

# **Arnesby Neighbourhood Development Plan Review 2011-2031**

**A report to Harborough District Council on the  
Review of the Arnesby Neighbourhood Development  
Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by Harborough District Council in August 2024 to carry out the independent examination of the review of the Arnesby Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 4 September 2024.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It has a focus on safeguarding its built and natural environment and on allocating sites for residential and commercial development.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Arnesby Neighbourhood Plan Review meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**22 October 2024**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Arnesby Neighbourhood Development Plan Review 2011-2031 (the Plan).
- 1.2 The Plan has been submitted to Harborough District Council (HDC) by Arnesby Parish Council (APC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF). The NPPF continues to be the principal element of national planning policy. It was most recently updated in December 2023.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. In this case, the Plan is a review of the 'made' Plan. It has been designed to be distinctive in general terms, and to be complementary to the development plan. The Plan has a focus on safeguarding its built and natural environment, allocating sites for housing and employment development and securing high-quality designs.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then form a part of the wider development plan and be used to determine planning applications in the neighbourhood area.

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

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of APC, to conduct the examination of the Plan and to prepare this report. I am independent of both the HDC and APC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

- 2.4 There are a variety of ways in which a review of a neighbourhood plan can be examined. They are described in Section 3 of this report. In this case I have concluded that the Plan needs both examination and a referendum.
- 2.5 In this context, as the independent examiner I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *Other examination matters*

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

### 3 Procedural Matters

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

- the submitted Plan.
- the various appendices of the Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Statement of Modifications.
- the HDC SEA/HRA Screening report.
- the representations made to the Plan.
- APC's responses to the clarification note.
- the adopted Harborough Local Plan (2011 to 2031).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 The various documents are helpfully available on the HDC's website. Wherever possible, I will refer to the document concerned for the purposes of keeping this report as concise as possible.

3.3 I visited the neighbourhood area on 4 September 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.15 of this report.

#### *The examination process for the review of a neighbourhood plan*

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

3.6 The submitted statement by APC comments that the modifications to the policies constitute a minor material amendment to the Plan which require examination but not a referendum.

3.7 Having considered the conclusions made by APC very carefully, I have concluded that the significance or substance of the modifications proposed to the Plan by APC is such that both an examination and a referendum are required. In this context, I have concluded that the proposed modifications are so significant as to change the nature of the Plan, I have reached this decision given that the submitted Plan proposes a new residential allocation (Policy HBE1) and a new commercial allocation (Policy BE3). The proposed allocations have a consequential effect on the proposed limits to development (Policy S1).

3.8 APC acknowledged this conclusion and agreed to the examination of the Plan on this basis.

*The method of examining the Plan*

3.9 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, APC has prepared a Consultation Statement. The Statement is proportionate to the neighbourhood area and the review of the policies in the made Plan. It reflects the specific circumstances that have generated the community's desire to review the Plan.
- 4.3 The Statement pragmatically consolidates and builds on the Statement which accompanied the made version of the Plan. It sets out the various activities that were held to engage the local community during the initial stages of the plan-preparation process. It also provides details about the consultation process that took place on the pre-submission version of the Plan (March to April 2024).
- 4.4 APC has built on the success of the consultation process associated with the made Plan. Most of the background information has stayed the same in terms of local opinion. Nevertheless, a thorough additional consultation process was undertaken on the review of the Plan which included:
- a community consultation event took place in Arnesby Village Hall in February 2023;
  - a further community consultation event focusing on the plan policies took place at Arnesby Village Hall in November 2023; and
  - as part of the consultation on the pre-submission Plan leaflets were circulated to every household in the Parish and copies of the Plan were made available on the Parish noticeboards and on the village website.
- 4.5 The Statement set out how the submitted Plan took account of consultation feedback at the pre-submission phase. This is a helpful way to set out the information. It explains how the Plan was refined based on consultation and feedback.

