

John Slater Planning Ltd

# Thrussington Neighbourhood Plan

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## Submission Version

A Report to Charnwood Borough Council on the Examination of the  
Thrussington Neighbourhood Plan

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## Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a Neighbourhood Plan is made, it will form part of the statutory development plan alongside the adopted Charnwood Local Plan 2011-2028. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The Neighbourhood Plan making process has been led by the Thrussington Parish Council, which is a “qualifying body” under the Neighbourhood Planning legislation. It set up a Neighbourhood Plan Working Group to oversee the Plan’s production.

This report is the outcome of my examination of the Submission Version of the Thrussington Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Charnwood Borough Council, which is the Local Planning Authority for the Neighbourhood Plan area.

## The Examiner’s Role

I was formally appointed by Charnwood Borough Council, in February 2018, with the agreement of the Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Charnwood Borough Council, and Thrussington Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- that the Plan should proceed to referendum on the basis that it meets all the legal requirements;
- that the Plan should proceed to referendum if modified;
- that the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Thrussington Neighbourhood Plan.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has it been developed and submitted by a qualifying body?

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Charnwood Borough Council, for the Thrussington Neighbourhood Plan on 27<sup>th</sup> April 2016.

I can also confirm that it does specify the period over which the Plan has effect namely the period between 2011 and 2028.

I can confirm that the Plan does not cover any “excluded development”.

There are no other Neighbourhood Plans covering the area covered by the Plan designation.

Thrussington Parish Council is a Qualifying Body under the terms of the legislation.

## **The Examination Process**

The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions which I have done in the Plan Overview section of the report.

Having reviewed the Plan and the representations, I was satisfied that I could examine the Plan on the basis of the written material and that a public hearing would not be required to assist my examination.

I carried out an unaccompanied visit to Thrussington and the countryside of the surrounding area on 14<sup>th</sup> March 2018 to familiarise myself with the Plan area.

Following my site visit, I had a number of points of clarification for the Parish Council and one question for the Borough Council. These were set out in a document Questions from the Independent Examiner, which was issued on 15<sup>th</sup> March 2018. I received a response on 23<sup>rd</sup> March 2018. I also sought clarification from the Borough Council as to whether the Environment Agency had identified the plan area as an area with critical drainage problems. I have asked that these documents be placed on the respective websites.

## **The Basic Conditions**

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. Instead, the Neighbourhood Plan is tested against what is known as the “Basic Conditions” which are set down in legislation. It will be against these criteria that my examination must focus.

The questions which constitute the basic conditions, consider whether the prescribed conditions are met and prescribed matters have been complied with. These tests seek to establish that the Neighbourhood Plan:

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?

- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation, including the SEA Directive of 2001/42/EC?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site as defined in the Conservation of Habitats and Species Regulations 2017 either alone or in combination with other plans and projects?

## **The Consultation Process**

Work commenced on the Neighbourhood Plan at an inception meeting held on 12<sup>th</sup> December 2015. The first consultation event was held at the Village Hall on 2<sup>nd</sup> July 2016. This involved the residents carrying out a SWOT analysis of the village and suggesting solutions. This work informed the design of a resident survey conducted during the summer of 2016, which had a 25% response rate (148 responses).

This led to a second consultation event, which was held on 4<sup>th</sup> February 2017 which was to determine the scope of the policies to go into the Neighbourhood Plan. All this activity informed the preparation of the Pre - Submission version of the plan, which was consulted on between 28<sup>th</sup> July 2017 and 22<sup>nd</sup> September 2017. This was the Regulation 14 consultation which was widely publicised around the village with a copy of the draft plan being sent to every household. In addition, a consultation meeting was also held at The Village Hall on 9 September 2017. The results of the Regulation 14 consultation had been set out in a table in the Consultation Statement.

I believe that the working group has sought actively to engage with all sections of the local community and I have received no representations that people were not able to contribute to the Plan making process.

## **Regulation 16 Consultation**

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place for a 6-week period between 12<sup>th</sup> January 2018 and 25<sup>th</sup> February 2018. This consultation was organised by Charnwood Borough Council which had received the Submitted Plan, prior to it being

passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 9 responses were received from public bodies. These were from Severn Trent Water, Highways England, Historic England, Charnwood Borough Council, Natural England, National Grid, the Environment Agency, the NFU and Leicestershire County Council.

