

HARBOROUGH DISTRICT COUNCIL

FLECKNEY NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an Independent Examination, Harborough District Council now confirms that the Fleckney Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum **on 6th May 2021.**

- 1.2 This decision statement can be viewed at:

Harborough District Council Offices

The Symington Building,
Adam & Eve Street,
Market Harborough
Leicestershire
LE16 7AG

Open - Mon/Tues/Thu/Fri: 8.45am - 5pm. Wed: 9.30am - 5pm

Fleckney Library, 8 School Street, Fleckney, LE8 8AS

Monday: 14:00-19:00
Tuesday - Wednesday: Closed
Thursday: 14:00-17:00
Friday: 9:00-13:00
Saturday: 10:00-13:00
Sunday: Closed

2. Background

- 2.1 In January 2016 Fleckney Parish Council, as the qualifying body, applied for Fleckney Parish to be designated as a Neighbourhood Area for the purpose of preparing a neighbourhood plan. After a six week consultation period the Neighbourhood Area application was approved by Harborough District Council (the Council) on 22 March 2016 in accordance with the Neighbourhood Planning (General) Regulations (2012)
- 2.2 Following the submission of the Fleckney Neighbourhood Plan to the Council, the Plan was publicised for a six week period and representations were invited. The consultation period closed on 11 September 2019.
- 2.3 The Council, with the agreement of Fleckney Parish Council, appointed an independent examiner, Ms Ann Skippers, to review whether the Plan met the Basic Conditions required by legislation and should proceed to referendum.
- 2.4 The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision and Reasons

- 3.1 At its meeting on 1st June 2020, the Cabinet agreed that all the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum (see Executive Committee resolution at Appendix 1).

- 3.2 The modifications proposed by the examiner have been made to secure that the draft plan meets the basic conditions. Appendix 2 sets out these modifications and the action to be taken in respect of each of them.
- 3.3 The District Council agrees with the Examiner's recommendation that there is no reason to extend the Neighbourhood Plan area (Parish of Fleckney) for the purpose of holding the referendum.
- 3.4 The Examiner has concluded that with the specified modifications the Plan meets the basic conditions and other relevant legal requirements. The District Council concurs with this view and that the Plan complies with the provision made by or under sections 38A and 38B of the 2004 Act. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question

'Do you want Harborough District Council to use the Neighbourhood Plan for Fleckney to help it decide planning applications in the neighbourhood area?'

will be held in the Parish of Fleckney.

- 3.5 The date on which the referendum will take place is agreed as **6th May 2021**.

Appendix 1: Executive Committee Resolution in respect of Fleckney Neighbourhood Plan

Fleckney Neighbourhood Plan

RESOLVED:

- (i) that the Independent Examiner's recommended changes to the Fleckney Neighbourhood Plan be accepted in full as set out in the schedule at Appendix A to the report, and the recommendation that the amended Fleckney Neighbourhood Plan should proceed to a referendum of voters within the Parish of Fleckney to establish whether the Plan should form part of the Development Plan for the Harborough District be noted.
- (ii) that the holding of a referendum relating to the Fleckney Neighbourhood Plan on Thursday 6th May 2021 that will include all of the registered electors in Fleckney Parish be approved.
- (iii) that consideration of bringing the referendum date forward if Government guidance changes be approved.