### *Consultation Feedback*

- 4.6 Consultation on the Plan was undertaken by HDC and ended on 21 August 2024. This generated representations from the following organisations:
- National Highways
  - Environment Agency
  - Leicestershire Constabulary
  - Historic England
  - Leicestershire County Council
  - Sport England

- Harborough District Council

4.7 I have taken all the comments into account in preparing this report.



## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Arnesby. In 2021 the population of the parish was 351 persons. It was designated as a neighbourhood area on 4 August 2016. The neighbourhood area is approximately nine miles to the north and east of Lutterworth, and approximately ten miles to the north and west of Market Harborough.
- 5.2 Arnesby is a compact village lying just off the A5199 Leicester Road. It consists of a network of streets grouped around two elongated open green spaces along Mill Hill Road and St. Peter's Road. The character of the village embraces the variety of buildings along the street network, the network of roads, and the relationship of buildings to the open spaces. St Peter's Church is a very prominent and distinctive feature in the village. The Arnesby Conservation Area was designated in 1987 and was revised in 2007. It covers most of the village. Several farm buildings and houses highlight the agricultural heritage of the village. St Peter's Church, the Village Hall, the Primary School, and the Baptist Church provide important community facilities in the parish.
- 5.3 The remainder of the parish is largely rural in character. It is the traditional agricultural hinterland of the village.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the Harborough District Local Plan (2011 to 2031). It sets out a vision, objectives, a spatial strategy, and overarching planning policies that guide new development in the Plan period. The Local Plan was adopted In April 2019.
- 5.5 Arnesby is one of a series of rural villages and settlements that do not meet the criteria for identification as Selected Rural Villages due to their size and/or level of services. The Local Plan advises that the rural villages and settlements are considered the least sustainable locations for growth and are covered by housing in the countryside policy. In this context, new housing will be limited to housing to meet an identified need (either through a housing needs survey or neighbourhood plan), housing to meet the needs of a rural worker, rural exception sites, isolated homes in the countryside (in accordance with national policy), and replacement dwellings.
- 5.6 The Local Plan includes a series of other policies which affect the neighbourhood area as follows:
- Policy GD2 Settlement Development
  - Policy GD3 Development in the Countryside
  - Policy GD8 Good Design in Development
  - Policy HC1 Built Heritage
  - Policy GI1 Green Infrastructure networks
  - Policy GI4 Local Green Spaces

- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 HDC has now started work on a new Local Plan. It will cover the period up to 2041. The Local Development Scheme (November 2023) advises that the Plan will be adopted in 2026. HDC has undertaken consultation on Issues and Options. Given that this Plan is at a very early stage, it has had no impact on the examination of the submitted review of the submitted Plan. Nevertheless, section 14 comments about the way in which it may need to be reviewed further once the emerging Local Plan has been adopted.

*Visit to the Neighbourhood Area*

- 5.9 I visited the neighbourhood area on 4 September 2024. I approached it from Lutterworth, Gilmorton, and Bruntingthorpe to the south and west. This helped me to understand its connection to the strategic road network (M1 and A426) and its setting in the wider countryside.
- 5.10 I looked initially at the village centre and the Church. The importance of the Conservation Area was self-evident.
- 5.11 I then walked around the interconnected streets. I saw the community importance of the School and the Village Hall in Mill Hill Road.
- 5.12 I also saw the importance of the various green spaces in the village and the reasoning behind their designation as local green spaces.
- 5.13 I looked carefully at the proposed housing and commercial allocations off Lutterworth Road. I noted the buildings currently on the site and their relationship with buildings to the south-west and to the north-east.
- 5.14 I walked along the footpath on the western side of the Playing Fields and to the immediate east of The Mill into the countryside to the north of the village. This highlighted the close relationship between the village and its agricultural hinterland.
- 5.15 I left the neighbourhood area on the Welford Road to Wigston. This part of the visit highlighted the relationship of the parish to Wigston, Oadby and Leicester to the north.

