

SILEBY NEIGHBOURHOOD PLAN REVIEW REGULATION 16 RESPONSES

1. Leicester, Leicestershire and Rutland Integrated Care Board.

The Qualifying Body is grateful for the support expressed for the Neighbourhood Plan and in particular the comments in relation to public infrastructure and the protection of facilities within Sileby.

2. Historic England

No comments made

3. Nottinghamshire County Council

No comments made

4. Severn Trent Water

Policy G2: Design – we consider that this policy adequately addresses design issues in the Parish in a proportionate manner. The policy has not changed from the Made Neighbourhood Plan, and we do not see the need to change it.

Policy H3: Windfall Development – we do not think that reference to ditches is necessary locally.

Policy Env 1: Local Green Spaces – the policy allows development in very special circumstances. We do not consider it necessary to list each of those circumstances such as that highlighted.

Policy Env 8: Biodiversity – support for this policy is welcomed.

Policy Env 10 Flood risk and Brownfield sites – the Qualifying Body is content for these amendments to be made if the Examiner agrees.

Policy T1: Public Car Parking - the Qualifying Body is content for these amendments to be made if the Examiner agrees, however the policy and supporting text must not be disproportionate in its references to surface water run-off.

5. Natural England

No comments made

6. Canal and River Trust

The support for the Neighbourhood Plan and in particular policy T6 is welcomed.

7. Fisher German

Policy G1: Limits to Development – the methodology has been consistently applied and incorporates the land which has secured a planning consent and is earmarked for residential development. The remainder of the site is set aside as open space and therefore relates more to the countryside than the built-up area and is appropriately located outside of the Limits to Development. We are content for the additional clarity provided in para 2.7 to be added to the narrative.

Policy H1: Residential Allocation - The housing requirement was agreed with Charnwood Borough Council so criticisms of it are self-serving and not valid.

The reference to 'the provision of reserve sites and policies is not sufficient to engage Paragraph 14 of the NPPF' is irrelevant as the Neighbourhood plan includes an allocation which does trigger the additional powers associated with Para 14. The reserve sites are included to help meet a future housing need which is an appropriate policy consideration. Para 2.9 incorrectly asserts that the Neighbourhood Plan could 'secure its position under paragraph 14' by allocating sites in the Local Plan. Sites allocated through the Local Plan do not secure the added protection of para 14. There is no benefit in the Neighbourhood Plan allocating the site promoted by Fisher German.

Policy H5: Affordable Housing – Providing clusters of 4 dwellings prevents the ghettoisation of affordable housing dwellings and as noted improves the situation from individual dwellings. The policy allows flexibility by saying that clusters of 4 should be provided, 'subject to a registered provider being prepared to deliver the units if applicable'. The proposed revised wording would, in effect, remove any need for spreading the affordable units throughout the site and we would not be happy to incorporate this revision. It is believed to serve the interests only of the developer who may benefit financially from placing all the affordable units in one place. It is noted that in their response to Regulation 16, Charnwood Borough Council were supportive of the clusters of 4 approach.

8. Environment Agency

Flood risk – support for this policy is welcomed.

Biodiversity net gain – we would be content for the reference to this to be strengthened within the Neighbourhood Plan.

9. Quorn Parish Council

No comments made.

10. Leicestershire Police

These supportive comments are welcomed.

11. Charnwood Borough Council

Policy G1 – we would prefer the boundary to remain the same in relation to LP allocation HA54 for the reasons stated earlier. HA55 is not yet a formal allocation, only a proposed allocation, therefore we believe it should be outside the Limits to Development as it has not been subject to examination,

and if rejected through the examination process it will remain within the Limits to Development and likely to come forward inappropriately.

Policies H1 and H2. The endorsement of the approach to the housing requirement is welcomed.

We have no objections to the detailed comments through paragraphs 10-15. The Qualifying Body would prefer for the reserve sites to remain as such to help address a future housing need should further development be necessary.

Policy H3 – We have no objection to this point of clarification.

Policy H5 – Support for the delivery of clusters of affordable housing up to 4 is welcomed.

Policy Env 3 – We support this amendment.

Policies Env 6 and Env 8 – we support these amendments.

Policy CF4 – Typo noted.

Policy T2 – Support for this policy amendment is welcomed.

Policy INF 1 – Support for this new policy is welcomed.

12. Stantec

Stantec believe that their site should be allocated in the Neighbourhood Plan. The Qualifying Body disagrees that the respondent's site is preferable to the allocated site. Sibley PC undertook an independently led assessment process and was not partial in reaching its conclusions, unlike the respondent.

Para 1.2.10 states that the SHELAA identifies the site as being suitable for development. However, because the site is considered by CBC as being deliverable and developable does not make it the most suitable site for allocation in the NP Review.

Section 2: Objections to policies

Introduction – the statement as to whether the modifications in the NP are significant is contained in the Statement of Modifications and was also included in the Regulation 14 paperwork It is therefore suggested that the basic conditions are met in this regard.

Policies H1, H2 H3, G1 and T2 – the concerns related to transparency are clearly wrong. Suggesting that the written advice from Charnwood Borough Council has not been published is irrelevant. To suggest that the Review document does not meet the requirements of NPPF Para 14 is merely an attempt to undermine neighbourhood planning without any evidence in support. The meeting of Para 14 is confirmed by Charnwood BC in their response to Regulation 16 consultation.

