

**Appendix 2:   Examiner's Report on Hickling Parish  
Neighbourhood Plan 2011 – 2028**

# **Hickling Parish Neighbourhood Plan 2011-2028**

**A report to Rushcliffe Borough Council**

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Independent Examiner**

**July 2021**

## **Executive summary**

I was appointed by Rushcliffe Borough Council on 18 May 2021, with the agreement of Hickling Parish Council, to carry out the independent examination of the Hickling Parish Neighbourhood Plan.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 8 June 2021.

Hickling is a rural Nottinghamshire parish within the Vale of Belvoir, on the border with Leicestershire. At the 2011 census it had a population of 511.

Part 1 of the Rushcliffe Local Plan, adopted in 2014, is the Core Strategy for the area and designates a number of settlements identified for growth. Hickling is not one of these, with the consequence that the only new development expected within the local plan period (ie up to 2028) is that required to meet local needs. The policies in the Plan allow for these to be met within the defined limits to development and, under certain circumstances on land in the wider countryside. For the most part, the Plan seeks to maintain the tranquil rural character of the Parish and to preserve and make the most of its many natural and historic assets.

I have concluded that, subject to the modifications set out in the report, the Hickling Parish Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum.

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## Introduction

1. This report sets out the findings of my examination of the Hickling Parish Neighbourhood Plan (the HPNP), submitted to Rushcliffe Borough Council (RBC) by Hickling Parish Council in February 2021. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated June 2019, and it continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to the modifications set out in my report, the Plan should proceed to referendum. If this results in a positive outcome, the HPNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the Parish.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O’Shea Consulting.

## Procedural matters

6. I am required to recommend that the Hickling Parish Neighbourhood Plan either
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
  - the submitted HPNP
  - the post-Regulation 14 Consultation Statement (February 2021)
  - the Basic Conditions Statement (February 2021)
  - the Strategic Environmental Assessment Screening Report (January 2021)

- the Habitats Regulation Assessment Initial Screening Assessment (March 2021)
  - the representations made in relation to the HPNP under Regulation 16
  - selected policies of the adopted Rushcliffe Local Plan
  - relevant paragraphs of the National Planning Policy Framework
  - relevant paragraphs of national Planning Policy Guidance.
8. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations<sup>1</sup>. In the present case, I have concluded that no hearing was necessary (I should add that no request for a hearing was made in any of the representations).
  9. My unaccompanied visit took place on 8 June 2021, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape, those areas affected by specific policies in the Plan, and the locations referred to in the representations. I refer to my visit as necessary elsewhere in this report.
  10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italicprint***.

#### **A brief picture of the Neighbourhood Plan area**

11. The Parish of Hickling lies on the edge of the Vale of Belvoir in the south-east corner of Nottinghamshire, on the border with Leicestershire. It includes two principal elements, the linear Hickling village and, roughly two miles to the west, the smaller and more scattered community of Hickling Pastures located on the A606, a busy route linking Nottingham with Melton Mowbray. The total population at the 2011 Census was 511, with about 224 homes located in the main village, and a further 56 or so in Hickling Pastures.
12. I was able to see from my visit to the Parish that its character is dominated by the open, rolling countryside within which it sits and the agricultural economy which derives from it (there are several active farms within the built-up area itself). The village proper runs for about 0.6 miles along Main Street, with most development little more than an informal “ribbon” of traditional buildings – although there are one or two more modern elements, notably at Harles Acres at the southern end. Several fine views of the Vale of Belvoir are to be had from a number of vantage points within the Parish, notably from Green Lane and Bridegate Lane looking east. A major feature is the disused Grantham Canal, an important ecological and recreational resource. There are 31 listed buildings, while most of the village proper lies within a conservation area.
13. In addition to St Luke’s Parish Church, the village has an attractive pub and tea rooms, both closely associated with the Canal Basin; a village hall (which accommodates a pre-school) and a fine cricket ground. There is, however, no shop. The Parish is home to a number of small businesses, most of which are home-based.

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<sup>1</sup> Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

## **The basic conditions**

14. I am not required to come to a view about the “soundness” of the plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of Planning Practice Guidance. I deal with each of these conditions below in the context of the HPNP’s policies but, in brief, all neighbourhood plans must:
- have regard to national policy and guidance (Condition a);
  - contribute to the achievement of sustainable development (Condition d);
  - be in general conformity with the strategic policies in the development plan for the local area (Condition e);
  - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
  - comply with any other prescribed matters.
15. The Basic Conditions Statement (BCS) is dated February 2021. It begins by explaining the statutory background to neighbourhood planning, and how this relates to the decision to prepare the HPNP. It then sets out, in a helpful tabular format, how each policy of the Plan seeks to address NPPF policies, as well as any relevant paragraphs of Planning Practice Guidance. A separate table shows how the Plan seeks to satisfy specific components of national policy dealing with the need to achieve more sustainable development. The exercise is repeated in order to demonstrate the conformity of NP policies with the Core Strategy of the Rushcliffe Local Plan (ie Part 1 of the RLP, deemed to be the “strategic” policies for the purposes of neighbourhood planning). The BCS also looks at key policies in Part 2 of the RLP in the same way before briefly describing the relationship with EU obligations, in particular under the Strategic Environmental Assessment and Habitats Directives.
16. I am satisfied that the BCS is a full statement of the steps that have been taken to meet the relevant statutory provisions.

