

Queniborough Neighbourhood Plan 2019- 2028

Submission Version

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

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Executive Summary

My examination has concluded that the Queniborough Neighbourhood Area Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Parking to be in accordance with adopted Charnwood parking standards.
- Removal of Old Hall grounds and Mere Lane Field local wildlife site from the list of local green spaces.
- Protecting individually the two village pubs and adding the scout headquarters to the list of community facilities to be protected.
- Deleting the policy protecting the three recreation grounds as they are already protected to a higher standard as local green space.
- Relating the need for planning obligations where financial contributions are sought to those developments meeting the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- Removing the eastern section of Queniborough Lodge from the area of local separation and also any sites which are, in future allocated in a development plan document.
- Preparing separate green infrastructure and ecological features maps.
- Deleting the Homes in the Countryside policy as it repeats existing policy.
- Removing the requirement that rural buildings need to be of architectural or historic interest before their conversion to housing will be allowed.
- Setting the threshold for the imposition of the housing mix policy to 5 or more homes or on a rural exception site.
- Removing two proposed non-designated heritage assets from the policy and clarifying the extent of coverage of a third.
- Relating the design policy to new residential development.
- Deleting the water management policy.
- Removing the restriction of solar farms from farmland.
- Removing from the Queniborough Industrial Estate policy, reference to the use classes.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Charnwood Local Plan - Core Strategy, adopted in 2015, and the saved policies of the Charnwood Local plan, adopted in 2004. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Queniborough Parish Council. A Steering Group was appointed to undertake the plan's preparations made up of parish councillors and local residents.
3. This report is the outcome of my examination of the Submission Version of the Queniborough Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Charnwood Borough Council.
4. It will be appreciated that in the light of the COVID 19 crisis, a referendum cannot be held until at least May 2021. However, upon Charnwood Borough Council issuing of the Decision Statement, under Regulation 18 of the Neighbourhood Planning Regulations, indicating how it intends to respond to my recommendations, the plan as modified, can be accorded *significant weight* in development management decisions, until such time as a referendum is held.

The Examiner's Role

5. I was appointed by Charnwood Borough Council in late September 2020, with the agreement of Queniborough Parish Council to conduct this examination.
6. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 42 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Charnwood Borough Council and Queniborough Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

7. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum, if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Queniborough Neighbourhood Plan area.
9. In examining the Plan, the Independent Examiner is expected to address the following questions
 - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
10. I am able to confirm that the Plan does only relate to the development and use of land, covering the area designated by Charnwood Borough Council, for the Queniborough Neighbourhood Plan, on 28th March 2017.
11. I can also confirm that it does specify the period over which the plan has effect, namely the period from 2019 up to 2028.
12. I can confirm that the plan does not contain policies dealing with any “excluded development”.
13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
14. I am satisfied that Queniborough Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

15. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
16. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

17. Firstly, I am satisfied that I can properly examine the plan without the need for a hearing.
18. I carried out an unaccompanied visit to Queniborough on the afternoon of 27th October 2020. I visited all the proposed designation sites and walked through the village. I drove through some of the recent developments and saw the proposed allocation sites as well as those sites where representations had been made as part of the Regulation 16 consultation.
19. Following my site visits, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Charnwood Borough Council, entitled Initial Comments of the Independent Examiner, dated 29th October 2020. I received a joint response from Charnwood Borough Council and the Parish Council on 10th November 2020. The response has been placed on the respective websites.

The Consultation Process

20. Following the designation of the Queniborough Parish, as the neighbourhood area, the first public engagement was an initial community engagement drop-in event, which was held on Saturday, 30th September 2017, which was attended by about 60 people. This explained the neighbourhood plan making process and allowed residents to share their thoughts on the wide range of issues.
21. On 7th November 2017, a separate stakeholder event was held at the village primary school where key local stakeholders were invited to offer their views and this was attended by 16 parties.
22. There was a separate consultation undertaken with school children, firstly via a workshop held in May 2017 and followed up by a survey conducted in June 2019.
23. A resident survey was conducted between 15th March and 31st March 2019 which was distributed to every household in the parish and this generated 493 responses, which represents just under a 33% response rate. There is a detailed breakdown of the responses set out in the Consultation Statement.
24. All this activity culminated with the preparation of the Pre-Submission version of the neighbourhood plan which was the subject of a six - week consultation, known as the Regulation 14 consultation, which ran from 28th October to 9th December 2019. In total 14 representations were received. These are fully set out in Appendix 2 of the Consultation Statement, which both records the comments made and the resultant changes made to the plan as a result of consultation responses.
25. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and their input has helped shape the plan.

