

Rearsby Parish Council's responses to the Examiners Initial enquiries are shown in red below.

Rearsby Neighbourhood Plan (Submission Plan)

As you are aware, I have been appointed to conduct the Examination of the Rearsby Neighbourhood Development Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. The responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the authors' intentions behind some of the policy content. Where representations have raised issues, I will aim to pick up below the most significant of these so that you may provide comments where you feel the need. In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority in order that the exchange of emails can be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

Plan Period

I note that the stated Plan period runs from 2018 but the Plan was not submitted until 2021; since the Plan cannot be backdated and the Policies are not dependent on data anchored in 2018, the Plan period ought to commence in 2021. Your comments are invited.

We are content for the start date of the NP to be changed to 2021.

The intention was not to backdate the Plan but to reflect the fact that the start date for the Charnwood Local Plan also predates the (future) date of adoption as it takes its starting point for the evidence of housing need from an earlier time.

A general comment about the wording of Policies

Paragraph 16 of the NPPF says (inter alia) that:

“Plans should:

b) be prepared positively, in a way that is aspirational but deliverable;.....

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

I will raise issues in relation to these expectations below. In particular, policies should say what *is* wanted, not what *is not*. Sometimes this is a matter resolved through different wording, but sometimes the issue is deeper because clarity about what is positively being sought is unstated.

Noted. We have attempted to write the Plan in a positive manner but would be happy to accept changes to the wording where this is considered appropriate.

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.

Noted. We are happy for this change to be made

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

Whilst this section sets out the relationship between the Neighbourhood Plan and the Borough Plans quite well, I perhaps need to explain that my Examination will assess “general conformity” (NPPF term) between the Neighbourhood Plan policies and the strategic policies of the adopted Core Strategy.

The local authority has made three points in relation to this section on which you may wish to comment (no action is required at this point):

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

<https://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.”

Noted. We understand the need to be in ‘general conformity’ with the adopted Core Strategy and have written the NP to accord with this requirement but considered it good practice to be aware of the emerging Local Plan, and especially the latest evidence on housing numbers to make sure the NP remains up to date on its adoption.

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?

We are happy for the phrase ‘joint working between’ to be used in this context.

POLICY R1 DESIGN

The local authority has noted: “Policy R1, 1st para – delete ‘Design’ or replace with ‘The design of’ to clarify this sentence”.

We think the word 'design' can be omitted to achieve the clarity required.

This Policy 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 need to be 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."

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 specific design principles, drawn from the VDS ...'

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."

Noted. We incorporated the various elements from the VDS into the NP on the suggestion of CBC at Regulation 14 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 so there could not be criticism that we had tried to introduce enhanced requirements over and above those subject to the adoption.

Looking at the elements in turn:

a) Is this a building design principle?

The VDS itself refers to each of these criteria as guidelines and the VDS has been adopted as guidance by Charnwood Borough Council, so 'guidelines' may be a better term to use?

b) The specific identification of "particularly on the north side between Rearsby and Thrussington" is not explained?

This could 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 has 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 term ‘major’ is acceptable as an alternative. We would support changing ‘rural aspect’ to ‘rural character’ if this made it easier for CBC to determine planning applications in relation to the policy.

d) Is this a “building design principle” or applicable more widely?

‘Guideline’ may be better than ‘principle’.

e) This addresses “inappropriate development” but what would characterise ‘appropriate development’? The local authority has suggested: “‘traditional spaces, shapes and styles’ is amended to read ‘historic open spaces and traditional design styles’ to better clarify this policy.”

We would be happy to replace this criterion with a positively-worded condition as follows:

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).

f) This element appears to use “spatial” and “spaces” a number of times without providing clarity on what would characterise ‘appropriate development’?

We would be happy to replace ‘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.

h) What is “locally distinct” about reused materials?

Happy to remove the term ‘distinct’.

i) This element refers specifically to “redevelopment”? The local authority has 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).”

Agreed.

j) The encouragement of “high red brick walls with varying types of coping” might be seen to be at odds with element b)?

Agreed – happy to remove the word ‘high’.

k) & l) These elements appear to be at odds with each other; the first expects style repetition whereas the second says that variety is key? How would the appropriately “incremental” growth of the village be characterised?