Appendix 2: Schedule of Modifications Recommended in the Examiner's Report

Ref no	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
1		Introduction	1.2The Fleckney Neighbourhood Plan will be a statutory plan which means that once it has been finalised, it will be used to determine planning applications in the parish. 1.25Harborough District Council will continue to be responsible for determining most planning applications, but in Fleckney the policies in the Neighbourhood Plan will form the basis for those decisions. 1.28 BP1) How to meet the strategic development requirements for housing and employment set out in the emerging Harborough Local Plan	Add the words “<i>alongside the Local Plan</i>” to the end of paragraph 1.2 on page 1 and paragraph 1.25 on page 5 of the Plan Update paragraphs 1.20 – 1.24 as necessary for the final version of the Plan Delete the word “emerging” from the first bullet point in paragraph 1.28 on page 6 of the Plan	Clarity and accuracy
2	Policy F1	Countryside	Development in the Countryside will be strictly controlled in accordance with Harborough Local Plan Policies SS1 and GD3.	Amend the last sentence of the policy to read: “Development in the Countryside will be strictly controlled in accordance with Harborough Local Plan Policies SS1, GD3 and GD4 and Policy F9.”	With this modification, the policy will take account of the NPPF which states policies should contribute to and enhance the natural environment through, amongst other things, recognising the intrinsic character and

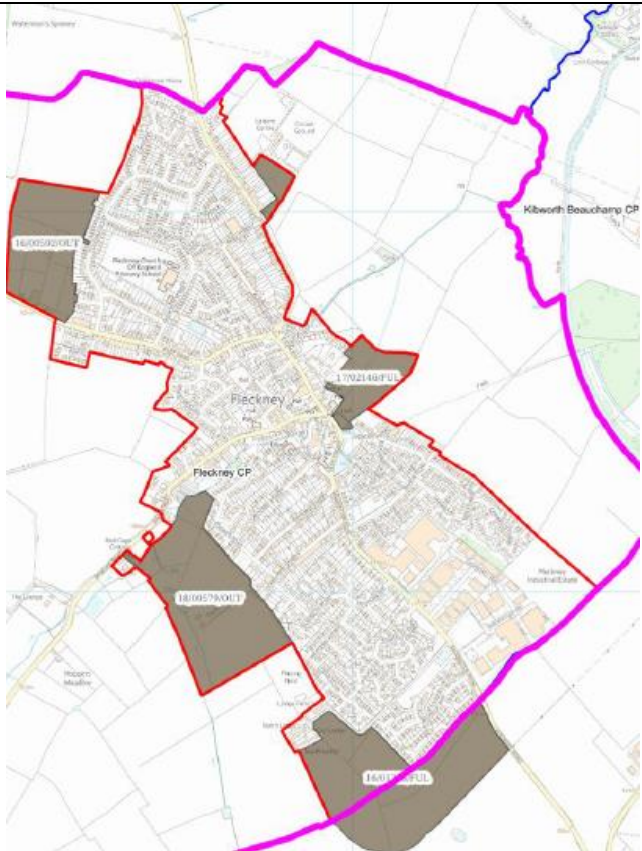
Ref no	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
					beauty of the countryside, be a local reflection of the relevant LP policies and help to achieve sustainable development.
3	Policy F2	Public Rights of Way Network		No modifications	Meets the Basic Conditions
4	Policy F3	Ecology and Biodiversity	Development should not harm the network of local ecological features and habitats which include (as shown on the Policies Map):	Change the words “...(as shown on the Policies Map)...in the first sentence of the policy to “...(as shown on the Policies Map Policy F3)...” ▪ Add a title that reads “Policies Map Policy F3” to the map on page 12 of the Plan ▪ Make the map on page 12 of the Plan clearer and easier to read or include further maps which show the features A – J more clearly	Clarity
5	Policy F4	Trees and Hedgerows		No modifications	Meets the Basic Conditions
6	Policy F5	Features of Local Heritage Interest	The determination of planning applications which would affect the following features of local heritage interest (as shown on the Policies Map) will balance the need for or public benefit	▪ Include Heritage Maps 1 – 6 in the Plan ▪ Add the words “...and as shown in detail on Heritage Maps 1 – 6” after “...(as shown on the Policies Map...” in the first	The wording of the policy reflects in part the stance of the NPPF, but adds a

