

# Response on Behalf of Sileby Parish Council to the Charnwood Local Plan 2021-37 (Pre-Submission Draft)

## Policy DS1: Development Strategy (Incl. paras 2.37-2.58 & DS3(HA53/HA54))

### 1.0 Background

- 1.1. Charnwood Borough Council (CBC) is consulting upon the Charnwood Local Plan (CLP) 2021-37 (Pre-Submission Draft) between Monday July 12 until Monday August 23 2021. The draft plan sets out policies and proposals to meet the development needs of the area for the period up to 2037.
- 1.2 On January 16, 2020 Charnwood Borough Council "made" the Sileby Neighbourhood Plan 2018-2036 (SNP) part of Charnwood Borough Council's development plan following a referendum. This followed independent Examination by an Inspector appointed by the Secretary of State and a decision by Charnwood Borough Council that the Sileby Neighbourhood Plan, as modified to incorporate the Examiner's recommendations, ensure that the Basic Conditions set out in Paragraph 8(2), Schedule 4B of the Town and Country Planning Act 1990 are met.
- 1.3 The SNP therefore provides a very recently adopted component of the development plan which provides some important context to the preparation of policies in the CLP so far as they affect Sileby and the SNP area. At paragraph 36 of the Report by the Independent Examiner (copy attached at Appendix 1) to the SNP the Examiner stated –

36. Charnwood Borough Council has started work on the preparation of a new Local Plan. This work is at a very early stage and in 2018 a discussion paper was published entitled "Towards a Local Plan for Charnwood". This paper looks at the need for new housing in the borough, taking account of the wider strategic needs of the Leicester area. This issue will be addressed in more detail in relation to the policies of the SNP, but at this stage it is worth noting that the NPAC [Neighbourhood Plan Advisory Committee] has acted in accordance with Planning Practice Guidance that *"Although a neighbourhood plan is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up to date housing need*

*evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development.*” In this context there were productive discussions between the NPAC and CBC on the range of strategic options being considered for the emerging local plan and the appropriate approach to be adopted in the SNP.

1.4 At paragraph 43 the Examiner stated -

43. One of the most important national policy requirements for a neighbourhood plan is that they “...*should not promote less development than set out in the strategic policies for the area or undermine those policies*”. The appropriate scale of development to be planned for has been recognised as an important issue for the SNP, particularly because the timescale for the Plan extends beyond that of the Charnwood Local Plan and the Local Plan which will in due course supersede it is at an early stage of development. The Plan addresses it in some detail and it is also the subject of some of the representations that have been received on the submitted Plan. The issue is considered fully in in my report in relation to policies G1, H1 and H2.

1.5 Importantly, in considering that Policy G1: Limits to Development of the SNP meets the basic conditions, the Examiner stated at paragraph 74:

74. Limits to Development are a widely used planning tool to provide clear guidance to developers and decision makers on where development should take place. **It is evident in Sileby that there has been substantial development in recent years reflecting its role as a Service Centre. It is entirely appropriate for the scale of this development to be taken into account in determining how much more development will be required over the plan period.** It is clear that the requirements of the adopted Core Strategy have been taken into account in determining the Limits to Development and consideration has been given, in consultation with the local planning authority, to the possible scale of further development that may be required. I am therefore satisfied that the extent of the Limits to Development is in general conformity with the development plan and is consistent with national policy and guidance. [emphasis added]

1.6 In considering the amount of new housing to be provided in the SNP the Examiner reviewed the evolution of strategic policies and housing need within the Charnwood Local Plan Core Strategy over the period 2011-2028 (CLPCS) and noted that at the time the CLPCS was adopted completions and commitments provided for 3,460 dwellings and so no new allocations were necessary. The Examiner noted that CBC had not provided an indicative figure for the amount of housing to be accommodated in the SNP although there had been constructive discussion with CBC around the implications of the Housing and Economic Development Needs Assessment (HEDNA) and the range of likely options for housing which were emerging through the CLP process. At paragraph 98 of the Examiner's Report the Examiner stated -

98. In this instance, it has not been possible to define a firm requirement, but it is clear that the Plan provides for substantially more development than is required by the adopted development plan and for all but the highest end of the range of strategic options being considered for the emerging plan. The identification of several reserve sites in Policy H1 provides some flexibility in addition to this.

1.7 At paragraph 99 when considering the arguments advanced by developers for additional housing to be provided for in the SNP, the Examiner stated -

99. However, this is only one of many potential strategies and it is reasonable to assume that, **in considering the strategy for the distribution of growth within the Borough of Charnwood, CBC will attach some weight to the amount of development which is already taking place in Sileby.** It does not follow, as the legal opinion accompanying the Gladman representation seems to suggest, that because a settlement has already met the identified need for development it must accommodate more. A policy to provide substantially more residential development in the SNP could undermine the wider strategy which has yet to be confirmed. [emphasis added]

1.8 So far as the issue of overall housing provision within the SNP was concerned, the Examiner concluded at paragraph 100 -

100. At this stage I am satisfied that **the amount of housing being planned for exceeds that required in the adopted development plan and that it takes account of the information available on estimated housing**

**need up to 2036.** CBC has not provided an indicative figure for the scale of development required but has discussed the possible range of development in detail with the NPAC and has not suggested that the scale of development envisaged is unduly restrictive. [emphasis added]

- 1.9 The Examiner also considered SNP Policies H1: Reserve Sites and H2: Windfall Development and proposed modifications to Policy H1 to clarify the support given to planning applications for residential development and to remove the limit of 9 dwellings insofar as Policy H2 was concerned.
- 1.10 The following representations are made in the context of the above and the current SNP which forms part of the development plan for the area. SPC have also submitted several representations regarding policies in the pre-submission draft Local Plan which they consider to be in conflict with policies and proposals in the Sileby Neighbourhood Plan. SPC's representations include a number of site-specific issues and our representations should be read in conjunction with those submitted by SPC.

## 2.0 Chapter 2 – Development Strategy

- 2.1 At Table 4: Charnwood Settlement Hierarchy, along with Anstey, Barrow upon Soar, Mountsorrel, Quorn and Rothley, Sileby is identified as one of the 6 settlements falling within the “Service Centre” tier of the settlement hierarchy.
- 2.2 Paragraph 2.39 (Overall Principles) sets out in that the development strategy is for urban concentration and intensification with some limited growth dispersed to other areas of the Borough. Its focus is for housing and employment at the edge of Leicester, with managed growth at Loughborough whilst directing some growth to Shepshed and “smaller scale growth” directed to the “Service Centres and Other Settlements”.
- 2.3 Table 5 of the CLP (Development Strategy for Homes 2021-37) at page 27 sets out the detail for the numerical distribution of homes in accordance with the overall principles of the development strategy.

**Table 5: Development Strategy for Homes 2021-37**

Settlement	Housing Supply	Distribution of New Homes	Total Homes
Leicester Urban Area	5,254	2,104	7,358
Loughborough Urban Centre	3,831	2,242	6,073
Shepshed Urban Area	453	1,878	2,331
<b>Service Centres</b>	<b>928</b>	<b>1,819</b>	<b>2,747</b>
Other Settlements	119	815	934
Small Villages/Hamlets	18	0	18
<b>Total</b>	<b>10,603</b>	<b>8,858</b>	<b>19,461</b>

- 2.4 The CLP does not include a specific housing requirement for Sileby but it falls within the list of Service Centres which are expected to accommodate a total of 2,747 (approx. 14%) of the total housing provision. This is made up of an existing housing supply of 928 and 1,819 “new homes” identified in proposed allocations at Policy DS3.

2.5 Justification for the Service Centres provision is set out in paragraphs 2.50 and 2.51 which indicate that:

2.50. The provision of accessible primary school education within the Service Centres and Other Settlements has been important to the development of an appropriate development strategy for Charnwood. Our strategy includes growth in our Service Centres and some of our Other Settlements where there is existing school capacity and ensures sufficient levels of development to support the provision of new or extended schools as necessary.

2.51 The growth dispersed to the Service Centres and Other Settlements provides housing in a variety of locations which improves the prospects for housing delivery whilst taking account of landscape and settlement identity constraints outlined in the overall vision and strategy.

2.6 Paragraph 2.55 recognises that the National Planning Policy Framework (NPPF), in paragraph 66, includes a requirement to set out a housing requirement for designated neighbourhood areas. However, at paragraph 2.56 the CLP makes clear that the Borough Council have “chosen” not to do this and that its reason for not setting a requirement for neighbourhood areas is that:

2.56 The plan makes provision for a greater number of homes than the housing requirement for the Borough between 2021 and 2037 through allocations. Our development strategy has been strongly influenced by the need for sustainable development to be accompanied by the infrastructure that is required to support it, particularly primary school education. This has led development to be directed to certain settlements and not others at a strategic level.

2.7 This reasoning provides no sound basis for ignoring the requirement of the NPPF to provide a target for designated neighbourhood areas. The CLP goes on in paragraph 2.57 to say that *“Where requested by a neighbourhood planning body, an indicative housing requirement figure will be provided at that time.”* However, the NPPF is clear in paragraph 67 that an indicative figure should be provided where it has not been “possible” to provide the requirement figure in the development plan. The NPPF does not indicate that the local planning authority can simply choose not to set out a target.