We don’t see a contradiction. We have drawn a distinction between development reflecting the general characteristics of the area in which it is situated – materials, shape of building etc (in k) with a resistance to uniformity that is characterised by large developments (in l).

m) The local authority has suggested: “after ‘sympathetic’ to include ‘to the scale, form and massing of surrounding buildings’ (or similar) to provide a clearer framework for decision making.”

Agreed.

n) How might “careful siting” be characterised?

By respecting the form, scale, character and amenity of the landscape and the surrounding area.

I note that the “principles” here do not make any specific mention of the Conservation Area whereas Policy R4B does.

This is because this policy incorporates guidelines from the VDS. The Conservation Area was not referenced in the VDS. We would be happy to add something along the lines of ‘Preserves and where possible, enhances the Conservation Area’ if this was felt helpful.

Your comments are invited.

4.2 Promoting effective use of land: Area of Local Separation

POLICY R2 PROMOTING EFFECTIVE USE OF LAND - AREA OF LOCAL SEPARATION

It is noted in paragraph 4.14 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.” The local authority has also commented: “Policy R2, second paragraph – policy text relating to impact on the floodplain may be best placed in Policy R9.”

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 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. However, as with all such policy approaches, proportionate evidence in justification of the approach and/or boundary will be required.

Referring back to the NPPF expectation that a Neighbourhood Plan should “Plan positively”, your comments are invited on the nature of and justification for Policy R2.

Please see proposed revised form of words below which provides further justification for the extended Area of Separation and can replace the words used .

4.2 Promoting effective use of land: Area of Local Separation

4.10 The National Planning Policy Framework notes that each planning authority’s Development Plan “must include strategic policies to address [the] authority’s priorities for the development and use of land in its area” (para.17).

4.11 Rearsby lies within the area of the Borough known as the Wreake Valley, and constitutes a mix of open countryside, farmland and flood plain, with a tightly-built village core and isolated other buildings within the surrounding countryside, including a small industrial park for commercial use.

4.12 The Charnwood Landscape Character Assessment from 2012, together with the Charnwood Forest Landscape and Settlement Character Assessment, are recorded amongst the background papers to the 2018 Local Plan Review (now in draft as the 2019 – 2036 Local Plan) as representing the primary evidence on the borough’s landscape character that should impact upon planning considerations at a local level.

4.13 The Assessment notes: ‘The River Wreake lies in a broad valley of two contrasting parts: the area east of Broome Lane, East Goscote has a rural quality, and the area to the west, where the Wreake joins the Soar, is affected by the urban influences of Syston and Leicester [...] The eastern area is still predominately rural in character retaining a remote countryside appearance and agricultural character. Settlements are sited on the gravel terraces on either side of the valley. The A46 and A607 are mostly elevated on embankments in the floodplain. The Rearsby by-pass is a busy element on the southern fringe, but it has removed through traffic from the village roads and has created a more peaceful feel to [...] Rearsby.’ (p.58-59).

4.14 Policy CS11 (Landscape and Countryside) of the 2011 – 2028 Local Plan Core Strategy notes that “new development in such areas will be required to maintain the separate identities of our towns and villages”. 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. This review reaffirmed detail from the Borough’s 2004 Local Plan proposals map that a formal Area of Local Separation be maintained between the two settlements as shown in the Proposal Maps. 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.

4.15 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.

4.16 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 would, based on its appearance and function, be described as one of the smaller suburbs of the City.

4.17 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.

4.18 The present Local Plan Area of Local Separation between the villages (2011-2028, adopted 2015, and re-affirmed in the draft 2019-2036 Local Plan) is already the narrowest in Charnwood Borough, meaning East Goscote is clearly visible from the south side of Rearsby and that any further new development between the settlements would mean effective coalescence of the two.

4.19 The 2011-2028 Local Plan Area of Local Separation prevents coalescence of the two settlements on the west side of Melton Road, but does not provide the same protection to the parts of Rearsby east of Melton Road and south of Gaddesby Lane. This remaining area of open countryside (bounded to the east by the A46 road) is potentially (and actually) of interest speculatively by developers (a number of Planning Applications to extend East Goscote north-eastwards, including into Rearsby parish, have been submitted in recent years) and strategically by Charnwood Borough Council to meet its housing supply needs.

4.20 Policy R2 protects all parts of Rearsby from coalescence with East Goscote. It adds local detail to and is in conformity with CBC 2011-2028 Local Plan Policy CS11. It is based on

the mapping of the East Goscote/Rearsby Area of Local Separation in the draft 2019-2036 Local Plan, Policy LP19.