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			of the proposed development against the significance of the asset and the extent to which it will be harmed:	sentence of the policy ▪ Delete the words “...or public benefit of...” from the policy	reference to “public benefit”. This is referred to in the NPPF, but in relation to designated, rather than non-designated, heritage assets. A modification is therefore made to ensure that the policy takes better account of the NPPF. This will also ensure that Policy F5 is a local expression of LP Policy HC1.
7	Policy F6	Design	Only development that reflects the distinctive and traditional character of Fleckney will be supported, unless it would be out of keeping with its surroundings. Development must also: 1. Be in keeping with the scale, form and character of its surroundings; 2. Protect important features such as traditional walls, hedgerows and trees; 3. Not significantly adversely affect the amenities of residents in the area, including	▪ Delete the words “Only” and “...unless it would be out of keeping with its surroundings” from the first sentence of the policy ▪ Add a new criterion 6. that reads: “<i>Innovative design will be supported where it promotes high levels of sustainability or helps to raise the standard of design more generally or contributes to the sense of place as long as it respects the</i>	Modifications are made in the interests of clarity to the wording of the policy and to ensure that innovative design, where appropriate, is supported in line with the NPPF.

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			daylight/sunlight, privacy, air quality, noise and light pollution; 4. Have no significantly detrimental impact on the road network following the implementation of the proposal; and 5. Have safe and suitable access.	<i>form and layout of its surroundings."</i>	
8	Policy F7	Local Green Spaces	The following sites have been designated as Local Green Spaces: A. Duck pond and amenity area, Saddington Road B. Amenity area, Priest Meadow Estate C. Fleckney Primary School playing field D. Amenity areas off Stenor Close E. Amenity area at Long Grey F. Leicester Road Recreation Ground G. Leicester Road allotments H. St Nicholas churchyard and cemetery I. Attenuation pond, Saddington Road J. Kestrel Close amenity area K. The Wranglands amenity area L. Edward Road play area M. Lodge Road Recreation Ground N. The Meer Flood Relief Basin O. Band Hall Field, Wolsey Lane Development that would harm the openness or special character of a Local Green Space (as designated on the Policies Map) or its	▪ Delete B Amenity area, Priest Meadow Estate and I the Attenuation pond, Saddington Road from the policy ▪ Consequential amendments will be needed including deletion of these two spaces from the maps and renumbering of policy criteria	With the exception of Amenity area, Priest Meadow Estate (duplication in Local Plan) and the Attenuation pond, Saddington Road (not demonstrated local significance), all the proposed LGSs meet the criteria in the NPPF satisfactorily as they are in close proximity to the community served, hold a particular local significance and are demonstrably special, are local in character and are not extensive tracts of

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			significance and value to the local community will not be permitted unless there are very special circumstances which outweigh the harm to the Local Green Space, such as: Provision of appropriate facilities to service a current use or function; or Alterations or replacement to existing building(s) or structure(s) provided that these do not significantly increase the size and scale of the original building(s) or structure(s).		land.
9	Policy F8	Housing Provision	4.6 Since 31 March 2018, Harborough District Council has approved a further 230 dwellings including: ▪ 24 dwellings were granted outline planning permission¹ at 61 Leicester Road in June 2018 (Ref: 17/02094/OUT); 4.7 The September 2017 Submission version of the Harborough Local Plan expected Fleckney to accommodate a minimum of 295 new homes in	▪ Update paragraph 4.6 on page 25 of the Plan to reflect the permission granted under reference 17/02094/OUT is for 23 dwellings not 24 and is no longer subject to the completion of a S106 agreement, to show that applications reference 18/00597/OUT and 17/02146/FUL are no longer subject to the completion of a S106 agreements ▪ Amend paragraph 4.7 on page 25 of the Plan to read: “ “The September 2017 Submission version	in the interests of accuracy, clarity and completeness.

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			addition to completions and commitments at that time. Since then, the District Council has approved over 500 homes- well in excess of that requirement. With around 680 houses in the pipeline, Fleckney is expected to grow by a third. Consequently, this Neighbourhood Plan limits new housing development mainly to infill.	of the Harborough Local Plan expected Fleckney to accommodate a minimum of 295 new homes in addition to completions and commitments at that time. Since then, the District Council has approved over 500 homes - well in excess of that requirement. With around 680 houses in the pipeline, Fleckney is expected to grow by a third. <i>The adopted Harborough Local Plan therefore did not make any provision for housing development in Fleckney other than the site at Arnesby Road.</i> Consequently, this Neighbourhood Plan limits new housing development mainly to infill."	