Regulation 16 Consultation

26. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 10-week period, between 3rd August 2020 and 12th October 2020. This consultation was organised

by Charnwood Borough Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

27. In total, 15 responses were received, from Natural England, National Grid, Highways England, Historic England, Severn Trent, Leicestershire County Council, National Farmers Union, Charnwood Borough Council, Sports England, Environment Agency and Marron Planning on behalf of Hallam Land Management Limited, Gladman, Nineteen 47 on behalf of Davidson Developments Ltd, Pegasus Group on behalf of David Wilson Homes and Burges Salmon on behalf of the resident of Queniborough Old Hall.
28. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

29. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
30. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
 - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

31. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan. That comprises the Charnwood Local Plan 2011 to 2028 Core Strategy which was adopted on 9th November 2015. This set out the strategic policies that the Neighbourhood Plan has to be in general conformity with in order to pass the basic condition test. In addition, the development plan includes the saved policies of the Charnwood Local Plan (2004) and the Leicestershire Minerals and Waste Local Plan (2019). These are not relevant to the Neighbourhood Plan for the purposes of the basic conditions, apart for the Limits to Development and the parking standards set in the 2004 Local Plan.

32. Queniborough is defined as one of the “Other Settlements” which collectively have been set a requirement, according to Policy CS1, to deliver at least 500 dwellings over the period 2011 and 2028. That requirement is already exceeded.
33. Other important policies are Policy CS2 which sets out criteria to deliver High-Quality Design. Affordable housing requirements are set out in Policy CS3 which requires for Queniborough, 40% affordable houses on schemes of five dwellings or more.
34. Policy CS11 seeks to protect the landscape and countryside and in particular protect “the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these settlements.”
35. Charnwood Borough Council has embarked upon reviewing and updating its Core Strategy and has published a Draft Charnwood Local Plan 2019 – 36. This was subject to its Regulation 18 consultation in November / December 2019. This was a consultation document seeking views on a number of questions on draft policies. Queniborough maintains its position with the settlement hierarchy as one of the “Other Villages”, which collectively are expected to contribute 945 new homes in the plan period as part of an overall housing requirement for the borough of at least 19,716 new homes.
36. The current version of the draft policy LP3 proposes three housing allocation sites within the parish, Site HS11, Queniborough Lodge for 132 dwellings, Site HS71, Land off Melton Road for 55 dwellings and Site HS72, Land at Three-ways Farm for 100 dwellings.
37. Draft Policy LP19 identifies, on the Policies Map, the gap between Syston and Queniborough as a proposed Area of Landscape Separation (ALS 10), where the policy broadly matches the current policy presumptions.
38. For the purpose of the basic conditions, the neighbourhood plan needs to be in general conformity with the strategic policies in the adopted core strategy. However, in the context of the other basic conditions, the plan has to have regard to the most up to date evidence of housing needs and emerging policy, although it cannot be given full weight, as the draft plan is still subject to future consultation and examination.
39. My overall conclusion is that the neighbourhood plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Charnwood Borough Plan.

Compliance with European and Human Rights Legislation

40. Charnwood Borough Council issued a Screening Opinion, in a report dated July 2020, which concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.
41. The Council, as competent authority, in the same report also screened the plan under the Conservation of Habitat and Species Regulations. This report

also considered the neighbourhood plan in terms of the impact on the nearest European protected sites, which are the Rutland Water SPA / Ramsar site and the River Mease SAC and it concluded that there were no significant impacts and the plan could be screened out.

42. I am satisfied that the basic conditions regarding compliance with European legislation, including the more recent basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

49. I must firstly commend the Parish Council on the quality and quantity of the submission documents. As a document I find that it is fit for purpose.
50. The plan, in a number of policies, seeks to designate particular areas, whether it be as local green space, wildlife corridors, local wildlife sites, non-designated heritage assets or community facilities, to be protected. This is an important role that allows neighbourhood plans to reflect what is important to the community in terms of their environment. Having said that the designations need to also reflect national advice and policy as well as strategic local plan policies. That is why the rigours of the basic conditions test are set out in legislation and which I have to had to reflect upon in my examination and this has influenced my recommendations.
51. It is important to appreciate that the neighbourhood plans are the opportunity for the community to prepare the planning policies which will be used by other parties such as planning officers, Planning Committee members and Planning Inspectors to determine planning applications. In some limited cases, I have had to adjust the language of the drafting to reflect that it will not be the Parish Council determining the planning application. It is also a Secretary of State requirement that policies should be supported by proportionate evidence.
52. The Parish Council has already included within the plan document – Appendix 1 Non-Planning Issues, which will not form part of the development plan. That is in line with approach recommended by the Secretary of State.
53. Neighbourhood plans are also a vehicle to set out policies shaping new development, covering local infrastructure, and setting design requirements and expectations in terms of housing mix at the same time as protecting and enhancing the natural and historic environment. It can add that local dimension to the more strategic polices set out in the Local Plan. Generally, this plan does it by identifying sites where these more strategic polices will apply. There is no value added by including into part of the development plan, policies which are essentially repeating the requirements set out in the Local Plan which already cover Queniborough parish. This is contrary to NPPF policy as set out in paragraph 16 f.
54. The Secretary of State in paragraph 13 of the NPPF, states that neighbourhood plans should support the delivery of strategic policies contained in local plans...and should shape and direct development that is outside of these