POLICY R2 PROMOTING EFFECTIVE USE OF LAND - AREA OF LOCAL SEPARATION

Within the Area of Local Separation shown on the Policies Map, (Map 1), applications for new development will only be supported where they will be located and designed to maintain, and where possible enhance, the physical and visual separation between Rearsby and East Goscote.

4.3 Promoting effective use of land: Limits to Development and Open Countryside POLICY R3 PROMOTING EFFECTIVE USE OF LAND - LIMITS TO DEVELOPMENT

It is unclear from the text whether the “proposed” Limits to Development are exactly as proposed in the draft Local Plan or a variation from that; however, the local authority has confirmed that the proposed boundaries “are consistent with those proposed in the emerging Local Plan”. If the latter is the case, then the Policy Map at Appendix A needs to indicate the source of the boundary line.

We are happy for the source of the boundary line to be cited.

In what ways is it intended that Policy R3 should “reinforce” the existing Charnwood policies?

4.25 talks about reinforcing the Local Plan Limits to Development, meaning that the NP complements it. It strengthens the Local Plan policy by not deviating from it. There is no reference to the policy reinforcing Local Plan policies generally.

I note that Policy R3 supports “development proposals for new uses and for the conversion of existing buildings”; is this wording intended to rule out new buildings? The local authority has suggested “deleting text ‘for new uses and for the conversion of existing buildings’ in order to clarify that the policy always applies and prevent any future ambiguities.” The local authority has also commented: “Policy R3 (b) - policy text relating to impact on flooding may be best placed in Policy R9.”

We are happy for these amendments to be made. It was not the intention of the policy to rule out new development.

Some representations note that Limits have been tightly drawn around the existing settlement. One representation comments: “This approach is clearly contrary to the very vision and objectives of the Plan which are to secure appropriate levels of housing to meet the community’s needs. Moreover, it is contrary to guidance contained in paragraph 29 of the NPPF which states that “neighbourhood plans should not promote less development than set out in strategic policies, or undermine strategic policies”.

Noted. The Limits to Development follow the Local Plan boundary therefore the NP cannot be

accused of promoting less development than set out in strategic policies.

Another representation specifically suggests that “Map 2. Limits to Development and the wording of Policy R3 should be amended to include [emerging Local Plan referenced site] HS72 Land off Gaddesby Lane.

But it has already been established that the NP is not being examined against the emerging Local Plan, which could be subject to change before adoption.

The suggested amendments would also ensure that Rearsby could benefit from the extra protection Paragraph 14 of the National Planning Policy Framework offers. This states the following: “In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply: a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made; b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement; c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and d) the local planning authority’s housing delivery was at least 45% of that required over the previous three years”.

Noted – however amending the limits to development boundary alone would not secure the additional benefits referred to. There would be a requirement to allocate a site for development not just relax the settlement boundary. The PC chose not to allocate a site for residential development as is its right.

A separate representation contends that Policy R3 “should be worded more flexibly in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be sufficiently flexible to adapt to rapid change and prepared positively. It is suggested that Policy R3 should support development proposals adjacent to the limits to development provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development alongside according with other policies of the [Rearsby Neighbourhood Plan] and other development plan policies.” And yet one more representation suggests a site for development that is bordered on three sides by existing development.

The emerging Local Plan Policy LP1 supports development within Limits to Development, not adjacent to them. Amending the policy as suggested would cause confusion with the development plan once the Local Plan is adopted.

In relation to the representations that suggest a significant reformulation of Policy R3, I would comment that adopting their proposals would almost certainly involve a further round of public consultation, but you may either have been unaware of the issues raised or

feel that the benefits suggested accord well with the Plan's vision and objectives.

Thank you for highlighting this. We support the policy in the NP for the reasons stated above.

A representation from the occupiers of Rearsby House notes that the Limits to Development boundary runs inside their garden. They comment: "We would point out that there is already a building within that area and the [Limits' line] needs to run outside the garden and building". It is probable that this alignment was selected by Charnwood BC rather the Neighbourhood Plan but you may have thoughts on this issue.

This was the decision of CBC and the occupier of Rearsby House is not alone in making this comment. We have followed the boundary line proposed by CBC.

