# **Saddington Parish Neighbourhood Plan**

# Summary of representations submitted by Harborough District Council to the independent examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012

Name	Policy	Full Representation
	/Page	
Anglian Water	Policy H2 Limits to development	Reference is made to applicants demonstrating that wastewater infrastructure capacity is available or can be available in time to serve the development Anglian Water supports this requirement for development within the parish
	Policy ENV10 Flood Risk	Reference is made to new development including the provision of Sustainable Drainage Systems as part of its design.
		Anglian Water support the requirement for applicants to include the provision of Sustainable Drainage Systems (SuDS) so as not to increase flood risk and to reduce flood risk where possible. The use of SuDS would help to reduce the risk of surface water and sewer flooding
The Environment Agency	Entire Plan	The environmental constraints within the proposed limits of development (e.g. a lack of flood zone, Main River) are such that the Environment Agency will not be making any bespoke comments on the Examination version of the Plan.
Gladman Developments Ltd		1 INTRODUCTION
Developmento Liu		<ul> <li>1.1 Context</li> <li>1.1.1 Gladman Developments Ltd (hereafter referred as "Gladman") specialise in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.</li> </ul>
		1.1.2 These representations provide Gladman's response to the current consultation held by Harborough District Council (HDC) on the on the submission version of the Saddington Neighbourhood Plan (SNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
		1.1.3 The Parish Council and HDC are aware of Gladman's land interests off East of Fleckney Road, Fleckney. The site is currently subject to a pending outline planning application (17/07860/OUT) for 130 dwellings with public open space, landscaping and sustainable drainage system (SuDS). Whilst falling within the Saddington neighbourhood plan area the site is contiguous to the built up area of Fleckney; in a suitable and sustainable location for housing and as

such we submit the site as suitable for allocation within the SNP. Allocation of the site would help contribute to the minimum housing target for Fleckney in the emerging Local Plan. National Policy and Guidance is clear that the SNP should not be seeking to include policies that would restrict development in this location without sufficient reasoning supported by robust evidence.

- 1.1.4 Through these representations, Gladman provides an analysis of the SNP and the policy decisions promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the SNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG1.
- 1.1.5 In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the National Planning Policy Framework (the Framework) and the wider strategic policies for the area set out in the Council's adopted Development Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.
- 1.1.6 The SNP should only be progressed if it meets the Neighbourhood Plan Basic Conditions, supported by a robust and proportionate evidence base.
- 1.1.7 The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent sustainable development opportunities from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the development needs for the area and assist local authorities in delivering full objectively assessed needs (OAN) for housing. Policies that are not clearly worded or intended to place an unjustified constraint on further sustainable development from taking place are not consistent with the requirements of the Framework or the Neighbourhood Plan Basic Conditions.
- 1.1.8 The SNP should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals contained in the SNP should be designed to add value to existing policies and national guidance, as opposed to replicating their requirements.
- 2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE
- 2.1 Legal Requirements
- 2.1.1 Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that the FNP must meet are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- d) The making of the order contributes to the achievement of sustainable development.
- e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- 2.2 National Planning Policy Framework, & Planning Practice Guidance

National Planning Policy Framework

- 2.2.1 The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it provides guidance on the requirement for the preparation of neighbourhood plans to be in general conformity with the strategic priorities for the wider area and defines the role which neighbourhood plans can play in delivering sustainable development.
- 2.2.2 At the heart of the Framework, is a "presumption in favour of sustainable development" which, as outlined in paragraph 14, should be seen as a golden thread running through both plan-making and decision taking. For planmaking this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet Objectively Assessed Needs (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.
- 2.2.3 Paragraph 16 of the Framework makes clear that the presumption in favour has implications for how communities engage in neighbourhood planning, stating that neighbourhoods should;
- "Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;
- Plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- Identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed. "
- 2.2.4 Furthermore, paragraph 17 sets out that neighbourhood plans should define a succinct and positive vision for the future of the area and that neighbourhood plans should provide a practical framework within which decisions on

planning applications can be made with a high degree of predictability and efficiency. In addition, neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

2.2.5 Further guidance for groups involved with the production of neighbourhood plans is specified at paragraph 184;

"Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies."

# Planning Practice Guidance

- 2.2.6 It is clear from the requirements in the Framework that neighbourhood plan policies should be prepared in general conformity with the strategic requirements for the wider areas, as confirmed in an adopted Development Plan. The requirements set out in the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).
- 2.2.7 The PPG also emphasises that;
- "...blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence"
- 2.2.8 With further emphasis that;
- ".... All settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence."2
- 2.2.9 Accordingly, the SNP will need to ensure that it takes into account the latest guidance issued by the SoS so that it can be found to meet basic conditions (a) and (d).
- 2 Paragraph: 044 Reference ID: 41-044-20160519 (Revised 19/05/2016).
- 3 DEVELOPMENT PLAN
- 3.1 Adopted Development Plan

