

# **WOLDS VILLAGES NEIGHBOURHOOD PLAN 2018 - 2028**

**The Report of the Independent Examiner to Charnwood Borough Council on  
the Wolds Villages Neighbourhood Plan**

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28<sup>th</sup> February 2020**

## Summary

I was appointed by Charnwood Borough Council, in agreement with the Wolds Villages Parish Councils (Burton on the Wolds, Cotes & Prestwold Parish Council and Hoton Parish Council), in October 2019 to undertake the Independent Examination of the Wolds Villages Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 16<sup>th</sup> December 2019.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Wolds Villages Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, rural character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Charnwood Local Plan 2011 to 2028 Core Strategy.

Subject to a series of recommended modifications set out in this Report, I have concluded that the Wolds Villages Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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## **Introduction**

This report sets out the findings of the Independent Examination of the Wolds Villages Neighbourhood Plan 2018 - 2028. The Plan was prepared and submitted to Charnwood Borough Council jointly by Burton on the Wolds, Cotes & Prestwold Parish Council and Hoton Parish Council.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018, updated in February 2019, and it is against the content of this NPPF that the Plan will be examined.

This report assesses whether the Wolds Villages Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Wolds Villages Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Wolds Villages Neighbourhood Plan would then be used in the process of determining planning applications within the Neighbourhood Area boundary as an integral part of the wider Plan.

## **The Role of the Independent Examiner**

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Charnwood Borough Council, in agreement with the Burton on the Wolds, Cotes & Prestwold and Hoton Parish Councils, to conduct the examination of the Wolds Villages Neighbourhood Plan and to report my findings. I am independent of both Charnwood Borough Council and the Wolds Villages Parish Councils. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Wolds Villages Neighbourhood Plan is submitted to a referendum; or
- the Wolds Villages Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Wolds Villages Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Wolds Villages Neighbourhood Plan 2018 - 2028 as submitted
- Wolds Villages Neighbourhood Plan Basic Conditions Statement (undated)
- Wolds Villages Neighbourhood Plan Consultation Statement (August 2019)
- Strategic Environmental Assessment Screening Report & Habitats Regulation Assessment Screening Report Wolds Villages Neighbourhood Plan (May and December 2019)
- Content at: [www.burtoncotesprestwoldparishcouncil.org.uk/neighbourhood-plan.html](http://www.burtoncotesprestwoldparishcouncil.org.uk/neighbourhood-plan.html)
- Content at: [www.charnwood.gov.uk/pages/the\\_wolds\\_neighbourhood\\_plan](http://www.charnwood.gov.uk/pages/the_wolds_neighbourhood_plan)
- Representations made to the Regulation 16 public consultation on the Wolds Villages Neighbourhood Plan
- Charnwood Local Plan 2011 - 2028 Core Strategy
- Borough of Charnwood Local Plan (2004) saved policies
- Draft Charnwood Local Plan 2019 - 36
- National Planning Policy Framework (NPPF) (2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 16<sup>th</sup> December 2019. I looked at each of the Wolds Villages, the Hoton Conservation Area and the surrounding countryside including all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Wolds Villages Neighbourhood Plan could be examined without the need for a public hearing and I advised Charnwood Borough Council accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence has been shown on the Charnwood Borough Council Neighbourhood Planning website for the Wolds Villages Neighbourhood Plan.

### **Wolds Villages Neighbourhood Area**

A map showing the boundary of the Wolds Villages Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Wolds Villages Parish Councils (Burton on the Wolds, Cotes & Prestwold Parish Council and Hoton Parish Council), Charnwood Borough Council approved the designation of the Neighbourhood Area on 5<sup>th</sup> October 2014. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

## Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Consultation Statement notes that consultation and preparation of the Plan was led by a Joint Neighbourhood Plan Committee comprising the two Parish Councils and independent professional support. In March 2015 the Committee commissioned The Rural Communities Council (Leicestershire and Rutland) through three public events to engage, inform and consult with the Wolds Villages communities, explain what a Neighbourhood Plan is and what it could achieve and to identify key issues and opportunities. A total of 126 attendees participated in the three events and the responses were used to inform the preparation of the neighbourhood area questionnaire.

In March 2016, a questionnaire was delivered to every household and business in the Neighbourhood Area. A total of 388 completed questionnaires were returned from across the Parishes and a broad range of ages. In May 2016 a follow-up Young Person’s questionnaire was undertaken for all those aged 11 to 17 years but only 5 completed questionnaires were received to this survey, from residents of Burton on the Wolds. In January 2017 an open meeting was advertised on the neighbourhood plan pages of the two Parish Council websites and a leaflet was delivered to all households in the Neighbourhood Area to share the results of the surveys and to seek views on where additional housing should be located within the Neighbourhood Area.

As required by the Neighbourhood Plans regulations, a pre-submission formal Consultation took place between 13<sup>th</sup> August and 24<sup>th</sup> September 2018. Publicity flyers with a summary of the Draft Plan were distributed to every household and business in the neighbourhood area alongside notices on the Parish Councils’ and Neighbourhood Plan websites and both Parish Noticeboards. Plan documentation was made available at various locations throughout the Parish. Statutory consultees were informed. Representations received were reviewed and the detailed summary of representations included as an appendix to the Consultation Statement includes an explanation of how the draft Plan was amended as a consequence.

Accordingly, overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

## Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Charnwood Borough Council from Wednesday 28<sup>th</sup> August to Wednesday 9<sup>th</sup> October 2019 and then again from Monday September 23<sup>rd</sup> until Monday

November 4<sup>th</sup>, 2019. I have been passed the representations – 16 in total – which were generated by the consultations and which have now been included alongside the details of the Plan on the Charnwood Borough Council Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

## **The Neighbourhood Plan**

Both Parish Councils are to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2028. I can see that a sustained effort has been put into developing a Plan guided by a series of objectives set down at paragraph 49 in the Plan and to which all Policies are shown to relate. The Plan document is well presented with a distinctive combination of text, clear images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of "direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area" (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies. The Qualifying Body has commented: "We are keen for the Neighbourhood Plan to be clear and concise. Constant referral to other documentation makes the document more difficult to read. It is common practice for both Local Plans and Neighbourhood Plans to have a separate evidence base available for those that wish to explore that information." Whilst I respect the approach adopted for the compilation of the Plan there will be occasions when source referencing is vital to either evidence the need for a Policy or to support the content of a Policy and my recommendations must have regard to that issue; not least the evidence base itself must be referenced.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard the Wolds Villages' distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Charnwood Borough Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected

policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

## **Basic Conditions**

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

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

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Charnwood Borough Local Plan 2011 – 2028 Core Strategy adopted in November 2015. As the Plan addresses and is supportive of Wolds Villages' rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

## **The Plan in Detail**

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

### **Front cover**

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2018 – 2028 on the front cover.

### **Contents**

The Contents listing will need to be reviewed once the text has been amended to accommodate the recommendations from this Report.

### ***Recommendation 1:***

*Once the text has been amended, review the "Contents" page to accommodate the recommended modifications from this Report.*



## **Neighbourhood Plans**

I note that a map of the Neighbourhood Area is appropriately included on page 3 but it is not referenced in the text; for ease of referencing, and to distinguish them clearly from Policy Maps, I suggest that all maps are numbered sequentially. Some of the early text is written in the future tense and now needs to be updated as is also the case for paragraphs 34 – 43.

### **Recommendation 2:**

*Under the heading “Neighbourhood Plans”:*

*2.1 In paragraph 2 replace “will allow” with ‘has allowed’ and replace “finalised” with ‘made’ (in single inverted commas to acknowledge that it is a term derived from the legislation).*

*2.2 In paragraph 3 replace “is being” with ‘has been’.*

*2.3 In paragraph 4 add to the second sentence ‘(the Area designated is shown on the accompanying Map 1)’; in the third sentence replace “is being” with ‘has been’.*

*2.4 In paragraph 5 replace both references to “Plan area” with ‘Area’.*

*2.5 Replace the sub-heading before paragraph 34 with ‘Plan Preparation’ and in paragraph 34 delete “have” in the first sentence and delete the second sentence.*

*2.6 In paragraph 35 delete the first sentence.*

*2.7 In paragraph 38 after “consultation” add ‘and subsequent activities’.*

*2.8 In paragraph 41 replace “have been” with ‘were’.*

*2.9 Delete the sub-heading before paragraph 42 and in paragraph 42 replace “will now be” with ‘was subsequently’ and delete “will take place before it is sent to an Independent Examiner”.*

*2.10 Delete paragraph 43 and amend subsequent paragraph numbers.*

*2.11 Within the “Implementation” sub-section add an additional paragraph (which after the above amendment will be numbered 51) to assure review if appropriate as follows: ‘The impact of the Plan will be monitored by the Parish Councils and may be subject to review in the event of significant changes which alter the basis on which the Plan has been prepared.’*

*2.12 Add ‘Map 1:’ to the title of the map on page 3.*

## **Countryside**

The preamble to Policy WV1 should be amended for clarity.

### **Recommendation 3:**

*Under the heading “Countryside”:*

*3.1 In paragraph 57, either in-text or via a footnote, provide a source reference for the Charnwood Landscape Character Assessment.*

*3.2 In paragraph 63 replace “village” with ‘villages’ and add a concluding sentence as follows: ‘Views included in Policy WV1 have been selected as important in defining the character of the area, as a background paper explains and illustrates [either in-text or via a footnote, provide a source reference for the background paper]’.*

### **Policy WV1: Landscape Character and Locally Important Views**

My understanding is that Policy WV1 is intended to provide a neighbourhood level reinforcement of Local Plan Policy CS 11 (whilst also having regard to the 2019 NPPF which post-dates the Local Plan). It is important therefore that any differences of wording should not give rise to confusion and the criteria are worded positively. The local authority has commented that there is “potential for the policy to provide more clarity on how it should be applied”.

The Policy refers to an Appendix 1 which does not exist. As there is unlikely to be significant development in the countryside and much of such development will be within the existing settlements, not all the listed criteria will be relevant in every instance and the Policy wording needs to acknowledge this. The focus of each of the criterion needs to be clear and distinct.

A representation queries how “tranquillity” might objectively be assessed and mitigated. However, the Qualifying Body notes that Charnwood Core Strategy Policy CS11 requires ‘new development to take into account and mitigate its impact on tranquillity’. Whilst repetition is not always helpful in this instance the rounded approach is appropriate. Another representation is concerned that the second paragraph reads as though development in the countryside will be supported if particular criteria are met. Whilst I appreciate that is intended that all Plan Policies will operate together, a slight rewording would ensure clarity.

