

A REPORT TO HINCKLEY & BOSWORTH BOROUGH COUNCIL

FURTHER TO THE EXAMINATION OF

THE STOKE GOLDING NEIGHBOURHOOD PLAN REVIEW 2020-2041

UNDERTAKEN BY

Dr LOUISE BROOKE-SMITH, OBE, FRICS, MRTPI

INDEPENDENT EXAMINER

APRIL 2024

Contents

Summary and Overall Recommendation	3
1. Introduction	5
1.1 Neighbourhood Development Plan Regime	5
1.2 Appointment and role of the Independent Examiner	6
1.3 The Examination process	8
2.0 Background to the Stoke Golding Neighbourhood Plan Review	9
3.0 Compliance with matters other than the Basic Conditions and Human Rights	11
The Qualifying Body	11
The Plan Area	11
Excluded Development	12
Development and use of land	12
4.0 The Basic Conditions and Human Rights	13
4.1 Basic Conditions Statement	13
4.2 National Policy, Advice and Guidance	13
4.3 Sustainable Development	14
4.4 The Development Plan and Strategic Policy	14
4.5 European Union (EU) Obligations and Conventions	15
5.0 Assessment of the Stoke Golding Neighbourhood Plan Policies	17
5.1.0 The overall presentation and form of the update Plan	17
5.2.0 Neighbourhood Plan Policies	19
5.3.0 Housing	20
5.4.0 Countryside	24
5.5.0 Heritage and Design	27
5.6.0 Services and Facilities	29
5.7.0 Traffic and Transport	30
5.8.0 Employment	30
6.0 Plan Delivery, Implementation, Monitoring and Review	31
7.0 Need for a Referendum	31
8.0 Summary and Recommendation	33
Appendix A - Documents reviewed by the Examiner.	35
Appendix B – Examiner's use of Abbreviations	36

Summary and Overall Recommendation

As the Independent Examiner into the review of the Stoke Golding Neighbourhood Plan, I have been requested by Hinckley and Bosworth 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 Stoke Golding 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 40 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 at the time of convening by HMGov Department of Housing, Communities and Local Government.

I have undertaken a thorough examination of the Submission Version of the Stoke Golding Neighbourhood Plan Review. 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, with modification, the said Plan meets the Basic Conditions and human rights requirement, as set out in the respective legislation and guidance. **I have highlighted where I consider modifications are required and indicated the nature of those changes. These have been set out in bold throughout my Report and are presented to complement the style of the overall document.***

Hence, with modifications, I consider that the revised Stoke Golding 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 understand that the LPA considers that the proposed amended policies to the 'made' Plan change the nature of that Plan. I note the current guidance pertaining to this situation, but given the changes, while material, do change the nature of the Plan. As such, while an examination has been necessary, the revised Plan does not need to proceed to a referendum.

I am charged with reviewing the overall impact of the Plan and the following examination report addresses the overall compliance of the Plan and as such I have needed to address a number of broader elements – over and above just the changes indicated in the NP Review.

I note that the Plan area incorporates part of the adjoining parish, with full agreement from all parties. I have no concerns over the defined Plan area or the manner of its confirmation and consider that this area would be appropriate, had a referendum been required.

In summary, however I consider that subject to some modification, the Plan can proceed to be 'made' without needing to hold a referendum.

Finally, I refer to several 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,

April 2024

1. Introduction

1.1 Neighbourhood Development Plan Regime

- 1.1.1 The Neighbourhood Development 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 Development 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 identifying specific policy or evidence.
- 1.1.3 This Report provides the findings of an Examination into the Stoke Golding Neighbourhood Plan Review, which is here on referred to as the Plan, the Revised Stoke Golding NP, the SGNP Review or the Updated NP.
- 1.1.4 The Plan was prepared by the Neighbourhood Plan Advisory Committee, on behalf of the Stoke Golding Parish Council working in consultation with the Local Planning Authority, namely Hinckley and Bosworth Borough Council and a range of interested parties, statutory bodies, community groups, landowners and their agents, plus other key stakeholders.
- 1.1.5 Where a neighbourhood plan is proposed to be revised, there are certain options in terms of statutory process, depending on the extent of the proposed revisions. Minor or non-material changes that would not materially affect policies can be made by the LPA, with consent from the QB. In these circumstances, there is no need to repeat Regulation 14 consultation, an examination or the referendum.
- 1.1.6 If a QB wish to make modifications that materially affect the policies in the neighbourhood plan, the plan would still need to go through the later stages of the statutory process, from Reg 14 pre-submission consultation onwards, although a referendum may not be required.
- 1.1.7 If updates are proposed that would materially affect policies, there are certain additional requirements;
- at the Reg 14 consultation stage the QB must state whether it believes that the modifications are so significant or substantial as to change the nature of the plan, giving reasons;

- when sending the plan to the independent examiner, the LPA must state whether it believes that the modifications are so significant or substantial as to change the nature of the plan, giving reasons;
- the examiner will then decide whether the modifications proposed change the nature of the plan and the QB must decide whether to proceed with the examination.

1.1.8 A referendum is not required if an examiner decides that the modifications are not so significant or substantial as to change the nature of the plan and would meet the basic conditions (with modifications if necessary). In this situation, an LPA must make the plan within 5 weeks of receiving the examiner's report (or as agreed with the QB).

1.1.9 However, if the examiner finds that proposed modifications do change the nature of the plan, the LPA will need to publicise and consider the examiner's report in the same way as for a new neighbourhood plan and a referendum would be required.

1.2 Appointment and role of the Independent Examiner

1.2.1 In accordance with current regulations, I was formally appointed by Hinckley and Bosworth Borough Council, as the Examiner of the revised Neighbourhood Plan in January 2024. I was issued with the relevant documentation in February 2024 and formally began the examination shortly thereafter.

1.2.2 In examining the amended Plan, I am still required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:

- *The Neighbourhood Development Plan has been prepared and submitted for examination by a Qualifying Body.*
- *The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
- *The Neighbourhood Development 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 Hence, my role has also been to consider whether the Updated 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

Development 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 Development Plan, new or amended, 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 Development Plans, in addition to those set out in primary legislation and referred to in the paragraph above.

- *The making of the Neighbourhood Development 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 proposed revised Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am allowed to make one of the following recommendations:

- *a) that the Plan can proceed without modification on the basis that it meets all legal requirements and the changes from the 'made' Plan **do not change the nature of the plan,***
- *b) that the Plan should be subject to modification but will then meet all relevant legal requirements and can proceed as, again the changes from the 'made' Plan **do not change the nature of the plan,***
- *c) that the Plan modified or not, proceeds to Referendum, on the basis that it meets the relevant legal requirements but the changes from the 'made' Plan **do change the nature of the Plan.***
- *d) that the Plan fails to meet the relevant legal requirements and **is unable to be modified, in which case the Plan does not proceed.***

- 1.2.7 If recommending that the Plan should proceed via a Referendum, I am required to consider whether, or not, the Referendum Area should extend beyond the defined Neighbourhood Plan Area.
- 1.2.8 As noted above, the role of any Independent Examiner is to assess any Plan, original or revised, in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether the Plan is sound, where changes could 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 PPG and the first basic condition.
- 1.2.9 It should also be noted that it is not normally the role of the Examiner to add policies, even if these are suggested by statutory consultees or stakeholders. In this regard, where relevant, comments on Regulation 16 representations are noted later in this report.

