

# **Blaby Neighbourhood Plan**

**Report by Independent Examiner to Blaby District Council**

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## Summary and Conclusion

1. The Blaby Neighbourhood Plan has a clear vision supported by a number of objectives and policies to meet these objectives.
2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended modification to Policies BNP2, BNP3, BNP4, BNP7(a), BNP7(b), BNP8, BNP9 and BNP10 for the reasons set out in detail below. I have recommended that Policy BNP5 becomes an aspirational policy and that Policy BNP7 is incorporated into explanatory text. Even though I have recommended a number of modifications, these do not significantly alter the intention of the Plan.
3. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Blaby Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Blaby Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

4. On 20 February 2014, Blaby District Council (BDC) approved that the Blaby Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Blaby. The Plan covers the period 2006 to 2029 to align with the timescale of the Core Strategy.
5. The qualifying body is Blaby Parish Council. The Plan has been prepared by the 'Your Blaby Steering Group' on behalf of the Parish Council.
6. I was appointed as an independent Examiner for the Blaby Neighbourhood Plan in August 2017. I confirm that I am independent from the Parish Council and Blaby District Council. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination.

## Legislative Background

7. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
  - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and

- that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
8. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
9. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## EU Obligations

10. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA). The legislation requires that the environmental effects of the policies are assessed against a series of environmental objectives during their formulation.
11. BDC prepared a Strategic Environmental Assessment (SEA) and Appropriate Assessment Screening Opinion in September 2015. This determined that a full SEA was needed to assess the environmental impacts of the Plan. This conclusion was based primarily on the fact that the Neighbourhood Plan: *is seeking to allocate reserve housing sites, and the potential effects of these specific housing site allocations have not been assessed in terms of their environmental impacts. Moreover, the reserve housing site allocations identified are beyond the current settlement boundary, on greenfield land that is currently designated as Green Wedge. On this basis, it is considered that the Neighbourhood Plan should be assessed in detail to ensure it is acceptable in terms of its potential environmental effects.*
12. The SEA process ran in parallel with the preparation of the Plan, An Environmental Report, the Blaby Neighbourhood Plan Strategic Environmental Assessment (February 2016), together with a non-technical summary were published for consultation alongside the Pre-Submission Draft Plan. A SEA Environmental Report Update was published in April 2017 and accompanied the Submission Plan. The Environmental Report was updated to reflect comments received at the Regulation 14 consultation

stage and because changes were made to the Plan prior to submission to BDC.

13. The SEA Update considers reasonable alternatives for reserve sites and Local Green Space. It concludes that there are no reasonable alternatives to the selected reserve housing sites. The SEA acknowledges that although the preferred reserve sites are within the Green Wedge, which the Plan recognises should be protected, they abut recent development or have some existing housing at present, and they are not considered by the Parish Council to undermine the overall function of the Green Wedge to a significant extent.
14. There have been representations that land at Hospital Lane, designated as Local Green Space (LGS), should be allocated as a reserve housing site. The Parish Council has taken the view that this would be unreasonable. I note that part of the LGS site has been the subject of two unsuccessful planning applications for housing at two different scales. Additionally, there is significant support from the community for designating this site as LGS. It was excluded from the site assessment for reserve sites as not being a reasonable alternative. It is relevant that *BDW v Cheshire West and Chester Borough Council* [2014] EWHC 1470 (Admin) established that, should an alternative not command community support, it is not considered a reasonable alternative site. I am satisfied that this has been the correct approach for excluding the land at Hospital Lane from being considered as a reasonable alternative reserve housing site.
15. I consider that the SEA has been produced in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. It outlines the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives.
16. As regards a Habitats Regulations Assessment (HRA), The Screening Opinion concluded that: *the Blaby Neighbourhood Plan alone, or in combination with other plans, is unlikely to have a significant effect on any of the designated sites within approximately 25km of the Parish boundary.* Therefore, the Screening Opinion concluded that a full Habitats Regulations Appropriate Assessment of the Plan was not required. Natural England has confirmed that it does not consider that the plan will have any likely significant effects on any internationally or nationally designated nature conservation sites.
17. Based on the screening determination and consultee response, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive.
18. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

19. *The National Planning Policy Framework (2012) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The Planning Practice Guidance (2014) (PPG) provides Government guidance on planning policy.*

20. Paragraph 7 in the NPPF identifies the three dimensions to sustainable development:

*There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

*• **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*• **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*• **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

21. Blaby Parish is within the local authority area of Blaby District Council. The development plan for the Neighbourhood Plan Area includes the Local Plan (Core Strategy) Development Plan Document adopted in 2013 and saved policies in the Blaby District Local Plan (1999). Strategic policies in the development plan include policies regarding the environment and the delivery of homes and jobs in the area.