#### **Recommendation 4:**

*Within Policy WV1:*

*4.1 In the opening sentence delete “and Appendix 1”.*

*4.2 Reword the opening to paragraph 2 as:*

*‘Development proposal must demonstrate, as appropriate, that:’.*

*4.3 Within criterion A replace “Landscape” with ‘landscape’ and before “addressed” add ‘identified and’.*

*4.4 Within criterion D replace “not have an adverse impact upon” with ‘maintain’ and delete “or their landscape setting” (which has already been addressed).*

*4.5 Within criterion E after “enhance” add ‘the rural character of the’ and after “vistas” add ‘(as identified on the adjacent Maps 2 – 5 and the Policies Map)’.*

*4.6 Amend the maps on pages 15 – 18 to incorporate a map number and to remove any part of any vector illustration that crosses the boundary of the Neighbourhood Area.*

As amended Policy WV1 meets the Basic Conditions.

### **Green Infrastructure**

The Qualifying Body has advised that the map on page 20 illustrating the “green infrastructure” that is the subject of Policy WV2 is “largely based on Wildlife Corridors identified by the Charnwood Phase 1 Habitat Survey 2012”; this source therefore needs to be provided not least because the content may be updated/amended. I note that the “other green infrastructure” areas shown on the map are excluded from the Policy Map to the rear of the Plan document; as no detail has been provided to explain their selection I agree that these areas should only be illustrative (I will address the presentation of the Policy Map later in this Report).

Paragraph 170 of the NPPF says: “Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more

resilient to current and future pressures”. It seems to me that the areas identified within Policy WV5 are no less a part of the green infrastructure network than those the subject of Policy WV2; they share an evident ecological focus. To avoid potential confusion and ensure practical decision making I believe that Policies WV2 and WV5 should be merged. Such a merger would also help to address the concern expressed in the representation from Severn Trent that Policy WV2 omitted mention of ‘blue infrastructure’ whilst the mention of ‘watercourses’ in Policy WV5 was welcomed.

**Recommendation 5:**

5.1 Under the heading “Green Infrastructure” add an additional paragraph between paragraphs 64 and 65 which says: ‘Map 6 identifies the existing green infrastructure and is largely based on Wildlife Corridors identified by the Charnwood Phase 1 Habitat Survey 2012 [either in-text or via a footnote, provide the source reference] to which some locally identified “other green infrastructure” has been added.’

5.2 Take in after existing paragraph 65 the paragraphs 76 – 85 presently under the “Biodiversity” heading; renumber these and subsequent paragraphs accordingly.

5.3 Add ‘Map 6’ to the title of the map on page 20 and to the Key under “Wildlife Corridor” add ‘as identified in the Charnwood Phase 1 Habitat Survey 2012’; add with an indexed key the eight “Biodiversity” features as identified in the text.

5.4 Delete the map on page 27.

**Policy WV2: Green Infrastructure**

The Policy wording should not seek to extend outside of the Neighbourhood Area and should not expect developments to “provide” access to green infrastructure when this may be significantly beyond the boundaries of the development site. Policy WV2 will now incorporate the appropriate elements of Policy WV5. I have commented that, without refinement, the “priorities for biodiversity enhancement” would seem significantly beyond the capacity of development activity envisaged within the Plan but the Qualifying Body has indicated a wish for them to be retained in full. The local authority has commented that “Further clarity could be provided to the policy by setting out criteria against which development proposals will be considered positively”.

**Recommendation 6:**

*Within Policy WV2: Green Infrastructure:*

6.1 In the opening sentence replace “identified on the Policies Map” with ‘and its biodiversity; the network includes two SSSIs and six designated Local Wildlife Sites’.

6.2 Within criterion A replace “, including within adjacent plan areas” with ‘and other landscape features (such as watercourses, lowland meadows, hedgerows and treelines)’.

6.3 Within criterion B replace “Provide secure” with ‘Ensure appropriate’.

6.4 Add to the Policy the “priorities for biodiversity enhancement” from Policy WV5 but number these rather than use letters so as to not confuse with the existing lettered criteria retained from Policy WV2.

6.5 Delete Policy WV5 and renumber subsequent Policies accordingly.

As amended Policy WV2 meets the Basic Conditions.

### **Connecting Routes & Policy WV3: Public Rights of Way Network**

It is not the role of a land use Policy to describe what the Parish Councils will do; therefore the second paragraph of Policy WV3 needs to be incorporated within the Policy pre-amble. In view of the acknowledged uncertainty over the continuation of “permissive rights” over the Prestwold Estate (removed in December 2019) the retention of paragraph 71 would appear to be inappropriate as well as unnecessary. The local authority has commented that “It would be useful to mention the role of the County Council in the supporting text or supporting documentation.”

The representation from Leicestershire County Council, and the Plan itself at paragraph 69, note that “the proposed footpath /cycleway between Hoton and Wymeswold would not be funded by LCC”. Strong objections have been made from landowners who believe that their interests will be affected by the proposed footpath to connect Sowters Lane and Burton on the Wolds Primary School. It is not within the scope of a Neighbourhood Plan to designate new footpaths – and the text could be clearer on this – but a Plan might identify a desire for connectivity to help inform other relevant policy making. As the identified new connections are aspirational but, on the basis of the present evidence, not deliverable the Policy itself will not meet the Basic Conditions (and the opening sentence merely repeats existing policy) but the text can express the community’s wishes.

#### **Recommendation 7:**

*7.1 Under the heading “Connected Routes” replace paragraph 71 with the sentence presently shown as the second paragraph within the Policy WV3 box starting “The Parish Councils will...”; add “The responsibility for recording, managing, protecting and changing public rights of way lies with the highways authority, which in this case is Leicestershire County Council.”*

*7.2 Delete Policy WV3 and renumber subsequent Policies accordingly.*

### **Trees and Policy WV4: Trees**

The Qualifying Body has clarified that the map on page 22, unreferenced within the text, is not a Policy Map and is only illustrative; I will address the presentation of the Policy Maps which include “woodland” content later in this Report. There is no purpose in the Policy merely repeating, sometimes in an abbreviated form, national or local policy. The Qualifying Body has agreed with a representation that the Policy reference to “native species” ought to be made more specific. Another representation has queried the Policy wording where, contrary to national policy, it seems to provide absolute protection for all trees “of good arboricultural and amenity value”, whatever the circumstances. The local authority has noted that some rewording is required to “ensure consistency with the NPPF (paragraph 175) and Core Strategy (Policy CS13 Biodiversity and Geodiversity) which both make provision for circumstances where harm to biodiversity is unavoidable”. I note that the last paragraph of the Policy provides the positive expression of what is being sought.

#### **Recommendation 8:**

*8.1 Under the heading “Trees” add a sentence to paragraph 72: ‘The extent of woodland is illustrated on Map 7.’*

*8.2 Add to the title of the map on page 22 ‘Map 7.’*

*8.3 Within Policy WV4 – now renumbered as WV3 - delete paragraphs one and three and reword the fourth as:*

*‘Development proposals should be designed to assure the retention of ancient trees, and trees and hedgerows of good arboricultural and amenity value as these help to define the character of the Wold Villages and contribute to the local ecosystem. In exceptional circumstances where tree or hedgerow loss cannot be avoided, losses must be replaced,*

*and where possible supplemented, with planting of native species appropriate for local conditions and common to the area.'*

As renumbered and amended Policy WV3 meets the Basic Conditions.

### **Biodiversity and Policy WV5: Biodiversity**

The text and the Policy have been recommended above for merger with Policy WV2.

### **Renewable Energy and Policy WV6: Renewable Energy**

A representation queries the strict restriction on solar PV farms to “previously developed land and non-agricultural land” suggesting that some agricultural uses and solar PV installations are compatible (NPPF para 8 refers). I note that the Charnwood Local Plan Policy CS16 takes a broader approach requiring that proposals have “regard to the impact upon the wider landscape, biodiversity, the historic environment, public safety, noise, odour and other amenity considerations”. Another representation queries whether “a blanket ban on wind turbines can be justified” when “Less than half the [survey] respondents indicated that this was their preference”. I note that Policy CS16 has an expectation of support where potential sites are suitably located and adverse effects can be mitigated.

The Qualifying Body has responded that the Neighbourhood Area has “made a substantial contribution to the country’s supply of renewable energy, [and therefore] the approach to new renewable and low carbon energy infrastructure is now more cautious. Policy WV6 makes it clear that wind energy development does not have the backing of local community in line with footnote 49 of the NPPF.” I note that the referenced footnote says: “a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.” The NPPF therefore indicates the approach to be adopted.

#### **Recommendation 9:**

*9.1 Under the heading ‘Renewable Energy’ in paragraph 92 replace the opening sentence with: ‘National planning policy (NPPF footnote 49) ensures that local communities will be consulted on wind farm applications’.*

*9.2 Within Policy WV6 – now renumbered Policy WV4:*

*9.2.1 Within criterion A replace “They are on” with ‘Preference is shown for the use of’.*

*9.2.2 Delete the final paragraph beginning “Wind turbines....”.*

As renumbered and amended Policy WV4 meets the Basic Conditions.

### **Flood Risk and Drainage and Policy WV7: Water Management**

A representation queries whether Policy WV7 adds anything local to national policy; I note that there has been an effort to include local references. Not all development will be at a scale where SuDS will be relevant or feasible – single dwelling infill for instance – and the Policy wording needs to reflect that. The representation from Severn Trent suggests that the Policy might draw attention to the expectation that surface water and foul water will be separately managed including where brownfield land is used.

#### **Recommendation 10:**

*Within Policy WV7 – now renumbered as WV5 - amend the content after the first sentence as follows:*

*'Development proposals should address, as applicable:*

*A. The possible effects of the proposal downstream, particularly on Cotes and the Burton Brook.*

*B. The separation of surface and foul water management.*

*C. The incorporation of Sustainable Drainage Systems (SuDS) with attenuation, storage and treatment capacities addressed.*

*D. The retention and creation of open margins alongside watercourses.'*

As renumbered and amended Policy WV5 meets the Basic Conditions.

### **Local Green Spaces and Policy WV8: Local Green Spaces**

Although it is not referenced, I have located the appraisal of all the identified sites against the NPPF Local Green Space (LGS) criteria (para 100). I identified, both from representations and my visit to the Wolds Villages, a number of issues with the proposed designations and invited comments from the Qualifying Body on these. Amongst the issues raised was the Planning Practice Guidance that, "If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space" (Ref: 37-011-20140306). My conclusions are as follows:

A: Fishpond Plantation, Burton on the Wolds: the designation criteria are met.

