

## **Rearsby Neighbourhood Plan Regulation 16 Consultation – Charnwood Borough Council Response – 30<sup>th</sup> April 2021**

### **Response Format**

1. This document sets out Charnwood Borough Council's (CBC) response to the Regulation 16 consultation on the Rearsby Neighbourhood Plan Submission Version (February 2021) (RNP).
2. The strategic policies for the purpose of neighbourhood planning are all the policies in the 'Charnwood Local Plan 2011-2028 Core Strategy (CCS) (2015)<sup>1</sup>', as confirmed at paragraph 1.2 of that plan. The 'Charnwood Local Plan Saved Policies (2004)<sup>2</sup>' does not contain strategic policies for the purpose of neighbourhood planning.
3. CBC are currently preparing an emerging Local Plan (Preferred Options Local Plan October 2019)<sup>3</sup>. Whilst the emerging Local Plan is not relevant to the examination of the RNP, the evidence base that supports it is and is referenced in these comments where relevant.
4. These comments are made in the order of the RNP.

### **Basic Conditions**

5. Neighbourhood plans must meet the below relevant basic conditions, as set out in legislation.
  - a. having regard to national policies (NPPF) and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
  - d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
  - e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) (**see Paragraph 2 of this response**).
  - f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
  - g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
  - x. the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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<sup>1</sup>[https://www.charnwood.gov.uk/files/documents/adopted\\_core\\_strategy1/Charnwood%20Local%20Plan%202011%20-%202028%20Core%20Strategy%20Adopted%20November%202015.pdf](https://www.charnwood.gov.uk/files/documents/adopted_core_strategy1/Charnwood%20Local%20Plan%202011%20-%202028%20Core%20Strategy%20Adopted%20November%202015.pdf)

<sup>2</sup> <https://www.charnwood.gov.uk/pages/adoptedlocalplan>

<sup>3</sup> [https://www.charnwood.gov.uk/pages/draft\\_charnwood\\_local\\_plan\\_2019\\_36](https://www.charnwood.gov.uk/pages/draft_charnwood_local_plan_2019_36)

## **Rearsby in the Context of the Borough Council's 'Vision for Charnwood'**

6. Para 2.22 – the Local Development Scheme '2021' should be referenced <https://www.charnwood.gov.uk/pages/localdevelopmentscheme>
7. Para 2.29 – whilst draft Local Plan Policy LP3 proposes that 160 homes are identified in 'other settlements' through the neighbourhood planning process, this is not an adopted plan. CBC has not formally established a housing requirement for the neighbourhood area.
8. Para 2.30 – The draft Local Plan did not allocate sites, rather it 'consulted on proposed allocations'. This section should be clarified accordingly.

## **Neighbourhood Plan Policies**

9. Para 4.2 – clarify that policies within the neighbourhood plan 'and local plan' will be applied comprehensively.

## **Policy R1 - Design**

10. Policy R1, 1<sup>st</sup> para – delete 'design' or replace with 'The design of' to clarify this sentence.
11. Policy R1, 1<sup>st</sup> para – the Village Design Statement is a lengthy document and it is supported that the key principles of it have been extracted and included into the policy wording. Some of the requirements in the Village Design Statement are not relevant to the determination of planning applications. It would provide a clearer framework for decision making if Appendix B was amended so that either (1) the requirements not relevant to decision making were removed or (2) the requirements relevant to decision making were highlighted as a different colour text to make them easily identifiable.
12. Policy R1 (a) – mineral extraction/ flood risk is not relevant to the design policy and may be best placed in Policy R9.
13. Policy R1 (c) – replace 'large scale' with 'major' as this is defined for the purpose of decision making in Annex 2 of the NPPF.
14. Policy R1 (c) – this section is ambiguous for decision making and should be clarified. Should affecting the 'rural aspect' be interpreted as being a matter of the principle of any development taking place, or requiring development to incorporate features such as buffers/planting? The policy would provide a clearer framework for decision making if it included criteria defining rural aspect.
15. Policy R1 (e) – suggest 'traditional spaces, shapes and styles' is amended to read 'historic open spaces and traditional design styles' to better clarify this policy.
16. Policy R1 (l) - replace 'large scale' with 'major' as this is defined for the purpose of decision making in Annex 2 of the NPPF.

