

REARSBY NEIGHBOURHOOD PLAN 2018 - 2036

The Report of the Independent Examiner to Charnwood Borough Council on the Rearsby Neighbourhood Plan

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Independent Examiner
10th August 2021**

Summary

I was appointed by Charnwood Borough Council, in agreement with the Rearsby Parish Council, in April 2021 to undertake the Independent Examination of the Rearsby Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 10th June 2021 after resolving my enquiries of the Qualifying Body.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Rearsby Neighbourhood Area. There is an evident focus on safeguarding the very distinctive character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Charnwood Local Plan 2011 to 2028 Core Strategy.

Subject to a series of recommended modifications set out in this Report, I have concluded that the Rearsby Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Rearsby Neighbourhood Plan 2018 - 2036. The Plan was prepared and submitted to Charnwood Borough Council by the Rearsby Parish Council as the Qualifying Body.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2021 and it is against the content of this NPPF that the Plan is examined. The changes between the 2019 and 2021 revisions of the NPPF have not been significant in the examination of Policies in this Plan.

This report assesses whether the Rearsby Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Rearsby Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Rearsby Neighbourhood Plan would then be used in the process of determining planning applications within the Neighbourhood Area boundary as an integral part of the wider Development Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Charnwood Borough Council, in agreement with the Rearsby Parish Council, to conduct the Examination of the Rearsby Neighbourhood Plan and to report my findings. I am independent of both Charnwood Borough Council and the Rearsby Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Rearsby Neighbourhood Plan is submitted to a referendum; or
- the Rearsby Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Rearsby Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the 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 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Statement of Basic Conditions and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this Examination I have considered the following documents:

- Rearsby Neighbourhood Plan 2018 - 2036 as submitted (including Appendix E: Local Green Space Assessment).
- Rearsby Neighbourhood Plan Statement of Basic Conditions (December 2020)
- Rearsby Neighbourhood Plan Consultation Statement (December 2020)
- Strategic Environmental Assessment Screening Report and Habitats Regulation Assessment Screening Report for the Rearsby Neighbourhood Plan (February 2021)
- Content at: <https://rearsbyvillagenews.co.uk/rearsby-neighbourhood-plan/>
- Representations made to the Regulation 16 public consultation on the Rearsby Neighbourhood Plan - as shown at:
www.charnwood.gov.uk/pages/Rearsby_neighbourhood_plan
- Charnwood Local Plan 2011 to 2028 Core Strategy
- Draft Charnwood Local Plan 2019 - 36
- National Planning Policy Framework (NPPF) (2021)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 10th June 2021. I looked at all the various sites and locations identified in the Plan document in their rural and impressive Conservation Area contexts.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Rearsby Neighbourhood Plan could be examined without the need for a public hearing and I advised Charnwood Borough Council accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence is included on the Charnwood Borough Council Neighbourhood Planning website for the Rearsby Neighbourhood Plan.

Rearsby Neighbourhood Area

A map showing the boundary of the Rearsby Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Rearsby Parish Council, Charnwood Borough Council approved the designation of the Neighbourhood Area 25th August 2015. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Parish and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].”
(Reference ID: 41-047-20140306)

I note from the submitted Consultation Statement that all of the following methods for sharing ideas and feedback with local people were put into use:

- Open discussion at the monthly meetings of the Parish Council, as evidenced by the Council Minutes;
- Small discussion groups around the village, which I noted started as early as 2015/16 when they provided the basis for the more formal community questionnaire;
- Presentations at public meetings on progress with the Plan, and I note for instance that several key public meetings were held in the Parish in the 24 months leading up to final submission using PowerPoint presentations and other techniques to provide updates on progress and engage residents;
- Surveying household priorities, with a questionnaire being distributed to all village addresses in May to June 2016 to gather suggestions of potential actions on the key issues likely to affect change and development; there were responses from 17 local groups and 138 household which became the basis for shaping how the Plan document could be compiled;
- Interactive public meetings, for instance I note that a ‘Drop In’ event was held in November 2016 to gather ideas on options for different elements for potential village development and large-scale maps were used to prompt specific ideas and proposals for how the key themes already evidenced from the preceding surveys might be focused to impact on parts of the Parish;
- Focused meetings with key landowners and agents of employment areas, and in particular in January 2017 specific ideas on land use for housing and employment purposes were discussed for land identified on the draft Plan’s Proposal Maps for these purposes;
- Updates via the monthly village magazine (Rearsby Scene), website and notice board.
- Leaflets distributed to resident households and businesses, including a copy of the draft plan to every household for the two Regulation 14 pre-submission consultations;
- Information put on the Plan websites www.rearsbyneighbourhoodplan.co.uk and more recently on www.rearsbyvillagenews.co.uk, the latter including a number of Annexes relating to the progress of consultations and amendments to the Plan made to address these.

Accordingly, overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Charnwood Borough Council from Wednesday March 17th until Friday April 30th 2021. I have been passed the representations – 17 plus 3 SEA representations – which were generated by

the consultation. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

The Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2036. I can see that a sustained effort has been put into developing a Plan guided by a Vision (set down in Section 3 of the Plan) that, by 2036, Rearsby will:

- “• have sustained the distinct and separate identity of the village
- be a parish with a thriving natural environment and sustainable habitats
- have secured appropriate levels of new housing development to meet the community’s identified needs
- be a parish with a vibrant local economy
- have incorporated changes into the area that have brought benefit to the whole community”.

The Plan document is well presented with a combination of text, maps and Policies that are, subject to the specific points that I make below, laid out helpfully for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to be in general conformity with Local Plan strategic policies.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities and establishes a sound basis for proportionate growth whilst seeking to identify and safeguard Rearsby’s distinctive features and character. The plan-making process had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Charnwood Borough Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted

may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Statement of Basic Conditions has very helpfully set out to address the issues in relation to these requirements and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Charnwood Local Plan 2011 to 2028 Core Strategy.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination broadly in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2018 – 2036 on the front cover. Since none of the data in the Plan is 2018 specific and the Plan was not submitted until 2021 that would be the more appropriate start date. The reference to “Submission Version” can now be removed.

Table of Contents

The listings will need to be reviewed once the text has been amended to accommodate the recommendations from this Report.

Foreword

As the Plan is now going forward to referendum the paragraphs relating to previous consultations can be omitted.

Recommendation 1:

1.1 Amend the Plan period to ‘2021 to 2036’ throughout the Plan and on the front cover replace “Submission Version” with ‘Referendum Version’.

1.2 Once the Plan text has been amended, review the “Contents” page and other consequential changes such as page number and chapter references within the text, to accommodate as required the recommended modifications from this Report.

1.3 Under the heading “Foreword” delete the last two paragraphs.

1 A profile of Rearsby Parish

No comments.

2. The Context for Rearsby Neighbourhood Plan to 2036

Creating a Plan for Rearsby Parish

The Neighbourhood Plan is required to include a map of the designated “Neighbourhood Area”. The correct title should therefore be used when referencing and titling the map – “Neighbourhood Plan area” is not correct.

Purpose of the Rearsby Neighbourhood Plan

No comments.

The National Planning Policy Framework and ‘sustainable development’

Where significant quotations are included within the text, the reader ought to be given the opportunity to refer directly to the quotation within its original context. Therefore, either by in-text or footnote reference, the first mention of the NPPF in paragraph 2.11 needs a source reference. In July 2021 a revised NPPF was issued and therefore one paragraph reference needs updating.

The National Planning Policy Framework and ‘Neighbourhood Planning’

Paragraph 2.20 is slightly misleading in that the NPPF also adds that other material considerations may apply in particular circumstances.

Rearsby in the context of the Borough Council’s ‘Vision for Charnwood’

The local authority has noted some need for correction in this section, including source referencing:

“i) Para 2.22 – the Local Development Scheme ‘2021’ should be referenced

www.charnwood.gov.uk/pages/localdevelopmentscheme

ii) Para 2.29 – whilst draft Local Plan Policy LP3 proposes that 160 homes are identified in ‘other settlements’ through the neighbourhood planning process, this is not an adopted plan; CBC has not formally established a housing requirement for the neighbourhood area.

iii) Para 2.30 – The draft Local Plan did not allocate sites, rather it ‘consulted on proposed allocations’. This section should be clarified accordingly.”

Recommendation 2:

Under the heading “2. The Context for Rearsby Neighbourhood Plan to 2036”:

2.1 Under the sub-heading “Creating a Plan for Rearsby Parish”:

2.1.1 In paragraph 2.2 replace “Neighbourhood Plan area” with ‘Neighbourhood Area’.

2.1.2 Amend the in-map title for Figure 1 as ‘Rearsby Neighbourhood Area’.

2.2 Under the sub-heading “The National Planning Policy Framework and sustainable development’, amend the first mention of the National Planning Policy (NPPF) in paragraph 2.11 to replace “The 2019 revisions to the National Planning Policy Framework (NPPF) emphasise” with ‘The National Planning Policy Framework (NPPF) emphasises’; add a source reference:

www.gov.uk/government/publications/national-planning-policy-framework--2

2.3 Under the sub-heading “The National Planning Policy Framework and ‘Neighbourhood Planning’” amend paragraph 2.18 to reference ‘para. 66’ in place of “para. 65” and add to paragraph 2.20 ‘unless in particular circumstances other material considerations apply’.

2.4 Under the sub-heading “Rearsby in the context of the Borough Council’s ‘Vision for Charnwood’:

2.4.1 In paragraph 2.21 provide a source reference for the Charnwood Local Plan Core Strategy: www.charnwood.gov.uk/pages/corestrategydpd

2.4.2 In paragraph 2.22 replace “2018” with ‘2021’ and add the source reference for the Local Development Scheme: www.charnwood.gov.uk/pages/localdevelopmentscheme

2.4.3 In paragraph 2.23 add a source reference for the emerging Local Plan: www.charnwood.gov.uk/localplan

2.4.4 In paragraph 2.29 replace “sets a target for” with ‘anticipates the need for’.

2.4.5 In paragraph 2.30 replace “allocates” with ‘consulted on a draft allocation of’.

3. The Vision and Priorities for Rearsby Parish Towards 2036

The Vision

No comments, I regard this as a record of what the community consultation identified.

