

COSSINGTON NEIGHBOURHOOD PLAN 2021-2037

Cossington Neighbourhood Plan Examination
A Report to Charnwood Borough Council

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Cossington Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - 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);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Cossington Neighbourhood Plan meets the basic conditions¹ and I recommend to Charnwood Borough Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Cossington Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Cossington Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Cossington Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Charnwood Borough Council.
- 5 The Neighbourhood Plan would then form part of the relevant development plan and as such, it would be used to determine planning applications and guide planning decisions in the Cossington Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”
(Paragraph 29, National Planning Policy Framework)
- 7 As confirmed in Paragraph 2.1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Cossington Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 2.5 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates to the designated Cossington Neighbourhood Area and that there is no other neighbourhood plan in place in the Cossington Neighbourhood Area.
- 9 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by Charnwood Borough Council to conduct the examination of the Cossington Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have over ten years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have over thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Cossington Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as “2021 – 2037.”
- 18 Taking this into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 21 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Cossington Neighbourhood Plan.
- 22 However, further to consideration of the submission documents, I wrote to the Qualifying Body in respect of matters where further information was sought. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*² following the Localism Act 2011.
- 24 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - 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);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 25 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
1. the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 26 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act) and Sections 61F and 61G of the Town and Country Planning Act 1990 (as amended), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation;
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 27 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 28 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. Within this, the Qualifying Body, Cossington Parish Council, provides evidence to demonstrate how the Neighbourhood Plan meets the basic conditions.

⁴ The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law.

European Convention on Human Rights (ECHR) Obligations

- 29 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 30 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”
(Planning Practice Guidance⁵)

- 32 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.

- 33 A Strategic Environmental Assessment (SEA) Screening Report was produced by Charnwood Borough Council and this was submitted alongside the Neighbourhood Plan. The SEA Screening Report concluded that:

“...a full Strategic Environmental Assessment is not required. No significant environmental effects are likely to arise...”

- 34 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted. Each of the statutory bodies agreed with the above conclusion.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 35 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 36 In the case *People Over Wind & Sweetman v Coillte Teoranta* ("*People over Wind*" April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 37 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.
- 38 A Habitats Regulations Assessment (HRA) Screening Report was produced by Charnwood Borough Council and submitted alongside the Neighbourhood Plan.
- 39 This Report assessed whether the policies of the Neighbourhood Plan would give rise to the potential for a likely significant effect on Natura 2000 European sites, of which two were identified as being partly located within the Neighbourhood Area: Rutland Special Protection Area/Ramsar Site and the River Mease Special Area of Conservation.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

40 The HRA Screening Report concluded that:

“...the Neighbourhood Plan is required to be in conformity with the Core Strategy. Given this requirement and the limited scale of development proposed in the Neighbourhood Plan, it is not considered that the Neighbourhood Plan will further affect any European site in addition to the impacts identified in the HRA Screening Report undertaken in 2013 for the Core Strategy. This screening report meets the basic condition as per paragraph 4.6. Therefore, it is considered that an Appropriate Assessment is not required.”

41 Each of the statutory bodies were consulted as part of the process. None of the statutory bodies disagreed with the conclusions set out in the HRA Screening Report.

42 In addition to all of the above, I am mindful that national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁸).

43 Charnwood Borough Council has not identified any outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

44 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Cossington Neighbourhood Area

Background Documents

- 45 In completing this examination, I have considered various information in addition to the Cossington Neighbourhood Plan. I also spent an unaccompanied day visiting the Cossington Neighbourhood Area.
- 46 Information considered as part of this examination has included the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2021)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Charnwood Local Plan 2011-2028 Core Strategy (2015) (referred to below as the “*Local Plan*”)
 - Borough of Charnwood Local Plan Saved Policies (2004)
 - Basic Conditions Statement
 - Consultation Statement
 - Supporting Documents
 - Representations received
 - Strategic Environmental Assessment and Habitats Regulations Assessment Screening Reports

Cossington Neighbourhood Area

- 47 Cossington Neighbourhood Area is identified on a plan on Figure 1 of the Neighbourhood Plan. It was designated by Charnwood Borough Council on 24 February 2020.
- 48 The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 49 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 50 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Cossington Neighbourhood Plan Consultation

- 51 A Consultation Statement was submitted to Charnwood Borough Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*⁹.
- 52 Consultation commenced in Autumn 2020, when a questionnaire was hand-delivered to all households in the Neighbourhood Area. A large number of completed questionnaires were returned and the findings informed initial work on the emerging plan.
- 53 Open events were held in July 2021 and Spring 2022 to share emerging policies and to support draft plan consultation, respectively. A draft plan was produced and consulted upon during March and April 2022.
- 54 Consultation was supported by door-to-door leaflets, village newsletters, social media, the Parish Council website and the use of noticeboards. Comments received were duly recorded and responses/actions noted.

⁹ Neighbourhood Planning (General) Regulations 2012.

