

**A REPORT TO CHARNWOOD BOROUGH COUNCIL
OF THE EXAMINATION OF
THE WOODHOUSE NEIGHBOURHOOD PLAN 2020-2036
UNDERTAKEN BY
Dr LOUISE BROOKE-SMITH, OBE, FRICS, MRTPI
INDEPENDENT EXAMINER
JULY 2021**

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Summary and Overall Recommendation

As the Independent Examiner into the Woodhouse Neighbourhood Plan, I have been requested by Charnwood Borough Council, in its capacity as the Local Planning Authority, to present my professional assessment of the Plan, in terms of its compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.

I confirm that I am independent of the Qualifying Body, namely the Woodhouse Parish Council and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.

I hold relevant professional qualifications and have experience of the planning regime, gained over the past 30 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners Referral Service, endorsed by the HMGov Department of Housing, Communities and Local Government.

I have undertaken a thorough examination of the Woodhouse Neighbourhood Plan. This has comprised a review of all documents presented to me by the Local Planning Authority, a review of documents available for public review on the Parish website and documents relating to the Development Plan held on the Council's website plus national guidance, regulations and statute.

*It is my considered opinion that, subject to modifications, the said Plan meets the Basic Conditions and human rights requirements, as set out in the respective legislation and guidance. My report presents some areas where I consider that specific policies should be modified, and where some text could be amended to avoid duplication, or remove ambiguity, thus making the document clearer. These modifications are **set out in bold** within the text of my report. My proposed changes have been made in such a way so as not to detract from the essence of the Plan nor its aim and ambitions, but I consider they should be taken into account before it proceeds to a Referendum.*

Hence, subject to the recommended modifications being completed, I consider that the Woodhouse Neighbourhood Plan will; have regard to national policies and advice contained in current legislations and guidance; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan for the area; not breach, but be compatible with European Union obligations and the European Convention of Human Rights; and not likely have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

I consider that, further to the recommended modifications, the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as amended, and can proceed to a Referendum.

I have no concerns over the defined Plan area or the manner of its confirmation and consider that this area is appropriate as the extent of any Referendum.

I would like to also note that technically this is a Neighbourhood Development Plan, although many groups use the phrase 'Neighbourhood Plan'. The Woodhouse QB has used the latter. As there has been consistency throughout the document I have not considered it imperative to amend this phraseology and do not feel that it detracts from the purpose of the document.

Finally, I refer to a number of abbreviations throughout my Report and for the avoidance of any confusion these are set out in Appendix B.

Dr Louise Brooke-Smith, OBE, FRICS, MRTPI,

August 2021

1.0 INTRODUCTION

1.1 NEIGHBOURHOOD PLAN REGIME

- 1.1.1 The Neighbourhood Planning regime provides local communities with the ability to establish specific land use planning policies which can influence how future development comes forward in their area. It not only provides the opportunity for local people to shape their locality, but it also provides guidance for developers and landowners when considering new proposals and for decision makers when determining planning applications.
- 1.1.2 Any Neighbourhood Plan should therefore be clear, not only in its goals and ambitions, but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of supporting specific policy.
- 1.1.3 This Report provides the findings of an Examination into the Woodhouse Neighbourhood Plan, which is hereafter referred to as the Plan, the Neighbourhood Plan or the NP.
- 1.1.4 The Plan was prepared by the Woodhouse Parish Council, working in consultation with the Local Planning Authority, namely Charnwood Borough Council and a range of interested parties, statutory bodies, community groups, landowners and their agents, plus other key stakeholders.
- 1.1.5 This Report provides a recommendation as to proceeding to a Referendum. If this takes place and the Plan is endorsed by more than 50% of votes cast, then it would be 'made' by Charnwood Borough Council and would be used to assist in the determination of any subsequent planning applications for the area concerned.

1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER

- 1.2.1 In accordance with current regulations, I was formally appointed by Charnwood Borough Council, as the Examiner of the Neighbourhood Plan in April 2021. I was issued with the relevant documentation and formally began the examination in late May 2021.
- 1.2.2 In examining the Plan, I am required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Plan has been prepared and submitted for examination by a Qualifying Body.*

- *The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
- *The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (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 policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*

1.2.3 My role has also been to consider whether the Plan meets the 'Basic Conditions' and human rights requirements, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

1.2.4 In order to meet the Basic Conditions, the making of any Neighbourhood 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 for the area; and*
- *Not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.*

1.2.5 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Plans, in addition to those set out in primary legislation and referred to in the paragraph above.

- *The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.*

1.2.6 Having examined the Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am required to make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;*

b) that the Plan should be subject to modification but will then meet all relevant legal requirements and should proceed to Referendum;

c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.2.7 If recommending that the Plan should go forward to Referendum, I am also required to consider whether or not the Referendum Area should extend beyond the defined Woodhouse Neighbourhood Plan Area.

1.2.8 As noted above, the role of any Independent Examiner is to assess a Plan in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether the Plan is sound, I consider that where changes can be made that would result in removing ambiguity and make the document more user friendly for all parties, this should be considered. This reflects relevant paragraphs of the NPPG and the first basic condition.

1.2.9 I have adopted this approach and have suggested some modifications which the Parish and Borough Councils should consider and which, in my opinion, need to be addressed for the Plan to be compliant.

1.3 THE EXAMINATION PROCESS

1.3.1 I am aware that this examination is being undertaken during a partially restricted period associated with the Covid19 pandemic. I have had regard to the relevant amendments to the salient Neighbourhood Planning regulations, first brought into effect in April 2020 by the MHCLG.

1.3.2 In this case, some public consultation on the emerging versions of the NP were completed before the Covid19 social distancing rules were brought into play. Some has taken place during formal lockdown periods. Notwithstanding this, it has been deemed appropriate to continue to examine the Plan and any referendum that may be appropriate will take place under regulations as confirmed by MHCLG.

1.3.3 The general rule remains that examinations should be conducted by written representations. In this case, I have been able to consider the Plan by way of the key documents, salient background information, evidence base, supporting reports and written representations. I have not considered it necessary to hold a Hearing to complete my findings.

1.3.4 My examination findings have resulted from my assessment of the documents noted at Appendix A and the written submissions from interested parties at both the Regulation 14 and 16 stages of the NP process, and are in addition to my reference

to the following documents, which set out extant legislation, regulation and guidance;

- National Planning Policy Framework (The Framework) (Revised as at 2018 and 2019) and reissued with further amendments in July 2021.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.

1.3.5 Finally, I confirm that I undertook an unaccompanied site visit to the Plan area in June 2021.

2.0 BACKGROUND TO THE WOODHOUSE NEIGHBOURHOOD PLAN

2.1. Further to a formal application, Charnwood Borough Council confirmed the designation of the entire civil parish of Woodhouse as a Neighbourhood Plan Area in May 2018. I note that the area has not been the subject of any other NP proposal.