1.3 The Examination process

- 1.3.1 While I am aware that some of the preparation of the original NP took part during a partially restricted period associated with the Covid19 pandemic, the review has taken place after those restrictions were lifted. Before, throughout and after the pandemic, the general rule has remained in place, namely that examinations should preferably be conducted by written representations unless there is sufficient reason to hold a Hearing to explore controversial or ambiguous matters. In this case, I have been able to consider the Plan by way of the key documents, relevant background information, evidence base, supporting reports and written representations. I have not considered it necessary to hold a Hearing to complete my findings.
- 1.3.2 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. I have had specific regard to the following documents, which set out extant legislation, regulation, and guidance.
- *National Planning Policy Framework (The Framework) was issued in 2012 and was revised in 2018, 2019, 2021 and September 2023. I note that the NP review has had regard to those changes, but not the most recent version of the NPPF which was issued in December 2023. **This most recent version of the NPPF presents changes to the requirements of providing land for future housing needs. However, the general policy relating to Neighbourhood Plans remains in place as does the overall approach endorsing sustainable development.***
- I understand that the submission version of the NP review was prepared reflecting the Sept 2023 version of the NPPF. The more recently updated version of the NPPF was issued during the regulation 16 consultation period.*

The QB / LPA have the option to reconfirm the text at the beginning of the NP and within the Basic Conditions Statement that salient NPPF paragraph references are to the September 2023 version of that document but acknowledge that the document has been updated – or – they could undertake a review and update any changed paragraph references to the December 2023 version of the NPPF.

I consider that for the avoidance of any doubt in the mind of any user of the NP, the most recent version of the NPPF (Dec 2023) should be referenced in the Basic Conditions Statement and any explanatory text through the NP document.

I do not believe that the changes presented in the Dec 2023 version of the NPPF change any of the critical elements that are reflected in the proposed policies of the NP review, but moreover enhance it.

- 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.

1.3.3 Finally, I confirm that I have undertaken an unaccompanied site visit to the Plan area.

2.0 Background to the Stoke Golding Neighbourhood Plan Review

2.1 The NP area is rural in nature, extends to circa 356Ha, and lies in the southwest of Leicestershire close to the Warwickshire boundary, to the northwest of Hinckley and to the northeast of Nuneaton. The main settlement of Stoke Golding sits central to the NP area, The NP area includes a small section of Higham on the Hill Parish, with the agreement of that Parish Council.

2.2 As noted above, the original Stoke Golding NP was 'made' in March 2022. This followed an examination and a positive referendum. The current review of that 'made' NP is being pursued by the Qualifying Body to incorporate changes that reflect changes in national and local planning policy. These concern the following;

- *changes to the Preface of the 'made' NP*
- *changes to the settlement boundary and the proposed addition of more Local Green Spaces.*
- *changes to Section 1 Introduction and the addition of a new policy (SG1)*
- *changes to Section 3 Key Issues, Sustainable Development and Vision and comment on the Strategic Environment Assessment (SEA) Screening Assessment*

- *changes to Section 4 – Housing and Policy SG2 - Housing Requirements and identification of approved housing sites.*
- *changes to Policy SG4 - Infill Housing Development*
- *changes to the Settlement Boundary to propose the inclusion of permitted development sites and exclusion of other land*
- *changes Policy SG5 – Market Housing Mix to restrict against larger units*
- *changes to Policy SG6 - Affordable Housing to introduce ‘First Homes’.*
- *changes to Policy SG7 - Countryside to remove ambiguity*
- *changes to Policy SG11 - Locally Important Views to include an appendix*
- *changes to Policy SG12 - Ecology and Biodiversity*
- *changes to Policy SG13 - Trees and Hedgerows and buffer zone*
- *changes to Section 6 – Heritage and Design and proposed addition of new areas of protection under Policy SG15*
- *changes to Section 7 – with the proposed addition of three further Local Green Spaces*

- 2.3 An Advisory Committee has pursued consultation across the NP area including engagement with the community and stakeholders with respect to the vision of the NP.
- 2.4 The documents before me, and in the public domain, indicate that regular meetings and consultation with the community and stakeholders took place in 2023. This included local presentations, formal and informal meetings. The Advisory Committee met regularly, and consideration was given to issues raised by the local community and stakeholders. This confirmed the original vision and objectives of the ‘made’ NP and helped shape the revision of some policies.
- 2.5 The consultation background to the revised Plan is set out clearly in the Consultation Statement (2023) 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 and comment further on this below.
- 2.6 I have reviewed the evidence base which supports the policies of the revised Plan. These continue to appropriately reflect the objectives and vision of the document. I find that the evidence base and the Consultation Statement to be proportionate to the nature of the Plan.
- 2.7 The revised Plan was subject to some changes as a result of the consultation process and the Reg 14 submissions by third parties. The LPA considered that a high proportion of the proposed changes to the ‘made’ NP were material changes and

that an examination was required. A Submission Version of the revised NP was duly prepared and submitted to the LPA. After a formal period of public consultation under Regulation 16, it was confirmed that the Plan could proceed to examination.

- 2.8 I have been presented with written representations under Regulations 14 and 16, to the Draft and Submission Versions of the Plan which were submitted within the formal time periods. As is common, some representatives have been in support of the emerging NP but equally some have raised objections. I have reviewed them all.

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 Stoke Golding Parish Council is a properly constituted body, i.e., a Qualifying Body for the purposes of preparing a Neighbourhood Development Plan, in accordance with the aims of Neighbourhood Development Planning as set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (as amended) and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

The Plan Area

- 3.3 The Stoke Golding Neighbourhood Area reflects the boundary of Stoke Golding Parish together with a small element of the adjoining Higham on the Hill Parish. Other than the 'made' NP for Stoke Golding, I am advised that no other Neighbourhood Development Plan has been proposed for this area.
- 3.4 An appropriate application to prepare a revised NP was submitted to the Council by the QB shortly after the original NP was 'made'. The appropriate protocols 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 Development Planning (General) Regulations 2012.

- The Plan Period

- 3.5 Any Neighbourhood Development Plan must specify the period during which it is to have effect. The Stoke Golding Neighbourhood Plan Review states on its front cover and in its introductory sections that it addresses the period between 2020 and 2041. I note that this reflects the request by Hinckley and Bosworth Borough Council to all qualifying bodies that their respective NPs should reflect the timescale of the

emerging new Local Plan. I understand that other NPs across the Borough are adopting the same dates and accept that there is merit in aligning the date of the NP to the relevant Development Plan, albeit an emerging one. I am satisfied that this matter is clear and appropriately explained within the NP documentation.