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10	Policy F9	Infill Housing	 Permission for housing development within the Fleckney Limits to Development, as defined on the Policies Map, will be supported. Outside the	▪ Ensure that the map on page 26 of the Plan shows the Limits of Development boundary clearly by delineating the lines for the Limits of Development and the Plan area more distinctly ▪ Add at the end of criterion 1. of the policy, the words “<i>and enhances their immediate setting</i>”	Clarity, to ensure the policy fully reflects the stance of the NPPF and LP Policy GD4 and to ensure the supporting text is clear. A correction is also made on one of the criterion in the interests of accuracy. The supporting text

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			Fleckney Limits to Development, permission for housing development will be limited to: 1. The re-use and adaptation of redundant rural buildings; 2. Rural worker accommodation in accordance with Harborough Local Plan Policy GD4b; 3. An isolated dwelling of innovative and/or exceptional design quality; and 4. Replacement dwellings in accordance with Harborough Local Plan Policy GD4d; 4.9 Limits to Development for Fleckney have been used to guide development for many years. To clarify where development would be acceptable, our Neighbourhood Plan defines updated Limits to Development which take account of the character of the village, recent and proposed developments. Outside the Fleckney Limits to Development, new build residential development will not normally be permitted.	▪ Add at the end of criterion 3. of the policy, the words <i>“and significantly enhances its immediate setting”</i> ▪ Add a new criterion to the policy that reads: <i>“Development which ensures the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;”</i> ▪ Add a new criterion to the policy which reads: <i>“Other development in line with Harborough Local Plan Policy GD4a and d.”</i> ▪ Add at the end of paragraph 4.9 on page 27 of the Plan <i>“...unless it accords with the circumstances specified in planning policy.”</i> ▪ Change “...Policy GD4d” in criterion 4. to “...Policy GD4f” ▪ Consequential amendments may be needed	indicates that outside the Limits of Development, new residential development will not normally be permitted. However, both the policy and the NPPF include a number of circumstances where new housing development will be permitted. Therefore a modification is made to ensure the text is clear.
11	Policy F10	Housing Mix		No modifications	Meets the Basic Conditions

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12	Policy F11	Affordable Housing	All affordable housing will be subject to conditions, or a planning obligation will be sought, to ensure that when homes are allocated, priority is given to people with a local connection to Fleckney Parish (i.e. including living, working or with close family ties in the Parish).	Change the words “...conditions, or a planning obligation will be sought...” in the first sentence of the policy to “<i>...a local connection policy to be agreed between the parties...</i>”	The principle is established through the LP and with some modification to increase flexibility, the policy will meet the basic conditions.
13	Policy F12	Bus Services	New developments of more than 10 dwellings will only be supported where all new homes are within 400m walking distance of a bus stop that is served by at least an hourly weekday bus service. Where necessary, new developments will be required to contribute to improvements to bus services to ensure these standards are met as well as the provision of bus shelters.	Delete the first paragraph of the policy	The requirement is not satisfactorily justified or shown to achieve sustainable development and should be deleted.
14	Policy F13	Car Parking and New Housing Development	At least two off-street car parking spaces shall be provided for each new dwelling. At least four such spaces should be provided for four-bedroom or larger dwellings. Residential parking spaces should be located to discourage on-street parking.	Reword the policy to read: “<i>New development will need to demonstrate that satisfactory off-street parking provision is made and that on-street parking will be discouraged. Factors including the type of development, its location and accessibility and the number of bedrooms will be taken into account in determining the number of spaces to be provided.</i>”	To ensure that development has sufficient parking dependent on its location and type which will increase flexibility whilst retaining the tenor of the policy.
15	Policy	Community	The following facilities will be protected in	Add after the word “protected” in the	A modification is