2.2 The Parish Council, as the relevant Qualifying Body, then pursued appropriate consultation across the NP area. I am advised that an Advisory Group was established by the Parish Council in June 2018. It led engagement with the community and stakeholders with respect to the vision of the NP.

2.3 Regular meetings were held and supported received from the Rural Community Council and YourLocale. Theme Groups were formed in April 2019 with YourLocale facilitators addressing key policy areas. Consultation took place regularly to consider the perspective of different groups within the community, to assist in addressing the vision and specific policies for the Plan.

2.4 The consultation background to the Plan is set out in the Consultation Statement prepared in compliance with Section 15(2) of Part 5 of the Neighbourhood Plan Regulations 2012. I find that the community liaison was appropriate at both a local level and with statutory parties.

2.5 I have reviewed the evidence base which supports the policies and vision of the Plan. I find that, in most cases, the evidence base and Consultation Statement to be proportionate to the nature of the Plan, well-presented and clear. However, some evidence has not been clear and I note this later in this report.

- 2.6 The Plan was subject to changes as a result of the consultation process and the Reg 14 submissions by third parties in November and December 2020. A Submission Version was duly prepared and finalised in the Spring of 2021 and submitted to the LPA. After a formal period of public consultation, it was confirmed that the Plan could proceed to Examination.
- 2.7 I have been presented with written representations to the Submission Version of the Plan which were submitted within the formal period. I note that some Reg 16 representations have suggested additional policies or modifications to the approach taken by the QB. It is unfortunate that such submissions have apparently been made so late in the process as they might have been helpful to the QB. At this stage, it is not within my remit to add to the policies presented unless this is to address ambiguity.
- 2.8 I should also stress that other issues raised at the Reg 16 stage concerned reference to extant policy and regulations. Duplication of those matters within the NP would add little if any value.

3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS AND HUMAN RIGHTS

- 3.1 Given the above, I now report on the procedural tests, as set out earlier in this Report, and find as follows;

- **The Qualifying Body**

- 3.2 From the documentation before me, I conclude that the Woodhouse Parish Council is a properly constituted body, i.e. a Qualifying Body for the purposes of preparing a Neighbourhood Plan, in accordance with the aims of neighbourhood planning as set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2018) as amended, and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

- 3.3 The Woodhouse Neighbourhood Area reflects the boundary of the Woodhouse Parish. No other Neighbourhood Plan has been proposed for this area.
- 3.4 An appropriately made application to prepare a NP was submitted to the Borough Council and duly endorsed. The appropriate protocol and process were followed. I

am satisfied this meets the requirement relating to the purposes and identification of a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and salient regulations of the Neighbourhood Planning (General) Regulations 2012.

- **The Plan Period**

- 3.5 Any neighbourhood plan must specify the period during which it is to have effect. The Woodhouse Neighbourhood Plan clearly states on its front cover and in its introductory sections that it addresses the period between 2020 and 2036. I note that this reflects the Charnwood Local Plan review period. I am satisfied that this matter is clear and appropriate.

- **Excluded Development**

- 3.6 From my review of the documents before me, the proposed policies within the NP do not relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the neighbourhood plan area. While I find there are some areas which would benefit from improved clarity or amended text, and I note these later in this report, in terms of the proposed policies, I find that the Plan meets legal requirements.

- **Development and use of land**

- 3.7 Any neighbourhood plan's policies, in accordance with current regulations, should only contain policies relating to development and/or use of land. While supporting text can reflect the goals and ambitions of any community, unless directly relating to development or use of land, this should not be included within or be confused with specific policies.
- 3.8 Where I consider that a policy or part of a policy is ambiguous, duplicates other policies or statutory regulations or concern matters that do not relate to the development or use of land or property, I have recommended that it be modified or clearly explained as such within the text of the Plan.
- 3.9 In general, the Plan complies with the regulations on this matter although I have suggested some modifications where necessary. These are set out in Section 5 of this Report.

- **Public Consultation**

- 3.10 Planning legislation requires public consultation to take place during the production of neighbourhood plans. Any public consultation should be open and accessible, and any information presented should be easy to understand and to comment upon. It should enable all sectors of the local community the ability to comment on and hence shape the policies which may have a bearing on where they live, work or spend their leisure time.
- 3.11 I have reviewed the Consultation Statement and the supporting documentation prepared and used by the QB. As a requirement of the salient regulations of the Neighbourhood Planning (General) Regulations 2012, this was submitted to the Borough Council and then presented to me.
- 3.12 A range of stakeholders including statutory bodies appear to have been given the opportunity to take part in proceedings. I am of the opinion that the consultation exercise was thorough and a wide a spectrum of the community was approached through a range of initiatives.
- 3.13 I have reviewed all salient surveys and documents relating to the consultation work undertaken by the QB and consider that the various initiatives and the general approach adopted was inclusive and, in most places, sufficiently robust.
- 3.14 In general, I consider that the response to representations made to the Neighbourhood Plan, as it progressed through its preparation stages, were clear and an appropriate approach was taken by the QB. I should stress that my role has not been to undertake a detailed analysis of the consultation details but moreover review the general process and approach taken and, in this light, I believe changes to the draft version of the NP were appropriately assessed, undertaken and then explained.
- 3.15 As noted elsewhere in this Report, given the evidence before me, I did not feel it necessary to hold a public hearing as the comments made by Regulation 16 parties and the stance of the LPA and QB was clear. No issues have been ambiguous.
- 3.16 I conclude that an appropriate consultation exercise was undertaken and that stakeholders had the opportunity to input into the Plan's preparation and as such, Regulation 15 and 16 have been addressed.

4.0 THE BASIC CONDITIONS AND HUMAN RIGHTS

4.1 BASIC CONDITIONS STATEMENT

4.1.1 I have reviewed the Basic Conditions Statement and find it to be comprehensive and well written document. It addresses the Basic Conditions in a clear and logical manner, and I highlight these as follows;

4.2 NATIONAL POLICY, ADVICE AND GUIDANCE

4.2.1 As noted earlier, the NPPF (2018 and revised publication in 2019 and 2021) explains that a presumption in favour of sustainable development means that Neighbourhood Plans should support the strategic development needs set out in the Development Plan and plan positively to support local development.

4.2.2 The Framework is clear that Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area, i.e. they must be in general conformity with the strategic policies of the Development Plan. The NPPF advises that they should not promote less development than is set out in the Development Plan or undermine its strategic policies. Neighbourhood Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency. It is stressed that the examination has been of the Plan, as a whole.

4.2.3 The Basic Conditions Statement clearly explains how the NP responds to specific core planning principles, as set out in the NPPF and makes appropriate cross reference to specific NP policies. **Given the recent revision of the NPPF as of July 2021, it would be appropriate expressly explain that the referencing is to the 2019 version of the NPPF.**

4.2.4 Given the guidance found within National Planning Practice Guidance (NPPG) which accompanies the NPPF, I have considered the extent to which the NP meets this first basic condition in Section 5 below. **Subject to the above recommendation re referencing of the NPPF and the modifications, detailed below in Section 5 of this report, I find the Plan compliant.**

4.3 SUSTAINABLE DEVELOPMENT

4.3.1 Any Neighbourhood Plan should contribute to the achievement of sustainable development. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken in the Basic Conditions Statement is robust.

