

Cossington Neighbourhood Plan Regulation 16 Consultation:

Charnwood Borough Council Response 23 June 2023

Response Format

1. This document sets out Charnwood Borough Council's response to the Regulation 16 consultation on the Cossington Neighbourhood Plan Submission Version (April 2023).
2. The strategic policies for the purpose of neighbourhood planning are all the policies in the 'Charnwood Local Plan 2011-2028 Core Strategy (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. Charnwood Borough Council is currently preparing the emerging Charnwood Local Plan 2021-37³, which is currently progressing towards Main Modifications consultation. Whilst the emerging Local Plan is not relevant to the examination of the Cossington Neighbourhood Plan, the evidence base that supports it is and has informed the emerging policy approach.
4. These comments are made in the order of the Cossington Neighbourhood Plan.

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/examination>

General Comments

6. References throughout the plan should refer to the 'emerging Charnwood Local Plan 2021-37' to reflect the correct plan period.
7. The contents of the plan could include a list of policies to enhance their accessibility, according with the general principle set out in NPPF paragraph 16e.
8. All appendices that are relevant to decision making should be attached to the document to ensure policies are clear and unambiguous in line with NPPF paragraph 16d. This relates to appendices E, F, G, H, I.

Introduction

9. 6th paragraph – clarify that the emerging Charnwood Local Plan 2021-37 is currently at public examination and neighbourhood plan policies have taken appropriate consideration of this plan, in particular relevant sections of its evidence base.

How the NP fits into the planning system

10. 4th paragraph – clarify that general conformity is with the Charnwood Local Plan 2011-2028 Core Strategy (2015), however appropriate consideration has been taken to the emerging Charnwood Local Plan 2021-37, in particular relevant sections of its evidence base.

Sustainable Development

11. Final paragraph – amend 'change over time' to read 'formally reviewed and consulted on' or similar to reflect the process for plan review.

Policies

12. 3rd paragraph – amend '2022' to reflect that the emerging Charnwood Local Plan 2021-37 is intended to be adopted in autumn 2023 in accordance with the Charnwood Local Development Scheme (April 2023).

H1 – Residential Site Allocation

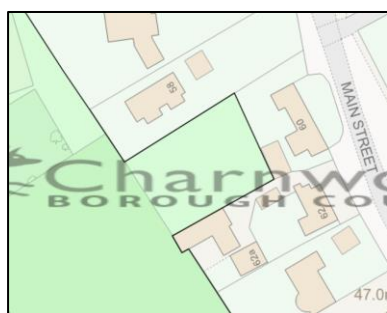
13. Policy H1, housing requirement – Charnwood Borough Council's 'Neighbourhood Planning Advice Note (March 2022)' confirmed "*the local planning authority's approach to providing an indicative housing requirement in these circumstances is to use the already known local housing need figure as a starting point and apply a 5% uplift to that target. This approach would provide further market choice and competition, over and above that being provided by the Local Plan housing site allocations. This approach has, in part, been informed by NPPF Paragraph 74 (a), which sets out how local planning authorities should calculate annual statements of housing supply. The Local planning authority considers this a pragmatic way for Neighbourhood Planning Bodies to plan positively for housing, which can be linked to the NPPF's policy advice on maintaining*

supply and delivery of housing". The emerging Charnwood Local Plan 2021-37 has been prepared to reflect the authority's local housing requirement and full suite of evidence supporting how this need should be distributed. This has resulted in 1 allocation within Cossington Parish for 124 dwellings. A 5% uplift to this figure equates to 6.2, which would be rounded up to an indicative housing requirement of 7 dwellings for the Cossington Neighbourhood Plan, therefore the proposed requirement in the plan is considered to be correct.

14. Policy H1, supporting text (p14, 2nd paragraph) – typo 'Anstey' should read 'Cossington'.
15. Policy H1, figure 2 allocation – the proposed site allocation is detached from the settlement and outside of the established limits to development. The site is detached from the main built form of Cossington. The local planning authority has no objection to the inclusion of the site in the neighbourhood plan. However, the landowner and relevant organisations such as the County Council and infrastructure providers should be consulted to confirm that this site is deliverable.
16. Policy H1 (c) – amend this policy to include 'at least one of the affordable housing units'. This is to reflect Planning Practice Guidance 009 Reference ID: 56-009-20150327, which states that Part M optional standards should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.
17. Policy H1 (e) – Appendix E should be attached to the document to ensure this policy requirement is clear and unambiguous in line with NPPF paragraph 16d.

H2 – Settlement Boundary

18. Policy H2, figure 3 – there is a minor discrepancy between the emerging Charnwood Local Plan 2021-37 (left below) and figure 3 (right below) at 60 Main Street. The boundary should be amended to reflect the Local Plan to ensure plan consistency.