strategic policies. It is against the strategic policies in the Core Strategy in particular that the plan needs to be in general conformity with. However, in assessing the plan against another basic condition, namely whether it is delivering sustainable development, one of the key elements is whether the plan will allow a sufficient number and range of new homes to be provided so as to meet the needs of present and future generations. The plan must not deliver less development than set out in the local plan. I do not consider that there is a need for the neighbourhood plan to be allocating additional sites for development based on the existing local plan requirements for the village, despite the representations of other landowners. It is for the new local plan to address those matters.

55. The plan does contain some elements which it could be construed to be trying to close off future options for the next stage of the local plan, such as enlarging the Area of Landscape Separation and only supporting one part of a potential local plan allocation site. It will be through the local plan making process, that the Parish Council's concerns about future development allocations in the parish can be addressed and in a number of cases I have made recommendations which may disappoint the Parish Council. However, in doing so I have in mind that the local plan process is the vehicle for resolving the differences between the parish's views that the village has seen enough development and the need to be positively planning for a significant increase in housing delivery, which is a national priority.
56. Nevertheless, I have been able to conclude that the plan taken as a whole and if modified in accordance with my recommendations, will be delivering sustainable development and has had regard to the policies and advice from the Secretary of State.
57. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. These changes are likely as a result of my recommendations, in order that the plan will still read as a coherent planning document.
58. Following the publication of this report, I would urge the Parish Council and Charnwood's planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes.

The Neighbourhood Development Plan Policies

Policy Q1: Parking

59. The policy requires new development to make provision for parking as set out in Appendix 2.

60. In my Initial Comments document, I asked if there was empirical evidence to justify the village of Queniborough requiring parking standards that are different from the rest of the borough. In its response, the Parish Council did not direct me to any evidence to justify how the parking standards were arrived at. Rather it pointed to ambiguity in the Borough Council's position.
61. My understanding is that the 2004 Charnwood Local Plan, in its saved policies establishes parking standards, which still remain in place. The Core Strategy refers to the 6C's Design Guide as the starting point for establishing parking levels, although the County Council website indicates that these are no longer used. In the Preferred Option version of the draft local plan, reference is made to the parking standards in the Leicestershire Highway Design Guide, which appears to be expressed as maximum standards, a practice there is now discouraged by the NPPF.
62. To some extent the matter is of academic significance as the parking standards for residential development appear unchanged. Rather than the neighbourhood plan promoting parking standards, which do not appear to be based on any evidence or local surveys to support a different car parking standard, I recommend that the policy should refer to the current adopted parking standards, which are currently set out in the 2004 Local Plan, but I will propose that the policy be drafted so that if these change in the future the neighbourhood plan policy will not become out of date.

Recommendations

After "parking" insert "as required by the adopted Charnwood Borough Council Parking Standards"

Delete text after "manoeuvring"

Delete Appendix 2

Policy Q2: Local Green Spaces

63. The most controversial aspect of this policy relates to proposed designation of Old Hall grounds as Local Green Space (LGS). This has been the subject of objections submitted on behalf of the owners of Old Hall.
64. The inclusion of a residential property, as local green space is, in my experience a somewhat unusual situation, albeit the property is clearly of great historical importance, being Grade 2 * listed and is set in extensive grounds, covering some 7.12 ha, yet is located close to the centre of the village. There is no public usage made of the land and no public access on or through the site. The only views into the site are from the public footpath on Coppice Lane where there are only limited glimpses into a small part of the garden.
65. In my Initial Comments document, I asked the Parish Council to provide specific justification for the inclusion of each of the local green spaces, as the matrix in Appendix 2 did not provide sufficient evidence as to why and in what way the sites are demonstrably special to the local community. I was directed to the Neighbourhood Plan's evidence base which contained for each LGS site, a pro forma, which had been prepared by the neighbourhood plan group's consultant which was apparently completed by the Steering Group. I am treating that as the specific justification for the inclusion of Old Hall's grounds.