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 Development Plan area. While I find there are some areas which would benefit from improved clarity or amended text, as noted 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 Development 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 felt that a policy, or part of a policy was ambiguous, unnecessarily duplicated other policies or statutory regulations, or concerned 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.

- Public Consultation

- 3.9 Planning legislation requires public consultation to take place during the production of any Neighbourhood Development Plan or their respective review. 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.
- 3.10 I have assessed the Consultation Statement prepared by the QB. As a requirement of the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012 as amended, this was submitted to the Council and made available via the LPA and Parish websites. I find the document comprehensive, and indicative of a thorough and appropriate consultation exercise being pursued.
- 3.11 The Consultation Statement sets out the approach taken by the QB, and the organisations approached. A range of stakeholders including statutory bodies were given the opportunity to contribute. I note that a series of public meetings and open

days were held and am of the opinion that the consultation exercise was sufficiently thorough, and a wide spectrum of the local, professional and statutory community was approached.

- 3.12 I have reviewed the salient documents relating to the consultation work undertaken. This information is clear and helpful. I consider that the various initiatives and the general approach adopted were inclusive and sufficiently robust.
- 3.13 I consider that the responses to representations made to the Neighbourhood Plan Review, as it progressed through its preparation stages, were generally appropriate. Professional agents were retained by some landowners, while other residents and landowners made individual submissions to the emerging NP. I have reviewed all representations but 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. In this light, I believe the submissions at Reg 14 stage of proceedings to the draft version of the NP were appropriately assessed, undertaken or refuted by the QB and this stance clearly explained.
- 3.14 As noted elsewhere in this Report, given the evidence before me, I have not felt it necessary to hold a public hearing, as the comments made by Regulation 16 parties and the stance of the LPA and QB has been clear. No issues have been ambiguous.
- 3.15 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, Regulations, 14, 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 (BCS) (2023) and find it to be a comprehensive and well-written document. As noted earlier in my report, I consider that it **needs to be updated in terms of references to specific paragraphs from the most recent version of the NPPF, namely that published in December 2023.**

4.2 National Policy, Advice and Guidance

- 4.2.1 As noted earlier, the extant NPPF (2018 and revised publications in 2019, 2021 and 2023) explain that a presumption in favour of sustainable development means that Neighbourhood Development Plans should support the strategic development needs set out in the Development Plan and plan positively to support local development. This principle has not been amended in the most recent version of the NPPF but for accuracy, **I suggest that the December 2023 version of the NPPF be referenced in the BCS and NP (see my comments earlier on this matter),**

- 4.2.2 The Framework remains clear that Neighbourhood Development 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 Development Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency. It is stressed that while it is acknowledged that I have been presented with a revised version of a previously 'made' NP, my examination has been of the Plan, as a whole and not just the amended policies and explanatory text.
- 4.2.3 The Basic Conditions Statement clearly explains how the NP responds to specific planning principles, as set out in the NPPF (2023) and makes appropriate cross reference to specific NP policies.
- 4.2.4 Given the guidance found within Planning Practice Guidance (PPG) which accompanies the NPPF, I have considered the extent to which the revised NP meets this first basic condition in Section 5 below and, **find the Plan compliant on the understanding that updated NPPF paragraph numbers can be inserted where necessary into the table contained within the BCS.**

4.3 Sustainable Development

- 4.3.1 Any Neighbourhood Development Plan should contribute to the achievement of sustainable development. The NPPF (2021 and 2023) explains that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken and explained 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 Policy

- 4.4.1 The 'Development Plan' for Stoke Golding Neighbourhood Area comprises the Hinckley and Bosworth Local Plan (2006 – 2026) which consists of the Core Strategy (2009), Site Allocations and Development Management Policies DPD (2016), the Hinckley Town Centre AAP (2011) and the Earl Shilton and Barwell AAP (2014). Of these, the first two are the most relevant documents for an examination of the revised NP.
- 4.4.2 I note that the Local Plan is in the process of being updated. Following the submission of the Neighbourhood Plan Review, Hinckley and Bosworth Borough Council became

a signatory of the Leicester and Leicestershire Statement of Common Ground on the 30th January 2024. The Borough Council has accepted a figure of 102 dwellings pa of Leicester's unmet housing need. However, the Borough Council currently maintains an objection to the final part of the Housing and Economic Needs Assessment (HENA) Housing Distribution Paper which considers deliverability (including housing stock growth) and the apportionment of 85 units pa of Leicester's unmet housing need. Some work has been undertaken with regard to this, further to the standard method calculation as indicated in Planning Practice Guidance. However, the replacement Local Plan is still to be the subject of examination and adopted.

4.4.3 Hence, as at the time of my examination, a definitive indication of housing need, and potential changes to settlement hierarchy and infrastructure delivery remains the subject of review by the LPA.

4.4.4 **I advise that the most up to date position regarding housing need and supply is included within the text of the NP Review and at para 4.11 of the submission NP document, and reference therefore made to the acceptance by the Borough Council of the Statement of Common Ground, but reticence with regard to the HENA.**

4.4.5 To proceed with the revised NP, I accept that the QB has needed to make appropriate assumptions and that it has done this in light of its own housing surveys. The LPA has acknowledged the impact of the delay of the replacement Local Plan and has endorsed the housing approach taken by the QB in the revised NP. I welcome this endorsement, as it indicates a realistic working arrangement between the LPA and the QB.

4.4.6 Until the replacement Local Plan advances and is adopted, the Core Strategy policies of the extant Development Plan, adopted in 2009, remain the salient policies to guide the Stoke Golding NP review. This is acknowledged by the QB and indeed Section 4 of the BCS explains how the proposed NP policies are in general conformity with strategic policies. It highlights specific Core Strategy policies from the Development Plan and policies from the Site Allocations and Development Management DPD. I find this to be appropriate and helpful.

4.4.7 **Hence, I find that, subject to modifications detailed elsewhere in this report, 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 Development Plan must still be compatible with certain obligations

adopted through European statute, as they have been incorporated into UK law. The NP would not be compliant otherwise.

