

**Cossington Neighbourhood Plan Examination**

**14<sup>th</sup> July 2023**

Dear Qualifying Body

**Clarification Note from the Examiner to Cossington Parish Council**

Further to reviewing the Cossington Neighbourhood Plan (referred to below as the Neighbourhood Plan) and supporting information, I am contacting Cossington Parish Council (as Qualifying Body) in respect of the matters set out below.

Having considered the submitted information, I am not calling for a public hearing as part of the examination process. However, Neighbourhood Planning Independent Referral Service (NPIERS) Guidance<sup>1</sup> Paragraph 1.11.4 states that:

*“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”*

Therefore, I confirm that there is an opportunity for Cossington Parish Council to respond to me in respect of the representations made during Regulation 16 (the Submission stage) consultation, should it wish to do so.

In addition to the above, I note that the examination of the Neighbourhood Plan has commenced. In this regard and in the interests of clarity, I would also be grateful for any assistance Cossington Parish Council can provide in respect of providing brief responses to a number of questions I set out in this letter.

In responding, when referring to evidence relating to the Neighbourhood Plan, please note that this should only comprise evidence that is already publicly available.

---

<sup>1</sup> NPIERS “Guidance to Service Users and Examiners.”

Thank you very much for your consideration of this Clarification Note. I am not imposing a deadline for responses, but your earliest consideration will enable the examination to be concluded in as timely a manner as possible. Thank you.

*Nigel McGurk*

**Nigel McGurk BSc (Hons) MCD MBA MRTPI  
Independent Examiner,  
Cossington Neighbourhood Plan**

### **Neighbourhood Area Designation**

The Basic Conditions Statement states that the Neighbourhood Area was designated on 17 April 2020. The Charnwood Borough Council website states that the Neighbourhood Area was designated on 24 February 2020.

Please can you confirm the date of designation ?

### **Public Consultation**

The Consultation Statement states that the draft plan was consulted on between 3 May 2022 and 13 June 2022. It goes on to state (“*Cossington Neighbourhood Plan Pre-submission consultation responses*”) that consultation took place between 1 March 2022 and 12 April 2022.

Please can you confirm the dates of this draft plan consultation ?

**Policy H1.** Planning permission relating to emerging Local Plan site allocation HA59 enables the Neighbourhood Area’s housing requirement, confirmed by Charnwood Borough Council (CBC) to comprise 124 dwellings plus 6.2 dwellings, to be met.

As worded, Policy H1 and supporting text states that the Neighbourhood Plan allocation is allocated to meet an identified housing requirement. Given that the Neighbourhood Plan relies upon draft allocation HA59, where there is now planning permission for up to 130 dwellings, the wording of Policy H1 appears to conflict with the evidence.

Please can you comment in this regard ?

The proposed residential allocation in the Neighbourhood Plan is separated from Cossington village. Representations have pointed out limitations and flawed outcomes in relation to the residential allocation assessment process, along with issues related scrutiny and consultation. From the evidence submitted, the robustness and outcome of the assessment process does appear open to question.

Please can you comment in this regard, with particular reference to why, in the light of representations and the evidenced existence of land with planning permission that meets the Neighbourhood Area's housing requirement, the Qualifying Body considers the proposed allocation to have emerged through a rigorous/robust assessment process, open to public scrutiny and to meet the basic conditions ?

Further to the above, were maps of all of the sites assessed readily available for public consultation and comment ?

The Neighbourhood Plan appears to take an unusual approach in respect of the the planning permission for up to 130 dwellings. This site appears to clearly comprise the main development site in the Neighbourhood Area over the plan period.

Is there anything I should be made aware of in respect of the minimal information/references in the Neighbourhood Plan in respect of this important development site ?

**Policy H2.** Please can you respond to the CBC's comments in relation to the proposed Settlement Boundary ?

Please can you point me to a definition of "*carefully managed*" and how this term should be treated by a decision maker ?

**Policy H3.** Is the Policy meant to apply to just the proposed allocation in Policy H1 or to all housing development. If the latter, given that the Plan does not allocate any other land and generally restricts residential development to within the settlement boundary, it is likely that windfall residential sites will be small. How might the Policy requirements be deliverable for a development of one, or a small number of dwellings and why would such requirements be necessary/have regard to national policy ?