Neighbourhood Plan Priorities

No comments, I regard this as a record of what the community consultation identified.

Sustainable Development through the Neighbourhood Plan

The formatting of paragraphs 3.4 – 3.6 confuses because the sub-heading for paragraphs 3.5 – 3.6 appear as the last sentence of the previous paragraph. To add to the confusion some of the same paragraph numbers are then used again in a sub-section headed “Neighbourhood Plan Policies”, a title which is then repeated at Section 4. To add further confusion the listing of the “scope of these policies” in paragraph 3.4 (p17) does not accord with the sub-section headings that then follow. It would appear that p17 was intended for editing out because paragraphs 4.1 & 4.2 cover much the same ground. However, it would be helpful if mention of Policy Maps was retained by adding to paragraph 4.1 – see next section.

Recommendation 3:

3.1 Under the sub-heading “Sustainable Development through the Neighbourhood Plan”:

3.1.1 Delete the use of 3.5 and 3.6 as paragraph numbers.

3.1.2 Within the enlarged paragraph 3.4, bolden the sub-headings and add a colon at the end of each:

The social objectives of the Rearsby Neighbourhood Plan:

The environmental objectives of the Rearsby Neighbourhood Plan:

The economic objectives of the Rearsby Neighbourhood Plan:

3.2 Delete the following sub-headings and their related paragraphs: “Neighbourhood Plan Policies” and “Policy Maps”; renumber subsequent paragraphs accordingly.

4. Neighbourhood Plan Policies

As noted above, it would appropriate to add back here reference to the Policy Maps. The wording of paragraphs 4.1 and 4.2 tend to mislead about how the Plan Policies will be used.

Recommendation 4:

Under the heading “4. Neighbourhood Plan Policies”:

4.1 In paragraph 4.1:

4.1.1 Between “below” and “describe” add: ‘, with their related Policy Maps where appropriate,’.

4.1.2 Replace “enhance the principles” with ‘add local detail to the strategic policies’.

4.2 Reword paragraph 4.2 as: ‘When using the Neighbourhood Plan to prepare development proposals, all the policies in the Plan should be considered as a comprehensive whole to ensure that proposals support the Plan’s stated Vision and Objectives.’

4.1 Design

Paragraph 4.3 seems to say: “This [positive approach] includes working with” but it is unclear who is “working with” whom; it would seem that ‘joint working between’ would be a more appropriate choice of words.

POLICY R1 Design

The local authority has noted: “Policy R1, 1st para – delete ‘Design’ or replace with ‘The design of’ to clarify this sentence”. The Qualifying Body agreed that the word ‘design’ should be omitted to achieve the clarity required.

I noted that Policy R1 requires both “compliance, where appropriate” with the “principles” in the Rearsby Village Design Statement (VDS) 2002 and “regard for” “building design principles, drawn from the VDS, to a degree that is proportionate to the development”. In fact the VDS sets down “guidelines” rather than principles and it is unclear why the guidelines are restated in different words within the Policy. It is possible that a 2002 document has become dated over the intervening period, but there would be less scope for confusion if there were not two competing statements of what is expected of developers.

In a similar vein the local authority has commented: “the Village Design Statement is a lengthy document and it is supported that the key principles of it have been extracted and included into the policy wording. Some of the requirements in the Village Design Statement are not relevant to the determination of planning applications. It would provide a clearer framework for decision making if Appendix B was amended so that either (1) the requirements not relevant to decision making were removed or (2) the requirements relevant to decision making were highlighted as a different colour text to make them easily identifiable.” The Qualifying Body responded that: “On reflection, the relevant elements of the VDS have been incorporated into the NP. The other sections of the VDS are less relevant therefore and it is possible to remove reference to the VDS in the policy (and Appendix B from the NP). The policy would therefore start with ‘Development proposals should have regard for the following [preferred term ‘guidelines’], drawn from the VDS ...’” Accordingly my recommendations adopt that approach.

In relation to the individual elements of this Policy, a representation has noted: “Whilst Gladman recognise the importance of high-quality design, in accordance with the requirements of the Framework [NPPF], design policies should not aim to be overly prescriptive. Policies require some flexibility in order for schemes to respond to site specifics and the character of the local area. In essence, there will not be a ‘one size fits all’ solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.” The Qualifying Body has explained “we took the decision to retain the words used in the VDS as it is a document that has been adopted by the Borough Council so wanted to change as little as possible”. I

however feel that, whilst the comments in the representation may themselves look to be 'over prescriptive', there is room for some updating of guidelines originally written nearly 20 years ago.

Looking at the elements in turn:

- a) I don't believe this is a "design" matter and should be omitted from Policy R1.
- b) I queried why the specific identification of "particularly on the north side between Rearsby and Thrussington" and was advised this should be clarified as the 'River Wreake Valley with raised floodplain walk'.
- c) "Large scale" and "rural aspect" are not explanatory of what *is* expected – particularly where it is acknowledged that "Existing settlement patterns have grown incrementally over time". The local authority suggested: "replace 'large scale' with 'major' as this is defined for the purpose of decision making in Annex 2 of the NPPF" and "Should affecting the 'rural aspect' be interpreted as being a matter of the principle of any development taking place, or requiring development to incorporate features such as buffers/planting? The policy would provide a clearer framework for decision making if it included criteria defining rural aspect." The Qualifying Body did not respond with criteria but I believe that these may be interpreted as: a density appropriate to an edge of rural community location, planting to merge the countryside and the new housing, particular care along the roadside to ensure a gradual transition from countryside to village; these will be the basis of my recommendations.
- d) Slight rewording is required to make this a 'guideline'.
- e) Responding to a concern about negatively worded policy, the Qualifying Body has suggested replacing this guideline with:
"Development proposals must respond positively to the character and historic context of existing developments within the Parish. They should respect or enhance (but not necessarily replicate) the local character, having regard to scale, density, massing, height, landscape, layout, materials, access arrangements and detail (e.g. size and shape of windows and doors)." This will form the basis of my recommendation.
- f) I noted that this guideline uses "spatial" and "spaces" a number of times without providing clarity on what would characterise 'appropriate development'. The Qualifying Body suggested replacing "'not adversely affect ...' with 'respect and where possible enhance ...' which makes it clear that appropriate development will take its location and impact on the specific setting into account." This will form the basis of my recommendation.
- h) Slight rewording is required to ensure clarity.
- i) It would seem inappropriate for this guideline to be restricted specifically to "redevelopment".
- j) I noted that the encouragement of "high red brick walls" might be seen to be at odds with guideline b) and the Qualifying Body agreed that the word 'high' should be omitted.
- k) & l) I noted that these guidelines appear to be at odds with each other; the first expects style repetition whereas the second says that variety is key? Whilst the Qualifying Body did not recognise that contradiction, they did not either provide a positive expression in place of their "resistance to uniformity that is characterised by large developments". The local authority suggested: "replace 'large scale' with 'major' as this is defined for the purpose of decision making in Annex 2 of the NPPF." and "whilst the principle of distinctive style is supported, this section is negatively expressed and it could provide a more positive framework if expressed as 'Major developments with modern architecture must respond to the distinctive... heritage of Rearsby' (or similar)." The Qualifying Body agreed with that approach and, accordingly, this will form the basis of my recommendation.
- m) The local authority suggested: "after 'sympathetic' to include 'to the scale, form and massing of surrounding buildings' (or similar) to provide a clearer framework for decision making." The Qualifying Body agreed that this was appropriate.
- n) In place of the vague "careful siting" the Qualifying Body suggested "By respecting the form, scale, character and amenity of the landscape and the surrounding area" and that will form the

basis of my recommendation.

I further noted that Policy R1 does not make any specific mention of the Conservation Area whereas Policy R4B does. The Qualifying Body responded: "We would be happy to add something along the lines of 'Preserves and where possible, enhances the Conservation Area' and that therefore forms the basis of my recommendation.

Recommendation 5:

5.1 Under the heading "4.1 Design" in paragraph 4.3, in the second sentence replace "working with" with 'joint working between'.

5.2 Within Policy R1 Design:

5.2.1 Delete paragraph 1.

5.2.2 Reword paragraph 2 as: 'Development proposals should have appropriate and proportionate regard to the following design guidelines (drawn in part from the 'Rearsby Village Design Statement' 2002):'.

5.2.3 Delete guideline (a) and renumber subsequent guidelines appropriately.

5.2.4 Reword guideline (b) as: 'The impact on views in and out of the village, particularly to/from the River Wreake Valley with its raised floodplain walk, should be assessed and addressed, with siting, scale, layout and landscaping all appropriate to their setting.'

5.2.5 Reword guideline (c) as: 'Particular attention is required at the four main 'gateways' to/from the village where the transition between countryside and village should be gradual, as is appropriate to arrival in/departure from a village rather than a town, and with densities in keeping with the edge of a village.'

5.2.6 Reword the first sentence of guideline (d) as: 'Landscaping and planting should use indigenous species.'

5.2.7 Reword guideline (e) as: 'The character and historic context of existing developments within the Parish should be respected or enhanced (but not necessarily replicated), demonstrating regard to scale, density, massing, height, landscape, patterns, layout, materials, access arrangements and detail (e.g. pointing, size and shape of windows and doors).'

5.2.8 Replace the first sentence of guideline (f) with: 'Location and setting should demonstrably influence all new development.' In the second sentence replace "This includes" with 'Examples include'.