22. The emerging Local Plan (Delivery) Development Plan Document (DPD) is in its early stages with a Delivery DPD (Preferred Options) having been published for consultation in October 2016. The principle role will be to identify housing and employment sites, include development management policies to supplement the Core Strategy and review boundaries of existing designations on the land. The Delivery DPD will be prepared to implement the Council's spatial strategy as set out in the adopted Core Strategy. It will not seek to establish a new strategy.

23. There is no legal requirement to test the Neighbourhood Plan against emerging policy although Planning Policy Guidance advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood development plan is tested. The qualifying body and the local planning authority should aim to agree the relationship between policies in the

emerging Neighbourhood Plan, the emerging Local Plan and the adopted development plan, with appropriate regard to national policy and guidance.

## **The Neighbourhood Plan Preparation**

24. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (The Regulations).
25. The initial consultation started in the summer of 2014 where questionnaires were distributed to all houses in Blaby, to local businesses and at a public meeting. A further public meeting was held in September 2014. A further public meeting was held in January 2015 regarding green space and reserve sites. The views of pupils at Blaby schools had previously been sort in an interactive Planning exercise held during 2013.
26. In January the first draft of the Plan was made available for comment followed by copies being made available to adjoining parishes in March 2015. Various methods of publicity were made up to March 2016 when the pre-submission Plan was made available for consultation. The Consultation period on the pre-submission draft of the Plan ran from 26 February 2016 to 8 April 2016. This was followed by further publicity including an exhibition at the Blaby fun day. A further consultation period ran from 15 September to 1 November 2016.
27. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Regulations. It is clear that the qualifying body went to considerable lengths to ensure that local residents, businesses and interested parties were able to engage in the production of the Plan. I congratulate them on their efforts.
28. BDC publicised the submission Plan for comment during the publicity period between 27 April and 8 June 2017 under Regulation 16 in The Regulations. A total of twelve responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
29. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

## **The Blaby Neighbourhood Plan**

### **Background To The Neighbourhood Plan**

30. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information. In addition, the Plan includes detailed background information regarding the Plan area. It analyses the

characteristics of eight character areas, providing useful details of the existing context of the Plan area.

31. It is necessary for Neighbourhood Plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.
32. The Plan has a clear vision: *Blaby will be a vibrant, well balanced community that continues to be a great place to live, to be educated, to work and to visit, whilst maintaining its historic character as a large village with an attractive conservation area and variety of open spaces.*
33. At paragraph 6.2, the Plan lists a number of objectives. In the policy section, there are individual objectives preceding the policies. These latter objectives are not always the same as those in paragraph 6.2. In the interest of precision, to provide a practical framework for decision making, the precise wording of both sets of objectives needs to be the same. It is not for me to decide which of the objectives are the correct ones. I will leave this to the Parish Council to decide.
34. **Recommendation: to meet the Basic Conditions, I recommend that the list of Objectives in paragraph 6.2 and the Objectives preceding policies and in the Contents List correspond with each other.**
35. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
36. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations, these have to be clearly differentiated from policies for the development and use of land.
37. As a general point, it is not always clear as to what constitutes policy and what constitutes explanatory text in the Plan. To provide a practical framework for decision making, I recommend that the policies are clearly differentiated from, and separated from, the explanatory text. One way is to put the policy in a box and have a sub-heading 'explanatory text' for the supporting justification. It is not for me to re-write the Plan. I will leave this matter to the Parish Council. I have taken the policies to be those in bold type unless I have indicated otherwise.
38. **Recommendation: to meet the Basic Conditions I recommend that the policies for the development and use of land are clearly defined in the text throughout the Plan.**

39. Where I have found editing errors, I have identified them **as minor editing matters** and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
40. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies relevant to each neighbourhood plan policy. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

### **Policy BNP1 Character and Environment**

41. The NPPF, at paragraph 58, requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
42. Core Strategy Policy CS2 requires all new development to respect distinctive local character.
43. Policy BNP1 seeks to ensure that new development creates a sense of place appropriate to its location. The Character Areas in the Plan provide useful detailed guidance in this respect. The robust evidence in the Character Area guidance provides strong justification for Policy BNP1.
44. Policy BNP 1 has regard to national policy, particularly where it ensures that the Plan sets out the quality of development that will be expected for the area. Policy BNP 1 contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Policy BNP 1 meets the Basic Conditions.

### **Policy BNP2 Green Wedges**

45. Paragraph 7.16.2 in the Core Strategy states: *The primary functions [of Green Wedges] are to prevent coalescence of distinct settlements and provide potential as an important recreation resource in areas that are often mainly 'built up'*. Additional purposes are to guide development form and provide a green lung into urban areas.
46. Core Strategy Policy CS16 identifies the general locations of Green Wedges around Blaby and restricts development within Green Wedges. It is proposed that the detailed boundaries of the Green Wedges are reviewed through the emerging DPD. I have been referred to BDC's Strategic Green Wedge Assessment (September 2016) as detailed background evidence.
47. Policy BNP2 identifies the detailed boundaries and extent of Green Wedges in the Parish. The aim of preventing coalescence and thereby reinforcing local identity and distinctiveness has regard to national policy, particularly as outlined in paragraph 58 in the NPPF.
48. I have visited the Parish and viewed the extent of the Green Wedges. The extent of the areas is identified in Character Area F. The areas are in general conformity with the general locations identified in Core Strategy Policy CS16.

