

Woodhouse Neighbourhood Plan Regulation 16 Consultation – Charnwood Borough Council Response – 30th April 2021

Response Format

1. This document sets out Charnwood Borough Council's (CBC) response to the Regulation 16 consultation on the Woodhouse Neighbourhood Plan Submission Version (February 2021) (WNP).
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)¹', as confirmed at paragraph 1.2 of that plan. The 'Charnwood Local Plan Saved Policies (2004)²' 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)³. Whilst the emerging Local Plan is not relevant to the examination of the WNP, 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 WNP.

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.

¹https://www.charnwood.gov.uk/files/documents/adopted_core_strategy1/Charnwood%20Local%20Plan%202011%20-%202028%20Core%20Strategy%20Adopted%20November%202015.pdf

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

³ https://www.charnwood.gov.uk/pages/draft_charnwood_local_plan_2019_36

H1 – Residential Site Allocation

6. Paragraph 43 – This paragraph considers housing needs and refers to the Housing and Economic Development Needs Assessment (HEDNA) published in 2017. This assessment has been superseded by the introduction of the national standard methodology for identifying local housing needs. The standard methodology was used to inform the Draft Charnwood Local Plan (2019) and the Leicester & Leicestershire Authorities Joint Position Statement relating to Leicester’s Housing and Employment Land Needs (September 2020) which replaced the existing Memorandum of Understanding. It is recommended that this paragraph is updated to reflect the most up to date position and refers to the current standard methodology local housing need figure for Charnwood which is 1,105 homes a year. In addition, the government announced a change to the standard methodology in December 2020 which significantly increased the local housing need figure for Leicester City and consequently the scale of unmet need. Authorities in Leicester and Leicestershire are therefore working on a new Statement of Common Ground which may be signed before the WNP is finalised for examination and could also be referenced. Officers will be happy to assist with this update to para 43.
7. Paragraph 44 - refers to a figure of 160 residential units to be identified through the neighbourhood planning process included in draft policy LP3 of the Draft Charnwood Local Plan, consulted on in October 2019. This is not an adopted policy target as it was included in a consultation document which has since been subject to changes and ongoing work ahead of publishing the plan for Pre-Submission consultation this summer. The Council is, however, fully supportive of the neighbourhood plan aiming to deliver housing by identifying a housing requirement in the absence of one being identified in an adopted plan.
8. It is recommended that paragraph 43 is amended to include the clarification that ‘no housing requirement was formally provided by the local planning authority and therefore in consultation with the local planning authority the neighbourhood planning group has identified a housing requirement of 20 new residential units in Woodhouse Eaves by 2036’. As the housing requirement has been determined by the neighbourhood planning group a summary of the evidence or methodology used should also be included here. This will ensure that the plan provides a clear framework that meets the criteria set out in para 14 (b) of the NPPF if this is used in the future. To do this it is important that the plan describes the figure identified as ‘housing requirement’ rather than a target or need figure, if that is what it is intended to be and explains the justification of that figure taking account of the housing needs of the Borough. It is also important that the plan is clear that land has been allocated is to meet this housing requirement alongside windfalls.
9. Paragraph 48 – it is recommended that the text is amended to clarify that the opportunity has been taken to plan positively to meet the housing requirement rather than housing need if this is the intension of the plan and that along with windfalls this will exceed the housing requirement identified by the Neighbourhood Plan as the Borough Council hasn’t provided a development target, following on from the comments above.
10. Policy H1, site selection for allocation – It is noted that the allocation is supported by an assessment set out in Appendix 3. A detailed and specific site assessment against the specified criteria for each of the 12 sites, with mapping of each site, has not been provided therefore CBC cannot provide detailed comments on the assessment given. It is advised that the site specific assessments are made available on the evidence base

webpage. CBC does not object to the proposed allocation, but does seek assurance through the examination that the site selection process undertaken is sufficiently detailed and justified as required by Planning Practice Guidance.

11. Policy H1 – support the policy making reference to the NPPF definition of affordable housing and protecting the setting of the Conservation Area.