- 3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.
- 3.1.2 The adopted Development Plan relevant to the preparation of the SNP is the Harborough Core Strategy. This document was adopted in November 2011 and covers the period from 2006 to 2028, setting out the vision and spatial planning framework for the district. The Core Strategy is now considered out of date in terms of policies relating to housing and economic development following the publication of the National Planning Policy Framework, which requires local planning authorities to identify and meet full Objectively Assessed Needs (OAN) for housing. Whilst this is currently the Development Plan that the SNP will be tested against, it is important that sufficient flexibility is included within the Plan so that its contents are not superseded by the provisions of S38(5) of the Planning and Compulsory Purchase Act 2004.
- 3.2 Emerging Development Plan
- 3.2.1 To meet the requirements of the Framework, the Council is currently preparing a new Local Plan for the district, which when adopted will replace the existing Core Strategy. The emerging Local Plan was submitted to the Secretary of State in March 2018 with hearing sessions for the Examination in Public due to commence later this year.
- 3.2.2 Gladman have been involved throughout all stages of the preparation of the new Local Plan supporting the proposed spatial strategy and positive approach of removing settlement boundaries in favour of a more flexible criterion based approach to development. This approach supports development within or contiguous to the existing or committed built up areas of the most sustainable settlements including the Rural Centre of Fleckney.
- 3.2.3 Whilst the policies of the submitted Local Plan have not yet been subject to Examination in Public, the strategic direction that the Council is proposing is clearly set out. The SNP should ensure that sufficient regard is had to the emerging Local Plan to ensure that any conflicts are minimised whilst including sufficient flexibility within the Plan's policies to ensure the plan can react to any changes that may arise through the Examination.
- 4 SADDINGTON NEIGHBOURHOOD PLAN
- 4.1 Context
- 4.1.1 These representations are made in response to the current consultation on the pre(sic)-submission version of the SNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This chapter of the representation highlights the key points that Gladman raise with regard to the content of the SNP as currently proposed.
- 4.2 Neighbourhood Plan Policies
- 4.2.1 This section of Gladman's representations is made in response to those policies which need to be addressed and amended through modification and/or deleted to meet the basic conditions, allowing a flexible and positive approach consistent with the requirements of national policy and guidance.

Policy H1: Residential Site	Policy H1: Residential Site Allocations
Allocations	4.2.2 This policy allocates two sites for residential development totalling 7 dwellings. Saddington is classified as an 'Other Village or Rural Settlement' in the emerging Local Plan's spatial strategy. These settlements are 'the least sustainable locations for growth and are covered by housing housing in the countryside policy.'
	4.2.3 Gladman therefore acknowledge that seeking to allocate sites is a positive approach however there is insufficient evidence to support the allocation of housing. Having considered Appendix 5 Saddington Housing Site assessment process, as available on the Neighbourhood Plan website, it would appear that no assessment has been made of the sustainability of the proposed housing allocations. Instead, the two sites offered for housing by the landowner have been taken forward. Due to the lack of evidence and the small scale of these allocations, Gladman suggest that to meet the basic conditions these allocations would be better placed under a windfall policy.
Policy H2: Limits to Development	Policy H2: Limits to Development
to Bevelopment	4.2.4 Gladman are concerned with the approach of revising and updating the Limits to Development as opposed to aligning with the emerging Local Plan approach which favours criteria-based policies.
	4.2.5 In not stating how a decision maker should respond to development proposals adjacent to Saddington or elsewhere in the neighbourhood area, such as adjacent to Fleckney, this policy as currently drafted lacks clarity. If it is the intentions of this policy are to treat the area beyond the settlement boundary as open countryside this would be in direct conflict with the emerging policy approach in the new Local Plan and would be superseded upon adoption of the emerging Local Plan.
	4.2.6 It is clearly not the case that all development beyond the defined Limits to Development would 'not be sustainable' as stated in Paragraph 1 of the supporting text. The emerging Local Plan would in fact support development adjacent to Fleckney that falls within the Saddington Neighbourhood Area.
	4.2.7 For clarity Gladman would either suggest the policy is removed or wording is added to the policy which would support development proposals that accord with the Local Plan approach such as development coming forward contiguous to Fleckney but within the neighbourhood area of Saddington.
Policy H3: Housing Mix	Policy H3: Housing Mix
	4.2.8 In principle, Gladman recognise the general thrust of this policy which seeks to ensure development proposals provide an appropriate mix of new housing types. However, housing mix will inevitably change over a period of time and this policy should seek to ensure a greater degree of flexibility going forward so that the Plan is able to positively respond to changing market conditions. Gladman have seen no evidence to support the statement that ' development

