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## COSSINGTON NEIGHBOURHOOD PLAN SUBMISSION CONSULTATION

### REPRESENTATIONS ON BEHALF OF BELLWAY HOMES & CLARENDON LAND AND PLANNING

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#### Introduction

1. These representations have been prepared by Marrons on behalf of our clients, Bellway Homes and Clarendon Land and Planning.
2. Outline planning permission for up to 130 dwellings (application reference P/20/2393/2) has been granted on land which is the subject of an emerging allocation for housing in the Charnwood Local Plan under policy DS3 HA59. Bellway Homes are currently preparing a detailed application which will enable the delivery of the homes and has discussed the layout with the Parish Council. The land to the east of this permission is being promoted by Clarendon Land for future residential development.
3. This Neighbourhood Plan representation is intended to help shape the Neighbourhood Plan and ensure it meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

#### National Planning Policy Framework

4. Paragraph 13 of the National Planning Policy Framework (NPPF) says that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
5. Paragraph 14 NPPF provides guidance on how the presumption in favour of sustainable development (at paragraph 11d) should be engaged and, in essence, reduces the supply of land required for a plan to be considered up to date from five years down to three where the Neighbourhood Plan contains policies and allocations to meet its identified housing requirement.
6. The amount of housing required in an area is a strategic matter (paragraph 20 NPPF) although non-strategic policies can be used by communities through Neighbourhood Plans to set out

more detailed policies for specific areas, neighbourhoods or types of development and also for allocating sites (Paragraph 28 NPPF). Importantly, neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (Paragraph 29 NPPF).

7. Once a Neighbourhood Plan has been brought into force, the policies it contains take precedence over the existing non-strategic policies set out in a local plan covering the area (Paragraph 30).
8. Paragraph 31 NPPF confirms that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
9. Paragraph 33 says that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and that relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly.
10. Paragraph 60 NPPF recognises the Government's objective of significantly boosting the supply of homes and paragraph 61 says to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance.
11. Paragraph 68 of the NPPF says that strategic policy-making authorities should have a clear understanding of the land available in their area and that planning policies should identify a supply of:
  - a) specific, deliverable sites for years one to five of the plan period
  - b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
12. Paragraph 71 of the NPPF says that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
13. The National Planning Practice Guidance says that 'where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to

determine a housing requirement figure themselves, taking account of relevant policies, [including] the existing and emerging spatial strategy' (paragraph: 105 Reference ID: 41-105-20190509 – emphasis added).

14. Where a neighbourhood planning body needs to determine a housing requirement figure themselves (in accordance with the above) the national planning practice guidance signposts them to the neighbourhood planning toolkit on housing needs assessment, noting that the neighbourhood planning body will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the 'basic conditions' (Paragraph: 105 Reference ID: 41-105-20190509)

### Neighbourhood Plan Policies

15. The amount of housing required in an area is a strategic matter (paragraph 20 NPPF) although non-strategic policies can be used by communities through Neighbourhood Plans to set out more detailed policies for specific areas, neighbourhoods or types of development and also for allocating sites (Paragraph 28 NPPF). The Neighbourhood Plan provides for the period 2021 – 2037 which aligns with the emerging Charnwood Local Plan.
16. The Neighbourhood Plan recognises, and indeed references, the emerging Charnwood Local Plan's classification of Cossington as one of 14 'Other Settlements'. The Neighbourhood Plan states that *"the opportunity has been taken to positively plan for development within Cossington to help meet local need and help to support local services. The Settlement Boundary has therefore been reinforced and updated in order to accommodate the potential for housing growth up to 2037 and to direct development to the most suitable locations."*
17. The Plan recognises that *"6.2 additional dwellings was identified by Charnwood Borough Council as the housing requirement for Anstey [sic], in addition to the Local Plan allocation of 124 dwellings prior to the Local Plan being adopted. This figure reflects the total allocations for the Neighbourhood Area in the Regulation 19 Local Plan (124), plus a 5% buffer as suggested by Charnwood Borough Council post-Adoption."*
18. Policy H1: RESIDENTIAL SITE ALLOCATION says that *land is allocated for residential development at the site shown at figure 2. This meets the requirement for paragraph 14 of the NPPF (2021) by meeting the agreed housing requirement for the Parish (7) over the Plan period.*
19. On the basis that the neighbourhood plan recognises the housing requirement for Cossington (rather than Anstey) is *6.2 additional dwellings.... in addition to the Local Plan allocation of 124*

*dwellings prior to the Local Plan being adopted* the housing requirement to be identified by the Neighbourhood Plan is approximately 130 homes. As written, Policy H1 fails to identify the correct housing requirement in order for paragraph 14 of the Framework to be triggered.