H2 – Reserve Sites

12. Policy H2 and supporting text – CBC is the landowner of both proposed reserve sites. The Council's estates department has previously made representations on these proposed allocations, indicating that the sites are not available for housing development. Both sites have no willing landowner and are therefore not available or deliverable as required by NPPF Paragraph 67, the definition of 'deliverable' set out in NPPF Annex 2 or in the relevant section of Planning Practice Guidance⁴. On this basis the local planning authority objects to the inclusion of this policy. Furthermore, and if required, it is requested that the examination of this policy takes account of previous discussions held between CBC Estates and the WNP group which CBC can provide.
13. It is practically noted that these sites would remain within the 'Limits to Development' should the sites become available in the future, but at this time there is no evidence of a willing landowner to support these allocations as reserve sites.

H3 – Limits to Development

14. Paragraph 53 – the draft Local Plan proposed to amend the limits to development boundaries as recommended in the CBC 'Settlement Limits to Development Assessment' (2018)⁵. This effectively forms the evidence for the boundaries proposed in the neighbourhood plan.
15. Policy H3, proposed boundaries – there are some minor discrepancies (for example to the rear of 127 Birdhill Road) between Figure 4 of the WNP and the boundaries proposed in the emerging Local Plan. However these discrepancies are minor and inconsequential and no objection is raised.
16. Policy H3, last sentence - Suggest re-phrasing policy text from 'carefully controlled' to 'managed', which is more positively expressed.

H4 – Windfall Sites

17. Policy H4 – this policy is supported as it provides criteria for development proposals within the Limits to Development boundary. However it would provide a clearer framework for decision making if policies H3 and H4 were merged together given that they are directly related policy areas.

⁴ <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

⁵ <https://www.charnwood.gov.uk/pages/limits>

H5 – Affordable Housing Provision

18. Para 65 – the definition of affordable housing set out in the document is not complete and a full definition is provided in Annex 2 of the NPPF. This should be clarified in order to avoid any confusion or conflicting definitions.
19. Policy H5, 1st para – the threshold of 10 dwellings and 30% requirement which is consistent with the Local Plan policy CS3. It would be supported if a site size threshold of 0.5 hectares whereby the policy is applied is included to ensure further consistency with Local Plan policy CS3.
20. Policy H5, 2nd para – the Charnwood Housing SPD (December 2017)⁶ suggests that *‘affordable housing will be distributed in clusters across a number of different areas around the site. Generally, clusters should consist of groups of up to 10 dwellings unless otherwise agreed taking account of the size of the site and site constraints’*. This SPD is intended to supplement CCS Policy CS3 and is therefore relevant to the interpretation of that strategic policy. In order to provide a consistent and therefore clearer framework for decision making, and taking account issues that have arisen in the borough in the past, it is suggested that policy H5 is amended to reflect the SPD.
21. Policy H5, 4th para – the suggested tenure mix does not reflect the evidence-based housing mix requirements set out in the Charnwood Housing Needs Assessment (September 2020)⁷, which is as follows (see page 119 of that document). It is suggested that this requirement is amended to reflect the Council’s evidence base, or otherwise that a deviation from this evidence is proportionately justified.

Suggested Mix of Housing by Size and Tenure				
	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	Up to 10%	20-30%	45-55%	15-25%
Affordable home ownership	10-20%	35-45%	30-40%	5-15%
Affordable housing (rented)	25-35%	35-45%	20-30%	Up to 10%

22. Policy H5, 4th para – the text ‘currently as follows and’ does not make sense and should be deleted.

H6 – Design Standards

23. Policy H6, first paragraph – suggest the first sentence is simplified to state ‘All development should have regard...’ which would also strengthen the policy by removing any ambiguity about when it can be applied (i.e. it should always be applied).
24. Policy H6, Appendix 5 - It should also be clarified that the policies contained within Appendix 5 are supplementary to Policy H5 (i.e. they add useful advisory additional detail, but policy H5 is the formal planning policy).