## **Other statutory requirements**

17. A number of other statutory requirements apply to the preparation of neighbourhood plans. These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
  - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
  - that the plan period must be stated; and
  - that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

18. All these requirements have been satisfied in this case. I have also borne in mind the particular duty, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area.
19. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
20. In January 2021, consultants Planit-X published their screening report for the HPNP, their consideration of the environmental effects of the Plan extending to several sensitive assets close to but beyond the NP area itself. At the pre-submission stage, the allocation under Policy H11 of land at The Wharf for a small housing development was considered likely to have had a significant impact on the character of the Conservation Area (a view supported by Historic England); however, an altered policy approach has led to the conclusion that “the potential for Policy H11 to have a significant effect on the environment is now more limited”. For this reason, an SEA is not considered to be required – a conclusion again supported by Historic England<sup>2</sup>. Neither Natural England nor the Environment Agency question the overall outcome of the screening exercise, and I have no reason to take a different view.
21. A separate assessment under the Habitats Regulations was carried out by RBC, the results being contained in their report dated March 2021. This reached the conclusion that the HPNP is unlikely to have significant effects on any European protected nature conservation site, and thus that no further assessment is needed. I have also noted that the same conclusion was reached in respect of both parts of the adopted Local Plan for the Borough as a whole.
22. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it<sup>3</sup>. I am satisfied that this requirement is met.

### **National policy and guidance**

23. National policy is set out primarily in the NPPF, with a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government.
24. I have borne particularly in mind the advice in the PPG that *“A policy in a neighbourhood plan should be clear and unambiguous. It 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.”*<sup>4</sup>

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<sup>2</sup> It should be noted at this point that I have recommended substantial changes to Policy H11: it may be that RBC will need to consider whether further consultation with Historic England would be needed, in the event that my recommendation is accepted.

<sup>3</sup> s. 38A(2) of the Planning and Compulsory Purchase Act 2004, inserted by the Localism Act 2011

<sup>4</sup> PPG paragraph 041. ID:41-041-20140306



## **The existing Development Plan for the area**

25. Basic Condition (e) requires neighbourhood plans to be “in general conformity with the strategic policies of the development plan for the area”. For Hickling, these are principally to be found in the Rushcliffe Local Plan Core Strategy (ie Part 1 of the Plan, adopted in December 2014). I refer to this as necessary at appropriate points in my report. In addition, I will refer to Part 2 of the Local Plan (Land and Planning Policies) as required, which (under paragraph 1.13) contains certain other policies considered to be strategic for these purposes.

## **The consultation exercise (Regulation 14)**

26. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
27. Initial public consultation began in the autumn of 2016, leading eventually to the publication of the first draft of the Plan early in 2019. Full details of the various stages of the public engagement exercises are set out in the Consultation Statement, and I have no need to summarise them here. Suffice to say that I am satisfied that the work done by the Parish Council’s Neighbourhood Plan Steering Group meets the requirements of the Regulations in this respect, and all involved are to be congratulated for not allowing progress on the Plan to be unduly impeded by the Coronavirus pandemic.

## **Description of the Plan**

28. The submitted version of the Plan is dated January 2021. It begins, in Part 1, by setting the general background to neighbourhood planning and briefly describing the key facts about the Parish, including explaining the strategic planning context. It then summarises the process of engagement with the local community, listing the 14 key issues that were identified as a result. The vision for the village requires the Plan to be “aspirational but realistic” and is based on the desire to conserve the built and natural heritage; reduce the impact of traffic; ensure housing provision meets local needs; support local services and facilities (including the farming community;) and make the most of the Grantham Canal.
29. Part 2 of the Plan relates principally to the rural character of the area covered by Policies H1-H7; Part 3 deals with the built heritage and design (Policies H8 and H9); Part 4 covers housing issues (Policies H10-H14); Part 5 relates to the social infrastructure (Policy H15); Part 6, which contains no explicit policies, briefly notes the issues relating to traffic and parking; Part 7 deals with employment in the Parish, including the approach to rural worker accommodation (Policies H16 and H17); and finally, Part 8 introduces Policy H18, which supports the restoration and conservation of the Canal. There are then five appendices: in some cases, these contain material which it is important to be aware of in understanding and interpreting the Plan’s policies, and I will refer to this again later. The appendices deal with:
- important views
  - biodiversity opportunities