4.3.2 Whilst there is no legal requirement for any Plan to be accompanied by a separate Sustainability Appraisal, it is helpful for it to acknowledge and explain how its policies have reflected sustainability matters in all forms as expressed in the NPPF. I consider that the NP has achieved this.

4.4 THE DEVELOPMENT PLAN AND STRATEGIC LOCAL POLICY

4.4.1 I note that the 'Development Plan' for Woodhouse Neighbourhood Area comprises the Charnwood Borough Local Plan 2011 – 2028, the Charnwood Core Strategy, adopted in 2015, saved policies from the Borough of Charnwood Local Plan (2004) and the Leicestershire Minerals and Waste Local Plan. The Core Strategy is the key relevant document and **reference is made to this in the BCS at paragraphs 3.1 but with reference to an earlier adoption date. This should be explained as it conflicts with later reference in paragraphs 3.4 and 3.5.**

4.4.2 The Local Planning Authority is in the process of reviewing its Local Plan and a pre-submission draft has been issued (July 2021). I note that some attention has been given by the QB to this emerging local plan and indeed it has used the emerging development boundary around Woodhouse as the NP development boundary. The QB have been wise not to pre-empt any emerging strategic policies that are likely to be the subject of scrutiny at any forthcoming LP Inquiry and have properly reflected the extant adopted document and saved relevant policies.

4.4.3 The table following paragraph 3.5 of the Basic Conditions Statement (BCS) explains how the proposed NP policies are in general conformity with strategic policies and highlights specific policies from the Charnwood LP. I find this to be generally appropriate and helpful.

4.4.4 It should be noted that the County Council oversees highway matters and while traffic and transport matters have been highlighted within the NP, **for consistency and to avoid any confusion on the part of a reader, it would be helpful to explain this in the Basic Conditions Statement or in the text of the NP itself within the text accompanying Policies T1 to T4.**

4.4.5 For the avoidance of doubt, I do not consider the omission of this point of clarification detracts sufficiently from the overall Statement and that complicity has not been compromised as the principal document in this exercise is the adopted Core Strategy.

4.4.6 **Hence, further to the points of clarification above and the modifications, as set out later in this report, I find that the NP policies are in general conformity with the relevant strategic policies of the Development Plan.**

4.5 EUROPEAN UNION (EU) OBLIGATIONS AND CONVENTIONS

4.5.1 Notwithstanding the decision by the UK to leave the European Union, any Neighbourhood Plan must still be compatible with European Union (EU) obligations, as incorporated into UK law, to be legally compliant.

- Strategic Environment Assessment

4.5.2 Directive 2001/42/EC, often referred to as the Strategic Environment Assessment (SEA) Directive, relates to the assessment of the effects of certain plans and programmes on the environment, and has relevance here. Similarly, Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

4.5.3 I note that a screening opinion of the submission version of the NP was issued by the LPA which found that the proposed NP policies would have 'no likely significant environmental effect' but that formal comments from Natural England, The Environment Agency and Historic England, were awaited. These have since been issued. I have reviewed the responses from those parties and agree with them and the LPA that no SEA is required further to the NP policies as presented.

4.5.4 I therefore find that the Plan meets the legal requirements of the EU's SEA Directive and conclude that in respect of this EU obligation, the Plan is compliant.

- Habitat Regulations and Environmental Impact Assessment

4.5.5 I note that the LPA also issued a Habitat Regulation Assessment Screening Statement in March 2021. It held that subject to comments from the relevant statutory consultees, an HRA wasn't considered a pre-requisite. This has since been endorsed by the relevant statutory bodies. Having reviewed both the Core Strategy and NP policies, and the representations made by relevant parties, I concur.

4.5.6 I find that the NP meets the legal requirements of the EU and HRA Regulations and conclude that, in this respect, the Plan is compliant.

- Human Rights

4.5.7 The Basic Conditions Statement makes reference to compliance with the European Charter on Human Rights (ECHR) and Human Rights Act 1998 in para 5.6

- 4.5.8 I am unaware of any matters proposed in the NP that challenges issues of human rights and no evidence has been put forward through the public consultation period, to indicate that this is not the case. I conclude that the Plan does not breach and is otherwise compatible with the ECHR.
- 4.5.9 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan, and hence am satisfied that the Plan is compatible with EU obligations.

5.0 ASSESSMENT OF THE WOODHOUSE NEIGHBOURHOOD PLAN POLICIES

5.1 THE OVERALL PRESENTATION AND FORM OF THE PLAN

- 5.1.1 The NPPF advises that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. I consider that this can be interpreted as 'having a clear document'. I find the Woodhouse Neighbourhood Plan is straightforward, well written and generally well explained and expressed. A small number of matters could be addressed which would enable the Plan to be clearer for any user, or decision maker, and remove ambiguity. I comment on these below.
- 5.1.2 As mentioned in my opening remarks, technically this is a Neighbourhood Development Plan. However, I acknowledge that many groups use the phrase 'Neighbourhood Plan' and clearly the whole of the Woodhouse NP uses the latter. Providing there is consistency throughout the document I do not consider this detracts from its purpose and I have not suggested that the whole document should be amended to use the phrase 'Neighbourhood Development Plan (or the abbreviation NDP).
- 5.1.3 I am content with the general extent and nature of Figures within the NP and while these have been well referenced through the Plan, it would help to have these listed as part of the contents pages. Similarly, it would help to have all Appendices numbered clearly. I should note that my examination is of the NP and the policies therein. I am not examining the Appendices, although I accept that they form the basis and justification for individual policies. They should not however contain any elements that properly lie within the text of the policy itself.
- 5.1.4 The statutory context and relevant background to the Woodhouse NP is well set out in the introductory sections of the Plan. These helpfully and clearly set the scene in terms of the nature and demographic details of the Parish. Section 2 provides a good summary of the consultation taken during the preparation of the NP and Section 3

provides a clear explanation of its vision for the area. This is based on economic, social and environmental principles that are then reflected in the subsequently proposed policies.

