

# Cosby Neighbourhood Plan Decision Statement in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

## Summary

1. Following an Independent Examination, Blaby District Council now confirms that the Cosby Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.
2. This Decision Statement can be viewed at:

Location	Opening Times
Blaby District Council Offices Council Offices, Desford Road, Narborough Leicester LE19 2EP	Monday, Tuesday and Thursday: 9am – 5pm Wednesday: 9:30am – 5pm Friday: 9am – 4:30pm
Cosby Library Park Road Cosby LE9 1RN	Please contact Leicestershire County Council and/or Cosby Library for current opening times.

## Background

3. On 11 October 2017, Blaby District Council approved the Cosby Neighbourhood Area to be designated in accordance with the Neighbourhood Planning (General) Regulations 2012 for the purposes of preparing a Neighbourhood Plan. The Area covers the Parish of Cosby in its entirety and Cosby Parish Council is the Qualifying Body in accordance with the legislation.
4. Following the submission of the Cosby Neighbourhood Plan to the Council, the Plan was publicised for a six-week period and representations were invited. The consultation period closed on Thursday 12 May 2022.
5. Blaby District Council, with the agreement of Cosby Parish Council, appointed an independent examiner, Mr Chris Collison, to assess whether the Plan met the Basic Conditions required by legislation and so should proceed to referendum.
6. The Examiner's Report was published in June 2022 and concluded that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Plan Referendum.

## Decisions and Reasons

7. At its meeting on 20 September 2022, the Full Council agreed that all of the Examiner's proposed modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.
8. The modifications proposed by the Examiner have been made to secure that the draft plan meets the Basic Conditions. Appendix 1 sets out these modifications and the action to be taken in respect of each of them.
9. The District Council agrees with the Examiner's recommendations that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.
10. The Examiner has concluded that with the specified modifications the Plan meets the Basic Conditions and other relevant legal requirements. The District Council agrees with this view and that the Plan complies with the provision made under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question: "Do you want Blaby District Council to use the Neighbourhood Plan for Cosby to help it decide planning applications in the neighbourhood area?" will be held in the parish of Cosby.
11. The date for the referendum will be set soon and the relevant legislative processes will be followed to ensure eligible voters are aware of the referendum.

Date: 17 October 2022

## Appendix 1: Schedule of Modifications Recommended in the Examiner's Report

Reference Number	Policy	Suggested Modification	Action to be Taken and Reason for Modification
RM1	Not applicable	In the Background section of the Neighbourhood Plan make it clear the Parish Council actions are not planning policies and do not form part of the Neighbourhood Development Plan.	Accept. To provide clarity.
RM2	CNDP1	Replace "preserve" with "conserve". Replace part (i) with "Demonstrate, in the case of proposals where below ground works and investigations are required, that suitable archaeological investigations will be undertaken and recorded."	Accept. To conform to national planning policy and to provide clarity.
RM3	CNDP2	Replace the first sentence of Policy CNDP2 with "The effect of a development proposal on the significance of the locally valued heritage assets listed below should be taken into account in determining an application. In weighing applications that directly or indirectly affect a locally valued heritage asset, in the context of Local Plan Delivery DPD Development Management Policy DM12, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." Retitle the policy "POLICY CNDP2 – Development affecting locally valued heritage assets" and adjust the background/justification text accordingly.	Accept. To conform to national planning policy and to provide clarity.

Reference Number	Policy	Suggested Modification	Action to be Taken and Reason for Modification
RM4	CNDP3	<p>In Policy CNDP3:</p> <ul style="list-style-type: none"> <li>• Replace the final sentence of the first paragraph with “Development that exceeds prevailing sustainable construction standards as set out in Building Regulations will be supported.”</li> <li>• In part (j) delete “to meet County adopted standards”</li> <li>• In part (l) after “height of” insert “buildings in”</li> <li>• In part (m) replace “safe and secure” with “achieve a safe and secure living environment”</li> <li>• In part (n) replace “uses” with “use”</li> <li>• In part (p) replace “light pollution” with “avoid light spillage beyond site boundaries”</li> </ul> <p>In the final sentence of background / justification paragraph 5.10 delete the text after “measures”.</p>	To conform to national planning policy and to provide clarity.
RM5	CNDP5	<p>In Policy CNDP5:</p> <ul style="list-style-type: none"> <li>• Replace the description of site reference CNDP5/3 to “Corner of Hill View Drive”</li> <li>• Replace the description of site reference CNDP5/8 to “White Barn Drive”</li> <li>• In the final sentence insert a comma after “Where feasible”.</li> </ul> <p>On the Policy Map identify the land to which site reference CNDP5/3 relates, and delete the open space at Tudor Drive / Brierfield Road reference CNDP5/9.</p>	Accept. To provide clarity.

Reference Number	Policy	Suggested Modification	Action to be Taken and Reason for Modification
RM6	CNDP6	<p>In Policy CNDP6:</p> <ul style="list-style-type: none"> <li>• Delete the first sentence</li> <li>• Delete “Where planning permission is required”</li> <li>• Delete “when they are in accordance with other development plan policies and the policies of the CNDP”</li> <li>• Replace the final paragraph with “Development proposals resulting in the loss of retail provision within the defined Local Centre (as shown on the Local Plan Policies Map 2019) and local shops outside of this centre will not be supported unless one of the following can be demonstrated: <ul style="list-style-type: none"> <li>○ the applicant can demonstrate through the submission of marketing evidence (including active marketing locally and in the wider area), over a minimum period of 12 months, that there is no longer a demand for such retail provision; or</li> <li>○ the premises are physically unsuitable for continued retail use.”</li> </ul> </li> </ul>	Accept. To provide clarity.
RM7	CNDP7	<p>In Policy CNDP7:</p> <ul style="list-style-type: none"> <li>• Delete the repeat “to the”</li> <li>• Replace “where considered necessary and relevant” with “unless it is demonstrated that this is not necessary”</li> <li>• Delete the final paragraph</li> </ul>	Accept. To conform to national planning policy and to provide clarity.

Reference Number	Policy	Suggested Modification	Action to be Taken and Reason for Modification
RM8	General	Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.	Accept. To provide consistency and accuracy.