I have read all the correspondence and will refer to relevant comments where it has influenced my recommendations.

## **Compliance with the Development Plan**

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan. That comprises the Charnwood Local Plan 2011 to 2028 Core Strategy which was adopted on 9<sup>th</sup> November 2015. This set out the strategic policies that the Neighbourhood Plan has to be in general conformity with in order to pass the basic condition test. In addition, the development plan includes the saved policies of the Borough of Charnwood Local plan (2004) which set the Limits to Development for Thrussington, the Leicestershire Minerals Core Strategy (2009) and the Leicestershire Waste Core Strategy. These are not relevant to the Neighbourhood Plan for the purposes of the basic conditions, apart for the Limits to Development.

Thrussington Parish is defined as one of the “Other Villages” (Rural) which collectively have been set a requirement, according to Policy CS1, to deliver at least 500 dwellings over the period 2011 and 2028. That requirement is already exceeded. The Policy seeks to focus new development within the settlement boundary to meet local economic and social need through Policy B2.

Since the publication of the latest Core Strategy, a new Housing and Economic Development Needs Assessment has been carried out and is the basis of work being carried out by the Borough Council of re appraising objective housing need, which will guide the work, which has started, on a new Local Plan. That plan is at an early stage and has no influence over the examination of the Neighbourhood Plan. The Borough Council has confirmed that in its view the policies in the Neighbourhood Plan are all in general conformity with the Core Strategy.

## **Compliance with European and Human Rights Legislation**

Charnwood Borough Council carried out a screening opinion as to whether the Thrussington Neighbourhood Plan should be the subject of a Strategic

Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”.

Charnwood Borough Council confirmed in a report dated October 2017, having consulted with the three statutory consultees, to the effect that a SEA was not required. It also concluded in the same report that a Habitat Regulation Assessment was not required. It concluded that there were no direct pathways between the plan area and the River Mease SAC and the level of management measures implemented by Leicestershire and Rutland Wildlife Trust for Rutland Water SPA and Ramsar site mean there was unlikely to be a significant impact on these sites.

I have received no representations that the European Obligations have not been complied with nor any representations that the Plan conflicts with Human Rights legislation and I am satisfied that this element of the Basic Conditions test is met.

### **The Neighbourhood Plan: An Overview**

Most of my recommendations have concentrated on the way the policies have been drafted. The main purpose of the Neighbourhood Plan is to direct how planning applications are to be determined within the parish. The policies that refer to *all development* place a requirement on every planning application to address the matters set out in the policy. Equally, for the assessment of every planning application it imposes an obligation on the decision maker to address whether the matters covered by the policy have been dealt with, *whether that matter is relevant to that development or not*. When I sought clarification as to the intention of the Qualifying Body, it soon became apparent that the scope of the policies were more limited to the matters under consideration. I have made appropriate adjustments and my recommendations.

I have only had to delete one policy in its entirety, as it covers a subject not related to the “use and development of land”. Most of my other recommendations are minor drafting to bring the policies into line with national policy.

My comments have concentrated on the wording of the policy. I consider that recommending changes to the supporting text to be beyond my remit as an examiner, as these parts of the document are not used for the determination of planning applications. It will be necessary for the plan document to be updated in the light of my recommendations and this will require some changes to the supporting text to ensure the plan reads as a coherent document.



## The Neighbourhood Plan Policies

### Policy S1- Strategic policy

I consider that this overarching spatial policy will act as a checklist against which planning applications can be assessed as to whether they will deliver sustainable development. Some criteria will not be relevant to every proposal.

There is one criterion that goes beyond what can be expected from development proposals and still be consistent with national policy. The relevant criterion is the need for proposals to introduce “appropriate highway mitigation methods to ameliorate road safety”. Paragraph 32 of the NPPF requires “safe and suitable access to the development”. It goes on to say that decisions should take account of whether “improvements can be undertaken within the transport network that effectively limit the *significant* impact of the development”. It is unlikely that the scale of traffic generation from the nature of development envisaged by the Neighbourhood Plan will generate such *significant* impacts as to warrant highway mitigation measures.