- 2.8 CBC has confirmed that the CLP has been prepared to take account of Borough-wide local housing needs although we understand that no specific assessment of local housing need for the Sileby Neighbourhood Plan Area has been prepared by CBC for the 2021-2037 CLP period.
- 2.9 The setting of such targets within the policies of the local plan is critical for neighbourhood areas such as Sileby as paragraph 66 of the NPPF makes clear that *“Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement”*. This will not necessarily be the case if an indicative target is provided.
- 2.10 Policy DS1 of the CLP reiterates the global targets for the Service Centres as set out in Table 5, however without providing specific targets for each designated neighbourhood area the policy is unsound as it is not clear how much development individual neighbourhood plans should be providing for. In addition, without such a target for specific designated neighbourhood areas it is more difficult to provide a reasoned assessment as to whether housing targets for specific service centres are disproportionate taking into account the current level of supply and historic development rates (see also comments of the Examiner to the SNP referred to at paragraphs 1.5, 1.7 & 1.8 above). An unsound policy will provide an ineffective and unacceptable basis for development management and certainty in the determination of planning applications throughout the plan period. This runs contrary to the principles of a plan-led system which is strongly supported throughout the NPPF.
- 2.11 In addition, there is a lack of clarity in Policy DS1 as to how the level of housing proposed for each of the Service Centres has been identified having regard to the local housing needs of those communities and neighbourhood planning areas. As presently set out, Policy DS1 also suggests an inconsistency in the treatment of each of the Service Centres and a blurring of the distinction between Service Centres and Other Settlements. For example, the CLP draws very little distinction in its justification for the approach to Service Centres and Other Settlements. The description of the components of its development strategy in paragraphs 2.50 to 2.52 only indicates in paragraph 2.52 that *“The smaller amount of development directed to Other Settlements reflects the smaller range of services and facilities in these villages compared to urban areas and Service Centres”*. However, when Policy DS3 is examined it is clear that this statement is not properly reflected in the actual policy position.

- 2.12 Of those sites listed in Policy DS3, the bulk (approx. 93%) of the proposed allocations within the 6 Service Centres are concentrated within the three settlements of Anstey, Barrow upon Soar and Sileby. In comparison, Quorn and Rothley, have a relatively modest number of dwellings allocated while no housing allocations are located in Mountsorrel. At the same time, a number of the Other Settlements, such as Cossington, East Goscote, Hathern, Queniborough and Thrussington have allocations which will deliver more housing than the Service Centres of Quorn, Rothley and Mountsorrel - despite being located at a lower tier in the settlement hierarchy. There is no justification for this inconsistent approach set out in the Plan.
- 2.13 These inconsistencies undermine the soundness of the development strategy of the CLP. A more appropriate approach would be to set out and justify the specific approach to setting a housing requirement for each of the settlements based on housing requirements for designated neighbourhood areas as indicated in the NPPF. Where neighbourhood areas have been defined the plan should look to support the Parish Councils in delivering an appropriate level of housing development with the CLP, only allocating sustainable strategic housing allocations where necessary.
- 2.14 Sileby Parish Council supports the overall approach to focus most development within the Leicester, Loughborough and Shepshed urban areas and recognise that it is appropriate to disperse some growth to other areas of the Borough, including Sileby. Indeed this is fully recognised and accepted in the Sileby Neighbourhood Plan (January 2020) which provides a platform for local people to shape their surroundings whilst also providing positively for an appropriate level of new housing throughout the Sileby Neighbourhood Plan area which has been independently examined. Sileby Parish Council also recognise that the CLP will need to meet its full objectively assessed housing need in accordance with the national standard method in determining its housing requirements over the plan period.
- 2.15 Sileby Parish Council has embarked on an update to the SNP to maintain its consistency with the requirements for Charnwood Borough. SPC acknowledges that there is a need for an appropriate amount of housing to be accommodated throughout the Borough but at the same time, the wishes of



the local community, as expressed through the recently made SNP must also be acknowledged and reflected in the emerging Charnwood Local Plan.

- 2.16 The proposed development strategy in the CLP, as currently drafted, does not reflect local aspirations and, in particular, does not properly take into consideration the recent impact of significant unplanned housing development in Sileby over the past 10 years or so. These existing commitments are largely the result of unplanned housing growth resulting from approvals at a time when CBC has been unable to demonstrate a 5-year supply of housing land and the “tilted balance” in the NPPF has been triggered. The historic levels of housing targeted at Sileby have taken place on an ad-hoc, unplanned basis in order to assist with meeting overall housing need throughout Charnwood Borough as a whole, rather than in a planned fashion to meet local housing needs of the community. Notwithstanding this, the SNP has planned positively for housing and allocates a number of reserve housing sites. These factors should be recognised before confirming the proposed level of housing allocations in Policy DS3 (as advised by the SNP Examination Inspector).
- 2.17 Charnwood Borough Council has confirmed that over the 2010-2021 period some 529 houses have been completed in Sileby (see correspondence received from CBC at Appendix 2). This represents an increase of around 15% of housing in the village (based upon the 3290 households present in the village in 2011, see SNP section 5.2). In addition, CBC has confirmed that there are presently outstanding planning permissions for a further 544 houses in Sileby which represents some 58.6% of all Service Centre existing housing supply (see Appendix 2). There are 6 proposed housing allocation sites within the CLP in Sileby with a total capacity of around 345 houses. These proposed housing allocations together with outstanding permissions, would result in a further, additional 23% growth over the CLP period (based upon the households in Sileby in 2011 and subsequent housing growth). This represents a significant level of development to be accommodated and integrated within a rural settlement which would place increased pressure upon local facilities and infrastructure.
- 2.18 Given that Sileby has already seen a high level of unplanned housing growth over the previous ten years, a sound approach for the local plan would be to bring forward a more modest level of housing growth which recognises the housing development that has taken place since 2010 to enable consolidation

of the village and not place undue pressure on local infrastructure. If further land is required to deliver the housing target for the Borough as a whole, then this should be distributed to higher order settlements or the other Service Centres to meet local needs on a more sustainable basis for growth.

- 2.19 Paragraph 29 of the NPPF advises that *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*.
- 2.20 The opportunity to develop a shared vision for the area has already been accepted by Sileby Parish Council and the residents of the area. The result has been the preparation of Sileby Neighbourhood Plan, which positively planned to meet local housing needs and requirements fully in accordance with the NPPF. However, the level of development now proposed in the CLP would completely undermine local confidence in the planning system and deepen the local community perception that Sileby has already accommodated a significant amount of unplanned, unsustainable green-field housing that is not necessary to meet local needs or an equitable share of the housing needs of the Borough as a whole. The Parish Council are content to plan for a proportionate level of housing development and have already committed to updating their Neighbourhood Plan to ensure consistency with the new CLP.
- 2.21 The disproportionate level of development which has taken place locally has been recognised in recent planning decisions in Sileby. For example, in dismissing an appeal for up to 228 dwellings on Land off Barnards Drive as recently as September, 2019 (Appeal Ref. APP/X2410/W/19/3220699 – see Appendix 3), the Inspector commented that some 1,006 houses had already been committed in Sileby and that:

*“On the basis that there are seven Service Centres within the Borough, such a level of commitment in respect of just one of these settlements seems to me to be overly disproportionate. To provide a further 228 homes adjoining Sileby would add materially to the already excessive level of housing commitments in Service Centres, when compared with levels the CS plans for, and to the*

*disproportionate level of housing provision within Sileby.” (Inspector Decision, paragraph 18)*

- 2.22 This appeal decision involves the proposed CLP housing allocation DS3(HA53) and to which Sileby Parish Council objects most strongly (see other representations by SPC).
- 2.23 The housing provision for the Service Centres in the CLP does not contain an allowance to account for small unidentified or windfall housing sites which have contributed to meeting housing needs and requirements in the past and which will continue to come forward through the plan period. Paragraph 71 of the NPPF recognises that allowances can be made for windfall sites as part of anticipated supply, where there is compelling evidence that they will provide a reliable source of supply and the allowance can be shown to be realistic. In the case of Sileby the evidence of past windfall development provides this compelling evidence and recently made SNP Policy H2: Windfall Development confirms the support given to planning applications for windfall residential development.
- 2.24 Table A below (based on information provided by Charnwood Borough Council) sets out the number of housing completions delivered in the CLP Service Centres since 2010. This shows that only around 5% of these completions were on allocated sites with more than 3,000 dwellings built on windfall sites. All of the housing completions in Sileby are windfall developments at an average of 48 dwellings per annum and this largely reflects unplanned housing growth on large greenfield sites as a result of the application of the “tilted balance” in the NPPF as a result of Charnwood Borough Council being unable to identify a 5-year housing land supply at various points in time.