17. Policy R1 (l) – whilst the principle of distinctive style is supported, this section is negatively expressed and it could provide a more positive framework if expressed as ‘Major developments with modern architecture must respond to the distinctive... heritage of Rearsby’ (or similar).
18. Policy R1 (m) – suggest after ‘sympathetic’ to include ‘to the scale, form and massing of surrounding buildings’ (or similar) to provide a clearer framework for decision making.

### **Policy R2 – Promoting Effective Use of Land – Area of Local Separation**

19. Policy R2, Map 1 – the current Area of Local Separation is designated under Saved Policy CT/4 the Local Plan (2004) and Policy CS11 of the Core Strategy (2015). This neighbourhood plan policy proposes to extend the Area of Local Separation designation to the east of the settlement, as highlighted on Map 1 of the RNP. This proposed extension is not consistent with Charnwood Borough Council’s Local Plan evidence base in relation to Areas of Local Separation<sup>4</sup> which assessed this area as site ‘ALS-N’ and does not propose an eastern extension. The neighbourhood plan evidence base does not appear to assess in detail the proposed eastern extension on its landscaping/ separation credentials, rather it refers to speculative planning applications in the area. It is suggested that the Area of Local Separation identified in the neighbourhood plan are amended to reflect the Council’s evidence base, or otherwise that a deviation from this evidence is proportionately justified. It is noted that the proposed east extension does not overlap a proposed housing allocation in the draft Local Plan.
20. Policy R2, second paragraph – policy text relating to impact on the floodplain may be best placed in Policy R9.

### **Policy R3 – Promoting Effective Use of Land – Limits to Development**

21. Policy R3, Map 2 – support proposed boundaries which are consistent with those proposed in the emerging Local Plan. Support policy which adds local policy context to Development Limits.
22. Policy R3 – suggest deleting text ‘for new uses and for the conversion of existing buildings’ in order to clarify that the policy always applies and prevent any future ambiguities.
23. Policy R3 (b) - policy text relating to impact on flooding may be best placed in Policy R9.

### **Policy R4A – Housing Mix**

24. No comment

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<sup>4</sup>[https://www.charnwood.gov.uk/files/documents/green\\_wedges\\_urban\\_fringe\\_green\\_infrastructure\\_enhancement\\_zones\\_and\\_als\\_march\\_2016\\_final/Green%20Wedges%20Urban%20Fringe%20Green%20Infrastructure%20Enhancement%20Zones%20%26%20ALS%20-%20March%202016%20%28Final%29.pdf](https://www.charnwood.gov.uk/files/documents/green_wedges_urban_fringe_green_infrastructure_enhancement_zones_and_als_march_2016_final/Green%20Wedges%20Urban%20Fringe%20Green%20Infrastructure%20Enhancement%20Zones%20%26%20ALS%20-%20March%202016%20%28Final%29.pdf)

### **Policy R4B – Delivering Sufficient Homes – ‘Exception’ Site Development**

25. Para 4.36 – the sentence as drafted is incomplete and its intentions unclear.
26. Para 4.37 – suggest the text ‘any incursion by’ is deleted as this is not a positive way to express this policy.
27. Policy R4B (a) – it is not justified why a threshold of 9 dwellings has been used. The supporting housing needs assessment (March 2018) establishes a cumulative need for 12 dwellings (8 market / 4 affordable) and therefore a threshold of 12 may be more appropriate to the neighbourhood area.
28. Policy R4B (b) – it may be more appropriate to define affordable housing as ‘in perpetuity and as set out in Annex 2 of the NPPF’ in order to maintain consistency of definition.
29. Policy R4B (b) – suggest the text ‘in accord with the stated requirements in line with current policies of the Planning Authority for affordable housing’ is deleted as it is confusing and appears to duplicate the Local Plan policy.
30. Policy R4B (c) – The ‘Charnwood Rural Housing Guide<sup>5</sup>’ and ‘Housing Allocations Policy<sup>6</sup>’ set out CBCs approach in relation to affordable housing on rural exception sites and criteria for establishing a local connection. It is requested that these documents are referred to within the supporting text of the policy to ensure that information in relation to assessing local connection is referenced within the RNP. This would ensure that the policy provides a clear framework for decision making.
31. R4B (d) - it is not justified why a threshold of 25% has been used. Would the use of the text ‘a proportion where essential’ be more appropriate and consistent with the NPPF Annex 2 definition of Rural Exception Sites?