- 5.1.5 While I consider that more explicit reference to the evidence base would have further supported the introductory sections, I accept that the style of the document reflects that commonly used by the advisors retained by the QB to assist with the Plan's preparation. In general, I consider that the introductory sections of the NP, setting the context in terms of relevant background and history of the area, the role of the NP, the compliance with basic conditions, the extent and nature of community engagement are well written, and the vision and objectives of the Plan are clearly expressed.
- 5.1.6 I am aware that some consultees during the preparation of the Plan and at both Reg 14 and Reg 16 stages suggested additional initiatives and amended text that have not been included in the Submission Version of the NP. I should stress that it is not the role of the Examiner to add further detail or policies that may have been considered by the QB through the Plan preparation, but not included in the Submission Version.
- 5.1.7 Sections 4 through to 6 present specific policies under the subheadings of Housing, Environment and Community Sustainability. In terms of evidence to support the NP policies, I have been provided with a mix of digital and hard copy documents. I have also reviewed the data and surveys prepared by, or on behalf of, the QB. I have considered the list of third parties and statutory consultees who were approached during the preparation of the draft and submission version of the Plan and have reviewed the comments received by the QB through the Plan's preparation.
- 5.1.8 I consider that, in most places, a proportionate amount of background information and an appropriate evidence base has been used by the QB to prepare draft policies to address the vision and objectives of the NP. I note, however the comments made by the LPA with regard to the evidence supporting the NP Housing policies and comment on these below.
- 5.1.9 I have some concern, in part, to the poor cross referencing between policies to the evidence base. Where this could be improved further, to make the Plan clearer and to avoid ambiguity, I have commented accordingly.
- 5.1.10 Further to the above, I now consider the NP policies against the Basic Conditions and for ease of reference follow the structure and headings as adopted in the Plan. As I have set out above, I find that the Plan is generally compliant with Basic Conditions 4 and 5 but that the following section of my Report highlights modifications which I consider would allow the Plan to fully comply with;
- Basic Condition 1 (Compliance with National Policy);

- Basic Condition 2 (Delivery of Sustainable Development); and
- Basic Condition 3 (General Conformity with the Development Plan).

5.1.11 I wish to stress that my examination has comprised a review of the policies and supporting text in the context of their compliance with the Basic Conditions. It has not comprised a forensic review of the rationale behind each policy. However, where I am aware that the evidence base is weak or erroneously interpreted or proposals have been suggested that conflict with extant statute or are ultra vires, or indeed are superfluous given other policy or statutory regulations in place, then these are highlighted, and modifications are proposed.

5.1.12 I confirm again that I have reviewed all comments made as part of the Regulation 16 process, particularly where they have raised matters relating to compliance with national policy, sustainability and general conformity with the strategic policies of the Development Plan.

5.1.13 I consider that some modifications are required for the Plan to comply with the Basic Conditions. In places, this has resulted in the omission of the policy or part thereof. In others it has resulted in changes to specific policies. I wish to emphasise that wherever possible these have been made to complement the tone and language of the Plan.

5.2 NEIGHBOURHOOD PLAN POLICIES

5.2.1 Turning to Sections 4 through to 6 of the Plan and the specific policies and supporting text, I consider that, generally, the policies are well constructed and clear. A few elements are ambiguous, and some typographic errors exist which require modification. Other elements add little to the strategic policies found in the Development Plan, but I find that in some places these are accompanied by relevant supporting text and provide a useful context for the overall vision of the Plan. They do not breach the Basic Conditions and, accordingly, I have accepted that they should remain in the NP.

HOUSING

5.2.2 **POLICY H1: RESIDENTIAL SITE ALLOCATION** is accompanied by explanatory text which is clear in its presentation and clarifies the classification of Woodhouse Eaves and Woodhouse as part of hierarchy of settlements across the Borough.

5.2.3 While reference has been made to the emerging nature of the Local Plan review and specific documents such as the Housing and Economic Development Needs

Assessment (HEDNA) I am aware through various representations that this evidence base has already been superseded and indeed is likely to become more outdated as the Local Plan review progresses. It is unclear if the QB has taken it into account the most up to date data available, even if that evidence has not yet been the subject of scrutiny through the LP review process. National guidance on how to assess housing need has also been the subject of relatively recent change and the potential need across the LPA area could be higher than that referenced within the NP.

- 5.2.4 That said, the QB considered it pragmatic to identify land for future housing needs, within the NP area, and to this end I note the work undertaken re the Housing Needs Report 2019, presented to me as an Appendix to the NP. However, this simply concentrates on the demographic of the subject parish. Furthermore, there is little explanation as to why a maximum of 20 units has been proposed for the NP, other than a reference to 'discussions with Officers from CBC'. This, together with the status of the LP review means that I consider the allocation of new housing land to only have limited weight in light of paragraph 14 of the NPPF (2019).
- 5.2.5 Aside from the extent of housing need, I note the approach taken by the QB to identify potential sites to address future housing requirements within the confines of the parish and the cross reference to Appendix 3 is helpful. However, while this explains the assessment process, it appears to dismiss a large site as it *'was not in compliance with the adopted local plan'* As no new land is identified in the extant LP, to dismiss one large site and not others, seems perverse.
- 5.2.6 **Appendix 3 would benefit from an appropriately scaled site map indicating all the sites presented in response to the 'Call for sites' and the final 12 clearly marked together with the large 20Ha site (which was dismissed initially). For the avoidance of doubt this is an observation and does not detract from the compliance of policies.**
- 5.2.7 Indeed, as noted earlier, my role as an examiner is not to assess the evidence in fine detail but I need to be confident that the evidence base and how it has been used, is robust and an appropriate approach has been taken to support specific policies. In this case, I endorse the approach taken in Policy H1. However, given the progress of the LP review and the work undertaken in line with current HMGov guidance on calculating housing need, I am not convinced that the housing need identified in the NP is fully explained or supported by adequate information. I consider that the identification of land under Policy H1 may need to be the subject of review once the LP is adopted.

- 5.2.8 Hence, while I fully understand that the identification of future housing land is important to both the local community and any user of the NP, to provide certainty, I advise that modification should concern the addition of text after paragraph 44 i.e. the addition of a new paragraph 45 and modification of extant paragraph 45 as new paragraph 46, as follows;

New Para 45

'It is acknowledged that a Borough wide review of housing need is ongoing as part of the local plan review, and hence additional land for housing may need to be identified within the NP area, over and above the land identified under Policy H1.

New Para 46

'In advance of this, the Housing Theme group discussed the evidence of specific need in the parish and agreed that a single site would be allocated through the Neighbourhood Plan, but this would be the subject of review at an appropriate time during the life of the NP.'

- 5.2.9 **POLICY H2: RESERVE SITES** and the supporting text is clear but again, I have not been provided with sufficient evidence to fully justify why only the allocation of the proposed two reserve sites has been made. Furthermore, I note the land in question is owned by the LA and there is an express indication that they are not available for development. As such, I concur with the LPA that the sites cannot be delivered and hence are not in compliance with the NPPF.
- 5.2.10 I note other Reg 16 representations proposing additional land for development and suggesting that the NP is premature given the progress of the LP review. Neighbourhood Plans cannot, nor should they await, the adoption of Local Plans, but they do indeed run a risk of becoming outdated as and when revised housing need figures are confirmed. As all parties should be aware, housing need is assessed across the Borough and while it is important for the neighbourhood planning process to present an indication of a local community's assessment and preference, it should not be used as mechanism to stop development that is required further to a clear need that is to serve the Borough.
- 5.2.11 Accordingly, while I find **POLICY H2** helpful to address potential future housing land, as written and given the non-deliverability of the sites in question, I find it non-compliant and should be deleted from the NP, together with the corresponding supporting text.