Neighbourhood plans need to be based on the latest evidence which the Neighbourhood Plan Review does. Where reference is made in the Review document to the Local plan it refers to the evidence base, which is the most up to date information that is available. The inclusion of reserve sites helps to meet a future housing need should the housing requirement increase in the future. This is good practice.

In relation to specific objections highlighted on page 8 of the representation:

- The development would need to take policy Env 2 into account, but this policy does not prohibit development.
- The Neighbourhood Plan Review has removed the site but there was an omission which retained it in the Environmental Inventory. It should be removed. The site has been removed from the evidence base for the new Local Plan. It is therefore no longer considered to be of value.
- The allotments are no longer needed or valued, as evidenced by it being overgrown.
- Biodiversity net gain does not have to be delivered on site.
- Charnwood Borough Council raised no objections to Policy G1.

2.2.19 The windfall allowance is based on previous delivery rates and is therefore a robust indicator of future delivery

2.2.20 The housing requirement is that proposed by Charnwood Borough Council and therefore meets the statutory requirements.

2.2.21 The Neighbourhood Plan is prepared positively as it allocates land for residential development to meet its housing need and contains policies to shape development in the Parish through the Plan period.

2.2.23 It is considered appropriate that development seeks to minimise traffic generation and movement.

13. Leicestershire County Council

These general comments are noted.

14. Gladmans

Relationship to Charnwood's Local Development Framework – the issue of the unmet need from Leicester is addressed by the Borough Council being satisfied that it has contained the increase within its housing requirement, and the Review including an allocation, reserve sites and a windfall allowance that exceeds its minimum housing requirement.

Land off Barnards Drive is yet to secure the required decision notice. Until it has it is appropriate to keep it outside of the Limits to Development. The current policy wording – which remains unaltered from the Made Neighbourhood Plan – is still appropriate.

Policy H3: Windfall – Whilst there is no specific guidance on what scale of development is suitable for a windfall site, the NPPF (paragraph 69) notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that local planning authorities, amongst other things, should support the development of windfall sites through their policies and decisions. Appendix 2 of the NPPF notes that 'major developments' are those which consist of ten dwellings or more, therefore it is reasonable to assume that small and medium sized sites will include developments up to and including 9 dwellings.

Policy H5: Affordable Housing – the policy adds local detail and is therefore not a duplication of the Local Plan policy.

15. National Highways

No comments made

16. Savills

Appendix 16 relates to comments on the Neighbourhood Plan. 16 is a letter sent in January 2022 and Appendices 16 b-i relate to attachments linked to the site that Savills are promoting. Each developer has commented that their site should have been the one that was allocated in the Neighbourhood Plan demonstrating the benefit of having undertaken an independent assessment of each site. We consider appendices 16 b-i to be irrelevant as the site is not the favoured site to be allocated in the Neighbourhood Plan.

Page 1 asserts that the Neighbourhood Plan does not have regard for national policies; contribute to the achievement of sustainable development or be in general conformity with strategic policies in the development plan. We find these assertions frankly astonishing.

Page 2 quotes, as justification for seeking the allocation of its site, an outdated version of the NPPF. The NPPF was updated in 2021.

Savill's assert that the Neighbourhood Plan does not provide a shared vision for the area nor is it 'able to demonstrate compliance with the requirement to not promote less development than set out in strategic policies or undermine these strategic policies because of the absence of up-to-date strategic policies'.

However, the vision is outlined on page 11 of the Neighbourhood Plan Review and pages 27/28 describe the means by which the housing requirement was agreed with Charnwood Borough Council and exceeded in the Neighbourhood Plan.

Savill's assert that the Neighbourhood Plan fails to 'evidence to justify aspects of this plan' but fail to say where the absence of evidence is.

Savill's say that there is insufficient evidence of local housing need, and yet the housing requirement figure was requested of the Borough Council and the figure proposed by them was included in the Neighbourhood Plan. The Plan can only work on the latest evidence of housing need, and it was this that was provided by the Borough Council. Planning Practice Guidance (Paragraph: 102 Reference ID: 41-102-20190509) requires Local planning authorities to set housing requirement figures for designated neighbourhood areas and Charnwood Borough Council provided this on request, thereby fulfilling the requirements and meeting the Basic Conditions.

Savills criticise the inclusion of a Woodland Priority Habitat in the Neighbourhood Plan Review but acknowledge that this policy was part of the Made Neighbourhood Plan. It has already therefore passed examination. This is not a new policy.

Savill's suggest that proposed allocations in the Local Plan be incorporated into the Limits to Development. However, the only sites that have been included within this red-line boundary are those with a planning consent and a decision notice confirming the approval and the discharge of relevant conditions. To include sites that are merely proposals at this stage in advance of the Local Plan examination at which all of those sites could be rejected is premature and could lead to unintended consequences if they were included in the Limits to Development but later excluded from the Local Plan.

17. Kate Pizer

The comments related to schooling and doctors is noted. Policy CF4 addresses school issues, but it is a statutory requirement to provide school facilities and GP services alongside new development.

Comments related to the road network are noted and endorsed. It is for this reason that the Neighbourhood Plan seeks to manage future development.

Sites of natural environmental significance – comments noted. The policy seeks to ensure that future development respects the sites identified and avoids development in the most sensitive areas.

18. Avison Young

No comments made.