	should deliver more than 50% of the units as 3-bed or fewer' and recommend this statement is deleted to ensure a flexible approach to dwelling mix.
Policy ENV1: Area of	Policy ENV1: Area of Separation
Separation	4.2.9 Gladman object to the identification of an Area of Separation between Saddington and Fleckney and reiterate the concerns of HDC that this could undermine the emerging strategic approach to development that would support development which is contiguous to Fleckney.
	4.2.10 This approach is in direct conflict with the PPG which states 'all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'
	4.2.11 Gladman have seen no such evidence to support this proposed Area of Separation. In the supporting text to the policy reference is made to the Area of Separation Review acknowledging that further areas of separation will come forward in Neighbourhood Plans (emphasis added). This is incorrect, the Review actually states that the methodology could be applied by the Council or Neighbourhood Plan groups for other locations. Gladman have seen no evidence of this methodology being applied for the proposed designation and without such evidence this policy should be deleted.
	4.2.12 Our concerns are strengthened by the supporting text clearly setting out that the intentions of the policy is to restrict otherwise sustainable development proposals adjacent to Fleckney. Further, whilst initially appearing positive it would also seem the proposed site allocations are merely an attempt to strengthen an unevidenced area of separation, an area that is not supported by HDC and already out of date following consent for 290 homes (16/01355/FUL) at appeal on the 15th March 2018.
Policy ENV2: Local Green	Policy ENV2: Local Green Spaces
Spaces	4.2.13 Gladman are concerned over the Local Green Space (LGS) designations and the level of protection that this policy would afford the proposed LGS designations.
	4.2.14 Paragraph 77 of the Framework sets out the following in terms of when it is appropriate or not to designate land as a Local Green Space. It states that:
	'The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:
	Where the green space is in reasonably close proximity to the community it serves;

- Where the green area is demonstrably special to a local community and holds 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
- Where the green area concerned is local in character and is not an extensive tract of land.'
- 4.2.15 The Planning Practice Guidance (PPG) provides further guidance on LGS designations including at paragraph ID. 37-015-20140306:

"There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space Designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new are of Green Belt by another name."

- 4.2.16 Having considered the evidence to support the policy, Gladman are concerned that this is not sufficiently robust evidence and does not demonstrate how each of the proposed LGS designations do not constitute an extensive tract of land. The issue regarding what constitutes an extensive tract of land has been previously explored in numerous Neighbourhood Plan Examinations for both emerging and made Neighbourhood Plans, the following Examiner's Reports are of particular importance:
- The Examiner's Report to the Sedlescombe Neighbourhood Plan in January 2015 recommended the deletion of LGS measuring approximately 4.5ha as this constituted an extensive tract of land.
- The Examiner's Report to the Oakley and Deane Neighbourhood Plan in December 2015 recommended the deletion of LGS measuring approximately 5ha and also found it to be not local in character.
- The Examiner's Report to the Alrewas Neighbourhood Plan in August 2015 identified that both sites proposed for LGS designation 'in relation to the overall size of Alrewas village' comprised of extensive tracts of land measuring approximately 2.4ha and 3.7ha.
- The Examiner's Report to the Brixworth Neighbourhood Plan in July 2016 recommended the deletion of three proposed LGS due to the lack of evidence supporting their designation. In doing so, the Examiner recommended the deletion of 1 LGS measuring approximately 2.7ha.
- 4.2.17 It is for the above reasons that Gladman suggest that proposed LGS 036 is not appropriate and should be deleted. There is also no basis to seek to protect the settings of LGS, in effect extending the proposed areas of LGS and this aspect of the policy should also be deleted.

Policy ENV3: Protection of Sites and Features of Environmental Significance Policy ENV3: Protection of Sites and Features of Environmental Significance

Policy ENV6: Local Heritage Assets of Historical and Architectural Interest existing environmental features with sustainable development opportunities within the neighbourhood plan area.

Policy ENV6: Local Heritage Assets of Historical and Architectural Interest

Policy ENV8:

4.2.19 This policy does not accord with the Framework in regards of non-designated heritage assets and how development proposals that would affect a non-designated heritage asset should be considered. Gladman suggest that the wording of the policy is amended to reflect the balancing act, of Paragraph 135 of the Framework, that must be undertaken when assessing the impacts of a development proposal against the significance of a non-designated heritage asset. As currently worded, this policy elevates the importance of non-designated heritage assets above that set out in the Framework and therefore does not meet the basic conditions.

4.2.18 The above policy identifies 29 sites which are considered as being locally significant for biodiversity, history and are considered to be locally valued by residents. However, the supporting text confirms that "because their

concerning that the emphasis of this policy is very much on 'protection' of these sites rather than seeking to integrate

community value scores are not high enough they are not eligible for Local Green Space designation." It is also

Policy ENV8: Important Views Important Views

4.2.20 This policy seeks to ensure that development proposals respect the open views and vistas identified in Figure

14.

4.2.21 Whilst acknowledging that these views may be valued by the local community, this policy should be supported

4.2.21 Whilst acknowledging that these views may be valued by the local community, this policy should be supported by robust evidence and allow a decision maker to come to a view as to whether a particular location contains physical attributes that would elevate a views significance 'above the ordinary.' Without such evidence this policy should be deleted.