49. Policy BNP7, which I will refer to later, allows for future housing development on reserve sites on two parcels of land within the Green Wedges. As the Plan is written, it could appear that the development of the reserve sites is contrary to their inclusion in the Green Wedges. I note that Core Strategy Policy CS16 states: *the need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations.*
50. It has suggested that a reserve site is removed from the Green Wedge. I do not see this as necessary, but recognise that there is internal conflict in the Plan in this respect. It is likely that any future significant growth will be accommodated outside the settlement boundary. By retaining the reserve sites within the Green Wedge, they have Green Wedge protection until required. To ensure there is no internal conflict within the Plan, I recommend reference to exceptions for development of the reserve sites is included in Policy BNP2. I have suggested alternative wording. In these circumstances, I consider that Policy BNP2 is in general conformity with strategic policy.
51. The last paragraph of Policy BNP2 is explanatory text rather than development and land use policy. Therefore, to provide a practical framework for decision making, I recommend that this paragraph is removed from the policy and retained as explanatory text. I have corrected the map reference in Policy BNP2.
52. Subject to the modifications I have suggested above, Policy BNP2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, Policy BNP2 meets the Basic Conditions.
53. **Recommendation: to meet the Basic Conditions: I recommend deletion of the last paragraph from Policy BNP2 and inclusion of that paragraph in the explanatory text; and**

**I recommend modification to Policy BNP2 to read as follows:**

**Two Green Wedges are designated as identified on Character Area F Map 8:**

- 1. Between Blaby, Countesthorpe and Whetstone**
- 2. Blaby and Glen Parva**

**Development in the Green Wedges is restricted to that identified in Core Strategy Policy CS16, with the exception of the development of reserve sites in accordance with Policy BNP7.**

### **Policy BNP3 Countryside**

54. The NPPF recognises the intrinsic character and beauty of the countryside and supports thriving rural communities within it;
55. Core Strategy Policy CS18 designates land outside the limits to built development and outside designated Green Wedges and Areas of Separation as countryside.

56. Policy BNP3 identifies the detailed boundaries for the countryside within the Parish as those shown on Map G. This should refer to the Proposal Map, rather than Map G, as the Proposal Map identifies the full extent of the countryside, (the Bouskell Park area is excluded from the countryside on Map G). Policy BNP3 predominately re-iterates restrictions to development in the countryside as outlined in Core Strategy Policy CS18.
57. Subject to the modification above, Policy BNP3 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Modified Policy BNP3 meets the Basic Conditions.
58. The explanatory text supporting Policy BNP3 refers to The East Midlands Regional Plan. That Plan has been revoked. Therefore, In the interest of precision, I recommend deletion of this reference.
59. **Recommendation: to meet the Basic Conditions, I recommend the deletion of reference to The East Midlands Regional Plan in the explanatory text supporting Policy BNP3.**

**I recommend modification to Policy BNP3 to read as follows:**

**Land designated as Countryside is the land outside the limits of built development and outside the Green Wedges as identified on the Proposals Map.**

**The area designated as Countryside, would not be suitable for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape (Blaby Core Strategy Policy CS18).**

**Policy BNP4 The area shown on the map (local green space) is designated as an area of Local Green Space**

60. Paragraph 76 in the NPPF allows for neighbourhood plans to *identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.*
61. Paragraph 78 in the NPPF states: *Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.*
62. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

*where the green space is in reasonably close proximity to the community it serves;*

*where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

*where the green area concerned is local in character and is not an extensive tract of land.*