- 55 Taking the Consultation Statement and the above into account, I find that public consultation formed part of the plan-making process, that there were opportunities for people to have a say and that matters raised were considered.
- 56 Given this, I am satisfied that the consultation process for the Cossington Neighbourhood Plan complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

57 For clarity and accuracy I recommend the following changes (in *italics*) to the introductory section of the Neighbourhood Plan:

1. **Introduce Paragraph Numbers. This is a long plan with many Policies. The introduction of paragraph numbering will result in a clearer and more accessible document.**
2. **Page 5, 6th para, change to: “...the policies must be in general conformity with *adopted strategic local planning policies and must have regard to national planning policy and advice.* Charnwood Borough...**
3. **Page 5, delete the last three paras (“The NP is now...Cossington.”)**
4. **Page 7, second para, change to: “...(the *Qualifying* Body for the NP).”**
5. **Page 7, last sentence, delete , “(to be made...of the NP)”**
6. **Page 9, first para, change to “...mirrors that for the *emerging* Charnwood Local Plan.”**
7. **Page 9, fourth para, change to: “...generations. *In order to achieve this, Cossington Parish Council expects development to take account of:*”**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Housing and the Built Environment

Housing Policies H1 and H2: Residential Site Allocation; and Settlement Boundary

58 Paragraph 60 of the Framework states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

59 The planned delivery of housing forms an essential part of sustainable development and in this respect, national policy (Paragraphs 28-29, the Framework) is clear that neighbourhood plans have a role to play in:

“...allocating sites...Neighbourhood planning gives communities the power to develop a shared vision for their area...”

and national policy is specific in requiring that:

“Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

60 Thus, national policy seeks to significantly boost the supply of housing and requires neighbourhood plans not to promote less development than required by strategic policies for the area.

61 Further to consideration and taking account of information related to the emerging Local Plan, Charnwood Borough Council has confirmed that the housing land requirement for the Neighbourhood Area equates to a total of 131 dwellings.

- 62 There is an extant planning permission for up to 130 dwellings immediately adjacent to Cossington's settlement boundary and the Neighbourhood Plan proposes the allocation of a site for 12 dwellings. Charnwood Borough Council considers that together, these sites meet strategic requirements. I also note that, taken together and having regard to national policy, they contribute to boosting housing supply.
- 63 As presented, the Neighbourhood Plan does not explicitly recognise the planning permission for 130 dwellings. However, as above, it does seek to allocate a site, to the south west of Cossington, for the development of 12 dwellings.
- 64 The extant permission for up to 130 dwellings comprises the single most important development site in the Neighbourhood Area. It is situated immediately adjacent to Cossington village. Including the whole of the site within the settlement boundary would add to the clarity of the Neighbourhood Plan. Consequently, I recommend the site's inclusion within the settlement boundary in the recommendations below.
- 65 The proposed allocation of a site for 12 dwellings has emerged through an assessment process that has raised a number of concerns in respect of the information available for consultation and to the approach to site assessment and scoring.
- 66 However, I am mindful that site assessments can involve subjectivity and that, in this case, there is evidence to demonstrate that landowners and others had opportunities to comment on what appears to have been a transparent process and on the outcomes of that process. The choice of the site for allocation reflects an assessment process which was subject to community scrutiny and there is no substantive information before me to demonstrate that the chosen site is not deliverable.
- 67 Neighbourhood planning gives communities "*the power to develop a shared vision*" (Paragraph 29, the Framework) for their neighbourhoods and I find that the housing allocation in Policy H1 is reflective of this.
- 68 Charnwood Borough Council considers it unnecessary to include a separate settlement boundary for the proposed allocation for 12 dwellings. I note that the site does not benefit from planning permission and that it is separate from the settlement of Cossington. Were the site to be developed it would not, in any case, comprise a settlement. I make a recommendation below in this respect.

- 69 Charnwood Borough Council has identified a discrepancy between the proposed settlement boundary and the settlement boundary which the Neighbourhood Plan is intended to reflect. I address this in the recommendations below.
- 70 As set out, Policy H1 includes an unnecessary reference to national policy and includes an unnecessary cross-reference to another Policy in the Neighbourhood Plan. The development plan is considered as a whole and this removes the need for cumbersome cross-references.
- 71 Also as set out, Policy H2 includes an unnecessary cross-reference to other Policies in the Neighbourhood Plan. As above, the development plan is considered as a whole and it is unnecessary to include such cross-references.
- 72 In addition, there is no reason to state that land in the countryside will be treated as land in the countryside. Doing so detracts from the concise nature of the Neighbourhood Plan. Further, the inclusion of the phrase “*carefully managed*” could be taken as meaning that different levels of “*care*” will be applied to development management, which is not an approach supported by the Neighbourhood Plan or justified by any evidence.
- 73 Taking all of the above into account, I recommend:

Policy H1

- 1. Policy H1, for clarity, change the wording to: “- land is allocated for residential development at the site shown in Figure 2. Development will be supported on the following basis:**
- 2. Policy H1. Retain bullet points a) to d). Delete bullet point e). Change bullet point c) to “At least one *affordable housing* unit will...”
NB, this recommendation is made having regard to national planning guidance¹⁰**
- 3. Page 14, first para, delete last sentence (“The...site.”)**

¹⁰ Reference: Planning Practice Guidance 009 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