5.2.9 In guideline (h) delete "and locally distinct".

5.2.10 In guideline (i) replace "in redevelopment" with ', in particular in redevelopment,'.

5.2.11 In guideline (j) delete "high" within "high brick walls".

5.2.12 Delete guideline (k) as it duplicates (e) and renumber subsequent guidelines accordingly.

5.2.13 *Reword guideline (l) as: ‘Major developments in particular must be proportionate to their village setting and demonstrate a variety of appearance that is respectful of the architectural heritage of Rearsby.’*

5.2.14 *In guideline (m) replace “to existing buildings” with ‘to the scale, form and massing of the surrounding buildings’.*

5.2.15 *In guideline (n) replace “encouraging good design and careful siting” with ‘provided this respects the form, scale, character and amenity of the landscape and the surrounding area’.*

5.2.16 *Add an additional guideline as follows: ‘Within the Rearsby Conservation Area attention is required to the particular features set out in the Rearsby Conservation Area Character Appraisal (July 2010).’*

5.3 *Delete Appendix B: Guidelines from ‘Rearsby Village Design Statement’; renumber subsequent Appendices accordingly.*

As amended Policy R1 meets the Basic Conditions.

4.2 Promoting effective use of land: Area of Local Separation & Policy R2

It is noted in paragraph 4.14 of the Neighbourhood Plan that “The Borough Council’s March 2016 study entitled ‘Green Wedges, Urban Fringe Green Infrastructure Enhancement and Areas of Local Separation. Methodology and Assessment’ accordingly included a consideration of how the settlements of East Goscote and Rearsby are to be acknowledged as spatially distinct from each other.” It is not however explained on what basis, comparable or otherwise, an extension to the area of separation identified from that study has been defined and justified.

The local authority representation is not alone in commenting: “This neighbourhood plan policy proposes to extend the Area of Local Separation designation to the east of the settlement, as highlighted on Map 1 of the RNP. This proposed extension is not consistent with Charnwood Borough Council’s Local Plan evidence base in relation to Areas of Local Separation which assessed this area as site ‘ALS-N’ and does not propose an eastern extension. The neighbourhood plan evidence base does not appear to assess in detail the proposed eastern extension on its landscaping/ separation credentials, rather it refers to speculative planning applications in the area. It is suggested that the Area of Local Separation identified in the neighbourhood plan are [*sic*] amended to reflect the Council’s evidence base, or otherwise that a deviation from this evidence is proportionately justified. It is noted that the proposed east extension does not overlap a proposed housing allocation in the draft Local Plan.” I note from the related Policy Map in Appendix A that an area of open space and planting, partly outside the Neighbourhood Area, seems to assure a modest separation between the built up areas without any apparent need for a further policy intervention.

At least one other representation suggests that “Areas of Separation” are a strategic matter for the Local Plan. I am however not persuaded that concepts, such as “Areas of Separation”, cannot be applied more locally at an appropriate scale. Indeed, there seems to be full agreement that Rearsby and East Goscote should be kept distinct. However, as even the proposed wording of Policy R2 acknowledges, that should not rule out development where it can be “designed to maintain the physical and visual separation”. With all such policy approaches, proportionate evidence in justification of the revisions and/or boundary will be required. In the absence of such evidence, I cannot conclude that a revised boundary for the Area of Separation is justified, particularly in the face of a very recent review which uses a specified methodology, including landscape

considerations, to conclude that an extension is not appropriate. Having said this, since it is important to local people, there is nothing to stop the Plan addressing the notion of a “visual and physical separation” between Rearsby and neighbouring settlements, to the extent that the Neighbourhood Plan encompasses the land between these.

The Qualifying Body has suggested a few updating amendments to the supporting text which I have incorporated into my recommendations with wording varied as appropriate.

Recommendation 6:

Under the heading “4.2 Promoting effective use of land: Area of Local Separation”:

6.1 Amend the section heading to replace “Area of Local Separation” with ‘Local Separation’.

6.2 Amend paragraph 4.12 to insert after “Review”, ‘(now in draft as the 2019 – 2036 Local Plan)’.

6.3 Amend paragraph 4.14 to:

6.3.1 Replace “Core Strategy” with ‘2011 – 2028 Local Plan Core Strategy’.

6.3.2 Add a final sentence taken from paragraph 4.15: ‘This Area of Local Separation between Rearsby and East Goscote has been highly valued by the residents of Rearsby since it was designated in 2004 and reaffirmed in subsequent Local Plans.’

6.3.3 Add after this final sentence ‘(see map below)’; move Map 1 – retitled as ‘Existing Area of Local Separation’ and amended to exclude the Neighbourhood Plan proposal – to sit within Section 4.2; provide a source reference for the Area of Separation; renumber subsequent Policy Maps accordingly.

6.4 Replace paragraph 4.15 as follows: ‘The two settlements could hardly be more different: history, appearance, facilities and layout. Rearsby has a pre-Conquest origin, was mentioned in the Domesday book, and is consequently a traditional English midlands linear village with a 13th century church, a winding main street, back lanes and historic house plots. It has a picturesque and distinctive centre around a brook crossed by an historic bridge (Scheduled Monument) and a ford, and a farm in the centre of the village. It has a Conservation Area with 22 listed buildings within its boundaries. There is a variety of building ages representing the village’s evolution over the last seven centuries, and although these buildings have many different types of architecture and purpose, most are in local vernacular styles and use local materials.’

6.5 Replace paragraph 4.16 as follows: ‘East Goscote is a ‘new village’ built in the 1960s largely on the site of a previous MoD Army Supply Depot and fields. The development was delivered commercially but was planned by Leicester City and other authorities to accommodate Leicester’s expanding population and a need to replace old substandard housing stock. The settlement was laid out in a masterplan using a suite of standard house designs and non-local building materials. It has no visible history, heritage features or rural character. The roads are straight, having been designed for the motor traffic generated by the population of nearly 3000 (2011 census) and the planned local facilities, including shops, garage, schools, medical practice and employment areas. Were it not for its distance (but not actual separation by open countryside) from the Leicester boundary, East Goscote might, based on its appearance and function, be described as one of the smaller suburbs of the City.’

6.6 Replace paragraph 4.17 as follows: “The two settlements are therefore entirely different in origin, character and appearance and it is the clear wish of Rearsby residents and others (evidence from questionnaire and consultation responses for this Plan) that the visual and actual separation

between them is maintained.'

6.7 Delete paragraphs 4.18 & 4.19.

6.8 Delete the last sentence of paragraph 4.20.

6.9 Revise Policy R2 as follows:

6.9.1 Amend the title to 'Local Separation'.

6.9.2 Reword the Policy as: 'To be supported, development proposals must be located and designed to maintain, and where possible enhance, the physical and visual separation between Rearsby and its neighbouring settlements, particularly between Rearsby and its closest neighbour East Goscote.'

As amended Policy R2 meets the Basic Conditions.

4.3 Promoting effective use of land: Limits to Development and Open Countryside & Policy R3

National and local planning policy make distinctions between the existing built area and countryside. Within Policy CS1, Rearsby is identified as an "Other Settlement" where, *inter alia*, planning will respond "positively to small-scale opportunities within defined limits to development". It is therefore appropriate for the Neighbourhood Plan to conform with that strategic approach.

The Qualifying Body and the local authority have both confirmed that the proposed boundary for the "Limits to Development" is consistent with that included in the draft Local Plan and therefore that is supported by the evidence provided for that purpose. A number of representations query the validity of the approach and/or the proposed boundary line, but to vary the proposal from the strategic approach in the draft Local Plan would have involved proportionate evidence. Furthermore, variation at this stage would involve a further round of public consultation.

It is suggested that Policy R3 "reinforces" Local Plan Policy but it does this essentially by repetition. The NPPF (paragraph 16) says that plans should "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)". I accept that the Neighbourhood Plan can benefit from the evidence gathering for the new Local Plan and suitably update the Limits to Development for Rearsby as a central Policy. However, as the local authority has noted, the Policy should not be implied to relate solely to "proposals for new uses and for the conversion of existing buildings".

Recommendation 7:

Within Policy R3:

7.1 *In the opening sentence:*

7.1.1 *Renumber the Map referenced following the relocation of Map 1; within the map itself provide a source reference for the boundary of the Limits to Development.*

7.1.2 *Delete the words "for new uses and for the conversion of existing buildings".*

7.2 *In element (b) delete "and the potential for local flooding".*

7.3 *Reword element (d) positively as: 'any impact on the living conditions and amenity in neighbouring properties is assessed and addressed'.*

7.4 *Reword element (e) positively as: 'garden/green space is retained to the extent necessary to*

retain the distinctive character of Rearsby and meet the amenity needs of the new and existing residents.'

7.5 Reword element (f) positively as: 'the direct and cumulative impact of the generated traffic and parking requirements is assessed and addressed to ensure road and pedestrian safety'.

As amended Policy R3 meets the Basic Conditions.

4.4 Housing Mix & Policy R4A

The NPPF (paragraph 62) says that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies". Local Plan Policy CS3 says that it will meet housing needs by "seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area". The Neighbourhood Plan makes some attempt to identify housing needs but, acknowledging that the assessment is dealing in small numbers and that these can quickly become outdated, Policy R4A principally requires adherence to current evidence.

A representation comments: "It is noted that Policy R4A states that housing development proposals should take into account the "most up to date assessment of housing need". For the avoidance of doubt, it is considered that the policy text should be updated to confirm that the most up to date assessment of housing need can also be that, prepared at Borough level, not just by the Parish Council." Whilst the Qualifying Body confirmed that the source of the assessment was not limited to the Parish Council, it should not be assumed that Borough-wide data would suffice to define needs in Rearsby.

I note that the Policy wording says that development of smaller dwellings is "encouraged" whereas provision by a community-led organisation is "supported". I suggested to the Qualifying Body and they agreed that the use of these terms should be swapped; there is some evidence to support the inclusion of smaller dwellings but, in the absence of specific proposals, the nature of the originators of a development proposal may be an immaterial consideration as to the acceptability or otherwise of a scheme.