- 5.2.12 The timing of the NP and the progress of the Local Plan is unfortunate, and I am fully aware that by modifying the text accompanying Policy H1 and finding Policy H2 non-compliant, it appears to leave the NP area with a nominal extent of future housing land. However, I am simply not convinced of the robustness of the supporting evidence, ie I have concerns as to the age of some of the data, depended upon by the QB and consider that the assessment of potential housing sites has not been fully expressed in a transparent manner.
- 5.2.13 Should these matters be clarified then the salient policies could be re-examined. However, the decision whether the NP required a SEA or Habitat Directive Assessment, related to the scale of new development proposed. If this changes, then a screening opinion may need to be repeated.
- 5.2.14 **POLICY H3: LIMITS TO DEVELOPMENT** and the supporting text is pragmatic in that it identifies a boundary to the potential built form of Woodhouse Eaves that extends out from that currently identified within the adopted Local Plan. It reflects the boundary proposed within the emerging review of the LP, with some minor changes, and has been the subject of local consultation as the draft NP has emerged.
- 5.2.15 While it encourages development within a defined boundary, as written it accepts that development proposals beyond this will need to have regard to local and national strategic planning policies. This is supported.
- 5.2.16 I have noted the Reg 16 submissions on behalf of landowners with sites beyond this boundary. Given my comments above with regard to POLICIES H1 and H2, **I find that the development boundary is appropriate but that the supporting text at paragraph 53 should add a sentence acknowledging that the development boundary could be the subject of review as and when housing needs for the area have been more robustly clarified, through the LP process.**
- 5.2.17 Hence I find **the principle of POLICY H3 appropriate. With clarification over land to the rear of 127 Birdhill Rd, as raised by the LPA, I find the policy compliant but with the provision that it is the subject of review as and when future housing needs for the area have been further clarified through the LP.**
- 5.2.18 **POLICY H4: WINDFALL SITES** is clear. While representations to the NP have questioned the robustness of the evidence to support this policy, I find the list of provisions are appropriate and are justified given the evidence collated by the QB. **As such I find POLICY H4 compliant.**

- 5.2.19 **POLICY H5: AFFORDABLE HOUSING PROVISION** is supported by explanatory text. However, I concur with the LPA that **para 65 should be expanded to fully accord with the NPPF reference to affordable housing at its Annex 2.**
- 5.2.20 I am aware of the LPA representations and reference to its own Housing Needs Assessment 2020. I note, however, the QB's own work on this matter which has been the subject of recent local consultation.
- 5.2.21 I have noted representations to amend the text of Policy H5 to directly reflect adopted LP policy. However, this is not necessary and would simply result in duplication. As written, the NP policy is not in conflict.
- 5.2.22 I also note further representations suggesting that an additional policy should have been included by the QB to address rural exception sites. The extent of policies within any NP is at the discretion of the QB and, as the examiner, I do not feel it necessary to add or endorse the addition of further policies unless, by their omission, it leaves the NP confusing. In this case, national guidance provides guidance for cross subsidy scenarios.
- 5.2.23 Paragraph 2 of Policy H5 indicates support for housing for people with a local connection. It would be helpful to the user of the NP to provide examples of what constitutes 'local connection' in the accompanying text. **For the avoidance of doubt this is not a pre-requisite of compliance, but simply an observation. The following additional text to follow paragraph 67, would be of assistance any reader of the NP;**
- 'The Charnwood Rural Housing Guide and Housing Allocations Policy (2019) set out the LPA's approach in relation to affordable housing on rural exception sites and criteria for establishing a local connection. Some market housing may be acceptable on exception sites if it is essential to facilitate the provision of affordable housing to meet identified local need.'*
- 5.2.24 The phrasing of the 4th paragraph of Policy H5 is, however, confusing and should be redrafted to read;
- 'The tenure mix should meet an identified local need. Where viable one third of units will be for social or affordable rent, one third of units will be for shared ownership provision and one third of units will be for low-cost starter homes for sale.'*
- 5.2.25 Subject to the modifications above, I find POLICY H5 compliant.
-

- 5.2.26 **POLICY H6: DESIGN STANDARDS** is well expressed and clear. I note the Reg 16 submission from Severn Trent that reference to appropriate surface water discharge, SUDs and water efficiency could have been made. I consider this has been addressed in NP Policy ENV9.
- 5.2.27 Subsection (h) after reference to Future Homes Standard, should include the phrase or 'equivalent standard as endorsed through national policy or regulation' to ensure that it remains relevant for the length of the Plan. With this minor modification, I find **POLICY H6** compliant.

THE ENVIRONMENT

- 5.2.28 The explanatory text of this section of the NP is well expressed with only minor typographic issues to note. **The first is the splitting of paragraphs 76 and 77 which is confusing for the reader. The second is the setting out of text following subheading 'Natural Environment' and around Figure 6. In itself it has no bearing of the validity of the messages conveyed but is confusing to the reader and should be addressed.**
- 5.2.29 With respect to the Environmental Inventory attached at Appendix 6, while extensive, it is confusing for any user of the NP. As it forms the basis for environmental policies, its accuracy and accessibility are important.
- 5.2.30 I am aware, however of representations from one Reg 16 party highlighting a potential drafting error with respect to land to the rear of 60 Main St, Woodhouse Eaves (site ref 287). The landowner advises that this is garden land with no public access. This in itself would not detract from an environmental classification, but it does present concern that the Environmental Inventory is not accurate. **I advise this matter is resolved and rectified.**
- 5.2.31 **POLICY ENV1: PROTECTION OF LOCAL GREEN SPACE** is accompanied by clear text, supported by the Environmental Inventory. While the area at Johnson's Meadows (Ref 203) is relatively large, I am content that its assessment has been robust, and its identification is appropriate.
- 5.2.32 **I therefore find POLICY ENV1 compliant**
- 5.2.33 **POLICY ENV2: IMPORTANT OPEN SPACES** is however confusing and appears to be an attempt to protect land from inappropriate development that does not comply

with the guidance for the identification of local green spaces and hence could fall under POLICY ENV1. Namely some of the sites identified are extensive and have been the subject of development proposals in the past. From the documents before me, the rationale for assessing sites deemed to be 'special to the community' identified a number of sites that fulfil the criteria of being proposed as 'local green space' while others did not, primarily because of their size. Nevertheless, the NP proposes that under ENV2, they are afforded the same protection as local green spaces.

- 5.2.34 I note that this is a controversial matter with some sites identified under Policy ENV2 being the subject of current and historic development proposals. I am however guided by the clear tests in the NPPF (2021);

NPPF para 101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

NPPF para 102. The Local Green Space designation should only be used where the green space is a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.