4. Page 14, second para, line 3, replace "Anstey" with "Cossington"
5. Page 14, second para, add new sentence to end: *"During the neighbourhood plan-making process, planning permission was granted for up to 130 dwellings at the site of the emerging Local Plan allocation."*
6. Page 14, change last sentence of supporting text to: *"The landowner of the allocation in Policy HO1 has agreed..."*

Policy H2

7. Policy H2, change the wording to: *"Development will be focused within the Settlement Boundary, as identified within Figure 3."*
For clarity, delete the second sentence of the Policy ("Land...managed.")
8. Revise Figure 3 to include land with planning permission. For clarity, the settlement boundary should include the whole of the red line boundaries relating to P/21/1446/2 and P/20/2393/2
9. Revise Figure 3 to remove the settlement boundary from the allocation for 12 dwellings
10. Amend the boundary at 60 Main Street to that shown in the settlement boundary in the emerging Local Plan (see page 3, Charnwood Borough Council representation for detailed diagram of boundary)
11. Delete second para on page 15 and replace with: *"The Settlement Boundary in the Neighbourhood Plan includes land where planning permission has recently been granted for the development of up to 130 dwellings."*

12. Change third para on page 15 to: ***“...existing infrastructure. It provides for development to be focused within the settlement of Cossington and not in the countryside.”***
13. Page 16, second para, change last sentence to: ***“...Neighbourhood Plan with the addition of land with planning permission for development and the site allocated in Policy H1.”***
14. Delete the last para of supporting text – there is no such Policy in the Neighbourhood Plan.

Policies H3, H4 and H5: Housing Mix; Affordable Housing; and Windfall Sites

74 National policy establishes that:

"...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies..."
(Paragraph 62, the Framework)

75 The Local Plan states that:

"We want to make sure the size and type of homes that are built are the right ones to give people the opportunity of living in a quality home that meets their needs."
(Para 5.2, Local Plan)

76 Local Plan Policy CS3 requires the delivery of housing to provide:

"...an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs...(and) small-scale rural exceptions sites..."

77 Together, Policies H3 and H4 seek to ensure that new residential development provides a mix of house types, tenures and sizes and in this way, the Policies meet the basic conditions.

78 As set out, Policy H3 states that the provision of bungalows will be *"particularly supported"* but the Neighbourhood Plan provides no mechanism to achieve any such prioritisation and consequently, the reference to *"particularly"* carries no meaningful or deliverable policy weight.

79 The phrase *"subservient in number"* is not concise and this is a matter addressed in the recommendations below. Further, whilst there is a difference between an identified housing need, a proven housing need and identified housing needs, the Policy appears to use these terms as though they are the same and this is also a matter addressed in the recommendations below.

- 80 In the above regard and in respect of other recommendations set out in this Report, I am especially mindful that national guidance requires planning policies to be unambiguous¹¹:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 81 As set out, Policy H4 requires all affordable and market housing to be available in perpetuity for people with a local connection to the Neighbourhood Area. There is no substantive information to demonstrate that such a requirement is deliverable or that it has regard to the tests for planning obligations set out in Paragraph 57 of the Framework, whereby obligations must be:

“...necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.”

- 82 On consideration of this point, the Qualifying Body has stated that the above requirement should only apply to rural exception sites.
- 83 Policy H5 provides a supportive planning framework for windfall development and in so doing, helps the Neighbourhood Plan to contribute to the achievement of sustainable development.
- 84 As worded, Policy H5 requires development to reflect the size and character of the Parish. Such a requirement appears meaningless, as the character of the Parish varies considerably and there is no information to demonstrate how the size of the Parish might relate to any proposed development. A recommendation is made below in this respect.

¹¹ Planning Guidance, Paragraph: 041 Reference ID: 41-041-20140306.

85 I recommend:

Policy H3

1. Policy H3, delete second and third sentences and replace with:
“The inclusion of four-bedroom or larger houses will be supported where there is an identified need. The number of four-bedroom or large dwellings should not exceed that of one, two and three bedroom dwellings.”

Policy H4

1. Policy H4, change third sentence to: *“Rural exceptions housing should be made available in perpetuity for people with a local connection to the Plan area.”*
2. Page 18, for clarity, change first sentence of supporting text to: *“...2). Affordable housing can provide housing for those whose needs are not met by the market.”*
3. Page 18, delete the seventh para (“Policy CS3...more).)”
NB - this is not an adopted Policy.

Policy H5

1. Policy H5, change criterion d) to: *“...which reflects the character of the surrounding area;”*
2. Policy H5 e) delete comma and replace colon with a semi-colon
3. Page 19, delete third sentence (“To help...circumstances.”).
NB - national policy provides for appropriate development in the countryside. No substantive evidence has been provided to justify a departure from national policy, preventing windfall development in the countryside unless there are exceptional circumstances.

Policy H6: Design

- 86 National policy, in Chapter 12 of the Framework, "*Achieving well-designed places,*" recognises the importance of identifying the special qualities of a place and requires planning policies:

"...to ensure that developments...are sympathetic to local character."
(Paragraph 130, the Framework)

- 87 The Framework also recognises that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
(Paragraph 126, the Framework)

- 88 Local Plan Policy CS2 ("*High Quality Design*") requires all new development to respond positively to its context and to reinforce a sense of place.