B: Towles Field Recreation Ground and Playing Field, Burton on the Wolds: the designation criteria are met.

C: Hubbard Road play area and Burton Brook: the designation criteria are met.

D: Hoton playing field including the wildlife area: the designation criteria are met.

E: Hoton Village Hall gardens: the designation criteria are met.

F: Burton Allotments and wildlife areas: A representation objects to the designation of this space on the grounds that "any wildlife significance is unevidenced" and a published ecological survey of the land in conjunction with an adjacent site (which the objectors propose for development) shows "negligible to low ecological significance". Whilst I can see that the allotment area is special and has a particular significance, the pieces of land to either side are less obviously special and significant. The Qualifying Body notes that the area to the east of the Allotments is part of the area of Registered Common addressed as proposed LGS I and I will return to that below. In relation to the area to the west of the Allotment the Qualifying Body has commented: "Even if [it might be concluded] that LGS F has limited biodiversity value, the LGS designation should be retained for its beauty and recreational value". Whilst I note the recreational value of the Allotments I cannot conclude that the small area to the west has been shown to be "demonstrably special" and of particular recreational significance. Policy WV2 already addresses any value that the land may hold within a wildlife corridor. Accordingly my conclusion is that the boundaries of LGS F need amendment.

G: Springfield Close verges and trees: I note that this proposed designation relates to two parcels of unconnected land. The parcel to the south is crossed by many drives serving the dwellings to the east; I consider the green space value of this area to be negligible and it cannot therefore said to be "demonstrably special". The other parcel immediately adjacent to the Loughborough Road is justified by the Qualifying Body as follows: "The Burton on the Wolds Design Statement makes it clear that the village has evolved from a settlement that was initially tucked into a natural 'bowl' surrounded by wooded areas. Prior to Springfield Close being built there were thick hedgerows and mature trees along this section of road mirroring the woodland on the other side, illustrative of the way a ring of trees surrounded and partially hid the extent of the village. With few open spaces in the village, this large belt containing mature trees is of considerable importance to the community and part of its identity." I can therefore conclude that the designation criteria are met only for the more northern parcel of land.

H. Millennium garden, Burton on the Wolds: although it is very small scale I conclude that the designation criteria are met.

I. Common Land along the B676: It is evident that the Registered Common Land extends further west than is indicated for this LGS I and that part (up to the Allotment) has been included within LGS F that I considered above. There would seem to be good sense in keeping the Common Area together as one designation. Although Registered Common Land is already afforded some protections I recognise that the nature of the land as semi-improved grassland with origins in mediaeval times means that the land is special to the local community and the designation criteria are met with the boundary amended.

J. Cotes grassland and site of mediaeval village: I noted that the existing designations, as a Scheduled Monument, an SSSI and a Local Wildlife Site, together cover the whole site now proposed for LGS designation. I further noted that, in relation to the settlement of Cotes, the proposed space might be considered “an extensive tract of land” (NPPF para 100). The Qualifying Body responded that “Different parts of the site are already protected by heritage and wildlife designation, however it is only the LGS designation that recognises the whole site for both and its value to the local community”. Therefore as a confirmation that the space is locally valued as well as nationally recognised I conclude that the designation criteria are met.

K. The Pingles Field, Hoton: A representation from the owners raises objections to the designation of this space as LGS on the grounds that the NPPF criteria relating to “demonstrably special” and “particular local significance” as well as “local in character and is not an extensive tract of land” are not met. The Qualifying Body has responded that “In the Hoton Conservation Area Character Appraisal the Pingle is mentioned: 'In the square between Loughborough Road and Old Parsonage Lane is a magnificent space of green meadow bounded by the Pingle footpath on the eastern side. There is a very fine mature oak tree in this meadow beside the footpath'.” This quotation from an authoritative document can be said to establish that the space is “demonstrably special” and “local in character” but since the space lies within the Hoton Conservation Area the site is already afforded significant planning protection; however such a protection could fall short of the protection afforded to LGS. The Qualifying Body considers the space to hold “a particular local significance” because:

- “it is likely [that it] was of ridge and furrow construction” but this, from their own evidence, would appear to be disputable and is certainly not evidenced as particularly significant; after agricultural use there is no visible evidence;
- “It sits immediately behind the Village Hall and has the potential to be used in conjunction with the Village Hall” - but having that potential does not relate to its present status;
- “In the past it was used as the village cricket pitch” - but this would not now amount to any significance;
- “[it] has a [public] footpath running on the eastern side of the field” - but the Planning Guidance says: “There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation” (Ref: 37-018-20140306).

Therefore my conclusion is that the designation criteria are not met in full and the characteristics of the space identified are already appropriately protected within the Conservation Area.

L. The burial grounds at Burton on the Wolds, Hoton and Burton Bandalls: whilst the designation criteria are met these sites would need to be designated individually rather than collectively.

M. Hubbard Road perimeter, Burton on the Wolds: the designation criteria are met.

N. Woodland to the rear of The Greyhound PH and between ‘Saints’ and Sowters Lane, Burton on the Wolds: In appearance these spaces are incidental to the layout of the adjacent housing with an unsurfaced footpath running along much of its length. As noted above, the Planning Guidance says: “There is no need to designate linear corridors as Local Green

Space simply to protect rights of way, which are already protected under other legislation” (Ref: 37-018-20140306). Some parts of the spaces have pleasant tree cover but trees are the subject of Policy WV4. The Qualifying Body has commented: “The Village Design Statement identifies these areas as important visually to the setting of the housing and older buildings such as the Greyhound Inn. The strip the other side of the road is of importance precisely as it is NOT a public right of way, but is the only alternative people from Sowters Lane have of reaching the centre of the village without walking alongside busy roads with little or no footpath.” But the Planning Guidance notes that designation does not in itself confer any rights of public access over what exists at present (Ref: 37-017-20140306). The LGS Appraisal notes that “Responses from consultation for the Neighbourhood Plan included several specifically identifying these [spaces] as important, especially the footpath from Sowters to the Saints” which may establish that the spaces are “demonstrably special”. However, no evidence has suggested that these spaces are of “particular local significance”. O. Church Leys, Burton on the Wolds: In appearance this space is indistinguishable from the adjacent countryside. Through the centre of the space runs a bridleway but as the Planning Guidance says: “There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation” (Ref: 37-018-20140306). Virtually every factor used to justify the designation of this space actually relates to adjacent or nearby features:

- connecting with bridleway H106 and footpath H99a
- inextricably linked to [the landscape] of Prestwold Hall, park and gardens which are covered by a preservation order
- adjacent to the site is Field House, a late 18th Century Grade 2 listed farm house ... and Seymour House, which is regarded as an unscheduled heritage asset
- the current footpath follows the route of a road which was the main road from Burton-on-the-Wolds to Loughborough
- there are known bat roosts in nearby farm buildings.

However there are three factors in combination (though perhaps not individually) that have persuaded me that the space is “demonstrably special” and of “particular local significance” and therefore that the designation criteria are met:

- “The green space ... provides a rural landscape type that has long since gone from elsewhere round the village ... and ... the juxtaposition of brook, mature trees, open field and pasture are features that make this [part of the] walking route out of the village unique and interesting whatever the season.”
- “Burton on the Wolds has a mediaeval core and local historians believe that this field (which is called Church Leys on Prestwold Estate maps) could have been the site of Burton’s mediaeval chapel.”
- Although not mentioned in the Appraisal document, I note that the included pond is shown on the map from the Leicestershire & Rutland Environmental Records Centre (included in the Neighbourhood Plan evidence record) as a Great Crested Newt breeding pond.

From the LGS Assessment document I noted that not all the owners of proposed LGS have, apparently, been invited to comment on the proposal; the landowner is shown as “unknown”. The Planning Practice Guidance says that “the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan” (Paragraph: 019 Reference ID: 37-019-20140306). The Qualifying Body has responded that “While some landowners are ‘unknown’ that does not mean that the owners have not been contacted. As set out in our Consultation Statement, Pre-Submission Consultation on the Draft Wolds Villages Neighbourhood Plan included the distribution of publicity leaflets distributed to every household in the Parish. These leaflets clearly showed the proposed LGS.” I am satisfied



that this has provided opportunities for landowners to comment and it is evident that several have taken the opportunity.

I recommend below that the referenced on-line LGS Appraisals document should be amended to reflect the corrections I have identified below so that the Basic Conditions are met. The Qualifying Body queried this approach suggesting that the Evidence Base was being altered. My concern is that the document referenced as supporting the Policy should be fit for purpose but if an archive copy of the submission version is also retained, provided it is annotated as such, no harm will arise.

In relation to the Policy wording I advised the Qualifying Body that “would harm .....its significance and value to the local community” seems not to be “consistent” with policies for the Green Belt Policy (NPPF para 101) – as well as being problematic to interpret. The Qualifying Body responded that “The policy wording is consistent with other ‘made’ plans in Charnwood Borough e.g. Barrow upon Soar Neighbourhood Plan, Quorn Neighbourhood Plan”. However, my viewing of these showed that in neither instance is that the case.

**Recommendation 11:**

*11.1 Under the heading “Local Green Spaces” add either in-text or via a footnote a source reference for the LGS Appraisals document (as amended, see below).*

*11.2 Within Policy WV8 – now renumbered Policy WV6:*

*11.2.1 Amend the listing, numbering and mapping of the designated Local Green Spaces (including the related Appraisals document) as follows:*

*11.2.1.1 delete LGSs K and N;*

*11.2.1.2 amend LGS F to include only the Allotment;*

*11.2.1.3 amend LGS G to exclude the more southerly space that fronts only onto Springfield Close;*

*11.2.1.4 amend LGS I to include the part of the Common now excluded from LGS F and exclude the roadway;*

*11.2.1.5 separate out LGS L into 3 separately numbered and appraised LGSs.*

*11.2.1.6 reference the map from the Leicestershire & Rutland Environmental Records Centre within the Appraisal for LGS O.*

*11.2.2 Reword the final paragraph as: ‘Development on the Local Green Spaces will not be supported other than in very special circumstances’.*

*11.3 Amend the maps on pages 34 - 36 to bring them in line with the revised listing and add to the titles ‘Map 8a.’, ‘Map 8b.’ and ‘Map 8c.’ respectively.*

As renumbered and amended Policy WV6 meets the Basic Conditions.