63. Core Strategy Policy CS14 seeks to improve and enhance the Green Infrastructure network and refers to exploring the use of Local Green Space (LGS) designation through the Allocations, Designations and Development Management DPD.
64. I have visited the Parish and seen for myself the area designated as LGS. I have walked the publicly accessible paths through and around the site, which are clearly well used by the local community. In addition, I have read the Long Walk Blaby Local Green Space Designation Evidence Paper (May 2016), which is a helpful background evidence document.
65. I note the planning history of this site and the objection to development by many local people. In addition, I have read representations in favour of development on this site. The purpose of designating a site as LGS, as outlined in the NPPF is not to prevent development of a site. As such, in my consideration of this designation as a LGS, I have sought to determine whether the site meets the criteria set out in paragraph 77 in the NPPF.
66. The site is in reasonable close proximity to the community it serves, being on the edge of the settlement. I do consider that the site is demonstrably special to the local community. At the centre is the Long Walk, which supporting evidence explains is of local historic significance and has a special recreational value for informal walking and nature.
67. As part of my visit, I viewed the LGS area from Bouskell Park. In my opinion, the LGS farmland between the Park and the Long Walk is an important element of the character of the Long Walk. In addition, the farmland within the LGS beyond the Long Walk provides an equally important setting to the Long Walk and is within the defined outer footpath/track boundary which is part of the National Cycle Route known as 'The Guthlaxton Trail'. As such, I have reached the conclusion that the landscape value of the Long Walk would be diminished if the fields around the Long Walk were not included in the LGS. It is these fields, together with the Long Walk that make the area demonstrably special to the local community.
68. The cemetery is clearly an additional area that is demonstrably special to the local community due to its tranquillity. As such, I consider it appropriate that the cemetery is included within the LGS.
69. A representation promoting development of land to the rear of Blaby Hall has referred to part of that planning application site being within the LGS. I have viewed the area concerned. My opinion is based solely on whether the LGS designation meets the criteria in the NPPF and is not influenced by the development proposal on the site.
70. I have no clear evidence before me to convince me that the area of derelict buildings on that site meets the criteria for designation as part of the LGS. My reason being that I have no clear evidence to show how this area is demonstrably special to the local community. Due to extensive boundary landscaping between that site and the adjacent farmland, I do not consider it to be part of the landscape setting of the Long Walk in the way that the adjacent farm land is. Therefore, I recommend that the area of buildings is removed from the LGS.

71. As regards whether the site, excluding the area of buildings referred to above, comprises an extensive tract of land, I have been referred to the sizes of examples of other proposed LGS in other Neighbourhood Plans. These are material considerations, which I have taken into consideration. The definition of an extensive tract of land is a matter of judgement. In this particular instance, whilst the site is a physically large area, it is local in character and is defined on the outer sides by two roads and a footpath/track. This is a defined area that is not an extensive tract of land.
72. For the reasons stated above, I am satisfied that my suggested modified area of the LGS meets the criteria for LGS designation. The designation as a LGS would not prevent the achievement of sustainable development or undermine plan making at a strategic level or the future growth of Blaby.
73. Turning to Policy BNP4, in the interest of precision, I recommend that the Map number is included in the Policy. Reference to the supporting evidence within the policy is a statement rather than planning policy. I have suggested alternative wording.
74. The explanatory text below Policy BNP4 refers to the LGS being all of the land within Character Area A. This is not so. In the interest of precision, this text should refer to Map 11.
75. Subject to my recommendations above, Policy BNP4 has regard to national policy, contributes towards sustainability, (particularly the environmental role), and is in general conformity with strategic policy. Modified Policy BNP4 meets the Basic Conditions.

**76. Recommendation: to meet the Basic Conditions;**

**I recommend modification to Map 11 and the Proposals Map to exclude the area that includes buildings to the rear of Blaby Hall in the north west corner of the LGS;**

**I recommend modification to the explanatory text below Policy BNP4 to refer to Map 11; and**

**I recommend modification to Policy BNP4 to read as follows:**

**The area shown on Local Green Space Map 11 is designated as an area of Local Green Space.**

**Policy BNP5 Implementation of Blaby Masterplan**

**Policy BNP6 Any development proposals for Blaby Town Centre must accord with the general principles set out in the Masterplan except in exceptional circumstances**

77. I have commented on both Policies BNP5 and BNP6 together.
78. Paragraph 23 in the NPPF states: *Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.*

79. Core Strategy Policy CS13 promotes the vitality and viability of Blaby Town Centre and promotes development that is in accordance with the Blaby Town Centre Masterplan.
80. Paragraph 7.13.4 in the Core Strategy states: *The Blaby Town Centre Masterplan (December 2008) has identified that Blaby Town Centre is underperforming and is at risk of losing its place in the retail hierarchy and being detrimentally affected in terms of its vitality and viability if further investment is not secured.*
81. The Blaby Town Centre Masterplan Implementation Plan Final Report (2008) investigates and assesses a wide range of potential improvement works that could make the centre more attractive and appealing as a shopping and leisure venue. It states: *this document will form a material consideration in the determination of planning applications within the Town Centre as well as guide investment of the ensuing fifteen years.*
82. Paragraph 8.1 in the Neighbourhood Plan acknowledges that some of the Plan is aspirational, particularly in relation to the Town Centre improvements. Neighbourhood Plans can include aspirational policies, but they must be clearly distinguished from development and land use policies. Policy BNP5 is an aspirational policy. I can see from the evidence that the improvement of the Town centre is important to the local community. However, in the interest of precision, I suggest that this policy is removed from the list of development and land use policies and is clearly annotated as an aspirational policy.
83. Policy BNP6 seeks to ensure that new development in the Town Centre accords with the Town Centre Masterplan. Policy BNP6 has regard to national policy, contributes towards all three dimensions of sustainable development and is in general conformity with strategic policy.
84. The second paragraph of explanatory text under Policy BNP6 should be modified to refer to the correct date for the Master Plan (2008 not 2007). **I see this as a minor editing matter.**
85. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy BNP5, which can become an aspirational policy.**

### **Policy BNP7 Additional Reserve Housing**

86. The NPPF in paragraph 185 is clear that outside the strategic elements *neighbourhood plans will be able to shape and direct sustainable development in their area.* National policy emphasises that development means growth.
87. Guidance in PPG states that where there is an emerging local plan, *neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.*
88. The Delivery DPD will be prepared to implement the Council's spatial strategy as set out in the adopted Core Strategy. It does not seek to

establish a new strategy. It is not my role to determine whether the Neighbourhood Plan would be inconsistent with the adopted version of an emerging Local Plan if it were to be subject to future amendments to accommodate further growth.