- 89 Policy H6 seeks to ensure that development demonstrates high quality design and in this way, it meets the basic conditions.

- 90 The Policy refers directly to the Cossington Neighbourhood Plan Character and Design Statement (Design Statement). The Design Statement provides useful and helpful design guidance. Consequently, it is important that this Design Statement is appended to/attached to the Neighbourhood Plan document – so that it is readily accessible – and I make a recommendation in this respect below.

- 91 The Policy incorrectly references the Design Statement and this is a matter addressed in the recommendations below.

- 92 Policy H6 includes a requirement to have regard to information "*to a degree that is proportionate to development.*" This requirement appears vague and not:

"...clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;"
(Paragraph 16, the Framework)

- 93 This is a matter addressed in the recommendations below.

- 94 Whilst the Policy refers to "*the special character of the Parish,*" nowhere is this defined and consequently, the phrase appears vague. The Design Statement references the Neighbourhood Area's distinctive characteristics.
- 95 Whilst the Design Statement exemplifies how development can enhance character, there is no evidence to demonstrate how all development can enhance the Neighbourhood Area's rural character and in this regard, I am mindful that the Neighbourhood Plan focuses development within the settlement boundary rather than in the rural area, resulting in a confusing reference.
- 96 Further, there is no mechanism or detailed information in respect of how the robust demonstration of positive improvements might be assessed and this part of the Policy appears vague and subjective.
- 97 Taking all of the above into account, I recommend:
1. **Policy H6, change to: "...in order to make a positive contribution to the distinctive character of the Parish. Development should have regard to the Cossington Neighbourhood Plan Character and Design Statement: a) Development should be designed to ensure that new...surroundings; b) Development should not disrupt...h)...hedgehogs."**
 - i. NB - for clarity, criterion b) is deleted and criteria d) to h) remain unchanged except as below
 2. **Policy H6 e), line 3, change to: "...supported where such development respects its surroundings. Development should..."**
 3. **Page 20, fourth para, line 4, delete "rural"**
 4. **Page 20, second para, change reference to "The Design Statement" and change to: "...(Appendix E) sets out the importance of incorporating sustainable..."**
NB - for clarity, the Design Statement does not set out policy requirements
 5. **Page 20, last para, change to: "The Design Statement has been produced to help shape...Parish."**
 6. **Attach the Design Statement Appendix to the Neighbourhood Plan**

The Natural, Historical and Social Environment

Policy ENV1: Local Green Space

- 98 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 101 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

- 99 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 100 Given the importance of the designation, Local Green Space boundaries should be clearly identifiable. In this regard, Figure 6 on page 27 clearly identifies the designated Local Green Space in a precise manner, thus preventing scope for dispute in respect of the location of boundaries.
- 101 The Local Green Space tests set out in the Framework are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 102 The Neighbourhood Plan and its supporting information provides evidence to demonstrate why the designated Local Green Space is demonstrably special. The designation of the site meets the national policy tests set out in the Framework.

103 National policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. National Green Belt policy is precise. As set out, Policy ENV1's wording appears ambiguous and is not consistent with Green Belt policy. This is a matter addressed in the recommendations below.

104 Taking all of the above into account, I recommend:

1. **Policy ENV1, delete wording and replace with: *“All Saints Churchyard, war memorial green and car park (identified in Figure 6 below) is designated as a Local Green Space where development will not be permitted except in very special circumstances.”***
2. **Page 27, second para, line three, change to *“paragraph 102.”***

Policies ENV2, ENV3, ENV4 and ENV5: Important Open Spaces; Sites and Features of Natural Environment Significance; Woodland, Notable Trees and Hedges; Biodiversity and Habitat connectivity

- 105 National policy requires that, subject to not being surplus to requirements or to being replaced by better provision:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on...”

(Paragraph 99, the Framework)

- 106 The Framework also requires planning policies to contribute to and enhance the natural environment by:

“...minimising impacts on and providing net gains for biodiversity...”

(Paragraph 174, the Framework)

- 107 It goes on to require policies to recognise the intrinsic character and beauty of the countryside (Paragraph 174) and to protect ancient woodlands (Paragraph 180).

- 108 Together, Policies ENV2 – ENV5 identify and/or seek to protect open spaces, sites of environmental significance, woodland, hedgerows, biodiversity and habitat connectivity and in this way, the Policies have regard to national policy.

- 109 Policy ENV2 affords protection to identified areas of open space, having regard to paragraph 99 of the Framework. The identified areas include land designated as Local Green Space and include land benefiting from planning permission for development.

- 110 In this latter respect, no substantive evidence was submitted to demonstrate that the designation of areas of open space, subject to the requirements of Policy ENV2, within land benefiting from permission for development would not result in the placing of an obstacle in the way of the Neighbourhood Plan contributing to the achievement of sustainable development.

- 111 Consequently, I recommend the deletion of sites 098, 103 and 106 from Policy ENV2 and Figure 7. Whilst I note Charnwood Borough Council's comment that sites 103 and 106 *“are consistent with the indicative layout of the permission,”* the layout referred to is only indicative.