## 6 The Neighbourhood Plan as a whole

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

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

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

### *National Planning Policies and Guidance*

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in December 2023.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Arnesby Neighbourhood Plan Review:

- a plan-led system – in this case the relationship between the neighbourhood plan and the adopted Harborough Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It proposes revisions to the policies in the made Plan, allocates sites for housing and commercial development, and introduces a sharper focus on design matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy S1) and for a range of employment use (Policies BE1-6). In the social dimension, it includes two community-based policies (Policies CF1/2) and one on local green spaces (Policy ENV1). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment (Policies ENV2-10) This assessment overlaps with APC's comments on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in Harborough District in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. It responds positively to of the character of the parish and its position in the settlement

hierarchy. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

#### *Strategic Environmental Assessment*

- 6.14 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HDC published a screening report in February 2024 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It includes the responses from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

#### *Habitat Regulations*

- 6.16 HDC also considered then need or otherwise for a Habitats Regulations Assessment (HRA) of the Plan at the same time. In doing so, it relied significantly on the HRA work undertaken as part of the preparation (and the eventual adoption) of the Local Plan. That HRA investigated the potential effects of the plan on Rutland Water SPA and Ramsar site in more detail. However, it concluded that the Local Plan would not have a likely significant effect on the site as no impact pathways were identified linking it to development within Harborough District.
- 6.17 In this context, and given that the Arnesby lies 20 km from Rutland Water SPA/Ramsar, HDC considers that the submitted review of the neighbourhood plan will not affect any Natura 2000 sites in line with the findings of the Local Plan HRA. It therefore concludes that a full Appropriate Assessment is not required.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

#### *Human Rights*

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

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

## 7 The Neighbourhood Plan Policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and APC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the 'made' Plan. The community has successfully marshalled the capacity to prepare the Plan to reflect changing circumstances including updated national and local planning policies. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-7)*

- 7.8 The Plan is well-organised and includes maps and photographs that give depth and purpose to the Plan. The Plan makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan if it is eventually made. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 Section 1 comments about the review of the Plan. It helpfully sets out the reasons for the review of the Plan and includes a comprehensive schedule of the way in which the policies have been updated and reviewed, together with the new policies Section 1 identifies the neighbourhood area in Figure 1. Whilst the Plan period is shown on the front cover, I recommended that it is included in this section for completeness at the comply with the prescribed matters as set out in Section 2 of this report.

*At the end of the supporting text on page 6 add: 'The Plan period is 2011 to 2031.'*

- 7.10 Sections 2, 3 and 4 comment about the role and status of neighbourhood plans and why such a Plan is important for the parish.

- 7.11 Section 5 sets out the nature of the parish and its current circumstances. It does so in an interesting and informative way. Key elements of this section have underpinned the policies in the Plan.
- 7.12 Section 6 comments about the way in which the community was engaged in the review of the Plan. It naturally overlaps with the Consultation Statement.
- 7.13 Section 7 set out a comprehensive vision and objectives for the Plan. They are very distinctive to the neighbourhood area and provide a context for the resulting policies. The Vision is unchanged from that in the made Plan and comments as follows:
- ‘The vision for Arnesby is to maintain and enhance the good quality of life, community spirit and attractive natural and built environment in Arnesby Parish now and through to 2031, the whole Plan period.’*
- 7.14 In the round the Plan is a very good example of a review of a neighbourhood plan both in terms of its format and content.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### General comments on policies

- 7.16 The Plan helpfully consolidates the review process within the structure of the ‘made’ Plan. This results in a series of new policies and the retention of existing policies in the ‘made’ Plan. For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by updates in national planning policy since the Plan was made. The focus of the report is on the proposed new policies.
- 7.17 In some cases, I have recommended modifications to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans (which has matured since the Plan was made).

#### S1: Limits to Development

- 7.18 This is a modified policy. The limits to development have been updated to incorporate the proposed allocations for commercial uses (Policy BE3), and for residential dwellings (Policy HBE1).
- 7.19 I am satisfied that the modifications to the policy are appropriate and meet the basic conditions. I am also satisfied that the wider contents of the policy continue to meet the basic conditions. The policy will contribute to the delivery of each of the three dimensions of sustainable development.