66. There appears to be some inconsistencies in terms of the information which it sets out. On the one hand, the information suggests that the owner supports the designation, although the representations made throughout the plan making process, points to the owner's opposition to its designation. A landowner does not have a veto on whether a site is designated as local green space, but their grounds of objection require me to give careful consideration as to whether this designation is justified.
67. My examination of the Old Hall completed form reveals, what I consider to be some questionable judgements, particularly the statement that the potential local green space is accessible to the whole village population. As I noted previously there is no public access to the land and it is affectively a private garden, albeit a large garden to a historic house. I would also question the justification– “that the Parkland forms a well- developed vista to a large number of local residents who regularly walk the length of Coppice Lane.” My experience is that there are only small glimpses into a small part of the site and certainly no open vista. This appears to be acknowledged, under the site visibility criteria, used when the Group were assessing the significance of the “beauty” of the site, where it acknowledges that “recent growth of hedgerow starting to obscure visibility.”
68. I have no doubt that the garden provides a most important setting to what is a high status listed building, but that fact would not, in its own right, warrant granting LGS status. There are very many listed buildings with important gardens and parklands across the country, that are not designated as local green space.
69. Effectively this local green space designation covers a family garden which, whilst close to the centre of the village, struck me as somewhat secluded. You could not even see the house when standing at the property's entrance.
70. I am aware that the suggestion for the site's inclusion as local green space was prompted by resident's questionnaire responses as well as comments made at the consultation event. I also note that the Borough Council stated in its comments to me that “this property site appears to be a private property (one occupier) and appears to have no public access. The site is already protected for its heritage credentials.”
71. I have seen no evidence supporting how the community would place particular significance on the site in terms of its richness in wildlife that would justify designation.
72. My conclusion is that the grounds of this private home does not actually constitute a “green space”, within the context that the Secretary of State uses it in the section of the NPPF which is entitled “Open Space and Recreation”. Accordingly, I will recommend that the grounds of Queniborough Old Hall should be removed from the policy.
73. The second potential LGS site which I had some concerns about, following my site visit, relates to the Mere Lane field. I walked the public footpath and I can appreciate that this route will be well used by residents, being close to the heart of the village and is used to access the countryside beyond. However, beyond

the line of the footpath, the rest of the field is divided off and appears to be useful the keeping of a horse(s). There seems to be no public access to the land beyond the line of the footpath. I note from the evidence that the land is identified because of its beauty and its wildlife interest. I also accept that it is a designated local wildlife site, but I am not convinced that this site passes the highest threshold necessary for designation as local green space, in terms of its richness of wildlife. Again, I do not believe that the area whilst being close to the village, will be demonstrably special to the village, based on the evidence that I have seen. I will therefore be recommending that it also be removed from the list of local green space.

74. The Borough Council considers Brook Field (Site 10) to be an extensive tract of land. Whilst there is no threshold or maximum figure set out in national guidance, at just under 10 ha it is larger than the other sites in the village but it does not constitute what the PPG describes as “blanket designation of open countryside adjacent to settlements”. I am therefore not recommending that it be deleted.
75. In terms of the wording of the policy, as it relates to development on the local green space, I consider that it is broadly in line with the requirements set out in paragraph 101 of the NPPF in that it is generally consistent with policies that would apply for managing development in the Green Belt.

Recommendations

Delete “2. Old Hall Grounds” and “8. Mere Lane Field Local Wildlife Site”

Policy Q3: Community Services and Facilities

76. This policy identifies four local facilities which it seeks to protect. The protection offered by the neighbourhood plan policy is in line with the Secretary of State advice set out in paragraph 83d) of the NPPF.
77. I did raise the issue of the omission of the newsagents and the scout headquarters, which are both specifically referred to in supporting text but are not mentioned in the policy. The Parish Council indicated that it would support the inclusion of both, in the policy. On reflection, I believe that whilst the newsagents will be currently a valued local business, an alternative retail occupier may not be necessarily providing the same valued local community service. I will therefore only add the scout headquarters, which is clearly a community facility aimed at the young people of the parish and the wider area. within the list of community facilities.
78. The policy proposes the protection of either of the two pubs, of which one would be retained only in the event of the other pub’s closure. This raises some difficult issues say, for example, a planning consent was granted for a change of use of one of the pubs, on the basis that the other pub will remain to serve the village, but before that consent is implemented, the second public house closes. In these difficult days, public house businesses in villages, and indeed the hospitality industry generally, face tremendous challenges. I would suggest that a clearer position would be to offer protection from this policy, to both The Britannia Inn and the Horse and Groom, although I note that the policy does countenance their loss if it is shown that the business is no longer viable. I know

the Parish Council intends to seek registration of both pubs as Assets of Community Value, which could contribute could trigger a Community Right to Bid, if either pub came onto the market.

