



Intelligent Plans
and examinations

Report on the Swannington Neighbourhood Plan 2022 - 2039

**An Examination undertaken for North West Leicestershire District
Council with the support of Swannington Parish Council on the June
2022 submission version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 19 December 2022

Contents

Main Findings - Executive Summary	3
1. Introduction and Background	3
Swannington Neighbourhood Plan 2022–2039.....	3
The Independent Examiner	4
The Scope of the Examination	4
The Basic Conditions.....	5
2. Approach to the Examination.....	5
Planning Policy Context	5
Submitted Documents.....	6
Site Visit.....	6
Written Representations with or without Public Hearing	7
Modifications	7
3. Procedural Compliance and Human Rights.....	7
Qualifying Body and Neighbourhood Plan Area	7
Plan Period.....	7
Neighbourhood Plan Preparation and Consultation	7
Development and Use of Land	8
Excluded Development.....	8
Human Rights.....	8
4. Compliance with the Basic Conditions	9
EU Obligations	9
Main Issues.....	9
Vision and Objectives.....	10
Housing and the Built Environment (Policies H1, H2, H3, H4, H5 & H6)	10
The Environment (Policies ENV1, ENV2, ENV3, ENV4, ENV5, ENV6, ENV7, ENV8, ENV9 & ENV10).....	12
Community Facilities (Policies CF1, CF2 & CF3)	15
Employment (Policy E1, E2, E3, E4, E5 & E6).....	15
Traffic (Policies T1, T2 & T3)	16
Overview	16
5. Conclusions.....	16
Summary.....	16
The Referendum and its Area	17
Concluding Comments	17
Appendix: Modifications	18

Main Findings - Executive Summary

From my examination of the Swannington Neighbourhood Plan (SNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Swannington Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Swannington as shown in Figure 1 on page 6 of the Plan;
- The Plan specifies the period during which it is to take effect: 2022 - 2039; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Swannington Neighbourhood Plan 2022–2039

- 1.1 Swannington Parish has a population of about 1,270.¹ The attractive village of Swannington is set in gently undulating countryside between Coalville (3km to the south east), Ashby-de-la Zouch (8km to the west) and Loughborough (19 km to the east). Access is available to the M1 motorway (Junction 22) via the A511 about 9 km to the south east and emphasises the accessibility of the area. Numerous public footpaths traverse the Parish, indicative of its coal mining history.
- 1.2 The formal process to prepare a neighbourhood plan for Swannington began in 2018 when Swannington Parish Council (SPC) applied to North West Leicestershire District Council (NWLDC) for the designation of the neighbourhood area which was approved in January 2019. The Neighbourhood Plan Advisory Committee gathered evidence and formed three theme groups which advised on issues which had been identified in a consultation event in 2018. The Swannington Neighbourhood Plan was submitted to NWLDC in July 2022, representing over 4 years' work for those involved.

¹ 2011 Census.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the SNP by NWLDC with the agreement of SPC.
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (under retained EU law)²; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.³

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of NWLDC, excluding policies relating to minerals and waste development, includes the North West Leicestershire Local Plan (NWLLP), initially adopted in November 2017, which sets out a strategy for delivering homes, jobs and infrastructure needed in the district between 2011 and 2031.

² The existing body of environmental regulation is retained in UK law.

³ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

- 2.2 The review of the Local Plan is being undertaken in two parts, a Partial Review and a Substantive Review. The Partial Review, which primarily sought only to amend Policy S1 and its supporting text, has been completed and the North West Leicestershire Local Plan (as amended by the Partial Review) was adopted by NWLDC on 16 March 2021. Whilst the Development Strategy Options and Policy Options of the Substantive Review were the subject of public consultation between 7 January and 14 March 2022, the emerging Local Plan is not presently at an advanced stage.⁴
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Swannington Neighbourhood Plan 2022–2039, dated June 2022 and Appendices;
 - the map on page 6 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement and Appendices, dated June 2022;
 - the Statement of Basic Conditions, dated June 2022;
 - the Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment Screening Report, dated September 2021
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the request for additional clarification sought in my letter of 7 November 2022 to NWLDC and SPC, a further letter of 10 November to SPC, and the response of 18 November from NWLDC and the two responses dated 21 November from SPC.⁵

Site Visit

- 2.5 I made an unaccompanied site inspection to the SNP area on 4 November 2022 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

⁴ PPG Reference ID: 41-009-20190509.