## S2: Design

- 7.20 This is a new policy. It replaces Policy D1 (Design) of the made Plan. It has drawn on a comprehensive Design Guide and Codes which was commissioned for the review of the Plan.
- 7.21 The Plan advises that it seeks to ensure that any future development either reflects the village's architectural character and fully integrates into the village environment or makes a positive high level architectural contribution to the specific location.
- 7.22 The policy is underpinned by the submitted Arnesby Design Guide and Codes (Appendix 2). It is an excellent document which sets out design guidance and codes based on the existing features of the village. It is intended to sit alongside the Plan to provide guidance for developers in preparing proposals in and as a guide for HDC when considering planning applications. The Guide and Codes sets out the expectations for proposals and ensures that they will reflect on the parish's key defining characteristics.
- 7.23 The policy has two related parts. The first comments that all development proposals should demonstrate a high quality of design, layout and use of materials which make a positive contribution to the special character of the Neighbourhood Area. The second comments that any new development applications should make specific reference to how the Design Guide and Codes has been considered in the design proposals.
- 7.24 In general terms, the policy takes a positive approach to design and has regard to Section 12 of the NPPF. It is an excellent local response to this important national initiative. In this broader context, I recommend the following modifications to bring the clarity required by the NPPF and to allow HDC to be able to implement the policy through the development management process:
- the inclusion of a proportionate element in the first part of the policy. Whilst good design is universally important, the Design Guide and Codes will have a greater impact on any large proposals which may come forward in the Plan period; and
  - a simplification of the wording in the second part of the policy to ensure that it meets its objectives.
- 7.25 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

### **Replace the policy with:**

**'As appropriate to their scale, nature and location, development proposals should demonstrate a high quality of design, layout and use of materials which make a positive contribution to the special character of the neighbourhood area.'**

**Development proposals should respond positively to the Design Guide and Codes (Appendix 2) and demonstrate how appropriate elements have been incorporated into their layout and designs. Development proposals should also**

**respond positively to the prevailing character area in which the site is located and, where practicable, enhance its existing character and appearance.'**

HBE1: Residential Allocation

- 7.26 This is a new policy. It replaces Policy H1 (Residential Allocation) of the made Plan. It allocates a site for residential development off Lutterworth Road. The site is currently occupied by agricultural buildings.
- 7.27 I looked carefully at the site during the visit. I noted its relationship to other agricultural buildings (to the north-east). I am satisfied that the proposed site relates well to the existing village. In addition, the criteria provide a high degree of assurance that the development can proceed in a satisfactory way. The following are particularly important:
- the number and type of house (criterion a);
  - the need for landscaping (criterion d); and
  - the retention of existing natural boundaries (criterion e).
- 7.28 In addition I am satisfied that the site is available and deliverable in the Plan period. In its response to the clarification note, APC advised that:
- 'discussion has taken place with the landowner. The playing field adjoining which the proposed development site is located has been secured for a further ten years from the landowner by the Parish Council.'*
- 7.29 I recommend a modification to the wording used in the second criterion. As submitted, the reference to 'good' sized gardens is unclear. I also recommend that the wording used in the criteria is consistent. Finally, I recommend that the policy is explicit about the location of the site.
- 7.30 Much of the supporting text comments about paragraph 14 of the NPPF and the District Council's housing land supply. Whilst it is understandable that APC has considered such issues, they reflect the interplay between the preparation of development plans and the development management process, rather than being land use matters to be addressed in a neighbourhood plan. As such, I recommend modifications to the supporting text. They reflect APC's response to the clarification note.
- 7.31 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Replace the opening element of the policy with: 'The Plan allocates land off Lutterworth Road (as shown in red in Figure 2) for residential use. The development of the site should comply with the following criteria:'**

**Replace b) with: ‘The gardens should be of a size appropriate to the houses concerned and avoid close-boarded fencing where the site borders the countryside;’**