89. Landowners are promoting land at Hospital Lane as a housing site. In addition, developers are promoting the development of a site to the rear of Blaby Hall and I note that there is a current planning application on this site, Ref 16/0238/FUL, for residential development that includes 14 dwellings and associated development. At the time of my examination, this planning application has not been determined. It is not for me to make comment on a current planning application. My remit is to determine whether the Plan meets the Basic Conditions.
90. A neighbourhood plan is not required to allocate land for housing and is not required to allocate reserve sites. Core Strategy Policy CS5 requires a minimum of 420 homes to be provided between 2006 and 2029 in Blaby.
91. The Plan refers to the housing position at 1 April 2015 and the Basic Conditions Statement refers to the housing position at 1 April 2016. In both instances, housing completions and commitments exceed the requirement in Core Strategy Policy CS5. BDC has provided the latest housing completions and commitments. As at 1 April 2017, 477 homes had been built or approved. In these circumstances, there is no need for existing housing or reserve sites to be identified, but it is the prerogative of the local community to identify such sites.
92. The Basic Conditions Statement accompanying the Plan emphasises that should any of the current housing commitments fail to materialise, the reserve sites could be delivered to ensure the Core Strategy Policy CS5 requirement is met.
93. Background evidence in the Blaby Neighbourhood Plan Site Selection Methodology Paper explains the process of site selection. The starting point was to consider sites identified in the BDC Strategic Housing Land Availability Study. Sites were scored against the RAG system and the most sustainable sites identified against sustainability criteria and in the context of community consultation.
94. The site assessment RAG system is not an 'exact science'. What it does give is an indication of suitability of sites. The chosen reserve sites received local support during a transparent and robust consultation process. Any assessment of land availability in the production of Neighbourhood Plans needs to be proportionate. It is not for me to choose alternative reserve sites. I am satisfied that the chosen reserve sites are deliverable and their release will contribute towards the achievement of sustainable development by the provision of sustainable growth.
95. Paragraph 7.61 Policy BNP7 is a position statement at 1 April 2015, rather than a policy. To provide a practical framework for decision making, this policy should become explanatory text.
96. As BDC has provided details of the housing position at 1 April 2017, rather than at 1 April 2015, it would seem sensible to update paragraph 7.61 accordingly. **I see this updating as a minor editing matter.**

97. The paragraph under paragraph 7.61 refers to conditions in terms of house size for each of the reserve sites. There are no such conditions referred to in either Policy BNP7(a) or BNP7(b). Therefore, in the interest of precision, I recommend deletion of this reference.

**98. Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy BNP7 and incorporation of the updated text into the explanatory text.**

**I recommend the last sentence of the paragraph below paragraph 7.61 is modified to read as follows:**

**In the event of these sites coming forward for development they should meet the conditions in terms of the proportion of affordable units as set out in the policy.**

### **Policy BNP7(a) Reserve site (S1)**

99. I have visited the Parish and seen the reserve sites. Core Strategy Policy CS7 seeks a minimum of 25% of dwellings as affordable housing on sites of 15 or more dwellings.

100. Reserve site S1 would provide approximately 55 dwellings with a minimum of 25% affordable houses. From the background evidence, I am satisfied that this site is deliverable.

101. My concern with Policy BNP7(a) is that it is not clear what is meant by the site being brought forward 'should circumstances dictate'. This is not a precise definition for development control purposes. As mentioned above, the Basic Conditions Statement accompanying the Plan emphasises that should any of the current housing commitments fail to materialise, the reserve sites could be delivered to ensure the Core Strategy Policy CS5 requirement is met. As such, I suggest revised wording in Policy BNP7(a) to state that the site will be brought forward if needed to address the most up to date housing evidence. In addition, in the interest of precision, the map number should be referred to.

102. Subject to these modifications, Policy BNP7(a) has regard to national policy, contributes towards sustainability and is in general conformity with strategic policy. Thus, modified Policy BNP7(a) meets the Basic Conditions.