Recommendations

In 4. Delete everything after “Britannia Inn”

Add “5. The Horse and Groom”

Add “6. Queniborough Scout headquarters”

Policy Q4: Sport and Recreation

79. The three playing fields which are identified as sports and recreation facilities are already designated as local green spaces, primarily for their recreational value to the village. The policy requirements under this policy are different to those that are in Policy 2. This policy countenances the loss of the open space and the land could be built upon if it met one of the three criteria set out in A to C of the policy. The level of protection on the sites under the LGS designation is higher. Faced with a planning application which involved the loss of the facilities on any of the three sites, the decisionmaker would be faced with assessing the proposal in terms of compliance against both policies. That clearly is an unsatisfactory position, two policies which are seeking to protect the same land for their recreational//sporting value, but with different criteria. I will therefore be recommending that the first part of the policy be deleted including reference to the three sites. Their protection as sporting and recreational resources can be achieved through their LGS status.
80. However, the policy can continue to support the provision of a new park, including natural and seminatural open space and allotments as well as facilities for young people.

Recommendation

Delete all the policy except the final paragraph

Policy Q5: Infrastructure

81. Since the introduction of the Community Infrastructure Levy Regulations 2010 planning obligations can only be sought from development where it meets all of the following three conditions namely –
- it is directly related to the development
 - it is required to make a development acceptable in planning terms
 - it is fairly related in scale and kind to the development.
82. I consider a policy, which sets out the priorities for new infrastructure in the parish, can be sought, where it is shown that the works are required as a result of the development taking place. The position would be different had the Borough Council adopted a Community Infrastructure Levy scheme which would've allowed the Parish Council to spend 25% of any facilities on the infrastructure facilities it chooses to invest in as a result of development taking place within the parish.
83. The policy needs to be read in conjunction with Policy CS24: Delivering Infrastructure in the Core Strategy, which requires development to contribute to the reasonable cost of on-site, and where appropriate offsite infrastructure

arising from the proposal. The policy can set out the local infrastructure priorities, in order for these to be negotiated by the local planning authority, alongside other infrastructure, so long as it can be shown that the funding meets the above three tests. If the tests are met, then the final paragraph is unnecessary.

Recommendations

In the first sentence after “improved infrastructure” insert “as required by Core Strategy Policy CS24”

At the end of the first paragraph replace “appropriate” with “it is directly related to the development, required to make the development acceptable in planning terms and is fairly related in scale and kind to the development:”

Policy Q6: Countryside and Landscape

84. In paragraph 16 f) of the NPPF, the Secretary of State states that plans should “serve a clear purpose, avoiding unnecessary duplications of policies that apply to particular area (including policies in this framework, where relevant)”. A comparison between this policy and the Core Strategy’s Policy CS11 reveals that the wording is almost identical and that policy is already covering the parish. In general terms, the objectives set out in Criteria A-D of Policy 6 are already included in the Core Strategy’s Landscape and Countryside Policy and my recommendations refer to using that policy’s criteria to assess development outside settlement boundaries.
85. In terms of the area of local separation, I note that the neighbourhood plan is proposing that all, or least part of the proposed housing allocations in the Preferred Options version of the draft Local Plan, are designated as Areas of Local Separation (AOLS). It is important to note that these housing allocations do not form part of the *adopted* local plan and the draft local plan is at a reasonably early stage and the allocations have been subject to objections and these allocations may or may not survive into the Regulation 19 version of the draft local plan or indeed through public examination. My concern is that the requirements set out in clause C, could be used to frustrate these possible future housing allocations and indeed could prevent the delivery of sustainable development required to meet the wider housing needs of the area. In paragraph 7,7 the plan notes that the Parish Council has objected to the 3 allocations.
86. The Borough Council has suggested in the supporting text could clarify “that the subsequent local plan housing allocations will not be considered under the AOLS policy”. I believe that is a useful contribution but the matter could be accorded greater weight if it were included within the wording of the policy, rather than the supporting text.
87. In terms of the actual boundaries the neighbourhood plan extends the extent of the AOLS to include the open area of Queniborough Lodge, which falls beyond the existing AOLS in the adopted 2004 plan. My assessment is that because of the strength of the boundary tree belt around this site, Queniborough Lodge does not contribute to the sense of visual separation of Queniborough from

System and its exclusion from the AOLS or indeed its development, would not lead to the perception of the two settlements merging. I will therefore be recommending that this area of the AOLS should remain as set out in the adopted local plan rather than as set out on the Countryside map on page 32.

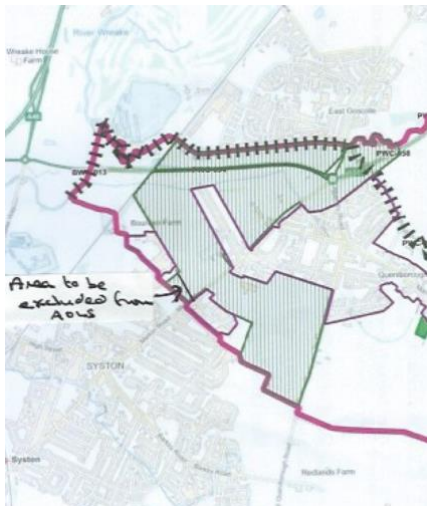
88. In conclusion, I will restrict the scope of the policy to only deals with the issue of the AOLS but the supporting text can be retained as providing useful information setting out the important characteristics of the countryside in the parish, which will assist the consideration of planning applications outside the built-up areas under Policy CS11 of the Core Strategy.