- 5.2.35 It is the last test that does not support sites ref 225, 224 and 389 as local green spaces which, while split for reasons of referencing, are contiguous and present as a large area. I note that this combined area, together with site refs 520, 519 and 205 are already identified by the LPA for open space, sport and recreation purposes and hence afforded a degree of protection already.

- 5.2.36 I note that site refs 520, 519 and 205 are also proposed as local green spaces under POLICY ENV1, as have sites 016 and 053 and site ref 201 (although under POLICY ENV1 this is referenced as site ref 202) This is in itself misleading and consistent referencing should be given to the same site to avoid confusion. This area is a graveyard and hence subject to specific protection, but I am aware that ecclesiastic designations can change and hence accept that its identification as a local green space, valued by the community, is appropriate.

- 5.2.37 **In summary, I find that site ref 520, 519, 016, 053, 425, 205 and 201/2 should be included under POLICY ENV1 and POLICY ENV2 and supporting text at paragraphs 94 and 95 should be omitted as it either duplicates POLICY ENV1 or includes land that does not present itself as local green space under the last NPPF test, set out above.**
- 5.2.38 **POLICY ENV3: PROTECTION OF SITES OF NATURAL ENVIRONMENTAL SIGNIFICANCE** is clear but concerns sites that already are afforded protection by the Local Plan and/or statutory regulations.
- 5.2.39 Fig 13 is presented at an unreadable scale in hard copy, although I note that on screen this can be enlarged, and Appendix 6 contains a list of the sites in question. However, Appendix 6 is an extensive list of all sites across the NP area, and it is difficult for any reader to cross check with Figure 13. From the documents before me, it appears that virtually all the sites highlighted at Fig 13 (and hence subject to Policy ENV3) fall within the protection of either the extant LP or benefit from specific environmental protection. Hence, they are already afforded statutory protection from loss or damage.
- 5.2.40 **As such, I find that POLICY ENV3 risks duplicating other development plan policies or statutory powers already in force. It should be amended to identify only those sites that fall beyond LP or statutory protection but have scored highly (above 75%) in the Environmental Inventory and hence are deemed to have local value. It is suggested that Figure 13 can remain in the NP but that an additional Figure should be included to identify sites that are highlighted in POLICY ENV3 and that this is accurately referenced in POLICY ENV3. I note that text of the Policy erroneously refers to Fig 14. This should be amended to refer to a new map, which I propose could be Figure 13a.**
- 5.2.41 **POLICY ENV4** is an understandable approach to protecting and enhancing the biodiversity of the area. However, the general approach and the reference to the word 'value' in the second paragraph of the policy is not qualified. In whose judgement does the element in question have 'value'?
- 5.2.42 **Paragraph 102 of the supporting text references Policy ENV6, which relates to local heritage and is out of context in this section. To avoid confusion, the reference should be deleted.** Figure 14 in hard copy is at a scale too small to be read easily although I note that on screen it can be enlarged. Notwithstanding this, the cross reference to the Environment Inventory is poor and specific sites are difficult to identify.

- 5.2.43 I have concerns over the 'blanket protection' approach of this policy. Many trees of 'value' will already be afforded protection through a TPO classification and indeed removals of others trees and hedgerows is permitted development. This has not been clearly indicated in the NP or accompanying text.
- 5.2.44 I am also concerned that the NP is asking for professional and assessment should any development require the felling of trees. I have not been advised that the same professional input has supported the identification of areas identified in Figure 14.
- 5.2.45 **On balance, while I consider that the essence of the policy is in accordance with the relevant sections of the NPPF, and indeed statutory protection is already in place for some areas, it presents a blanket approach which has not been fully justified in the supporting information and is ambiguous for any user of the NP. Hence, I advise that POLICY ENV4 is modified to identify specific areas, that can be clearly listed within the text accompanying the policy and be easily located in plan form, that are out with and hence do not duplicate extant statutory protection. I suggest that this forms a new Figure 14a.**
- 5.2.46 **The remaining sites can be referenced in the accompanying text, and Figure 14 can remain, but the NP needs to avoid duplicating policy or regulations already in place.**
- 5.2.47 In terms of **POLICY ENV5: PROTECTION OF SITES OF HISTORICAL ENVIRONMENTAL SIGNIFICANCE** I acknowledge the approach taken by the NP but again understand that many if not all are already afforded statutory protection. I feel it is important to emphasise the local significance of the sites indicated at Figure 15, and hence clarification should be given to those sites being added to those already protected under statute or LP policy. **Sites should be listed out, to assist identification for the user of the NP as the cross reference to Appendix 6 is too vague. While Figure 15 can remain in the NP, a further Figure 15a should specifically highlight those sites of local significance, over and above those afforded statutory protection.**
- 5.2.48 **Only with these modifications do I find Policy ENV5 compliant.**
- 5.2.49 **POLICY ENV6: LOCAL HERITAGE ASSETS** appears to more appropriately avoid a duplication of extant LP policy and/or statutory controls already in place and identifies at Figures 17.1 and 17.2 additional sites and structures that are deemed to be important and worthy of protection. However, the supporting text is confusing and the reference in paragraph 105, advising a reader to see the 'Supporting Information' to clarify the relationship between these structure and NP policies is vague and unhelpful. **Ideally this would be more explicit in its cross reference.**

However, for the avoidance of doubt, this is an observation and does not detract from the compliance of Policy ENV6 itself.

5.2.50 I do have concerns with the reference in the last sentence of POLICY ENV6 which reads *'The local benefits of a development proposals, or a change of land use requiring planning approval, will need to be judged against their significance as heritage assets'*. **This does not guide any user of the NP sufficiently as it is unclear who is doing the judging and what constitutes 'significance' in terms of any heritage asset. To avoid ambiguity, it should be deleted.**

5.2.51 **To provide for clarity and remove ambiguity, I find POLICY ENV6 compliant only with the last sentence of the policy deleted. and only with references to sites that do not already benefit from statutory protection, i.e., the sites listed at (B) should remain listed out, but the sites listed at (A) should be deleted.**

5.2.52 **POLICY ENV7: RIDGE AND FARROW** earthworks are identified at Figure 20. While these have not been deemed to be of such significance to be classified as Scheduled Monuments, I accept that they can be considered to be non-designated heritage assets in accordance with the NPPF.

However, the policy refers at the end of its last sentence to *'... the local benefits of such development must be balanced against the significance of the ridge and farrow features as heritage assets'*. This does not guide any user of the NP sufficiently as it is unclear who is doing the balancing and what constitutes 'significance' in terms of the asset.

5.2.53 **Accordingly I consider that the last paragraph of POLICY ENV7 should be modified to read;**

'Any loss of damage arising from a development proposal (or a change of land use requiring planning permission) is to be avoided unless essential to achieve sustainable development. '

Only with the above modification do I find POLICY ENV7 compliant.

5.2.54 **POLICY ENV8: PROTECTION OF IMPORTANT VIEWS** is a common policy that many local communities feel is important. In this case, I find the evidence to support the policy to be sufficiently robust and the approach taken by the policy to be appropriate.