Ref no	Policy No.	Policy Title	Submission Draft Policy Text	Suggested Revised Policy Text	Reason
	F14	Services and Facilities	accordance with Harborough Local Plan Policy HC2:	first sentence of the policy, the words “and development which assists their diversification and improved accessibility is supported”	made to the policy to ensure it supports enhancement of these facilities as well as protects them
16	Policy F15	Infrastructure		No modifications	Meets the Basic Conditions
17	Policy F16	Village Centre	Proposals for the modernisation and improvement of Village Centre shops, facilities and services that ensure they are retained for the benefit of the community will be supported. A sequential test will be applied to planning applications for main Village Centre Uses* that are not within the Village Centre. Proposals for main Village Centre Uses* should be located in the Village Centre, then in edge of Village Centre locations and only if suitable sites are not available should out of Village Centre sites be considered. When assessing applications for retail development outside of the Village Centre, an impact assessment will be required if the development is to provide more than 100m² retail floor space. This should include an assessment of the impact of the proposal on Village Centre vitality and viability.	▪ Change the policy’s title to “Local Centre” ▪ Change all references to “Village Centre” in the policy and supporting text to “Local Centre” ▪ Add a new sentence at the end of the first paragraph of the policy that reads: “The Local Centre is shown on Map XX.” ▪ Change the title of the map on page 48 of the Plan to “Local Centre”	The LP refers to the area as the Local Centre and the Plan as the Village Centre. These are the same areas and it would be helpful and avoid any confusion if the Plan referred to the area in the same way. Typos and other corrections for accuracy

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			Where an application fails to satisfy the sequential test, or is likely to have an adverse impact on Village Centre vitality and viability, it will not be supported. Except where changes of use are allowed through permitted development, Class A1 Shops should remain the dominant use in the Village Centre and development leading to an over-concentration of any other one use will not be permitted and planning applications for uses other than Village Centre Uses* will not be supported. 8.11 In February 2019, a full planning application (Ref: 17/02146/FUL) was granted planning permission for 44 dwellings, a three-storey building (containing 8 flats and approximately 285 square metres of retail floor space), a new public plaza, replacement car parking and a location for a new scout hut at land off the High Street.	▪ Add the words “<i>subject to a legal agreement</i>” after “..granted planning permission” in paragraph 8.11 ▪ Correct “<i>exiting</i>” in paragraph 8.9 on page 47 of the Plan to “<i>existing</i>” ▪ Correct “<i>unites</i>” in paragraph 8.10 on page 47 to “<i>units</i>”	
18	Policy F17	Village Centre Car Parking	8.17 Current car parking standards for new developments are set out in the Leicestershire Highway Design Guide. This is an interim guide. The car parking standards are often expressed as	▪ Change any references to “Village Centre” to “Local Centre” in the policy and its supporting text ▪ Delete “...except for the minimum	In the interests of consistency, reference should be made to the Local, rather than

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			a maximum requirement which, in the case of Fleckney Village Centre, could exacerbate existing and future parking problems. Therefore, for our Village Centre, we have used these parking standards to set minimum requirements, except for the minimum requirement for four or more bedroomed dwellings which has been increased to four spaces.	requirement for four or more bedroomed dwellings which has been increased to four spaces.” from paragraph 8.17 on page 51 of the Plan	Village Centre. As a modified Policy F13, the supporting text on page 51 of the Plan should be deleted.
19		Appendices	Appendix 1 is the list and explanation of the Features of Local Heritage Interest referred to in relation to Policy F5. Appendix 2 refers to Local Green Spaces subject of Policy F7. Appendix 3 refers to parking standards for dwellings.	▪ Delete Local Green Spaces B and I from Appendix 2 ▪ Delete the last two rows of the table in Appendix 3 on page 56 of the Plan which refer to car parking standards for dwellings	Accuracy. Two of the LGSs are deleted and so some amendment to this appendix will be required. Modifications to Policy F13 which deals with this issue. As a consequence of those modifications, Appendix 3 will need revision.