**103. Recommendation: to meet the Basic Conditions, I recommend modification to Policy BNP7(a) to read as follows:**

**Land to the east of Winchester Road and to the south of Saville Road Blaby identified as (S1) on map [x] to be allocated as a reserve site for approximately 55 dwellings which would be brought forward if needed to address the most up to date housing evidence. This site is to include a minimum of 25% affordable housing.**

## **Policy BNP7(b) Reserve Site (S2)**

104. Reserve site S2 would provide approximately 55 dwellings with a minimum of 25% affordable houses. From the background evidence, I am satisfied that this site is deliverable.
105. I have sought confirmation from the Parish Council as to whether site S2 is the original site identified on Map1 or the Revised Site Plan on Map 14. It has been confirmed that the Revised Site Plan on Map 14 is the correct site. To avoid confusion, I recommend deletion of Map 13 and deletion of reference to the original plan in the preceding paragraph. Proposal Map (Map 16) does not identify the inner boundary of this reserve site abutting the settlement boundary. To avoid any possible misinterpretation, the complete boundary of the site should be identified. **I see these as minor editing matters.**
106. The land is principally derelict allotments and a small part of the golf course practice ground. Core Strategy Policy CS15 seeks to protect and where possible enhance existing open space, sport and recreation facilities. Where development is proposed, land should not be released unless it can be demonstrated that it is surplus to requirement, not needed for another type of open space, sport and recreation facility or alternative provision can be provided locally.
107. The site profile in the Site Selection Methodology Paper confirms that the derelict allotments are not used by the community and the corner of the golf course is overgrown and disused. It states that development of the site would not affect green space valued by the community. In these circumstances, it is clear that the site does not function as an existing open space, sport or recreation facility. As such, the allocation of the site as a reserve housing site would not undermine the objectives of Core Strategy Policy CS15.
108. There has been a request to identify this site as an existing housing allocation. However, there is no requirement for this reserve site to be identified as a current housing allocation, for the Plan to meet the Basic Conditions.
109. For the same reasons as those referred to under Policy BNP7(a), I recommend modification to this policy to include that the site will be brought forward if needed to address the most up to date housing evidence. In addition, in the interest of precision, the map number should be referred to. Subject to these modifications, Policy BNP7(b) has regard to national policy, contributes towards sustainability and is in general conformity with strategic policy. Thus, modified Policy BNP7(b) meets the Basic Conditions.
110. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy BNP7(b) to read as follows:**
- Land adjacent to Lutterworth Road identified as (S2) on map [x] to be allocated as a 'reserve' site for approximately 51 dwellings which would be brought forward if needed to address the most up to date housing evidence. The site is to include a minimum of 25% affordable housing.**

**Policy BNP 8 Key design characteristics should be incorporated into new build or renovation work within the conservation area.**

111. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
112. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
113. Core Strategy Policy CS20 takes a positive approach to the conservation of the historic environment. This approach includes ensuring that new development in Conservation Areas is consistent with the identified special character of those areas.
114. Policy BNP8 is in two parts. Firstly I will consider the Blaby Conservation Area part of the policy. This requires key design characteristics to be incorporated into new build or conservation work. Such an approach is in general conformity with strategic policy and is supported by evidence in the *Blaby Conservation Area Appraisal Consultation Draft*. However, 'key design characteristics' are not defined in the policy, which does not provide a practical framework for decision making.
115. The explanatory text in paragraph 7.7.3 identifies Conservation Area design features. These are not exactly the same as the design principles in Policy BNP9. This creates internal conflict within the Plan. This does not provide a practical framework for decision making. In the interest of precision, I recommend the deletion of reference to the Conservation Area in Policy BNP8 and deletion of paragraph 7.7.3. The Conservation Area design principles will remain in the Plan under Policy BNP9.
116. The title of Policy BNP8 in the Contents Page should be amended to reflect my proposed modification. **I see this as a minor editing matter.**
117. The second part of Policy BNP8 relates to non-designated heritage assets. Paragraph: 039 (Reference ID: 18a-039-20140306) in the Planning Practice Guidance states: *Local planning authorities may identify non-designated heritage assets.*
118. The Plan identifies non-designated heritage assets. It may well be that these properties are worthy of such identification. Unfortunately, a neighbourhood plan cannot identify non-designated heritage assets. It is for local authorities to identify such properties. Therefore, as there is no policy mechanism for the identification of such properties in neighbourhood plans, this part of Policy BNP8 is inconsistent with national guidance as presently drawn.
119. There is no reason why the accompanying text cannot state that the community wishes to see the various properties identified as non-designated heritage assets. However, in the interest of precision, it should be acknowledged within the text that it is for BDC to determine whether to make such designations.

120. It is clear from the evidence before me that the properties listed as local non designated heritage assets in paragraph 7.7.2 are historic structures of significance to the local community. Therefore, I recommend modification to Policy BNP8 to recognise that they are historic buildings of local significance, which are worthy of being preserved and enhanced. This would be in general conformity with strategic policy.

121. Subject to the modifications I have proposed above, Policy BNP8 has regard to national policy, contributes towards the environmental role of sustainability and is in general conformity with strategic policy. Thus, subject to the proposed modifications, Policy BNP8 meets the Basic Conditions.