- local green spaces
  - features of local heritage interest
  - the design guide.
30. Each policy is appropriately separated from the supporting material which precedes it, by use of colour-coding. In addition, after each policy there is a useful checklist of which of the key elements of the Plan's vision it addresses. Taken as a whole, the document is well written and laid out, avoiding over-complication and jargon. The accompanying maps are, for the most part, clear – although there are one or two areas where some improvement should be considered (referred to later). Between them, the appendices contain a wealth of high-quality photographs which serve to bring the character of the Parish to life.
31. There is no statutory requirement to review or update a neighbourhood plan<sup>5</sup>. However, it is general practice that some indication of this is provided by the qualifying body, and this is given at paragraph 4.26, briefly referred to below.

### Representations received (Regulation 16)

32. No directly relevant observations were made by Natural England, Highways England, Historic England, National Grid, The Coal Authority, The Health and Safety Executive or Sport England. I will deal with the representations made on behalf of AE Faulks Ltd, who operate a business at The Wharf, under Policy H11; with those of Canal 6 River Trust under Policies H3 and H18; and with those made by Nottinghamshire County Council about non-designated heritage assets when commenting on Policy H8. Detailed observations by RBC will be dealt with under the appropriate policy headings. One member of the public suggested an amendment to Policy H10, which I have taken account of in making my recommendations under that policy.

### The policies

#### Policy H1: Countryside

33. LP Part 2 Policy 22 seeks to conserve and enhance the Borough's countryside areas, defined as land beyond the Green Belt and the physical edge of settlements. Development within the countryside is only permitted subject to a detailed list of criteria. HPNP Policy H1 simply serves to make a direct link with LP2 Policy 22 by explaining that Hickling's countryside is defined as the land beyond the Limits to Development shown on the Policies Map.

#### Policy H2: Locally important views

34. Seven viewpoints are seen as particularly important within the Parish, all of which are shown on Map 3\* and are well illustrated with photographs in Appendix 1. ***\*The introduction to the policy refers to the locations being shown on the Policies Map, not Map 3: this should be rectified. In addition, the map does not show viewpoint 2: this should also be clarified.*** (It may be that viewpoints 2 and 3 could simply be amalgamated and described accordingly).

<sup>5</sup> PPG paragraph 084. ID 41-084-20190509

### Policy H3: Tranquility

35. Policy H3 seeks to preserve the existing quality of life for local residents by discouraging development which might introduce noise (particularly at night) above the “Lowest Observed Effect Level (LOEL)”. Obtrusive lighting is similarly to be discouraged.
36. RBC question the wording of the policy, especially in relation to the use of the LOEL criterion (something which is referred to in the PPG at paragraph 004). The Canal Trust also consider that, as it stands, this reference would need further explanation. RBC suggest a revised wording, but in my view this would not make understanding or interpreting the policy any easier.
37. Since planning applications involving the land-uses listed would routinely be the subject of consultation with the Borough Council’s environmental health officers (in some circumstances involving consideration of appropriate mitigation measures), ***I recommend that the policy be reworded to be less prescriptive, as follows: “Planning applications for industrial, commercial, large-scale agricultural, leisure or recreation and sporting activities will only be permitted where it can be demonstrated that they will not result in any significant loss in local tranquility. Development requiring floodlights, security lights and street-lights resulting in excessive, misdirected or obtrusive uses of light will not be permitted”.***

### Policy H4: Renewable energy

38. While paragraph 2.18 recognises the important contribution planning policies can make towards slowing down climate change and stimulating investment in new businesses, Policy H4 adopts a precautionary approach in the light of the sensitive local environment. Ground-mounted solar photovoltaic farms are only supported in certain locations, and wind turbines are opposed in their entirety. RBC point to the potential conflict of the latter provision with both NPPF paragraph 151 and Core Strategy Policy 2, which do not adopt such a blanket approach.
39. This seems to me to be a valid criticism. National policy requires a positive view of renewable sources of energy, although schemes involving wind turbines should not be considered acceptable unless they are located within an area identified as being suitable for wind energy development in the development plan and any impacts identified by the affected local community have been addressed and their support obtained<sup>6</sup>. Core Strategy Policy 2 similarly requires the benefits of such schemes to be assessed against their impacts. In Hickling, this would require full account being taken of the landscape character assessments found in the Vale of Belvoir and Nottinghamshire Wolds (Widmerpool Clay Wolds) studies.
40. ***I recommend that the last sentence of Policy H4 be deleted and replaced with the following: “Proposals for the development of wind turbines will only be supported where these are compatible with environmental, heritage, landscape and other planning considerations.”***

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<sup>6</sup> see footnote 49 to paragraph 154b.