- 112 Policy ENV3 identifies and affords protection to various nature sites and no changes are recommended.
- 113 Policy ENV4 identifies and seeks to protect trees and woodland. The Policy refers directly to appended information and it is important that this information is directly accessible – a recommendation is made below in this respect.
- 114 Part of the Policy suggests that any development proposals anywhere will be supported subject to such proposals using trees and hedges to enhance their appearance. In the absence of any detail, such an approach could give rise to support for inappropriate forms of development and this part of the Policy is recommended for deletion.
- 115 Policy ENV5 promotes biodiversity net gain in line with national policy and in this way, the Policy meets the basic conditions. However, the Policy includes a vague reference to habitat connectivity and relies on what appear to comprise unsubstantiated “*wildlife corridors*,” the submitted information relating to which is vague.
- 116 In the above regard, the Qualifying Body states that wildlife corridors are “*naturally fuzzy*” and “*centred on linear natural features*.” The latter of these points appears not to be the case in respect of Cossington Brook, only one side of which is identified as a wildlife corridor. Further, whilst a wildlife corridor might not align to precise boundaries, there is no substantive evidence supporting the designation of the Cossington Brook corridor.
- 117 I recommend:

Policy ENV2

- 1. Policy ENV2, delete sites 001, 098, 099, 102, 103 and 106 from the Policy and from Figure 7**
- 2. Page 28, last para, delete last sentence (“NOTE...duplication.”)**

Policy ENV3

- 1. No changes recommended**

Policy ENV4

1. Policy ENV4, delete second sentence (“Proposals...supported.”)
2. Attach Appendix H to the Neighbourhood Plan

Policy ENV5

1. Policy ENV5, add new second sentence: “...significance. *Development proposals should not damage and should respect habitat connectivity corridors.* If significant...”
2. Policy ENV5, delete second para (“Development...figure 9”)
3. Delete Figure 9
4. Page 34, last para, delete all after second sentence (“A wildlife...planning system.”)

Policies ENV6 and ENV7: Sites of Historic Significance; and Non-Designated Heritage Assets

- 118 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment,*" recognises that the nation's heritage assets comprise an irreplaceable resource.
- 119 Paragraph 189 of the Framework requires all heritage assets to:
- "...be conserved in a manner appropriate to their significance..."*
- 120 The Framework goes on to require plans to set out a positive strategy for the conservation and enjoyment of the historic environment and take opportunities to draw on the contribution made by the historic environment to the character of a place.
- 121 Local Plan Policy CS14 ("*Heritage*") requires the conservation of heritage assets.
- 122 Policies ENV6 and ENV7 seek to protect designated and non-designated heritage assets and in this regard, have regard to national policy and are in general conformity with local strategic policy.
- 123 Both Policies refer to and are reliant upon appended information and it is important that this information is directly accessible. A recommendation is made below in this respect
- 124 Policy ENV7 states that the features and setting of non-designated assets will "*be protected wherever possible.*" Such an approach conflicts with national policy, which states that:
- "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
(Paragraph 203, the Framework)
- 125 National policy does not afford protection to the setting of non-designated heritage assets and does not require protection of their features wherever possible.

126 I recommend:

Policy ENV6

1. **Attach Appendix F to the Neighbourhood Plan**

Policy ENV7

1. **Policy ENV7, line 4, delete “, and their features and settings will be protected wherever possible.”**
2. **Policy ENV7, third sentence, change to: “*The scale of any harm or loss arising from a development proposal affecting a non-designated heritage asset must be balanced against the significance of the heritage asset.*”**
3. **Attach Appendix I to the Neighbourhood Plan**

Policy ENV8: Ridge and Furrow

127 Ridge and furrow earthworks have been identified in the Neighbourhood Area and are recognised in Policy ENV8 as non-designated heritage assets.

128 As set out above, Paragraph 203 of the Framework is explicit in respect of how proposals relating to non-designated assets should be considered.

129 Policy ENV8 does not have regard to this but recommends an approach that conflicts with national policy. In the interests of ensuring that the Neighbourhood Plan meets the basic conditions, I recommend:

1. **Policy ENV8, change second sentence to: *“In considering development proposals directly or indirectly affecting the identified ridge and furrow earthworks, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset.”***
2. **Page 42, delete second sentence (“In conformity...buildings”) which does not reflect Paragraph 194 of the Framework/is not supported by submitted evidence**

Policy ENV9: Important Views

130 National policy, in Chapter 12 of the Framework, "*Achieving well-designed places,*" recognises the importance of identifying the special qualities of a place and requires planning policies:

"...to ensure that developments...are sympathetic to local character."
(Paragraph 130, the Framework)

131 Policy ENV9 requires development to respect important views, having regard to national policy.

132 However, as presented, Policy ENV9 requires development to protect views and seeks to prevent development which would have "*an adverse impact*" on views.

133 The identified views are supported by general information, which gives a general impression of the nature of each of the views identified. The information relating to each view is not precise and is open to significant, subjective interpretation.