20. We would also clarify that Allocation HA59 has been modified to reflect 130 dwellings rather than the 124 dwellings identified in the submission version of the Local Plan (EXAM 4 - Schedule of Proposed Main Modifications 060223). Critically, the site benefits from outline planning permission for up to 130 dwellings (application reference P/20/2393/2) with the decision notice issued on 11<sup>th</sup> October 2022.
21. Notwithstanding the mention of this allocation at Cossington, the Neighbourhood Plan allocates a single site for up to 12 dwellings within Policy H1 and proposes a tightly drawn Settlement Boundary, under Policy H2, which includes the neighbourhood plan allocation (Policy H1) but not the HA59 allocation within the emerging Charnwood Local Plan 2021-37.
22. We would reiterate that NPPF Paragraph 29 sets out that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. There is no rational or explanation within the Plan as to why Policy H1 says the agreed housing requirement for the Parish is 7 homes but the supporting text appears to recognise the need for 130 overall.
23. The plan goes on to support the single allocation for up to 12 dwellings only which also fails to meet the identified need for 130 dwellings.
24. A Site Assessment Report is included at Appendix C to the Neighbourhood Plan, this report includes the criteria methodology and the outcomes of the Sustainability Site Assessment (SSA) but no map of assessed sites or supporting evidence as to how the outcome has been reached.
25. SSA Table 2 identifies the outcomes of the assessment (extract below) and concludes that 'Field East of recreation ground' should be allocated following a Green 4 score. Critically, the Parish Council had not published the background evidence to support this conclusion until specifically requested and it has been made available the day before the deadline for representations. We note within the Consultation Statement (January 2023) that a map was not provided on the basis that "*Not all maps were provided as part of this process*" (Response 82 to the Pre submission consultation, page 27 of 41).
26. Paragraph 31 of the Framework confirms that the preparation of all policies should be underpinned by relevant and up-to-date evidence which should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

27. On this basis, it is entirely unclear how the Parish Council were able to assess sites without a clear understanding of their location within the village.

**Table 2 – SSA outcomes**

Site Location & units	HTG SCORE	Rank and outcome
1. Rear reservoir house – 39 *	Red negative 1	Position fourth No further action.
1A Part of site, rear of reservoir house 20.	Green 1	Position third No further action.
2. Rear of Derry's garden centre - 225	Red negative 6	Position sixth No further action.
2A Part of Derry's site	Red negative 1	Position fourth No further action
3. Churchfield Meadow - 65	Red negative 9	Position eighth No further action.
4. Floodplain opposite Derry's - 111	Red negative 8	Position seventh No further action.
5. Garden of Cossington Mill -12	Red negative 7	Position sixth No further action
<b>6. Field East of recreation ground – 12**</b>	<b>Green 4</b>	<b>Position first Allocate in the NDP</b>
7. Land West of Main Street - 54	Green 3	Position second No further action.

28. Importantly, it is recognised within Site 2A - Part of Derry's garden centre that the site is already allocated within the submission version of the Local Plan. However, it goes on to say that “*a site allocation does not automatically confer a planning consent to proceed with the development*”. This shows the clearly out-of-date nature of the SSA assessment against the existing context in which the Neighbourhood Plan is now being considered, notably given that an extant planning permission is in place for up to 130 dwellings at the site (P/20/2393/2).
29. Similarly, the current approach and methodology within the SSA penalises larger sites based on their capacity (criteria 1). However, this approach fails to appropriately consider the potential benefits that can be delivered on such sites, for instance the provision of land to deliver a primary school expansion, and this is compounded by the assessment matrix which allows no mechanism or criteria to recognise the delivery of on-site benefits. There does not appear to any rational or justification for the small thresholds particularly given the tacit admission in the Neighbourhood Plan that the housing requirement is 130 homes.
30. In the absence of any robust explanation for any sites with a capacity of greater than 6 dwellings being scored a Red, and given the policy context for making Neighbourhood Plans, we consider that the Derry's Garden Centre Site should be attributed a Green score unless a clearer explanation can be given.
31. Turning to a number of clearly incorrect outcomes of the SSA metric, and in respect of criteria 4 'Topography', Site 2A is scored Amber as an “undulating” site that can be remediated. However the topographical survey submitted as part of the planning application shows a gentle slope in a south-east direction across the site. A correct score of Green is therefore applicable.