- 5.2.55 I am aware, however, that some of the views are extensive to the point they reach well beyond the NP boundary, i.e., areas that are beyond the remit of the NP. Additionally, the reference to 'visual impact' within the policy is very general and not qualified in any way. To avoid ambiguity for any user of the NP, this should be addressed with reference in the text of the policy to the suitable use of Landscape Visual Impact Assessments.
- 5.2.56 Finally, I find the reference to 'entirety' in the text of the policy is excessive and not justified.
- 5.2.57 **Given the above, I consider that the last sentence of the policy should be modified and supplemented to read as follows;**
- 'Development proposals within the Neighbourhood Plan area, that have the potential to have a significant visual impact that unduly detracts from the views as indicated at Figure 21, without appropriate mitigation, will not be supported. Visual impact should be the subject of professionally prepared Landscape Visual Impact Assessments.'*
- 5.2.58 **Only with the above modifications do I find POLICY ENV8 compliant**
- 5.2.59 **POLICY ENV9: FLOOD RISK RESILIENCE** has been well presented and explained. I accept that local knowledge and experience can be very helpful, particularly in areas beyond monitored rivers and river plains where the Environment Agency's Flood Zones are prevalent. In these areas, surface water flooding can be of significance.
- 5.2.60 As previously noted, in hard copy, Figure 20 is difficult to read although on screen it can be enlarged. **To avoid any confusion, the text of the policy should confirm in the last sentence of its second paragraph that; 'Development proposals within the areas shaded blue on Figure 22.....'**
- 5.2.61 **With this modification, I find POLICY ENV9 compliant.**
- 5.2.62 **POLICY ENV10: RENEWABLE ENERGY GENERATION INFRASTRUCTURE** has been well explained and drafted. The accompanying text is helpful in terms of presenting the context for the policy. **I find POLICY ENV10 compliant without modification**

COMMUNITY SUSTAINABILITY

- 5.2.63 **POLICY CF1: THE RETENTION OF COMMUNITY FACILITIES AND AMENITIES** and **POLICY CF2; NEW AND IMPROVED COMMUNITY FACILITIES** have been well presented and expressed. **I find both policies compliant without modification**
- 5.2.64 **POLICY CF3: WELBECK SIXTH FORM COLLEGE AND BAUMANOR HALL** is very specific to the site in question. The phrasing of the policy is supportive of new development taking place while not being overly or unnecessarily restrictive. I am aware of the representations made by Sport England but note that protection of playing facilities, identified in the Strategies and Assessment Studies mentioned in their submissions, affords protection of public and private sites alike and MOD land no longer benefits from crown immunity. **Hence, I find the policy compliant without modification.**
- 5.2.65 **POLICY BE1: SUPPORT FOR EMPLOYMENT AND RETAIL USE** is clumsy in its phrasing. As it is written, a new use for a former employment site would not be supported if it wasn't 'ancillary to a residential use'. A number of other uses might be pursued including leisure or recreational uses with very nominal employment generation. Would these fall foul of the policy?
- 5.2.66 However, based on the text as presented, I find sufficient evidence and an appropriate approach. The policy also accords with national guidance and local policy and hence **I find POLICY BE1 compliant for the purposes of this examination.**
- 5.2.67 **POLICY BE2: SUPPORT FOR NEW BUSINESSES AND EMPLOYMENT** is clear and **I find it compliant without modification.**
- 5.2.68 **POLICY BE3 SHOP FRONTS AND SIGNAGE** is clear with the exception of the phrase 'indifferent design' at (b). This is ambiguous as it means different things to different people. **I consider that the essence of (b) would be fully covered in (a) if (a) expanded the reference to shopfront to 'shopfront and/or the frontages of buildings' and hence (b) could be omitted. With this modification I find POLICY BE3 compliant.**
- 5.2.69 **POLICY BE4: HOME WORKING** will have become far more relevant given the COVID19 pandemic and the move towards hybrid working practices. **I find the policy compliant with no modification.**
- 5.2.70 **POLICY BE5: FARM DIVERSIFICATION** is clear, although the use of 'e.g' implies that a range of other uses over and above tree planting and equestrian uses could be appropriate. Permitted development rights already exist that allow the change of

use of agricultural buildings and hence this policy appears to duplicate those provisions. If the policy is specifically wanting to encourage tree planting and equestrian uses, then this should be explicit in the formal text of the policy.

- 5.2.71 I consider that to avoid confusion or ambiguity, users of the NP should be advised of extant permitted development rights with suitable cross reference to statute, but that specific encouragement is given to new tree planting and new equestrian businesses. This could be addressed with the following modification of the opening sentence of the policy text;

In order to support farm diversification and the sustainable growth an expansion of businesses, where planning permission is required, the conversion of existing agricultural buildings and/or the change of use of agricultural land.....

- 5.2.72 **With this modification, I find Policy BE5 compliant.**

- 5.2.73 The supporting text accompanying **POLICY BE6: TOURISM** states that consultation during the plan preparation showed little interest for or against increased tourist activity within the NP area. Comment is then made to over stretched parking provision in Woodhouse Eaves but with little justification. The policy text is however reasonably well constructed to appropriately encourage suitable tourism that would not result in unmitigated impact. **Accordingly, I find POLICY BE6 compliant.**

- 5.2.74 **POLICY BE7: BROADBAND AND MOBILE PHONE INFRASTRUCTURE** includes 'New developments of more than three properties must guarantee that the additional new connections will not negatively impact existing users.' Given the current nature of procuring mobile technology, this is considered to be ultra vires and unenforceable. I have not noted consultation with any existing providers and while I understand the rationale, **to avoid a policy that might not be deliverable, I advise that this reference is omitted or rewritten as 'Connections for new developments of more than three properties, should aim to not impact unduly on existing users'.**

- 5.2.75 I also note that Reg 16 submissions have raised concerns over the use of outdated terminology. Policy BE7 refers to 'superfast' broadband while the County Council use the phrase 'ultrafast'. **Reference to 30 megabit and uploading speeds may also become dated. Hence reference to 'or equivalent extant minimum standard' should be added to the text to ensure the policy doesn't become outdated and irrelevant.**