134 Further to the above, no detailed information is provided in respect of what an adverse impact might comprise. Whilst the Qualifying Body has suggested that this comprises development that would encroach into the line of a view such that it would partly block it or change its character for the worse, in the absence of precise information relating to each view, the line of a view and its character is open to wide and subjective interpretation and I am also mindful that views can change on an annual, seasonal and even hourly basis.

135 The provision of vague and general information pertaining to a view does not have regard to national policy and guidance requirements (as set out earlier in this Report) for planning policies to be precise and unambiguous.

136 Further to the above, as set out, the Policy places significant obstacles in the way of the Neighbourhood Plan's contribution to the achievement of sustainable development. This is exemplified by two of the identified views (Views 6 and 8) which, were the Policy to be made as set out, would result in a direct conflict with recently permitted development.

137 I recommend:

1. **Policy ENV9, delete second and third sentences and replace with:
“...village. *Development proposals should respect these views.*”**
2. **Policy ENV9, delete Views 6 and 8 from the Policy and from
Figure 14.**

Policy ENV10: Footpaths and Other Walking Routes

138 Paragraph 100 of the Framework states that:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users...”

139 Whilst worded in a negative manner, to some degree, Policy ENV10 seeks to protect existing public rights away, having regard to national policy. I note that, by their very nature, public rights of way are protected and that there are statutory mechanisms in place in respect of the alteration or stopping up of public rights of way.

140 I recommend:

- 1. Policy ENV10, change wording to *“The protection, enhancement and expansion of the public right of way network, will be supported.”***

Policy ENV11: Flood Risk Resilience

- 141 National policy requires plans to apply a sequential, risk-based approach to the location of development, taking account of all sources of flood risk and the current and future impacts of climate change.
- 142 However, Policy ENV11's approach of requiring developers to demonstrate that the benefits of development outweighs harm in respect of various things conflicts with the sequential approach set out in national policy and is unsupported by evidence in respect of deliverability. In addition, it introduces imprecise and ambiguous policy requirements, providing scope for wide and subjective interpretation.
- 143 Flood management and infrastructure works can be required for a range of reasons and purposes. Imposing a requirement for all floodwater management infrastructure to reduce flood risk for residents and not to adversely affect historical sites, biodiversity or important open spaces places a significant potential barrier in the way of the Neighbourhood Plan contributing to the achievement of sustainable development. No substantive evidence has been submitted to demonstrate the contrary.
- 144 The rest of the Policy places significant burdens on development, including for a single dwelling, any form of employment development and any form of agricultural development. There is no substantive evidence to demonstrate that the requirements set out are deliverable. The Policy does not have regard to Paragraph 16 of the Framework, which requires plans to be deliverable.
- 145 The Policy does not meet the basic conditions. In making the recommendation below I am mindful that national policy sets out a clear land use planning policy framework for the management of flood risk.
- 146 I recommend:
- 1. Delete Policy ENV11**
 - 2. Delete page 47 and text at top of page 48**
 - 3. Delete Figures 16.2 and 16.3**

Policy ENV12: Area of Local Separation

- 147 The supporting text to Policy ENV12 states that it extends an existing Area of Separation. However, the proposed Area of Separation in the emerging Local Plan is simply that. Consequently, Policy ENV12 does not extend an Area of Separation but rather, it proposes an Area of Separation.
- 148 The Figure associated with Policy ENV12 shows the proposed Area of Separation in the emerging Local Plan and also identifies an Area of Separation which includes land that has planning permission for residential development.
- 149 This would appear to place a significant barrier in the way of the Neighbourhood Plan contributing to the achievement of sustainable development and no substantive information has been submitted to demonstrate that this is not the case.
- 150 Whilst the supporting text states that the boundary of the proposed Area of Local Separation has been drawn to follow the planned open spaces within the Local Plan residential allocation, there is no substantive information to demonstrate what the adopted Local Plan residential allocation comprises.
- 151 In making the recommendation below I am mindful that the emerging Local Plan will provide an appropriate forum for establishing Areas of Local Separation, whereby material considerations, such as planning permissions and Neighbourhood Area boundaries can be taken into account.
- 152 I recommend:

- 1. Delete Policy ENV12**
- 2. Delete page 51, including Figure 17**

Policy ENV13: Renewable Energy Generation Infrastructure

153 Policy ENV13 promotes renewable energy generation infrastructure having regard to Chapter 14 of the Framework, *“Meeting the challenge of climate change, flooding and coastal change.”*

154 There is an incorrect reference in the supporting text and I recommend:

- 1. Page 53, last sentence of supporting text, change “LP29” to “CC3”**

Community Sustainability

Policies CF1 and CF2: Retention of Community Facilities, Amenities and Assets; and New or Improved Community Facilities

155 Paragraph 92 of the Framework states that:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places...”

156 Further, Paragraph 93 of the Framework goes on to require planning policies and decisions to:

“...plan positively for the provision and use of...community facilities (such as local shops, meeting places...cultural buildings, places of worship) and other local services to enhance the sustainability of communities and residential environments (and) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community...”

157 Policy CF1 seeks to prevent the loss of, community facilities and in this way, the Policy meets the basic conditions.

