

## Quorn Neighbourhood Development Plan

### Independent Examiner's Clarification Note

#### **Context**

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

#### **Initial Comments**

The Plan is very well-presented. It provides a clear and distinctive vision for the neighbourhood plan area in a challenging context in terms of the relationship between existing planning policy and the emerging Local Plan. Its focus on housing, the natural and built environments, community facilities and local green spaces is both appropriate and distinctive to the neighbourhood area.

Comments noted - Thank you

#### **Points for Clarification**

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise some initial issues for clarification. They are designed for the Parish Council. The comments that are made on these points will be used to assist in the preparation of my report. They will also inform any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

#### *Policy S2*

Plainly this policy relies heavily on the existing Village Design Statement (2008). Has the Parish Council assessed the continued applicability of the Statement to the neighbourhood area throughout the Plan period?

The residents of Quorn put a lot of work and effort into producing a Quorn Village Design Statement and this was adopted by Charnwood Borough Council as a Supplementary Planning Document in October 2008.

The document was reviewed by the NPAC Housing theme group and it was determined that the original text remains relevant, particularly with regards to the Design Guidelines contained Section 5.0 Buildings & Spaces in the Village.

We would be content for the policy to specifically refer to the VDS Section 5 if this helps to clarify the matter?

#### *Policy H1*

I looked at the site in detail as part of my visit.

How would vehicular access be achieved into the site?

Vehicular access into the site is to be provided via an entrance off the Loughborough Road (see attached sketch taken from the developer's submission). This is currently the farm field access. There was some confusion in the pre-submission draft NP which referred in error to access being off the A6. It was this access route that was subject to objections at regulation 14. The submission version NP has removed this inaccuracy.

The Strategic Housing Land Availability Assessment 2018 for this site (PSH 343) records: the site is in a suitable location for development and a suitable access can be achieved.



To what extent has the site been assessed against the flood risk sequential test in national policy (NPPF 2012 paragraphs 100-102)?

This issue is currently subject to ongoing discussions involving the developer, the Environment Agency and the Borough Council. The aim remains to have a response in place prior to the target date of 18 January 2019.

#### *Policy H2*

I looked at the site in detail as part of my visit. I can see that the third criterion comments about where access should not be achieved. However how and where would vehicular access be achieved into the site?

Is the site available and developable?

The reserve site is not necessary to meet the current housing requirement and has been included within the Neighbourhood Plan to address any future uplift in housing need within the Plan period.

The NPAC Housing theme group met with the developer and they were assured and satisfied that vehicular access can satisfactorily be achieved into the site. Because of the sensitive nature of the proposal the NPAC respected the developers wish that this remain confidential at this time.

Should there be a situation in the future where housing need increases, and the reserve site is required to be developed, then the site will come forward if deliverable at that time. If not, then the site will not come forward and the Parish Council will consider its options, including reviewing the Neighbourhood Plan.

The bottom line is that the reserve site is not relied upon to meet current housing need and does not therefore impact on the Plan's ability to meet the basic conditions.

#### *Policy H4*

On what basis was the cluster upper limit of six dwellings determined?

The pre-submission copy of the NP provided stated 'as individual units dispersed throughout the development, subject to a registered provider being prepared to take the dwellings....'

The comments from the Regulation 14 consultation highlighted that the Charnwood Borough Council's Housing SPD advises that affordable housing should be distributed in clusters of up to 10 dwellings.

The PC agreed to an amendment to the policy to read 'clusters of up to 6 dwellings' to reflect the size of likely developments in Quorn and to address policy H4 which seeks to ensure that the affordable housing is provided as an integral part of the development and dispersed throughout.

Registered Social Landlords generally operate on the basis of clusters of units of a minimum of 6, and the policy provides a qualification that is 'subject to a registered provider being prepared to take on the dwellings ...'.

#### *Policy ENV1*

Is the designation of Areas of Separation necessary to achieve the desired effect? Would such designation have regard to national policy?

The proposed Area of Separation largely follows the AoS contained in the Charnwood Local Plan, adding in an area to the north-west of the railway line to reflect the recent large-scale residential development on the Loughborough/Quorn border.

