

Billesdon Neighbourhood Development Plan Review (Submission Plan)

As you are aware I have been appointed to conduct the Examination of the Billesdon Neighbourhood Development Plan Review. In order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments.

My purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In particular I need to be sure that the Plan meets the obligation to "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" (NPPF para 16). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

My initial view, subject to the responses to this request and perhaps brief site visit, is that the Examination can be concluded on the basis of written representations alone since the matters for consideration have been expressed clearly by all parties.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan Review alongside the representations received during the Regulation 16 public consultation. Where relevant, I have included below matters raised during that formal consultation.

Modifications

There are three types of modification which can be made to a Neighbourhood Plan. The process will depend on the degree of change which the modification involves:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or
- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

My understanding from the material that I have read is that the Qualifying Body and the Local Authority have both concluded that the modifications to the Billesdon Neighbourhood Development Plan Review fall within the second category above: "material modifications which do not change the nature of the plan or order and which would require examination but not a referendum". Having read the material before me I agree with this assessment and it is on that basis that I will conduct

the Examination. The NPPF was last updated in December 2023 and my understanding is that there is no transitional arrangement for Neighbourhood Plans. I will therefore assess the Plan against the December 2023 NPPF and use the paragraph numbers from that version. My initial view is that the Examination is unaffected by the limited changes to the NPPF since the Neighbourhood Plan was drafted, but if either the Qualifying Body or the Local Authority disagrees then they can respond accordingly.

From the Statements of Modifications and a comparison of the Review document and the 'made' Neighbourhood Plan I have identified the following matters – please advise if there are instances where I have missed other areas of modification.

Plan Period

Since the Plan was not submitted until 2023, I would expect that to be the Plan period commencement date – are there any reasons why 2022 should be used, such as vital datasets?

Contents

It is a puzzle that the "Contents" pages include no direct signposting of Plan policies. For referencing purposes, it would seem preferable for all the Policies to be identified with their page numbers. Was there a reason for not doing this?

Non-technical Summary

No comment – the content is helpful.

1. Introduction

In paragraph 1.11 it is said that the NPPF "was updated on 20 July 2021", but as noted earlier, there has been a more recent 2023 review. In paragraph 1.13 it is noted that "areas with neighbourhood plans that are less than two years old can benefit from added protection" but, with the 2023 revision, that has now been extended to five years. At paragraph 1.16 where it is said that the Consultation Statement "will be made available", that should now read 'has been made available'. The "Next Steps" heading and paragraphs 1.17 & 1.18 can now be dropped.

2. Profile

This is a helpful addition to the Plan document. There appear to be typos in paragraphs 2.2, 2.4 and 2.7.

3. Sustainable Development and Vision

I note that it is said that "The following Community Vision for Billesdon was developed for the first Neighbourhood Plan", which implies that it is unaltered; in fact the content has been considerably expanded but not, seemingly, updated. Is there a reason for this form of reworking?

4. Housing

Map 2

One of the consequences of the adoption of the Harborough Local Plan 2019 is that there are no longer defined Limits to Development. I understand that the Local Authority is supportive in principle of Neighbourhood Plans retaining these defined Limits. but it then falls to Qualifying Bodies to evidence a justification for their boundary. Does the unreferenced boundary shown in Map 2 follow the one defined in the previous Local Plan? If so, the criteria used by the local authority can be reused for the Neighbourhood Plan; if not, what criteria has the revised boundary followed (which will also have a bearing on future reviews)? I note that a representation queries the exclusion of 'Land North of 22 Long Lane'; the location map provided as part of the representation does indeed seem to indicate that the site is excluded from the defined Limit. Your comments are invited.

Policy BPr1 Housing Requirement

This “Policy” seems actually to be a statement providing a context for other Policies that follow. It would seem that the Policy content could, and probably should, be a simple text paragraph. As written, it is implied that additional and windfall developments are needed to meet the housing requirement; but the supporting text suggests that the requirement has already been exceeded. Further clarity is evidently needed.

Infill Housing

Immediately after the section on “Housing Requirement”, it is stated at paragraph 4.10 that “the housing requirement for Billesdon beyond the existing plan period to 2031 is unknown”. I feel this compounds confusion since the Neighbourhood Plan does not, and is not obliged to, consider the position beyond its defined time period.

