend these modifications are made.</p>	<p>Recommended modification 26:</p> <p>Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.</p>	<p>Agreed.</p> <p>The Borough Council will work with the Parish Council during the modification of the plan to ensure that the plan has consistency as a result of the modified policies, and will endeavour to correct any identified errors.</p> <p>Partly as a result of this modification, the LPA has decided to recommend another modification to the plan to ensure transparency and to remove a now un-evidenced part of the plan. Please see Table 3 for this additional modification.</p> <p>The following changes must also be made:</p> <ul style="list-style-type: none"> • The clarity of maps/figures throughout the plan must be improved where possible, in particular Figure 5.1 <ul style="list-style-type: none"> ○ High quality maps could also be provided on the neighbourhood plan website • On Page 6 after "emerging Local Plan" replace 2016 with 2020 and replace the reference to page 12 with page 13. • In Part 6.2 of the Neighbourhood Plan the Ecological Survey (Appendix 11) should be referenced as an additional part of the evidence base supporting the environmental policies. • In Appendix 5 Sustainable Site Assessments should include a map of each site considered.

Table 3: Local Planning Authority recommended modification

Modification Ref.	Local Planning Authority's explanation	LPA's recommended modification
LPA1	<p>Based on recommendation 26 from the Examiner's report the following suggested modification will be achieving an update to the plan and correcting an identified error.</p> <p>The Borough Council have been made aware of some concern regarding the 'Meeting Future Housing Needs' section of the plan, in particular the commentary around the A5 junction at Witherley, and Highways England's input.</p>	<p>Recommended modification LPA1:</p> <p>Delete the third full paragraph on page 16 which contains the quote from Highways England, and replace with:</p>

Modification Ref.	Local Planning Authority's explanation	LPA's recommended modification
	<p>Specifically, the following paragraph on page 16 has been highlighted to us as a potential area that may cause concern: <i>'Having visited the junction in June 2019 and after reviewing Personal Injury Data for the location, Highways England said: "If the volume of traffic using the junction is increased without any substantial improvement to the junction we would expect this issue to become worse and the number of collisions to increase. As such the Safety Team would not encourage a development that will increase traffic volume using the junction without more substantial junction improvement works being included in the proposal".'</i></p> <p>The Parish Council have made us aware that the Highways England quote can no longer be evidenced by the Parish Council, and as a result wish to see a modification made to this part of the plan. In this case, the Local Planning Authority are suggesting a modification to provide an update, and to ensure a transparent evidence base.</p> <p>As a result, the quote contained on page 16 shall be deleted, and an updated position from Highways England will be inserted. The new comment from Highways England was provided during the Regulation 16 consultation on the neighbourhood plan, and the full representation can be found on the Borough Council's website.</p> <p>Supporting text will also be updated to ensure the text reads consistently.</p> <p>Consequently, this proposed change is not classed as a 'significant' change, as the stance from Highways England had not changed, the amendment provides an update to a currently unevidenced statement in the plan, and it helps provide a robust transparent position for the Parish Council to uphold going forward.</p>	<p>Highways England have provided comments on Witherley Neighbourhood Plan. In 2022, Highways England stated: "...we have already identified capacity issues with the A5/Kennel Lane junction. Our stance has been not to encourage developments that will increase traffic volume using the junction without more substantial improvements works to be done. However, we understand there is a local need for smaller dwellings and Affordable Housing, especially over the period up to 2039. Although there is currently no committed improvement work to the concerned junction, we anticipate to work with the Council and stakeholders on improvement schemes in the future which would enable the growth in the area."</p> <p>The newly inserted quote should also contain a footnote which states: "Highways England response provided during the Regulation 16 consultation, November 2022".</p> <p>The next paragraph on page 16, which starts with "No improvements have been made..." should be deleted, and replaced with: "There have been no improvement works during the lifetime of the current Local Plan, and as above, there are currently no committed improvement works to the A5/Kennel Lane junction."</p>