**Heritage and Policy WV9: Local Heritage Assets**

The admirable supporting documentation behind the schedule included within the Policy is not referenced; since the application of the Policy relies upon it I believe that it needs to be referenced. However, to be efficiently useable the supporting document needs absolute clarity about the extent of each heritage asset; in some instances the Qualifying Body has provided additional detail and where appropriate I recommend additions below. I raised queries in relation to the clarity of the location for assets 17 & 18; however, on further inspection of the Historic England Listings I am satisfied that a local listing of these features is appropriate with minor wording additions.

In correspondence with the Qualifying Body I have attempted to gain some greater clarity on the extent to which it is expected that ridge and furrow features (listed collectively as Local

Heritage Assets no. 23) are to be afforded protection. Planning control does not extend to restricting field ploughing. The Qualifying Body wish that these features be treated as archaeology which the Policy suggests could provide “evidence which could contribute to the understanding of human activity and past environments” but there is already extensive research on these features and failing to separate good examples from virtually extinguished examples will tend to devalue the “asset” value of all. Accordingly, in the absence of appropriate evidence, I believe that “Local Heritage Asset” status should be restricted to the two examples illustrated with photographs: the field adjacent to Sowters Lane and the pasture to the south of Manor Farm, Burton on the Wolds. If wished, a further map (or maps) could be added to the schedule illustrating where ‘it is believed that ridge and furrow patterns exist below the present ground level’; this could bring these within the ambit of the general archaeology expectations of planning policy.

In relation to the wording of Policy WV9, it is unclear what “important views toward and from the assets” might imply since the “setting” of the assets is already addressed. Further a representation notes that the second sentence of the Policy does not accord with the expectation of the NPPF which says (para 197): “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 or loss and the significance of the heritage asset.”

Another representation queried the accuracy of the map on page 42 which is felt to misrepresent garden land at Halls Drive but it appears that this arises from the base OS map and confusion about the “Legend” to the map. In relation to the maps in general, to my eyes the marker for “Locally Valued Heritage Assets” and for “Listed Buildings Grade II” are virtually indistinguishable and it would avoid confusion if they could be made more distinct from each other.

**Recommendation 12:**

**12.1 Under the heading “Locally Valued Heritage Assets”:**

*12.1.1 Add to paragraph 122 either in-text or via a footnote a source reference for the Charnwood BC identified Locally Listed Buildings.*

*12.1.2 Add to paragraph 125 either in-text or via a footnote a source reference for the document identifying and supporting the designation of the Local Heritage Assets.*

**12.2 Within Policy WV9 – now renumbered Policy WV7 - replace the first paragraph with:**  
*‘Development proposals that affect the following local heritage assets and their settings must balance the need for, and the public benefit of, the proposal against the significance of the asset and scale of any harm or loss.’*

**12.3 Amend the maps on pages 42 – 45 to:**

*12.3.1 Show ‘Legend of Heritage Assets’ (in place of Legend).*

*12.3.2 Alter the marker for one or other of the “Locally Valued Heritage Assets” and “Listed Buildings Grade II” to make them more distinct from each other.*

*12.3.3 To the titles add ‘Map 9a:’ – ‘Map 9d:’ respectively.*

**12.4 Amend the schedule supporting the Policy as follows:**

*17. Walls made of random block granite stone along Melton Rd: after “Burton Hall” add ‘Listed Grade II’.*

*18: Prestwold Park perimeter brick wall on B676 and granite stone wall at junction with Prestwold Lane: after “Prestwold Park” add ‘Listed Park & Garden Grade II’.*

*19. Burton Hall estate brick walls with curved stone coping along parts of Melton Rd and the bottom of Barrow Rd, Burton-on-the-Wolds: replace the last sentence of the*

*description with: 'The wall shown in the picture is on the corner of Melton Rd and Huntingdon Close where it forms the boundary of the front gardens on numbers 20, 22 and 24 Melton Rd. The other significant stretch of wall is the boundary of 4 Barrow Rd, from where it curves round the corner past the old school room to link with the wall of Burton Hall Lodge (Grade II listed) on Melton Rd.'*

*23. Ridge and Furrow in both Burton on the Wolds and Hoton: Amend the title and paragraphs 3 & 4 of the schedule to restrict the listing to two sites: 23a Field adjacent to Sowters Lane, Burton on the Wolds and 23b Pasture to the south of Manor Farm, Burton on the Wolds; add outline maps for each of these sites; amend the maps on pages 42 – 45 and the Policy Maps to show 23a & 23b and no other entries numbered 23; amend the schedule to provide a source reference for the 1930s map; if wished add a further map or maps to the schedule only illustrating 'locations where it is believed that ridge and furrow patterns still exist below the present ground level'.*

*26: Earthworks, Hoton: add to the schedule 'Leicestershire and Rutland HER reference MLE574.'*

*27: Holloway, Hoton: add to the schedule 'Leicestershire and Rutland HER reference MLE21668.'*

*29. Mediaeval moated site at Moat Hill, Cotes: add to the schedule 'Leicestershire and Rutland HER reference MLE553.'*

*30. Mediaeval Fishponds and associated earthworks, Cotes: ensure that the map in the schedule illustrates "the position of Moat Hill 29 and Fishpond Spinney 30" and is provided with a source reference.*

As renumbered and amended Policy WV7 meets the Basic Conditions.

### **Services and Facilities and Policy WV10: Community Services and Facilities**

This Policy is negatively expressed and its structure is difficult to untangle. The Qualifying Body commented that "Policy WV10 is similar in its wording to Policy BuS6 in the made Barrow upon Soar Neighbourhood Plan"; however, crucially, there is one "and" omitted from the Policy WV10 version. The local authority has noted: "Policy CS1 makes provision for responding positively to a development which meets a specific local social or economic need." For clarity it would be helpful to add the location of the facilities listed on the Policies Map.

A representation suggests that, to be consistent with the Policy on infrastructure needs associated with the Sturdee Farm site allocation, this Policy should include mention of support for additional community meeting space.

#### **Recommendation 13:**

*Within Policy WV10 – now renumbered Policy WV8:*

*13.1 Rewrite the opening paragraph as:*

*'The retention and improvement of the following community facilities (as located on the Policies Map) will be supported: [take in the list of facilities except the Burton on the Wolds garage/shop].*

*Development proposals that would result in the loss of any of these facilities will only be supported if it can be demonstrated that:*

*A. It is no longer viable; and*

*B. It is no longer needed by the relevant community; and*

*C. It is not needed for any other community use or it is being replaced by equivalent or better provision in terms of quantity, quality and location.'*

13.2 Add a third paragraph as follows:

*'The provision of additional community meeting space in Burton on the Wolds will be supported'.*

As renumbered and amended Policy WV8 meets the Basic Conditions.

### **Shops and Policy WV11: Village Shop**

Following the preamble which addresses both Burton on the Wolds and Hoton, for clarity it would be helpful to include 'Burton on the Wolds' in the title. In the preamble paragraph 139 commences "We have" which evidently picks up from Hoton input but should be rephrased for the Plan document.

A representation queries whether the Policy as written could "guarantee that any expansion of the garage would actually increase the range of [convenience] goods sold"; further, the representation suggests that if an extension is proposed there would be a related need for on-site parking. The Qualifying Body has responded that "The policy could [also] improve sustainability by reducing the need to travel to other centres and provide the existing business with greater commercial opportunities". The key word here would appear to be "opportunities" since, as the representation has suggested, there is no mechanism within a land use Plan to do other than increase the retail floorspace, with the hope that customer demand will lead to a wider range of convenience goods. Charnwood BC has commented that the Policy should include some indication of the expected scale of increase by inclusion of "for the local community". Any extension should not be at the expense of appropriate on-site parking.

#### **Recommendation 14:**

14.1 Under the sub-heading "Shops" in paragraph 139 replace "We have considered several options for providing a shop in Hoton" with 'In Hoton several options for providing a shop have been considered'.

14.2 Within Policy WV11 – renumbered as Policy WV9:

14.2.1 Add 'Burton on the Wolds' to the Policy title.

14.2.2 In the Policy wording between "Burton on the Wolds" and "to enable" insert '(as located on the Policies Map) with appropriate customer parking' and between "convenience goods" and "is supported" insert 'for the local community'.

As renumbered and amended Policy WV9 meets the Basic Conditions.

### **Infrastructure and Policy WV12: Infrastructure**

As the Plan stands Policy WV12 would only apply to the allocated reserve housing site; however, I appreciate that other sites may be identified or required within the forthcoming new Local Plan and therefore the Policy may have wider applicability. No explanation or supporting evidence are provided for the "ten or more dwellings" threshold but it would appear that this is derived from the NPPF definition of "major development" (NPPF Glossary). I note that the Charnwood Local Plan Policy CP24 provides for "ensuring that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 and Section 278 Agreements". This Policy also provides for "monitoring and reviewing the implementation of our Neighbourhood Plans on an annual basis to influence local infrastructure programmes and decisions". I believe it would therefore be appropriate and sufficient for "where appropriate" to be brought to the front of Policy WV12.

**Recommendation 15:**

*Within Policy WV12 - renumbered as WV10 – replace “New housing development of ten or more dwellings” with ‘Where appropriate, new housing’; delete “where appropriate” at the end of the same sentence.*

As renumbered and amended Policy WV10 meets the Basic Conditions.

**Transport**

No comments.

**Housing**

The Housing Supply content summarises the position regarding housing numbers but does not address the NPPF and Planning Guidance expectation (Paragraph: 040 Reference ID: 41-040-20160211): “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”. The Qualifying Body has advised that they did approach Charnwood BC for an indicative figure and Charnwood BC has in turn advised that, as they were not in a position to provide a figure from the work undertaken to date in preparation for the new Local Plan, they pointed the Qualifying Body to the approach adopted by the Quorn Neighbourhood Plan which was agreed with the local authority; the approach is essentially to pro-rata by population the indicative housing requirement at a larger scale. By my estimation, Burton on the Wolds Parish is 7.6% of the "Other Settlements" which the draft Local Plan 2019 – 2036 provisionally expects to deliver 794 additional dwellings; proportionately therefore Burton on the Wolds might be said to be expected to deliver 60 new dwellings. As the draft Local Plan is to 2036 whereas the Neighbourhood Plan period is to 2028 the expectation for Burton on the Wolds to 2028 might be said to be at least 36 new dwellings. A new paragraph should outline this expectation.