**In f) replace ‘will need to’ with ‘should’**

*Replace the supporting text in the Residential Allocation section with:*

*‘There is no housing target for the parish. The District Council does not require Arnesby to contribute any new housing to future housing need across the District. Through the made Neighbourhood Plan, the Parish is protected from inappropriate development inside and outside the Limits to Development.*

*The Parish Council recognises that there are continuing pressures in the District and in the parish for specific housing types to meet local housing needs. It also wants to help balance the housing stock and to support local services such as the School, churches, restaurant and village hall. In this context, the Plan allocates land off Lutterworth Road for housing development. The first criterion in the policy comments about the type of housing which will be supported. The Parish Council also wishes to promote sustainable development. As such, it also allocates an adjacent parcel of land for employment uses. Policy BE3 addresses the development of that site in greater detail.’*

HBE2: Housing Mix

- 7.32 The policy replaces Policy H2 of the made Plan. The change to this policy references the new Housing Needs Assessment which updates the evidence base to the 2021 Census.
- 7.33 I am satisfied that the modifications to the policy are appropriate and meet the basic conditions. I am also satisfied that the wider policy continues to meet the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

HBE3 Windfall Sites

- 7.34 This policy remains unchanged.
- 7.35 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

HBE4: Affordable Housing Exception Site

- 7.36 This is a new policy. It has been crafted to ensure that local circumstances are taken into consideration should an affordable housing exception site come forward in the Plan period.
- 7.37 I am satisfied that the policy brings an added parish-based dimension to existing national and local planning policies on this matter. This is an important issue given the restricted nature of development which is anticipated to come forward in the rural villages and settlements category in the local settlement hierarchy.

7.38 I am also satisfied that the policy has regard to national policy. However, in this broader context, I recommend that the references in the policy to First Homes and self-build schemes is made clearer. As submitted the use of 'welcomed' would have limited weight in the development management process.

7.39 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace 'First Homes and self-build proposals will be welcomed' with 'Proposals which incorporate First Homes and self-build scheme will be supported'**

ENV1: Local Green Spaces

7.40 The policy proposes an additional small local green space (LGS) which is included as a LGS in the Local Plan. The inclusion of the additional LGS will ensure that the Plan is up-to-date, and that there are no inconsistencies between the various elements of the development plan.

7.41 In general terms, the policy takes the matter-of-fact approach to the future use of LGSs as set out in paragraph 107 of the NPPF. However, I recommend a detailed modification to the wording of the policy so that it follows the industry-standard approach to LGSs policies which has developed since the Plan was made. This approach does not affect the intention of the policy approach. Otherwise, the policy continues to meet the basic conditions. It will contribute to the social and economic dimensions of sustainable development.

**Replace 'permitted' with 'supported'**

ENV2: Important Open Spaces

7.42 This is a new policy. The Plan comments that it provides a comprehensive audit of important open spaces (IOSs) and gives them appropriate protection.

7.43 The policy is underpinned by earlier and more recent work carried out by the community. The supporting text comments that most of the Important Open Spaces in the final audit in the 2018 Arnesby Neighbourhood Plan became Open Space, Sport & Recreation sites in the HDC Open Spaces audit and are now incorporated the Local Plan. The 2018 list has now been updated to match current local circumstances and the full audit is shown in Figure 4.

7.44 I am satisfied that the policy takes a positive approach and has regard to Section 15 of the NPPF. It also ensures that there is an important policy distinction between LGSs and IOSs. The policy meets the basic conditions. It will contribute to the social and economic dimensions of sustainable development.

ENV3: Sites and Features of Natural Environmental Significance

7.45 Policy Env 3 (protection of sites and features of natural environment significance) and Policy Env 5 (protection of sites of historical environment significance) were a single policy (Env 2) in the made Plan. That policy has been split for clarity, to add further local detail, and to incorporate the latest Leicestershire Environmental Records Centre

and Historic Environment Record data. The two policies update the former policy having regard to the updated current relevant paragraphs of the NPPF and the recent changes to the national approach to biodiversity protection and enhancement (Environment Act 2021).