Table A: Development Strategy for Homes 2021-37

Service Centre	Total Completions 2010 - 2021	Completions on Allocations 2010 - 2021	Completions on Windfall* Sites 2010 - 2021
Anstey	668	46	622
Barrow Upon Soar	515	119	396
Mountsorrel	262	0	262
Quorn	374	0	374
Rothley	903	0	903

Sileby	529	0	529
<b>TOTAL</b>	<b>3251</b>	<b>165</b>	<b>3086</b>

Source: Charnwood Borough Council Policies and Place-Making team 2021 (see Appendix 2)

\* Windfall Sites = all sites not allocated in a development plan (ie “un-planned” development)

- 2.25 It is accepted that one impact of the adoption of the CLP, with its suite of new housing allocations, is likely to be a reduction in windfall development, especially on larger sites. However, although reduced in number, windfall sites will continue to deliver housing in the Service Centres and an allowance should be included within the Local Plan. In the SNP the methodology for calculating its housing provision provided a windfall allowance of 7 dwellings per annum which was accepted by the Examiner. This is a modest and cautious allowance but does recognise that windfall housing sites will continue to contribute to housing needs over the plan period. This should be recognised and included within the CLP, in turn this would reduce the need for the proposed level of new housing in the plan.

### 3.0 What changes are necessary to make the policy sound?

3.1 Taking into account the comments above, we consider that the following changes are necessary to ensure the CLP is sound:

- The CLP should provide a specific, proportionate housing requirement for the Service Centres and Other Settlements which are expected to deliver new housing based upon:
  - the role that each settlement plays within the settlement hierarchy and it's sustainability credentials,
  - historic housing development rates within the settlement, and
  - the aspirations of local communities as expressed in their neighbourhood development plans
- In particular, the Plan should set out a specific and proportionate housing requirement for the Sileby Neighbourhood Area in accordance with the requirement of paragraph 66 of the NPPF which takes appropriate account of the significant unplanned housing growth experienced over the period since 2010 as follows:

Proposed revised housing requirement for Sileby:

Outstanding Planning Permissions (April 2021)	544
Housing allocations (HA55, HA56, HA57, HA58)	62
Windfall allowance (@7 dwellings p.a.)	112
Total housing requirement	718

- So far as the Sileby Neighbourhood Plan area is concerned, a new policy should be inserted which resists new housing development on unallocated sites outside the Limits to Development presently identified. This could take the form of SNP Policy G1 and H2 or similar (or else cross-reference to them). There should also be a firm commitment against the approval of any further new housing development outside Limits to Development beyond allocated or reserve sites throughout the Plan period (unless provided for through the current or amended Sileby Neighbourhood Plan).

3.2 This approach would still provide a significant level of housing growth over the plan period (in the region of 18%) but would be focussed on existing sites. There would be no need for further large-scale housing development on greenfield sites beyond the Limits to Development identified in the SNP such as those currently proposed at Barnards Drive (DS3(HA53)) and Homefield

Road (DS3(HA54)) which should be deleted from the CLP (see also separate objections to these two proposed housing allocations by SPC).

3.3 In support of this approach it should be noted that:

1. Sileby Parish Council has an up-to-date Neighbourhood Plan that already provides a number of “reserve sites” and policies for the support of windfall housing which provide a starting point for housing at an appropriate scale for Sileby
2. Sileby Parish Council recognises and is prepared to accommodate additional development to meet its own local needs but also to contribute equitably to wider Borough housing needs along with other settlements on a sustainable basis.
3. The scale of new housing proposed in Sileby throughout the plan period should take into account the significant amount of unplanned housing development that has taken place over recent years.
4. An update of the Sileby Neighbourhood Plan will enable further consideration of housing provision which might involve the identification of “reserve sites”, proposed allocations and a trigger policy for the delivery of additional housing on a planned basis.

# **Appendix 1**

Report by the Independent Examiner  
Sileby Neighbourhood Plan (made 2020)

# **Sileby Neighbourhood Plan**

**2018-2036**

## **The Report by the Independent Examiner**

Richard High BA MA MRTPI

September 2019



Page deliberately blank

## **Contents**

Summary	5
Introduction	7
Appointment of Independent Examiner	7
The Scope of the Examination	7
The Preparation of the Plan	9
Public Consultation	10
The Neighbourhood Area and Development Plan Context	12
The Basic Conditions Test – The Plan taken as a whole	14
National Policy and Guidance	14
Sustainable Development	15
General Conformity with the strategic policies of the development plan	16
EU obligations and Habitats Regulations	17
Human Rights	19
Vision and Objectives	19
Policies	19
General Policies	21
Housing and the Built Environment	25
The Natural and Historic Environment	34
Community Facilities and Amenities	43
Transport and Road Safety	47
Business and Employment	48
Monitoring and Review	51
Conclusion and Referendum	51
Appendix 1 Important Open Spaces in Sileby	53

Page deliberately blank

## Summary

I have recommended some modifications to the Sileby Neighbourhood Plan and I have concluded that, if the modifications that I have recommended are made:

- The Sileby Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights;
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I am therefore pleased to **recommend that the Sileby Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have not received any representations or seen any other evidence to suggest that the policies of the Plan will have a substantial impact on people living outside the neighbourhood area. I **therefore conclude that there is no need to extend the referendum area.**

Page deliberately blank

## **Introduction**

1. The Localism Act 2011 has provided local communities the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Sileby Parish Council (SPC) is the qualifying body for the Sileby Neighbourhood Plan, which I shall refer to as the SNP or the Plan.
3. If, following a recommendation from this examination, the SNP proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. This would make it an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

## **Appointment of the Independent Examiner**

4. I have been appointed by Charnwood Borough Council (CBC) with the agreement of SPC to carry out the independent examination of the SNP.
5. I confirm that I am independent of both CBC and SPC. I have no interest in any land which is affected by the SNP. I have had no professional involvement in Sileby, but I have carried out two other independent examinations of neighbourhood plans for Barrow-on-Soar and Rearsby which are both in Charnwood Borough.
6. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 35 neighbourhood plan examinations and three health checks. I also have experience in supporting neighbourhood planning groups in the preparation of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this examination.

## **The Scope of the Examination**

7. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
8. I must:
  - i. Decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
  - ii. Decide whether the neighbourhood development plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan. 7

- iii. Make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.
9. The Plan meets the basic conditions if:
  - i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
  - ii. The making of the Plan contributes to sustainable development;
  - iii. The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - iv. The making of the Plan does not breach, and is otherwise compatible with, EU obligations;
  - v. The making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>1</sup>
10. I am also required to consider whether the Plan is compatible with the European Convention on Human Rights.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I concluded that the examination could be completed without a hearing.
12. The main documents to which I have referred in the examination are listed below:
  - Sileby Neighbourhood Plan 2018-2036 Submission Version
  - Sileby Neighbourhood Plan Consultation Statement
  - Sileby Neighbourhood Plan Basic Conditions Statement 23 October 2018
  - Strategic Environmental Assessment Screening Report and Habitats Regulations Assessment Screening Report for the Sileby Neighbourhood Plan Pre-Submission Version prepared by Charnwood Borough Council March 2019
  - Appendices 3-7 of the Sileby Neighbourhood Plan which provide supporting evidence for the Plan
  - Responses to Regulation 16 publicity on the Submission Plan and the comments of SNP on those responses
  - Charnwood Local Plan 2011-2018
  - Towards a Local Plan for Charnwood, Charnwood Borough Council April 2018
  - The Neighbourhood Planning (General) Regulations 2012 as amended (NPR)

---

<sup>1</sup> This basic condition was added in an amendment to the Neighbourhood Planning (General) Regulations 2012 set out in The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. 8

- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
  - The Conservation of Habitats and Species Regulations 2017 (CHSR)
  - The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
  - The National Planning Policy Framework July 2018 which is referred to as the NPPF. 2018 (NPPF2) and subsequent modifications
  - National Planning Practice Guidance referred to as PPG
13. At the start of my examination I reviewed the documents submitted to Charnwood Borough Council which had been subject to consultation in accordance with regulation 16 of the NPR. I concluded that they did not conform fully with the requirements of the NPR and PPG for the following reasons:
- a The consultation did not contain sufficient detail of the way in which the regulation 14 consultation was carried out or on the nature of the responses received and the ways in which the Plan was modified to reflect them.
  - b There was insufficiently clear signposting to Appendices 3-7 which provide essential evidence in support of the Plan.
  - c The analysis of sites in Appendix 3d was not sufficiently transparent as it did not include a map identifying the sites assessed or the detailed performance of the sites against the assessment criteria.
14. I therefore requested that these deficiencies should be corrected and that the amended documents should be subject to 6 weeks consultation as they would have been if they had been included in the submission documents. I shall consider these issues later in my report but at this stage it is necessary to note that I have taken account of the amended documents, and the representations received in the subsequent consultation, in my examination. With the modifications that have been made the submitted documents include all those that are required under regulation 15 of the NPR. As the Plan was submitted after 24 January 2019 it will be examined against the policies in the 2018 NPPF<sup>2</sup> As modified in February 2019.
15. During the examination I sought clarification on some issues by email. My emails and the response to them have been posted on the CBC website.