Recommendations

At the end of the first paragraph insert after “by” “applying the requirements of Policy CS11 of the Charnwood Local Plan 2011- 2028 Core Strategy or equivalent landscape or countryside policy. In respect of complying with the requirement for new development to maintain the separate identities of our town and villages, the Area of Local Separation between Queniborough and Syston and East Goscote shall be as shown on this Neighbourhood Plan’s Countryside Map unless the land is allocated for development in a development plan document”

Delete criteria A-D

Amend the Area of Landscape Separation by removing the area shown for exclusion as shown on the plan set out below.



Policy Q7: Green Infrastructure

89. I have no concerns apart from the language of the policy refers to “We will protect”. The policy will be used by persons beyond the Parish Council, whether it be determining planning applications or appeals and so reference to “We will protect” is inappropriate. I support the Borough Council’s suggestions that the map in page 32 be referred to in the policy.
90. The Borough Council has suggested that the LGS sites be removed from the policy as they are protected by Policy Q2. I note the Parish Council has not identified them as Green Infrastructure on the Countryside Map on Page 32. However, the definition of Green Infrastructure in the NPPF Glossary defines it as “A network of multifunctional green space, urban and rural which is capable

of delivering a wide range of environmental and quality of life benefits for local communities.” On that basis I consider that they can be included but all the Green Infrastructure sites should be shown on a separate map.

91. I find policy’s proposals to protect and enhance the green infrastructure is consistent with the Secretary of State aspiration set in paragraphs 174 of the NPPF. It is also consistent with the aspiration set out in Policy CS12; in fact, the wording is identical but the identification of sites gives that policy a local dimension.

Recommendations

Replace “We will” with “Development proposals will be expected to”

After “assets” insert “as shown on the Green Infrastructure Map”

Produce a Green Infrastructure Map showing the location of the River Wreake and Queniborough Brook corridors and the 8 LGSs.

Policy Q8: Ecology and Biodiversity

92. The Countryside Map on page 32 shows the green infrastructure and also wildlife corridors, which are superimposed on each other along Queniborough Brook, makes it hard to differentiate between the two. The Sites and Species Map produced by Leicestershire and Rutland Environmental Record shows the extent of the wildlife corridors with much more clarity, as does the Charnwood Boroughwide – Phase 1 Habitat Survey which is shown below. The Ecology Map should show the wildlife corridors and the local wildlife sites and should notate the 8 sites referred to in the policy.



93. The owners of Old Hall have objected to the inclusion of the corridor within the grounds, but the wildlife route is already identified as an important ecological corridor. The owner’s concerns revolve around with the policy could restrict how

the grounds are maintained. However, the policy will only “bite” where development proposals require planning permission.

94. The Borough Council has made some constructive drafting suggestions to improve the clarity of the policy. I will accept the recommendations which will ensure the policy is in line with national and local plan policy.

Recommendations

Replace “not harm” with “protect and enhance”

Replace “Policies Map” with “Ecological Features Map”

In the first sentence of the second paragraph, replace “for biodiversity thus demonstrating overall net gain” with “and demonstrate an overall net gain in biodiversity”

Produce an Ecological Features Map based on Countryside Map but without the green infrastructure and the AOLS, but identify the sites quoted in the policy on the map.

Policy Q9: Infill Housing

95. The neighbourhood plan has taken the opportunity to review the limits of development, which are currently set out in the 2004 Local Plan. At the same time, the Borough Council has been conducting its own review. The Charnwood exercise is set out in a document which forms part of the local plan’s evidence base entitled “Draft proposals for New Settlement Limits – March 2018.” This reviewed all settlement boundaries, based on two principles, namely:

“Principle 1 – the boundary will tightly define the settlement by enclosing the established cohesive built form. Where possible, it will follow defensible boundaries – distinct features such as walls, watercourses, roads and hedgerows will have a degree of permanence.

Principle 2 – settlement boundaries do not need to be continuous

4 situations will be excluded and this includes in c), large gardens and other open areas such as adjacent paddocks and orchards.”