Recommendation 8:

Within Policy R4A:

8.1 Reword the first sentence as: 'Housing development proposals should provide for the existing and future needs of the Parish informed by a relevant and up-to-date assessment of housing need.'

8.2 In the first paragraph replace "encouraged" with 'supported' and in the second paragraph replace "supported" with 'encouraged'.

As amended Policy R4A meets the Basic Conditions.

4.5 Exception site development & Policy R4B

The NPPF (paragraph 78) supports the use of "rural exception sites that will provide affordable housing to meet identified local needs"; Policy R4B will therefore need to include a criterion establishing an appropriate level of demand. The Local Plan Policy CS3 also commits to "deliver small-scale rural exceptions sites in accordance with Policy CS1 that meet an identified local need".

I note in this section the first use of a "Community Action" box. The Planning Guidance says: "Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, [but] actions dealing with non land use matters should be clearly identifiable.

For example, set out in a companion document or annex.” (Planning Policy Guidance Paragraph: 004 Reference ID: 41-004-20170728). In this instance the “Community Action” commitments are included within the text but highlighted in a distinctive gold and within a box. I am satisfied that the approach adopted makes the distinction between land-use policies and other community aspirations sufficiently clear.

The local authority and I noted some drafting errors in paragraphs 4.34, 4.36 and 4.37 which the Qualifying Body agreed needed correction.

On the wording of Policy R4B (a) it is not stated why “9 dwellings” has been selected as a single limit to development. The current Local Plan says that Service Centres “provide a sustainable location for a smaller scale of development, appropriate in size to their character and the services and facilities they contain”; accordingly, in the absence of other evidence, that is what the Neighbourhood Plan Policy should say.

A number of points of clarification arose from local authority comments that the Qualifying Body was content to see corrected:

“Policy R4B (b) – it may be more appropriate to define affordable housing as ‘in perpetuity and as set out in Annex 2 of the NPPF’ in order to maintain consistency of definition.

Policy R4B (b) – suggest the text ‘in accord with the stated requirements in line with current policies of the Planning Authority for affordable housing’ is deleted as it is confusing and appears to duplicate the Local Plan policy.

Policy R4B (c) – The ‘Charnwood Rural Housing Guide’ and ‘Housing Allocations Policy’ set out CBCs approach in relation to affordable housing on rural exception sites and criteria for establishing a local connection. It is requested that these documents are referred to within the supporting text of the policy to ensure that information in relation to assessing local connection is referenced within the RNP. This would ensure that the policy provides a clear framework for decision making.

R4B (d) - it is not justified why a threshold of 25% has been used. Would the use of the text ‘a proportion where essential’ be more appropriate and consistent with the NPPF Annex 2 definition of Rural Exception Sites?”

Recommendation 9:

9.1 Under the heading “Exception site development”:

9.1.1 In paragraph 4.31 update the NPPF paragraph references from “59 – 62” to ‘60 – 63’.

9.1.2 In paragraph 4.34 delete “of homes has been recognised as a village priority.”

9.1.3 Reword the incomplete paragraph 4.36 as: ‘The ‘Charnwood Rural Housing Guide’¹ and ‘Housing Allocations Policy’² set out the Borough Council’s approach in relation to affordable housing on rural exception sites and criteria for establishing a local connection. Some market housing may be acceptable on exception sites if it is essential to facilitate the provision of affordable housing to meet identified local needs.’

¹www.charnwood.gov.uk/files/documents/rural_housing_guide/Rural%20Housing%20Guide.pdf

²www.charnwood.gov.uk/files/documents/choice_based_lettings_cbl_allocations_policy_from_april_2019/Housing%20Allocations%20Policy%20%28From%20April%202020%29.pdf

9.1.4 In paragraph 4.37 delete “any incursion by”.

9.2 Within Policy R4B:

9.2.1 Replace element (a) with: ‘an identified local need is being met and the small-scale

development is appropriate in size to the character and the services and facilities of Rearsby.'

9.2.2 Replace element (b) with: 'the proposals provide on-site affordable housing in perpetuity and as set out in Annex 2 of the NPPF.'

9.2.3 Replace element (c) with 'the development is subject to an agreement that the affordable social housing is initially offered to people with a local connection'.

9.2.4 Replace element (d) with: 'Open market housing may be included where it can be demonstrated to be essential to the delivery of affordable housing.'

9.2.5 Replace element (e) with: 'the development adheres to the design guidance in Policy R1, in particular where that development is adjacent to the Conservation Area.'

9.2.6 Within the final paragraph replace "will be supported" with 'are encouraged'.

As amended Policy R4B meets the Basic Conditions.

Building a Strong and Competitive Economy

4.6 Existing employment opportunities & 4.7 New Business Opportunities

I believe it is appropriate to consider Policies R5A & R5B together since the justification provided for both is broadly the same. Both the NPPF (paragraph 84) and the Local Plan (Policy CS10) take a positive approach to the retention of rural businesses by accommodating sustainable growth and expansion. Recent changes in the classification of use classes will accommodate many changes without the need for a planning consent. Further, Policy R3 appears to be based in part on the presumption that building conversion opportunities will become available. The Qualifying Body has confirmed its wish to support local businesses but the negative approach of Policy R5A is at odds with NPPF paragraph 16 whereas Policy R5B takes a positive approach but perhaps with too little regard to sustainability.

I further note that the Protected Employment Area shown on Policy Map 7 (to be renumbered as Policy Map 5, see later) does not align with that included within the draft Local Plan 2019-2036 but no evidence is provided to support a realigned boundary (as required in NPPF paragraph 31). As with the Area of Separation, in the absence of supporting evidence the boundary with evidenced support accompanying the draft Local Plan should be used. However, a positively worded policy can achieve the same general end whilst allowing sites to be consented on their individual merits.

Recommendation 10:

10.1 Under the heading "New Business Opportunities", In paragraph 4.40 update the NPPF paragraph references from "83 and 84" to '84 & 85'.

10.2 Merge Policies R5A and R5B to form a new Policy R5 to follow paragraph 4.46:

'Policy R5 Employment Opportunities

Sustainable growth, expansion and renewal of businesses, particularly within the Protected Employment Area (see Policy Map 5), will be supported, provided:

- a) the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside;*
- b) the impact on neighbouring properties and the local road network is assessed and addressed;*
- c) appropriate landscaping protects the landscape character, reinforcing local distinctiveness; and*
- d) new sites are serviced with broadband infrastructure.'*

10.3 Amend Policy Map 7 to renumber it as Policy Map 5, amend the title to delete “in the Plan area” and amend the boundary to show only the Protected Employment Area included within the draft Local Plan 2019-2036.

As amended and renumbered Policy R5 meets the Basic Conditions.

4.8 Promoting Healthy and Safe Communities

Local Green Spaces & Policy R6A

Whilst I might take issue with some aspects of the marking scheme – which uses examples of characteristics instead of assessing *particular* merits – I was persuaded by the descriptive material that the Local Green Space designation is appropriate for the three identified spaces; the criteria set out in paragraph 102 of the NPPF are met. However, upon visiting the Space named as “Brookside”, it was evident that it was not a “green” space for the entire length since a middle section was covered in hardcore. Since the Qualifying Body could not provide evidence that the landowner had been consulted about the Local Green Space designation and that s/he intended to restore the land to a green space, the Qualifying Body agreed that the land affected should be omitted from the area for designation. As a result, some amendments will need to be incorporated. Also, the numbering on the related Policy Map (now renumbered as Policy Map 2), which does not match with the numbering in the Policy, may give rise to some confusion and, at the map scale, the boundaries for each site may not be unambiguously clear. I therefore conclude that a separate map showing the Local Green Spaces alone, at the largest scale possible on an A4 page, is required.

On the matter of the wording of the Policy, the local authority has commented that “the text ‘or have an adverse effect on’ does not provide a clear framework for decision making and it is suggested this text is deleted.” The Qualifying Body has responded that they wish these words to be retained and note that the same wording has been accepted at Examination of other Neighbourhood Plans. I note the Court of Appeal decision (Case No: C1/2020/0812) where the Court noted that the terms of a Policy designating Local Green Spaces should not deviate from the NPPF requirement (paragraph 103) that “Policies for managing development within a Local Green Space should be consistent with those for Green Belts.” Therefore, Policy R6A cannot use wording inconsistent with that NPPF requirement.

The local authority has also commented that “for the benefit of policies R6A and R6B, Appendix E should be attached to the final version of the plan for completeness.” I agree that this is supporting evidence that sits behind the application of these Policies. In view of the deletion of Appendix B, Appendix E will become Appendix D.

Recommendation 11:

11.1 Under the heading Local Green Spaces:

11.1.1 In paragraph 4.48 update the NPPF paragraph references from “99” to ‘101’ and from “100” to ‘102’.

11.1.2 In paragraph 4.49 correct the reference from “Appendix F” to ‘Appendix D’.

11.2 Within Policy R6A:

11.2.1 Reword the opening sentence as: ‘The following areas identified on Policy Map 2 and detailed in Appendix D are designated as Local Green Spaces:’.

11.2.2 Amend the boundary to the Local Green Space, shown on the Policy Map as “2”, to remove the middle private garden section as shown on the map supplied with the email from the Qualifying Body dated 9th August 2021; amend the description of the Space in Appendix D

accordingly.

11.2.3 Replace the existing Map 3 with a new Map 2 exclusively showing the 3 Local Green Spaces, with Space numbering consistent with the Policy and at the largest scale possible on an A4 page.

11.2.4 Retitle Appendix E to Appendix D (actually from Appendix X on the document itself) and attach it to the final version of the Plan.

As amended Policy R6A meets the Basic Conditions.