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 Development Plans.
- 4.5.3 I am advised that an SEA screening was undertaken into the original NP and an SEA was produced by Aecom. I note that an SEA screening was undertaken by Planit X in February 2023 on behalf of the QB into the emerging revised version of the NP. The screening involved liaison with relevant statutory bodies. The screening responses advised that policies within the proposed revised Stoke Golding NP were not expected to have any significant environmental effect and hence an SEA was not required.
- 4.5.4 This was endorsed by the LPA in writing on the 19th December 2023, when the emerging NP review had progressed to the regulation 16 stage. **I concur with the stance of the LPA and find that the revised version of 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 am not aware that a similar exercise was undertaken into the revised NP with regards to Habitat Regulations. I note the reference in the Basic Condition Statement in Section 5 that refers to the screening undertaken in 2017 that found that no HRA was required. I accept that the revisions to the NP do not introduce elements that would undermine or change that finding. The LPA confirmed, in December 2023, that in its view, no HRA was required. I concur with this view.
- 4.5.6 Given the nature and extent of the NP review, **I find that the revised NP meets the legal requirements of the EU Regulations and conclude that, in this respect, the Plan is compliant.**
- 4.5.7 **Furthermore, I find given the nature of policies proposed within the revised NP, an Environmental Impact Assessment is not required to accompany the NP. None of the proposed policies relate to development of a scale or nature as to warrant such work. None fall under the criteria of the extant EIA Directive.**

- **Equality Impact Assessment and Human Rights**

- 4.5.8 The Basic Conditions Statement makes reference at Section 7, to the Equality Act 2010 and the need for an Equality Impact Assessment. I note the Assessment attached at Appendix 1 of the BCS and accept that given the nature and extent of the revised NP, the duty of the LPA has been met.
- 4.5.9 While no reference is made to the European Charter on Human Rights (ECHR) and Human Rights Act 1998, I am unaware of any matters proposed in the revised NP that challenge issues of human rights. While comments have been made with regard to this in representations at the Reg 14 and 16 stages of the Plan, I do not consider that sufficient or robust evidence has been presented to indicate that this is not the case. I conclude that the Plan does not breach and is otherwise compatible with the ECHR.
- 4.5.10 I am not aware of any other European Directives which apply to this particular Neighbourhood Development Plan, and **hence am satisfied that the Plan is compatible with EU obligations.**

5.0 Assessment of the Stoke Golding Neighbourhood Plan Policies

5.1.0 The overall presentation and form of the update 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 Stoke Golding Neighbourhood Plan Review is straightforward and well explained. I find the figures and illustrations generally clear, and these have been inserted appropriately throughout the document, where they are relevant to the policies proposed. I have commented below on any figure or map found to be ambiguous and could be amended to provide clarity for any user.
- 5.1.2 The statutory context and relevant background to the revised Stoke Golding NP is appropriately set out in the first two sections of the Plan. These set the scene for the NP vision in terms of the statutory and governance structure, and commentary on the historic background and socio-economic profile of the area. The key issues, sustainable development and NP vision are set out in Section 3. This sets the context for specific policies that follow in Sections 4 to 10, covering; housing, the countryside, heritage and design, local green spaces, services and facilities, traffic and transport and employment.
- 5.1.3 Before I comment on specific policies, however, I wish to highlight the following points;

- **Para 1.8 – Reflecting my earlier comments on the various versions of the NPPF, it would be appropriate to EITHER add reference in this paragraph, that the September 2023 version of the NPPF has been used throughout the NP review – OR – this paragraph is updated to refer to the most recent version of the NPPF and the Basic Conditions Statement is amended accordingly.**
- **I repeat that while I am happy with either approach, my preference would be for the BCS and NP Review to refer to the most recent version of the NPPF.**
- **Para 1.14 – it would be helpful to include the date of adoption of the Site Allocations and Development Management Document.**

5.1.4 In terms of style, I find the document easy to use and would anticipate any reader or decision maker to be able to navigate policies and supporting text without undue difficulty. However, to assist further,

- **I suggest that the various maps, illustrations, figures and tables should be listed at the front of the document, following the list of contents.**

5.1.5 I now turn to the policies as presented in the revised Plan. As the examiner, and as noted above, while the document before me comprises a revision of a 'made' NP, I have considered it important to review the objectives and the explanatory text throughout the Submission Version, to ensure there is no ambiguity or confusion. Where this exists, I have proposed modifications.

5.1.6 In terms of evidence to support the revised NP policies, I have reviewed the documents in the public domain and all information sent to me by the LPA. 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 issued by the QB through the Plan's preparation.

5.1.7 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. Some suggestions have been included in the Submission Version of the NP Review while some have not. I should stress again 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. The addition of any policies or amendments to the text as the Plan is being prepared, is at the discretion of the QB.

5.1.8 On balance, I consider that 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 Review.

5.1.9 Further to the above, I now consider the revised 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 compliant with Basic Conditions 4 and 5 and the following sections of this Report assess whether I consider it complies fully 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).

5.1.10 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. While I am aware of the specific policies that have changed since the original NP was 'made', and assessed each of these specifically, I have also assessed the remaining policies to ensure that they do not conflict in any way.

5.1.11 My examination has **not** comprised a forensic review of the rationale behind each policy. Where I found that the evidence base was unacceptably weak or erroneously interpreted or proposals have been suggested that conflict with extant statute or are ultra vires, I have suggested appropriate modifications. **I stress that it is not the role of the Examiner to re-write elements of the NP requiring modification on behalf of the QB or LPA.**

5.1.12 I have, however, considered the helpful suggestions offered by the QB in its response to the Regulation 16 representations. In some places they concur with my findings, I have proposed amended text where relevant and where I have found policies to be non-compliant. In other cases, I consider that sufficient guidance has been presented so modification can be prepared by the QB/LPA.

5.1.13 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, general conformity with the strategic policies of the Development Plan or the robustness of the evidence base. I have also picked up representations that highlight factual or typographical errors.

5.2.0 Neighbourhood Plan Policies

5.2.1 As I note above, sections 1 through to 3 present a good overview of why the NP has been prepared and the approach taken. Sufficient historical, demographic and socio-economic context is presented.

5.2.2 I note that Map 1 indicates the 'Neighbourhood Area'. I accept that the document continues to use this phraseology. Whilst it is more common practice to use the phrase 'Neighbourhood Plan Area', I accept that this minor change in reference does

not detract from the essence of the Plan, nor should it introduce confusion to any reader.

- 5.2.3 In terms of the key objectives, vision and the accompanying policies, I consider that few elements are ambiguous. The style of this NP is clear in that explanatory text and reference to the evidence base precedes each specific policy and reference is made to the general objectives of the NP. Unlike some other NPs, no specific reference is made to either relevant Core Strategy policies or the NPPF. This is contained solely within the BCS. This is a matter of style, which I find acceptable.

Policy SG1 – Decision Taking

- 5.2.4 This is a broad policy that simply emphasises that the NP should be read as a whole, and relevant policies then taken into account by decision makers.

- 5.2.5 **I concur and find POLICY SG1 compliant.**

5.3.0 Housing

- 5.3.1 The opening paragraphs of this section set the scene well and comment appropriately on the emerging Hinckley and Bosworth Local Plan – as alluded to above. While I understand the wish of any QB to pursue a NP for its area in timely fashion, the benefits of pursuing a review of a relatively newly ‘made’ NP when the emerging Local Plan for the area may only be 18 months away, may be nominal.
- 5.3.2 It is not, however, the role of an examiner to question the timing of the pursuit of a NP unless erroneous assumptions have been made and or the NP fails to make appropriate reference to the extant local or national policies. In this case, the NP Review clearly and correctly states that the proposed NP revised policies are presented as being in general conformity with the extant Core Strategy policies.