⁵ View all the all the relevant Plan documentation, including the core submission documents and correspondence at:

https://www.nwleics.gov.uk/pages/swannington_neighbourhood_plan

Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

Modifications

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Swannington Neighbourhood Plan has been prepared and submitted for examination by SPC, which is a qualifying body. The SNP extends over all the area administered by SPC. This constitutes the area of the Plan designated by NWLDC in January 2019.

Plan Period

- 3.2 The Plan specifies the Plan period as 2022 to 2039. In their Regulation 16 response, NWLDC suggested extending it to 2040 which would then coincide with the end of the proposed period of the Substantive Review of the NWLLP. However, even though this is only a short extension, issues such as housing demand data may be prejudiced. Therefore, I consider that the Plan period should remain as specified in the various consultations. In any event, the Plan states the intention to review every five years and an extension of the period could take place on another occasion.⁶

Neighbourhood Plan Preparation and Consultation

- 3.3 The preparation of the Neighbourhood Plan included the application to and subsequent designation by NWLDC of the parish as the area of the Plan. An Advisory Committee was formed and theme groups were set up to consider the Environment, Local Amenities and Housing Requirements. The first consultation event with the public took place in April 2018 and a second event was held in August 2019. A community questionnaire had been distributed, the results of which are summarised in Appendix B/C attached to the Consultation Statement (CS). Throughout the process, the

⁶ SNP 7 Monitoring and Review: paragraphs 167 – 169.

Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

Neighbourhood Plan was an agenda item on each Parish Council meeting, together with a reference being placed on the Parish Council website.

- 3.4 The Pre Submission Plan was published for an initial consultation under Regulation 14 of the 2012 Regulations for a period of 6 weeks from 25 October 2021 to 6 December 2021. A second Regulation 14 consultation took place between 2 February 2022 and 16 March 2022, to ensure that all statutory consultees were appropriately notified and provided with an adequate opportunity to comment. The list of consultees is recorded in the CS and the record of comments made, the responses by the Parish Council and any resulting changes to the Plan are described in Appendix A of the CS.
- 3.5 The Plan was finally submitted to NWLDC on 15 July 2022.⁷ Consultation in accordance with Regulation 16 was carried out from 5 September 2022 until 17 October 2022. 13 representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the SNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.8 The Statement of Basic Conditions (SBC) advises that the Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I am aware from the Consultation Statement that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I have found no reason to disagree with the statement in the SBC and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

⁷ Confirmed in the Parish Council's response of 21 November 2022 to my Question 1 (procedural letter, dated 7 November 2022).

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report concluded that it is unlikely there will be a significant environmental effect arising from the Neighbourhood Plan. As such, a SEA of the Plan is not required. So far as HRA is concerned, the River Mease Special Area of Conservation (SAC) comes to within about 4.2km from the south-western boundary of the Plan area and the River Mease catchment is about 500m from the Plan area at its closest point. The Assessment concluded that there are unlikely to be any significant effects upon the River Mease SAC or any other Natura 2000 site and therefore a full HRA was not required.
- 4.2 The screening was submitted to the statutory environmental bodies (Environment Agency⁸, Historic England⁹, Natural England¹⁰) who agreed with the conclusions of the Screening Report that neither a SEA nor a HRA was required.
- 4.3 I have read the SEA and HRA Screening Report and the other information provided, and having considered the matter independently, I also agree with the conclusions. Therefore, I am satisfied that the SNP is compatible with EU obligations as retained in UK law.

Main Issues

- 4.4 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.5 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹

⁸ Reply from the Environment Agency, dated 16 August 2021. See SEA and HRA Screening Report: Appendix 2.

⁹ Reply from Historic England, dated 28 July 2021.

¹⁰ Reply from Natural England, dated 31 August 2021.

¹¹ PPG Reference ID: 41-041-20140306.

- 4.6 Accordingly, having regard to the Swannington Neighbourhood Plan, the consultation responses, other evidence¹² and the site visit, I consider that the main issues in this examination are whether the SNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

Vision and Objectives

- 4.7 The vision for the SNP is described on page 10 of the Plan, from which objectives are developed within the topics of housing, economy, amenities, built environment, natural environment, infrastructure and leisure and well-being. The objectives then provide the context for the 28 subsequent policies.

