

HARBOROUGH DISTRICT COUNCIL

ARNESBY REVIEW NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an Independent Examination, Harborough District Council now confirms that the Arnesby Review Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum **on 23 January 2025**
- 1.2 This decision statement can be viewed at:

Harborough District Council Offices

The Symington Building,
Adam & Eve Street,
Market Harborough
Leicestershire
LE16 7AG

opening hours: Monday, Tuesday, Thursday, Friday: 8:45am to 5pm; Wednesday
9:30am to 5pm

Fleckney Library

8 School St, Fleckney, Leicester LE8 8AS

Hours:

Thursday	2–6 pm
Friday	10 am–1 pm
Saturday	9 am–1 pm
Sunday	Closed
Monday	1–5 pm
Tuesday	Closed
Wednesday	Closed

2. Background

- 2.1 In May 2016 Arnesby Parish Council, as the qualifying body, applied for Arnesby Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. After a six week consultation period the Neighbourhood Area application was approved by Harborough District Council (the Council) on 4th September 2016 in accordance with the Neighbourhood Planning (General) Regulations (2012) 2, Regulation 7.
- 2.2 The Arnesby Neighbourhood Plan was 'made' after a successful referendum on 8 March 2019.
- 2.3 Arnesby Parish Council as the Qualifying Body took the decision to review the neighbourhood Plan and submitted the review plan to the Council in May 2024. A six week consultation period was held ending on 21 August 2024.
- 2.4 The Qualifying Body submitted a statement of the changes to the plan and consideration whether they changed the nature of the Plan. The Council also submitted their statement to the Examiner. Both Council and Qualifying Body considered that the Plan would need an examination but not referendum.
- 2.5 The Council, with the agreement of the Qualifying Body, appointed an independent examiner, Andrew Ashcroft, to review whether the changes to the Plan were

significant as to change the nature of the Plan. **The Examiner determined that an examination and referendum would be required.** The examiner considered the changes against the Basic Conditions required by legislation and that the Plan should proceed to referendum with some modifications.

- 2.3 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

- 3.1 The Director for Planning has agreed that all the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.

- 3.2 The modifications proposed by the examiner have been made to secure that the draft plan meets the basic conditions. **Appendix A** of the decision statement sets out these modifications, the reasons for them and the action to be taken in respect of each of them.

- 3.3 The District Council agrees with the Examiner's recommendation that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.

- 3.4 The Examiner has concluded that with the specified modifications the Plan meets the basic conditions and other relevant legal requirements. The District Council concurs with this view and that the Plan complies with the provision made by or under sections 38A and 38B of the 2004 Act. Therefore, to meet the requirements of the Localism Act 2011 a referendum which poses the question

'Do you want Harborough District Council to use the Neighbourhood Plan for Arnesby to help it decide planning applications in the neighbourhood area?'

will be held in the Parish of Arnesby.

- 3.5 The date on which the referendum will take place is agreed as **23 January 2025.**

Appendix A: Schedule of Modifications Recommended in the Examiner's Report

Amendment Ref no	Policy No.	Policy Title	Original Text	Examiner comments	Suggested Revised Text	Reason
1	Page 6	N/A		At the end of the supporting text on page 6 add: 'The Plan period is 2011 to 2031.'	'The Plan period is 2011 to 2031.'	clarity
2	Policy S2	Design	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	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,	Clarity and to guide decision makers

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			<p>the Design Guide and Codes (Appendix 2) and demonstrate how appropriate elements have been incorporated into their layout and designs.</p> <p>Development proposals should also</p> <p>Arnesby Neighbourhood Development Plan Review – Examiner’s Report</p> <p>16</p> <p>respond positively to the prevailing character area in which the site is located</p> <p>and, where practicable, enhance its existing character and appearance.’</p>		<p>enhance its existing character and appearance.’</p>	

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3	Policy HBE1	Residential Allocation	<p>development of the site shown in red in Figure 2 (below) will be supported provided it makes provision for the following:</p> <p>b) Gardens shall be of a good size and avoid close boarded fencing where the site borders the countryside;</p> <p>f) Development will need to preserve or enhance the character or appearance of the Conservation Area.</p>	<p>Replace the opening element of the policy with:</p> <p>Replace b) with:</p> <p>In f) replace 'will need to' with 'should'</p>	<p>'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:'</p> <p>'The gardens should be of a size appropriate to the houses concerned and avoid close-boarded fencing where the site borders the countryside;'</p> <p>f) Development should preserve or enhance the character or appearance of the Conservation Area.</p>	
4		Residential Allocation text	There is no housing target for the Parish. Harborough District Council does not require	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.	Accuracy

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			<p>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 of the Limits to Development. This will remain the case unless Harborough District Council is unable to meet its future housing need by falling below its 5-year land supply. If this were to happen, the protection provided through Paragraph 14 of the NPPF (2023), would no longer be</p>		<p>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</p>	