I note that paragraph 4.13 says: “Outside the Billesdon Limits to Development, new build residential development will not normally be permitted”. But the Neighbourhood Plan supports a new build housing development outside of the Limits. The justification for that development would seem to come more from Local Plan Policy GD2 than the GD4 referenced in Policy BPr2?

In relation to other wording in Policy BPr2, I am unclear how “high-level craft” might be assessed when considering the merits of a planning proposal?

Gaulby Road Lorry Park

I note that this site has already been allocated, albeit as a reserve site rather than as a site capable of immediate development. A representation seems to suggest serious intent to develop the site, which indicates the required deliverability. I have the following queries in relation to the wording of Policy BPr3:

- “Approximately” is not regarded as a very helpful way of indicating site capacity. I appreciate that the Plan is not required to deliver a minimum number of new dwellings but would ‘at least 5 dwellings’ be inappropriate?
- It is now a legal requirement that most housing developments will deliver a biodiversity net gain. I note that such a revision was suggested by the site owners – was there a reason to expect only an “improvement”?
- I note the expectation of the retention of “important”, existing trees – again it seems wording suggested by the site owners. The question arises, important to whom or for what? Better perhaps to require that the existing trees are surveyed and agreement reached with the local planning authority on which trees are vital to the character of the site and for retention.
- Where “design” is raised it is perhaps surprising that the Policy BPr20 is not cross-referenced (although that Policy will apply anyway, cross-referencing seems to be a feature of other policies)?
- Whilst the removal of security fencing is specified, is there any expectation as to what should replace it?

Housing Mix

This is another new Policy. It is unclear to what this element of Policy BPr4 might be referring: “Applicants will need to demonstrate how the housing needs of older households will be met”. The immediately preceding paragraph is referencing the support needs of an ageing population, but presumably support needs are not being addressed. Each planning application can only address the use of a particular site, not how demand will be met overall. So, what is the focus of the expectation in this sentence?

Affordable Housing

I note this is a reworded Policy. The Policy seems to refer to affordable housing in general but it is only rented housing that is “allocated” (as a rule). The reference to elements of the Local Plan Policy having been superseded would more appropriately be made in the supporting text. As a consequence, is/should the thrust of Policy BPr5 be on rented, affordable housing?

5. Employment

Working from Home

This section appears unchanged.

Internet

The revised Policy BPr7 has clarity and is appropriately justified in the pre-amble.

The Former Highway Depot (Gaulby Road)

Whilst acknowledging that Policy BPr8 has its origins in the previous Neighbourhood Plan, I noted earlier that, in Policy terms, the incorporation of housing into a site that is outside of and not immediately adjoining the Limit to Development is potentially inconsistent with another Policy, BPr2. I would therefore have expected a more specific justification for the change within the Policy pre-amble. As also noted earlier, it would appear that the relevant Policy support within the Local Plan (with which the Neighbourhood Plan must be consistent) comes from Policies GD2 and GD4? Your comments are invited.

In relation to the wording of Policy BPr8:

- Neither combination of uses would appear to have a Policy priority over the other?
- Given that the site is narrow and deep, is there evidence to suggest that a suitable access and dwellings “located at the site frontage” are compatible?
- Is there any confirmation that plots at this location would meet an identified need?
- It is difficult to see how “sold at an appropriate price” could be incorporated as a condition of a land use consent.
- What is the justification for the constraint that proposals must “Include measures to ensure that the development takes place in a comprehensive but phased manner and avoids piecemeal development” and what might be the “measures” that are being sought?
- “Not significantly adversely affect the amenities of existing or new residents *in the area*” [*my emphasis*] – are there actually any neighbours?
- The scale of the parking provision obligation is undefined.
- It is unclear why HGV journeys might be generated by the site, but also the indicated consultation with the Highways Authority is upstaged with the requirement for “weight restrictions and signage”.
- It is unexplained how “no greater adverse impact on the nature conservation” might be measured, but as noted above the law now requires net gain in biodiversity.
- As noted previously, how are “important” trees to be identified?
- There is a numbering difficulty with this Policy with a,b,c etc being used at two levels.

Business in the Countryside

Policy BPr9 has been updated only to reflect changes in planning references.

Retention of Key Services and Facilities

Policy BPr10 has been amended only to acknowledge the Local Plan and to include specified key facilities within the policy. There appears to be significant overlap with Policy BPr11 – what distinction between these Policies was intended? Diversification may not be the only way to achieve viability?