**Policy H4.** Please can you point me to evidence justifying a requirement for all housing to be made available in perpetuity for people with a local connection ? Please can you provide evidence of the deliverability of what appears to be an onerous and far-reaching requirement ? Please can you provide evidence of the deliverability of such a requirement for all affordable housing ?

**Policy ENV2.** Ref: 106 appears to comprise part of the line of a public right of way rather than relate to a defined open space. PROWs are already protected by law.

Given these factors, is there evidence that you can point me to, to demonstrate that the Policy meets the basic conditions?

**Policy ENV4.** Please can you point me to information in respect of which hedges are of arboricultural, biodiversity and landscape importance (as referred to in Policy) ?

Is the second part of the Policy meant to be relate specifically to the trees in Figure 8.2 ? If not, how might the Policy be deliverable or necessary ?

**Policy ENV5.** Figure 9 creates a “wildlife corridor,” elements of which appear arbitrary. Please can you point me to the evidence-base underpinning its definition, including information setting out the habitat connectivity currently provided across the corridor, including within the built-up area covered by it ?

**Policy ENV7.** How might “*features and setting be protected wherever possible*” and please can you point me to evidence justifying such an approach to non-designated heritage assets that is different to and considerably more onerous than that set out in national policy.

**Policy ENV8** – the approach set out in the first part of the Policy requirement appears to contradict that set out in the second part. Please could you point me to information in respect of how a decision maker might apply this Policy ?

**Policy ENV9.** Respecting a view is different to protecting a view. When will it be *possible* to protect a view or not protect a view – this part of the Policy appears vague and open to wide interpretation ? Please can you point me to information in respect of what “*an adverse impact on a view*” is and the basis upon which the Plan requires this to be judged ?

**Policy ENV11.** Please can you point me to any evidence in support of the unusual “benefits outweigh harm” approach set out in the Policy to, say, development in Flood Zone 3; and to why floodwater management infrastructure works should in all cases *reduce* flood risk for residents, as opposed to say, continue to manage floodwater infrastructure ? Please can you point me to evidence that such an approach does not run the risk of hindering ongoing or necessary infrastructure management works ?

The overall Policy appears a little confusing. Notwithstanding this, please can you point me to evidence that justifies the inclusion of a Policy at neighbourhood level that provides no more detail in respect of managing flood risk than national/local policy ? In this regard, I am also mindful that the emerging Local Plan policy appears considerably clearer and more detailed than Policy ENV11; and that Policy ENV11 does not appear to provide a neighbourhood-level perspective.

**Policy ENV12.** The zone of separation appears to include land with residential planning permission for 130 dwellings, in addition to the area of separation in the emerging Local Plan. Please can you point me to information in justification of this

additional land, including information in respect of how its designation as an area of separation will contribute to the achievement of sustainable development ?

**Policy CF1.** The Policy includes part of a public right of way. PROWS are subject to statute. There are provisions for PROWS to be altered, subject to due process. I note that I will be recommending the removal of “Polly Peggs” from the Policy.

Please can you point me to plans showing the boundaries of each designated site.

For example, what area of land is covered by Derry’s Nursery ? The remaining nursery area is adjacent to the Neighbourhood Area’s main development site and it is important that hurdles are not placed in the way of the achievement of sustainable development, as this would result in a plan that failed to meet the basic conditions. Please could you also provide information in respect of why charities – as opposed to land or buildings - are listed as assets and why this is relevant to land use planning. In this regard, please can you confirm the specific sites the Policy seeks to include (see plans point above) ?

Crabtree Lane is listed in the Policy, but no information is provided to justify its inclusion.

Please can you re-check Policy CF1 and supporting information and clarify in respect of all of the above ?

**Policy T2.** Please note the CBC comment re: this Policy.

**Policy BE2.** Please could you comment on reps by CBC, Mulberry Land, Carbide Properties in respect of this Policy ?

**Policy BE3.** Planning permission is not required for home working. Please can you point me to the definition of a “small scale” free-standing building ? What proposed planning use class would this new form of supported development fit into ? As set out, the Policy appears vague and open to wide interpretation, which may result in unwitting support for inappropriate forms of development. Is such flexibility the intention of the Policy ?

*Thank you for your consideration of all of the above.*

*Please note that the purpose of the above is not to criticise the Neighbourhood Plan but to help my understanding of the Policies and to help to support the Neighbourhood Plan’s positive examination against the basic conditions.*

*Thank you.*