Your comments are invited.

4.4 Housing Mix

POLICY R4A HOUSING MIX

I note that development of smaller dwellings is "encouraged" whereas provision by a community-led organisation is "supported". I would suggest 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 originators of a development proposal may be an immaterial consideration as to the acceptability or otherwise of a scheme?

Agreed. Happy for this swap to be made.

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." Was that your intention?

Yes – it would relate to any relevant assessment of housing need

Your comments are invited.

4.5 Exception site development

POLICY R4B DELIVERING SUFFICIENT HOMES - 'EXCEPTION' SITE DEVELOPMENT

Within paragraph 4.34 the text seems to have gone awry with "of homes has been recognised as a village priority." having been stranded, perhaps from a previous edit? Similarly, the local authority comments: "Para 4.36 – the sentence as drafted is incomplete and its intentions unclear. Para 4.37 – suggest the text 'any incursion by' is deleted as this is not a positive way to express this policy."

This was included in error. We are happy for the phrase 'of homes has been recognised as a

village priority' to be deleted.

It is unclear from where the expectation (element (a)) that “a single development will not exceed 9 dwellings” has arisen. The local authority has commented: “it is not justified why a threshold of 9 dwellings has been used. The supporting housing needs assessment (March 2018) establishes a cumulative need for 12 dwellings (8 market / 4 affordable) and therefore a threshold of 12 may be more appropriate to the neighbourhood area.” However, a representation comments: “the ‘exception’ site policy is informed by local need for a five year period only and not the 18 year period it should be planning for.” There therefore seem to be multiple sources of confusion.

We are happy for the threshold to be 12.

In relation to subsequent Policy elements the local authority has commented: “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.

We are happy for these amendments to be made.

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.

These references can be made.

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?”

We are happy for this amendment to be made.

By their juxtaposition, it seems to be an expectation that affordable housing will only be provided through Policy R4B and not through Policy R4A?

Policy R4A deals primarily with the size of dwellings to help balance the housing stock in the neighbourhood area. A specific policy promoting an exception site is considered suitable and appropriate locally. Further Affordable Housing will be delivered with reference to the Local Plan.

Your comments are invited.

Taking the Plan housing Policies together a representation has commented: “It’s starting

point is wholly inaccurate, planning for growth based on an untested and now out of date housing need figure. This in turn begs the question as to whether the policies around settlement boundaries are meaningful or indeed sustainable. Another common theme is that the RNP is clearly designed to restrict any development from coming forward, being completely at odds with the requirements of national policy, legislation and guidance.” You may wish to comment on this characterisation of the Plan approach.

We disagree with this assessment. We have not introduced more restrictive limits to development but rather followed the CBC draft from the emerging Local Plan.

There are positive policies helping to shape development relating to windfall, housing mix, design and promoting exception sites in the parish.

The Qualifying Body has chosen not to allocate any sites for residential development, but this is not an essential requirement for a neighbourhood plan and it should not be accused of restricting development as a consequence.

Building a Strong and Competitive Economy

4.6 Existing employment opportunities

POLICY R5A EXISTING EMPLOYMENT OPPORTUNITIES

Whilst I can see that there is a basis for seeking to retain employment uses in a “protected” employment area – I note that protection is afforded through the Core Strategy – I am doubtful that it would be reasonable or realistic to be equally restrictive for *every* other existing employment base; Policy R3 appears to be based in part on the presumption that building conversion opportunities will become available; some residential premises/areas may be improved by the loss of commercial premises; changes in what is allowed nationally through “permitted development” already facilitate some conversions without the need for a planning consent. What is the thinking behind this Policy?

The Qualifying Body is keen to support its existing employment uses for the local opportunities they offer. It seeks to restrict the loss of such opportunities unless it can be demonstrated that its existing use is no longer viable.

We understand that this would only apply where a planning consent is required.

4.7 New Business Opportunities

POLICY R5B NEW EMPLOYMENT OPPORTUNITIES

Contrary to the suggestion in paragraph 4.43, the local authority has pointed out that the emerging Local Plan does not propose to allocate a new employment site/ expansion of the existing protected employment site in Rearsby. I note that the text references Core Strategy Policy CS10 (Rural Economic Development) which looks “to maximise the potential of our rural economy [..... by] supporting the sustainable growth and expansion of businesses in rural areas”. However, Policy R5B appears to start from an assumption that any location within the Neighbourhood Area will be a “sustainable” location, but I don’t believe that is the case. The concentration of expansion opportunities within a Protected Employment

Area has a purpose, and that purpose could be undermined if employment development is seen to be encouraged across the countryside. What is the thinking behind this Policy and what is the source of the map in Appendix A?