## Policy H5: Ecology and biodiversity

41. Policy H5 seeks to ensure that the Parish's network of ecological features and habitats is not harmed by development. Eight specific sites are identified in the policy and are shown on Map 4. In addition, in appropriate circumstances, the opportunity should be taken to measurably increase biodiversity, with the supporting detailed evidence for this being set out in Appendix 2.

## Policy H6: Trees and hedges

42. I was able to see from my visit the importance of mature trees and hedgerows to the overall character of the Parish, and the role that these play in reinforcing its particular rural setting. They take the form both of linear green elements and denser clusters, but taken as a whole, they also add significantly to the particular character of the conservation area, whose boundaries generally extend a short distance beyond the defined limits to development. Conservation area status affords protection to the larger trees, but the Plan seeks to go beyond this, reflecting the decision of the Parish Council to sign the Woodland Trust's "Tree Charter", and the clear strength of local feeling on the matter. Policy H6 would therefore require planning applications affecting [any] trees or hedgerows (including ancient trees) to be accompanied by a survey to establish their likely longevity and broader value to the local ecosystem. Anything that would result in damage to or the loss of such assets will not be supported; but where this does happen, appropriate replacements will be required.
43. My only reservation about this policy approach is that by requiring a survey where loss of *any* trees or hedgerows might be involved, it goes significantly further than the NPPF (specifically part 15). There are likely to be many circumstances where, in the absence of a *de minimis* provision in relation to small-scale development, such a requirement would be seen as too onerous and might well, over time, become impractical to implement, with the unintended consequence that the integrity of the policy objective would become undermined.
44. ***I therefore recommend that the policy be amended to read: "Planning applications involving the potential loss of significant trees or hedgerows should be accompanied either (a) by a survey that establishes the health and longevity of any affected trees and hedgerows as well as their role in the local ecosystem; or (b) by a statement explaining why such a survey is not thought necessary, having regard to the scale or character of the proposals and the overall objectives of this policy. Development that damages or results in the loss of ancient trees, or hedgerows or trees of good arboricultural and amenity value, will only be supported in principle where the benefits of the development are considered to outweigh the harm involved. In these circumstances, native species replacements should be planted in locations where they would have the opportunity to grow to maturity, increase canopy cover and contribute to the local ecosystem."***

## Policy H7: Local green spaces

45. Policy H7 gives effect to NPPF paragraphs 99-100: "*The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them... Local Green Spaces should only be*

*designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period. The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.”*

- 46. Appendix 3 to the Plan sets out a matrix which summarises how eight areas within the Parish are said to satisfy these three criteria. The policy itself states that development which would harm the openness or special character of these spaces, or their value to the local community, will not be permitted other than in very special circumstances (with two examples given).
- 47. The consultation processes did not result in objection to the inclusion of any of these sites, and from my (necessarily brief) inspection of them, I would not have any reasons of my own for questioning the value which the Plan places on them.
- 48. I have noted that Appendix 2 of the pre-submission version of the Plan, which at that time considered seven sites for designation as LGS, included a fuller description of each site, together with photographs. This is helpful in understanding the value of these assets. ***I recommend that Appendix 3 be modified in order to include a description and photograph of each LGS.***

#### **Policy H8: Features of local heritage interest**

- 49. This policy lists a total of 30 locally valued structures which do not at present benefit from any statutory protection. This distinguishes them from the 31 listed buildings within the Parish, and (to some extent) from buildings within the conservation area. The policy seeks to balance the advantages of any development which might affect the structures covered by the policy against the significance of the assets concerned and the extent to which they would be harmed. The locations of these features are shown on Maps 6 and 7, as well as on the Policies Map.
- 50. Appendix 4 explains that a two-step approach was taken in order to identify these “non-designated heritage assets”. First, a list of potential candidates was derived from a number of different sources; and this was followed by testing them against a total of eight criteria relating to their value, of which two (C1 and C2) were mandatory (with at least one of the remaining six, C3-C8, also having to be satisfied). Each site is then described (together with a photograph) and assessed against the identified criteria.
- 51. RBC point out that, while this approach reflects that taken in Local Plan Policy 28, it differs in that the latter requires at least two criteria from C3-C8 to be met. ***On the assumption that there is no intention to depart from the Local Plan’s requirements, I recommend that this discrepancy be removed.***
- 52. RBC make a number of further detailed points about the adequacy of the assessments as they appear in Appendix 4. Given the general need for me to limit my recommendations to addressing the basic conditions (which I consider are not impacted by these comments) I

am content to leave the Parish Council to consider them on their merits, and to suggest to RBC any consequential adjustments to the material they think fit. The same applies to a number of detailed suggestions made by Nottinghamshire County Council about the value of cross-referencing to other databases, and the possible inclusion of other assets in the list. I would only add that anything that improves the public's ability to understand the Plan is clearly to be welcomed; this includes the ability to clearly locate specific sites on the various maps.<sup>7</sup>