32. The site has been scored Red for Criteria 7 'Landscape & Visual Impact (LVIA) considerations' which indicates a substantial harm to quality. We would reiterate that the proposed development was considered acceptable during the determination of the planning application with an assessed "limited harm to the landscape" concluded within the Committee Report. At worst the site should be scored Amber although a Green Score would be more appropriate.
33. Criteria 10 'Relationship with existing pattern of built development' is scored Red for Site 2A notwithstanding it benefits from planning consent and impacts have been appropriately mitigated through landscape planting. This should at worst score an Amber given the SSA methodology.
34. Criteria 13 concludes there will be a "*severe negative impact on its setting and amenity, creating irreversible damage*" to the Cossington Conservation Area. However, as clearly expressed within the planning application Committee Report (P/20/2393/2), the '*site does not form part of any key views to or from the Conservation Area including the approach from the north. The scheme would be unlikely to result in any harm to the significance of the setting of the Conservation Area*' (emphasis added). On this basis there is no alternative than to accept a Green score for this criteria.
35. On the basis of those criteria examined the Summary Score for Site 2A of Red 1 is clearly incorrect. A more accurate assessment, on the basis of the criteria identified above, would result in a Summary Score of Green 6.
36. We would reiterate that many of the incorrectly scored criteria for Site 2A are relevant as part of the consideration of the wider Site 2 conclusions. It is particularly relevant that a large section of Site 2 benefits from outline planning consent for residential development, a position not appropriately examined as part of the SSA process at the time. The fact that the site has been judged to deliver sustainable development is suggestive in itself that the SSA process is fundamentally flawed in the views expressed which are without evidence.
37. The failure of the SSA process is evident in that the proposed site allocation, Field East of recreation ground (Site 6), is detached from the main built form of Cossington and is subject to a separate Settlement Boundary which relates only to the allocation itself and no existing built form. This suggests a selection process which is intent on establishing distance between the smallest number of new homes and the existing community as opposed to an appropriate evidence-led appraisal taking account of common planning issues such as relationship to built form, access to facilities and services and impacts on amenity.
38. We remain of the view that both policies H1 and H2 need to be reviewed and supported by an evidence base which is available for consultation and scrutiny. The SSA process appears to be flawed in its entirety and Policy H1, which is a fundamental element of the Plan's strategy, does

not meet the basic conditions tests. The Neighbourhood Plan, as drafted, fails to take account of the planning permission (P/20/2393/2) and emerging allocation at Humble Lane, Cossington and fundamental modification is required to ensure the Plan meets the basic conditions. These are not matters that can be simply ignored.

39. Policy H4: Affordable Housing seeks the provision of a mix of housing types and sizes to help meet the needs of the Parish. The Policy states that for *Development proposals which include affordable housing including through an Exception Site.... "Planning obligations will be used to ensure that the market and affordable housing is available in perpetuity for people with a local connection to the Plan area."*
40. As drafted, Policy H4 would apply to any development proposal which includes affordable housing whether an exception site or, for example, a revised application for market housing with a proportion of affordable housing on HA59.
41. The requirement for a local connection criteria for market housing would be applicable to all housing development if adopted in its written form. There is no evidence to justify such a policy nor any support for such a policy in the national planning policy framework.
42. NPPF paragraph 16(d) requires that plans contain policies that are clearly written. If the policy is written as intended – i.e. all market housing within the area must be available in perpetuity for people with a local connection – then we would have significant concerns about its application and impacts. Policy H4 requires consideration and amendment to make clear how it is to be applied, without such and in the event that it is to be applied to all market housing, we would conclude that this does not accord with national policy and therefore fails to meet the basic conditions.
43. Policy H6: Design refers to the Neighbourhood Plan Design Guide which itself refers to the out of date 2019 NPPF and Draft Charnwood Local Plan 2019-2036 and requires updating accordingly.
44. Policy H6 identifies 8 criteria which should be demonstrated by development proposals (criteria a – h). However, the policy appears to promote only two criteria – a and b – with c-h actually being sub-criteria to criteria b. In accordance with paragraph 16(d) of the Framework, we recommend that the policy is modified in line with the use of criteria a and b alongside the separate sub-criteria to part b – as set out in the Design Guide.
45. The Design Guidelines identified within the Design Guide include that *"Any proposed development should be judged against the village's existing settlement pattern for scale, positioning within its plot and alignment to adjacent buildings"*. As previously set out, the approach within the Neighbourhood Plan and also within the Design Guide fails to have regard



to the emerging strategy by ignoring draft Allocation HA59 and outline planning permission P/20/2393/2.