Policy SG2 – Housing Requirement

- 5.3.4 This policy is relatively straightforward. The explanatory text notes that the housing need for Stoke Golding, as a Key Rural Centre further to Development Plan has already been addressed and hence no further dedicated housing sites have been identified. I am aware that the Core Strategy indicates that a minimum of 60 new homes would be required between 2006 and 2026. More than double that minimum requirement has been approved to date.
- 5.3.5 As noted above, there is ongoing debate as to the housing requirement for the Borough up to 2041. Hinckley and Bosworth BC is a signatory to the Leicester and Leicestershire Statement of Common Ground and has endorsed 102 units pa of Leicester’s unmet housing need. However. It does not concur with the final part of the Leicester and Leicestershire Housing and Economic Needs Assessments (HENA)) which considers deliverability and suggests that 187 units pa would be required for

- the HBBC area. An objection remains in place to the last part of the HENA but currently a figure of 102 units pa of Leicester's unmet housing need has been agreed to be tested through the Local Plan process.
- 5.3.6 Reflecting the units in the pipeline, on approved housing sites, Policy SG2 simply notes the anticipated number of units required and advises that committed developments, allocated sites and windfall sites will generate the necessary supply.
- 5.3.7 This appears pragmatic. There is, with very specific reference in the policy, for a number of housing units but this is presented as a minimum figure which anticipates that the figure may change following the adoption of the emerging Local Plan.
- 5.3.8 I accept that one of the reasons for undertaking a review of the NP is to allow it to advise developers and decision makers up to 2041. Accordingly, a degree of realism should be adopted in terms of potential future housing needs. I note that developers and their advisers take a similar stance in their Reg 14 and 16 representations.
- 5.3.9 However, I consider that the QB has been realistic in terms of anticipating when identified housing sites might materialize and has accepted that the figures presented in the extant Core Strategy are minimum requirements.
- 5.3.10 I am aware that the community is keen to restrict unnecessary development and other than Mulberry Farm, no other development sites have been designated within the NP. I note the assessment of potential land undertaken as the original NP was prepared and I have reviewed the argument presented by the QB with respect to citing a minimum housing requirement of 235 units.
- 5.3.11 I note para 14 of the most recently published NPPF but remain of the view that the decision to identify further residential land is at the discretion of the QB. In not doing so, the Plan is not inconsistent with Core Strategic policies. Given the pipeline of residential units, and the stance of the LPA in terms of accommodating additional residential units to address Leicester's under supply, as explained above, I find the QB's position and explanation to be robust. I do not consider it to be in conflict with extant strategic policy or the NPPF.
- 5.3.12 I consider the accompanying text helps to explain that a number of developments in and around Stoke Golding have the benefit of permission and are expected to be completed. With the addition of land at Mulberry Farm, the subject of Policy SG3, plus windfall sites, I consider that the QB has been pragmatic in its approach and clearly accepts that as the Local Plan review progresses, housing needs may change too.
- 5.3.13 I find that the wording of policy SG2 is appropriate. It and the accompanying text, acknowledges the proposed amended settlement boundary and anticipates a change in housing needs. Given the manner in which the named housing sites have

emerged, through the application and appeal process, there is a degree of certainty that the housing supply in Stoke Golding will materialize and hence the need for a 10% flexibility allowance, or the identification of additional sites at this stage, is not warranted.

5.3.14 I find that Policy SG2 is compliant with the basic conditions and specifically with the NPPF (2023) and relevant Core Strategy policies.

Policy SG3 – Mulberry Farm, High Street

5.3.15 I note that the allocation of land at Mulberry Farm was the result of a previous site selection process and community engagement, which was endorsed by the Examiner assessing the initial NP. I see no reason to defer from this but do concur with the LPAs Reg16 submission that while encouragement is given at (3) to the retention of brick buildings on site, this is incongruous with point (11) which refers to a cleared site.

5.3.16 I advise that (11) is rewritten as follows;

'Any contamination present shall be safely remediated prior to the commencement of any development.'

5.3.17 I also consider that point (7) should be clarified. Given the Plan's emphasis on the enhancement of biodiversity, and given the location of the site, I presume that should the extant hedge need to be replaced, this is by another boundary of vegetation.

5.3.18 My suggestion is the LPA / QB consider the redrafting of (7) as follows;

The hedge along the western boundary of the site shall be retained or replaced with another boundary of suitable vegetation.

5.3.19 Further to these modifications, I find Policy SG3 compliant.

Policy SG4 – Infill Housing Development

5.3.20 The proposed settlement boundary is indicated at Map 3. It is a revision from that within the 'made' NP is that now incorporates the land proposed for development at Mulberry Farm plus land benefiting from planning consent. I am aware that this boundary does not reflect the Site Allocations and Development Management Policies (DPD). However, to exclude these sites would be disingenuous given one of them has been formally approved for development.

5.3.21 I consider that the revised settlement boundary is a pragmatic and sensible boundary that not only acknowledges land with the potential for early development, but also encompasses additional land at Mulberry Farm which has previously been the

subject of a robust site selection process and was found to be compliant by a previous examiner.

5.3.22 I find Policy SG4 compliant without modification.

Policy SG5 – Market Housing Mix

5.3.23 The explanatory text accompanying this policy is clear and sets the context well. **However, the table at para 4.23 should be titled, the source information noted and dated, and a figure number added.**

5.3.24 The resulting policy makes reference to a specific Housing and Economic Needs Assessment but also acknowledges that more up to date evidence may emerge in the future that will be taken into account by any decision maker. I find this a sensible way forward which reflects the needs of the area and responds to the concerns of the local community, as indicated through the plan preparation process.

5.3.25 **Accordingly, subject to adding an appropriate title, source and date for the table at para 4.23, I find Policy SG5 compliant.**

Policy SG6 – Affordable Housing

5.3.26 The explanatory section accompanying this policy addresses self and custom-built units, affordable housing, and housing commitments. At paragraph 4.37 reference is made to 'large private-sector developments' but there is no explanation of what constitutes 'large'. **Clarification should be included here, rather than relying on a reference to '10 or more homes' in the main policy.**

5.3.27 **Furthermore, an explanation needs to be given to justify the percentage figures included in the main policy. It is unclear why a 40% affordable provision is cited, and no justification or reference given to the 56% and 19% split. Additional explanation should be included within the accompanying explanatory text.**

5.3.28 **Only with these modifications, do I find Policy SG5 compliant.**

Cont.

5.4.0 Countryside

- 5.4.1 The objective of these policies is clearly set out in Section 3 of the revised NP document and the 8 policies proposed are accompanied by helpful explanatory text and relevant maps, illustrations and data.