#### **Policy H9: Local design**

53. There is little uniformity about the design of the village's individual buildings, something which adds to the richness of its overall character. Policy H9 seeks to reflect this diversity by setting down some broad principles designed to ensure that the essential features of built form and the spaces between the various elements are respected. Details are contained in a design guide, included in the Plan as Appendix 5, and the policy properly requires development proposals to reflect the guidance it contains<sup>8</sup>. It goes beyond purely design matters in that it seeks also to protect residential amenity, avoid any significant increase in traffic volumes and ensure safe and convenient access arrangements.
54. RBC consider that requirement C of the policy is overly restrictive. This seeks to protect spaces between buildings that allow for views of the surrounding countryside from within the existing built-up areas. RBC say that this would conflict with HPNP Policy H10 and LP Policy 22, each of which would permit infill within the limits to development. For my part, I do not see this as an issue, since these policies are clearly not intended to give carte-blanc to all infill schemes irrespective of their impact. The rewording I am recommending to Policy H10 should, however, resolve any ambiguity.

#### **Policy H10: Housing provision**

55. Policy 3 of the Rushcliffe Core Strategy establishes the settlement hierarchy for the borough. Outside of the main built-up areas, further growth is provided for within seven main settlements; in other villages (including Hickling) new house building is restricted to that which would meet local needs only. No "target" figures are given for individual settlements. Policy 11 of Local Plan Part 2 permits development on unallocated sites within the built-up areas of settlements such as Hickling, subject to a number of criteria; and Policy 22 states that land beyond the physical edge of these settlements is to be treated as countryside. The LP does not itself identify "limits to development", but the HPNP defines the one applying to Hickling on Map 8 and the Policies Map. The boundary is drawn quite tightly around the existing built-up edge of the village, especially on the western side.
56. Based on the results of the local consultation exercises, the assumption is made that up to 10 new homes would be needed up to 2028. According to paragraph 4.9 of the Plan, planning permission has been granted for around that number since the surveys were undertaken – however, most are said to be larger properties or agricultural dwellings which

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<sup>7</sup> As a specific comment, while I accept that the resolution level of the maps is such that there are occasional difficulties with precision, when the maps are read alongside the descriptive material and the photographs, there is generally little doubt about the location of the assets concerned. I accept, however, that there are one or two exceptions where improvements are desirable.

<sup>8</sup> I note that the first paragraph of the introduction to Appendix 5 refers to its relationship with Plan policy H8: this presumably should be Policy H9.

do not meet the needs of those wishing to downsize, or of first-time buyers. In order to satisfy the local preferences, instead of allocating any specific areas of land for new housing, Policy H10 gives broader guidance about how the identified needs could best be met. These include supporting the development of sites within the existing limits to development, and the establishment of six criteria against which proposals on land outside the village envelope might be assessed. ***As far as the first of these is concerned, I recommend that it be reworded to make it clear that the support given is “in principle”, and thus subject to account being taken of the other policies in the Plan.***

57. RBC make two points about the details of this policy. The first relates to criterion D which would permit a positive response to housing in the countryside which is of exceptional design quality, as described at paragraph 79(e) of the NPPF. RBC considers this should be deleted because the Government has recently consulted on changes to the NPPF, including this element of it. Unless and until any changes are confirmed, however, it would be premature to remove the provision from Policy H10.
58. RBC’s second comment draws attention to the fact that Policies 3 and 8 of the Core Strategy and Policy 22 of LP2 allow for “rural exception” development in smaller settlements. This is not one of the criteria set out in the second part of Policy H10 (which sets out the circumstances where housing might be permitted outside the Limits to Development of Hickling village), but to include it would not seem to conflict with any of the NP’s objectives. It would also be in accordance with NPPF paragraph 77. ***I therefore recommend that an additional criterion be inserted into the policy: “G. Rural exception site development where need has been demonstrated through an up-to-date housing needs survey”.***
59. It is also necessary to note my recommendation under the next policy, where a further criterion is proposed.