#### *Recommendation*

**In the ninth bullet point, delete “introduces appropriate highway mitigation methods to ameliorate road safety” and insert “utilises a safe, suitable access”.**

### Policy E1 – Flood Risk

This is an unusual flood risk policy. Normally development plan policies seek to locate development into areas that are not at risk of flooding, whether it be river, coastal or surface water flooding. This policy is aimed at ensuring that development does not increase the risk of flooding elsewhere, particularly through increasing surface water run-off.

The policy requires applicants to use “best practice design and construction techniques” to ensure that the development does not adversely affect flood risk elsewhere. When I asked the Qualifying Body where an applicant might find guidance as to *best practice* or how a decision maker would judge whether *best practice* was being achieved, I was only pointed to a paragraph in the NPPF dealing with climate change and also the Council’s Leading Through Design Supplementary Planning Document, which contains only one paragraph dealing with this issue, and essentially it urges the use of sustainable urban drainage systems(SUDS).

SUDS are a recognised methodology for minimising surface water problems and there are published Non -Statutory Technical Standards for Sustainable Drainage Systems, issued by DEFRA. However, the Secretary of State’s policy with regard to

development plan policies requiring SUDS, were set out in a Written Statement made to the House of Commons dated 18 December 2014. This only requires SUDS to be in place on major residential developments of 10 dwellings or more, or equivalent non-residential or mixed development. The statement explicitly states that this requirement should be taken in to account when preparing neighbourhood plans. Therefore, for the policy to accord with the basic condition, of having regard to national policy, this policy should not require SUDS to be put in place, except on schemes that constitute *major* development. However, in recognition of the importance of the issue placed by the local community I will recommend that the use of SUDS be *encouraged* within the policy wording when dealing with non-major developments but it cannot be a neighbourhood plan requirement

Turning to the issue of applicants needing to “explain the impact on and the sustainability of watercourses”, this would normally be done through a Flood Risk Assessment. These are required for developments which fall within Flood Zones 2 and 3, or areas identified at risk from surface water flooding. These are shown on the Environment Agency’s online flood risk maps and also on the Borough Council’s Strategic Flood Risk Assessment. I will recommend that the relevant maps be incorporated into the Neighbourhood Plan, to enable persons using the Plan to know the areas where the assessments would be required to be carried out. Outside of these flood risk areas, which are known as being within Flood Zone 1, flood risk assessments are required only if the site is over 1 ha in area or it is within an area identified by the Environment Agency as having critical drainage problems. I have sought clarification from the local planning authority as to whether Thrussington Parish has been identified as an area with critical drainage problems. I understand that it has not been identified as such by the Environment Agency. My conclusion is that the requirement for applicants to demonstrate the impact of their development on flood risk would only apply in the areas identified as at risk of flooding or upon sites with an area greater than 1 ha.

I have incorporated the suggested wording in my revised wording for schemes to retain if possible trees, hedgerows and vegetation to help reduce runoff. I have also incorporated the desire for community use of the river, but have not included “projects” as planning control is usually restricted to what constitutes “development”.

### ***Recommendations***

**Insert into the set of maps at the end of the Plan, EA Flood Maps of the plan area as Map X and areas subject to surface water flooding from the Strategic Flood Risk Assessment (Appendix F) as Map Y.**

**Replace the policy with: -**

**“All new development should avoid increasing the risk of flooding either through removing flood storage in areas subject to flooding from the River Wreake and its tributaries or through increased surface water run-off. Any**

major development (as defined by the Town and Country Planning (Development Management Procedure) Order 2015) will be expected to incorporate Sustainable Urban Drainage Systems (SUDS) into its design and all other schemes are encouraged to incorporate SUDS, if possible.

All developments within the areas shown to be at risk of flooding on Map X and Map Y or any scheme with the site area over 1 ha, will be expected to demonstrate how they have addressed the risk of flooding in the design of their proposals via a Flood Risk Assessment. Proposals which retain trees, hedgerows and vegetation as the means of reducing surface water run off will be supported.

Developments which allow for the use of the river for community uses will be supported, subject to compliance with other development plan policy.”