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			<p>available as this protection expired two years after the Neighbourhood Plan was Made. Government recommendations to increase this level of protection to 5 years remain at the consultation stage at the time of finalising the Neighbourhood Plan Review. In these circumstances, the Local Plan will be classed as being out of date and is effectively meaningless, with planning decisions taken primarily on the basis of whether the proposed</p>		<p>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.'</p>	

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			<p>development creates more 'harm' than 'benefit'.</p> <p>If this were to happen the Neighbourhood Plan would fall away in the same way that the Local Plan becomes out of date – unless the Neighbourhood Plan allocates a site for residential development.</p> <p>If it does this, then the Neighbourhood Plan will remain active even where the Local Plan has fallen away – for a period currently of two years from the date it is made.</p> <p>In order to protect the Parish from</p>			

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			inappropriate development if Harborough DC is unable to meet its housing need, the Neighbourhood Plan allocates a small housing site to help meet a local need. This will help protect the community if the Local Plan becomes 'out of date'.			
5	HBE4	Affordable Housing Exception Site	First Homes and self-build proposals will be welcomed. Where First Homes are provided, they should be at a discount of 50% (as per the evidence provided in Appendix 1, Housing Needs Assessment	Replace 'First Homes and self-build proposals will be welcomed' with 'Proposals which incorporate First Homes and self-build scheme will be supported'	Proposals which incorporate First Homes and self-build scheme will be supported. Where First Homes are provided, they should be at a discount of 50% (as per the evidence provided in Appendix 1, Housing Needs Assessment (2023) subject to viability.	Clarity

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			(2023) subject to viability.			
6	ENV1	Local Green Spaces	Development proposals that would result in the loss of, or have an adverse effect on, the following Local Green Spaces (details Appendix 4; locations figure 4) will not be permitted other than in very special circumstances.	Replace 'permitted' with 'supported'	Development proposals that would result in the loss of, or have an adverse effect on, the following Local Green Spaces (details Appendix 4; locations figure 4) will not be supported other than in very special circumstances.	so that it follows the industry - standard approach to LGSs policies
7	ENV10	Flood Risk Resilience	Development proposals within the areas of flood risk mapped in Figure 11 will be required to demonstrate that the benefit of development outweighs the harm	In the first part of the policy replace 'will be required to' with 'should'	Development proposals within the areas of flood risk mapped in Figure 11 should demonstrate that the benefit of development outweighs the harm in relation to its adverse impact on climate change targets, and on the likelihood of it conflicting with locally applicable flood mitigation	Clarity

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			in relation to its adverse impact on climate change targets, and on the likelihood of it conflicting with locally applicable flood mitigation strategies and infrastructure.		strategies and infrastructure.	
8	BE3	Commercial site allocation	development of the site shown in yellow below will be supported provided it makes provision for the following: a) The design and layout of the development and the materials used should be in accordance with the design quality principles included in Policy S2 of this Plan. b) Landscaping is	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	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: a) The design and layout of the development and the materials used should be in accordance with the design quality principles included in Policy S2 of this Plan. b) Landscaping is provided to soften the site boundaries. c) The site retains existing important natural boundaries such as trees	Clarity

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			<p>provided to soften the site boundaries.</p> <p>c) The site retains existing important natural boundaries such as trees and hedges.</p> <p>d) Renewable energy technology is to be incorporated into the Scheme to minimise carbon emissions and to address energy efficiency.</p> <p>e) Development will need to preserve or enhance the character or appearance of the Conservation Area.</p> <p>f) No vehicles visiting the site, or those of employees or residents, shall be</p>	<p>a clear definition between the residential allocation to the north and to the existing residential property to the west.'</p> <p>Replace f) with: 'The development of the site incorporates an appropriate number of parking spaces and turning facilities in relation to the floorspace provided.'</p> <p>Delete g) and h)</p>	<p>and hedges and provides a clear definition between the residential allocation to the north and to the existing residential property to the west.</p> <p>d) Renewable energy technology is to be incorporated into the Scheme to minimise carbon emissions and to address energy efficiency.</p> <p>e) Development will need to preserve or enhance the character or appearance of the Conservation Area.</p> <p>f) The development of the site incorporates an appropriate number of parking spaces and turning facilities in relation to the floorspace provided.</p> <p>i) Open space/outdoor seating areas are to be made available for the commercial units</p>	

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			<p>parked on the public highway (in order that there shall not be undue congestion or vehicle movement on Lutterworth Road or adjacent village roads which could be a nuisance to residential dwellings nearby.)</p> <p>g) Restricted hours of operation to be between 8:30 am – 6:00 pm on weekdays and 8:30 am – 1:00 pm on Saturdays.</p> <p>h) Two electric car charging points are to be provided.</p> <p>i) Open space/outdoor seating areas are to be made available for the commercial units</p>			

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