We produced this map ourselves based on knowledge of the existing employment sites and with reference to a map supplied as an earlier representation by the agents for the sites.

The purpose of this policy is to support employment opportunities which are appropriate for the parish. This could include farm diversification proposals and is designed to ensure that business development proposals do not lead to harmful impacts on the rural community.

4.8 Promoting Healthy and Safe Communities

Local Green Spaces

POLICY R6A – LOCAL GREEN SPACES

In paragraph 4.49 the reference to 'Appendix F' should, I believe, read 'Appendix E'?

Agreed.

Whilst I might take issue with some aspects of the marking scheme – which uses examples of characteristics instead of assessing *particular* merits – I am persuaded by the descriptive material provided that the Local Green Space designation is appropriate for the three identified spaces (subject to the context and boundaries of these being viewed on the ground). However, the numbering on the related map may give rise to some confusion and, at the map scale, the boundaries for each site may not be unambiguously clear. The reuse of the map from Appendix E may not be appropriate?

We are happy for the fields to be numbered differently if this helps.

The local authority has suggested: "Policy R6A – 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. Appendix E – note that for the benefit of policies R6A and R6B, Appendix E should be attached to the final version of the plan for completeness."

Saying '... or have an adverse effect on ...' is intended to cover situations where development on a LGS is appropriate (for example flood mitigation works, which would be a very special circumstance). In such a situation it should be designed so that there is no net adverse effect on the value of the LGS.

The same form of words has passed examination in numerous neighbourhood plans including Saddington, Arnesby, Tur Langton, Ryton on Dunsmore and Earswick and we wish it to be retained.

We are happy for Appendix E to be attached to the Plan as suggested.

Your comments are invited.

Open Space, Sport and Recreation POLICY R6B IMPORTANT OPEN SPACES

A representation has commented: "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 studies used are out of date and therefore the plan is not sound. Open Spaces and Assessment Study 2017 Indoor Built Sports Facilities Strategy 2018 Playing Pitch Strategy 2018 - It is understood that the above studies have informed the Open Spaces Strategy 2019, it appears therefore that the plan should be reviewed and updated to take account of the updated evidence."

We have checked the Open Spaces Strategy 2019 and it confirms that the shortfall in Rearsby still exist. It has no effect on policy R6B, the list and map of open spaces in the NP because the parts of the Study and Strategy referenced are about shortfalls in provision against national standards whereas the policy is about protecting the existing open spaces identified.

Paragraph 4.52 can be re-written to say 'Both Charnwood Borough Council's "Open Spaces Assessment Study, 2017" and "Open Spaces Strategy, 2019" 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), with the result that "[...access] amenity green space is particularly valuable'.

Some confusion arises from the read-across between the Policy and the related map. "Brookside" is identified as LGS at Policy R6A; within Policy R6B I believe it is the "Brookside recreation ground and play area" that is being protected – area 12 on the map? I am unclear as to why area 9 is being identified on the "proposals" map? The supporting text says that the areas identified here are "regarded as qualifying (within the CBC typologies) as Open Space, Sport and Recreation (OSSR) sites" but Appendix E does not seem to evidence this?

We will respond to this by next Friday 4 June.

Your comments are invited.

Important Views POLICY R6C IMPORTANT VIEWS

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.

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 Policy is clear that views cannot be “protected” in absolute terms and I wonder whether the expectation of this Policy might have a clearer context within Policy R1, partly to be illustrative of considerations of the landscape setting?

We are looking again at the images and descriptions of the views and will respond to you by Friday 4 June.

Whilst there may be some merit in merging the R6C policy wording with policy R1, it's difficult to see how the descriptions of views and photos would be fitted in with the list of housing design criteria. If it can be achieved, we are happy for the policies to be combined.

Your comments on these lines of thought are invited.

Community Facilities and Amenities

POLICY R6D COMMUNITY FACILITIES AND AMENITIES

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”?

Agreed

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.

Agreed

Your comments on this line of thought are invited.