The local authority has commented: “Burton on the Wolds is classed as an ‘Other Settlement’ in the settlement hierarchy, however the draft Local Plan does not allocate any sites in Burton on the Wolds and it is not the intention for the housing figure to be split equally between the settlements in this category. The proposed reserve allocation is considered to be a reasonable response to the emerging Local Plan. It provides an opportunity for the site to form part of the wider strategy for Charnwood, once the proposed strategy has been reviewed to take account of the recent consultation and emerging evidence and then tested through the Local Plan examination.” The allocation of a “reserve site” is therefore appropriate.

A reference is required in paragraph 173 for the evidence supporting the redefined Limits to Development.

**Recommendation 16:**

*Under the heading “Housing”:*

*16.1 Insert an additional paragraph after paragraph 170 (and renumber subsequent paragraphs accordingly):*

*‘Burton on the Wolds Parish is approximately 7.6% of the "Other Settlements" which the draft Local Plan 2019 – 2036 provisionally expects to deliver 794 additional dwellings; proportionately therefore Burton on the Wolds might be said to be expected to deliver at least 36 new dwellings (after allowing for the shorter Neighbourhood Plan period to 2028).’*

16.2 Add to the paragraph presently numbered 173, either in-text or via a footnote, a source for and a reference to the “Wolds Villages Neighbourhood Plan: Limits to Development Methodology”.

### **Policy WV13: Housing Provision**

Although it is not stated within the Policy itself, it is apparent from the text that it is intended that Policy WV13 should define for Burton on the Wolds new “Limits to Development” in place of the Charnwood Local Plan equivalent (and the Charnwood Settlement Limits to Development Assessment 2018). It is evident that the principle of defining such limits has been established for Charnwood communities expected to accommodate additional housing; Local Plan Policy CS1 includes for “responding positively to small-scale opportunities within defined limits to development”. Although not referenced, the evidence documents in support of the Neighbourhood Plan include a paper titled “Wolds Villages Neighbourhood Plan: Limits to Development Methodology” (undated). I have queried the clarity of intent within this document but a methodology is stated and I accept that the local community is best placed to recognise and identify the edge of Burton on the Wolds on the ground and I note that any apparent differences of assessment have been cleared with Charnwood BC. Accordingly appropriate wording needs to be added to Policy WV13 (now renumbered as WV11).

A representation queried why Policy WV13 only mentions the reuse of redundant buildings in the countryside when such buildings may also exist within the built-up area. The Qualifying Body responded that Policy WV13 “does not prevent the re-use and/or adaptation of redundant rural (*sic*) buildings within built-up areas”.

I note that the Charnwood Local Plan Policy CS1 allows for residential development outside the Burton on the Wolds Limits to Development where “the development supports sustainable businesses in accordance with Policy CS10”. This therefore needs to be acknowledged within Policy WV13 – now renumbered WV11.

### **Recommendation 17:**

*Within Policy WV13 – now renumbered as WV11:*

#### **17.1 Within paragraph 1:**

*17.1.1 Add an additional sentence at the beginning: ‘Limits to Development for Burton on the Wolds are defined on Map 10 and the Policies Map’.*

*17.1.2 In the (now) second sentence between “development” and “within” insert ‘, including the reuse of redundant buildings where appropriate,’ and delete “, as defined on the Policies Map,”.*

#### **17.2 Within paragraph 2:**

*17.2.1 Amend all the Policy number references.*

*17.2.2 Add ‘G. Development that supports sustainable businesses as provided for within the Charnwood Local Plan Core Strategy.’*

#### **17.3 Add ‘Map 10’ to the title of the map on page 55.**

As renumbered and amended Policy WV11 meets the Basic Conditions.

### **Sturdee Poultry Farm**

I note that there are three supporting documents (unreferenced in the text), “The Wolds Site Profiles”, “Site Assessment Framework” and “The Wolds Housing Site Assessment Matrix”. The promoters of some sites not selected have queried the manner in which the Framework – which is not itself queried – has been applied to their site (as compared to the Sturdee Poultry Farm) and they express “concerns about the robustness of the scoring system”. One

representation notes that the addition of Seal Close to the Limits of Development supports the candidacy of the site south of Melton Road for sustainable housing use. On the matter of the process adopted for site selection it is also possible to argue that should a different weight be given to a certain factor it would suggest another site might be selectable or preferable, but the input from the community has been considerable and productive and it is the very hallmark of neighbourhood planning. From my understanding of the site selection undertaken, nothing in the representations has convinced me that the process used to inform the final choice of site for allocation was flawed or so badly flawed that the Plan fails to comply with the basic conditions. The test is whether the proposed site allocation represents sustainable development, not whether some alternative might, with an adjustment to factors considered, be somehow more sustainable. However, I do accept that transparency requires that the pre-amble to the Policy should briefly set out and reference the selection approach undertaken rather than that this be confined to other supporting documents.

**Recommendation 18:**

*Under the heading “Sturdee Poultry Farm:*

*18.1 Replace the second sentence of paragraph 176 with:*

*‘The Site Assessment Criteria were based on the sustainability framework developed for the Charnwood BC Local Plan (Core Strategy) Sustainability Appraisal. The Site Assessment Criteria promote sustainable development by assessing the extent to which each potential housing site will help to achieve relevant environmental, economic and social objectives.’; either in-text or via a footnote add a source for and a reference to the “Burton on the Wolds Site Assessment Framework”.*

*18.2 In paragraph 177 replace “Our” with ‘The’.*

**Policy WV14: Sturdee Poultry Farm**

The basis on which this “reserve site” may be activated is not clearly stated. Charnwood BC has commented: “The proposed reserve allocation is considered to be a reasonable response to the emerging Local Plan. It provides an opportunity for the site to form part of the wider strategy for Charnwood, once the proposed strategy has been reviewed to take account of the recent consultation and emerging evidence and then tested through the Local Plan examination”. This can be reflected in the wording of the Policy.

A representation on behalf of the owners, whilst supporting the allocation of the site and providing some vital site appraisal detail, queries the inclusion within the Policy of some restrictive requirements that will impact on the viability of the development. Planning Practice Guidance (Para 005 Reference ID: 41-005-20190509) says: “Plans should be prepared positively, in a way that is aspirational but deliverable.” The requirement for “up to 45 dwellings” is queried as the estimated capacity for the site is greater than this. I have noted that on the basis of the Leicester and Leicestershire Housing Market Area joint approach to the preparation of housing and economic land availability assessments the indicative capacity of the site is 60 dwellings. It may be surmised that a site requiring remediation may entail a build-out at close to capacity to achieve viability. However, as noted earlier, the Policy need only require ‘at least 36 dwellings’, but in keeping with the NPPF expectations of the effective use of land (section 11) the density considerations should also be made explicit.

It is expected that access to the site will be via two existing accesses both of which have restrictions, one via an existing cul-de-sac and the other via a private road. On behalf of the owners it is submitted that a restriction of “no more than 15 dwellings” being accessed via the cul-de-sac is technically inappropriate and unrealistic. The Qualifying Body has commented: “Any impact on residential amenities as a result of more vehicles using [the cul-de-sac] and [the private road] has to be balanced against the benefits of removing farm noise, smell and dust from the village. We believe a limit of 15 dwellings using [the cul-de-

sac] access route is appropriate.” However, no appraisal of the access routes has been undertaken to demonstrate the basis for a balanced approach. Whilst noting the need to consider the amenity of the residents of the cul-de-sac, I believe that an evidenced, balanced judgement should be reached considering the relevant site factors in the round.

Criterion D is worded to suggest that development support is conditional upon “a new footpath link” being “supported”. The clarity of this expectation and how it will be fulfilled is queried within a representation. It would appear that this link is the same as that included as an aspiration earlier; the reference therefore needs to acknowledge that status.

**Recommendation 19:**

*Within Policy WV14 – now renumbered as WV12:*

*19.1 In the opening sentence immediately after “Wolds” insert ‘(as identified on Map 10)’.*

*19.2 Replace the second sentence of the opening paragraph with:*

*‘This site will be released in accordance with the draft Charnwood Local Plan, when it is adopted, if a local housing requirement is identified for which the site is appropriate.’*

*19.3 Amend criterion A to: ‘The development shall provide at least 36 dwellings whilst achieving an overall density that is appropriate to a site on the edge of a rural settlement.’*

*19.4 Amend criterion B to: ‘Access shall be via both St Leonard’s Close and Sowters Lane; the amenity of existing dwellings shall be an important factor influencing the number of dwellings to be accessed via each route.’*

*19.5 Amend criterion D to: ‘The layout should accommodate a link to a footpath to Burton on the Wolds Primary School should a route be demonstrated to be deliverable.’*

*19.6 Amend criterion I to insert ‘adjacent’ immediately before “vehicle repair business”.*

As renumbered and amended Policy WV12 meets the Basic Conditions.

**Brownfield Land and Policy WV15: Brownfield Land**

The quotation from a 2017 Housing White Paper is inappropriate when the primary planning document post-dates this. The Qualifying Body notes that “the NPPF [also] gives substantial weight to the value of using suitable brownfield land within settlements for homes [para 118(c)] and the purpose of [Policy WV15] is to show how this would operate in the context of the Wolds Villages”. However, part of the wording appears to confuse rather than help: “the environment is improved and safeguarded” seems to be a reworking of NPPF (para 117) words when the NPPF words themselves would suffice. As the local authority has noted, the Policy would have more strength if it had identified the brownfield sites that would benefit from redevelopment.

**Recommendation 20:**

*20.1 Under the heading “Brownfield Land” delete paragraph 184 and renumber subsequent paragraphs accordingly.*

*20.2 Within Policy WV15 – now renumbered WV13 – delete “as long as the environment is improved and safeguarded” and between “housing” and “is supported” insert ‘while safeguarding and improving the environment and ensuring safe and healthy living conditions’.*

As renumbered and amended Policy WV13 meets the Basic Conditions.



### **Meeting Local Housing Needs and Policy WV16: Housing Mix**

The strategic context for policy WV16 is provided by Policy CS3 Strategic Housing Needs in the Core Strategy. Whilst it is true that local factors will play a part in influencing the range of housing to be provided, the “views” of local residents may not be attuned to what is deliverable per site and this may change over the plan period. The threshold of “10 or more dwellings” is unexplained but this would seem to make the Policy unlikely to be applicable to Hoton Parish. Whilst the background information is helpful, in the absence housing requirement data at the neighbourhood level Policy WV16 can only ‘encourage’ rather than ‘require’.

