

Date: 21 May 2019
My Ref: FVNP
Your Ref: Fosse Villages Neighbourhood Plan
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BY EMAIL

Fosse Villages Neighbourhood Plan, Regulation 16 Public Consultation

For the attention of the Examiner of the Fosse Villages Neighbourhood Plan

Dear Sir / Madam,

Blaby District Council is pleased to see that the Fosse Villages Neighbourhood Plan has been submitted for public consultation. The main intentions of the plan are supported.

Please find below a number of technical Officer comments which will:

- Assist the Neighbourhood Plan group in producing a plan that meets the basic conditions to be tested by the Examiner, and
- Highlights key factual and other areas of concern.

The Development Plan for the District

Paragraph 20: the Development Plan for the District also includes the Local Plan Delivery Development Plan Document that was adopted in February 2019.

Planning Levy

Paragraph 37 refers to the Fosse Village parish councils receiving 25% of any planning levy charged by Blaby District. It should be noted that the District Council does not currently have a Community Infrastructure Levy and nor is it planning to adopt one in the immediate future, so this statement does not apply. It is recommended that the statement is removed or amended to make this clear.

Leicester and Leicestershire Strategic Growth Plan

The Leicester and Leicestershire Strategic Growth Plan was approved by Blaby District Council in November 2018. The content on page 7 of the Neighbourhood Plan that refers to the Strategic Growth Plan should be updated to reflect this position.

Policy FV1 Road Traffic

This policy requires new development of more than 10 dwellings to contribute to off-site improvements to the highways network.

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In order to justify such an approach for each development suitable transport evidence is required. The threshold of 10 dwellings is considerably lower than is expected by national or the local strategic policy. Local Plan Core Strategy policy CS10 Transport Infrastructure indicates that a Transport Statement is required for developments of 50 dwellings or more and a Transport Assessment at 80 dwellings or more. It would not be proportionate to expect smaller developments to provide suitable information to evidence contributions to the highways network, nor would it align with Local Plan Core Strategy policy CS10. It is recommended that the threshold should be amended to bring it into line with national and local strategic policies.

Policy FV3 Bus Services

The policy requires each new home on a new development of more than 10 dwellings to be located within 400 metres walking distance of a bus stop that is served by at least an hourly weekday bus service.

Whilst the motivation for this policy is understood, it is overly restrictive taking account of national and local strategic policy and does not reflect the current situation in some villages. It is recommended that the policy is amended to take a less restrictive approach that is in line with national and local strategic policies.

Policy FV4 Countryside

The policy states that Countryside is land outside Limits to Development as defined on the Policies Map. As currently written, Countryside would include those areas designated as Areas of Separation as they are outside of Limits to Development. This is inconsistent with local strategic policy (Policy CS18 Countryside of the Local Plan Core Strategy). Areas of Separation offer a different level of protection against development compared to Countryside.

It is recommended that the policy is amended to indicate that Countryside is land outside Limits to Development and Areas of Separation, to be in line with CS18 Countryside of the Local Plan Core Strategy. This will remove the confusion caused by overlapping policy designations. The definition of Countryside would need amending in associated policies also, including FV21.

The supportive text to the policy could explain what a “substantial building” is as set out at point H of the policy because as it is currently written it is open to interpretation.

Policy FV5 Areas of Separation

The policy is overly restrictive because it does not provide any balance in terms of when appropriate development will be allowed. This is inconsistent with Local Plan Core Strategy Policy CS17 Areas of Separation and it is recommended that the policy is amended to take a less restrictive approach that accords with local strategic policy.

Policy FV6 Biodiversity

The policy indicates that new development should not harm the network of local ecological features and habitats including those listed at point B, which is the network of natural spaces which links Huncote, Croft, Stoney Stanton, Sapcote and Sharnford to Leicester, Narborough and Blaby.

Point B is not specific in terms of naming the natural spaces and they are not always clearly shown on the Policies Map. It will be difficult to use this to determine planning applications without having further information on the elements of Point B. This will help planning officers, the public, and applicants in interpreting the policy as intended.

Policy FV7 Local Green Spaces

National policy indicates that local communities can identify, through neighbourhood plans, green areas of particular importance to them for special protection as Local Green Space ('LGS'). Areas designated as LGS will be able to rule out new development other than in very special circumstances. This is a very strong protection. As a result, national policy and planning policy guidance sets out a number of criteria against which to judge whether or not an area should be designated as LGS.