96. The most significant changes have been proposed between the 2004 Local Plan and the Preferred Option paper, is placing the grounds of Old Hall outside of the limits of development. This change is also proposed by the neighbourhood plan. There has been an objection received from the owners of Old Hall to this change. It states that Old Hall has been part of the village settlement for 350 years and its character is different to the countryside to the north. The site’s inclusion or exclusion will not change the relationship of Old Hall to the village, the settlement boundary is a planning tool to reflect where development will or will not be supported. Once the principle for drawing the line is established, namely that the boundary should tightly define the settlement, I consider that the case for excluding the house, which sits in very extensive grounds, is made. The Local Plan’s review is suggesting that not all residential curtilages should be included within the settlement boundary, although the neighbourhood plan is taking a different position. I believe that it is entitled to take a different position.

97. The Parish Council has produced an evidence paper, setting out its justification for its changes to the boundary and this explicitly lists the changes from the

2004 plan, as well as the variations from the proposed Charnwood Borough boundary. I am satisfied that it is legitimate for the community to choose to adopt its own policies, different from that being taken in the local plan and in this case has been justified in its approach, by the submission of this evidence. As such I will not be recommending changes to the neighbourhood plan's boundaries showing the limits of development as set out on the Housing Map.

Policy Q10: Queniborough Lodge

98. The Preferred Option version of the draft Local Plan is proposing the designation of the whole of the Queniborough Lodge site as Housing Site 11 and is allocating that site for 132 dwellings. That is the same quantum of development being promoted in the neighbourhood plan's policy. However, the neighbourhood plan seeks to restrict the development to just the brownfield elements, at the rear of the site.
99. I am aware that there was planning permission granted for 125 units on the rear part of the site which avoided development on the area at the front, referred to as a meadow, as well as the area that flooding to the rear which was to be open space. That consent has not been implemented and I have seen representations from a rival developer that it is undeliverable. I have no evidence either way.
100. It appears that the justification for the policy's inclusion in the plan, is on the basis that "We are demonstrating that our neighbourhood plan is planning positively for new homes and providing greater certainty for development". I am now satisfied that the 132 units could be accommodated on the previously developed part of the site and that a policy that supports this level of development would meet the basic conditions.
101. Notwithstanding my conclusion on the policy as submitted, it is the local plan process that must be the forum for resolving whether the whole site should be designated or not. I propose to retain the policy as submitted, on the basis that under the terms of Section 38(5) of the Planning and Compulsory Purchase Act 2004, if through the local plan process the whole site is allocated, then that as the more recently adopted plan, would take precedence.

Policy Q11: Homes in the Countryside

102. Contrary to paragraph 16f of the NPPF, this policy merely repeats the provisions which are set out in the Core Strategy as well as the Secretary of State own policy set out in paragraph 79 of the Framework. The last criteria in the policy requires compliance with another neighbourhood plan policy. I therefore conclude that the policy has no local dimension or specific requirements related to the parish and it effectively duplicates existing policy that will already be applying to the plan area. Accordingly, I recommend that the policy be deleted.

Recommendations

That the policy be deleted

Policy Q12: Residential Conversions of Rural Buildings

103. This policy is broadly consistent with national policy, however introduce a stricter requirement than the Secretary of State's approach which is to encourage the reuse of redundant or disused buildings. There is no benefit in restricting conversions only to buildings of architectural and historic interest and I would recommend this element be removed. In my modifications, I will make sure that any proposals will have to meet all the other requirements as set out.

Recommendations

Delete A

Insert "and" at the end of B and C

Policy Q13: Housing Mix

104. Whilst the objective of the policy to encourage a mix of housing to meet the needs of the community, I am concerned that, as submitted, it would not be a workable policy, in a development management context. How would an applicant for a single house demonstrate that the scheme meets the needs for older households or smaller low-cost homes for sale?

105. I enquired in my Initial Comments document whether the reference to *low-cost housing* was actually referring to "affordable housing", as that type of development is included within the definition of affordable housing as set out in the glossary to the NPPF. The Borough Council agreed that this would be a useful addition.

106. As the threshold for generating a requirement for affordable housing is set out in Policy CS3 of the Core Strategy at five houses I will adopt that as the threshold for the need to trigger applicants to have to demonstrate how they meet the housing requirement for the plan area. Any application for a rural exception site can be required to demonstrate how it is specifically meeting this local housing need, below the threshold of five.

Recommendations

After "development of" insert "a rural exception site or 5 or more"

After "for sale" insert "including as part of any affordable housing element"

Policy Q14: Non-designated Heritage Assets

107. I have no concerns with the requirements of the policy, as it is consistent with the approach recommended by the Secretary of State in paragraph 197 of the NPPF.

108. There are a number of small issues with some of the assets that are being put forward. In terms of item 8, described as "Older houses on The Banks", this definition would not enable a property owner to know whether or not their property is designated as a heritage asset. Clarification from the Parish Council confirmed that the properties are Nos 6, 10 and 14 The Banks plus the cottages on Long Row, Queniborough Road, Nos 2 to 10.