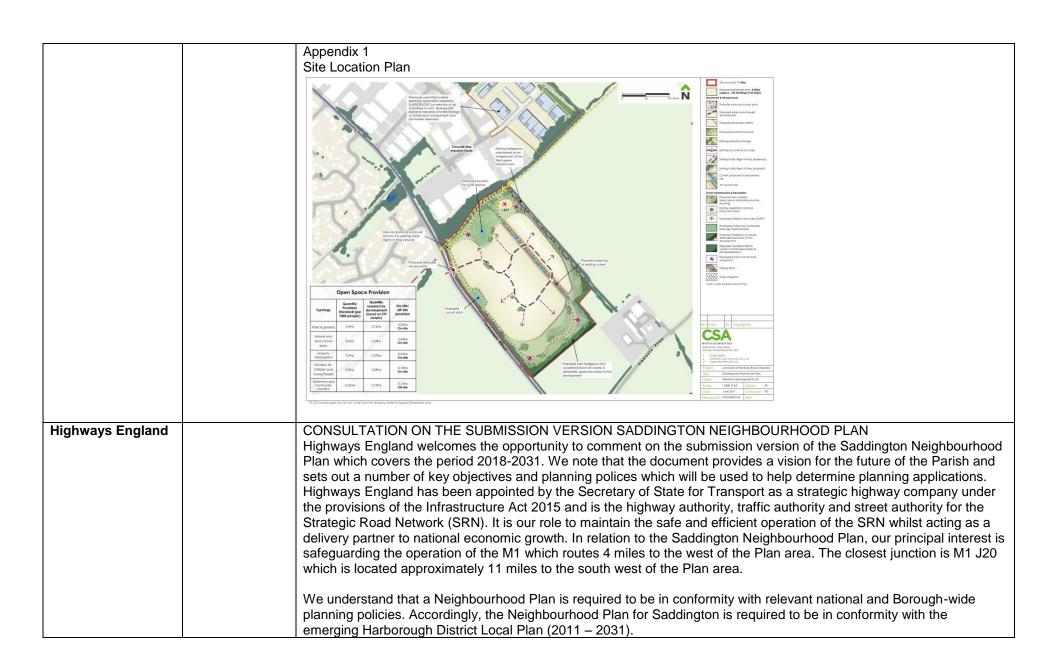
### 5 SITE SUBMISSION

- 5.1 Land East of Fleckney Road, Fleckney
- 5.1.1 Gladman Developments Ltd. are promoting land east of Fleckney Road, Fleckney for residential development. The 7.14 ha site lies adjacent to existing residential development on the edge of Fleckney within the parish of Saddington. It presents an ideal opportunity to create a sustainable, high quality residential development in a sought-after location. A location plan can be found at appendix 1 of this submission.
- 5.1.2 Residential development on the site would incorporate 130 dwellings, 30% of which would be affordable housing (of a variety of types, from affordable rented properties to discounted sale properties to help key workers and first-time house buyers). This will help to meet the identified need for affordable housing and starter homes.

- 5.1.3 The site is located to the south-eastern edge of Fleckney, within Saddington Parish and represents a logical extension to the settlement. The development would be supported by the facilities in Fleckney as it is considered a highly sustainable settlement and capable of accommodating growth. Residents will have direct access to community facilities such as a pub, health centres, a take away, a newsagent with a Post Office and a primary school.
- 5.1.4 The development offers a range of benefits such as investment in the local community, new areas of public open space and a children's play area, improvements to biodiversity, an onsite Sustainable Drainage System (SuDS) and economic gains in the form of CIL payments and s106 contributions. The average resident annual expenditure is estimated to be £3.9m, some of which will be retained in the Fleckney and Saddington areas ensuring future vitality and viability.
- 5.1.5 The landscape features of the scheme will be retained and reinforced to maintain a suitable gap between Fleckney and Saddington, whilst creating an aesthetically softer edge to Fleckney than the current industrial estate. Gladman consider that the site is in a sustainable located and is available, achievable and delivery and should be considered
- 5.1.6 Gladman consider that the site should be included in the SNP as it provides a sustainable location for future growth on the edge of Fleckney. More information regarding the site proposals can be found on the Harborough District Council website under planning application reference 17/01860/OUT.

### 6 CONCLUSIONS

- 6.1.1 Gladman recognises the Governments ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the SNP must be consistent with national planning policy and the need to take account of up-to-date housing needs evidence and the direction contained in the emerging Local Plan.
- 6.1.2 Gladman are concerned with the lack of evidence to support many of the policy choices and even more so with the supporting text confirming the intentions that the site allocations and area of separation are intended as a mechanism to restrict sustainable development adjacent to Fleckney directly conflicting with the emerging Local Plan policy direction and the Framework.
- 6.1.3 We have submitted Land East of Fleckney Road, Fleckney for allocation within the SNP as a site that is in a sustainable location and are disappointed that the SNP has not considered this submission instead seeking to include policies intending to restrict development in this area.
- 6.1.4 Gladman respectfully request that the examiner of the SNP opens up the examination of the SNP to allow for public discussion of the issues raised and we formally ask that we are afforded the opportunity to participate at the requested public hearing session(s) in due course.