Open Space, Sport and Recreation & Policy R6B

Paragraph 4.51 notes the context provided by Policy CS15 of the Local Plan and Policy R6B provides some local detail. A representation from Sport England is concerned that the plan refers to the “Open Spaces, Sport and Recreation Study, 2010” and the “Open Spaces Strategy 2013 - 2028” but not the most up to date studies and strategies. The local authority notes that it is “supportive that the neighbourhood plan could be updated to reflect the most up to date evidence, which for the Borough Council’s emerging Local Plan is the Open Spaces Strategy 2019.” Having examined this Strategy document the Qualifying Body notes that the shortfall basis for Policy R6B has not altered but an amended paragraph 4.52 is proposed upon which my recommendation is based.

Despite it not being explicitly evidenced in Appendix D (as renumbered), which would have been appropriate, I accept that the areas identified for Policy R6B are “regarded as qualifying (within the CBC typologies) as Open Space, Sport and Recreation (OSSR) sites” (paragraph 4.54).

Some confusion arises from the read-across between the Policy and the related map. The Qualifying Body has clarified the detailing and the correction is picked up in my recommendations below.

Recommendation 12:

12.1 Under the heading “Open Space, Sport and Recreation”:

12.1.1 Replace paragraph 4.52 with:

‘Both Charnwood Borough Council’s “Open Spaces Assessment Study, 2017” and “Open Spaces Strategy, 2019”¹ noted that Rearsby had a shortfall in terms of (a) parks, (b) natural and semi-natural open space and (c) [quality of] allotments (Table 5 of the Strategy).’

¹ www.charnwood.gov.uk/pages/open_spaces_sport_and_recreation_studies

12.1.2 In paragraph 4.53 update the NPPF paragraph reference from “para. 97” to ‘para. 99’.

12.2 Within Policy R6B:

12.2.1 Reword the opening paragraph as:

‘The following are designated as important open spaces to be retained for their recreation value, beauty, amenity or tranquillity within or close to the built-up area. Development proposals should protect these spaces; the loss of a space or part of it will only be supported to the extent that the loss is replaced with a space of equivalent value and convenience or the space is demonstrated to be surplus to community needs.’

12.2.2 Replace Map 3 with a new map illustrating only the spaces referenced in this Policy, renumber the spaces consecutively 1 – 7 both in the Policy and on the Map.

12.2.3 Reword the entry for Brookside as: ‘Brookside recreation ground and play area (existing Charnwood Borough Council Amenity Green Space)’.

As amended Policy R6B meets the Basic Conditions.

Important Views and Policy R6C

A representation comments: "The identification of the 'Important Views' provided in Appendix C to the Neighbourhood Plan do not appear to have been sufficiently evidenced and justified. It is considered that further detail needs to be provided in respect of the importance of these views." It is evident that Appendix C merely provides a description of the views included on the map.

Further, whilst I appreciate that views are best appreciated on the ground and photos are rarely likely to do them justice, it seems improbable that the photos in Appendix C are all taken from the indicated viewpoints, particularly photo 4. The Qualifying Body reviewed Appendix C to assure accuracy. However, I believe that such views can only ever be illustrative since no justification for their selection has been provided. Accordingly, I suggested to the Qualifying Body that Policy R6C might more appropriately be included as part of Policy R1. The Qualifying Body agreed that this should be done if feasible and therefore that is the basis of my recommendation.

Recommendation 13:

13.1 Delete Policy R6C with its preamble and add a sentence to Policy R1 (b) as follows: 'Appendix C illustrates important views where any development should be designed sympathetically to the landscape and the aspect of the village.'; renumber subsequent paragraphs accordingly.

13.2 Retitle Appendix C as Appendix B and replace the content with the revised version submitted by the Qualifying Body with their email dated 4th June 2021; correct the title for that from "Appendix X" to 'Appendix B'.

13.3 Delete Map 4 and renumber subsequent Maps and their text references accordingly.

As further amended Policy R1 continues to meet the Basic Conditions.

Community Facilities and Amenities and Policy R6D

As noted in the text, the NPPF (paragraph 84) and the Local Plan Policy CS11 provide a context that is appropriate for Policy R6D (now to be renumbered R6C in view of the deletion of the existing R6C).

A source reference is required for the "Settlement Hierarchy 2018" quoted in the text. I believe that the reference under "Community Action" to "Right to Acquire" should in fact refer to the designation of buildings as "Assets of Community Value"; this was confirmed by the Qualifying Body.

It is helpful that this Policy identifies the community amenities (the term "facilities" is only used in the title and not within the body of the Policy) but, within a land use plan, the inclusion of "Public bus route" is inappropriate; this might instead be a Community Action if the Qualifying Body so chooses.

Recommendation 14:

14.1 Amend the heading "Community Facilities and Amenities" to delete "Facilities and".

14.2 In paragraph 4.59 update the NPPF paragraph references from "para. 83" to 'para. 84' and "para. 92" to 'para. 93'.

14.3 In paragraph 4.62 provide a source reference for the Charnwood publication 'Settlement Hierarchy 2018'.

14.4 In the Community Action box that follows paragraph 4.63:

14.4.1 Amend “Right to Acquire” to read ‘Asset of Community Value’.

14.4.2 Add reference to action for the retention of the local bus service if the Qualifying Body chooses.

14.5 In the Policy Box “Policy R6D”:

14.5.1 Amend the number and title to ‘Policy R6C Community Amenities’.

14.5.2 Delete from the second paragraph “Public bus route”.

As amended and renumbered Policy R6C meets the Basic Conditions.

4.9 Conserving and Enhancing the Natural Environment & Policy R7

As noted in the text, the NPPF (paragraph 174) and the Local Plan Policy CS13 provide a context that is appropriate for Policy R7. There are several new Reports mentioned in this section all of which require a source reference to allow the reader to see the quotation or reference in their original context.

In relation to the wording of Policy R7 the Council’s Ecology Officer and the Environment Agency made a number of comments on amendments or clarifications that the Qualifying Body agreed.

Recommendation 15:

15.1 Under the heading “Conserving and Enhancing the Natural Environment”:

15.1.1 In paragraph 4.66 update the NPPF paragraph references from “para. 170” to ‘para. 174’ and from “para. 180” to ‘para. 185’.

15.1.2 In paragraph 4.69 provide a source reference for the “Landscape and Character Assessment 2012”.

15.1.3 In paragraph 4.70 provide a source reference for the “Charnwood Green Infrastructure Strategy 2010” and the “Strategic Flood Risk Update 2014”.

15.1.4 In paragraph 4.72 provide a source reference for the “Charnwood Habitat Report 2012”.

15.2 Within Policy R7:

15.2.1 Replace the opening sentence with: “‘To be supported development proposals should, appropriately to their location and scale:’.

15.2.2 Add to element (b) ‘and provide biodiversity net gain’.

15.2.3 Replace element (c) with: ‘establish wildlife corridors which improve ecological connectivity between important habitat features in the wider landscape across different land ownerships.’

15.2.4 In element (d) replace “enhance access” with ‘enhance access to biodiversity assets where appropriate’; at the end add ‘and’.

15.2.5 Renumber element (f) as (e), add after “important” ‘(see Map 8)’ and add an

additional map identifying the two “locally important” features, with a dotted line to show an indicative rather than a bounded area when illustrating the area for element (f)(ii); ensure there is accurate read-across between the Policy and the Map; in element (f)(i) add a comma after “Convent area” and in element (f)(ii) delete the “and” at the end.

As amended and renumbered Policy R7 meets the Basic Conditions.

4.10 Conserving and Enhancing the Historic Environment & Policy R8

Conservation Areas and Listed Buildings are designated separately from Local Plans and the NPPF, under the 1990 Planning (Listed Buildings and Conservation Areas) Act, albeit their protection is noted in those, and therefore paragraph 4.75 will need some amendment. It would be useful if a source reference was provided for the 2010 Appraisal of the Conservation Area.

In the Policy itself, the last sentence of the opening paragraph is essentially repeated in the last sentence, but neither provides unambiguous guidance to the prospective planning applicant. I believe that the wording need only be stated once and should read along the lines of: ‘Development proposals affecting a non-designated heritage asset or its setting will need to balance the community benefits of the proposal against the impact on the heritage significance of the asset.’ The local authority has also noted the need for the Policy to reference “significance”.

I noted to the Qualifying Body that Appendix D provides an appropriate amount of detail to explain the significance of the heritage properties but not the 2 ridge and furrow fields. The Qualifying Body supplied additional text to rectify this gap. Ensuring the correct terminology is important, the Neighbourhood Plan is recognising non-designated heritage assets – Local Lists are something different and formulated by local planning authorities.

In view of the deletion of Appendix B, Appendix D will now be retitled Appendix C.

Recommendation 16:

16.1 Under the heading “Conserving and Enhancing the Historic Environment”:

16.1.1 Move the heading “Conservation Area” to before paragraph 4.73, move the heading “Local Heritage Assets” to before paragraph 4.74, delete paragraph 4.75.

16.1.2 In paragraph 4.73 add a source reference for the Conservation Appraisal document.

16.1.3 In paragraph 4.76, renumber this as paragraph 4.75; in the first sentence add after “significance”, ‘to which are added 3 buildings and two landscape features worthy of recognition’; add an additional sentence at the end: ‘Policy R8 recognises these as non-designated heritage assets’.

16.1.4 Add a new paragraph 4.76 as follow: ‘Historic England, in recognition of the loss nationally since c.1950 of more than 90% of ridge and furrow (the earthworks representing the ploughlands of the medieval open field system), has surveyed the whole country for surviving examples, most recently in 2011-12 (*Turning the Plough update assessment* English Heritage and Gloucs. CC, 2012 (‘TTP2’)). Leicestershire CC records all surviving ridge and furrow areas recorded in TTP2 in the County as non-designated heritage assets; the Rearsby Neighbourhood Plan re-surveyed the Plan Area to update this information in the Leicestershire Historic Environment Record, and to provide protection through the Planning system for the two survivors. The evidence is presented in Appendix C and the sites’ locations are shown on Map 5.’