### **The Preparation of the Plan**

16. An application for the designation of the neighbourhood area for the SNP was submitted to CBC on 1 December 2016 and the designation was confirmed on 10 February 2017. The neighbourhood area consists of the entire parish of Sileby and is clearly shown in Fig 1 of the

---

<sup>2</sup> NPPF2 paragraph 214



Plan.

17. The Planning and Compulsory Purchase Act 2004 requires that the Plan clearly states the period to which it relates. The cover of the Submission Plan shows clearly that the plan period is 2018-2036.
18. The Plan must not include any provision about development that is excluded development as defined in section 61K which is inserted into the Town and Country Planning Act 1990. Excluded development includes “county matters”, such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.
19. I am also satisfied that the Plan does not relate to more than one neighbourhood area.
20. The Plan has been prepared by the Neighbourhood Plan Advisory Committee (NPAC) which was established as a committee of the Parish Council. The NPAC met monthly between March 2017 and October 2018, and as required since then. The minutes of all its meetings are posted on the Parish Council website. The Committee originally comprised 3 parish councillors and 9 volunteer residents. Following an initial questionnaire over 70 residents volunteered to participate in the preparation of the Plan and five theme groups were established, involving more residents in the process of preparing the Plan, and consultants Your Locale were appointed early in the process. The Consultation Statement records the meetings of all the theme groups.

### **Public Consultation**

21. The Consultation Statement sets out clearly and concisely the various steps taken to ensure that the preparation of the Plan involved the community. Although the preparation of the Plan has been relatively fast compared to many neighbourhood plans, there have been several opportunities for the community to get involved and several different methods were used in order to reach as many people as possible.
22. The first community event took place in February 2017 and its purpose was to make people aware that a neighbourhood plan was being prepared, explain the purpose of it and to invite people to volunteer to be part of the NPAC. A second open consultation event was held in September 2017 with displays designed to capture the views of people on how the SNP should develop. This was very successful with 147 people attending and was followed by a questionnaire distributed to all households which attracted 371 responses. There were also efforts to engage with young people through the two primary schools in the village.
23. A third community consultation event was held in September 2018 at which the emerging policies in the Plan were presented and there was an opportunity to respond online. The policies were strongly supported at this stage and there were responses from 172 people in total.
24. At each stage the comments received were analysed and reports prepared which were placed

on the website and made available in hard copy at the Parish Council office.

25. In addition to the main consultation events several methods were used to disseminate information. These included: the Parish Council website, a Facebook account for the SNP, where posts were shared with the Sileby Community and Parish Council pages, village notice boards, leaflets and flyers and articles in the Talk@Sileby publication.
26. Taking all these measures together, it is clear that there was a great effort to involve the local community which is entirely consistent with the Planning Practice Guidance that *“A qualifying body should be open and in the preparation of its neighbourhood plan and ensure that the community:*
  - *is kept fully informed of what is being proposed*
  - *is able to make their views known throughout the process*
  - *has opportunities to be actively involved in shaping the neighbourhood plan*
  - *is made aware of how their views have informed the neighbourhood plan.”*<sup>3</sup>

#### Regulation 14 Consultation

27. The statutory consultation in accordance with regulation 14 of the NPR took place between 26 November 2018 and 11 January 2019. This slightly exceeds the minimum period of 6 weeks required by the regulations.
28. The submitted Consultation Statement deals very briefly with the process of consultation and does not
  - a) contain details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explain how they were consulted;
  - c) summarise the main issues and concerns raised by the persons consulted; or
  - d) describe how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development planas required by regulation 15 (2) of the NPR. Although some of this information could be accessed via the Parish Council website, it was not clearly signposted, and it should have been part of the suite of documents that were submitted to CBC.
29. At the start of my examination I therefore requested that this information should be added to the Consultation Statement, publicised on the CBC website and subject to a period of 6 weeks consultation. The revised document contains a link to the list of statutory bodies consulted, and explains how the consultation was publicised through a leaflet on village notice boards and on the Parish Council website with regular reminders during the consultation period. It also states that details were given on how to respond either through a standard response form or by email or letter. There is also a clear link to a full report on the comments made and

---

<sup>3</sup> Planning Practice Guidance: What is the role of the wider community in neighbourhood planning Reference ID 41-047-20140306

the responses to them.

30. No further comments were made on the consultation process following the publication of the revised Consultation Statement and I am satisfied that the steps taken to publicise the Plan and deal with the comments made meet the legal requirements.

### **The Neighbourhood Area and Development Plan Context**

31. Sileby is a large village, which is sometimes referred to as a town;<sup>4</sup> it had a population of 7,835 in 2011. Substantial new residential development since then will mean that there has been a significant increase in this figure. It is one of several large villages between Leicester and Loughborough; It lies just off the A6 about 5 miles south-east of Loughborough and 8 miles north-west of Leicester; it is also on the Midland main line. The form of the settlement has been strongly influenced by its relationship to the River Soar and its floodplain to the west and the valley of the Sileby Brook which runs through the village from north-east to south-west.
32. Section 5 of the Plan provides a full but concise history of the village, which clearly explains how the village has evolved. It outlines the significance of sheep farming in the middle ages, the changes resulting from enclosure during the eighteenth century and the gradual industrialisation of the village during the eighteenth and nineteenth centuries. It goes on to describe the de-industrialisation which has occurred since the 1960s, followed by the increased significance of commuting to Leicester, Loughborough, Nottingham and Derby particularly since the 1990's when major estate development both on greenfield and brownfield sites has taken place.
33. The Plan then presents some basic demographic information which shows the relative dominance of working age people and school age children.
34. Later in the Plan the sections relating to the natural and historic environment provide detailed information on the important features which contribute to the character of Sileby.
35. The Charnwood Local Plan Core Strategy 2011-2028 adopted in November 2015 (CLPCS) provides the main development plan context. The most significant policies for the SNP are: Policy CS1 which sets out the development strategy for the borough, which places the emphasis on two major urban extensions, one to the north-east of Leicester and one to the west of Loughborough with a smaller development adjoining Shepshed. Below this the Plan identifies six service centres, including Sileby, which between them will accommodate 3,000 homes and 7 hectares of employment land. The policy also seeks to maintain services and facilities in these centres and to respond positively to opportunities for sustainable development.  
Policy CS2 which emphasises the importance of good design.  
Policy CS3 which relates to housing mix and requires that 30% of houses be affordable in developments of 10 dwellings or more in the service centres including Sileby and requires the

---

<sup>4</sup> Sileby Town Football Club

mix of house types to reflect local need.

Policy CS9 which sets out policy for town centre uses including local centres.

Policy CS10 which relates to the rural economy and supports the allocation of 7 hectares of employment land in service centres, the sustainable expansion of businesses in rural areas and tourism and leisure facilities that benefit the River Soar, the Great Central Railway, the Grand Union Canal and the National Forest Strategy.

Policy CS11 which aims to protect the countryside and maintain Areas of Local Separation, including those separating Sileby from Cossington and Barrow upon Soar, while supporting the rural economy with development which requires a countryside location and supporting the provision of local services.

Policy CS12 which identifies strategic Green Infrastructure and sets out policies for it.

Policy CS13 which protects biodiversity and geodiversity

Policy CS14 which aims to protect built heritage

Policy CS15 which relates to open space and recreation and supports the role of neighbourhood plans in the identification and protection of such spaces.

36. Charnwood Borough Council has started work on the preparation of a new Local Plan. This work is at a very early stage and in 2018 a discussion paper was published entitled “Towards a Local Plan for Charnwood”. This paper looks at the need for new housing in the borough, taking account of the wider strategic needs of the Leicester area. This issue will be addressed in more detail in relation to the policies of the SNP, but at this stage it is worth noting that the NPAC has acted in accordance with Planning Practice Guidance<sup>5</sup> that *“Although a neighbourhood plan...is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up to date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development.”* In this context there were productive discussions between the NPAC and CBC on the range of strategic options being considered for the emerging local plan and the appropriate approach to be adopted in the SNP.

### Site Visit

37. I visited Sileby on 2<sup>nd</sup> July on a warm and largely sunny day. I walked around the village and its surroundings for most of the day, to get a full understanding of the relationship of the village to the landscape in which it lies and the way in which it has evolved over the years. I also took care to take in: sites recently developed, all the potential sites considered for residential development and the reserve sites proposed in the Plan, the heritage assets and community facilities, the important views, Local Green Spaces, open spaces and community assets. My

---

<sup>5</sup> Planning Practice Guidance “Can a neighbourhood plan come forward before an up to date local plan or spatial development strategy is in place?” Reference ID: 41-009-2019-0509.

route also included walking along the valley of the Sileby Brook and the footpaths to the south-west of the village across the Cossington Valley Nature reserve and along the Soar Valley to Sileby Mill.

## **The Basic Conditions Test – The Plan taken as a whole**

38. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. This section of my report clarifies the meaning of each of these conditions and considers how the Plan, taken as a whole, meets them.