	We note that Saddington is allocated within the 'Other villages and rural settlements' category within the emerging Harborough Local Plan and therefore any new housing will be limited to housing to meet an identified need. As such a housing allocation has not been identified within the Neighbourhood Plan. Given that there is no housing allocation and that any development that does come forward is expected to be limited, we do not consider that there will be any impacts on the operation of the M1.  We have no further comments to provide and trust that the above is useful in the progression of the Saddington
Historic England	Neighbourhood Plan.  Neighbourhood Plan for Saddington
motorio Englana	Thank you for consulting Historic England about your Neighbourhood Plan.
	Your Neighbourhood Plan falls within the boundary of the Saddington and Grand Union Canal Conservation Areas and includes a number of designated heritage assets including one G.II* listed building and 8 G.II listed buildings. It will be important that the strategy you put together for this area safeguards those elements which contribute to the importance of those historic assets. This will assist in ensuring they can be enjoyed by future generations of the area and make sure it is in line with national planning policy.
	The conservation officer at Harborough District Council is the best placed person to assist you in the development of your Neighbourhood Plan They can help you to consider how the strategy might address the area's heritage assets. At this point we don't consider there is a need for Historic England to be involved in the development of the strategy for your area.
	If you have not already done so, we would recommend that you speak to the staff at Leicestershire County Council who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (www.heritagegateway.org.uk <a href="http://www.heritagegateway.org.uk">http://www.heritagegateway.org.uk</a> ). It may also be useful to involve local voluntary groups such as the local Civic Society, local history groups, building preservation trusts, etc. in the production of your Neighbourhood Plan.
	Your local authority might also be able to provide you with general support in the production of your Neighbourhood Plan. National Planning Practice Guidance is clear that where it is relevant, Neighbourhood Plans need to include enough information about local heritage to guide planning decisions and to put broader strategic heritage policies from the local authority's local plan into action at a neighbourhood scale. If appropriate this should include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions.
	We note that your Plan includes housing allocations, and we refer you to our published advice available on our website,

	"Housing Allocations in Local Plans" as this relates equally to neighbourhood planning. This can be found at <a href="https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf/">https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf/</a> Further information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England. This signposts a number of other documents which your community might find useful in helping to identify what it is about your area which makes it distinctive and how you might go about ensuring that the character of the area is retained. These can be found at:-
	http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/
Natural England	Saddington Neighbourhood Plan - Regulation 16 Thank you for your consultation on the above dated 11 April 2018. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
	Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.
	Natural England does not have any specific comments on this draft neighbourhood plan.
	However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.
	Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities  Natural environment information sources
	The Magic1 website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available here2.  1 http://magic.defra.gov.uk/
	2 http://www.nbn-nfbr.org.uk/nfbr.php 3 http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/bio

diversity/protectandmanage/habsandspeciesimportance.aspx

- 4 https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making
- 5 http://magic.defra.gov.uk/
- 6 http://www.landis.org.uk/index.cfm
- 7 https://www.gov.uk/government/publications/national-planning-policy-framework--2
- 8 http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found here3. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites. **National Character Areas** (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found here4.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the Magic5 website and also from the LandIS website6, which contains more information about obtaining soil data. **Natural environment issues to consider** 

The National Planning Policy Framework7 sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance8 sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping. Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed here9), such as

Sites of Special Scientific Interest or Ancient woodland10. If there are likely to be any adverse impacts you'll need to
think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.
9
http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/bio
diversity/protectandmanage/habsandspeciesimportance.aspx
10 https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences
11
http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/bio
diversity/protectandmanage/habsandspeciesimportance.aspx
12 https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals
13 http://publications.naturalengland.org.uk/publication/35012
Priority and protected species
You'll also want to consider whether any proposals might affect priority species (listed here11) or protected species. To
help you do this, Natural England has produced advice here12 to help understand the impact of particular
developments on protected species.
Best and Most Versatile Agricultural Land
Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food,
timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are
proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a
higher quality in line with National Planning Policy Framework para 112. For more information, see our publication
Agricultural Land Classification: protecting the best and most versatile agricultural land13.
Improving your natural environment
Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on
new development or proposing sites for development, you may wish to consider identifying what environmental
features you want to be retained or enhanced or new features you would like to see created as part of any new
development. Examples might include:
☐ Providing a new footpath through the new development to link into existing rights of way.
□ Restoring a neglected hedgerow.
☐ Creating a new pond as an attractive feature on the site.
☐ Planting trees characteristic to the local area to make a positive contribution to the local landscape.
☐ Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
☐ Incorporating swift boxes or bat boxes into the design of new buildings.
☐ Think about how lighting can be best managed to encourage wildlife.
□ Adding a green roof to new buildings.
You may also want to consider enhancing your local area in other ways, for example by:
☐ Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one
exists) in your community.

	□ Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision. □ Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this14). □ Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency). □ Planting additional street trees. □ Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links. □ Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).
	14 <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/">http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/</a>
Leicestershire County Council	Saddington Neighbourhood Plan Comments Request – 11 April 2018 Leicestershire County Council is supportive of the Neighbourhood plan process and welcome being included in this consultation.  Highways General Comments The County Council recognises that residents may have concerns about traffic conditions in their local area, which they feel may be exacerbated by increased traffic due to population, economic and development growth.  Like very many local authorities, the County Council's budgets are under severe pressure. It must therefore prioritise where it focuses its reducing resources and increasingly limited funds. In practice, this means that the County Highway Authority (CHA), in general, prioritises its resources on measures that deliver the greatest benefit to Leicestershire's residents, businesses and road users in terms of road safety, network management and maintenance. Given this, it is likely that highway measures associated with any new development would need to be fully funded from third party funding, such as via Section 278 or 106 (S106) developer contributions. I should emphasise that the CHA is generally no longer in a position to accept any financial risk relating to/make good any possible shortfall in developer funding. To be eligible for S106 contributions proposals must fulfil various legal criteria. Measures must also directly mitigate the impact of the development e.g. they should ensure that the development does not make the existing highway conditions any worse if considered to have a severe residual impact. They cannot unfortunately be sought to address existing problems.  Where potential S106 measures would require future maintenance, which would be paid for from the County Council's funds, the measures would also need to be assessed against the County Council's other priorities and as such may not be maintained by the County Council or will require maintenance funding to be provide as a commuted sum.  With regard to public transport, securing S106 contributions for public transport