16.2 Within Policy R8:

16.2.1 In the first paragraph, replace the first and last sentences with: 'Development proposals affecting any of the non-designated heritage assets listed below (and shown on Policy Map 5 and detailed in Appendix C) or their settings will need to balance the community benefits of the proposal against the impact on the heritage significance of the asset'; in the second sentence replace "They" with 'The assets' and delete ", their features and settings will be protected wherever possible".

16.2.2 In the heading of the second list of assets delete "list".

16.2.3 Under the heading "Ridge and furrow" delete all the words after "Wreake Drive".

16.3 On Map 5 delete "and Ridge and Furrow" from the title and in the Key delete "List" from "Local List".

16.4 Retitle Appendix D as Appendix C and add the additional information about the ridge and furrow non-designated heritage assets as supplied by the Qualifying Body in their email dated 4th June 2021.

As amended Policy R8 meets the Basic Conditions.

4.11 Flood Risk

I noted to the Qualifying Body that the local authority has commented: "Policy R9 – this policy as drafted largely duplicates Local Plan policies and the NPPF, albeit in less detail." This Policy would not appear to say anything particular about the Neighbourhood Area and therefore may not "serve a clear purpose" and amount to "unnecessary duplication of policies" (NPPF paragraph 16). The Qualifying Body responded: "The policy was included to provide a local emphasis on the issue in advance of the adoption of the new Local Plan where the policy may be subject to change. As the Local Plan is now more advanced, we are happy for the policy to be removed from the Neighbourhood Plan." My recommendation below follows that approach.

Recommendation 17:

Delete Policy R9, the supporting text under the heading "4.11 Flood Risk" and Policy Map 6; renumber subsequent headings, paragraphs, Policies and Policy Maps accordingly.

4.12 Promoting Sustainable Transport

As noted in the text, the NPPF at paragraph 104 and the Local Plan Policy CS17 both provide a suitable context for a Neighbourhood Plan Policy. The Qualifying Body agreed with my comment that the opening sentence for Policy R10 (now renumbered R9) should more properly read: 'To be supported development proposals should, appropriately to their scale:'

Recommendation 18:

18.1 Under the heading "Promoting Sustainable Transport", in paragraph 4.79 update the NPPF paragraph reference from "para. 102" to 'para. 104'.

18.2 Within Policy R10 (now renumbered R9) reword the opening sentence as: 'To be supported development proposals should, appropriately to their scale:'

As amended and renumbered Policy R9 meets the Basic Conditions.

5 The Implementation and Monitoring of the Rearsby Neighbourhood Plan

This is a helpful note of the approach to be adopted by the Parish Council, although it is puzzling why the monitoring in paragraph 5.7 relates to the Village Design Statement rather than Policy R1. The Qualifying Body agreed that the reference to the Design Statement (along with the related Appendix) should be removed. A representation suggests that there should be a Policy commitment to a review of the Plan, especially in the light of the housing needs data informing the new Local Plan when adopted; however, there is no national policy expectation of such a review and the text makes the Qualifying Body's position clear on the matter.

Recommendation 19:

Under the heading "Monitoring and Review", in paragraph 5.7 replace "the Village Design Statement" with 'Policy R1'.

Appendix A: Policy Maps

Map 1: Area of Local Separation: as noted earlier this is to be amended to remove reference to "Area of Local Separation (this Plan)" and moved to within the Plan text.

Map 2: Limits to Development: as noted earlier this is to be amended to be Map1 and to show the source of the boundary illustrated.

Map 3: Areas designated as Local Green Space and Important Open Spaces: as noted earlier this map is to be separated into two with a new Map 2 showing only the designated Local Green Spaces at the largest scale feasible on an A4 page and a new Map 3 showing only the areas of "Important Open Space"; in both instances the Policy and map numbering of spaces must be identical.

Map 4: Important Views: deleted (but retained in the renumbered Appendix B).

Map 5: Non-designated Heritage Assets and Ridge and Furrow: as noted earlier this is to be renumbered as Map 4, amended to delete "and Ridge and Furrow" from the title and in the Key delete "List" from "Local List".

Map 6: Risk of Flooding from Rivers: as noted earlier this Map has been deleted.

Map 7: Protected Employment Area in the Plan area: as noted earlier this Map is renumbered Policy Map 5 and amended to show only the Protected Employment Area included in the emerging Local Plan.

Appendix B: Guidelines from 'Rearsby Village Design Statement, 2002'

As noted earlier this Appendix is to be deleted.

Appendix C: Important Views

As noted earlier this Appendix is to be retitled Appendix B and replaced with an amended version supplied by the Qualifying Body.

Appendix D: Local Heritage Assets (Non Designated Heritage Assets)

As noted earlier this Appendix is to be retitled as Appendix C and amended with details of the 'ridge and furrow' entries added.

Appendix E: Local Green Space Assessment

As noted earlier this Appendix submitted as a supporting document is to be renumbered as Appendix D (instead of Appendix X on the document itself) and included as part of the

Neighbourhood Plan document.

Other matters raised in representations

Some representations have suggested additional content that the Plan might include. However, given that the Neighbourhood Plan sits within the Development Plan documents as a whole, keeping content pertinent to identified priorities for Rearsby is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Development Plan addresses only the “development and use of land”. Even within this restriction there is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

Severn Trent made a number of suggestions regarding Policy wording but as these often stemmed from existing national guidance and are not specifically related to issues in Rearsby I have not picked them up individually in my Report.

Some representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Rearsby Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. A Strategic Environmental Assessment (SEA) Screening Report & Habitats Regulation Assessment (HRA) Screening Report was prepared by Charnwood Borough Council for the Rearsby Neighbourhood Plan in February 2021. On the matter of the SEA the Report concluded: “this Screening Report concludes that a full Strategic Environmental Assessment is not required. No significant environmental effects are likely to arise from the Rearsby Neighbourhood Plan Submission Version (February 2021)”. On the HRA the Report noted: “the Neighbourhood Plan is required to be in conformity with the Core Strategy. Given this requirement and the limited scale of the 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.”

In making their determination, Charnwood Borough Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public bodies which concurred with the conclusion of the Assessment. I can therefore conclude that the SEA and HRA undertaken were appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement, submitted alongside the Rearsby Neighbourhood Plan, addresses the European Convention on Human Rights and confirms that “the Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from

the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.” I can therefore conclude from that Statement that the Rearsby Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Rearsby Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Rearsby Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Charnwood Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Rearsby Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Charnwood Borough Council on 25th August 2015.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec.	Text	Reason
1	<p>1.1 Amend the Plan period to ‘2021 to 2036’ throughout the Plan and on the front cover replace “Submission Version” with ‘Referendum Version’.</p> <p>1.2 Once the Plan text has been amended, review the “Contents” page and other consequential changes such as page number and chapter references within the text, to accommodate as required the recommended modifications from this Report.</p> <p>1.3 Under the heading “Foreword” delete the last two paragraphs.</p>	For clarity and accuracy
2	<p>Under the heading “2. The Context for Rearsby Neighbourhood Plan to 2036”:</p> <p>2.1 Under the sub-heading “Creating a Plan for Rearsby Parish”:</p> <p style="padding-left: 40px;">2.1.1 In paragraph 2.2 replace “Neighbourhood Plan area” with ‘Neighbourhood Area’.</p> <p style="padding-left: 40px;">2.1.2 Amend the in-map title for Figure 1 as ‘Rearsby Neighbourhood Area’.</p> <p>2.2 Under the sub-heading “The National Planning Policy Framework and sustainable development’, amend the first mention of the National Planning Policy (NPPF) in paragraph 2.11 to replace “The 2019 revisions to the National Planning Policy Framework (NPPF) emphasise” with ‘The National Planning Policy Framework (NPPF) emphasises’; add a source reference: www.gov.uk/government/publications/national-planning-policy-framework-2</p> <p>2.3 Under the sub-heading “The National Planning Policy Framework and ‘Neighbourhood Planning” amend paragraph 2.18 to reference ‘para. 66’ in place of “para. 65” and add to paragraph 2.20 ‘unless in particular circumstances other material considerations apply’.</p> <p>2.4 Under the sub-heading “Rearsby in the context of the Borough Council’s ‘Vision for Charnwood’:</p> <p style="padding-left: 40px;">2.4.1 In paragraph 2.21 provide a source reference for the Charnwood Local Plan Core Strategy: www.charnwood.gov.uk/pages/corestrategydpd</p> <p style="padding-left: 40px;">2.4.2 In paragraph 2.22 replace “2018” with ‘2021’ and add the source reference for the Local Development Scheme: www.charnwood.gov.uk/pages/localdevelopmentscheme</p> <p style="padding-left: 40px;">2.4.3 In paragraph 2.23 add a source reference for the emerging Local Plan: www.charnwood.gov.uk/localplan</p> <p style="padding-left: 40px;">2.4.4 In paragraph 2.29 replace “sets a target for” with ‘anticipates the need for’.</p>	For clarity and accuracy