The purpose of the AoS is to prevent coalescence between Quorn and Loughborough to the north and between Quorn and Mountsorrel to the south.

As such, it has regard for the NPPF in seeking to maintain an areas character and setting (para 122), reflect an understanding and evaluation of an areas defining characteristics (para 125), are sympathetic to local character and history, including the surrounding built environment and landscape setting (para 127)

The Charnwood Borough Council Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation Methodology and Assessment Findings Report upon which the Charnwood Local Plan policy is based states 'Areas of Local Separation are typically designated to small areas of countryside which prevent the coalescence of settlements, maintaining their unique character and identity'.

Are the proposed Areas of Separations underpinned by detailed landscape appraisals?

No. The intent of the policy was not related to landscape appraisals but to the prevention of coalescence. As part of the NP evidence gathering the community of Quorn made their views known via the open events, questionnaires and surveys on various items they would like addressed. There was overwhelming support for the view that urban sprawl and coalescence between both Loughborough, Woodthorpe and Mountsorrel should be prevented. It is considered that the AoS is justified in view of the sprawl of housing and very real danger of coalescence during the Plan period.

*Policy ENV2*

The Plan's analysis of the proposed Local Green Spaces is very thorough. Nevertheless, please can you let me know the size of Barrow Slabs.

The size of Barrow Slabs is 7.35 hectares

*Policy ENV8*

I recognise that views take no account of administrative boundaries. Nevertheless, is this policy designed to safeguard views solely within the neighbourhood area?

Yes

*Policy ENV9*

I can see that the policy has three principal components. Would proposals for wind turbines (part 2) and solar energy schemes (part 3) also need to comply with the generality of the first part of the policy?

Yes

*Policy CF1*

The principle of the policy meets the basic conditions. For clarity I am proposing to recommend that the policy lists the facilities concerned (rather than loosely referring to 'listed above'). Does the Parish Council have any comments on this proposal?

No. We are happy for this amendment to be made.

In addition, page 55 lists the 'particularly valued' facilities but also refers to the full range in Appendix J. That appendix does not appear in the further supporting information schedule on the CBC website. Assuming that you agree with my general proposal above which list should then be incorporated into the policy? If it is Appendix J please can I see that document?

This is an error Appendix J should in fact read **Appendix H**.

#### *Policy E2*

The meaning within the first part of the policy is confused by the different applications of 'frontage'. Is it the case that the policy's approach is to support proposals for new retail uses in the defined area where the property is not currently in retail use?

Yes - the intent of the policy is to preserve and promote the village centre as a local retail shopping area.

In the second part of the policy has the Parish Council considered the scale of any 'cluster of non-retail uses' that would trigger the need for a planning application to be refused? How could the policy be applied consistently by CBC?

The intent of the policy is to preserve the village centre as a local shopping area and not to become predominantly residential. A cluster of more than two would be considered excessive given the small-scale of retail provision in Quorn.

In the fourth part of the policy I understand what might be considered as 'inappropriate' design. What would be 'indifferent' design?

We are content for the reference to indifferent design to be removed from the policy.

#### *Policy E3*

Should the policy/text acknowledge that many such proposals would be unlikely to need planning permission?

Agreed.

#### *Policy E4*

How would a 'well-designed new building' be defined in the context of the policy?

It this context a well-designed new building would be as provided in the National Planning Policy Framework, the National Planning Practice Guidance and NP policy S2.

#### *Community Actions*

I can see that the various Actions have naturally arisen as part of the plan-making process. The Plan correctly includes such non-land uses in a separate section (in this case Section 9). However, in the case of Actions ENV1-3 the numbering is identical to the three relevant land use policies. This is potentially confusing.

Do the three Actions represent the way in which the community would implement the land use policies in a complementary fashion to their implementation through the planning process? If this is the case should they have different Community Action numbers?

Agree, this is confusing, and the Community Actions should have a different numbering protocol.

#### ***Representations made to the Plan***

Does the Parish Council wish to make observations on any of the representations made to the Plan?

Yes

The Parish Council welcomes all comments on its proposed plan and it is its aim to produce a plan that is a distinctive document, provides a clear vision for the neighbourhood area and does Quorn proud. It endeavours to review, action (as appropriate) and answer all the comments received including those received as a result of the Regulation 14 consultations.