46. The Polly Peggs Public Right of Way is located on the eastern side of Cossington and identified as Important Open Space 106 on Figure 7. The implementation of outline planning permission P/20/2393/2 will require the diversion of the Polly Peggs footpath to facilitate the transfer of the primary school expansion land. Policy ENV 2: Important Open Space allows for the replacement of the open space through an equivalent provision in an equally suitable location. This approach is supported, but the requirement to divert the footpath and impact that would have on Important Open Space 106 must be recognised.
47. Similarly, Policy ENV 10: Footpaths and Other Walking Routes does not support proposals that result in the loss of, or have a significant adverse effect on, the existing network of footpaths unless a suitable and accessible alternative of equal quality is provided. This effectively repeats the requirements within Policy ENV 2, but it is accepted that not all walking routes are also identified as areas of Important Open Space.
48. Policy ENV 9: Important Views identifies a number of views that are considered important to the setting and character of the village. Views 6 - From Polly Peggs corner east and northeast) and 8 - Gateway view west into the village from Humble Lane railway bridge are impacted by the planning permission and draft Allocation HA59 and should be recognised as such.
49. Policy ENV 4: Woodland, Notable Trees and Hedges supports proposals which use trees and hedges to enhance their appearance, amenity and biodiversity value. It is positive that the policy recognises that in situations where damage or loss is unavoidable a replacement trees and/or hedgerow of greater quantity and equivalent quality and type can be provided to ensure a net gain in biodiversity and amenity. This is particularly relevant as Notable Tree 16 is to be replaced as part of the access arrangement associated with outline planning permission P/20/2393/2.
50. Policy ENV 12: Area of Local Separation extends the Area of Local Separation reflected in the emerging Charnwood Local Plan 2021-37 to the south east. The policy seeks to prevent the physical and visual coalescence of Cossington and Sileby, notwithstanding this is the aim of the area designated within the emerging Local Plan 2021-37.
51. Charnwood Local Plan Policy EV3: Areas of Local Separation is supported by a number of evidence base documents supporting how and why boundaries have been drawn. No such clear evidence is provided in support of the Neighbourhood Plan boundaries.
52. Policy ENV 12 supports development within this area only where it is located and designed to maintain and where possible enhance the separation of the two settlements. We would reiterate that part of the expanded Area of Local Separation (AoLS) includes land allocated within the



draft Local Plan 2021-37 and benefiting from planning permission (P/20/2393/2). This includes the use of part of this land to provide the permitted access arrangements.

53. The plan asserts that the extension to the AoLS is necessary to prevent coalescence as they grow in line with proposed allocations and prevent any development of an impermeable nature causing flooding impacts. Again, there is no evidence to support the claims within the Neighbourhood Plan that all development within the flood plain must be restricted, indeed this was considered and appropriately dealt with during the determination of planning application P/20/2393/2. Similarly, the AoLS proposed within Local Plan Policy EV3 extends to the southern boundary of Sileby with no corresponding growth located in this area. It is therefore clear that there is no evidence or need to extend the AoLS as proposed within Policy ENV 12, it would restrict the delivery of sustainable development and serves no clear purpose, as required by NPPF paragraph 16, and we would therefore propose Policy ENV 12 is deleted.

### Basic Conditions

54. Our clients support the preparation of Neighbourhood Plans which meet the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).
55. We consider that in order to pass examination and proceed to referendum and be made that the Neighbourhood Plan should re-draft a number of policies in line with considerations set out in the NPPF.
56. In light of the above, this representation should be read as an objection to the Cossington Neighbourhood Plan at this time albeit we are hopeful that further work and amendments can be made in order to allow the Neighbourhood Plan to meet the basic conditions and proceed to referendum. In the absence of any amendments our client must, regretfully, maintain an objection and wishes to have that heard by the examiner with a view to preventing the Neighbourhood Plan from being made due to a failure to meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).