4.9 Conserving and Enhancing the Natural Environment

POLICY R7 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

I believe that the opening sentence here should more properly read:

‘To be supported development proposals should, appropriately to their scale:’

Agreed.

The Council’s Ecology Officer has made a number of comments on the detail of this Policy:

“Policy R7 (a) – the examples of tree and hedgerow planting relate to habitat creation rather than enhancement.

We disagree with the distinction between ‘habitat creation’ and ‘enhancement’ – the first is one method of achieving the second in areas of low (or destroyed, by development) biodiversity. We contend, therefore, that tree and hedgerow planting is a form of

enhancement.

[The Environment Agency has added: “We welcome the commitments within the Policy but consider it could be strengthened by adding the following wording at the end of bullet point ‘b’: “and provide biodiversity net gain””]

Agreed.

Policy R7 (c) – the text ‘in conjunction with landowners’ is an unclear policy provision which could be better expressed as ‘across different land ownerships’ (or similar). Also the text ‘establish effective wildlife corridors’ is vague and potentially limiting as it is unclear how effectiveness would be tested and habitat corridors are only one part of the concept of ecological connectivity. It is suggested the wording is amended to read “which improve ecological connectivity between important habitat features in the wider landscape” (or similar).

Agreed

Policy R7 (d) – clarification as to what enhanced access is required for would be useful. Suggest the text ‘enhance access to biodiversity assets where appropriate’ (or similar) is included.

Agreed

Policy R7 (e) – this is missing.

To be inserted.

Policy R7 (f) – it would provide a clearer framework for decision making if these areas were identified on a map that was referenced in the policy. [I would add that the punctuation does not help me to understand element (f)(i); it is implied that there is a single “woodland area” already protected by a group TPO, but then (apparently) three areas are listed that do not appear to be contiguous? Also, in relation to (f)(ii), from the map it would appear that there is a road to the “southern side” of Brookside?]

Agreed

Policy R7, last sentence – it is unclear when it would be appropriate to require an ecological survey. Suggest ‘where appropriate’ is replaced with ‘where a proposal impacts an identified biodiversity site’ (or similar) to provide a clear framework for decision making.”

Agreed

Some explanation or comments please.

4.10 Conserving and Enhancing the Historic Environment

POLICY R8 CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT – LOCAL HERITAGE ASSETS

Conservation Areas and Listed Buildings are designated separately from Local Plans and the NPPF, albeit their protection is noted in these, 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.

Happy for this reference to be provided.

Paragraph 4.76 suggests that there are 7 properties identified as non-designated heritage assets. The Policy itself lists 10 properties and 2 ridge and furrow fields and these are all identified on the supporting map, which identifies one field as very extensive. Appendix D provides an appropriate amount of detail to explain the significance of the heritage properties but not the 2 fields.

Leicestershire CC has identified 3 non-designated heritage assets which are referenced here for completeness – this is the difference between the 7 identified locally and the total in the NP.

We will provide greater detail about the fields to aid your examination by Friday, 4 June.

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”.

Agreed.

Your comments are invited.

4.11 Flood Risk

POLICY R9 FLOOD RISK

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”. Do you agree?

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.

4.12 Promoting Sustainable Transport

POLICY R10: PROMOTING SUSTAINABLE TRANSPORT

I believe that the opening sentence here should more properly read:
'To be supported development proposals should, appropriately to their scale:'

Agreed

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? 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.

We agree that the reference to the VDS should be removed.

APPENDIX A: POLICY MAPS

Comments noted above, albeit it is unclear why these maps are not co-located with the Policy where they are referenced?

If this would help clarity, we are happy for this change to be made, although in other neighbourhood Plan examinations, we are aware that Examiners have requested that maps that are alongside the policy to which they refer are moved to the end of the Plan so that they can be seen in one place. We are content either way.

APPENDIX B: Guidelines from 'Rearsby Village Design Statement'.

Comments noted above.

APPENDIX C: Important Views

Comments as noted above.

APPENDIX D: Local Heritage Assets

It is apparent that the illustrations of building from the LCC Historic Environment Record is incomplete whereas those for the second list appear to have a surfeit?

(Note to PC _ to be resolved)

APPENDIX E: LOCAL GREEN SPACE ASSESSMENT

This is marked as Appendix X on my copy and it is unclear why this is not included as part of the Plan document?

This can be added as requested and the correct Appendix letter applied.