Policy SG7 – Countryside

- 5.4.2 This policy addresses land beyond the amended Settlement Boundary. The list of potential development which would be supported makes appropriate cross reference to other NP policies, Core Strategy Policies and the Site Allocations and Development Management DPD policies.
- 5.4.3 **I find Policy SG7 compliant without modification.**

Policy SG8 – Areas of Separation

- 5.4.4 I am aware that the separation of the village of Stoke Golding and its northern neighbour Dadlington, has been the subject of local comment and representation as the initial NP was being progressed and during the Reg 14 and Reg 16 stages of the review of the NP.
- 5.4.5 This may have emerged as a result of the approval of development on land between the two settlements, which has been seen by some in the local community as eroding the area in question.
- 5.4.6 Policy SG8 reinforces the general principles set out in Policy SG7 that some forms of development are considered appropriate in countryside locations, and others are not. It emphasises the importance of the area lying between Stoke Golding and Dadlington. I acknowledge the value of this separation space to the local community.
- 5.4.7 While I note the concern raised by the LPA as to the lack of clarity as to what constitutes 'inappropriate uses', any list of 'inappropriate development or use' could be extensive and indeed risks not being comprehensive. I consider that sufficient guidance has been provided in the supporting text to both SG7 and SG8 to guide any user or decision maker. However, I note that, to improve clarity, the QB have suggested potential changes. In light of this I advise that the second sentence of the policy is modified as follows;

'Development which adversely affects the open character of this areas or the character and setting of Dadlington or Stoke Golding will not be supported.'

- 5.4.8 **Further to this modification, I find Policy SG8 compliant.**

Policy SG9 – Green Infrastructure

5.4.9 I note that the NP area contains a number of assets that have been highlighted by the local community and stakeholders through both the original NP process and the current review. I also note that the Borough Council's Green Infrastructure Strategy, albeit approved 12 years ago, has been a useful guide for the QB and its steering group.

5.4.10 While the policy repeats designations from other adopted policies, I find that it is helpful to highlight those features that require specific attention. The policy encourages pedestrian and cycles routes along the former railway and the existing canal and emphasises that development adjacent to the identified green infrastructure elements shown on Map 6, should avoid or minimise impact. I find this acceptable and reflects the objectives of the NP and strategic policies.

5.4.11 I find Policy SG9 compliant without modification.

Policy SG10 – Public Rights of Way Network

5.4.12 This policy hasn't changed from the 'made' NP and reflects the consultations received at the time. I do not consider that its inclusion as written detracts or undermines other policies in the proposed revised NP.

5.4.13 Hence, **I find Policy SG10 compliant without modification.**

Policy SG11 – Locally Important Views

5.4.14 This policy has changed from that contained within the initial NP in that considerable information is now contained within the Appendix to the document, to support the views proposed as being 'locally important'. Under such designation, the policy proposes to protect against inappropriate development.

5.4.15 The policy accepts that mitigation is possible to accompany development within these vistas and specific guidance is given to developers who wish to develop within the arc of 5 specific areas.

5.4.16 I have assessed the information which has influenced this policy and find it to be proportionate.

5.4.17 **Accordingly, I find Policy SG11 compliant without modification.**

Policy SG12 – Ecology and Biodiversity

5.4.18 The essence of this policy repeats some that addressed in Policy SG9, in that a number of elements important in terms of ecology and biodiversity. Many of the elements already are afforded protection under legislation and hence the policy might be seen as superfluous.

- 5.4.19 However, I accept that the accompanying text references Biodiversity Net Gain which is also addressed in the most recent versions of the NPPF. It also references the specific borough wide licensing scheme.
- 5.4.20 A significant amount of supporting information is set out to accompany this policy and the policy itself makes reference to 25 sites that warrant specific attention by potential developers.
- 5.4.21 I find this policy well set out and explained and the guidance for any user of the NP clear in what is required of them should they wish to develop close to or within the sites identified. I note that two parties have raised objections to two Local Wildlife Sites but consider that the allocation of LWS 91289 and LWS 91268 are supported by appropriate evidence and hence should remain identified.

5.4.22 I find Policy SG12 compliant without modification.

Policy SG13 – Trees and Hedgerows

- 5.4.23 This policy presents an understandable degree of protection of trees and hedgerows. However, its basic premise reiterates legislation already in place. Furthermore, the reference to a 5m buffer between extant hedgerows and any new developments appears arbitrary. I have not been presented with any clear justification for this requirement, which may impede future development which otherwise would be acceptable.
- 5.4.24 No specific hedgerows or ancient trees have been identified and the policy appears to be a 'catch all' approach.
- 5.4.25 I find Policy SG13 duplicates extant legislation and guidance and offer little specific additional guidance to any user of the NP.
- 5.4.26 **Accordingly, I see little benefit of including Policy SG13 and it should be omitted.**

Policy SG14 – Renewable Energy

- 5.4.27 I note that this policy is accompanied by Map 8 which illustrates 2 solar farms within the NP area. Work undertaken on behalf of the Borough Council in 2014 by consultants commissioned to identify parts of the Borough suitable for solar photovoltaic proposals, is acknowledged in the revised NP. A proportion of respondents to the 2017 Questionnaire supported their development within the NP area. However, a larger proportion did not support wind turbines.
- 5.4.28 I note that Policy SG14 reflects this stance and provides support for ground mounted solar photovoltaic farms on brownfield or non-agricultural land provided visual impact and biodiversity matters are addressed.

5.4.29 While I accept that the accompanying first 4 bullet points are acceptable and justifiable, my concern lies with the 5th point which requires the removal of installation when they are no longer in use. Some solar farms change hands and can lie dormant for periods of time. It would be impractical to require their dismantlement if they are to be reused by different operators.

5.4.30 I suggest that (5) is redrafted as follows;

The infrastructure is removed when there is written confirmation that the operation is no longer in use or has the ability to be in use, and the land is fully restored to provide an improvement in landscape quality.

5.4.31 Only with this modification, do I find Policy SG14 compliant.

5.5.0 Heritage and Design

5.5.1 There is clearly a very strong community spirit across the NP area, as reflected in the consultation process for the original and the revised NP and the community values its heritage.

Policy SG15 – Non-Designated Heritage Assets

5.5.2 In addition to statutorily listed structures as indicated on Map 9, a number of other structures have been highlighted by stakeholders. These have been indicated on Map10 while Map 11 illustrates the locations of known and potential examples of ridge and furrow archaeological patterns.

5.5.3 Policy SG15 lists 30 sites and makes general reference to the position of ridge and furrow fields. The policy advises inter alia that the impact of development on any of the assets highlighted would be assessed against the benefit of the respective development.

5.5.4 I support the general stance of the policy and find that it helpfully reflects NPPF at a local level, thus guiding any developer or decision maker.