19. Policy H2, figure 3 – it appears unnecessary to include a separate settlement boundary for the proposed neighbourhood plan housing allocation. Until and unless the allocation has been completed, it should remain as open countryside policy designation, otherwise its inclusion within the settlement boundary is not justified. It is further noted that planning application P/21/1446/2, which is situated to the east of the allocation, has a resolution to grant planning permission subject to S.106. In addition, the emerging Charnwood Local Plan includes housing allocation HA59 (Land to rear of Derry's Garden

Centre), which has planning permission P/20/2393/2 which could be included within the settlement boundary if following the same logic. If the examiner agrees with the proposed approach to include the neighbourhood plan housing allocation, the settlement boundary should also take account of these planning permissions. It would be more appropriate to consider reviewing the settlement boundary as part of a future neighbourhood or local plan review.

H3 – Housing Mix

20. Policy H3 – last sentence of the policy should state ‘...where there are identified local housing needs’ or similar, to provided consistency of wording within the policy.

H4 – Affordable Housing

21. Supporting text, page 18 – in the definition of affordable housing, delete the text ‘as “housing for sale or rent, for those whose needs are not met by the market’’. It is more effective to signpost the full definition that is set out in the NPPF.

H5 – Windfall Sites

22. Policy H5(d) – replace ‘character of the Parish’ with ‘surrounding character’ to ensure this policy requirement is more specific by applying to the surrounding area rather than the whole parish and therefore clear and unambiguous in line with NPPF paragraph 16d.

23. Policy H5(e) – correct typo with misplaced comma and colon.

H6 – Design

24. Policy H6 - Appendix E should be attached to the document to ensure this policy requirement is clear and unambiguous in line with NPPF paragraph 16d.

25. Policy H6 – delete text ‘to a degree that is proportionate to the development’. This text weakens the policy and it is not immediately apparent as to whether criteria should apply. Deleting it ensures all criteria applies and that the policy is therefore clear and unambiguous in line with NPPF paragraph 16d.

26. Policy H6 (b) – delete this section, as it does not introduce a policy requirement and effectively duplicates the introductory text of the policy. It therefore does not have a clear purpose in line with NPPF paragraph 16f.

27. Policy H6 (d) – add the text ‘or its setting’ to the end of this section to reflect the policy for proposals affecting heritage assets set out in NPPF chapter 15.

28. Policy H6 (e) – requirements within this section such as assessing ‘positive improvement can be robustly demonstrated’ is imprecise and does not set a clear framework for decision making in line with NPPF paragraph 16d. It is suggested that:

- The section is amended to read ‘Development should reflect the surrounding character and respond to heritage assets and their setting. Contemporary and

innovative design and materials will only be supported where these visually integrate with the surrounding vernacular' (or similar).

- Include the last sentence about biodiversity as a separate policy section.

ENV1 – Local Green Space

29. Policy ENV1 – The policy wording should reflect NPPF paragraph 103.

ENV2 – Important Open Spaces

30. Policy ENV2 – reference to 'figure 5' should read 'figure 7'.

31. Policy ENV2 and supporting text – the policy, figure 7 and supporting text will require consequential amendments depending on the recommendations for Local Green Space designations in policy ENV1.

32. Policy ENV2, site 098, 103 and 106 - the emerging Charnwood Local Plan includes housing allocation HA59 (Land to rear of Derry's Garden Centre), which has planning permission P/20/2393/2. Sites 103 and 106 are consistent with the indicative layout of the permission. Site 098 is the access point to the development site and its designation as an important open space is therefore not appropriate and should be removed from the policy as it does not contribute to the achievement of sustainable development, which is a basic condition requirement.

ENV3 – Sites and Features of Natural Environment Significance

33. No comments

ENV4 – Woodland Notable Trees and Hedges

34. Policy ENV4 - Appendix H and Appendix G are referred to in the policy text and figure 8.2 and should be attached to the document to ensure this policy requirement is clear and unambiguous in line with NPPF paragraph 16d.

ENV5 – Biodiversity and Habitat Connectivity

35. Policy ENV5 – support requirement for at least 10% net gain, which aligns with the emerging Charnwood Local Plan and the authority's Biodiversity Planning Guidance (May 2022).

ENV6 – Sites of Historic Environment Significance

36. Policy ENV6 – Appendix F should be attached to the document to ensure this policy requirement is clear and unambiguous in line with NPPF paragraph 16d.

37. Policy ENV6 – Policy should clarify that it designates sites as non-designated heritage assets.

ENV7 – Non-Designated Heritage Assets

38. Policy ENV7 – Appendix I should be attached to the document to ensure this policy requirement is clear and unambiguous in line with NPPF paragraph 16d.
39. Policy ENV7, Figures 12.1 and 12.2 – sites 13 and 20 are not annotated on these figures and require adding.

ENV8 – Ridge and Furrow

40. Policy ENV8, supporting text – it is not clear whether the references to NPPF paragraph 194 and footnote 63 is correct.