***“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”***

39. National policy is set out in the National Planning Policy Framework (NPPF). The NPPF was first published in 2012 and a revised version of the NPPF was issued in July 2018. Annex 1 of the revised NPPF indicates that neighbourhood plans submitted in accordance with Regulation 15 of the NPR after 24 January 2019 should be examined against the 2012 edition of the NPPF. The SNP was submitted in March 2019 and will therefore be examined against the July 2018 version of the NPPF and subsequent modifications.
40. There are two important points to emphasise in relation to this basic condition. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase *“having regard to”*. This means that I must consider national policy and advice, but it does not mean that each policy must be in absolute conformity with it. PPG explains that *“having regard to national policy”* means that *“a neighbourhood plan must not constrain the delivery of important national policy objectives.”*<sup>6</sup> The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
41. Neighbourhood plans can be selective in the policy areas that they address and there is no requirement for them to include policies to cover all possible issues. In particular there is no need to duplicate national or local plan policies. That said, the SNP contains a wide range of policies, including two policies that relate to all development and several to address each of the five major themes: housing, the natural and historic environment, community facilities, transport and employment. It is evident from the carefully drafted reasoning for the policies that every effort has been taken to relate them to national policy, local plan policies and the specific issues facing Sileby.

---

<sup>6</sup> PPG – what does having regard to national policy mean? Reference ID: 41-069-20140306

42. The table in the Basic Conditions Statement clearly relates each of the policies of the SNP to the NPPF, identifying the relevant paragraph numbers and explaining how the policy is consistent with the intentions of national policy. I have found this very helpful in my examination and I consider each of the policies in relation to this and the other basic conditions later in my report.
43. One of the most important national policy requirements for a neighbourhood plan is that they *“...should not promote less development than set out in the strategic policies for the area or undermine those policies”*.<sup>7</sup> The appropriate scale of development to be planned for has been recognised as an important issue for the SNP, particularly because the timescale for the Plan extends beyond that of the Charnwood Local Plan and the Local Plan which will in due course supersede it is at an early stage of development. The Plan addresses it in some detail and it is also the subject of some of the representations that have been received on the submitted Plan. The issue is considered fully in in my report in relation to policies G1, H1 and H2.
44. Also, relevant to this element of the basic conditions test is *“...guidance issued by the Secretary of State”* as set out in PPG. This contains extensive guidance on both general principles and specific aspects of the preparation of neighbourhood plans.<sup>8</sup> It is important to be able to demonstrate that the preparation of the Plan has had regard to this. The Basic Conditions Statement does not refer to PPG, but in my report, I make frequent reference to it. At this stage I need to emphasise the importance of the guidance on the formulation of policies. *“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 plan for which it has been prepared”*<sup>9</sup>. Also *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...”*<sup>10</sup>
45. I have found it necessary to recommend several modifications to policies of the plan to align more closely with national policy and guidance but, subject to these and taking the Plan as a whole, I am satisfied that having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan.

***“The making of the Plan contributes to sustainable development”***

46. There is inevitably considerable overlap between the requirements for satisfying this basic condition and the previous one as the NPPF clearly states that *“the purpose of the planning system is to contribute to the achievement of sustainable development”*<sup>11</sup> and thus national

---

<sup>7</sup> NPPF paragraph 29

<sup>8</sup> PPG Neighbourhood Plan, Reference ID Paragraphs 41-001 to 41-087

<sup>9</sup> PPG How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

<sup>10</sup> PPG What evidence is needed to support a neighbourhood plan or Order? Reference ID: 41-040-20160211

<sup>11</sup> NPPF Paragraph 7

policy and guidance are clearly designed to achieve it.

47. The NPPF then spells out the three objectives of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. As the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.<sup>12</sup>
48. The Plan contains policies that relate to all three objectives and addresses the balance and interaction between them. Also, in section 6 it explicitly addresses the requirement for sustainable development and summarises what it seeks to achieve. The Basic Conditions Statement also summarises the way in which the Plan aims to achieve social, environmental and economic aims and addresses the relationship between meeting housing needs and sustainable forms of development and the importance of protection and enhancing both the natural environment and the facilities which contribute to the quality of life.
49. I address the impact on sustainable development in relation to individual policies, and overall, I am satisfied that the making of the Plan will contribute to sustainable development.

***“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”***

50. As with the previous two conditions, the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of *“general conformity”* is fundamentally that the Neighbourhood Plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG.<sup>13</sup> It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that a strategic policy is concerned with. However, any departure from development plan policies needs to be clearly justified.
51. The table in the Basic Conditions Statement carefully relates each of the policies of the SLP to the relevant policies of the CLP. I have found this very helpful in my examination. As I have already explained the CSP only provides a partial strategic context for the SNP because its planning horizon is 2028 and the SLP is designed to guide development up to 2036. However, I have found that the Plan carefully considers the significance of the development plan for Sileby, having particular regard to the role of Sileby as a Service Centre within the settlement hierarchy in the CLPCS.
52. I have considered the relationship of each of the SNP policies to development plan policies and I conclude that the making of the Plan would be in general conformity with the strategic policies of the development plan.

---

<sup>12</sup> NPPF Paragraph 9

<sup>13</sup> PPG What is meant by ‘general conformity’? Reference ID 41-074-20140306

***“The making of the plan does not breach and is otherwise compatible with EU obligations” and “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”***

Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations

53. PPG indicates that *“In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment”*<sup>13</sup>, subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have “significant environmental effects”, a screening assessment is necessary.
54. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include: *“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or (ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”*.
55. The submission documents include a Strategic Environmental Assessment Screening Report prepared by CBC. It follows the recommended methodology<sup>14</sup> to determine whether a SEA is required. It concludes by reaching *“an initial view that it is unlikely that there will be any significant environmental effects arising from the Sibleby Neighbourhood Plan Pre-submission Version.”* It indicates that the statutory consultation bodies will be consulted on this report and that when the responses have been received a formal determination will be made on the need for SEA. This is consistent with Regulation 9(2) of the EAPPR.
56. The submitted documentation does not contain either the responses of the consultation bodies or the formal determination of CBC. However, the responses of Historic England and Natural England are posted on the CBC website. Although the Basic Conditions Statement states that the statutory consultees agreed with the conclusion of the Screening Report, the Historic England response conflicts with this. It refers to the location of one of the proposed reserved sites within the Conservation Area and its proximity to St Mary’s Church which is a Grade II\* listed building. It concludes that *“there may well be significant impacts on the historic environment, and it is our view that A SEA is likely to be required.”* Notwithstanding this objection, CBC has confirmed its screening opinion that SEA is not necessary. I concur with that view. The reserve site that is close to St Mary’s Church is a previously developed site and there is no reason to assume that residential development would have a more significant impact than the existing very utilitarian business use. Any objection in terms of environmental impact in this context could only be on the basis of the detailed design of the proposal rather than to the principal. This could not be assessed in a SEA as there is not at this stage a

---

<sup>14</sup> Table 2 in the Practical Guide to the Strategic Environmental Assessment Directive 2005 and Schedule 1 of the EAPPR 17



detailed proposal, but there is every reason to suppose that a design which enhances the character of the Conservation Area and the setting of St Mary's Church could be achieved. Any such proposal would need to be assessed against the national policies for considering the impact of development proposals on heritage assets.

57. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 changed the prescribed condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act to read that:  
*"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017"*. Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:  
*"(1) Where a land use plan - is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site's conservation objectives."*  
Regulation 106 of the CHSR requires that:  
*"A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required."*
58. A Habitats Regulations Assessment Screening Statement prepared by CBC is included in the submitted documents. It notes that there are no designated European sites within Charnwood Borough and the nearest sites are The River Mease SAC to the west of the borough and the Rutland Water SPA and Ramsar site to the east. A screening report carried out for the Charnwood Core Strategy concluded that the Core Strategy would be unlikely to have a significant effect on these sites due to *" i) the lack of pathway for effects arising from development in Charnwood to reach and affect the River Mease SAC ; and ii) The level of management measures implemented by Leicestershire and Rutland Wildlife Trust in partnership with Anglian Water for the Rutland Water SPA/Ramsar site."*
59. The SNP Screening Statement concludes that as the SNP has to be in general conformity with the Core Strategy and because of the very small scale of development it envisages in addition to that, the SNP will not have any environmental effects on the designated sites in addition to those identified in the Screening Report for the Core Strategy. It is therefore considered that an Appropriate Assessment is not required. I am satisfied with this conclusion.
60. On the basis of the SEA and HRA Screening Reports and the responses to consultation on them I am satisfied that *"the making of the Plan is consistent with and does not breach European Regulations"* and that *"The making of the neighbourhood development plan does not breach*

the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

## **Human Rights**

61. Nothing in the Plan suggests that there would be any breach of the European Convention on Human Rights.

## **Vision and Objectives**

62. Section 3 of the Plan is entitled “The Plan, its vision, objectives and what we want it to achieve”. The Vision is a full-page statement expressing the sort of place that the Plan wishes Sileby to be. It envisages that Sileby will meet the housing and infrastructure needs of all age groups of the population, and accommodate appropriate new business development, and that development will be sympathetically integrated with the village. It aspires to the bypassing of the village by most through traffic and a reduced need for cars as a result of improved public transport and facilities for cycles and pedestrians. It also seeks environmental improvements through tree planting and enhanced wildlife habitats, including the enhancement of the Sileby Brook, and opportunities for electric vehicle charging. Finally, it envisages a housing mix meeting the needs of all age groups and designed to add to the village’s vibrancy and community focus.
63. Not all the elements of the vision are easily addressed through land use planning policies. In particular road improvements leading to the bypassing of the village cannot be achieved without decisions which would need to be taken by the highways authority. Similarly, the improvements to the Sileby Brook will only be achieved by pro-active intervention rather than through the determination of planning applications.
64. Nonetheless, it is appropriate for the Plan to express such a far-reaching vision to help ensure that the policies it contains are compatible with the overall vision.
65. The Vision is followed by a series of ten objectives which are more specific and succinct. To an extent they repeat the aspirations of the vision in another way, but they are framed with a view to the kind of policies which the Plan should contain.

