

Burton Overy Neighbourhood Plan Review November2024

Consideration of Minor (non-material)/Major (material) updates to the Made Burton Overy Neighbourhood Plan (8 March 2019)

1. Planning process

The Burton Overy Neighbourhood Plan was formally 'Made' by Harborough District Council on 15 January 2019. However, since this time, the Harborough Local Plan (April 2019) has been adopted, a new Local Plan is in preparation and there is a new National Planning Policy Framework (December 2023) in force and updates have been made to the Planning Practice Guidance.

These significant developments resulted in the Parish Council taking the decision to formally review the Neighbourhood Plan to ensure that it remains relevant and shapes development within the Parish up to 2041, the timescale for the emerging Harborough Local Plan.

The opportunity has been taken to refresh and update the approach taken in relation to residential allocations. The revised Neighbourhood Plan allocates a site for residential development in order to meet its agreed housing requirement for the Plan period and has revisited the settlement boundary. Some policies are new whilst others have a strengthened evidence base.

Most other provisions within the Neighbourhood Plan remain as they were in the version which passed referendum in 2019. We have sought to change only those policies that require updating in line with changed circumstances.

The process for reviewing the Neighbourhood Plan is set out in the Consultation Statement which will be included within the Submission material.

In addition to the Consultation Statement, on submission, the Neighbourhood Plan will be accompanied by:

- An updated Statement of Basic Conditions;
- Housing Needs Assessment
- Design Guide and Codes

- Local Heritage list
- Environmental Inventory
- Updated Local Green Space assessment
- Updated SEA determination/screening
- Updated Regulation 14 Consultation feedback and responses
- Responses to request for confirmation amongst Regulation 14 Consultees as to whether the amendments are considered material or non-material.
- Statement from the Qualifying Body about whether the amendments are considered material or non-material.

2. Planning Strategy

The timescale for the Made Burton Overy Neighbourhood Plan was aligned to the then emerging, and since Adopted Harborough Local Plan (Adopted in April 2019) in reflecting a time period to 2031. The Review Neighbourhood Plan reflects the timescale for the emerging Local Plan.

The first Neighbourhood Plan took the opportunity to include a settlement boundary in order to control development over the Plan period and to reinforce the different approach to development within and outside of the redline boundary. This redline boundary is reinforced in this Review.

3. Status of changes

Planning Practice Guidance, reviewed in September 2023, introduces the following categories:

1. Minor (non-material) modifications to a neighbourhood plan or order are those 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.
2. Material modifications which do not change the nature of the plan or order 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.

3. 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. The changes made in the review of the Made Neighbourhood Plan are considered against these categories of modifications.

4. **Neighbourhood Plan Policies**

The first-ever Neighbourhood Plan (NP) for the Parish of Burton Overy was "Made" by Harborough District Council in January 2019. The significant policy changes incorporated in the present document, the NP Review, as compared to those in the Made NP, are summarised here.

POLICY S1: SETTLEMENT BOUNDARY – the Settlement Boundary remains the same as in the Made NP (although previously referred to as the Limits to Development). This NP Review policy consolidates policies S1, S2 and H3 from the Made NP. The provisions contained in the new policy are largely the same as in the Made NP.

POLICY S2: SUPPORT FOR DEVELOPMENT ON BROWNFIELD SITES – this replaces Policy H2 from the Made NP and is the same except for the policy now applying to the whole of the Neighbourhood Area rather than within the Settlement Boundary only, and five criteria being added to the policy to ensure that any development proposal is of an appropriate scale and safeguards are in place.

POLICY HD1: HOUSING MIX – this new policy replaces Policy H1 from the Made NP and draws on evidence gathered through the Housing Needs Assessment (HNA). The policy continues to support dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people, whilst strengthening the presumption against larger homes and supporting the provision of dwellings which meet Category M4(2) standards for accessibility and adaptability, in line with the recommendations of the HNA.

POLICY HD2: AFFORDABLE HOUSING EXCEPTION SITE – this new policy provides Burton Overy-specific criteria for the support of an Affordable Housing Exception site, including the First Homes discount recommended through the HNA.

POLICY HD3: DESIGN – this replaces Policy DBE1 from the Made NP and draws on the Design Codes and Guidance Report commissioned as part of the NP Review.

POLICY ENV1: LOCAL GREEN SPACES – this policy refers to the same set of six Local Green Spaces (LGS) as in the Made NP. The policy is basically unchanged apart from minor edits to the wording. Supporting details are now contained in an Appendix to the main report (see below)

POLICY ENV2 IMPORTANT OPEN SPACES (OPEN SPACE, SPORT & RECREATION SITES) – This new policy

builds on the COMMUNITY ACTION 2 in the Made Plan. Added to make a clear distinction between Local Green Spaces and Open Space, Sport & Recreation sites, having regard for National Planning Policy Framework (NPPF) December 2023 paragraph 103.