It notes the many positive comments and recognises that landowners and agents wish to promote their sites and this is accepted however, it would like to make observations from the Regulation 16 respondents as follows:

#### 1. Burness Paull obo Proctors Park.

The respondent raises points regarding their view that the draft Plans were not publicised. The Parish Council carried out a considerable amount of publicity of the draft plans. This included: flyer leaflet drops to every property in the parish, three Open Events attended by a high percentage of residents and business representatives (the highest of any in Charnwood at the time), Questionnaires, local Radio and local Newspaper coverage, articles in the Parish and Village magazines, as well as notifications on local and national social media and the Parish, Borough and County Council websites.

#### 2. Environment Agency

The Parish council was concerned that the Environmental Agency (EA) did not receive our notifications. As according to the QNP Stakeholders List on our website the EA were notified twice. On 20 June 2017 and they responded on 23 June and they were notified again on 17 July 2018. This request received no response even though other Statutory Bodies notified at the same time did respond.

#### 3. Howes Percival obo Swithland Homes

The respondent had been supplied with the SSA information for their site however, requests were repeatedly made to the Parish Office for the release of SSA data for all the sites at a time when they had not been completed or were still in work. They were informed that the full assessments would be made available on submission of the neighbourhood plan, which they were. The SSA process including all the site scoring information was published and contained in the Appendix F(a) in the submission document as is required. The respondent continued to require the supply of more information not solely for their site but for the other proposed sites. The respondent was informed that all the information that the council held was in the public domain and that there was no information withheld. During this process the council believes its openness, inclusivity and transparency have been as required.

The respondent raises points that it was not kept informed. The Parish Council carried out a considerable amount of publicity of its Neighbourhood Development Plan process and publication of the draft plans. This included: flyer leaflet drops to every property in the parish, three Open Events attended by a high percentage of residents and business representatives (the highest of any in Charnwood at the time), Questionnaires, local Radio and local Newspaper coverage, articles in the Parish and Village magazines, as well as notifications on local and national social media and the Parish, Borough and County Council websites and meetings with land agents and developers.

The respondent's clients by their own admission were late in responding to the Landowners invitations which were sent out by Charnwood Borough Council on behalf of the Parish Council in July 2018 inviting them to a meeting and to go through the SSA analysis and discuss their proposed site. non the less, a meeting was arranged which unfortunately was cancelled by the respondent's clients at short notice. The council was notified that they would be in touch to rearrange the meeting, but they never did so. The SSA was therefore concluded on the best information available.

#### 4. Leicestershire County Council

Leicestershire County Council as the Lead Local Flood Authority under the heading Flood Risk Management and commenting on Policy H1 highlights that the open channels provided to enhance drainage and 3 soak-away areas may require watercourse land drainage consent and it also welcomes the reference to sustainable drainage systems and actively encourages their use. The developer has confirmed that an Ordinary Watercourse Land Drainage Consent has now been issued.

#### 6. LRM Planning obo William Davis

The respondent makes comments regarding the Area of Separation much of which I addressed above however they also state that the Great Central Railway and the A6004 clearly identifiable physical boundaries provide a more 'durable' boundary. This is not accepted as the boundary of the Quorn Neighbourhood Plan designated area is the Parish boundary and it is felt that this is the more appropriate boundary.

#### 7. General:

Several respondents made differing comments on the proposed Settlement Boundary. The Settlement Boundary contained in the NP is that proposed in the draft local plan with the addition of the preferred site and the area north of Farley Way. This site is currently the subject of a planning application which is in an advance stage. The reserve site was not included because it is not subject of a planning application and as a reserve site, the NP does not currently rely on the development of this reserve site to meet its housing target.

#### ***Protocol for responses***

I would be grateful for comments by Friday 18 January 2019. Please let me know if this timetable may be challenging to achieve. It reflects the factual basis of the questions raised.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by the Borough Council and make direct reference to the policy/issue concerned.

Andrew Ashcroft

Independent Examiner

Quorn Neighbourhood Development Plan

3 January 2019