⁶https://www.charnwood.gov.uk/files/documents/housing_supplementary_planning_document_2017/SPD%20Update.pdf

⁷https://www.charnwood.gov.uk/files/documents/housing_and_economic_development_needs_assessment_report_september_2020/Charnwood_HNA_September%202020.pdf

25. Policy H6 (b) – suggest ‘disrupt the visual amenities’ is replaced with ‘unduly conflict with the prevailing vernacular’ (or similar) which may better express the intension of the policy and therefore provide a clearer framework for decision making. In addition the landscape views identified in policy ENV8 should be referenced to provide additional clarity to the reference to wider landscape views.
26. Policy H6 (h) – it is not clear what the ‘Future Homes Standard’ is referring to as it appears these are currently being consulted on (until 13 April 2021) <https://www.gov.uk/government/consultations/the-future-buildings-standard>. As such it would appear to be premature to refer to them within a planning policy document. Reference to specific and currently adopted optional building regulations standards, subject to viability considerations, would be supported but it is requested that specific references to these are made within the policy to provide a clear framework for decision making.

ENV1 – Protection of Local Green Spaces

27. Policy ENV1, designations – sites 520, 519, 053, 205 and 202 are broadly consistent with proposed open spaces in the emerging local plan. Site 203 forms part of the Johnsons Meadow SSSI.
28. Policy ENV1, policy wording – the policy wording should be consistent with NPF paragraph 101.

ENV2 – Important Open Spaces

29. Paragraph 95 – note and support the clarification provided in relation to the status of spaces if both designated. It would provide additional clarity for the purpose of decision making if sites only had one designation (i.e. Local Green Space or Important Open Space).

ENV3 – Protection of Sites of Natural Environmental Significance

30. Policy ENV3, first paragraph – the reference to figure 14 should read figure 13.
31. Policy ENV3, second paragraph – The policy should conform with NPPF paragraph 175, specifically establishing an ‘avoid > mitigate > compensate’ approach for determining planning applications. Also see comments made for Policy ENV4.
32. Policy ENV3, Figure 13 – The ‘other sites of biodiversity significance (this plan)’, shown in light blue on figure 13, it is unclear whether these proposed designations are supported by proportionate ecological assessment evidence, for example undertaken by an ecological specialist, as this background information is not provided in the appendix. Ecological designations should be evidence based in order to provide a clear framework for decision making. If it is the case that these proposed designations are appropriately evidenced, then their inclusion is supported.

ENV4 – Biodiversity, Woodland, Trees, Hedgerows and Habitat Connectivity

33. Policy ENV4 – there appears to be some duplication between policies ENV3 and ENV4 and the merging of these policies would be supported in order to provide a clearer framework for decision making. NPPF paragraph 16f states that plans should avoid unnecessary duplication.
34. Policy ENV4, 3rd para - tree and hedge removal (unless covered by a Tree Preservation Order/ Provisions of the Hedgerow Regulations 1997/ Conservation Area) is permitted development which reduces the effectiveness of this policy. It would therefore be a useful clarification if the first and second sentences were amended to be related to trees of 'designated' value (i.e. TPO, ecological designation, ancient woodland, etc). The requirement for a survey to be provided proportionate to the trees importance is supported.

ENV5 – Protection of Sites of Historical Significance

35. Policy ENV5, figure 15 and para 103 – the proposed designations identified in figure 15 are not accompanied by supporting information, firstly in order for them to be identified by stakeholders and secondly to provide a baseline of information against which their significance can be assessed when determining a planning application. It is noted that paragraph 103 states that this information is included within Appendix 6 (environmental inventory) however this does not appear to be the case. As a minimum the policy should identify the name and description of each site (as is done for policy ENV6/Appendix 8). In addition, the status of the smaller 3-digit numbers shown on figure 15 is not apparent – do they represent heritage assets? For these reasons, the policy as drafted does not provide a clear framework for decision as required under NPPF paragraph 16d.
36. Policy ENV5, second paragraph – the approach taken towards the protection of heritage assets should be consistent with section 16 of the NPPF, which perhaps may be best achieved by making direct reference to the NPPF Section 16 within the policy.
37. Policies ENV5 and ENV6 – there appears to be some duplication between policies ENV5 and ENV6 and the merging of these policies would be supported in order to provide a clearer framework for decision making. NPPF paragraph 16f states that plans should avoid unnecessary duplication.