#### **Policy H11: The Wharf, Main Street, Hickling**

60. It is clear from the background to the Plan that this policy has generated some significant differences of opinion locally, which the Parish Council have not found it easy to reconcile.
61. AE Faulks Ltd operate a plant-hire business from their site at The Wharf. It consists of a workshop, and storage and office space, and includes an open storage and parking area which can accommodate up to 14 heavy goods vehicles together with trailers and plant. The traffic associated with HGV movements has long been a source of complaint by local residents, and Policy H11 reflects the desirability of facilitating the relocation of the business to a more suitable site, at the same time taking the opportunity to redevelop the existing one in a way which would enhance the character of the conservation area and the setting of nearby listed buildings.
62. From what I have read, I understand that AE Faulks Ltd (the company) is open to the idea of relocation, and I can readily appreciate why this would be a desirable outcome, especially given the sensitive location of the site so close to the Canal Basin, arguably the most important focal point of the village and a popular spot for visitors. The company has planning permission for a new depot at Station Road, Old Dalby, about 4 miles to the south-west: the issue is whether or not the Plan as it stands would help or hinder a successful move without prejudicing the achievement of its other objectives.

63. These are the main points forming the background to the policy:

- Paragraph 4.14 of the Plan clearly supports the idea of relocating the business and allowing at least part of the company's land to be developed for housing, but paragraph 4.15 suggests that the company would require "a greenfield extension of almost 50m" in order to achieve this – which the Plan Steering Group consider excessive. I have not seen any more details of this reported constraint, and it is not mentioned in the representations made on the company's behalf;
- while it seems that the Steering Group were prepared to look favourably on the release of some greenfield land, a majority of those residents who responded to a consultation on the matter were opposed to the idea in principle, with about 60% supporting the redevelopment of the brownfield element only. While not formally allocating any land for development, Policy H11 attempts to reflect this outcome by supporting the principle of releasing some 0.36 hectares of land for housing, subject to eight criteria. The first of these would limit any redevelopment to the land lawfully occupied by the existing business (which I assume means only the brownfield component);
- in addition, criterion (B) would require any scheme to accord with Policy H14 – a critical element of which is that housing with more than three bedrooms will only be supported if it is necessary to make the best use of a redundant or disused rural building: on the face of it, this would preclude the inclusion of larger dwellings in any redevelopment of The Wharf site;
- in making representations to the submission version of the Plan, the company's agents state that their preference is to redevelop the existing site with two self-build houses and "additional market houses for sale". They provide no further details, although it is clear that they object to the link in Policy H11 to Policy H14;
- although the agents make no reference to the need for greenfield land to be included in their clients' preferred solution, this seems to be implied since they ask for an explanation as to why the pre-submission version of the Plan showed some extension to the Limits of Development involving their land, whereas the submitted version does not. They also say that, by contrast, some other land to the south has been included within the settlement boundary. However, beyond seeking an explanation for these changes and what they say are inconsistencies in approach, no specific case is put forward for an alteration to the boundary as it appears on Map 8, whether related to the proposal to relocate or for any other reason.

64. This is a somewhat confusing picture, not helped by a lack of any detailed plans. As previously noted, there is no requirement for the Plan to allocate any land for housing, reliance instead being placed on adopting a positive approach to "windfall" schemes within the main village and on the rural exception provisions. Policy H11 is at pains to emphasise this approach, since its full title reads: *"The Wharf, Main Street, Hickling (not a housing allocation)"*. However, in being very specific both about the amount of land to which it relates and the criteria which would have to be satisfied for any proposal for its redevelopment to be supported, it is difficult to see how it could not be read in practice as a *de facto* allocation, and thus something to which substantial weight is intended to be given.

65. There is some unhelpful ambiguity here, which it seems derives from the fact that the Plan is not able to arrive at a definitive position on the Faulks land, despite its best endeavours. In my view, given the uncertainties, what is actually needed is a careful, site-specific and evidence-based assessment of the most practicable options for facilitating the relocation of



the business use, while at the same time meeting the most relevant housing needs of the Parish and achieving a scheme which would be of the greatest benefit to the heritage assets. I am satisfied from what I have read that there is a will to find a way of meeting all these objectives, but I do not believe that Policy H11 as it stands delivers what is required.

66. I should make it clear that my view of this policy does not raise any issues as far as the basic conditions are concerned. Nevertheless, I consider that the confusion about its exact status and intended role in the future planning of the site needs to be reconsidered. My recommendation should allow the necessary flexibility for the parties to consider a range of options in a constructive way, while at the same time ensuring that all other relevant policies of the Plan are taken into account.