## **Policies**

66. The 32 policies in the Plan are arranged in 8 sections, starting with two general policies which relate to all types of development and then policies relating to: Housing, The Natural and Historic Environment, Community Facilities, Transport and Employment. The Plan also contains several Community Actions which are not intended to be examined as land use policies and are presented distinctly in brown format. PPG suggests that “*wider community aspirations than those relating to the development and use of land, if set out in the plan, would need to be clearly identifiable (for example set out in a companion document or annex), and it should be* 19

*made clear in the document that they will not form part of the statutory development plan.”<sup>15</sup>*

67. I am satisfied that it is acceptable to locate these Community Actions in the relevant sections of the Plan providing they are clearly distinguished from the land use policies. Immediately following the objectives on page 11 there is a reference to Community Actions “*which are not policies and will not be subject to examination*”. While true, this does not entirely make clear the status of Community Actions which is that they will not form part of the statutory development plan. I have therefore recommended a modification to this effect. In the SNP three colours of text are used. Supporting text is in black, policies are in a subdued green and community actions in red/brown. The effect of this is that the policies do not stand out from the general text, but the community actions do. The main focus of the Plan should be its policies and it is common practice in neighbourhood plans to highlight them more clearly, by putting them in bold text and/or by putting them in a box. This is particularly necessary where there is the need to distinguish them from the community actions.
68. There is also some inconsistency in the way policies are presented. In some cases, the title of the policy is in capitals and in other cases it is in lower case. The text of the policies continues on the same line as the title so that, particularly where the title is in lower case it does not stand out. It is helpful to the reader to be able to clearly identify policies quickly.

#### **Recommendations**

**On page 11 in the last paragraph delete “and will not be subject to examination” and insert “and will therefore not form part of the statutory development plan or be used in the determination of planning applications.”**

**Change the formatting of the Plan to more clearly make the distinction between policies and community actions by placing the policies in a box. Ensure that the formatting of policies is consistent and that there is a clear distinction between the heading of the policy and the text.**

69. I have considered all the policies of the Plan against the basic conditions, having regard to the evidence provided to justify them. Where necessary I have recommended modifications. I am only empowered to recommend modifications necessary to meet the basic conditions, to comply with the convention on Human Rights, to comply with the legal requirements in relation to neighbourhood plans or to correct errors.<sup>16</sup>
70. In considering the policies I have taken account of all the comments made during the preparation of the Plan with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan and the subsequent consultation on the amended supporting documents. Although I have not referred directly to all the comments made, I have given attention to all of them.

---

<sup>15</sup> PPG What should a neighbourhood plan address Reference ID 41-004-20191509

<sup>16</sup> Section 10 paragraphs (a) – (e) of Schedule 4B to the Town and Country Planning Act 1990

## General Policies

### Policy G1: Limits to Development

71. Policy G1 defines Limits to Development for Sileby and sets out the approach to be taken for development outside these limits. Development Limits were defined in the 2004 Charnwood Local Plan and the policy to be applied to development proposals within these limits was set out in Policy ST/2 which has been saved. It was anticipated that the Development Limits would be redefined in a Site Allocations Document, but this has not been prepared and has been overtaken by early work on the preparation of a new Local Plan. The SNP has therefore sought to define up to date Limits to Development.
72. The supporting text clearly sets out the criteria which have been applied in this process. The main basis for extending the Limits to Development has been the inclusion of all sites on the fringes of the settlement with an extant permission for residential development at 1<sup>st</sup> July 2018. The second criterion refers to the inclusion of residential site allocations within the Neighbourhood Plan; while this makes sense as a general principle in practice it has no effect as the only sites identified in the Plan are “reserve sites” and all of these are contained within the Limits to Development defined in the Local Plan.
73. The definition of the Limits to Development is clearly closely related to the amount of new development that it is necessary to accommodate, and this is considered in more detail in relation to housing policies. However, Gladman Developments object to the definition of the Limits to Development on the basis that they provide no flexibility and that this is inconsistent with the role of Sileby as a Service Centre which may be expected to accommodate some growth. They also argue that the policy reflects outdated government guidance to protect the countryside for its own sake. They suggest that the policy should provide for sustainable development adjacent to the existing settlement.
74. Limits to Development are a widely used planning tool to provide clear guidance to developers and decision makers on where development should take place. It is evident in Sileby that there has been substantial development in recent years reflecting its role as a Service Centre. It is entirely appropriate for the scale of this development to be taken into account in determining how much more development will be required over the plan period. It is clear that the requirements of the adopted Core Strategy have been taken into account in determining the Limits to Development and consideration has been given, in consultation with the local planning authority, to the possible scale of further development that may be required. I am therefore satisfied that the extent of the Limits to Development is in general conformity with the development plan and is consistent with national policy and guidance.
75. The suggestion by Gladman Developments that the emphasis on the protection of the countryside relates to outdated advice is misleading. While there has been a change in the wording of national policy away from “protection of the countryside for its own sake”, the

NPPF refers to “*recognising the intrinsic character and beauty of the countryside*”<sup>17</sup> The approach of the SNP to the definition of Limits to Development reflects this.

76. The form of words suggested by Gladman Developments is very close to that used in the NPPF for situations where the development plan is out of date. While that situation may arise, it is not the case at present and a modification on these lines is therefore not required to meet the basic conditions.
77. The policy indicates that development outside the Limit to Development will be controlled by applying national and local strategic policies. It refers specifically to development related to agriculture or agricultural diversification, affordable housing on rural exception sites and recreation, sport and rural tourism which respects the character of the countryside as being appropriate in the countryside. All of these forms of development would be consistent with national policy.
78. I am satisfied that the policy meets the basic conditions.

### **Policy G2: Design**

79. This policy is an overarching policy to be applied to all residential and commercial development. It contains design requirements for new development which are intended to ensure that development enhances the character of the area in which it is situated and contributes to several specific elements of sustainable development. These detailed provisions are considered in turn. Several representations on this policy have been made by Gladman Developments and iPlan Solutions on behalf of Davidson Developments and in some but not all cases the modifications I have recommended reflect these comments.
80. Part a) of the policy requires development proposals to reinforce local distinctiveness and to demonstrate that they are sympathetic to the surrounding area. This is consistent with the basic conditions. However, the final sentence requires that development “*should not have any adverse effect on the visual amenities of the street scene nor wider rural landscape views.*” This is an onerous and sweeping requirement. Most planning decisions require the balancing of many factors and in some cases modest harm may be acceptable where the benefits of the proposal are sufficient to outweigh it. The policy also presents an internal inconsistency within the Plan as it does not define “*wider rural landscape views*” and is more stringent than the policy to be applied under Policy ENV7 to a relatively small number of views of particular importance which provides for the mitigation of any impact on these views.
81. The supporting text in relation to this element of the policy in the second paragraph on page 24 is phrased in policy terms. This is not appropriate, and I have recommended a modified form of words.
82. Part b) requires that design principles which apply to the Conservation Area should apply to development adjacent to the Conservation Area. This is a sensible provision as development

---

<sup>17</sup> NPPF paragraph 170

adjacent to a Conservation Area can clearly influence the setting of it.