Housing and the Built Environment (Policies H1, H2, H3, H4, H5 & H6)

- 4.8 Policy H1 considers housing provision and allocates land at St Georges Hill for around 12 residential units where development will be supported subject to five criteria. NWLDC queried whether the highway authority had been consulted about access to the allocation in view of the proximity of the nearby entrance to Windmill View. When I viewed the site on my inspection, it appeared to me that visibility in both directions along the adjoining road would enable an acceptable access to be built. In any event, criterion e) seeks a vehicular link from the allocation to the adjoining main road built to the highway authority (Leicestershire County Council) (LCC) standard. LCC did not object to the allocation in its representations at either the Regulation 14 or the Regulation 16 consultations. Policy H1 has regard to national guidance¹³, generally conforms with Policy S2 of the NWLLP and meets the Basic Conditions.
- 4.9 Policy H2 supports proposals for development within the settlement pattern boundary which is defined on Figure 3 of the Plan. The Parish Council confirmed that the boundaries shown on Figure 3 coincide with those shown on the adopted Local Plan Policies Map (Inset 10), with the addition of the proposed allocation in Policy H1.¹⁴ I note the use of the term "village envelope", in the second paragraph of Policy H2 and, to avoid confusion, I shall recommend the preferred use of "settlement boundary" in the policy. **(PM1)** In addition, the policy fails to recognise that the re-use and adaption of buildings is an acceptable form of development outside the settlement boundary under Policy S3 of the NWLLP. Consequently, I shall recommend that the third paragraph of Policy H2 should be modified to become "... controlled or supported, as

¹² The other evidence includes the responses from NWLDC and SPC received on 18 and 21 November respectively to the questions in my letter of 7 November 2022.

¹³ NPPF: paragraph 79.

¹⁴ Response dated 21 November 2022 from SPC to Examiner's questions.

appropriate, ...". **(PM2)** With these modifications, Policy H2 would have regard to national guidance¹⁵, generally conform with Policy S3 of the NWLLP and meet the Basic Conditions.

4.10 Policy H3 deals with housing mix. The policy seeks to make four or more bedroomed dwellings fewer in numbers in any new housing development than those with one, two or three bedrooms. The NWLLP uses a Housing and Economic Developments Needs Assessment (HEDNA) 2017 as part of its evidence base to support Policy H6 "House types and mix" and included in the text a table indicating a need for 10%-20% of 4 bed homes.¹⁶ However, the Local Plan continues to state: *"It is recognised that there may be a need for local variations and therefore the above percentages are not intended to be prescriptively applied to every site. Other relevant factors include population profiles, location, balancing recent local delivery, rebalancing the current mix and the turnover of properties at the local level as well as the nature of the development site and the character of the area"*. Therefore, I consider that Policy H3 is being too prescriptive by commenting on the expectation of 4 bedroomed homes making a minor contribution and, in order to generally conform with NWLP Policy H6, I shall recommend the deletion of the second of the two sentences. **(PM3)** The policy would then also have regard to national guidance¹⁷ and meet the Basic Conditions.

4.11 Policy H4 covers design and includes requirements a. to r. The response to my request to SPC to redraft the Policy taking into account the Regulation 16 comments from NWLDC usefully included in the revision a reference to the North West Leicestershire Good Design Supplementary Planning Document (2017) which I support.¹⁸ However, requirement h. is too inflexible and I shall recommend the addition of the phrase "... where possible ...". In addition, requirement i. deals with electric vehicle charging and this is now covered by the recently approved Building Regulations Part S which came into effect in June 2022.¹⁹ Therefore, notwithstanding the amendment submitted by SPC, I shall recommend the deletion of the requirement. Finally, requirement l. states that garages should be adjacent to each house which I consider is too inflexible and may inhibit good and innovative design. Accordingly, I shall recommend the substitution with the phrase "... well related to ...". With these modifications, Policy H4 would have regard to national guidance²⁰, generally conform with Policy D1 of the NWLLP and meet the Basic Conditions. **(PM4)**

4.12 Policy H5 considers affordable housing. The second paragraph of the policy includes a reference to "the provision of affordable housing for

¹⁵ NPPF: paragraph 80.

¹⁶ NWLLP: paragraph 7.46 Table 3.