158 As set out, the Policy refers to community facilities but does not identify them on a plan and I make a recommendation below in this respect in the interests of clarity and precision.

159 Policy CF1 includes references to locations without any information to demonstrate that they actually comprise community facilities. In this respect, in response to a question from the Examiner, the Qualifying Body has stated that the references to Crabtree Lane, Platts Lane Recreation Ground and Polly Peggs should all be removed from the Policy.

160 Also, as worded, the Policy refers to fundraising and volunteers by parishioners as a measure of viability. There is no evidence to demonstrate that such an approach is clear and unambiguous, so it is evident how a decision maker should react to development proposals and in this respect, the Policy does not have regard to Paragraph 16 of the Framework.

- 161 Policy CF2 encourages the provision of new or enhanced community facilities and in this way, it has regard to national policy.
- 162 There is no need for Policy CF2 to cross-reference other Neighbourhood Plan Policies and I note that there is no indication of what an unacceptable traffic movement or a negative impact to residential properties might comprise.
- 163 Taking this and the above into account, I recommend:

Policy CF1

1. **Policy CF1, change criterion b) to *“Further to 12 months active and open marketing, the existing community facility is shown not to be economically viable; or***
2. **Policy CF1, criterion c), delete the unnecessary wording *“which complies with other general policies of the Neighbourhood Plan”***
3. **Policy CF1. Number each of the community facilities in the Policy**
4. **Policy CF1. Delete references to Crabtree Lane, Platts Lane Recreation Ground and Polly Peggs from the Policy**
5. **Provide a new Figure showing the location of each of the community facilities by reference to the numbers in the Policy**

Policy CF2

1. **Policy CF2, delete criterion a)**
2. **Policy CF2, change criterion b) to *“Does not harm highway safety and respects residential amenity;”***

Parish Communications – Keeping Connected

Policy PC1: Broadband and Mobile Infrastructure

164 National policy recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It states that planning policies should:

“...support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”

(Paragraph 114, the Framework)

165 Policy PC1 seeks to promote development that supports the provision and enhancement of broadband.

166 Charnwood Borough Council recommends that the last sentence of the Policy be expanded to read be *“sympathetically located where possible.”* I note that this would provide for appropriate flexibility and recommend:

- 1. Policy PC1, last sentence, delete first comma and change wording to: “...must be sympathetically located, *where possible*, designed to...”**

Transport and Road Safety – A Safe and Connected Parish

Policy T1: Transport and Road Safety

167 National planning policy, in Chapter 9 of the Framework, "Promoting sustainable transport," requires development to:

"...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles..."
(Paragraph 112, the Framework)

168 Whilst Policy T1 seeks to promote highway safety, there is no evidence to demonstrate that the requirements of criteria a), d) or e) are deliverable or meet the tests for planning obligations, set out in Paragraph 57 of the Framework and referred to earlier in this report.

169 Further, criterion b) of the Policy cross-references existing Design Guidance that is not controlled by or the responsibility of the Neighbourhood Plan.

170 I recommend:

1. **Policy T1, delete wording and replace with: *"Development must not harm highway safety and should not result in the loss of existing car parking provision."***

Policy T2: Electric Vehicles

171 Charnwood Borough Council states that Policy T2 is no longer necessary as infrastructure for charging electric vehicles is now covered by *Approved Document S – Infrastructure for the Charging of Electric Vehicles* (The Building Regulations 2010). The Qualifying Body has considered and has raised no objection to this.

172 I recommend:

- 1. Delete Policy T2 and supporting text on page 66**

Policy T3: Pedestrian Footpaths, Pavements and Cycle Ways

173 As referenced above, Paragraph 100 of the Framework supports the enhancement of the public right of way network. Policy T3 promotes this and in doing so, seeks to encourage more sustainable patterns of movement, notably by walking and cycling.

174 As set out, the Policy lists a series of aspirations but provides no mechanism for their delivery and there is no evidence to demonstrate deliverability. I recommend:

- 1. Policy T3, delete wording and replace with: *“The enhancement and expansion of the Neighbourhood Area’s footpath and cycle network will be supported.”***

175 Whilst, to some considerable degree, Policy T3 repeats the provisions of Policy ENV10, I am mindful that it emphasises the importance of enhancing the rights of way network in the Neighbourhood Area – in respect of which the Parish Council is adopting its own Community Action - and that it adds a specific reference in support of the enhancement of the cycle network.

Business and Employment – Helping the Community to Thrive

Policies BE1 and BE2: Support for Existing Businesses and Employment Opportunities; and Support for New Businesses and Employment