	2.4.5 In paragraph 2.30 replace “allocates” with ‘consulted on a draft allocation of’.	
3	<p>3.1 Under the sub-heading “Sustainable Development though the Neighbourhood Plan”:</p> <p>3.1.1 Delete the use of 3.5 and 3.6 as paragraph numbers.</p> <p>3.1.2 Within the enlarged paragraph 3.4, bolden the sub-headings and add a colon at the end of each: The social objectives of the Rearsby Neighbourhood Plan: The environmental objectives of the Rearsby Neighbourhood Plan: The economic objectives of the Rearsby Neighbourhood Plan:</p> <p>3.2 Delete the following sub-headings and their related paragraphs: “Neighbourhood Plan Policies” and “Policy Maps”; renumber subsequent paragraphs accordingly.</p>	For clarity and accuracy
4	<p>Under the heading “4. Neighbourhood Plan Policies”:</p> <p>4.1 In paragraph 4.1:</p> <p>4.1.1 Between “below” and “describe” add: ‘, with their related Policy Maps where appropriate,’.</p> <p>4.1.2 Replace “enhance the principles” with ‘add local detail to the strategic policies’.</p> <p>4.2 Reword paragraph 4.2 as: ‘When using the Neighbourhood Plan to prepare development proposals, all the policies in the Plan should be considered as a comprehensive whole to ensure that proposals support the Plan’s stated Vision and Objectives.’</p>	For clarity and accuracy
5	<p>5.1 Under the heading “4.1 Design” in paragraph 4.3, in the second sentence replace “working with” with ‘joint working between’.</p> <p>5.2 Within Policy R1 Design:</p> <p>5.2.1 Delete paragraph 1.</p> <p>5.2.2 Reword paragraph 2 as: ‘Development proposals should have appropriate and proportionate regard to the following design guidelines (drawn in part from the ‘Rearsby Village Design Statement’ 2002):’.</p> <p>5.2.3 Delete guideline (a) and renumber subsequent guidelines appropriately.</p> <p>5.2.4 Reword guideline (b) as: ‘The impact on views in and out of the village, particularly to/from the River Wreake Valley with its raised floodplain walk, should be assessed and addressed, with siting, scale, layout and landscaping all appropriate to their setting.’</p> <p>5.2.5 Reword guideline (c) as: ‘Particular attention is required at the</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3

	<p>four main 'gateways' to/from the village where the transition between countryside and village should be gradual, as is appropriate to arrival in/departure from a village rather than a town, and with densities in keeping with the edge of a village.'</p> <p>5.2.6 Repword the first sentence of guideline (d) as: 'Landscaping and planting should use indigenous species.'</p> <p>5.2.7 Repword guideline (e) as: 'The character and historic context of existing developments within the Parish should be respected or enhanced (but not necessarily replicated), demonstrating regard to scale, density, massing, height, landscape, patterns, layout, materials, access arrangements and detail (e.g. pointing, size and shape of windows and doors).'</p> <p>5.2.8 Replace the first sentence of guideline (f) with: 'Location and setting should demonstrably influence all new development.' In the second sentence replace "This includes" with 'Examples include'.</p> <p>5.2.9 In guideline (h) delete "and locally distinct".</p> <p>5.2.10 In guideline (i) replace "in redevelopment" with ', in particular in redevelopment,'.</p> <p>5.2.11 In guideline (j) delete "high" within "high brick walls".</p> <p>5.2.12 Delete guideline (k) as it duplicates (e).</p> <p>5.2.13 Repword guideline (l) as: 'Major developments in particular must be proportionate to their village setting and demonstrate a variety of appearance that is respectful of the architectural heritage of Rearsby.'</p> <p>5.2.14 In guideline (m) replace "to existing buildings" with 'to the scale, form and massing of the surrounding buildings'.</p> <p>5.2.15 In guideline (n) replace "encouraging good design and careful siting" with 'provided this respects the form, scale, character and amenity of the landscape and the surrounding area'.</p> <p>5.2.16 Add an additional guideline as follows: 'Within the Rearsby Conservation Area attention is required to the particular features set out in the Rearsby Conservation Area Character Appraisal (July 2010).'</p> <p>5.3 Delete Appendix B: Guidelines from 'Rearsby Village Design Statement'; renumber subsequent Appendices accordingly.</p>	
6	<p>Under the heading "4.2 Promoting effective use of land: Area of Local Separation":</p> <p>6.1 Amend the section heading to replace "Area of Local Separation" with</p>	For clarity and accuracy and to meet

<p>'Local Separation'.</p> <p>6.2 Amend paragraph 4.12 to insert after "Review", '(now in draft as the 2019 – 2036 Local Plan)'.</p> <p>6.3 Amend paragraph 4.14 to:</p> <p>6.3.1 Replace "Core Strategy" with '2011 – 2028 Local Plan Core Strategy'.</p> <p>6.3.2 Add a final sentence taken from paragraph 4.15: 'This Area of Local Separation between Rearsby and East Goscote has been highly valued by the residents of Rearsby since it was designated in 2004 and reaffirmed in subsequent Local Plans.'</p> <p>6.3.3 Add after this final sentence '(see map below)'; move Map 1 – retitled as 'Existing Area of Local Separation' and amended to exclude the Neighbourhood Plan proposal – to sit within Section 4.2; provide a source reference for the Area of Separation; renumber subsequent Policy Maps accordingly.</p> <p>6.4 Replace paragraph 4.15 as follows: 'The two settlements could hardly be more different: history, appearance, facilities and layout. Rearsby has a pre-Conquest origin, was mentioned in the Domesday book, and is consequently a traditional English midlands linear village with a 13th century church, a winding main street, back lanes and historic house plots. It has a picturesque and distinctive centre around a brook crossed by an historic bridge (Scheduled Monument) and a ford, and a farm in the centre of the village. It has a Conservation Area with 22 listed buildings within its boundaries. There is a variety of building ages representing the village's evolution over the last seven centuries, and although these buildings have many different types of architecture and purpose, most are in local vernacular styles and use local materials.'</p> <p>6.5 Replace paragraph 4.16 as follows: 'East Goscote is a 'new village' built in the 1960s largely on the site of a previous MoD Army Supply Depot and fields. The development was delivered commercially but was planned by Leicester City and other authorities to accommodate Leicester's expanding population and a need to replace old substandard housing stock. The settlement was laid out in a masterplan using a suite of standard house designs and non-local building materials. It has no visible history, heritage features or rural character. The roads are straight, having been designed for the motor traffic generated by the population of nearly 3000 (2011 census) and the planned local facilities, including shops, garage, schools, medical practice and employment areas. Were it not for its distance (but not actual separation by open countryside) from the Leicester boundary, East Goscote might, based on its appearance and function, be described as one of the smaller suburbs of the City.'</p> <p>6.6 Replace paragraph 4.17 as follows: "The two settlements are therefore entirely different in origin, character and appearance and it is the clear wish of Rearsby residents and others (evidence from questionnaire and</p>	<p>Basic Conditions 1 and 3</p>
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	<p>consultation responses for this Plan) that the visual and actual separation between them is maintained.'</p> <p>6.7 Delete paragraphs 4.18 & 4.19.</p> <p>6.8 Delete the last sentence of paragraph 4.20.</p> <p>6.9 Revise Policy R2 as follows: 6.9.1 Amend the title to 'Local Separation'.</p> <p>6.9.2 Reword the Policy as: 'To be supported, development proposals must be located and designed to maintain, and where possible enhance, the physical and visual separation between Rearsby and its neighbouring settlements, particularly between Rearsby and its closest neighbour East Goscote.'</p>	
7	<p>Within Policy R3:</p> <p>7.1 In the opening sentence: 7.1.1 Renumber the Map referenced following the relocation of Map 1; within the map itself provide a source reference for the boundary of the Limits to Development.</p> <p>7.1.2 Delete the words "for new uses and for the conversion of existing buildings".</p> <p>7.2 In element (b) delete "and the potential for local flooding".</p> <p>7.3 Reword element (d) positively as: 'any impact on the living conditions and amenity in neighbouring properties is assessed and addressed'.</p> <p>7.4 Reword element (e) positively as: 'garden/green space is retained to the extent necessary to retain the distinctive character of Rearsby and meet the amenity needs of the new and existing residents.'</p> <p>7.5 Reword element (f) positively as: 'the direct and cumulative impact of the generated traffic and parking requirements is assessed and addressed to ensure road and pedestrian safety'.</p>	For clarity and to meet Basic Condition 1
8	<p>Within Policy R4A:</p> <p>8.1 Reword the first sentence as: 'Housing development proposals should provide for the existing and future needs of the Parish informed by a relevant and up-to-date assessment of housing need.'</p> <p>8.2 In the first paragraph replace "encouraged" with 'supported' and in the second paragraph replace "supported" with 'encouraged'.</p>	For clarity and to meet Basic Condition 1
9	<p>9.1 Under the heading "Exception site development": 9.1.1 In paragraph 4.31 update the NPPF paragraph references from "59 – 62" to '60 – 63'.</p> <p>9.1.2 In paragraph 4.34 delete "of homes has been recognised as a</p>	For clarity and accuracy and to meet Basic Conditions 1

	<p>village priority.”</p> <p>9.1.3 Reword the incomplete paragraph 4.36 as: ‘The ‘Charnwood Rural Housing Guide’¹ and ‘Housing Allocations Policy’² set out the Borough Council’s approach in relation to affordable housing on rural exception sites and criteria for establishing a local connection. Some market housing may be acceptable on exception sites if it is essential to facilitate the provision of affordable housing to meet identified local needs.’</p> <p>¹www.charnwood.gov.uk/files/documents/rural_housing_guide/Rural%20Housing%20Guide.pdf</p> <p>²www.charnwood.gov.uk/files/documents/choice_based_lettings_cbl_allocations_policy_from_april_2019/Housing%20Allocations%20Policy%20%28From%20April%202020%29.pdf</p> <p>9.1.4 In paragraph 4.37 delete “any incursion by”.</p> <p>9.2 Within Policy R4B:</p> <p>9.2.1 Replace element (a) with: ‘an identified local need is being met and the small-scale development is appropriate in size to the character and the services and facilities of Rearsby.’</p> <p>9.2.2 Replace element (b) with: ‘the proposals provide on-site affordable housing in perpetuity and as set out in Annex 2 of the NPPF.’</p> <p>9.2.3 Replace element (c) with ‘the development is subject to an agreement that the affordable social housing is initially offered to people with a local connection’.</p> <p>9.2.4 Replace element (d) with: ‘Open market housing may be included where it can be demonstrated to be essential to the delivery of affordable housing.’</p> <p>9.2.5 Replace element (e) with: ‘the development adheres to the design guidance in Policy R1, in particular where that development is adjacent to the Conservation Area.’</p> <p>9.2.6 Within the final paragraph replace “will be supported” with ‘are encouraged’.</p>	and 3
10	<p>10.1 Under the heading “New Business Opportunities”, In paragraph 4.40 update the NPPF paragraph references from “83 and 84” to ‘84 & 85’.</p> <p>10.2 Merge Policies R5A and R5B to form a new Policy R5 to follow paragraph 4.46: ‘Policy R5 Employment Opportunities Sustainable growth, expansion and renewal of businesses, particularly within the Protected Employment Area (see Policy Map 5), will be supported, provided: a) the scale and character of the development is designed and operated so</p>	For clarity and to meet Basic Conditions 1 and 3