- 7.46 Policy ENV 3 has now been designed to deliver site-specific compliance with the relevant Local Plan policies, the Wildlife & Countryside Act 1981 (as amended), the Natural Environment and Rural Communities Act 2006, the Habitats and Species Regulations 2017-2019, and the Environment Act 2021.
- 7.47 I am satisfied that the policy takes a positive approach and has regard to Section 15 of the NPPF and the national requirements for the delivery of biodiversity net gain. In this context, the policy meets the basic conditions. It will contribute to the social and economic dimensions of sustainable development.

ENV4: Biodiversity across the Plan Area.

- 7.48 This is a modified policy. It considers the current relevant sections of the NPPF (2023) and the recent changes to the national approach to biodiversity protection and enhancement (Environment Act 2021). The Plan advises that no wildlife corridors have been identified in the parish.
- 7.49 As with the previous policy, I am satisfied that the policy takes a positive approach and has regard to Section 15 of the NPPF and the national requirements for the delivery of biodiversity net gain. In this context, the policy meets the basic conditions. It will contribute to the social and economic dimensions of sustainable development.

ENV5: Sites of Historical Environment Significance.

- 7.50 The context to this policy is described within the commentary on Policy ENV3. The supporting text advises about an assessment of relevant sites. The features for which the identified sites have been selected and notified are listed in Appendix 3. They comprise all parcels of land of known local history significance (Historic England; Leicestershire Historic Environment Records; local knowledge) which have extant, visible expression in the landscape. The Plan advises that the sites concerned are important for the preservation of the historical and cultural heritage of the parish.
- 7.51 The policy takes the balanced approach towards heritage assets and development as set out in Section 16 of the NPPF. In this context, I am satisfied that the policy meets the basic conditions. It will contribute to the social and economic dimensions of sustainable development.

ENV6: Non-Designated Heritage Assets

- 7.52 This is a modified policy. It has been renumbered and renamed non-designated heritage assets so that it corresponds with the terminology in the NPPF. The building and structure identified is the same as in the made Plan, and the two additional non-designated heritage assets within the Leicestershire Historic Records have been added for completeness.

- 7.53 I am satisfied that the contents of the policy continue to meet the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

ENV7: Medieval Ridge and Furrow

- 7.54 This is a modified policy. Its evidence base has been updated and it records the changes since 2018 based on the 2023 re-survey.

- 7.55 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

ENV8: Important Views

- 7.56 This policy remains unchanged.

- 7.57 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

ENV9: Footpaths and Bridleways

- 7.58 This is a modified policy. It has been renamed 'Footpaths and Bridleways' to avoid confusion with the definitive list of statutory rights of way.

- 7.59 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

ENV10: Flood Risk Resilience

- 7.60 This is a modified policy. It has been strengthened based on advice from the Environment Agency.

- 7.61 In general terms, the policy takes a positive approach to flood risk resilience and has regard to Section 14 of the NPPF. Nevertheless, I recommend a specific modification to the wording used in the first part of the policy to bring the clarity required by the NPPF and to ensure consistency of language throughout the Plan. Otherwise, I am satisfied that the policy continues to meet the basic conditions. It will contribute to the social and environmental dimensions of sustainable development.

**In the first part of the policy replace 'will be required to' with 'should'**

CF1: The retention of Community Facilities and Amenities

- 7.62 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

- 7.63 I am satisfied that the policy continues to meet the basic conditions. It will contribute to delivery of the social and environmental dimensions of sustainable development.

CF2: New or Improved Community Facilities

- 7.64 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

7.65 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

T1: Traffic Management

7.66 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

7.67 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the social and environmental dimensions of sustainable development.

BE1: Support for existing employment opportunities

7.68 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

7.69 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

BE2: Support for new employment opportunities

7.70 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

7.71 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

BE3: Commercial site allocation

7.72 This is a new policy. It allocates land for commercial use off Lutterworth Road. It is located to the immediate south of the site allocated for housing purposes in the Plan (Policy HBE1). The supporting text advises that the purpose of the policy is to help increase the opportunity for locally appropriate commercial activity, to help sustain the local economy and to increase local opportunities for business space, and to provide employment opportunities that the community can access without recourse to a car or van.