122. **Recommendation: to meet the Basic Conditions:**

**I recommend modification to paragraphs 4.7.1 and 7.7.2 to acknowledge that it is for BDC to determine whether to designate properties as non-designated heritage assets.**

**I recommend modification to Policy BNP8 to read as follows:**

**The properties listed in paragraph 7.7.2 are regarded as historic properties of local significance, which are worthy of being preserved and enhanced. Development adversely affecting these structures or their settings will be resisted.**

**Policy BNP9 New development within Blaby should incorporate appropriate design features**

123. Paragraph 58 in the NPPF refers to the need for policies in neighbourhood plans to: *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.*

124. Core Strategy Policy CS2 seeks to secure a high quality environment, where design is appropriate in its context.

125. It is not clear what text is supposed to be included in Policy BNP9. I have taken Policy BNP9 to be the whole of paragraphs 7.8.1 and 7.8.2. Policy BNP9 seeks to ensure that new development enhances and complements existing character. It sets out design principles for three areas: the conservation area; the town centre; and reserve site S1. I have been provided with a detailed evidence base in the document: Neighbourhood Plan Blaby Design Principles (July 2015), outlining the design principles for these areas.

126. To ensure a practical framework for decision making, I have suggested modification to Policy BNP9. In particular, I have suggested that the subtitles for each of the three relevant areas explain that these are design principles. In addition, I have recommended revised wording of the design principles to ensure that they provide policy guidance for development control purposes. I have suggested that the last sentence becomes explanatory text, referring to the evidence base in the document: Neighbourhood Plan Blaby Design Principles (July 2015).

127. As 'appropriate' design features have not been defined in policy BNP9 or the accompanying explanatory text, in the interest of precision, I recommend the deletion of 'appropriate' from Policy BNP9.
128. Subject to these modifications, Policy BNP9 has regard to national policy, contributes towards the environmental role of sustainability and is in general conformity with strategic policy. Modified Policy BNP9 meets the Basic Conditions.

**129. Recommendation: to meet the Basic Conditions, I recommend modification to Policy BNP9 to read as follows:**

**New development within Blaby should incorporate design features which enhance and complement Blaby's important housing, commercial and historic character and reflect the following principles in the relevant areas.**

**Design principles within the conservation area (Character Area D).**

**Materials: There is a design pallet of materials, principally comprising red brick and slate roofs and these should be used for future development.**

**Scale and Massing: Future development should be predominantly 2 storey in height, maintaining the roofline.**

**Landscape: Ensuring consistent landscape features throughout the conservation area is imperative to maintaining its special character.**

**Detailing: The detailing of new development should be reflective of the care and attention in traditional buildings in the conservation area.**

**Design principles within Blaby Town Centre (Character Area B).**

**Renewal or improvement of Blaby Town Centre should include the following where possible:**

- a. High quality natural stone paving
- b. New natural stone paving to the cross roads crossing area
- c. Planting of street trees with accompanying seating and street furniture
- d. Remove or reduce on-street parking and extend street scape out.
- e. closure of Cross street to vehicular traffic
- f. change of surface at gateway to village centre

**Design principles within the Gateway development.**

**Reserve site S1 is located at the Gateway to Blaby approaching the village from Countesthorpe, some or all of following should be incorporated into the design of that development:**

- a. New public open space at the front of the site with pond and tree planting,
- b. traffic calming at the gateway to Blaby,

- c. link with existing cycle route into Blaby Town Centre,
- d. Provide landmark buildings at the site entrance and at the end of the access road vista,
- e. The creation of perimeter blocks to ensure active fronts and private backs.

I recommend the last sentence becomes explanatory text and is modified to read as follows:

**Neighbourhood Plan Blaby Design Principles (July 2015) provides detailed design guidance for the three relevant areas.**

**Policy BNP10 Future development to be located within the identified settlement boundary.**

- 130. The NPPF seeks a presumption in favour of sustainable development. It does not preclude any development outside settlement boundaries, although it recognises the intrinsic character and beauty of the countryside and the need to support thriving rural communities within it.
- 131. Core Strategy Policy CS1 seeks to locate most new development within the Principal Urban Area of Leicester. Outside that area, development will be focussed within and adjoining Blaby and other defined settlements.
- 132. Policy BNP10 requires all new development to be located within the settlement boundary, except in exceptional circumstances.
- 133. The definition of development in planning policy encompasses a wide range, including change of use, conversions and extensions to dwellings. There may be many instances where development outside the settlement boundary constitutes sustainable development, whilst protecting the Green Wedges and countryside. I do not think that it is the intention of the local community to prevent sustainable development outside the settlement boundary.
- 134. The wording of Policy BNP10 is extremely restrictive and prevents development outside the settlement boundary, other than in exceptional circumstances. National policy does not consider that sustainable development in the countryside is an exceptional circumstance.
- 135. To have regard to national policy, I recommend modification to Policy BNP10 to ensure that the location of new development is focussed within the settlement boundary, whilst allowing for sustainable development beyond the boundary. In addition, to ensure there is no internal conflict within the Plan, to provide a practical framework for decision making, I recommend modification to Policy BNP10 to refer to the development of the reserve sites outside the settlement boundary in accordance with Policy BNP7.
- 136. As 'appropriate' development has not been defined in policy BNP10 or the accompanying explanatory text, in the interest of precision, I recommend the deletion of 'appropriate' from Policy BNP10 and it being replaced with 'new'...
- 137. Subject to the modifications I have proposed to Policy BNP10, this policy has regard to national policy, contributes towards the environmental role of