#### **Recommendation 21:**

*Rewrite Policy WV16 – now renumbered as WV14 – as follows:*

*‘All housing development proposals should demonstrate regard for the most recent assessment of housing requirements; within the Wolds villages a rebalancing of the housing stock is sought to include special attention to the needs of older households and the need for smaller homes.’*

As renumbered and amended Policy WV14 meets the Basic Conditions.

### **Affordable Housing and Policy WV17: Affordable Housing**

Paragraphs 190 and 191 aim to provide a factual account of national Policy on affordable housing; these therefore should not be repeated within the Policy. Paragraph 191 seems to be worded for the pre-submission consultation and needs to be updated.

The local authority commented: “Policy CS3 of the Core Strategy and Policy HSPD 7 Rural Exception Sites in the Charnwood Housing Supplementary Planning Document note that proposals for rural exception sites must be supported by a Housing Needs Survey which demonstrates local housing need having regard to the Local Lettings Policy. The format, method of analysis and geographical extent of any survey should be agreed with the Council. It would be worthwhile referencing this in the policy and supporting text.”

#### **Recommendation 22:**

*22.1 Under the heading “Affordable Housing:*

*22.1.1 Add at the end of paragraph 190 ‘(defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more).*

*22.1.2 Reword paragraph 191 as:*

*‘Where a local need is identified for affordable housing that will not otherwise be met, the NPPF provides for “Rural Exception Sites” which would allow for affordable housing developments outside the Limits to Development. The basis for the local needs assessment must be agreed with the local authority and the Charnwood Local Plan Core Strategy says (para 5.23) that Exception Sites should be small and well related to the existing settlement.’*

*22.2 Within Policy WV17 – renumbered as WV15 - delete paragraphs 1 and 2.*

As renumbered and amended Policy WV15 meets the Basic Conditions.

### **Travelling Showpeople and Policy WV18: Travelling Showpeople**

It is apparent that there is an inclusive objective behind Policy WV18 but the pre-ambles establishes that known requirements (evidenced in the Charnwood Local Plan Core Strategy to 2028) for additional plots have been met with a 2018 planning consent. The Policy does not address an objectively assessed future requirement which in turn does not allow the Policy to identify the size and scope of any extension/intensification at the site. Instead the Policy delves into a great deal of detail about factors that may not all be appropriate and may

indeed be over-prescriptive once the scale of any need is known. The Policy does not guide any decision that may be required between intensification or extension and, if the latter, which part of the countryside might most appropriately be justified for use. I note that Local Plan Policy CS5 says that, for support, sites should be, *inter alia*, “appropriate in scale”; it would therefore need to be established that any extension would still allow the site overall to meet that criterion.

In relation to design guidance the Qualifying Body has noted: “Guidance for potential developers and existing site owners about the design features for successful Gypsy and Traveller sites had been set out in ‘Designing Gypsy and Traveller sites: good practice guide’. However this was withdrawn by the Government on 1 September 2015 and there is now no design guidance of substance available at national or local level hence the need for design criteria.” However, the NPPF (para 125) says: “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. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” No such context is provided for Policy WV18.

Accordingly I cannot conclude that the Policy as worded provides “a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17) and since a different approach may be required it is not possible for me to devise wording that can meet the Basic Conditions. The Policy should be replaced with wording within the text indicating support in appropriate terms.

**Recommendation 23:**

*23.1 Delete Policy WV18 and add a new paragraph 195 as follows:*

*‘If a requirement is appropriately evidenced, additional accommodation at the Hoton Park Showmen’s site will be supported provided it can be designed to be well integrated with or within the existing site, and it is sensitive to the character and appearance of its setting within the countryside’.*

*23.2 Delete the “Hoton Park” map on page 62.*

**Design and Policy WV19: Design**

Since regard for “Core Strategy Policy CS2” is already a requirement – and is noted in the supporting text - there is no purpose in Policy WV19 restating that. To allow for the efficient use of the Plan document the Burton on the Wolds Village Design Statement and the Hoton Conservation Area Character Appraisal need to be referenced. It would be helpful if the Policy said ‘demonstrate’ regard for the documents to allow for the efficient appraisal of planning applications.

**Recommendation 24:**

*Reword Policy WV 19 – now renumbered as WV16 – as follows:*

*‘Development proposals must demonstrate regard, where appropriate, to the guidance in the Burton in the Wolds Village Design Statement [add a footnote source reference] or the Hoton Conservation Area Character Appraisal [add a footnote source reference].’*

As renumbered and amended Policy WV16 meets the Basic Conditions.

**Employment and Policy WV20: Wymeswold Industrial Park**

There are a number of issues with this Policy. A representation comments that 62% of survey respondents felt that the Neighbourhood Plan should not allocate land for business use. Other representations express concern about the potential increase in HGV traffic (Policy WV20 criterion B being considered ineffectual), and on the one hand the lack of need

for an additional site given the construction of new industrial space and on the other hand the need for an expanded area incorporating land to the east of that now proposed. A representation also queries the justification for restricting additional space to B1 & B2 uses when the existing Park is said to include B8 and D1 uses. I note that paragraph 6.88 of the Charnwood Local Plan Core Strategy says “there is an opportunity for local communities to take the lead in deciding how to balance the employment needs of their communities through Neighbourhood Plans” and paragraph 6.97 adds “We will support small scale expansion or intensification provided it is sensitive to the character and appearance of the countryside.” But no evidence has been provided to show that the size and type of extension proposed would be justified as ‘balancing’ local employment needs. The local authority has commented: “Any employment land allocations will need to be underpinned by robust evidence which sets out the selection process for the site, the driver for the amount of development and viability and deliverability of the site.”

The Qualifying Body has pointed to the supporting document “Wolds Villages Neighbourhood Plan Policy WV20: Wymeswold Industrial Park” but that does not include any specific evidence on the matters legitimately raised by the local authority. Given the need for Policies to be supported by “adequate and proportionate” evidence (NPPF para 31) I must conclude that Policy WV20 cannot go so far as to allocate a site but instead should provide the framework within which an expansion decision will be made.

**Recommendation 25:**

*25.1 Under the sub-heading “Wymeswold Industrial Park”:*

*25.1.1 Insert a paragraph between paragraphs 203 and 204 as follows:*

*‘The Charnwood Local Plan Core Strategy (para 6.97) indicates that small scale expansion or intensification at Wymeswold will be supported provided it is sensitive to the character and appearance of the countryside’.*

*25.1.2 In the existing paragraph 204 replace “protected” with ‘safeguarded’.*

*25.1.3 Delete paragraph 205.*

*25.2 Within Policy WV20 – now renumbered as WV17:*

*25.2.1 Delete the first paragraph.*

*25.2.2 In the second paragraph delete “, as shown on the Policies Map,”.*

*25.2.3 Replace the third paragraph with:*

*‘Small-scale expansion of the Wymeswold Industrial Park will be supported provided:*

*A. The scale and scope of the new provision and its relationship to the existing Park provision is supported with current and appropriate evidence;*

*B. Sensitivity to the character and appearance of the countryside is demonstrated;*

*C. A robust site selection process is evidenced;*

*D. Access arrangements are suitable and appropriate for that provision;*

*E. The site is landscaped appropriately for a countryside location.’*

*25.3 Delete the map on page 67.*

As renumbered and amended Policy WV17 meets the Basic Conditions.

**Eaton**

Whilst some of the content under this sub-heading may have been relevant to considering the need for expansion at the Wymeswold site, since the site is acknowledged to be outside of the Neighbourhood Area the Plan should not seek to extend its influence into neighbouring area policies.

**Recommendation 26:**

Delete paragraphs 206 & 207.

**Policies Map**

The Policies Map should only illustrate the impact of the Neighbourhood Plan Policies as justified within the Plan document; there is no need, nor is it helpful to, include the impact of Local Plan Policies or other separately justified designations eg only Locally Valued Heritage Assets are required, not all listed buildings. Taking this approach will also help the map not to extend beyond the bounds of the Neighbourhood Area.

**Recommendation 27:**

*27.1 Amend the Policies Map and the key, in line with the modifications recommended above, to show only:*

*The Neighbourhood Area*

*The views and vistas from Policy WV1*

*The Local Green Spaces from Policy WV6*

*The Local Heritage Assets from Policy WV7*

*The Community Services and Facilities from Policy WV8*

*The Burton on the Wolds Limits to Development from Policy WV11*

*The Burton on the Wolds Reserve Housing Site from Policy WV12.*

*27.2 Amend the title of the Policies Map to show 'Wolds Villages NP' in place of "Burton on the Wolds CP".*

**Other matters raised in representations**

Some representations have suggested additional content or sites that the Plan might include. However, given that the Neighbourhood Plan sits within the Development Plan documents as a whole, keeping content pertinent to identified priorities for the Wolds Villages is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Plan addresses only the "development and use of land". Even within this restriction there is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

A representation comments, in relation to housing provision, that "the allocation of a single site for development within the Plan does not represent a sustainable or balanced approach to development and could therefore threaten the deliverability of the Plan". Another representation suggests that "the application of the proposed policies would unduly constrain future housing development and the SNP removes any flexibility to embrace potential sustainable development opportunities as they arise". However, I note that the scale of development proposed is related to the scale of housing need currently identified and the Plan encourages 'windfall' development in the appropriate settings. Accordingly, the number of sites allocated is not a matter for concern.

Some representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

## **European Union (EU) and European Convention on Human Rights (ECHR) Obligations**

A further Basic Condition, which the Wolds Villages Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. A Strategic Environmental Assessment Screening Report & Habitats Regulation Assessment Screening Report was carried out by Charnwood Borough Council for the Wolds Villages Neighbourhood Plan (May & December 2019) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Charnwood Borough Council determined: "The Strategic Environmental Assessment screening process has determined whether there is likely (or not) to be any significant environmental effects arising from the Wolds Villages Neighbourhood Plan 2018 – 2028 Submission Version. The evidence which is provided in this report and the responses received from the statutory environmental consultation bodies has determined that a full environmental assessment is not considered necessary." Also "An HRA Screening Report was undertaken for the Charnwood Local Plan 2011 to 2028 Core Strategy which concluded that, either alone or in combination with other plans or projects; it would not be likely to have a significant effect upon any European site. As the scale of development proposed in the Neighbourhood Plan is small scale, it is not considered that there will be any further affect upon any European site; therefore, it is considered that an Appropriate Assessment is not required." In making these determinations, the Borough Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public body who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Wolds Villages Neighbourhood Plan confirms as regards the European Convention on Human Rights that an Equality Impact Assessment that it "has found no negative impacts on any protected characteristic by reference to data or evidence. As a result, no recommendations are made and the assessment finds the Neighbourhood Development Plan to be appropriate and that the duty prescribed by the Equalities Act 2010 is met."