109. Secondly, I can find no reference within the plan or within the evidence base as to which fields contain features of ridge and furrow. It is necessary for any plan

that seeks to protect fields that contain features of ridge and furrow, and which proposes to designate these features, that they be shown on a plan so as to clarify where the policy applies. This lack of identification means that the plan cannot confirm designation or protection as heritage assets.

110. In my experience it is common practice for neighbourhood plans, especially in the Midlands, to seek to recognise good examples of ridge and furrow as non-designated heritage assets but they must be individually identified, rather than using the generic term “ridge and furrow”. Whilst the Policies Map include a small purple square, with a figure 10 beside it, but it does not show the extent of the ridge and furrow features or indeed even which field contains the protected asset. As such I do not believe the plan provides sufficient clarity as to what is being protected by the policy. Accordingly, I will recommend that number 10, ridge and furrow be deleted from the list of non-designated heritage assets.
111. Finally, the plan seeks to identify the hedgerow on Syston Road as a non-designated heritage asset on the basis, that it is “the last piece of the mediaeval field separation”. However, the hedge as a living plant/tree/hedgerow, cannot be protected by the route, which deals with buildings and structures or possibly a landscape. There are other mechanisms that can be investigated in order to protect this hedgerow, whether it be under the Hedgerow Regulations 1997 or possibly by a Tree Preservation Order. This conclusion is shared by the Borough Council’s Conservation Officer. Subject to the removal of the two features and clarification of The Banks, I am satisfied that the policy meets the basic conditions.

Recommendations

***In 8 replace “Older houses on The Banks” with “Nos 6, 10 and 14 The Banks plus the cottages on Long Row, Queniborough Road, Nos 2 to 10.”
Delete 10 and 11***

Policy Q15: Design.

112. It is evident that this policy is geared to the design of new housing development. I consider that this should be clarified in the policy. There will be instances where the proposal would not be capable of meeting every requirement of the policy e.g., an infill development may not require the construction of new roads, but will take access from the existing highway network. I would therefore recommend that the requirements in the policy should be that development “will be expected to, where is appropriate” meet the criteria, rather than every development *must* meet every requirement.

Recommendations

***Replace “Only development” with “Residential development”
In the second sentence replace “must also” with “will be expected to, where it is appropriate”***

Policy Q16: Water Management

113. The Parish Council has agreed with my initial assessment that this policy adds nothing to existing national and local plan policy and it has asked me to recommend that it be deleted.

Recommendation

That the policy be deleted.

Policy Q17: Renewable Energy

114. I am concerned that the requirements to restrict solar farms to previously developed land or non-agricultural land runs against the presumption set out in Core Strategy Policy CS16 which offers support for “commercial, community and domestic scale renewable energy or low carbon energy development... having regard to the impact on the wider landscape, biodiversity, historic environment, public safety, noise, odour and other amenity considerations”. I can find no justification to prevent such uses on agricultural land if only factors are met. I am therefore supporting the objection to this policy submitted by the National Framers Union. I will accordingly be recommending the criteria a) be deleted as it is not in general conformity with the strategic policies in the Core Strategy.

Recommendation

Delete A.

Policy Q18: Electric Vehicle Chargepoints

115. I have no comments to make on this policy.

Policy Q19: Queniborough Industrial Estate

116. Since September 2020, Use Class B1 no longer exists as it has been subsumed into the new wider Use Class E - Commercial, Business and Services. This could allow for the introduction of perhaps, retail or restaurant uses into units that have previously fallen within Class B1. Where there are no user restrictions in place, the planning policy cannot prevent these changes of use taking place, as they will constitute permitted development.

117. However, I do understand the aspiration of the policy is to retain the industrial estate for employment uses. In order to maintain the policies objectives, I will remove reference to the Use Classes Order, which could allow the Borough Council to impose restrictions on new buildings if it considers that such restrictions are justified to safeguard the employment uses on the site.

Recommendation

Delete all the text in parenthesis after “development”

Policy Q20: Business conversion of rural buildings.

118. This policy is broadly in line with national policy and I consider that it meets basic conditions.

The Referendum Area

119. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Queniborough Neighbourhood Plan as designated by Charnwood Borough Council on 28th March 2017 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

120. I congratulate Queniborough Parish Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production and the Parish Council can be proud of the final document, which is really professionally presented. It is a plan that focuses on protecting assets which are important to the village and setting high design aspirations to ensure that new housing meets the high architectural quality of much of the village's centre. The plan will, when used in conjunction with the Local Plan, provide a sound basis for determining planning applications in Queniborough into the future.
121. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
122. I am therefore delighted to recommend to Charnwood Borough Council that the Queniborough Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
11th January 2021