### **Policy E2– Green Infrastructure**

My only reservation regarding this policy is that it places a requirement that every planning applicant must submit a comprehensive landscape plan, irrespective of the nature of the proposal or the location of the site. I have raised this issue with the Qualifying Body and, notwithstanding the way the policy has been drafted, they have confirmed to me that was not their intention. They have responded with a revised form of wording, which I will recommend to be inserted at the start of the third paragraph.

#### ***Recommendations***

**Replace the first sentence of the third paragraph with “Any development proposal that impacts on existing hedgerows, trees and vegetation must be accompanied by a landscape plan that shows how they have been retained and protected”.**

### **Policy E3 - Wildlife and Preservation**

A neighbourhood plan policy should be capable of being used with confidence by decision-makers. I do not consider that stating that the proposals “will be looked upon favourably”, gives sufficient certainty to an applicant or a decision maker as to how a planning application should be determined. I will be recommending that the plan should be consistent through the use of the term “will be supported”.

For the sake of clarity, I propose to recommend replacing the phrase creating “divisions” with “barriers” as it relates to the impact of development on wildlife corridors and links between wildlife sites. I do not believe that the restriction should be set aside easily by reference to “where appropriate”, but I do not consider that it is necessary that every planning application should be required to create new or improved links to wild life corridors – that imposition should be imposed when it is “appropriate”.

### *Recommendations*

**At the end of the first paragraph, replace” looked upon favourably” with “supported”.**

**In the third paragraph replace” divisions” with “barriers” and after “contribute” insert “where appropriate”**

### **Policy E4 - Landscape, Views and Conservation**

The policy presumes against any development that has an impact on the identified views. It is possible for some development to have a beneficial impact on a view e.g. a building could screen an unsightly structure from a viewpoint. I propose to clarify that proposals which “adversely impacts” on listed views, will be resisted.

The first sentence of the second paragraph refers to “resisting applications which leads to the fragmentation or loss of the village’s sensitive landscape setting”. Whatever changes take place, the village will still have a landscape setting. I consider that the objective or the policy can be achieved by referring to applications which “adversely impact on the rural landscape setting of Thrussington will not be supported”.

The final requirement to demonstrate how the proposal has “respected and reinforced historic landscape features and patterns” would be an unreasonable imposition for many applications, which by the nature or location within the built-up area, have no impact on the village’s setting. I raised this issue with the Qualifying Body and they have suggested a form of wording that is far more selective and related to the objectives of the policy.

On my site visit I was particularly struck by the importance of the church, on long-distance views of the village and I was surprised to see that the protection of those views was being promoted as a plan aspiration rather than as a development plan policy. I enquired of the Qualifying Body if there was a reason for not including this as a development plan policy, and in their reply, they agreed that it should be accorded that status. I see no reason why it cannot be identified as a locally important landmark which warrants protection from tall buildings that impinge on its setting. I therefore propose to recommend an additional paragraph to the policy which protects the setting of the church by restricting development to not exceed the height of the nave and not to affect views of the church, which is visible from all directions.

### *Recommendations*

**In the first sentence insert “adversely” before “impact”.**

**In the first sentence of the second paragraph insert “rural” before “landscape”**

**Replace the second sentence of the second paragraph with “Developments that affect the key views listed below must demonstrate how they have respected and reinforced historic landscape features and patterns”.**

**At the end of the policy insert “Within the area identified as Church View Protection Zone shown on Map 2, all new development should not exceed the height of the nave of the church and should not impact negatively on views of Holy Trinity Church”.**

**On Map 2 change the key from “Aspiration E4a” to “Church View Protection Zone” and place on an Ordnance Survey base.**

### **Policy B1 – Working from Home**

My only concern with this policy is a blanket requirement to replace any lost car parking, irrespective of whether the site retains more than adequate car parking even once the development has been carried out. This can be clarified by amending the wording.

#### ***Recommendation***

**In the second paragraph, delete “replaced elsewhere on plot” with “remain available on the plot”.**

### **Policy B2 – New Employment Development**

The policy, as written, restricts new employment development to small-scale, rural development on land within the settlement boundary, or on previously developed land. This restriction would prevent the conversion of redundant agricultural buildings to commercial employment uses. Agricultural building and land does not qualify as *previously developed land* according to the definition in the Glossary to the NPPF. Again, this was an issue I raised with the Qualifying Body, as submitted, it would conflict with national policy related to rural economic development. They have suggested to revise formal wording which I will include in my recommendation.