POLICY ENV 3 SITES AND FEATURES OF NATURAL ENVIRONMENT SIGNIFICANCE and POLICY ENV 5 SITES OF HISTORIC ENVIRONMENT SIGNIFICANCE – these two policies replace Policy ENV2 OTHER SITES OF ENVIRONMENTAL SIGNIFICANCE in the Made Plan, for clarity and to reflect the different approaches appropriate for their protection.

POLICY ENV4 BIODIVERSITY AND HABITAT CONNECTIVITY – this policy replaces policy ENV3 BIODIVERSITY GENERAL in the Made Plan. It has been updated to have regard for Biodiversity Net Gain and other new measures in NPPF December 2023 paras 180, 181, 185, 186. POLICY ENV4 also now incorporates policy ENV4 BIODIVERSITY, WOODLAND, TREES AND HEDGES in the Made Plan, for clarity and simplicity.

POLICY ENV 6 RIDGE AND FURROW – this policy replaces and updates POLICY ENV5 RIDGE AND FURROW in the Made Plan; updated and re-surveyed for 2024.

POLICY ENV 7 NON-DESIGNATED HERITAGE ASSETS – this is a new policy. A set of potential candidate assets has been identified and evidence gathered, having regard for NPPF December 2023 paras 192, 203, 205 and local practice (Leicestershire and Rutland Historic Environment Record). The evidence base is presented in an Appendix (see below).

POLICY ENV 8 IMPORTANT VIEWS – this policy is essentially the same as POLICY ENV6 PROTECTION OF IMPORTANT VIEWS in the Made Plan with very minor updates following community consultation and fieldwork, and the map has been redrawn for clarity about view directions and extents.

POLICY ENV 9 – FOOTPATHS, BRIDLEWAYS AND OTHER WALKING ROUTES – this is a new policy which seeks to protect existing networks whilst promoting the extension of the footpath network.

POLICY ENV 10 AREA OF SEPARATION – this is a new policy which has been included to take account of the recent expansion of the neighbouring village of Great Glen towards the western boundary of the Burton Overly Neighbourhood Area. This new policy identifies a narrow but crucial "area of separation" between the two settlements. A much larger "area of separation" proposed in the original NP was not accepted by the examiner, but since that time the eastward expansion of Great Glen has gathered pace.

POLICY ENV 11 FLOOD RISK RESILIENCE – this policy replaces POLICY ENV8 FLOODING in the Made Plan. The policy has been updated and expanded using new Environment Agency mapping and having regard for NPPF December 2023 paras 157, 165, 166-173 and HDC Local Plan policy CC.

POLICY CF1: THE RETENTION OF COMMUNITY FACILITIES AND AMENITIES – this policy replaces Policy CF1 in the Made NP. It remains the same as the old policy, except for the addition of two new facilities (the Dairy and the Egg shop) that have been added to the list of facilities to which the policy applies.

POLICY E1: FARM DIVERSIFICATION – this policy is the same as Policy E1 in the Made NP except for

an amendment to criteria a) which previously said, 'The use proposed is appropriate to the rural location' and now says 'The use proposed, *and the scale of development* is appropriate to the rural location'.

POLICY E2: BROADBAND INFRASTRUCTURE – The only change to the policy E2 from the Made NP is that the sentence 'Every individual dwelling in new housing developments should have a connection installed capable of supplying broadband operation at speeds of 30 megabytes per second (as at the date of publication) or better to reflect higher minimum speeds that may be recommended through the lifetime of the Plan' has been changed to 'Every individual dwelling in new housing developments should have a connection installed capable of supplying broadband operation of at least a minimum speed of 30 Mbps or any higher figure commensurate with the minimum industry standard pertaining at the time'.

POLICY E3: WORKING FROM HOME – this policy is the same as Policy E3 from the Made NP except for the addition of a criterion against which support for the proposal will be considered and which says 'Such development will not result in unacceptable traffic movements and that appropriate parking provision is made'.

APPENDICES:

1. Housing Needs Assessment - Newly commissioned report
2. Design Codes and Guidance Report - Newly commissioned report
3. Environmental Inventory - Comprehensively updated with latest "Existing Designations" and a full review of local detail.
4. Local Green Spaces - Full supporting details of the six identified sites
5. Statutorily Protected Heritage Assets - Full list of Grade-II Listed Buildings and Scheduled Monuments in Burton Overy (included for completeness)
6. Non-Designated Heritage Assets (NDHAs) - the evidence base for the proposed set of NDHAs in Burton Overy.

5 Note on the Nature of the Changes

Discussions took place in the Parish Council about the modifications in the Review of the Neighbourhood Plan and whether they represent Material or Non-Material changes to the Made Neighbourhood Plan.

The Qualifying Body considers that the allocation of a single site for development represents a material modification which does not change the nature of the Plan and will therefore require examination but not a referendum.

6. How are these changes regarded by the Qualifying Body?

The Qualifying Body are fully supportive of the changes to the Made Neighbourhood Plan as described above.

Burton Overy Parish Council

November 2024