This policy includes a substantial list of specific sites to be designated as LGS, including most of the areas of open space in the Fosse Villages. Should some of the sites listed in Policy FV7 Local Green Spaces not be designated as LGS, Updated Core Strategy Policy CS15 Open Space, Sport and Recreation in the Local Plan Delivery DPD (2019) provides appropriate protection for open spaces within the District in line with the National Planning Policy Framework. Currently, the list appears to be contrary to national policy because it includes most open space in the Fosse Villages and not all proposed LGS are supported by evidence.

The evidence base produced to support the production of the Plan is incomplete:

- The assessments for all of the proposed LGS within the parishes of Croft, Sharnford, and Wigston Parva are not included in the Evidence base. Therefore, it is unclear why these open spaces are being proposed as LGS.
- Statistical information showing the amount of support for the proposed LGS is omitted from most assessments.
- The proposed LGS site boundaries are not all included or where they are included, they are not clearly delineated.
- The LGS evidence also states that in some instances the landowners of the proposed LGS have not been notified of the proposed policy. Paragraph 19 (reference ID: 37-019-20140306) of the *Open space, sports and recreation facilities, public rights of way and local green space* section of the Planning Practice Guidance says that "the qualifying body... should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan."

It is particularly concerning that, in some instances, no contact has taken place between the Fosse Villages neighbourhood planning group and the landowners of proposed LGS. Consequently, landowners may be unaware that their land could be identified as LGS and the resulting policy implications. This is inconsistent with paragraph 16 of the National Planning Policy Framework (2019) that says that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities.

Policy FV8 Features of Local Heritage Interest

The policy includes reference to the Sapcote Local Heritage Area and the supporting text for the policy indicates that this approach will protect the area in advance of a Conservation Area being designated.

National policy is clear that when an area is designated as a Conservation Area, the Local Planning Authority must justify this status. It is considered premature and misleading to include the Sapcote Local Heritage Area until the designation of a Conservation Area in Sapcote is suitably justified and the appropriate process for designation of a Conservation Area is complete.

Reference is made at paragraph SS29 (page 81) to Locally Listed Buildings. Blaby District Council does not hold a Local List and the Fosse Villages Neighbourhood Plan refers to Features of Local Heritage Interest. This reference to Locally Listed Buildings should be

removed from the Plan and replaced with Features of Local Heritage Interest to make the Plan consistent in terms of the terminology used.

The evidence base to support the identification of Features of Local Heritage Interest is incomplete. In the plan, the Features of Local Heritage Interest should be listed in full for each settlement where they are identified so that it is clear what features are of Local Heritage Interest (as it is unclear from the maps).

Policy FV12 Community Services and Facilities

The policy is supported as it seeks to retain and expand the local services and community facilities that the Fosse Villages rely on. However, there are at least five facilities identified in this list that are also proposed to be identified as Local Green Spaces. There is a conflict between Policies FV7 Local Green Spaces and FV12 Community Services and Facilities on this matter as Policy FV7 Local Green Spaces is a very strict policy that prevents development unless very special circumstances are justified that outweigh the harm to the Local Green Space, whereas policy FV12 Community Services and Facilities applies a more flexible approach to the redevelopment / loss of facilities subject to listed criteria. This policy conflict could cause confusion to the Planning Officer when determining planning applications affecting such facilities.

Policy FV13 GP Services

This policy directs developer contributions for healthcare arising from new development in the Fosse Villages to health care facilities in the Fosse Villages. This approach does not recognise that some residents of the Fosse Villages use health care facilities outside of the Fosse Villages. It is recommended that the policy should take a less restrictive approach to recognise that not all settlements are of the appropriate scale to be able to provide health care facilities and that a facility outside the Fosse Villages can be the most suitable option. The health care provider is best placed to determine where S106 money is directed to mitigate the impact of any development. As currently drafted, there is concern that the policy conflicts with Local Plan Core Strategy policies CS11 Infrastructure, Services and Facilities to support growth and CS12 Planning Obligations and Developer Contributions.

Policy FV16 Infrastructure

This policy indicates that the provision of infrastructure to support development such as schools, community centre facilities, health care, libraries and sports and recreation will be in locations within the Fosse Villages. As stated above for health care facilities, this is an overly restrictive approach and there should be recognition that the provision of infrastructure outside the Fosse Villages may be the most suitable approach.

Also, the policy refers to the 'pooling' of developer contributions. It should be noted that there are legislative restrictions in terms of the pooling of contributions for individual projects.