67. ***I therefore recommend that Policy H11 be deleted and replaced with the following:***

***“Policy H11: The Wharf, Main Street, Hickling***

***The Parish Council intend to work constructively with AE Faulks Ltd to achieve a successful relocation of their existing plant-hire business at The Wharf and the redevelopment of the land for housing.***

***The scale, extent and mix of any housing scheme will be a matter of detailed discussion with the company and consultation with local residents, but the guiding principles behind the project will include:***

- ***acceptance in principle for the development of as much of the site as lies within the defined Limits to Development;***
- ***the inclusion of an additional small area of land beyond the defined Limits to Development, but only where it can clearly be demonstrated that this is required to facilitate the successful relocation of the business;***
- ***the incorporation, where feasible, of additional parking space for visitors to Hickling Basin; and***
- ***acknowledgement that regard will be had to all other relevant policies in this Plan, including the mix of any housing to be provided.”***

68. ***I further recommend that Policy H10 include an additional criterion, in order to remove any conflict with this recommendation: “H. The release of a small area of land in the vicinity of the AE Faulks depot, but only where it has been clearly demonstrated that this is required in order to facilitate the relocation of the business, in accordance with the aims of Policy H11”.***

69. I do not consider it necessary to make any additional recommendations in respect of the detailed comments made by Stone Planning Services Ltd on behalf of AE Faulks. I deal below with their concern about Policy H14.

#### **Policy H12: Residential conversion of rural buildings**

70. This policy supports the re-use and adaptation of redundant or disused rural buildings for residential use, subject to certain criteria. In principle, this accords with both local strategic and national planning policies; however, as RBC point out, criterion A introduces some conflict by requiring the buildings concerned to be of architectural or historical interest. ***I recommend that criterion A be deleted.***

71. In addition, given the recent alterations to the permitted development regime, ***I recommend that the preamble to the policy be reworded thus: "Where planning permission is required for the re-use and adaptation of redundant or disused rural buildings for residential use, this will be supported where:....."***
72. My assumption is that Policy H12 is not intended to apply to proposals for the conversion of any "rural buildings" which happen to be located within the defined limits to development. ***In order for this to be made clear, however, I recommend that the title of the policy be changed to "Residential conversion of existing rural buildings situated beyond the Limits to Development".***

#### **Policy H13: Replacement dwellings**

73. Sympathetic replacement of existing dwellings is supported by this policy, subject to three criteria (one being the need to ensure that this does not result in a reduction in the stock of smaller homes, for which there is seen to be a local need). I have a concern about criterion A, which requires an enhancement of the immediate setting and general character of the area: this seems to me too onerous. The planning system does not routinely expect development schemes (perhaps especially small-scale ones) to result in a net *gain* in those terms. A neutral impact (as provided for under criterion C) should suffice. ***I therefore recommend the deletion of criterion A.***
74. As with the previous policy, I have assumed that Policy H13 is intended to apply only to the replacement of dwellings outside the village envelope (paragraphs 4.22 and 4.23 both referring to "the rural area"). ***I make a similar recommendation, namely that the title of the policy be changed to "Replacement of existing dwellings situated beyond the Limits to Development".***

#### **Policy H14: Housing mix**

75. As previously noted, there is no requirement for Hickling Parish to accommodate anything other than housing needs which arise locally over the Plan period. Taking into account the views of local residents, in particular about the size and occupancy levels of the existing stock, the Plan seeks to ensure that any new housing can be targeted towards the needs of older households and/or smaller, affordable homes. For this reason, Policy H14 states that support for new houses containing more than three bedrooms will only be given if it is necessary to make the best use of a redundant or disused rural building.
76. Stone Planning Services question the evidence base for this restriction, which they see as imposing an unjustified constraint on the way the AE Faulks land might be redeveloped. As the supporting material to the Plan itself notes, there was no clear consensus among local residents as to the most appropriate mix of dwelling size for new development, and it would be beyond my brief to attempt to come to my own view of the matter. While I agree that Policy H14 as it stands would appear as a barrier to the inclusion of larger houses in any redevelopment of the Faulks site, ***I recommend that this can be addressed by the inclusion of the word "normally" in the second sentence: "The development of housing with more than three bedrooms will normally only be supported where....".*** This provides an appropriate element of flexibility which would enable the specific objectives of Policy H11 to be fully assessed.

#### Policy H15: Community services and facilities

77. The Parish has no shop, but it is clear that the Plough Inn and the Village Hall are seen as essential social assets whose potential loss would be opposed. Policy H15 sets down the criteria that would be taken into account should those circumstances arise.

#### Policy H16: The re-use of rural buildings for business use

78. The Plan seeks to increase the diversity of the local economy, and Policy H16 is designed to support that objective by adopting a positive approach to the conversion of existing buildings to business use, subject to a list of criteria which aim to ensure that such changes, and the activities associated with them, would be compatible with their surroundings.

#### Policy H17: Rural worker accommodation

79. As further support for the Parish's agricultural economy, the Plan would permit the building of new homes for rural workers in the countryside. This would be subject to the kinds of tests already applicable at national and local level. Policy H17 sets out four detailed criteria.