- 176 Policy BE1 seeks to prevent the loss business and employment land. This has regard to Paragraph 81 of the Framework, which places significant weight on the need to support economic growth and productivity.
- 177 As set out, the Policy includes a reference to “*future potential employment opportunities*” without any indication of what these comprise or how a decision maker might measure such. In addition, the Policy includes the vague terms “*in question*” and “*employment generating*” which are not substantiated and detract from the clarity of the Policy.
- 178 Further to the above, the Policy sets out a requirement for “*a full valuation report and a marketing campaign*” in order to demonstrate a lack of viability. There is no substantive information to demonstrate why these are necessary requirements and this part of the Policy does not have regard to Paragraph 44 of the Framework, which requires that:
- “Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”*
- 179 Policy BE2 seeks to ensure that new business and employment development is in keeping with its surroundings. In so doing, the Policy introduces criteria that appear unduly restrictive, such that they fail to have regard to the national policy requirement for development to support economic growth and productivity.
- 180 Further to the above, Policy BE2 includes convoluted and unclear wording and this is addressed in the recommendations below. Also, national policy encourages the use of brownfield land rather than requiring business and employment development to regenerate brownfield land.
- 181 Representations have been submitted in objection to Policy BE2 not allocating land for business/employment development. However, there is no requirement for the Neighbourhood Plan to allocate land for business/employment development and the Neighbourhood Plan does not fail to meet the basic conditions because it does not allocate any such land.

182 I recommend:

Policy BE1

1. Policy BE1, line 2, delete “or future potential employment”
2. Policy BE1 a) delete “in question”
3. Policy BE1 b) delete “in question” and “generating”
4. Policy BE1 b), line 2, change to: “...uses *and has been unsuccessfully marketed for employment uses for a continuous period of at least 6 months.*”

Policy BE2

1. Policy BE2, add new first sentence: “*The development of brownfield land for business and employment use will be supported. In supporting additional...*”
2. Policy BE2 a) change to: “Fall within the *settlement boundary or within existing...*”
3. Policy BE2. Delete criteria b), d) and h)
4. Policy BE2 c) change to: “*Be of a size and scale in keeping with local character and the historic and natural environment;*”
5. Policy BE2 e), change to: “*Respect residential amenity;*”
6. Policy BE2 f), change to: “*Not harm highway safety;*”

Policy BE3: Home Working

183 Policy BE3 appears confusing and unclear. It supports the development of new free-standing buildings without specifying what the new use for such buildings might be. The supporting text suggests that these buildings could provide for any form of small business, whereas the Qualifying Body has stated that the future use would be residential.

184 In the above regard, I am mindful that most forms of home-working do not require planning permission and residential extensions requiring planning permission are exactly that.

185 Further to the above, Policy BE3's criteria appear vague and imprecise, including unsubstantiated references to "*unacceptable...adverse impact...sensitive land uses...other nuisances...*"

186 Taken as a whole, Policy BE3 is unclear, imprecise and ambiguous. It does not meet the basic conditions.

187 I recommend:

- 1. Delete Policy BE3**
- 2. Delete supporting text to Policy BE3 on page 72**

Policy BE4: Farm Diversification

188 National policy requires planning policies to enable:

“...the development and diversification of agricultural and other land-based rural businesses.”

(Paragraph 84, the Framework)

189 In general, Policy BE4 has regard to this.

190 As set out, the first two and a half sentences of Policy BE4 comprise statements rather than form part of a land use planning policy and the Policy criteria includes vague and imprecise wording.

191 I recommend:

- 1. Policy BE4, delete the wording of the Policy and replace with:
*“The development and diversification of agricultural and other land-based rural businesses will be supported subject to development respecting local character and residential amenity; not harming highway safety; and not harming the soil quality of surrounding farmland.”***

Policy BE5: Tourism

192 Paragraph 84 of the Framework requires planning policies to enable:

“...sustainable rural tourism and leisure developments which respect the character of the countryside;”

193 Whilst to some extent, Policy BE5 supports tourism development, it includes criteria that would appear unduly restrictive, in conflict with national policy and vague.

194 Taking this into account, I recommend:

- 1. Policy BE5, delete wording of Policy and replace with: *“Tourism development will be supported subject to it being demonstrated to respect local character and residential amenity; and not to harm highway safety.”***

Infrastructure

Policy INF1: Infrastructure

195 Policy INF1 is not a land use planning policy. It provides a reference to Section 106 and Community Infrastructure Contributions and a statement identifying a priority infrastructure requirement.

196 The Policy refers to requirements for contributions in Neighbourhood Plan Policies although no such requirements have been identified in any Neighbourhood Plan Policy.

197 I recommend:

- **Delete Policy INF1**
- **Replace INF1 with a new Community Action INF1: *“The Parish Council will seek to secure funding for the provision of a replacement village hall, where possible through contributions via Section 106 Agreements and through the Community Infrastructure Levy (CIL) where applicable. This is the highest priority infrastructure requirement identified by the community.”***

8. The Neighbourhood Plan: Other Matters

198 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, Page and Figure numbering. I also make a recommendation to introduce Paragraph numbering to the Neighbourhood Plan.

199 I recommend:

- **Update the Contents, Policy, Page and Figure numbering and provide Paragraph numbering, to take into account the recommendations contained in this Report**

9. Referendum

200 I recommend to Charnwood Borough Council that, subject to the recommended modifications, **the Cossington Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 201 I am required to consider whether the Referendum Area should be extended beyond the Cossington Neighbourhood Area.
- 202 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 203 Consequently, I recommend that the Plan should proceed to a Referendum based on the Cossington Neighbourhood Area approved by Charnwood Borough Council on 24 February 2020.

Nigel McGurk, September 2023
Erimax – Land, Planning and Communities