¹⁷ NPPF: paragraphs 62.

¹⁸ See response from SPC dated 21 November 2022: Policy H4.

¹⁹ The Building Regulations 2010: Infrastructure for the charging of electric vehicles: Approved document S.

²⁰ NPPF: Section 12.

people with a local connection, as appropriate". This criterion of qualification does not generally conform with Policy H4 of the NWLLP. Therefore, I shall recommend the deletion of the final phrase of that sentence. In addition, the description of the latest assessment of affordable housing need should be qualified to that of the Parish Council for reasons of clarity to assist development management. Subject to those modifications (**PM5**), the policy would have regard to national guidance²¹, generally conform with Policy H4 of the NWLLP and meet the Basic Conditions.

- 4.13 Policy H6 supports proposals for windfall residential development within the settlement boundary and includes seeking a mix of housing to meet the identified housing requirement in Swannington. NWLDC suggested that this criterion within the policy would not be in general conformity with Policy H6 of the NWLLP because a housing mix is only sought for developments of 10 or more dwellings. However, I see no clear reason why a housing mix should not be sought for development of less than 10 dwellings. Therefore, notwithstanding the response from NWLDC to my question, I shall not recommend the deletion of criterion a.²² I note the repetition of the consideration of the impact on the amenity of neighbours in Policies H6 and H4 and the claim that part d) of Policy H6 is similar to part d) of Policy H4, but Policy H6 as drafted would have regard to national guidance²³, generally conform with strategic polices and meet the Basic Conditions.

The Environment (Policies ENV1, ENV2, ENV3, ENV4, ENV5, ENV6, ENV7, ENV8, ENV9 & ENV10)

- 4.14 Policy ENV1 designates two Local Green Spaces (LGS). As explained in the NPPF, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.²⁴ LGS should also be capable of enduring beyond the end of the Plan period.²⁵ Having visited both LGS on the site visit, I consider that they meet the criteria for designation outlined in NPPF and, therefore, the policy has regard to national guidance, generally conforms with objective 4 and Policy IF1 of the NWLLP and meets the Basic Conditions. The scoring system in the Environmental Inventory (Appendix F of the Plan) to assess the potential for LGS appears more complex than the qualification criteria in the NPPF and may well have resulted in sites omitted which could have perhaps

²¹ NPPF: paragraphs 62 – 64.

²² Response from NWLDC dated 18 November 2022.

²³ NPPF: paragraphs 69 & 70.

²⁴ NPPF: paragraph 102.

²⁵ NPPF: paragraph 101.

been defined as LGS, albeit this might be considered further in any review of the Plan in the future.

- 4.15 Policy ENV2 defines six Important Open Spaces. I consider that the policy has regard to national guidance²⁶, generally conforms with Policy IF2 of the NWLLP and meets the Basic Conditions. Policy ENV2 includes a statement that if the Main Street/Jeffcoates Lane Playing Field becomes LGS under Policy ENV1, it can be deleted as an Important Open Space. I have concluded that the Playing Field is acceptable as LGS. Therefore, I recommend that Policy ENV is modified by the deletion of the Main Street/Jeffcoates Playing Field. **(PM6)**
- 4.16 Policy ENV3 and Policy ENV4 consider the natural environment. Policy ENV3 aims to protect sites which are identified in Figure 8 of the Plan. Policy ENV4 safeguards habitats and species when new development is being considered. Although, as suggested by NWLDC, the two policies could be combined, they each have regard to national guidance²⁷, generally conform with Policy EN1 of the NWLLP, meet the Basic Conditions and so are able to stand alone as drafted.
- 4.17 The section entitled the Historic Environment includes two policies, both concerned with non-designated heritage assets. Policy ENV5 seeks to protect sites and features of historical significance, especially archaeological features. Policy ENV6 considers other non-designated heritage assets. Although there is no reason why there should be two separate policies, both policies include the appropriate balancing exercise when assessing the effects of possible development.²⁸ Therefore, each policy has regard to national guidance. They each generally conform with Policy He1 of the NWLLP and meet the Basic Conditions. Representations from NWLDC queried the list of non-designated heritage assets in Policy ENV6, but I note that they are derived from the Leicestershire Historic Environment Record and therefore, in my opinion, have an acceptable evidence base. I am unwilling to consider additions to the list at this stage with no indications that the advice from Historic England about defining non-designated heritage assets has been followed.²⁹ In any event, in final analysis, this is not necessary in order to meet the Basic Conditions.
- 4.18 Policy ENV7 seeks to protect four Important Views which are marked on Figure 12 of the Plan. Having visited each viewpoint, I agree with NWLDC that they look towards countryside rather than to a specific landmark or structure. Nevertheless, I consider Views 1, 3 and 4 are more local and focussed and worthy of inclusion in the policy. View 2 is too widespread and covers extensive open countryside. Therefore, I shall recommend the deletion of Important View 2 from the policy. In addition, within the phraseology of the policy, the use of the word "unacceptable" is very ambiguous and begs the question "unacceptable to whom?" Accordingly, I