7.73 The policy is supported by a series of criteria, which include:

- the need for landscaping (criteria b and c);
- the need for car parking (criterion f);
- hours of operation (criterion g); and
- the need for outdoor seating area and open spacer (criterion i).

7.74 Based on the available evidence, I am satisfied that the site is available and developable in the Plan period. In reaching this conclusion I have considered APC's response to the clarification note on this matter which advised that:

*'(the) commercial element of the allocated area is deliverable and discussions have already taken place between the landowner and Planning Authority. The Parish Council has also had discussions with the landowner with a view to delivering*

*commercial buildings with a sensitive approach to heavy vehicle deliveries, parking, noise etc.'*

7.75 In general terms, the policy takes a positive approach to this matter and has regard to Section 6 of the NPPF. In addition, it will complement the associated housing allocation and help to deliver sustainable development in the parish. Nevertheless, within this broader context, I recommend the following modifications to bring the clarification required by the NPPF and to consolidate the environmental and amenity safeguards in the policy:

- ensuring that the policy make a sharper reference to the proposed residential allocation to the north and to the existing residential property to the west;
- criterion f) proposes a restriction which the District Council will not be able to enforce. I recommend that the criterion is modified so that it refers to the delivery of an appropriate number of parking spaces and turning facilities on the site;
- criterion g) reads as a planning condition. As such, I recommend its deletion; and
- the need for criterion h) has now been overtaken by the application of the Building Regulations (Part S) on the requirement for electric vehicle charging facilities. As such, I recommend its deletion.

7.76 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Replace the opening element of the policy with: 'The Plan allocates land off Lutterworth Road (as shown in yellow in Figure 12) for employment use. The development of the site should comply with the following criteria:**

**At the end of c) add: 'and provides a clear definition between the residential allocation to the north and to the existing residential property to the west.'**

**Replace f) with: 'The development of the site incorporates an appropriate number of parking spaces and turning facilities in relation to the floorspace provided.'**

**Delete g) and h)**

BE4: Home Working

7.77 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

7.78 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social and the economic dimension of sustainable development.

BE5: Re-use of commercial and agricultural buildings

7.79 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.



- 7.80 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the economic and the social dimensions of sustainable development.

BE6: Tourism

- 7.81 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

- 7.82 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

BE7: Broadband Infrastructure

- 7.83 This policy remains unchanged. The evidence base has been updated to reflect 2021 Census data and consultation findings.

- 7.84 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

Monitoring and Review

- 7.85 Section 14 of the Plan addresses the way in the Plan will be monitored and review. This is best practice.

- 7.86 The five-year review process will allow APC to respond to changing circumstances. This may include any changes to the strategic context of planning in the District which may arise from the adoption of the emerging review of the Harborough Local Plan.

Other Matters - General

- 7.87 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. It will be appropriate for HDC and APC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

*Other Matters – Commentary in the Representations*

- 7.88 Both Leicestershire County Council and the Leicestershire Constabulary make comprehensive representations on the submitted Plan. The former representation suggests that the Plan considers the inclusion of new policies on Local Landscape Character Areas and to protect biodiversity in new developments.

- 7.89 The suggested changes in both representations would broaden the scope of the Plan to good effect. Nevertheless, national legislation allows a qualifying body (here APC) to decide on the issues which are included in their neighbourhood plans. Given that

the suggestions from the two organisations are not necessary to ensure that the Plan meets the basic conditions I do not recommend any associated modifications, and it would be beyond my remit to do so.

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character of the neighbourhood area and to promote sustainable development. In the round it is a first-class example of a review of a neighbourhood plan.
- 8.2 Following the independent examination of the Plan, I have concluded that the submitted Arnesby Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 Based on the findings in this report I recommend to Harborough District Council that, subject to the incorporation of the modifications set out in this report, the Arnesby Neighbourhood Development Plan Review should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the District Council on 4 August 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**22 October 2024**