I did question the criteria which referred to no loss of *public open space* as public open space had not been identified in the plan. The Qualifying Body responded by stating that this was an error and the policy should have referred to the loss of local green space. That restriction is unnecessary as the policy relating to local green space presumes against all development, except in exceptional circumstances.

Finally planning policy or planning conditions cannot control the use of specific roads by particular forms or types of traffic. That is a matter for traffic regulation orders and weight limits. Whilst I understand the desire to protect the main bridge between Rearsby and Thrussington, as that is not a planning policy I will therefore be

recommending the second element to the final criteria be deleted.

The final paragraph of the policy needs to be tightened up in its drafting if it is to give the certainty required of a development plan policy. I propose to remove reference to “the expansion and modernisation of the existing employment sites are more likely to be considered favourably”. If the proposal meets the criteria set out in the policy, then it should be approved.

### **Recommendations**

**Replace the first sentence of the policy with “Small scale or rural developments which create new employment uses, will be supported where they are small scale and located on appropriate sites within the settlement boundary or on former agricultural or commercial sites elsewhere within the Parish”**

**In the second bullet point insert “on” after “impact”.**

**In the third bullet point delete “public open space or”**

**In the final bullet point remove all text after “safety”**

**In the final paragraph replace “Other than in exceptional circumstances” insert “In addition” and replace “are more likely to be considered favourably” with “will be supported”.**

### **Policy H1- Infill Development**

I find the policy wording, as to what criteria new housing in the plan area must meet, to be confusing and does not give the clarity required to satisfy the Secretary of State’s advice on the preparation of neighbourhood plans. As written, the policy states that schemes must satisfy “one or more of the following criteria”. Therefore, potentially if a housing scheme has provided adequate car parking, it would be said to satisfy the policy (of course, subject to other policies). The matter was further clouded when I asked the Qualifying Body if their intention was that proposals have to meet all criteria, to which they replied they would want all the criteria to be imposed “unless there is a reason legally while we cannot apply all criteria”. There are some criteria that all proposals should meet, but others may be alternative.

I find the title also problematic, in that it refers to *infill development* rather than *residential development* in general. I will propose a more appropriate title for the policy – Residential Development. The policy does not need to refer to the settlement boundary being “endorsed by Charnwood Borough Council” as if the plan is made following a referendum by the Council it would have been endorsed by them. I am aware that the Borough Council is also proposing to carry out a settlement boundary review as part of the local plan. If the Neighbourhood Plan is

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superseded by the new local plan, then the more recently adopted plan would take precedence. I will propose that the settlement boundary should be delineated on a new map. In order to provide clarity, I would recommend that the boundary be shown on an Ordnance Survey map base. At the present time, I can only find the settlement boundary shown on Appendix C– Heritage’s Assets which relates to Policy D1.

I do not know how a decision maker would “prioritise new development on previously developed land” when dealing with the planning application. Would that mean that planning permission will not be granted for infill development within settlement boundary, if there was previously developed land available within the village? It would not be a workable policy in a village setting and it is a form of words that would be more appropriate for a Neighbourhood Plan which had the choice of allocating sites where there was the option of choosing brownfield over greenfield development.

Unless the infill housing was to be located outside the developed settlement area, which I do not believe to be the intention of the plan, I cannot see the advantage of the third criteria, as such development will be covered by the first criterion requiring development to be sited within the settlement boundary.

The policy also covers conversions to dwellings. However, these will not necessarily be restricted to within the settlement boundary because these buildings could exist anywhere within the plan area and to prevent their conversion would conflict with paragraph 55 of the NPPF, which allows the reuse for housing of what are “redundant or disused buildings and leads to an enhancement to the immediate setting”.

The policy on residential development should also provide for allowing residential development for rural workers where it is essential that they live at or near their place of work in the countryside. A residential development policy should also allow for the one-to-one replacement of houses in the countryside.

Subject to these modifications, the policy can now meet Basic Conditions.