sustainability and is in general conformity with strategic policy. Modified Policy BNP10 meets the Basic Conditions.

138. For the same reasons as stated above, I recommend that Objective 2f) is modified to refer to the location of any new development being focused within the settlement boundary.
139. The National Federation of Gypsy Groups has objected to Policy BNP10. Core Strategy Policy CS9 seeks to provide suitable accommodation for Gypsies and Travellers. My suggested modification to Policy BNP10 would allow for sustainable development outside the settlement boundary, which would be in general conformity with Core Strategy CS9.
140. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy BNP10 to read as follows:**

**The location of future development will be focused within the identified settlement boundary (as shown on Map 15), whilst allowing for sustainable development within the Green Wedges and countryside. Such sustainable development to include the development of the reserve sites in accordance with Policy BNP7. New development will be supported within the settlement boundary, subject to the proposed development having a satisfactory relationship with other nearby uses.**

**I recommend modification to Objective 2f) to read as follows:**

**2f) is focussed within the settlement boundary.**

## **Referendum and the Blaby Neighbourhood Plan Area**

141. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or
  - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
142. **I am pleased to recommend that the Blaby Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
143. I am required to consider whether or not the Referendum Area should extend beyond the Blaby Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## Minor Modifications

144. The Plan is a well-written document, which is easy to read. It would benefit from some editing to ensure all paragraphs are numbered and the policies are clearly distinguished from the supporting text.
145. The Bibliography includes the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy (2006). The Parish Council has informed me that this has been replaced by the Historic Landscape Characterisation Project (2010). The Bibliography should be updated accordingly. The Parish Council may wish to consider further amendment to the Bibliography to include all the documents that are in the evidence base on their dedicated neighbourhood plan web page. I will leave it up to the Parish Council to decide on this matter. **I see these as minor editing matters.**
146. Where I have found minor editing errors, I have highlighted and identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan.

**Janet Cheesley**

**Date** 6 November 2017

## Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (2012)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning Regulations (2012)  
The Planning Practice Guidance (2014)  
Regulation 16 Representations  
BNPE1 Blaby District Council Core Strategy 2013  
BNPE2 Blaby District Council Green Space Strategy 2012  
Blaby Town Centre Masterplan Implementation Report. Final Report (December 2008)  
BNPE3 Blaby Town Centre Masterplan (2008)  
BNPE 3 (2) Blaby Town Centre Action Plan Report Masterplan (2010)  
BNPE4 Leicester, Leicestershire and Rutland Landscape Character Area: Upper Soar  
BNPE5 Strategic Housing Land Assessment (2011)  
BNPE7 Blaby Strategic Green Wedge Assessment (2016)  
BNPE8 Review of Blaby Conservation Area (2015)  
BNPE9 Blaby Neighbourhood Plan Design Principles (July 2015)  
BNPE 10 Evidence Paper: Assessment of sites for potential Reserve Development Sites (2015)  
BNPE 11A Local Green Space Evidence Paper  
BNPE 12 Evidence Base age and health Statistics  
BNPE 13 Evidence Base Blaby Housing Statistics  
BNPE 14 Assessment of Non-Designated Heritage Assets in Blaby (local list 1)  
BNPE 15 Blaby DC Draft Development DPD (2016)  
BNPE16 Blaby District Council Local Plan (1999) – saved policies  
BNPE17 Blaby Neighbourhood Plan Strategic Environmental Assessment (2017)  
BNPE18 Blaby Neighbourhood Plan Consultation Report  
BNPE 19 Blaby Neighbourhood Plan Basic Conditions Statement  
BNPE 20 Blaby Neighbourhood Plan Environmental Report (NTS) April 2017  
BNPE 21 Blaby Neighbourhood Plan Designated Area  
BNPE 22 Historic Landscape Characterisation Project  
BNPE23 Blaby District Profile 2014  
BNPE24 East Midlands Regional Plan 2009  
BNPE25 Blaby District Council Choice Based Letting System  
Blaby District Council Strategic Housing Land Availability Assessment (SHLAA) (2016)  
Hinckley & Bosworth Borough Council, Blaby District Council, Oadby & Wigston Borough Council Joint Strategic Flood Risk Assessment (October 2014)