	<p>as to cause no detriment to the character and appearance of the countryside;</p> <p>b) the impact on neighbouring properties and the local road network is assessed and addressed;</p> <p>c) appropriate landscaping protects the landscape character, reinforcing local distinctiveness; and</p> <p>d) new sites are serviced with broadband infrastructure.’</p> <p>10.3 Amend Policy Map 7 to renumber it as Policy Map 5, amend the title to delete “in the Plan area” and amend the boundary to show only the Protected Employment Area included within the draft Local Plan 2019-2036.</p>	
11	<p>11.1 Under the heading Local Green Spaces:</p> <p>11.1.1 In paragraph 4.48 update the NPPF paragraph references from “99” to ‘101’ and from “100” to ‘102’.</p> <p>11.1.2 In paragraph 4.49 correct the reference from “Appendix F” to ‘Appendix D’.</p> <p>11.2 Within Policy R6A:</p> <p>11.2.1 Reword the opening sentence as: ‘The following areas identified on Policy Map 2 and detailed in Appendix D are designated as Local Green Spaces:’.</p> <p>11.2.2 Amend the boundary to the Local Green Space, shown on the Policy Map as “2”, to remove the middle private garden section as shown on the map supplied with the email from the Qualifying Body dated 9th August 2021; amend the description of the Space in Appendix D accordingly.</p> <p>11.2.3 Replace the existing Map 3 with a new Map 2 exclusively showing the 3 Local Green Spaces, with Space numbering consistent with the Policy and at the largest scale possible on an A4 page.</p> <p>11.2.4 Retitle Appendix E to Appendix D (actually from Appendix X on the document itself) and attach it to the final version of the Plan.</p>	For clarity and to meet Basic Condition 1
12	<p>12.1 Under the heading “Open Space, Sport and Recreation”:</p> <p>12.1.1 Replace paragraph 4.52 with: ‘Both Charnwood Borough Council’s “Open Spaces Assessment Study, 2017” and “Open Spaces Strategy, 2019”¹ noted that Rearsby had a shortfall in terms of (a) parks, (b) natural and semi-natural open space and (c) [quality of] allotments (Table 5 of the Strategy).’ ¹www.charnwood.gov.uk/pages/open_spaces_sport_and_recreation_studies</p> <p>12.1.2 In paragraph 4.53 update the NPPF paragraph reference from “para. 97” to ‘para. 99’.</p> <p>12.2 Within Policy R6B:</p> <p>12.2.1 Reword the opening paragraph as:</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>‘The following are designated as important open spaces to be retained for their recreation value, beauty, amenity or tranquillity within or close to the built-up area. Development proposals should protect these spaces; the loss of a space or part of it will only be supported to the extent that the loss is replaced with a space of equivalent value and convenience or the space is demonstrated to be surplus to community needs.’</p> <p>12.2.2 Replace Map 3 with a new map illustrating only the spaces referenced in this Policy, renumber the spaces consecutively 1 – 7 both in the Policy and on the Map.</p> <p>12.2.3 Reword the entry for Brookside as: ‘Brookside recreation ground and play area (existing Charnwood Borough Council Amenity Green Space)’.</p>	
13	<p>13.1 Delete Policy R6C with its preamble and add a sentence to Policy R1 (b) as follows: ‘Appendix C illustrates important views where any development should be designed sympathetically to the landscape and the aspect of the village.’; renumber subsequent paragraphs accordingly.</p> <p>13.2 Retitle Appendix C as Appendix B and replace the content with the revised version submitted by the Qualifying Body with their email dated 4th June 2021; correct the title for that from “Appendix X” to ‘Appendix B’.</p> <p>13.3 Delete Map 4 and renumber subsequent Maps and their text references accordingly.</p>	For clarity and accuracy and to meet Basic Condition 1
14	<p>14.1 Amend the heading “Community Facilities and Amenities” to delete “Facilities and”.</p> <p>14.2 In paragraph 4.59 update the NPPF paragraph references from “para. 83” to ‘para. 84’ and “para. 92” to ‘para. 93’.</p> <p>14.3 In paragraph 4.62 provide a source reference for the Charnwood publication ‘Settlement Hierarchy 2018’.</p> <p>14.4 In the Community Action box that follows paragraph 4.63: 14.4.1 Amend “Right to Acquire” to read ‘Asset of Community Value’.</p> <p>14.4.2 Add reference to action for the retention of the local bus service if the Qualifying Body chooses.</p> <p>14.5 In the Policy Box “Policy R6D”: 14.5.1 Amend the number and title to ‘Policy R6C Community Amenities’.</p> <p>14.5.2 Delete from the second paragraph “Public bus route”.</p>	For clarity and to meet Basic Condition 1

15	<p>15.1 Under the heading “Conserving and Enhancing the Natural Environment”:</p> <p>15.1.1 In paragraph 4.66 update the NPPF paragraph references from “para. 170” to ‘para. 174’ and from “para. 180” to ‘para. 185’.</p> <p>15.1.2 In paragraph 4.69 provide a source reference for the “Landscape and Character Assessment 2012”.</p> <p>15.1.3 In paragraph 4.70 provide a source reference for the “Charnwood Green Infrastructure Strategy 2010” and the “Strategic Flood Risk Update 2014”.</p> <p>15.1.4 In paragraph 4.72 provide a source reference for the “Charnwood Habitat Report 2012”.</p> <p>15.2 Within Policy R7:</p> <p>15.2.1 Replace the opening sentence with: “To be supported development proposals should, appropriately to their location and scale:’.</p> <p>15.2.2 Add to element (b) ‘and provide biodiversity net gain’.</p> <p>15.2.3 Replace element (c) with: ‘establish wildlife corridors which improve ecological connectivity between important habitat features in the wider landscape across different land ownerships.’</p> <p>15.2.4 In element (d) replace “enhance access” with ‘enhance access to biodiversity assets where appropriate’; at the end add ‘and’.</p> <p>15.2.5 Renumber element (f) as (e), add after “important” ‘(see Map 8)’ and add an additional map identifying the two “locally important” features, with a dotted line to show an indicative rather than a bounded area when illustrating the area for element (f)(ii); ensure there is accurate read-across between the Policy and the Map; in element (f)(i) add a comma after “Convent area” and in element (f)(ii) delete the “and” at the end.</p>	For clarity and to meet Basic Conditions 1 & 3
16	<p>16.1 Under the heading “Conserving and Enhancing the Historic Environment”:</p> <p>16.1.1 Move the heading “Conservation Area” to before paragraph 4.73, move the heading “Local Heritage Assets” to before paragraph 4.74, delete paragraph 4.75.</p> <p>16.1.2 In paragraph 4.73 add a source reference for the Conservation Appraisal document.</p> <p>16.1.3 In paragraph 4.76, renumber this as paragraph 4.75; in the first sentence add after “significance”, ‘to which are added 3 buildings and two landscape features worthy of recognition’; add an additional sentence at the end: ‘Policy R8 recognises these as non-designated heritage assets’.</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>16.1.4 Add a new paragraph 4.76 as follow: ‘Historic England, in recognition of the loss nationally since c.1950 of more than 90% of ridge and furrow (the earthworks representing the ploughlands of the medieval open field system), has surveyed the whole country for surviving examples, most recently in 2011-12 (Turning the Plough update assessment English Heritage and Gloucs. CC, 2012 (‘TTP2’)). Leicestershire CC records all surviving ridge and furrow areas recorded in TTP2 in the County as non-designated heritage assets; the Rearsby Neighbourhood Plan re-surveyed the Plan Area to update this information in the Leicestershire Historic Environment Record, and to provide protection through the Planning system for the two survivors. The evidence is presented in Appendix C and the sites’ locations are shown on Map 5.’</p> <p>16.2 Within Policy R8:</p> <p>16.2.1 In the first paragraph, replace the first and last sentences with: ‘Development proposals affecting any of the non-designated heritage assets listed below (and shown on Policy Map 5 and detailed in Appendix C) or their settings will need to balance the community benefits of the proposal against the impact on the heritage significance of the asset’; in the second sentence replace “They” with ‘The assets’ and delete “, their features and settings will be protected wherever possible”.</p> <p>16.2.2 In the heading of the second list of assets delete “list”.</p> <p>16.2.3 Under the heading “Ridge and furrow” delete all the words after “Wreake Drive”.</p> <p>16.3 On Map 5 delete “and Ridge and Furrow” from the title and in the Key delete “List” from “Local List”.</p> <p>16.4 Retitle Appendix D as Appendix C and add the additional information about the ridge and furrow non-designated heritage assets as supplied by the Qualifying Body in their email dated 4th June 2021.</p>	
17	Delete Policy R9, the supporting text under the heading “4.11 Flood Risk” and Policy Map 6; renumber subsequent headings, paragraphs, Policies and Policy Maps accordingly.	For clarity and to meet Basic Condition 1
18	<p>18.1 Under the heading “Promoting Sustainable Transport”, in paragraph 4.79 update the NPPF paragraph reference from “para. 102” to ‘para. 104’.</p> <p>18.2 Within Policy R10 (now renumbered R9) reword the opening sentence as: ‘To be supported development proposals should, appropriately to their scale:’</p>	For clarity and to meet Basic Condition 1
19	Under the heading “Monitoring and Review”, in paragraph 5.7 replace “the Village Design Statement” with ‘Policy R1’.	For clarity and accuracy