83. Part c) sets out standards for off-street parking for new dwellings. These standards are significantly more demanding than those used by Leicestershire County Council and objections have been lodged by Gladman and iPlan Solutions on behalf of Davidson Developments. The supporting evidence refers to problems associated with on-street parking in Sileby as a result of terraced housing with no parking provision and the narrow streets in the village, but in many cases new development is unlikely to affect this situation as it would be not be in the areas where these problems are found. Moreover, these issues are not unique to Sileby, and the Leicestershire standards expect the application of a DCLG model which takes account of a range of variables. I am not satisfied that there is a clear justification for the application of a different and significantly more onerous standard in Sileby than in the rest of the county.
84. The first part of part d) does not effectively add to part a) except in its reference to “a diversity of quality materials”. It is not entirely clear what this means as it could refer to individual buildings having a range of materials or, which appears more likely, that developments can choose from a diverse range of materials which would be acceptable. The second part of the policy also does not make sense as it stands as it seems to be a statement of the obvious to say that improvement will be supported where it is not harmful. The word “design” is not qualified in any way, but design in itself cannot meaningfully be encouraged or discouraged as it is an inevitable process. It has been confirmed to me that the intention of the policy is that contemporary or innovative design will be supported where it would not detract from the historic context and I have recommended a modification to this effect.
85. Part e) aims to ensure that new development contributes to the enhancement of biodiversity and lists several measures that should be included in new development where possible. These requirements are detailed and specific; they include the provision where practicable of integral bird boxes and bat breeding and roosting sites, fence gaps to maintain a habitat for hedgehogs and security lighting settings. While PPG encourages positive measures to increase biodiversity,<sup>18</sup> it envisages such measures as being appropriate in some circumstances and identifies the potential for them to be offered by developers in a unilateral undertaking rather than necessarily required. Also, several of these things, such as the detail of boundary fences or external lighting can only be controlled by planning in certain circumstances. I have therefore recommended modifications to indicate that such measures will be encouraged rather than required.
86. Part f) requires new development to incorporate sustainable design and construction techniques. It refers to paragraph 165 of the NPPF in this regard, but this refers to sustainable drainage systems which are referred to in part g) of the policy. It also requires rainwater recycling to the front and rear of the property where possible. A written Ministerial Statement in 2015 made it clear that construction standards should not be required in neighbourhood plans and are determined either through building regulations or optional

---

<sup>18</sup> PPG Reference ID 8-023-20190721

standards which may be adopted by local authorities. This is maintained in PPG.<sup>19</sup> The requirement to recycle rainwater is also too prescriptive.

87. Part g) relates to sustainable drainage systems. It is not practical for all developments to incorporate sustainable drainage systems as the costs for very small numbers of dwellings or small commercial developments would threaten viability and it would be difficult to accommodate in design terms. Paragraph 165 of the NPPF requires this for major developments and this requirement does not add any locally distinctive element to it.
88. Part h) relating to the storage of household waste is consistent with the basic conditions.
89. Part i) requires the provision of infrastructure to support the charging of electric vehicles within the property boundary. The general intention of this is consistent with Paragraph 110 of the NPPF, but in some forms of developments such as flats the requirement for this provision to be within the property boundary may not be realistic. I have recommended a small modification to reflect this. Representations have resisted this requirement on the basis of the potential increase in load placed on the electricity supply infrastructure. I accept that there may well be such implications, but the increased use of electric vehicles and the provision of the necessary infrastructure to facilitate this is consistent with government policy to respond to climate change and sustainable development.<sup>20</sup>
90. Subject to the modifications I have recommended, the policy meets the basic conditions.

#### **Recommendations**

##### **In Policy G2:**

**In part a): modify the first sentence to read “...mass, density, materials and layout of the development are sympathetic to...” and modify the last sentence to read “Development which would have a significant adverse effect on the street scene, or the character of the countryside will only be permitted where any harm is clearly outweighed by the wider benefits of the proposal.”**

**In the supporting text relating to part a) modify the second sentence of the second paragraph on page 24 to read “where the development is outside the Limits to Development, or otherwise adjacent to open countryside, its effect on views into and out of the village will be an important factor. It may be possible to mitigate potential harm by careful consideration of height, siting and aspect and by appropriate screening.”**

**Delete part c)**

**Delete the first sentence of part d) and modify the second sentence to read “Contemporary or innovative design will be encouraged and supported where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context.”**

**Modify the first part of part e) to read: Development proposals should aim to maintain and enhance biodiversity by preserving as far as possible existing trees, hedges and wildlife**

---

<sup>19</sup> Planning Practice Guidance: What are the new optional technical housing standards? Reference ID 56-001-20150327

<sup>20</sup> NPPF Paragraph 110 a)

**habitats. Where appropriate developments are encouraged to include measures to enhance biodiversity which may include:"**

**Delete parts f) and g)**

**In part i) In the last line after "vehicles" insert a full stop followed by "Where possible, this should be".**

## **Housing and the Built Environment**

### **The Amount of New Housing**

91. The starting point for the neighbourhood plan is that it "should not promote less development than set out in the strategic policies for the area or undermine those strategic policies."<sup>21</sup> The CLPCS relates to the period 2011-2028 which does not correspond with the period of the SNP. In Policy CS1 of the CLPCS, Sileby is identified as one of 7 service centres. The policy sets out the distribution of development needed to accommodate the housing need identified at the time and the 7 service centres were expected to provide 3000 dwellings. At the time the Plan was adopted completions and commitments provided for 3,460 dwellings and so no new allocations were necessary.
92. In accordance with the advice in PPG<sup>22</sup> the NPAC has discussed the likely level of housing need during the Plan period with CBC. At the time the Plan was submitted the guidance in PPG regarding the provision by local authorities of an indicative figure for the amount of housing to be accommodated by a neighbourhood plan had not been issued.<sup>23</sup> However, there has been constructive discussion with CBC around the implications of the Housing and Economic Development Needs Assessment (HEDNA) produced by GL Hearn for the Leicester and Leicestershire Authorities in January 2017.
93. This study suggests that the total requirement for Charnwood will be between 8,100 and 15,700 dwellings between 2017 and 2036. A further discussion paper, "Towards a Local Plan for Charnwood", published for consultation in April 2018 identified 7 strategic options for accommodating these dwellings, ranging from concentration in the urban areas to widespread dispersal, and the development of new settlements. This clearly suggests a wide range of uncertainty at this early stage of the preparation of the Local Plan.
94. For the purposes of the neighbourhood plan, it has been assumed that the share of the total housing development in the district is to be provided by Sileby will be proportionate to its share of the population of Charnwood, 4.72%. The rationale for this is that Sileby lies in the middle of the settlement hierarchy and larger more sustainable locations may be expected to take a larger share, while smaller settlements with fewer services may take a smaller share. This is a reasonable and pragmatic approach to take at this stage given the range of

---

<sup>21</sup> NPPF Paragraph 29

<sup>22</sup> PPG: "Can a neighbourhood plan come forward before an up to date local plan or spatial development strategy is in place?" Reference ID: 41-009-20190509

<sup>23</sup> PPG "Are housing requirement figures for neighbourhood areas binding? Reference ID 41-103 to 105-20190509



uncertainty. On this basis Sileby may be expected to accommodate between 382 and 741 new dwellings during the Plan period and planning approval has been granted for 496 dwellings since April 2017.

95. It is assumed that further windfall sites will emerge at the rate of 7 per annum to accommodate a further 126 dwellings. There is no clear evidence to support this figure. In response to a request for such evidence I have been referred to the Sileby Housing Growth Targets Discussion Paper May 2018. This gives the number of dwellings permitted since 2011 which averages 36 dwellings per year up to 2017 with a further 301 since April 2017. That figure is increased to 496 in the Plan. These figures include several large developments which are not typical of small windfall sites, and the Plan does not provide for further large-scale developments. They do not therefore give any clear guidance on the potential for windfall developments. However, 7 dwellings per year is a very modest provision for a settlement of the size of Sileby, and I therefore accept it as a reasonable assumption. Thus, on the basis of a need for 741 dwellings there is a residual need for 119 additional dwellings and if the requirement was only 382 there is already provision for 240 more dwellings than would be required.
96. In the discussion between CBC and the NPAC it was agreed to consider a further option based on a need for the Borough of 12,000 dwellings, just above the midpoint of the range. On this basis there would be a need for 566 dwellings and permissions and the windfall allowance would provide for 622 dwellings, a surplus of 56.
97. Assessing the potential need for housing is not an exact science with the wide range of both potential need and development strategies in the borough as a whole at this early stage in the preparation of the Local Plan. Gladman developments argue that the figure adopted offers too little flexibility for further development given the status of Sileby as a service centre which may be expected to accommodate some growth. However, the share of total development attributed to Sileby takes account of its position in the settlement hierarchy and Sileby is accommodating substantial growth through the 496 dwellings that have been granted permission since 2017. This represents an increase of well over 10% in the number of dwellings in the village during the Plan period. All of that development is in addition to the development that was envisaged in the CLPSP adopted in 2015 and, subject to windfall sites materialising at the rate assumed, this meets all but the highest end of the potential growth requirements identified through HEDNA.
98. Reference has been made in the representations from both Gladman and iPlan to the encouragement in PPG for neighbourhood plans to *“to meet their housing requirement and where possible exceed”* and to the flexibility that may be provided by a *“sustainable choice of sites.”*<sup>24</sup> In this instance, it has not been possible to define a firm requirement, but it is clear that the Plan provides for substantially more development than is required by the adopted

---

<sup>24</sup> PPG How should neighbourhood planning bodies use housing requirement figure that has been provided to them?  
Reference ID: 41-103-20190509

development plan and for all but the highest end of the range of strategic options being considered for the emerging plan. The identification of several reserve sites in Policy H1 provides some flexibility in addition to this.