Policy FV17 Housing Mix

As currently written, paragraph 109 is ambiguous and does not reflect the approach that the Council's Housing Strategy team takes when considering an appropriate housing mix for a proposed development. It is suggested that the wording could be updated to read: "Evidence of housing need at a Parish level is provided by the District Council encompassing both the figures in the Leicester and Leicestershire Housing and Economic Development Needs Assessment and taking into account local, parish-level data, for example market and affordable housing stock and housing waiting list data." This would make it clear to applicants that the figures shown in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (2017) ('HEDNA') are part of the

consideration of the required housing mix for a site and that parish-level data is also taken into account.

Whilst paragraph 110 makes reference to the need for more market housing units that cater for older people, the Council's Housing Strategy team would like to re-iterate that there is a pressing need for both market and affordable housing units that cater for old people. Therefore, it is suggested that the first sentence of paragraph 110 is updated to read: "Provision of both market and affordable housing units that cater for older households is a key supply gap which urgently needs to be addressed."

Policy FV18 Affordable Housing

This policy seeks to prioritise the allocation of all affordable housing to people with a local connection to the local parish and then to people with a local connection to the Fosse Villages. This conflicts with the District Council's Choice Based Lettings Allocations Policy (2018) ('Allocations Policy') for affordable housing which sets out the different approach between allocating affordable housing on rural exception sites and allocating affordable housing delivered on other developments.

In the case of rural exception sites, the local connection for the local parish is justified because the rural exception site is providing affordable housing for a specifically identified local need (see Local Plan Core Strategy Policy CS7 Affordable Housing).

In the case of S106 affordable housing, the approach of giving priority to people with a local connection to the local parish and then to people with a local connection to the Fosse Villages is contrary to the Allocations Policy. This is based on allocating properties to those with the highest priority of need according to the Allocations Policy. The approach in the Allocations Policy recognises that there is a continuing need for affordable housing at the District level that the District must respond to (as shown in the HEDNA).

The Council recommends that the local connection is removed for S106 affordable housing and applied only to rural exception sites, which by their definition provide affordable housing to meet a specifically identified local need. This would then bring Policy FV18 in line with Policy CS7 Affordable Housing of the Local Plan Core Strategy (2013), the District Council's Choice Based Lettings Allocations Policy (2018) and the Council's practice in allocating affordable housing in accordance with the Allocations Policy.

Policy FV20 Employment Areas

The policy safeguards a number of existing sites currently used for employment purposes. It also supports the expansion of existing businesses and new employment development on such sites. It is noted that there is potential for conflict between policies FV4 Countryside and FV5 Areas of Separation as many of these sites are located within the areas designated as Countryside or Areas of Separation.

General Comments

It would be helpful to provide a shorter, more focused Table of Contents that includes reference to the policies and Settlement Statements (as referred to in Policy FV4 Countryside) and to include a paragraph at the start of the document that sets out the proposed layout of the plan (i.e. policies followed by the Settlement Statements and Policies Maps). In addition, it would be beneficial to have headings at the start of each section that describes a settlement so that it is clear that that part of the plan is a Settlement Statement, for example "Aston Flamville Settlement Statement".

Huncote

The Pavilion Leisure Centre is included within the boundary of the Local Green Space designation and outside the limits to development. Including the leisure centre buildings within the Local Green Space and Countryside designations will potentially restrict any future development of the leisure centre buildings. This may be detrimental to future leisure provision in the Fosse Villages. It is recommended that the buildings are removed from the Local Green Space designation and included within the limits to development for Huncote.

Sharnford

The Sharnford Primary School buildings are outside the limits to development and are in Countryside. Including the school buildings within the Countryside designation will potentially restrict any future development, including expansion, of the school buildings. It is recommended that the buildings are included within the limits to development for Sharnford.

Sapcote and Stoney Stanton

There are overlapping designations in the area between Stoney Stanton and Sapcote. For example, the playing fields at Stoney Stanton are designated as Local Green Space and Area of Separation. The planning practice guidance recognises that different types of designations are intended to achieve different purposes. It recommends that if land is already protected by a designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. On the Policies Map, it is difficult to distinguish what area of the land between Sapcote and Stoney Stanton is Local Green Space and what is the Area of Separation.

Also, the committed housing site to the north of Sapcote extends into the area designated as Area of Separation. Whilst this is the defined planning application area, the overlapping area is open space. It is recommended that the committed housing site boundary is amended so that it does not overlap with the Area of Separation.

Wigston Parva

The map for Wigston Parva covers a large area so that the settlement of Wigston Parva is very small and the designations are not easily distinguishable. It is recommended that the map is amended to enable viewing of the designations at Wigston Parva settlement.

If you have any queries about these comments, please contact Tom McGowan on 0116 272 7705.

Yours faithfully,

Tom McGowan

Tom McGowan
Planning Policy Officer
Blaby District Council