### **Policy R5A – Existing Employment Opportunities**

32. The 12-month marketing limit and sites identified on Map 7 are broadly consistent with the approach proposed in the emerging Local Plan.

### **Policy R5B – New Employment Opportunities**

33. Para 4.43 – the emerging Local Plan does not propose to allocate a new employment site/ expansion of the existing protected employment site in Rearsby.

### **Policy R6A – Local Green Spaces**

34. Para 4.49 – reference to ‘Appendix F’ should read ‘Appendix E’.

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<sup>5</sup> [https://www.charnwood.gov.uk/files/documents/rural\\_housing\\_guide/Rural%20Housing%20Guide.pdf](https://www.charnwood.gov.uk/files/documents/rural_housing_guide/Rural%20Housing%20Guide.pdf)

<sup>6</sup> [https://www.charnwood.gov.uk/files/documents/choice\\_based\\_lettings\\_cbl\\_allocations\\_policy\\_from\\_april\\_2019/Choice%20Based%20Lettings%20Housing%20Allocations%20Policy%20April%202019.pdf#:~:text=This%20Housing%20Allocations%20Policy%20outlines%20how%20Charnwood%20Borough,of%20housing%20need%2C%20prioritise%20applications%20and%20allocate%20accommodation.](https://www.charnwood.gov.uk/files/documents/choice_based_lettings_cbl_allocations_policy_from_april_2019/Choice%20Based%20Lettings%20Housing%20Allocations%20Policy%20April%202019.pdf#:~:text=This%20Housing%20Allocations%20Policy%20outlines%20how%20Charnwood%20Borough,of%20housing%20need%2C%20prioritise%20applications%20and%20allocate%20accommodation.)

35. Policy R6A – the text ‘or have an adverse effect on’ does not provide a clear framework for decision making and it is suggested this text is deleted.
36. Appendix E – note that for the benefit of policies R6A and R6B, Appendix E should be attached to the final version of the plan for completeness.

#### **Policy R6B – Important Open Spaces**

37. No comment.

#### **Policy R6C – Important Views**

38. No comment.

#### **Policy R6D – Community Facilities and Amenities**

39. No comment.

#### **Policy R7 – Conserving and Enhancing the Natural Environment**

40. Comments on policy R7 are provided in consultation with the CBC Ecological Officer.
41. Policy R7 (a) – the examples of tree and hedgerow planting relate to habitat creation rather than enhancement.
42. Policy R7 (c) – the text ‘in conjunction with landowners’ is an unclear policy provision which could be better expressed as ‘across different land ownerships’ (or similar). Also the text ‘establish effective wildlife corridors’ is vague and potentially limiting as it is unclear how effectiveness would be tested and habitat corridors are only one part of the concept of ecological connectivity. It is suggested the wording is amended to read “which improve ecological connectivity between important habitat features in the wider landscape” (or similar).
43. Policy R7 (d) – clarification as to what enhanced access is required for would be useful. Suggest the text ‘enhance access to biodiversity assets where appropriate’ (or similar) is included.
44. Policy R7 (e) – this is missing.
45. Policy R7 (f) – it would provide a clearer framework for decision making if these areas were identified on a map that was referenced in the policy.
46. Policy R7, last sentence – it is unclear when it would be appropriate to require an ecological survey. Suggest ‘where appropriate’ is replaced with ‘where a proposal impacts an identified biodiversity site’ (or similar) to provide a clear framework for decision making.

### **Policy R8 – Conserving and Enhancing the Historic Environment**

47. Policy R8, second sentence – suggest ‘will be protected wherever possible’ is amended to read ‘will be protected in line with their significance’ in order to better reflect the NPPF.

### **Policy R9 – Flood Risk**

48. Policy R9 – this policy as drafted largely duplicates Local Plan policies and the NPPF, albeit in less detail. It has been suggested that references to flooding made in other policies of the neighbourhood plan are moved to Policy R9.

49. Policy R9, Map 6 – it is suggested that this map is accompanied with a caveat that the latest information on flooding can be obtained by the Environment Agency and Local Lead Flood Authority.

### **Policy R10 – Promoting Sustainable Transport**

50. No comment – highway authority responsibility.