ENV9 – Important Views

41. Policy ENV9 – Appendix I should be attached to the document to ensure this policy requirement is clear and unambiguous in line with NPPF paragraph 16d.
42. Policy ENV9 – Views 6 and 8 conflict with proposed housing allocation HA59 identified in the submission Local Plan which has an outline planning permission (reference P/20/2393/2). Given this conflict, these views should be removed from the policy as they potentially do not contribute to the achievement of sustainable development, which is a basic condition requirement.

ENV10 – Footpaths and Other Walking Routes

43. No comments

ENV11 – Flood Risk Resilience

44. ENV11, introductory text and (a) – this policy should make appropriate reference to the approach to flooding set out in Chapter 14 of the NPPF and the sequential and exception test.
45. ENV11, 3rd paragraph – delete text ‘of one of more dwellings and/or for employment/ agricultural development’ which would have the effect of ensuring the policy applies in all cases. This would ensure the policy is more clearly written in line with NPPF paragraph 16d.
46. ENV11 (b) – the requirement for a hydrological study for minor development is potentially excessive and therefore undeliverable in line with NPPF paragraph 16b. It would be more appropriate to include a requirement for ‘a flood risk assessment where a proposal is within an identified fluvial or surface water flood risk area’ (or similar).
47. ENV11, supporting text – reference to ‘LP31’ should read ‘CC1’.

ENV12 – Area of Local Separation

48. No comments.

ENV13 – Renewable Energy Generation Infrastructure

49. ENV13, supporting text – reference to ‘LP29’ should read ‘CC3’.

CF1 – Retention of Community Facilities, Amenities and Assets

50. Policy CF1 – the protected community facilities should be numbered in policy text with an accompanying annotated map to provide a more clear and unambiguous policy in line with NPPF paragraph 16d.

51. Policy CF1 (b) – delete text ‘such viability and support includes fundraising and volunteers by parishoners and others’. The decision maker will need to determine whether or not a community facility is viable at the point of time that a planning application is being determined. The potential for fundraising and volunteering is not readily measurable or certain, and therefore it is not evident how a decision maker may apply this in line with NPPF paragraph 16d.

52. Policy CF1 (c) – delete text ‘which complies with the other general policies of the neighbourhood plan’ as it is unnecessary policy text.

CF2 – New or Improved Community Facilities

53. Policy CF2 (b) – amend this section of the policy to read ‘will not result in undue impact on the highway or neighbouring amenity’. This would ensure the policy is more clearly written in line with NPPF paragraph 16d.

PC1 – Broadband and Mobile Infrastructure

54. Policy PC1, last sentence – include the text ‘sympathetically located where possible’ to ensure that the policy has appropriate flexibility to enable necessary infrastructure to be delivered.

T1 – Transport and Road Safety

55. Policy T1 (a) – the requirement to ‘minimise additional traffic generation’ should be more specific, for example would this be achieved by the provision of on-site paths and cycle storage?

T2 – Electric Vehicles

56. Policy T2 and supporting text – this policy is no longer necessary given that infrastructure for charging electric vehicles is now covered by building regulations. A similar approach to delete the relevant policy was taken in the emerging Local Plan examination.

T3 – Pedestrian Footpaths, Pavements and Cycle Ways

57. No comment

BE1 – Support for Existing Businesses & Employment Opportunities

58. Policy BE1 – delete text ‘or future potential employment opportunities’ as it is not readily measurable or certain, and therefore it is not evident how a decision maker may apply this in line with NPPF paragraph 16d.

59. Policy BE1 (a) – delete text ‘in question’ as it is unnecessary policy text.

60. Policy BE1 (b) – delete text ‘in question’ and ‘generating’ as these are unnecessary policy text.

61. Policy BE1 (b) – replace text ‘as demonstrated through the results of both a full valuation report and a marketing campaign lasting’ with ‘has been unsuccessfully marketed for employment uses...’. This would ensure the policy is more clearly written in line with NPPF paragraph 16d.

BE2 – Support for New Businesses and Employment

62. Policy BE2 (a) – delete text ‘boundary of planned’ and ‘for the Cossington parish’ as these are unnecessary policy text.

63. Policy BE2 (c) – insert the text ‘surrounding’ before character and the text ‘the’ before historic to ensure the policy is clearly written in line with NPPF paragraph 16d.

64. BE2 (d) and (h) – delete these sections. They are considered to be too restrictive, in particular as they may result in planning decisions being less economically responsive and competitive, and therefore potentially do not contribute to the achievement of sustainable development, which is a basic condition requirement.

BE3 – Home Working

65. No comments

BE4 – Farm Diversification

66. No comments

BE5 – Tourism

67. Policy BE5 – this policy requires presentational changes to read ‘support will be given... provided the following criteria are met’ and consequential changes to ensure sections a-f follow to read as policy requirements.

INF1 – Infrastructure

68. No comments

Other Documents

- Basic Conditions Statement – no comment
- Consultation Statement – no comment
- SEA Screening – no comment