The current financial climate means that the CHA has extremely limited funding available to undertake minor highway improvements. Where there may be the prospect of third party funding to deliver a scheme, the County Council will still normally expect the scheme to comply with prevailing relevant national and local policies and guidance, both in terms of its justification and its design; the Council will also expect future maintenance costs to be covered by the third party funding. Where any measures are proposed that would affect speed limits, on-street parking restrictions or other Traffic Regulation Orders (be that to address existing problems or in connection with a development proposal), their implementation would be subject to available resources, the availability of full funding and the satisfactory completion of all necessary Statutory Procedures.

## Flood Risk Management

The County Council are fully aware of flooding that has occurred within Leicestershire and its impact on residential properties resulting in concerns relating to new developments. LCC in our role as the Lead Local Flood Authority (LLFA) undertake investigations into flooding, review consent applications to undertake works on ordinary watercourses and carry out enforcement where lack of maintenance or unconsented works has resulted in a flood risk. In April 2015 the LLFA also became a statutory consultee on major planning applications in relation to surface water drainage and have a duty to review planning applications to ensure that the onsite drainage systems are designed in accordance with current legislation and guidance. The LLFA also ensures that flood risk to the site is accounted for when designing a drainage solution.

The LLFA is not able to:

- Prevent development where development sites are at low risk of flooding or can demonstrate appropriate flood risk mitigation.
- Use existing flood risk to adjacent land to prevent development.
- Require development to resolve existing flood risk.

When considering flood risk within the development of a neighbourhood plan, the LLFA would recommend consideration of the following points:

- Locating development outside of river (fluvial) flood risk (Flood Map for Planning (Rivers and Sea)).
- Locating development outside of surface water (pluvial) flood risk (Risk of Flooding from Surface Water map).
- Locating development outside of any groundwater flood risk by considering any local knowledge of groundwater flooding.
- How potential SuDS features may be incorporated into the development to enhance the local amenity, water quality and biodiversity of the site as well as manage surface water runoff.
- Watercourses and land drainage should be protected within new developments to prevent an increase in flood risk. All development will be required to restrict the discharge and retain surface water on site in line with current government policies. This should be undertaken through the use of Sustainable Drainage Systems (SuDS). Appropriate space allocation for SuDS features should be included within development sites when considering the housing density to ensure that the potential site will not limit the ability for good SuDS design to be carried out. Consideration should also be given to blue green corridors and how they could be used to improve the bio-diversity and amenity of new developments, including benefits to surrounding areas.

Often ordinary watercourses and land drainage features (including streams, culverts and ditches) form part of

development sites. The LLFA recommend that existing watercourses and land drainage (including watercourses that form the site boundary) are retained as open features along their original flow path, and are retained in public open space to ensure that access for maintenance can be achieved. This should also be considered when looking at housing densities within the plan to ensure that these features can be retained.

LCC, in its role as LLFA will not support proposals contrary to LCC policies.

For further information it is suggested reference is made to the National Planning Policy Framework (March 2012), Sustainable drainage systems: Written statement - HCWS161 (December 2014) and the Planning Practice Guidance webpage.

# **Planning**

# **Developer Contributions**

If there is no specific policy on Section 106 developer contributions/planning obligations within the draft Neighbourhood Plan, it would be prudent to consider the inclusion of a developer contributions/planning obligations policy, along similar lines to those shown for example in the Draft North Kilworth NP and the draft Great Glen NP albeit adapted to the circumstances of your community. This would in general be consistent with the relevant District Council's local plan or its policy on planning obligations in order to mitigate the impacts of new development and enable appropriate local infrastructure and service provision in accordance with the relevant legislation and regulations, where applicable. <a href="http://www.northkilworth.com/wp-content/uploads/2016/01/nk-draft-low-resolution-1.pdf">http://www.northkilworth.com/wp-content/uploads/2016/01/nk-draft-low-resolution-1.pdf</a>
<a href="http://www.harborough.gov.uk/downloads/file/3599/great\_glen\_referendum\_version\_2pdf">http://www.harborough.gov.uk/downloads/file/3599/great\_glen\_referendum\_version\_2pdf</a>

# Mineral & Waste Planning

The County Council is the Minerals and Waste Planning Authority; this means the council prepares the planning policy for minerals and waste development and also makes decisions on mineral and waste development.

Although neighbourhood plans cannot include policies that cover minerals and waste development, it may be the case that your neighbourhood contains an existing or planned minerals or waste site. The County Council can provide information on these operations or any future development planned for your neighbourhood.