#### Policy H18: Grantham Canal and Hickling Basin

80. I was able to see for myself that the disused canal, a "remainder waterway", is a major recreational and environmental asset not just for Hickling, but for the wider area. It is also of great significance to the social and economic history of the locality. The basin at Hickling has been restored and contains traditional canal-side architecture accommodating the Plough Inn and a popular tea-room. It is also a designated local wildlife site.
81. I noted from local publicity that the Grantham Canal Society, in partnership with RBC and other local authorities and bodies, is dedicated to the restoration of the full 33-mile length between Nottingham and Grantham. NP Policy H18 supports that aim and additionally seeks to ensure that any development in its vicinity takes it fully into account (as well as considering traffic impact and safeguarding residential amenity). The Canal & River Trust owns and maintains the canal. They support the intention to maximise its potential, but suggest two sensible minor additions to Policy H18: ***I recommend that criterion A should read (where) "proposals have appropriate regard for the significance of the heritage assets of the canal, basin and their setting, and do not prejudice future restoration of the canal to navigable status". Criterion B should read: "proposals protect and enhance the ecological value of the canal and its landscape features".*** The latter small modification removes any perceived inconsistency with NPPF paragraph\_174.
82. Under Policy H3 (Tranquility), I made a recommendation designed to avoid over-prescription in respect of noise transmission. ***I recommend that criterion D of Policy H18 be amended to read: (where) "residential amenities are protected, with full account being taken of the need to protect tranquility, in accordance with Policy H3".***

## Monitoring and review

83. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) review might be undertaken. However, this is not a statutory requirement, nor is it a subject of Government policy beyond guidance that communities are encouraged to keep plans up to date<sup>9</sup>. The HPNP simply states (at paragraph 4.26) that the Parish Council will review the evidence of housing need once the data from the 2021 Census has been published and thereafter every five years, adding that “evidence of a change in circumstance may trigger a full or partial review of the Plan”.

## Conclusions on the basic conditions and formal recommendation

84. I am satisfied that, subject to the modifications set out in this report, the Hickling Parish Neighbourhood Plan makes appropriate provision for sustainable development; that it has had regard to national policy, and that it is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements. I am also required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area, but I have been given no reason to think this is necessary.
85. I therefore recommend that the Hickling Parish Neighbourhood Plan, once modified, should proceed to referendum.

**David Kaiserman**

David Kaiserman BA DipTP MRTPI Independent Examiner

8 July 2021

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<sup>9</sup> PPG at paragraph 084. ID: 41-084-20190509

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
34	Policy H2	<ul style="list-style-type: none"> <li>• add reference to important views being shown on Map 3</li> <li>• add viewpoint 2 to Map 3</li> </ul>
37	Policy H3	<ul style="list-style-type: none"> <li>• reword policy as suggested</li> </ul>
40	Policy H4	<ul style="list-style-type: none"> <li>• replace last sentence of policy as suggested</li> </ul>
44	Policy H6	<ul style="list-style-type: none"> <li>• amend policy as suggested</li> </ul>
48	Policy H7	<ul style="list-style-type: none"> <li>• modify Appendix 3 to include a description and photograph of each LGS</li> </ul>
51	Policy H8	<ul style="list-style-type: none"> <li>• remove discrepancy between the policy and RLP Policy 28</li> </ul>
56	Policy H10	<ul style="list-style-type: none"> <li>• reword criterion A as suggested</li> </ul>
58	Policy H10	<ul style="list-style-type: none"> <li>• insert additional criterion (G) into the policy</li> </ul>
67	Policy H11	<ul style="list-style-type: none"> <li>• delete existing policy and replace as suggested</li> </ul>
68	Policy H10	<ul style="list-style-type: none"> <li>• insert additional criterion (H) into the policy</li> </ul>
70	Policy H12	<ul style="list-style-type: none"> <li>• delete criterion A</li> </ul>
71	Policy H12	<ul style="list-style-type: none"> <li>• reword preamble as suggested</li> </ul>
72	Policy H12	<ul style="list-style-type: none"> <li>• amend title of policy as suggested</li> </ul>
73	Policy H13	<ul style="list-style-type: none"> <li>• delete criterion A</li> </ul>
74	Policy H13	<ul style="list-style-type: none"> <li>• amend title of policy as suggested</li> </ul>
76	Policy H14	<ul style="list-style-type: none"> <li>• reword policy as suggested</li> </ul>
81	Policy H18	<ul style="list-style-type: none"> <li>• reword criterion A as suggested</li> <li>• reword criterion B as suggested</li> </ul>
82	Policy H18	<ul style="list-style-type: none"> <li>• amend criterion D as suggested</li> </ul>