ENV6 – Local Heritage Assets

38. Policy ENV6, Appendix 8 – refer to Appendix 8 within the policy wording which will highlight the supporting descriptions and therefore provide a clearer framework for decision making.
39. Policy ENV6 – the approach taken towards the protection of heritage assets should be consistent with section 16 of the NPPF, which perhaps may be best achieved by making direct reference to the NPPF Section 16 within the policy.

ENV7 – Ridge and Furrow

40. Policy ENV7 – the approach taken towards the protection of heritage assets should be consistent with section 16 of the NPPF, which perhaps may be best achieved by making direct reference to the NPPF Section 16 within the policy.

ENV8 – Protection of Important Views

41. Policy ENV8 – refer to Appendix 9 within the policy wording which will highlight the supporting photography and descriptions and therefore provide a clearer framework for decision making.

ENV9 – Flood Risk Resilience

42. Policy ENV9 (g) - it is unclear how this provision would be assessed as part of a planning application. Policies need to provide a clear framework for stakeholders as required by NPPF paragraph 16d.

ENV10 – Renewable Energy Infrastructure

43. ENV10, second paragraph – the CBC draft local plan includes an evidence based proposed policies map that establishes suitable locations for wind and solar locations⁸. This would support the policy provision against large scale wind turbines, however it is unclear what evidence justifies the policy provision against solar farms.

CF1 – Retention of Community Facilities and Amenities

44. No comment

CF2 – New and Improved Community Facilities

45. Policy CF2 – clarify within the policy text that the definition of community facilities is provided in Policy CF1.
46. Policy CF2 (b) – it would provide a clearer framework for decision making if ‘other harmful impacts’ was defined as, for example, ‘such as noise, odours, light, amenity’.
47. Policy CF2 (e) – this part of the policy is largely covered by other policies in the plan, i.e. there are specific policies on character/design, the environment and forms of infrastructure.

CF3 – Welbeck Sixth Form College and Beaumanor Hall

48. No comment

⁸https://www.charnwood.gov.uk/files/documents/policies_map_2_draft_charnwood_local_plan_2019_36/Policies%20Map%20-%20Draft%20Charnwood%20Local%20Plan%202019-36.pdf

BE1 – Support for Employment and Retail Use

49. No comment

BE2 – Support for New Business and Employment

50. No comment.

BE3 – Shop Fronts and Signage

51. No comment

BE4 – Home Working

52. No comment.

BE5 – Farm Diversification

53. No comment.

BE6 - Tourism

54. Policy BE6 (a) – it should be clarified that the valued vistas are identified in policy ENV8 otherwise this requirement would not provide a clear framework for decision making.

BE7 – Broadband and Mobile Phone Infrastructure

55. In relation to the requirements of this policy the relevant telecommunication providers should be consulted to ensure the requirements are practical and achievable. NPPF paragraph 16b states that plans should be deliverable – therefore need to ensure this policy can be applied. Have providers provided written support/advice on this policy?

T1 – Traffic Flow and Volume Management

56. No comment – highway authority responsibility.

T2 – Public Car Parking

57. No comment.

T3 – Electric Vehicles

58. No comment

T4 – Footpaths, Bridleways and Cycle Routes

59. No comment.

Appendices

60. It is suggested that the following appendices are removed from the final plan as they are evidence base related rather than directly related to interpreting adopted policies:

- Appendix 1 – Census Data
- Appendix 2 – Housing needs Report
- Appendix 3 – Site Sustainability Assessment
- Appendix 4 – Affordable Housing for Sale Report
- Appendix 6 – Environmental Inventory (due to its length this may be better included as a weblink to shorten the document).