²⁶ NPPF: paragraphs 92 & 93.

²⁷ NPPF: paragraphs 174 & 179.

²⁸ NPPF: paragraph 203.

²⁹ See Historic England Advice Notes 7 and 11.

shall recommend a modified form of words based on significant harm to the rural setting of the village within the Important Views. **(PM7)** Subject to those modifications, the policy would have regard to national guidance³⁰, would generally conform with Policy S3 of the NWLLP and would meet the Basic Conditions.

- 4.19 Policy ENV8 considers footpaths, bridleways and byways as shown on Figure 13 of the Plan and has regard to national guidance³¹, generally conforms with Policy IF4 of the NWLLP and meets the Basic Conditions. I note the support in the text of the Plan for the potential cycling route using the disused railway line which is being canvassed by NWLDC. However, the policy, as drafted, is concerned with the possible adverse effects on the existing network. The inclusion of the potential cycling route would introduce a new element in the policy which might reasonably be argued to have to be the subject of further consultation.
- 4.20 Policy ENV9 considers flood risk and climate change. Figure 14 of the Plan delineates areas at varying degrees of risk to flooding from rivers and from surface water. The policy states that within those areas development proposals will be required to meet the sequential test described in paragraph 161 of the NPPF. The second paragraph of the policy supports the construction of new floodwater management infrastructure or the modification where it already exists. These elements of the policy have regard to national guidance³², generally conform with Policy Cc2 of the NWLLP and meet the Basic Conditions.
- 4.21 However, the third paragraph of the policy requires major development to demonstrate requirements a. to g. Whereas major development should incorporate sustainable drainage systems as advised in NPPF paragraph 169, some of the requirements in Policy ENV9 should apply to all development. I consider that in view of the comprehensive advice in the NPPF and the wide ranging NWLLP Policies Cc2 and Cc3, the third paragraph should be deleted, other than the final requirement about climate change. **(PM8)** Policy ENV9 would then meet the Basic Conditions.
- 4.22 Policy ENV10 supports renewable energy generation infrastructure and, subject to a modification to clarify the applicability in relation to small scale infrastructure and the inclusion of the reference to the relevant figure 15 from the Plan, the policy would have regard to national guidance³³, generally conform with Policy Cc1 of the NWLLP and meet the Basic Conditions. **(PM9)**

³⁰ NPPF: paragraph 174.

³¹ NPPF: paragraph 100.

³² NPPF: paragraph 154.

³³ NPPF: paragraph 155.

Community Facilities (Policies CF1, CF2 & CF3)

4.23 There are three policies which consider Community Facilities. The following table sets out the details of how each policy has regard to national guidance and with which policy in the NWLLP it generally conforms, to enable the Basic Conditions to be met.

Table 1

Policy	Subject	National guidance (NPPF paragraph number)	NWLLP Policy
CF1	The Retention of Community Facilities and Amenities	84 & 93	IF2
CF2	New or Improved Community Facilities	84 & 93	IF2
CF3	Primary School	95	IF2

Employment (Policy E1, E2, E3, E4, E5 & E6)

4.24 The Employment section includes six policies, five of which have regard to national guidance and generally conform with the NWLLP, as tabulated below, which would enable the Basic Conditions to be met.