I therefore confirm that the Wolds Villages Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Wolds Villages Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

## Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Wolds Villages Neighbourhood Plan:

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

**On that basis I *recommend* to the Charnwood Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Wolds Villages Neighbourhood Plan to proceed to referendum.**

### Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Charnwood Borough Council on 5<sup>th</sup> October 2014.

**Recommendations:** (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	Once the text has been amended, review the “Contents” page to accommodate the recommended modifications from this Report.	For clarity and accuracy
2	<p>Under the heading “Neighbourhood Plans”:</p> <p>2.1 In paragraph 2 replace “will allow” with ‘has allowed’ and replace “finalised” with ‘made’ (in single inverted commas to acknowledge that it is a term derived from the legislation).</p> <p>2.2 In paragraph 3 replace “is being” with ‘has been’.</p> <p>2.3 In paragraph 4 add to the second sentence ‘(the Area designated is shown on the accompanying Map 1)’; in the third sentence replace “is being” with ‘has been’.</p> <p>2.4 In paragraph 5 replace both references to “Plan area” with ‘Area’.</p> <p>2.5 Replace the sub-heading before paragraph 34 with ‘Plan Preparation’ and in paragraph 34 delete “have” in the first sentence and delete the second sentence.</p> <p>2.6 In paragraph 35 delete the first sentence.</p> <p>2.7 In paragraph 38 after “consultation” add ‘and subsequent activities’.</p> <p>2.8 In paragraph 41 replace “have been” with ‘were’.</p> <p>2.9 Delete the sub-heading before paragraph 42 and in paragraph 42 replace “will now be” with ‘was subsequently’ and delete “will take place before it is sent to an Independent Examiner”.</p> <p>2.10 Delete paragraph 43 and amend subsequent paragraph numbers.</p> <p>2.11 Within the “Implementation” sub-section add an additional paragraph (which after the above amendment will be numbered 51) to assure review if appropriate as follows: ‘The impact of the Plan will be monitored by the Parish Councils and may be subject to review in the event of significant changes which alter the basis on which the Plan has been prepared.’</p> <p>2.12 Add ‘Map 1:’ to the title of the map on page 3.</p>	For clarity and accuracy
3	<p>Under the heading “Countryside”:</p> <p>3.1 In paragraph 57, either in-text or via a footnote, provide a source reference for the Charnwood Landscape Character Assessment.</p> <p>3.2 In paragraph 63 replace “village” with ‘villages’ and add a concluding sentence as follows: ‘Views included in Policy WV1 have</p>	For clarity and accuracy

	been selected as important in defining the character of the area, as a background paper explains and illustrates [either in-text or via a footnote, provide a source reference for the background paper]’.	
4	<p>Within Policy WV1:</p> <p>4.1 In the opening sentence delete “and Appendix 1”.</p> <p>4.2 Reword the opening to paragraph 2 as: ‘Development proposal must demonstrate, as appropriate, that:’.</p> <p>4.3 Within criterion A replace “Landscape” with ‘landscape’ and before “addressed” add ‘identified and’.</p> <p>4.4 Within criterion D replace “not have an adverse impact upon” with ‘maintain’ and delete “or their landscape setting” (which has already been addressed).</p> <p>4.5 Within criterion E after “enhance” add ‘the rural character of the’ and after “vistas” add ‘(as identified on the adjacent Maps 2 – 5 and the Policies Map)’.</p> <p>4.6 Amend the maps on pages 15 – 18 to incorporate a map number and to remove any part of any vector illustration that crosses the boundary of the Neighbourhood Area.</p>	For clarity and to meet Basic Condition 1
5	<p>5.1 Under the heading “Green Infrastructure” add an additional paragraph between paragraphs 64 and 65 which says: ‘Map 6 identifies the existing green infrastructure and is largely based on Wildlife Corridors identified by the Charnwood Phase 1 Habitat Survey 2012 [either in-text or via a footnote, provide the source reference] to which some locally identified “other green infrastructure” has been added.’</p> <p>5.2 Take in after existing paragraph 65 the paragraphs 76 – 85 presently under the “Biodiversity” heading; renumber these and subsequent paragraphs accordingly.</p> <p>5.3 Add ‘Map 6’ to the title of the map on page 20 and to the Key under “Wildlife Corridor” add ‘as identified in the Charnwood Phase 1 Habitat Survey 2012’; add with an indexed key the eight “Biodiversity” features as identified in the text.</p> <p>5.4 Delete the map on page 27.</p>	For clarity and accuracy
6	<p>Within Policy WV2: Green Infrastructure:</p> <p>6.1 In the opening sentence replace “identified on the Policies Map” with ‘and its biodiversity; the network includes two SSSIs and six designated Local Wildlife Sites’.</p> <p>6.2 Within criterion A replace “, including within adjacent plan areas” with ‘and other landscape features (such as watercourses, lowland meadows, hedgerows and treelines)’.</p> <p>6.3 Within criterion B replace “Provide secure” with ‘Ensure</p>	For clarity and to meet Basic Condition 1



	<p>appropriate’.</p> <p>6.4 Add to the Policy the “priorities for biodiversity enhancement” from Policy WV5 but number these rather than use letters so as to not confuse with the existing lettered criteria retained from Policy WV2.</p> <p>6.5 Delete Policy WV5 and renumber subsequent Policies accordingly.</p>	
7	<p>7.1 Under the heading “Connected Routes” replace paragraph 71 with the sentence presently shown as the second paragraph within the Policy WV3 box starting “The Parish Councils will...”; add “The responsibility for recording, managing, protecting and changing public rights of way lies with the highways authority, which in this case is Leicestershire County Council.”</p> <p>7.2 Delete Policy WV3 and renumber subsequent Policies accordingly.</p>	For clarity and to meet Basic Condition 1
8	<p>8.1 Under the heading “Trees” add a sentence to paragraph 72: ‘The extent of woodland is illustrated on Map 7.’</p> <p>8.2 Add to the title of the map on page 22 ‘Map 7:’.</p> <p>8.3 Within Policy WV4 – now renumbered as WV3 - delete paragraphs one and three and reword the fourth as: ‘Development proposals should be designed to assure the retention of ancient trees, and trees and hedgerows of good arboricultural and amenity value as these help to define the character of the Wold Villages and contribute to the local ecosystem. In exceptional circumstances where tree or hedgerow loss cannot be avoided, losses must be replaced, and where possible supplemented, with planting of native species appropriate for local conditions and common to the area.’</p>	For clarity and to meet Basic Condition 1
9	<p>9.1 Under the heading ‘Renewable Energy’ in paragraph 92 replace the opening sentence with: ‘National planning policy (NPPF footnote 49) ensures that local communities will be consulted on wind farm applications’.</p> <p>9.2 Within Policy WV6 – now renumbered Policy WV4: 9.2.1 Within criterion A replace “They are on” with ‘Preference is shown for the use of’.</p> <p>9.2.2 Delete the final paragraph beginning “Wind turbines....”.</p>	For clarity and to meet Basic Conditions 1 & 3
10	<p>Within Policy WV7 – now renumbered as WV5 - amend the content after the first sentence as follows: ‘Development proposals should address, as applicable: A. The possible effects of the proposal downstream, particularly on Cotes and the Burton Brook. B. The separation of surface and foul water management. C. The incorporation of Sustainable Drainage Systems (SuDS) with attenuation, storage and treatment capacities addressed. D. The retention and creation of open margins alongside watercourses.’</p>	For clarity and to meet Basic Condition 1

11	<p>11.1 Under the heading “Local Green Spaces” add either in-text or via a footnote a source reference for the LGS Appraisals document (as amended, see below).</p> <p>11.2 Within Policy WV8 – now renumbered Policy WV6:  11.2.1 Amend the listing, numbering and mapping of the designated Local Green Spaces (including the related Appraisals document) as follows:  11.2.1.1 delete LGSs K and N;  11.2.1.2 amend LGS F to include only the Allotment;  11.2.1.3 amend LGS G to exclude the more southerly space that fronts only onto Springfield Close;  11.2.1.4 amend LGS I to include the part of the Common now excluded from LGS F and exclude the roadway;  11.2.1.5 separate out LGS L into 3 separately numbered and appraised LGSs.  11.2.1.6 reference the map from the Leicestershire &amp; Rutland Environmental Records Centre within the Appraisal for LGS O.</p> <p>11.2.2 Reword the final paragraph as: ‘Development on the Local Green Spaces will not be supported other than in very special circumstances’.</p> <p>11.3 Amend the maps on pages 34 - 36 to bring them in line with the revised listing and add to the titles ‘Map 8a:’, ‘Map 8b:’ and ‘Map 8c:’ respectively.</p>	For clarity and to meet Basic Condition 1
12	<p>12.1 Under the heading “Locally Valued Heritage Assets”:  12.1.1 Add to paragraph 122 either in-text or via a footnote a source reference for the Charnwood BC identified Locally Listed Buildings.</p> <p>12.1.2 Add to paragraph 125 either in-text or via a footnote a source reference for the document identifying and supporting the designation of the Local Heritage Assets.</p> <p>12.2 Within Policy WV9 – now renumbered Policy WV7 - replace the first paragraph with: ‘Development proposals that affect the following local heritage assets and their settings must balance the need for, and the public benefit of, the proposal against the significance of the asset and scale of any harm or loss.’</p> <p>12.3 Amend the maps on pages 42 – 45 to:  12.3.1 Show ‘Legend of Heritage Assets’ (in place of Legend).  12.3.2 Alter the marker for one or other of the “Locally Valued Heritage Assets” and “Listed Buildings Grade II” to make them more distinct from each other.  12.3.3 To the titles add ‘Map 9a:’ – ‘Map 9d:’ respectively.</p> <p>12.4 Amend the schedule supporting the Policy as follows:  17. Walls made of random block granite stone along Melton Rd: after “Burton Hall” add ‘Listed Grade II’.</p> <p>18: Prestwold Park perimeter brick wall on B676 and granite</p>	For clarity and to meet Basic Condition 1