5.5.5 I consider that Policy SG is compliant without modification.

Policy SG16 – Design

5.5.6 As with other policies, the accompanying explanatory text sets an appropriate context for this policy which reflects the SPD for the Borough. The policy helpfully presents design guidance to appropriately reflect the area. I consider that the criteria set out for any user of the Plan is generally clear. However, my concern lies with criterion (6) and the phrase 'distinctive character'. This seems to run counter to the guidance in criterion (1) and presents a mixed message to any user of the NP or decision maker.

5.5.7 I advise that criterion (6) is modified to read;

'As appropriate to the scale of development, create a place with a locally inspired character and;..... '

5.5.8 Accompanying criterion 6, (ii) appears to be missing two verbs. It should read;

'Respect local building styles by ensuring that buildings are of modest size (maximum of two storeys) and are simple in plan and elevation.....'

5.5.9 **With these modifications I find Policy SG16 compliant.**

Policy SG17 – Local Green Spaces

5.5.10 The explanatory text accompanying this policy accepts that many green areas that have been cited by the local community as having local importance already benefit from being owned by the Parish Council or are used for educational purposes or as graveyards. I am aware that some of the sites highlighted at paragraph 7.2 also benefit from other designations or policies.

5.5.11 The policy proposes the designation of three areas as Local Green Spaces (LGS) and this is supported by a series of assessments available on the NP website.

5.5.12 I have reviewed the approach taken by the QB and the assessments undertaken. I accept that there is a clear local feeling as to any potential loss of open space. Indeed, I appreciate that the areas identified as LGS are valued by the local community. However, the NPPF clearly sets out advice for the allocation of Local Green Spaces and similarly clear guidance is contained within the PPGN at paras 007, 010 and 011.

5.5.13 Para 007 Ref ID 37-007-20140306 states *'plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in any way to undermine this aim of plan making.'*

5.5.14 Also of note is the need for;

- any allocation to complement the local planning of sustainable development,
- LGS to not be an extensive tract of land,
- landowners to be contacted at an early stage and for their stance to be considered,
- avoidance of duplicating other designations.

5.5.15 I am content with Site A proposed as LGS. However, I have concern with Sites B and C. In the first instance I find these sites relatively large compared to the built-up area of Stoke Golding. Secondly, site B lies within the proposed area of separation and hence would be subject to Policy SG8. Multiple designations of land are not encouraged, as it presents confusion.

- 5.5.16 As land lying within an area of separation and on the assumption Policy SG8 remains within the NP, Sites B would be afforded considerable protection from inappropriate development.
- 5.5.17 **I therefore consider its additional designation as a LGS would be superfluous and unnecessary.**
- 5.5.18 I have concerns over the extent of Site C and while I note the evidence presented in favour of its designation. I do not find this compelling. The land is in two private ownerships. The owners have been approached, with one party strongly objecting to the proposed designation. While a public footpath existed historically, this is no longer the case. Little if any substantiated biodiversity or ecological evidence has been presented and while the site is close to heritage assets and indeed a small element lies within a statutory conservation area, little specific heritage value has been presented. Furthermore, a suggestion that it is the possible location of ridge and furrow is not reflected at Map 11.
- 5.5.19 The case for designation appears to simply rely on the land's proximity to the settlement and the fact that it 'frames' a view of Stoke Golding.
- 5.5.20 On the assumption that Policy SG7 (protection of countryside) will be included within the NP, should it proceed, there will be protection against inappropriate development.
- 5.5.21 While I accept that the land in question has been the subject of assessment via a toolkit, **I do not accept that a sufficiently robust case has emerged. Given this and reflecting Policy SG7, I do not support the designation of Site C as LGS.**
- 5.5.22 **Accordingly I am happy to endorse the designation of Site A, but Site B and C should not be designated as Local Green Space.**
- 5.5.23 **Only with this modification, do I find Policy SG17 compliant.**

5.6.0 Services and Facilities

- 5.6.1 This section of revised NP provides a clear overview of the provisions currently available across the area which include schools, retail, churches, public houses, recreation areas and a GP surgery. These facilities are clearly valued by the local community and there is a clear intent to protect them and avoid loss.

Policy SG18 – Community Services and Facilities

- 5.6.2 This policy is clear in its approach and is supported by proportionate evidence. Cross reference is made to the DPD Policies, but specific mention is made to 8 facilities. Map 13 helpfully indicates the location of these.
- 5.6.3 **For this reason, I find Policy SG18 compliant.**

Policy SG19 – Commercial, Business and Services Uses in the Village Centre

- 5.6.4 I acknowledge the approach of this policy reflects the findings of the consultation process. The accompanying text (paras 8.10 to 8.12) refers to aspirations by the local community as to the operation of the medical surgery and a 'call to arms' for the local community to use local facilities or risk their demise.
- 5.6.5 This will have relevance to the local NHS Trust and presumably would be welcomed by the local retailers, and as such I accept that it has relevance.
- 5.6.6 **The text of the policy clear and hence I find Policy SG19 compliant without modification.**

Policy SG20 – Infrastructure

- 5.6.7 I find the accompanying text to this policy clear and intelligent and particularly welcome the realism at para 8.37.
- 5.6.8 I note that the policy has not changed from that contained within the 'made' NP. For the avoidance of doubt, I find that it remains appropriate in light of the proposed revisions to that Plan.
- 5.6.9 **Hence, I find Policy SG20 complaint without modification.**

5.7.0 Traffic and Transport

- 5.7.1 Again, I find the accompanying text to the section of revised NP clear and realistic. The role of the Couty Council and the remit of the NP is acknowledged. The local concerns primarily relate to parking.
- 5.7.2 I note however there is no specific policy proposed to address parking within this section of NP. Instead, I presume that the QB are content that policies elsewhere in the document cover the concerns raised by the community and stake holders.
- 5.7.3 **I am content with this approach, but it might be helpful if cross reference is made to other relevant policies within the Plan, to assist any user of the NP.**

5.8.0 Employment

- 5.8.1 This section of the NP presents a clear context of the employment trends in recent years, moving from agriculture as the historic source of jobs, to a number of smaller commercial and leisure-based concerns today. Given the proximity of Bosworth Battlefield and various other tourist attractions in the general vicinity, there is clear support for these sources of employment to be supported and increased.

Policy SG21 – Tourism

5.8.2 Given the context, this policy is clear in its intent to support an increase tourism provision specifically associated with Bosworth Battlefield and the Ashby Canal, subject to provisions relating to the local character of the area.

5.8.3 I find Policy SG21 compliant without modification.

Policy SG22 – Willow Park Industrial Estate

5.8.4 I am aware that the NP area includes Willow Park Industrial Estate which lies within the adjacent parish of Higham on the Hill. The Ashby Canal Centre is accessed through the Estate. I understand that this inclusion is with the support of the Higham on the Hill Parish Council.

5.8.5 No other revised elements of the NP impact unduly on this matter and the policy is clear in its approach and intent.