### *Recommendations*

**Retitle the policy to “Residential Development”.**

**In the first sentence delete “one or more of”.**

**In the second sentence delete “(including conversions)”.**

**In the first bullet point delete “and endorsed by Charnwood Borough Council” and insert “on Map X and”.**

**Delete the second and third bullet point.**



**Insert a new bullet “or be a one for one replacement for an existing dwelling outside the settlement boundary.**

**Insert a new bullet point “or be a residential conversion of a redundant or disused building outside the settlement boundary (that would lead to an improvement to its immediate setting).”**

**Insert a new bullet point “or is a new dwelling required to meet the essential needs of a rural worker, where they are required to live at or close to their place of work in the countryside”.**

## **Policy H 2 - Housing Mix**

There is, again, some ambiguity as to whether the policy is looking for housing to be restricted to starter homes or 2 to 3 bedroom bungalows for the elderly. I sought clarification on this matter from the Qualifying Body, who confirmed that it is not their intention to limit occupation of new houses to these groups, but for the promotion of these homes which are “more suitable for those wishing to purchase their first home or bungalows”.

The policy requirement to provide affordable housing in accordance with an existing policy in another part of the development plan, is unnecessary, as it adds nothing to the existing development plan. However, the requirement for affordable housing to be indistinguishable from market housing is an appropriate policy requirement. The need for affordable housing to be designed in line with the Thrussington Conservation Area Character Appraisal is not a housing mix policy but a design policy, which will apply equally to market housing. In both circumstances, this requirement should only apply to developments that fall within the conservation area. I will be recommending that this possible policy be moved to Policy D1.

### ***Recommendations***

**In the first sentence insert “suitable “after “housing” and replace “looked upon favourably” with “be supported”.**

**In the second paragraph, replace” will be supported in line with Charnwood’s Local Plan and” and insert “should be” before “designed”.**

**Delete “and in line with the Thrussington Conservation Area Character Appraisal”**

## **Policy T1 - Parking Provision**

My only small issue, is when dealing with applications that meets parking standards there may still be occasions where there could be on street parking related to that property. That is not a matter that would be within the scope of a development plan



policy. I consider that the objective of the policy can be met by replacing “generate” by “rely on” on street parking.

*Recommendation*

**In the final paragraph, replace “generate” with “rely on”.**

**Policy T2 – Traffic Calming**

There is a question of whether the support given to development which makes appropriate contributions to public realm works would be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, which requires that such contributions can only be taken into account when granting planning permission, if they are:

- 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.

I am also concerned that policy strays beyond matters that are the responsibility of the local planning authority, when determining planning applications. Such matters as road layouts, traffic calming, speed limits, speed indicators are all matters that fall within responsibility of the highway authority. Such matters can all be included within a village neighbourhood plan, but they should not be included as a development plan policy, which are used for the determination of planning applications, but can be included as an aspiration. It would be clearer if the policy were to be changed to “Public Realm Improvements”

*Recommendations*

**At the end of the first paragraph delete “or appropriate contributions”**

**Delete the second paragraph and move to an Aspiration.**

**Retitle policy to “Public Realm Improvements”.**

**Policy T3- Public Transport**

As previously mentioned a neighbourhood planning policy must be a policy for the “use and development of land”. Improvements to the parish’s transport network will not be the subject of a planning application. The requirement to submit a Travel Plan would only be required in line with the advice in the NPPF “for development which generates significant amounts of movement,” which is unlikely to be acceptable within the confines of this plan. This policy can be changed to a Community Aspiration.

*Recommendation*

**Delete the policy and change to an Aspiration.**

**Policy T4 – Walking and Cycling**

The only issue with this policy is the statement that developments “are more likely to be considered favourably assuming all other criteria are met” if they promote sustainable transport modes or create new routes. This introduces uncertainty how planning applications are to be determined and it should be in accordance with the development plan. I propose to address this by stating that such developments “be supported”.

*Recommendation*

**Replace “are more likely to be considered favourably” with “will be supported”.**

**Policy L1– Tourism Activities**

My only issue with this policy is the requirement that existing uses, as well as new tourism activities, will be required to demonstrate that they are sensitive in scale and type to Thrussington’s existing character. If an existing tourism operation were to seek planning permission, it would be unreasonable to require them to demonstrate their current compatibility, rather than address the impact of the proposal. Rather than refer to Thrussington’s existing character, I will make it clear that it is the parish’s rural character that the new tourist activity must be compatible with.