Retail

As above.

Infrastructure

Within Policy BPr12 it is unclear what “new or improved infrastructure” might involve – there is an implication that it is ‘on-site’ but later reference to “community infrastructure” implies it might be “parish notice boards, seats, children’s play area equipment, bus shelters, litter bins”? “Together with” implies that both new provision and financial contributions are required? In the final sentence “are likely to” doesn’t represent well the nature of the test of viability.

Traffic Management

Policy BPr13 has been updated solely to amend the Policy cross-references.

Countryside

Whilst I appreciate that Policy BPr15 is new, was there a reason that it was separated away from Policy BPr14 since both relate to the Countryside? In the final sentence it would seem that “Opportunities for” is superfluous wording?

Countryside Access

No source is provided for the data illustrated on Map 4.

A distinction appears to be being made within Policy BPr15 between publicly accessible space and the countryside – access to the latter being “particularly” valued. “Access” seems to mean two things here – availability of useable open space and having interconnectivity? Interconnectivity is likely to be best for sites which adjoin the Limit to Development?

Ecology and Biodiversity

Part of the amendment to Policy BPr16 has been further defining the network of spaces as “including Local Wildlife Sites, Historic Local Wildlife Sites and Wildlife corridors”. However, there are no sources provided for these boundaries and classifications. Why would ‘historic’ sites be declassified?

As is evident, paragraph 8.15 is now out of date.

Water Management

Within Policy BPr17 I’m unsure what “utilise resources sustainably during use” might mean?

Local Green Spaces

My understanding is that the primary change with Policy BPr18 has been the listing of the spaces already designated, which is appropriate. The closing sentence is now also more appropriate.

Non-Designated Heritage Assets

The source of the data mapped on Map 7 is not shown.

I agree with the local authority that Policy BPr19 builds on policies of the original plan which seeks to protect the character of Billesdon and ensure development ‘is in keeping with the scale, form and

character of its surroundings'. It is appropriate that a Neighbourhood Plan should identify heritage assets based on local knowledge and an appropriate assessment. I am unsure whether there has been an appropriate assessment. Historic England in their publication 'Neighbourhood Planning and the Historic Environment' says (para 64): "The use of selection criteria is important to provide robust processes and procedures against which assets can be nominated and their suitability assessed for addition to the local planning authority's heritage list". National Planning Policy Guidance says: "A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets" (Paragraph: 039 Reference ID: 18a-039-20190723).

The HER record will exist whether or not the heritage assets are recognised in the Neighbourhood Plan. Porting the whole HER list into the Neighbourhood Plan means that the list includes "possible" features, "undated" features, "Various finds", "Roman pottery", which don't seem to have clear-cut relevance in a land-use plan; and the "Historic settlement core of Billesdon" is already recognised within the Conservation Area. Similarly, block listing every site which may, at some time, have had ridge and furrow features fails to distinguish the areas which have current significance. It is a feature of listing schemes generally that some quality control is exercised to ensure that the best examples are conserved, rather than every example.

I note that the Consultation Statement does not indicate whether the owners of prospective non-designated heritage assets were consulted.

Your comments are invited.

I note that the following are not included in the local authority assessment of 'original vs new policies'.

Design

A comparison between the original Policy BP7 and the new BPr20 shows that the content has been rewritten although the core reference to the Billesdon Design Guide remains. It is unclear how/why the 3 matters raised outside of the Design Guide have been selected. From a quick scan the Design Guide itself appears unaltered in its scope and presentation.

Climate Change

Given the NPPFs encouragement for the consequences of climate change to be addressed, a Climate Change Policy is probably appropriate (although there is no discernibly local content). However, within Policy BPr21 I am not sure that I understand – and that may equally be true for the prospective developer - what is intended with the following (*my emphases added*):

- "d. that the building form and its construction allows for *adaptation to future changes* in climate;
- e. that the building form and its construction *permits further reduction* in the building's carbon footprint, where feasible and viable; and
- f. that in addressing the above measures, the development's design and layout also strives [*sic*] to *maximise health and well-being and enjoyment of its residents*.

The re-inclusion of reference to biodiversity is probably inappropriate since that has already been addressed earlier.

Your comments are invited.