5.8.6 I find Policy SG21 compliant without modification.

Policy SG23 – Business Conversion of Rural Buildings

5.8.7 This policy supports the diversification of rural economy and specifically the conversion of rural buildings. While permitted development rights exist for the re-use of rural buildings, I consider the additional guidance presented in the policy helpful. I find that a specific policy that emphasises the need for developers to have regard to local character is positive and reflects the consultation representations received.

5.8.8 I find Policy B3 compliant without modification.

6.0 Plan Delivery, Implementation, Monitoring and Review

6.1 I note that no specific reference is made in the revised NP to the future review of the Plan. However, by virtue of the document before me being itself a revision of the 'made' NP, clearly the QB is aware that revisions are entirely possible.

6.2 There is an acknowledgment that as and when the emerging Local Plan is progressed and updated housing needs across the Borough are validated, the NP will be the subject of monitoring and further review. Given the quality of the NP presented to me and the nature of the work undertaken to date, I have no reason to doubt the ability of, or the commitment to this stance, by the QB.

7.0 Need for a Referendum

7.1 I note that the QB considers that while some of the proposed revisions to the NP are material modifications, they do not change the nature of the NP.

- 7.2 In its Regulation 16 submission, the LPA concludes that the proposed revisions are of such materiality that the nature of the NP has changed and that both an examination and a referendum are required. However, this does not reflect the analysis set out by the LPA in Section 4 of its Reg 16 submission where the great majority of material changes warrant examination but not a referendum. The LPA appropriately refers to Planning Practice Guidance and the three categories of modification to a 'made' NP. The second and third categories specifically refer to changes to a NP that might include the allocation of new sites for development.
- 7.3 While the revised NP has indeed been amended to include specific housing sites, one of these has come forward through the application and appeal process and hence is not a specific allocation proposed further to the NP process. The amended settlement boundary has pragmatically been altered to include this site. I consider this to simply reflect common sense.
- 7.4 There appears to be some confusion in the LPAs Reg 16 submission as it suggests in Section 5 that the allocation of land at Mulberry Farm is a material change from the 'made' NP where it was identified as a reserve housing site. On review of the 'made' NP, I do not find this to be the case. The site was allocated in the 'made' NP. The revised NP continues to identify the land for residential development.
- 7.5 I accept that some land has been removed and now lies beyond the settlement boundary, ie land adjacent to the White Swan PH but this reflects its historic value and the wish of the community to offer it protection under policy SG7.
- 7.5 The LPA cites the addition of land proposed as Local Green Space (LGS) as reflecting material modifications warranting a referendum. As noted above, I have advised that these additional sites should not be allocated as LGS and hence there would be no material change from the 'made' NP.
- 7.6 The LPA also cites the proposed changes to housing mix as constituting a change in the nature of the NP. I do not concur, nor do I consider that the slight extension of the NP to run to 2041, of such materiality to change the nature of the Plan.
- 7.6 On balance, therefore, I consider that further to my comments and my proposed modifications as set out above, some of the proposed revisions presented in the revised Plan do indeed constitute material changes but that these are not so substantial as to change the nature of the Plan. I consider that the vision, objectives and approach taken in the revised NP reflect those set out in the 'made' NP and the settlement boundary change is a pragmatic response to a planning consent.
- 7.7 Hence, I conclude that while some changes to the 'made' Plan are material, the nature of the Plan has not changed. Furthermore, subject to my proposed modifications as set out in this examination report, the revisions do not warrant the

Plan needing to proceed to a formal referendum. Instead, it should proceed for modification and be 'made' by Hinckley and Bosworth Borough Council.

8.0 Summary and Recommendation

8.1 I find that the Stoke Golding Neighbourhood Plan Review is a well-written document, albeit requiring some modifications to a small number of proposed policies and some supporting text.

8.2 I have commented earlier on the more recent edition of the NPPF. The QB is advised to re-issue the Statement of Basic Conditions with reference to the most up to date version of the NPPF and amend any references to outdated NPPF paragraphs. I consider this would be the most appropriate approach to take.

8.3 I consider that the revised Plan has been the subject of effective consultation, and the resulting vision, objectives and ensuing policies reflect the findings of those consultations. A draft of the revised NP has been the subject of some amendments, which have taken on board relevant comments from statutory consultees and key stakeholders.

8.4 In some places I find the text repetitive of extant adopted policies and guidance, but I accept that this reinforces the key issues of importance to the local community and consider that these policies should remain as they are accompanied by appropriate supporting text and a relevant evidence base exists.

8.5 I note the helpful suggestions by the QB following the Regulation 16 stage of proceedings and where I concur with its stance, I have advised that the modified text is incorporated.

8.6 Overall, I consider that the document is supported by appropriate evidence. This is generally referenced well in the submission version of the revised NP, and I have been presented with this evidence or have been able to view it on respective publicly accessible websites.

8.7 I repeat my comments from the start of my report and confirm that I have reviewed the objections raised during the Regulation 14 and 16 stages of the revised NP preparation but do not feel that the issues raised present sufficient weight to require deletion or further modification of policies, over and above those suggested within this report.

8.8 In summary, and only subject to the modifications identified within this report, I find that the 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 and the relevant regulations relating to the preparation of an updated Neighbourhood Development Plan.

8.9 Hence, I recommend that, further to my proposed modifications, the Updated Stoke Golding Neighbourhood Plan can proceed to be 'made' by Hinckley and Bosworth Borough Council.

Louise Brooke-Smith, OBE, FRICS, MRTPI

April 2024

Appendix A - Documents reviewed by the Examiner.

- National Planning Policy Framework (The Framework) (2018) and subject to clarification in 2019 and revision in July 2021 / Sept 2023 and Dec 2023.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Development Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- Planning Practice Guidance web-based resource MHCLG (2014 and subsequently updated)
- Equality Act 2010
- Draft Version of the Revised Stoke Golding Neighbourhood Plan and Reg 14 submissions.
- Submission Version of the Revised Stoke Golding Neighbourhood Plan and Reg 16 submissions.
- Documents identified in the Stoke Golding Neighbourhood Plan pages of the LPA and Parish Council Websites, including the Basic Conditions Statement, Consultation Statement, and related evidence base.
- Hinckley and Bosworth Local Plan 2006 – 2026 including the Core Strategy adopted December 2009 and the Site Allocations and Development Management Policies DPD adopted July 2016

Appendix B – Examiner's use of Abbreviations

- Stoke Golding Neighbourhood Plan; NP
- The Plan / The Neighbourhood Plan; NP
- Stoke Golding Joint Parish Council; PC
- Qualifying Body; QB
- Hinckley and Bosworth Borough Council; HBBC/Council/Borough Council
- Local Planning Authority; LPA
- National Planning Policy Framework; NPPF
- National Planning Practice Guidance; NPPG
- Basic Conditions Statement; BCS