	<p>stone wall at junction with Prestwold Lane: after “Prestwold Park” add ‘Listed Park &amp; Garden Grade II’.</p> <p>19. Burton Hall estate brick walls with curved stone coping along parts of Melton Rd and the bottom of Barrow Rd, Burton-on-the-Wolds: replace the last sentence of the description with: ‘The wall shown in the picture is on the corner of Melton Rd and Huntingdon Close where it forms the boundary of the front gardens on numbers 20, 22 and 24 Melton Rd. The other significant stretch of wall is the boundary of 4 Barrow Rd, from where it curves round the corner past the old school room to link with the wall of Burton Hall Lodge (Grade II listed) on Melton Rd.’</p> <p>23. Ridge and Furrow in both Burton on the Wolds and Hoton: Amend the title and paragraphs 3 &amp; 4 of the schedule to restrict the listing to two sites: 23a Field adjacent to Sowters Lane, Burton on the Wolds and 23b Pasture to the south of Manor Farm, Burton on the Wolds; add outline maps for each of these sites; amend the maps on pages 42 – 45 and the Policy Maps to show 23a &amp; 23b and no other entries numbered 23; amend the schedule to provide a source reference for the 1930s map; if wished add a further map or maps to the schedule only illustrating ‘locations where it is believed that ridge and furrow patterns still exist below the present ground level’.</p> <p>26: Earthworks, Hoton: add to the schedule ‘Leicestershire and Rutland HER reference MLE574.’</p> <p>27: Holloway, Hoton: add to the schedule ‘Leicestershire and Rutland HER reference MLE21668.’</p> <p>29. Mediaeval moated site at Moat Hill, Cotes: add to the schedule ‘Leicestershire and Rutland HER reference MLE553.’</p> <p>30. Mediaeval Fishponds and associated earthworks, Cotes: ensure that the map in the schedule illustrates “the position of Moat Hill 29 and Fishpond Spinney 30” and is provided with a source reference.</p>	
13	<p>Within Policy WV10 – now renumbered Policy WV8:</p> <p>13.1 Rewrite the opening paragraph as:  ‘The retention and improvement of the following community facilities (as located on the Policies Map) will be supported: [take in the list of facilities except the Burton on the Wolds garage/shop].  Development proposals that would result in the loss of any of these facilities will only be supported if it can be demonstrated that:  A. It is no longer viable; and  B. It is no longer needed by the relevant community; and  C. It is not needed for any other community use or it is being replaced by equivalent or better provision in terms of quantity, quality and location.’</p> <p>13.2 Add a second paragraph as follows:  ‘The provision of additional community meeting space in Burton on the Wolds will be supported’.</p>	For clarity and to meet Basic Condition 1

14	<p>14.1 Under the sub-heading “Shops” in paragraph 139 replace “We have considered several options for providing a shop in Hoton” with ‘In Hoton several options for providing a shop have been considered’.</p> <p>14.2 Within Policy WV11 – renumbered as Policy WV9:  14.2.1 Add ‘Burton on the Wolds’ to the Policy title.</p> <p>14.2.2 In the Policy wording between “Burton on the Wolds” and “to enable” insert ‘(as located on the Policies Map) with appropriate customer parking’ and between “convenience goods” and “is supported” insert ‘for the local community’.</p>	For clarity and to meet Basic Condition 1
15	Within Policy WV12 - renumbered as WV10 – replace “New housing development of ten or more dwellings” with ‘Where appropriate, new housing’; delete “where appropriate” at the end of the same sentence.	For clarity and to meet Basic Condition 1
16	<p>Under the heading “Housing”:  16.1 Insert an additional paragraph after paragraph 170 (and renumber subsequent paragraphs accordingly):  ‘Burton on the Wolds Parish is approximately 7.6% of the "Other Settlements" which the draft Local Plan 2019 – 2036 provisionally expects to deliver 794 additional dwellings; proportionately therefore Burton on the Wolds might be said to be expected to deliver at least 36 new dwellings (after allowing for the shorter Neighbourhood Plan period to 2028).’</p> <p>16.2 Add to the paragraph presently numbered 173, either in-text or via a footnote, a source for and a reference to the “Wolds Villages Neighbourhood Plan: Limits to Development Methodology”.</p>	For clarity and to meet Basic Condition 1
17	<p>Within Policy WV13 – now renumbered as WV11:  17.1 Within paragraph 1:  17.1.1 Add an additional sentence at the beginning: ‘Limits to Development for Burton on the Wolds are defined on Map 10 and the Policies Map’.</p> <p>17.1.2 In the (now) second sentence between “development” and “within” insert ‘, including the reuse of redundant buildings where appropriate,’ and delete “, as defined on the Policies Map,”.</p> <p>17.2 Within paragraph 2:  17.2.1 Amend all the Policy number references.</p> <p>17.2.2 Add ‘G. Development that supports sustainable businesses as provided for within the Charnwood Local Plan Core Strategy.’</p> <p>17.3 Add ‘Map 10’ to the title of the map on page 55.</p>	For clarity and to meet Basic Conditions 1 & 3
18	<p>Under the heading “Sturdee Poultry Farm:  18.1 Replace the second sentence of paragraph 176 with:  ‘The Site Assessment Criteria were based on the sustainability framework developed for the Charnwood BC Local Plan (Core</p>	For clarity and accuracy

	<p>Strategy) Sustainability Appraisal. The Site Assessment Criteria promote sustainable development by assessing the extent to which each potential housing site will help to achieve relevant environmental, economic and social objectives.’; either in-text or via a footnote add a source for and a reference to the “Burton on the Wolds Site Assessment Framework”.</p> <p>18.2 In paragraph 177 replace “Our” with ‘The’.</p>	
19	<p>Within Policy WV14 – now renumbered as WV12:</p> <p>19.1 In the opening sentence immediately after “Wolds” insert ‘(as identified on Map 10)’.</p> <p>19.2 Replace the second sentence of the opening paragraph with: ‘This site will be released in accordance with the draft Charnwood Local Plan, when it is adopted, if a local housing requirement is identified for which the site is appropriate.’</p> <p>19.3 Amend criterion A to: ‘The development shall provide at least 36 dwellings whilst achieving an overall density that is appropriate to a site on the edge of a rural settlement.’</p> <p>19.4 Amend criterion B to: ‘Access shall be via both St Leonard’s Close and Sowters Lane; the amenity of existing dwellings shall be an important factor influencing the number of dwellings to be accessed via each route.’</p> <p>19.5 Amend criterion D to: ‘The layout should accommodate a link to a footpath to Burton on the Wolds Primary School should a route be demonstrated to be deliverable.’</p> <p>19.6 Amend criterion I to insert ‘adjacent’ immediately before “vehicle repair business”.</p>	For clarity and to meet Basic Condition 1
20	<p>20.1 Under the heading “Brownfield Land” delete paragraph 184 and renumber subsequent paragraphs accordingly.</p> <p>20.2 Within Policy WV15 – now renumbered WV13 – delete “as long as the environment is improved and safeguarded” and between “housing” and “is supported” insert ‘while safeguarding and improving the environment and ensuring safe and healthy living conditions’.</p>	For clarity and to meet Basic Condition 1
21	<p>Rewrite Policy WV16 – now renumbered as WV14 – as follows: ‘All housing development proposals should demonstrate regard for the most recent assessment of housing requirements; within the Wolds villages a rebalancing of the housing stock is sought to include special attention to the needs of older households and the need for smaller homes.’</p>	For clarity and to meet Basic Condition 1
22	<p>22.1 Under the heading “Affordable Housing:</p> <p>22.1.1 Add at the end of paragraph 190 ‘(defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more).</p>	For clarity and accuracy and to meet Basic

	<p>22.1.2 Reword paragraph 191 as: ‘Where a local need is identified for affordable housing that will not otherwise be met, the NPPF provides for “Rural Exception Sites” which would allow for affordable housing developments outside the Limits to Development. The basis for the local needs assessment must be agreed with the local authority and the Charnwood Local Plan Core Strategy says (para 5.23) that Exception Sites should be small and well related to the existing settlement.’</p> <p>22.2 Within Policy WV17 – renumbered as WV15 - delete paragraphs 1 and 2.</p>	Conditions 1 & 3
23	<p>23.1 Delete Policy WV18 and add a new paragraph 195 as follows: ‘If a requirement is appropriately evidenced, additional accommodation at the Hoton Park Showmen’s site will be supported provided it can be designed to be well integrated with or within the existing site, and it is sensitive to the character and appearance of its setting within the countryside’.</p> <p>23.2 Delete the “Hoton Park” map on page 62.</p>	For clarity and to meet Basic Conditions 1 & 3
24	<p>Reword Policy WV 19 – now renumbered as WV16 – as follows: ‘Development proposals must demonstrate regard, where appropriate, to the guidance in the Burton in the Wolds Village Design Statement [add a footnote source reference] or the Hoton Conservation Area Character Appraisal [add a footnote source reference].’</p>	For clarity and to meet Basic Condition 1
25	<p>25.1 Under the sub-heading “Wymeswold Industrial Park”: 25.1.1 Insert a paragraph between paragraphs 203 and 204 as follows: ‘The Charnwood Local Plan Core Strategy (para 6.97) indicates that small scale expansion or intensification at Wymeswold will be supported provided it is sensitive to the character and appearance of the countryside’.</p> <p>25.1.2 In the existing paragraph 204 replace “protected” with ‘safeguarded’.</p> <p>25.1.3 Delete paragraph 205.</p> <p>25.2 Within Policy WV20 – now renumbered as WV17: 25.2.1 Delete the first paragraph.</p> <p>25.2.2 In the second paragraph delete “, as shown on the Policies Map,”.</p> <p>25.2.3 Replace the third paragraph with: ‘Small-scale expansion of the Wymeswold Industrial Park will be supported provided: A. The scale and scope of the new provision and its relationship to the existing Park provision is supported with current and appropriate evidence; B. Sensitivity to the character and appearance of the countryside</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>is demonstrated:  C. A robust site selection process is evidenced;  D. Access arrangements are suitable and appropriate for that provision;  E. The site is landscaped appropriately for a countryside location.’</p> <p>25.3 Delete the map on page 67.</p>	
26	Delete paragraphs 206 & 207.	For clarity and to meet Basic Condition 1
27	<p>27.1 Amend the Policies Map and the key, in line with the modifications recommended above, to show only:  The Neighbourhood Area  The views and vistas from Policy WV1  The Local Green Spaces from Policy WV6  The Local Heritage Assets from Policy WV7  The Community Services and Facilities from Policy WV8  The Burton on the Wolds Limits to Development from Policy WV11  The Burton on the Wolds Reserve Housing Site from Policy WV12.</p> <p>27.2 Amend the title of the Policies Map to show ‘Wolds Villages NP’ in place of “Burton on the Wolds CP”.</p>	For clarity and to meet Basic Condition 1