Table 2

Policy	Subject	National guidance (NPPF paragraph number)	NWLLP Policy
E1	Support for Existing Employment Opportunities	82 & 84	Ec1 & Ec2
E3	Working from Home	82	D1
E4	Re-use of Agricultural and Commercial Buildings	84	S3
E5	Tourism	83	Ec13
E6	Broadband Infrastructure	82 & 114	D3

4.25 Policy E2 supports new employment opportunities and includes six requirements, the first of which states that proposals should fall within the boundary of planned limits of development, with a limited number of exceptions. The policy has regard to national guidance³⁴, generally conforms with strategic policies of the NWLLP and meets the Basic Conditions subject to the recommended deletion of requirement h) which is too ambiguous to assist in effective development management. **(PM10)** I note the reservations of NWLDC about general conformity with NWLLP Policies S3 and Ec2. However, I consider that the phrase "or there are exceptional circumstances" in Policy E2 a) enables the policy to support

³⁴ NPPF: paragraph 82.

proposals outside the boundary of planned limits of development which is described in Policy Ec2(2) and other development possibilities relating to employment opportunities enabled by the NWLLP.

Traffic (Policies T1, T2 & T3)

- 4.26 Policy T1 considers traffic management; Policy T2 deals with car parking and Policy T3 seeks the provision of charging for electric vehicles. The first two policies each have regard to national guidance³⁵, generally conform with Policies IF4 and IF7 respectively of the NWLLP and meet the Basic Conditions. However, Policy T3 overlaps with the approved Building Regulations Part S which came into effect in June 2022 and offers a much more comprehensive set of requirements than the first paragraph of the policy.³⁶ Therefore, I shall recommend the deletion of Policy T3. **(PM11)**

Overview

- 4.27 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the SNP are in general conformity with the strategic policies of the NWLLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.28 A consequence of the acceptance of the recommended modifications would be that amendments would have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. These might also include incorporating factual updates, correcting minor inaccuracies, or text improvements suggested helpfully by NWLDC in their Regulation 16 Consultation response. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.³⁷

5. Conclusions

Summary

- 5.1 The Swannington Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the SNP, and the evidence documents submitted with it.

³⁵ NPPF: paragraph 104.

³⁶ The Building Regulations 2010: Infrastructure for the charging of electric vehicles: Approved document S.

³⁷ PPG Reference ID: 41-106-20190509.

- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The SNP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The Parish Council, the Advisory Committee and other voluntary contributors are to be commended for their efforts in producing a concise but comprehensive Plan together with the accompanying Appendices. The Plan is logical, well-illustrated and very informative. I enjoyed examining it and visiting the area. The Consultation Statement and especially the Basic Conditions Statement were extremely useful, as were the constructive responses from both Councils to my questions of clarification. With the recommended modifications, the SNP will make a positive contribution to the Development Plan for the area and should enable the character and appearance of Swannington Parish to be maintained.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy H2	Amend second paragraph to become: "... land or buildings within the settlement boundary will be supported ...".
PM2	Policy H2	Amend third paragraph to become: "... development will be carefully controlled, or supported as appropriate , in line with ...".
PM3	Policy H3	Delete the second sentence from the policy.
PM4	Policy H4	Substitute Policy H4 as provided by SPC on 21 November 2022 ³⁸ in response to my questions for Policy H4 in the Plan, subject to the following modifications: h. Add at end of sentence: "..., where possible ." i. Delete the requirement. l. Amend to: "... Garages should be well related to each house ...".
PM5	Policy H5	Delete: "... as will be the provision of affordable housing for people with a local connection." Amend the first paragraph to: "... identified needs of the parish, having regard to the Parish Council's latest assessment of housing need."
PM6	Policy ENV2	Delete: Main Street/Jeffcoats Playing Field.
PM7	Policy ENV7	Delete Important View 2. Rephrase the third sentence to: "Development which would significantly harm the rural setting of the village within the identified views will not be supported without appropriate mitigation."
PM8	Policy ENV9	Amend the third paragraph to: " Major development should demonstrate that it takes the effects of climate change into account ."

³⁸ View at: https://www.nwleics.gov.uk/pages/swannington_neighbourhood_plan
Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL
Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

PM9	ENV10	<p>Rephrase the first section of the policy to: "Proposals for single small scale (turbines less than 30m), particularly those that are local resident, business, amenity or community initiated, solar and wind generation ...".</p> <p>Amend the first paragraph to: "... areas enclosed by the red line on Figure 15 and complying with ...".</p>
PM10	Policy E2	Delete h).
PM11	Policy T3	Delete the policy.