- 5.2.76 **Only with these modifications do I find POLICY BE7 compliant.**

- 5.2.77 I accept that **POLICY T1: TRAFFIC FLOW AND VOLUME MANAGEMENT** reflects community comments, but it is only supported in part by the evidence presented to me. A number of elements in the supporting and policy text have the potential to confuse a user of the plan. Others are ultra vires.
- 5.2.78 There is reference in the first supporting paragraph to 'C' roads. This is an outdated reference and may mislead. HMGov advises that road classification includes A, B and classified unnumbered roads which are smaller roads intended to connect together unclassified roads with A and B roads. They often link a housing estate or a village to the rest of the network. Similar to 'minor roads' on an Ordnance Survey map and sometimes known unofficially as C roads. I consider Beacon Road/Forest Road falls into this category and note the degrading to desist HGV traffic.
- 5.2.79 The use of 'lethal' in paragraph 162.1 is emotional and **would be better replaced with 'potentially hazardous'**.
- 5.2.80 Paragraph 162.2 refers to 'mothers with pushchairs'. **This is best replaced with 'parents/guardians with pushchairs'**
- 5.2.81 Paragraph 162.3 introduces debate over whether Meadow Road is an all-purpose road or a bridleway. **This should be clarified and not left ambiguous in the NP.**
- 5.2.82 The accompanying text should ideally support the subject policy. In this case, it appears to be a series of statements and in some cases e.g para 163, obligations. While this does not detract unduly from the subject policy, I do not find it particularly helpful. **The policy text itself should make reference in its opening paragraph to 'new residential and commercial development'.**
- 5.2.83 I consider (a) is unacceptably general and would, if applied directly, curtail any new development that increases traffic flow to any degree, whatsoever. I further advise that (c) and (d) may be deemed to be ultra vires as written. Works to the highway network, including statutory public footpaths and bridleways are the domain of the statutory Highway Authority and can only be provided under legal agreement.
- 5.2.84 Accordingly, I consider the policy would be better redrafted as follows;

With particular regard to the rural highway network within the Woodhouse Neighbourhood Plan area and the need to mitigate increases in vehicular traffic, all new residential and commercial development should aim to;

- a) Be designed to minimize additional traffic generation and mitigate congestion through the villages. Development that could significantly increase traffic flows***

should be accompanied by appropriate traffic impact assessments and should include appropriate mitigation measures to address the potential for congestion.

b) Not reduce existing off-road parking provisions without providing appropriate alternative provisions which should accord with the Highway Authority's extant standards.

c) Have regard to the Highway Authority's role in maintaining and improving all elements of the highway network and liaise with that body to ensure that existing footpaths, cycle ways and statutory rights of way are maintained and improved where necessary.

5.2.85 **Only with these modifications do I find POLICY T1 compliant.**

5.2.86 **POLICY T2: PUBLIC CAR PARKING** reflects a contentious issue for the community and as written is acceptable. **I find it compliant without modification.**

5.2.87 **POLICY T3: ELECTRIC VEHICLES** is reflective of current HMGov policy. **It would, however, be prudent to add 'or the addition of appropriate infrastructure as advised under current HMGov guidance' after the reference to 7kW cabling.** Technology can change and charging facilities for electric vehicles may well be the subject of change during the lifespan of the NP. **With this modification, I find POLICY T3 compliant.**

5.2.88 **POLICY T4 FOOTPATHS, BRIDLEWAYS AND CYCLEWAYS** includes at **paragraph 179 emotional phraseology which is unnecessary and should be deleted.** Paragraph 180 accept that little if any evidence has been collated to support policy proposals for cyclists.

5.2.89 Nevertheless, as written, Policy T4 is supportive of improvements to the existing highway network and not supportive of development that detracts from, or adversely impacts upon it. **This is appropriate and I find the policy compliant without modification.**

COMMUNITY ACTIONS

5.2.90 The NP correctly advises that Community Actions are not subject to examination. While I have noted the aspirations of the community and the approach taken by the QB, as expressed in Section 7 of the NP, this indeed falls beyond the examination remit and hence I have no comments to make on this section.

- 5.2.91 The Appendices to the NP, comprising a number of extensive documents including the Environmental Inventory and Character Assessments for the two main settlements, is clear and helpful. Technically, it does not comprise formally proposed NP policies and as such does not come under my jurisdiction as an Examiner for compliance with the Basic Conditions. I do, however feel it relevant to comment on its ability to provide context for those policies. In this role, it is a helpful element of the NP which I consider assists the decision maker, landowner or developer in interpreting and understanding the NP policies.
- 5.2.92 As noted earlier in this report, I feel that the Environmental Inventory could be better cross referenced at specific sections through the NP to fully illustrate the supporting evidence for some policies.
- 5.2.93 **It would be helpful if Appendices were numbered as per the contents page.**

5.3 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW

- 5.3.1 Reference is made in Section 8 of the NP, to the future review of the Plan and that this will be led by the Parish Council and comprise an annual monitoring and a more formal review to coincide with the Local Plan review in 2025. I find this appropriate.

6.0 REFERENDUM

- 6.1 Further to my comments above, I recommend to Charnwood Borough Council that, subject to the recommended modifications being undertaken, the Woodhouse Neighbourhood Plan should proceed to a Referendum. I am required, however, to consider whether the Referendum Area should reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.
- 6.2 As noted earlier, the Neighbourhood Area reflects the whole of the Woodhouse Parish and am content that this should also reflect the area for any forthcoming Referendum.

7.0 SUMMARY AND RECOMMENDATION

- 7.1 I find that the Woodhouse Neighbourhood Plan is a well-written and presented document. It has been the subject of effective consultation and is supported by

appropriate and proportional evidence. The resulting vision, strategy and ensuing policies reflect the findings of those consultations and drafts of the NP have been the subject of appropriate amendments to take on board relevant comments from statutory consultees and key stakeholders.

- 7.2 I have advised that some policies are omitted and there should be modifications to others and changes made to some of the explanatory text. This is to ensure that policies are compliant, remove ambiguity and/or ensure that policies are clear and do not duplicate extant policy or other regulations. Overall, however, I consider that the document is well written and appropriately justified with appropriate cross reference to the evidence base. My modifications have been suggested to reflect the tone and language of the document and if addressed, would provide for a robust and compliant document.
- 7.3 In summary, subject to the suggested changes, the Plan would comply with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and the relevant regulations relating to the preparation of a Neighbourhood Plan.
- 7.4 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.
- 7.5 Hence further to the modifications proposed within this submission, I recommend that the Woodhouse Neighbourhood Plan should proceed to a Referendum.

Louise Brooke-Smith, OBE, FRICS, MRTPI

August 2021

Appendix A - Documents reviewed by the Examiner

- National Planning Policy Framework (The Framework) (2018) and subject to MHCLG clarification in 2019 and revision in July 2021.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Draft Version of the Woodhouse Neighbourhood Plan
- Submission Version of the Woodhouse Neighbourhood Plan and supporting appendices
- Documents identified in the Woodhouse Neighbourhood Plan pages of the LPA and Parish Council Websites

Appendix B – Examiner's use of Abbreviations

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| • Woodhouse Neighbourhood Plan; | NP |
| • The Plan / The Neighbourhood Plan; | NP |
| • Woodhouse Parish Council; | PC |
| • Qualifying Body; | QB |
| • Charnwood Borough Council; | CBC / Council |
| • Local Planning Authority; | LPA |
| • National Planning Policy Framework; | NPPF |
| • National Planning Practice Guidance; | NPPG |
| • Core Strategy; | CS |
| • Basic Conditions Statement; | BCS |