You should also be aware of Mineral Consultation Areas, contained within the adopted Minerals Local Plan and Mineral and Waste Safeguarding proposed in the new Leicestershire Minerals and Waste Plan. These proposed safeguarding areas and existing Mineral Consultation Areas are there to ensure that non-waste and non-minerals development takes place in a way that does not negatively affect mineral resources or waste operations. The County Council can provide guidance on this if your neighbourhood plan is allocating development in these areas or if any proposed neighbourhood plan policies may impact on minerals and waste provision.

### Education

Whereby housing allocations or preferred housing developments form part of a Neighbourhood Plan the Local Authority will look to the availability of school places within a two mile (primary) and three mile (secondary) distance from the development. If there are not sufficient places then a claim for Section 106 funding will be requested to provide those places.

It is recognised that it may not always be possible or appropriate to extend a local school to meet the needs of a

development, or the size of a development would yield a new school. However, in the changing educational landscape, the Council retains a statutory duty to ensure that sufficient places are available in good schools within its area, for every child of school age whose parents wish them to have one.

# **Property**

# **Strategic Property Services**

No comment at this time.

### **Adult Social Care**

It is suggested that reference is made to recognising a significant growth in the older population and that development seeks to include bungalows etc of differing tenures to accommodate the increase. This would be in line with the draft Adult Social Care Accommodation Strategy for older people which promotes that people should plan ahead for their later life, including considering downsizing, but recognising that people's choices are often limited by the lack of suitable local options.

### Environment

With regard to the environment and in line with the Governments advice, Leicestershire County Council (LCC) would like to see Neighbourhood Plans cover all aspects of the natural environment including climate change, the landscape, biodiversity, ecosystems, green infrastructure as well as soils, brownfield sites and agricultural land.

# **Climate Change**

The County Council through its Environment Strategy and Carbon Reduction Strategy is committed to reducing greenhouse gas emissions in Leicestershire and increasing Leicestershire's resilience to the predicted changes in climate. Neighbourhood Plans should in as far as possible seek to contribute to and support a reduction in greenhouse gas emissions and increasing the county's resilience to climate change.

# Landscape

The County Council would like to see the inclusion of a local landscape assessment taking into account Natural England's Landscape character areas; LCC's Landscape and Woodland Strategy and the Local District/Borough Council landscape character assessments. We would recommend that Neighbourhood Plans should also consider the street scene and public realm within their communities, further advice can be found in the latest 'Streets for All East Midlands' Advisory Document (2006) published by English Heritage.

# **Biodiversity**

The Natural Environment and Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their duties, to the purpose of conserving biodiversity. The National Planning Policy Framework (NPPF) clearly outlines the importance of sustainable development alongside the core principle that planning should contribute to conserving and enhancing the natural environment and reducing pollution. Neighbourhood Plans should therefore seek to work in partnership with other agencies to develop and deliver a

strategic approach to protecting and improving the natural environment based on local evidence and priorities. Each Neighbourhood Plan should consider the impact of potential development on enhancing biodiversity and habitat connectivity such as hedgerows and greenways.

The Leicestershire and Rutland Environmental Records Centre (LRERC) can provide a summary of wildlife information for your Neighbourhood Plan area. This will include a map showing nationally important sites (e.g. Sites of Special Scientific Interest); locally designated Wildlife Sites; locations of badger setts, great crested newt breeding ponds and bat roosts; and a list of records of protected and priority Biodiversity Action Plan species. These are all a material consideration in the planning process. If there has been a recent Habitat Survey of your plan area, this will also be included. LRERC is unable to carry out habitat surveys on request from a Parish Council, although it may be possible to add it into a future survey programme.

Contact: planningecology@leics.gov.uk, or phone 0116 305 4108

### **Green Infrastructure**

Green infrastructure (GI) is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. (NPPF definition). As a network, GI includes parks, open spaces, playing fields, woodlands, street trees, cemeteries/churchyards allotments and private gardens as well as streams, rivers, canals and other water bodies and features such as green roofs and living walls. The NPPF places the duty on local authorities to plan positively for a strategic network of GI which can deliver a range of planning policies including: building a strong, competitive economy; creating a sense of place and promote good design; promoting healthier communities by providing greater opportunities for recreation and mental and physical health benefits: meeting the challenges of climate change and flood risk: increasing biodiversity and conserving and enhancing the natural environment. Looking at the existing provision of GI networks within a community can influence the plan for creating & enhancing new networks and this assessment can then be used to inform CIL (Community Infrastructure Levy) schedules, enabling communities to potentially benefit from this source of funding. Neighbourhood Plan groups have the opportunity to plan GI networks at a local scale to maximise benefits for their community and in doing so they should ensure that their Neighbourhood Plan is reflective of the relevant Local Authority Green Infrastructure strategy. Through the Neighbourhood Plan and discussions with the Local Authority Planning teams and potential Developers communities are well placed to influence the delivery of local scale GI networks.

# **Brownfield, Soils and Agricultural Land**

The NPPF encourages the effective use of brownfield land for development, provided that it is not of high environmental/ecological value. Neighbourhood planning groups should check with DEFRA if their neighbourhood planning area includes brownfield sites. Where information is lacking as to the ecological value of these sites then the Neighbourhood Plan could include policies that ensure such survey work should be carried out to assess the ecological value of a brownfield site before development decisions are taken.