*Recommendations*

**Delete “preservation and/or”.**

**In the last paragraph replace” all existing and” with “Applications for the establishment of “and insert “rural “before “character”.**

**Policy L2 – Leisure and Recreation Activities**

When asked what facilities this policy would protect, the Qualifying Body advised me that the caravan site is the only facility, currently within the parish. However, the Parish Council could over the lifetime of the plan, for example, provide a new play area or similar, and it is appropriate that this should be covered by the terms of this policy, which I believe meets Basic Conditions.

### Policy L3 – Community Facilities

Whilst the policy can identify the types of retail store the village would particularly welcome i.e. a newsagent, post office and/or convenient store, planning control can only deal with land use e.g. Retail stores within Class A1. I believe that the intention is that the policy is qualified by proposals according with other relevant “policies” rather than “proposals”.

There are permitted development rights, which allow changes of use from retail premises to residential use, albeit subject to prior approval arrangements. This point can be covered by the caveat “inasmuch as planning permission is required”.

#### *Recommendations*

**At the end of the second paragraph, replace” proposals” with “policies”.**

**At the start of the third paragraph, insert “In as much as planning permission is required”**

### Policy L4– Local Green Space

On my site visit, I visited all the proposed allocations and I consider that these have been appropriately justified. In terms of the policy, there is uncertainty in terms of what development would be considered to be inappropriate to such designations. Paragraph 76 of the NPPF “rules out new development other than in very special circumstances”. I will recommend that change to give a greater degree of certainty.

#### *Recommendations*

**Replace” considered to be inappropriate for such designations” with “except in exceptional circumstances”**

### Policy D1 –Protection of Heritage Assets

This policy places an obligation on all new development, when it only needs to apply to developments that affect directly the heritage assets or their settings. In terms of the obligation with regard to non-designated heritage assets, the Secretary of State’s policy, is not to *protect* them but “to balance the scale of any harm or loss against the significance of the heritage assets”. The policy, as written, does not comply with that policy, as it gives the same level of protection to non-statutory protected assets as to the statutory protected assets. This affects the criteria for assessing any planning applications which relate to the 13 locally listed buildings.

The final part of the policy deals with archaeological assets. As proposed, this places an obligation to consider and identify known and “previously unknown and potentially significant deposits”. This would be an unnecessary burden on most planning applications, which is not proportionate to the scale of development. In view of my

concern, I sought the advice of the local planning authority, who advised me that they require a desk top assessment to evaluate potential impact including on “potentially unknown” archaeology on planning applications for *major* developments. For minor development applications, a judgement is made dependent on the level of proposed ground disturbance, evidence of previous ground disturbance and the location relative to historic centres and previously identified heritage assets. I believe that the approach advocated in paragraph 128 of the NPPF, is that investigations should only be required where there is the potential for archaeological interest. In this case, I consider that it is appropriate for the policy to refer to new buildings but that in the case of alterations or extensions, the requirement to undertake such investigations should be at the discretion of the local planning authority and does not need to form part of this policy.

### ***Recommendations***

**Delete at the end of the first paragraph “where possible seeking to protect and enhance them”**

**Replace the second sentence of the penultimate paragraph with “Planning applications which affect either directly or the setting of the following proposed locally listed buildings, which are non-designated heritage assets, will be expected to demonstrate that it has had regard to the scale of any harm or loss to the significance of the heritage asset”**

**In the final paragraph replace “development” with “buildings”.**

### **Policy D2 – Design and Development Character**

I have no issues with this policy in terms of compliance with Basic Conditions.

### **The Referendum Area**

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Neighbourhood Plan as designated by Charnwood Borough Council on 27<sup>th</sup> April 2016 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

I would like to take this opportunity to congratulate the Parish Council and the Steering Group for their commitment shown in terms of the obvious hard work that has been put in to this Neighbourhood Plan. This Plan will certainly provide the basis for making planning decisions in the Parish over the next 12 years. This is a well thought out, locally distinctive Neighbourhood Plan. I believe that the Plan clearly addresses the matters which are of importance to the local community and will protect this lovely rural area.

Finally, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**I am therefore delighted to recommend to Charnwood Borough Council that the Thrussington Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning

19<sup>th</sup> April 2018