Soils are an essential finite resource on which important ecosystem services such as food production, are dependent on. They therefore should be enhanced in value and protected from adverse effects of unacceptable levels of pollution. Within the governments "Safeguarding our Soils" strategy, DEFRA have produced a code of practice for the

sustainable use of soils on construction sites which could be helpful to neighbourhood planning groups in preparing environmental policies.

High quality agricultural soils should, where possible be protected from development and where a large area of agricultural land is identified for development then planning should consider using the poorer quality areas in preference to the higher quality areas. Neighbourhood planning groups should consider mapping agricultural land classification within their plan to enable informed decisions to be made in the future. Natural England can provide further information and Agricultural Land classification.

Impact of Development on Civic Amenity Infrastructure

Neighbourhood planning groups should remain mindful of the interaction between new development applications in a district area and the Leicestershire County Council. The County's Waste Management team considers proposed developments on a case by case basis and when it is identified that a proposed development will have a detrimental effect on the local civic amenity infrastructure then appropriate projects to increase the capacity to off-set the impact have to be initiated.

Contributions to fund these projects are requested in accordance with Leicestershire's Planning Obligations Policy and the Community Infrastructure Legislation Regulations.

### Communities

### Communities

Consideration of community facilities is a positive facet of Neighbourhood Plans that reflects the importance of these facilities within communities and can proactively protect and develop facilities to meet the needs of people in local communities. Neighbourhood Plans provide an opportunity to;

- 1. Carry out and report on a review of community facilities, groups and allotments and their importance with your community.
- 2. Set out policies that seek to;
- protect and retain these existing facilities,
- support the independent development of new facilities, and,
- identify and protect Assets of Community Value and provide support for any existing or future designations.
- 3. Identify and support potential community projects that could be progressed.

You are encouraged to consider and respond to all aspects community resources as part of the Neighbourhood Planning process. Further information, guidance and examples of policies and supporting information is available at <a href="https://www.leicestershirecommunities.org.uk/np/useful-information">www.leicestershirecommunities.org.uk/np/useful-information</a>.

# **Economic Development**

We would recommend including economic development aspirations with your Plan, outlining what the community currently values and whether they are open to new development of small businesses etc.

# **Superfast Broadband**

High speed broadband is critical for businesses and for access to services, many of which are now online by default. Having a superfast broadband connection is no longer merely desirable, but is an essential requirement in ordinary

		daily life. All new developments (including community facilities) should have access to superfast broadband (of at least 30Mbps) Developers should take active steps to incorporate superfast broadband at the pre-planning phase and should engage with telecoms providers to ensure superfast broadband is available as soon as build on the development is complete. Developers are only responsible for putting in place broadband infrastructure for developments of 30+ properties. Consideration for developers to make provision in all new houses regardless of the size of development should be considered.
		Equalities  While we cannot comment in detail on plans, you may wish to ask stakeholders to bear the Council's Equality Strategy 2016-2020 in mind when taking your Neighbourhood Plan forward through the relevant procedures, particularly for engagement and consultation work. A copy of the strategy can be view at:  www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/30/equality-strategy2016-2020.pdf
Persimmon Homes	Policy ENV1. Para 7.2.2 pages 38 to 39	It should be brought to the attention of the Inspector examining this document that within part of the proposed area of separation under policy ENV1, there is an approved scheme for 290 houses (Appeal Ref: APP/F2415/W/17/3182409 – 16/01355/FUL refers) that Persimmon Homes are involved with – please see plan and decision notice attached. As such, this is a material change in circumstance and the area of separation should be amended to take this into account (omit)
		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3182409 (full text included with the submission)







Harborough District Council	Policy ENV1 Area of Separation  H2  H3  ENV1  ENV4  Ridge and Furrow	Part of the area of separation (south of Fleckney west of Saddington Road) has a development permitted at appeal (Appeal Ref: APP/F2415/W/17/3182409)  A further part of the area of separation (south of Fleckney, east of Saddington Road) is subject to a planning application ref17/01860/OUT  Policy H2: suggest criterion g) be amended as follows: g) can be demonstrated that capacity is currently available within existing wastewater infrastructure or that capacity can be made available in time to serve the development; and  Policy H3: last sentence: Replace 'Analysis' with 'Assessment'.  Policy HS: Suggest criterion d) be amended to read as follows: d) Development should enhance biodiversity and  Policy ENV1: Proposed boundary of the Area of Separation needs to be amended in light of appeal decision to allow erection of 290 dwellings on Land at Fleckney Road. Policy ENV4: Delete 'or' from last line of policy.  7.2.7 Ridge and Furrow: Last paragraph of 7.2.7 refers to 'Amesby' rather than Saddington.
	CF2, BE4, T1	Policy CF2: Include 'and' after criterion c). Policy BE4: Include 'and' after criterion d). Policy T1: Include 'and' after criterion e).
		The Plan is usefully set out in logical sections that deal with each policy area in turn, however it could benefit from paragraph numbers to make the document easier to navigate and reference.