99. It is certainly possible that the SNP will be overtaken by the reviewed Local Plan if Service Centres are expected to accommodate a substantial share of the required additional housing and Sileby is expected to accommodate significantly to this. SPC, in its response to the Gladman comments, acknowledges that this is possible and may necessitate a review of the neighbourhood plan. However, this is only one of many potential strategies and it is reasonable to assume that, in considering the strategy for the distribution of growth within the Borough of Charnwood, CBC will attach some weight to the amount of development which is already taking place in Sileby. It does not follow, as the legal opinion accompanying the Gladman representation seems to suggest, that because a settlement has already met the identified need for development it must accommodate more. A policy to provide substantially more residential development in the SNP could undermine the wider strategy which has yet to be confirmed.
100. At this stage I am satisfied that the amount of housing being planned for exceeds that required in the adopted development plan and that it takes account of the information available on estimated housing need up to 2036. CBC has not provided an indicative figure for the scale of development required but has discussed the possible range of development in detail with the NPAC and has not suggested that the scale of development envisaged is unduly restrictive.

#### **Policy H1: Reserve Sites**

101. Policy H1 identifies 6 sites which may be considered for residential development if there is a shortfall of housing because the permitted housing sites in Sileby fail to deliver the anticipated level of development, or if further development is required by the emerging Local Plan which will replace the Charnwood Local Plan Core Strategy. The sites could each accommodate between 11 and 18 units and in total could provide a further 77 dwellings.
102. These sites have been selected as a result of a detailed appraisal of 21 sites within and around the village. The site evaluation is presented in Appendix 3d). At the start of my examination, I noticed that there were some inconsistencies between Appendix 3d) and the map on Figure 4. Also, while the Appendix showed the methodology for the appraisal and the overall results, it did not show the detailed evaluation of each site. It was thus not possible to see what score particular sites had been given in relation to particular factors and the reasoning behind those scores. There was also no map to indicate the location of the sites. I therefore requested that the inconsistencies should be corrected and that the full evaluation should be placed on the CBC website for a further consultation period of 6 weeks. This consultation took place between 1 July 2019 and 11 August 2019. The corrections require modifications to Figure 4 to ensure consistency with Appendix 3d).

103. Several representations have been made in relation to Policy H1 both at the regulation 16 stage and in response to the further consultation that I have just referred to. Gladman Developments suggest that the policy is imprecise as it is not clear how the first criterion that reserve sites may be released “If it is required to remediate a shortfall in the supply of housing land due to the failure of existing housing sites in Sileby to deliver the anticipated scale of housing required”. I do not accept this criticism because it is quite feasible for a decision maker to determine whether the number of dwellings delivered by the sites which had planning permission at the time the plan was prepared, and any other sites permitted, falls short of the requirement on which the Plan is based.
104. Gladman’s second concern is that the reserve sites do not make adequate provision for additional dwellings to meet the upper end of the range of need for the District of 15,700 dwellings. I have already addressed this issue in paragraphs 91-99 and concluded that it is not necessary to plan for this figure to meet the basic conditions as the emerging local plan is at a very early stage of development.
105. Gladman also take the view that the identification of these reserve sites is not necessary as the principle of infill development within the Limits to Development is accepted in Policy H2. This argument has some force, but all except one of the reserve sites is at least in partial use for business purposes and thus potentially the release of these sites for residential development would be contrary to the second part of Policy E1 which resists the loss of existing employment sites.
106. In most cases the extent of business use on these sites appears to be small scale and not to make full use of the site and it has been confirmed to me that the site owners are willing to make the sites available for residential development. However, the nature of any business use can change over time and it may be necessary to consider whether the business uses can be relocated or whether the benefits of residential development outweigh the possible loss of employment uses. For these reasons the policy adds significantly to the policy for windfall development in Policy H2. I have recommended modifications to reflect these points. I have also recommended a modification to Policy E1 to clarify the relationship between the policies.
107. Gladman suggest in response to the further stage of consultation that the modification suggested by SPC to strengthen the wording of the policy to say that allocations would be “made” in certain circumstances rather than “considered” would mean that a SEA would be required. The wording of the PPG<sup>25</sup> referred to by Gladman does not indicate that SEA will be necessary in all cases where allocations are made, it indicates that “SEA may be required” in these circumstances. The SEA Screening Report has taken the effects of the reserve sites into account and I am satisfied with the conclusion reached by the screening assessment that SEA is not required. The reserve sites are, with one exception, previously developed sites and I can see no reason to suppose that the small scale of residential development envisaged on each

---

<sup>25</sup> PPG What to do if a Neighbourhood Plan is likely to have a significant environmental effect. Reference ID 11-046-20150209

site would have significant environmental effects.

108. I do, however, have concerns about the wording of the policy whether it refers to the possibility of allocations being “considered” or “made” at some point in the future. Allocations for development can only be made in the context of a local or neighbourhood plan, but it is clear to me that the intention of Policy H1 is that development may be permitted on the reserve sites in certain circumstances without a review of the neighbourhood plan. I have therefore recommended a modification to indicate that applications for residential development will be supported in the event of a need for additional land.
109. Gladman take issue with the evaluation of land at Barnards Drive (Site 4), referred to in Appendix 3d) as Paynes Barn. In several instances they dispute the assessment given to this site and therefore the conclusion reached that it should not be one of the identified reserve sites.
110. The appraisal process was based on criteria derived from the 12 core planning principles in the 2012 NPPF and on the CBC Strategic Land Availability Assessment. The initial scoring of the sites was carried out by a consultant with experience in site selection processes and discussed in detail with the SNP Housing Task Group to ensure each factor was properly considered. The appraisal sets out clearly the reason for the assessment in each case. It is evident that the process used was transparent and methodical. It involved consultation with landowners and the community and from what I can determine was applied consistently.
111. It is obvious that the choice of criteria for a process of this sort will greatly influence the outcome and it is clearly possible to debate the choice of criteria. However, a red score on any individual factor does not in itself require the conclusion that a site is not suitable; it is simply a negative factor. The eventual conclusions look at the overall balance between positive factors, factors where mitigation could overcome any harm and negative factors for each site. The choice of criteria clearly takes account of the existing development plan policy which supports small scale development within the Limits to Development.
112. The choice of criteria clearly favours brownfield sites over greenfield sites, with negative scores for greenfield land, reinforced by the effects on agriculture, landscape and biodiversity, but positive scores for the use of brownfield sites. This is consistent with the support in the NPPF for priority to be attached to the use of brownfield land<sup>26</sup>, but I accept that it tends to emphasise the case against greenfield sites as red scores are likely on several criteria. Criteria which favoured large scale development outside the Limits to Development would clearly not be in general conformity with the development plan and therefore would not meet the basic conditions.
113. It is clear that the methodology for the appraisal of sites takes account of the scale of development being considered. As there is no immediate need for new allocations and the process is designed to identify sites which could accommodate a relatively small number of

---

<sup>26</sup> NPPF paragraphs 117 and 118

dwelling, it is reasonable that the appraisal is structured to favour relatively small brownfield sites rather than large green field sites. Having regard to these factors, I am satisfied that the choice of criteria is consistent with sustainable development and with existing development plan policy with which the neighbourhood plan must be in general conformity.

114. On this basis I have considered the specific concerns raised by Gladman. While it would clearly be possible to debate the conclusions of the assessment factor by factor in considerable detail, that would be beyond the scope of this examination. I note that in some instances the conclusions differ from those reached by CBC officers in the assessment of a specific application on the site in question. However, that is not a directly comparable exercise as a planning application contains much more detail than an initial site assessment and it is easier to take the potential for mitigation into effect. Also, an appraisal is an exercise in comparing sites in the context of a strategic policy with a view to identifying the most suitable, whereas an application is a specific proposal at a particular point in time. In several instances, while the officers' report has not raised a clear objection to particular criteria it has identified issues which are similar to those identified in the appraisal. In other cases, the assessment is based on specific criteria chosen by the NPAC, such as the distance to local facilities. These are quite appropriate in an exercise designed to compare sites in terms of sustainability but may not be used by an officer in relation to an individual application.
115. Overall, I am satisfied that the methodology used in the appraisal of sites was appropriate for the selection of relatively small sites in a neighbourhood plan. It has been carried out thoroughly and consistently and I have found no clear evidence to justify changing its findings in support of the site being promoted by Gladman.
116. With regard to the legal judgements referred to by Gladman, the requirement to consider reasonable alternatives relates to a SEA. In this case CBC has concluded that a SEA is not necessary and I have found no compelling reason to question that conclusion.
117. I have recommended modifications to clarify the status of the reserve sites and their relationship between this policy and policy E1.

#### **Recommendation**

**In Figure 4 renumber the site 21 as site 20 and site 22 as site 21.**

**In Policy H1: delete "Further allocations will be considered for residential development on the following sites (see figure 4)" and replace it with "Planning applications for residential development on the following sites (see figure 4) will be supported". After point b) add: "c) any business or community uses can be satisfactorily relocated or if the need for residential development clearly outweighs the loss of these uses."**

#### **Policy H2: Windfall development**

118. Policy H2 allows for small residential developments of up to 9 units on infill and redevelopment sites where they meet defined criteria. The introductory section requires such proposals to meet all other neighbourhood plan and borough-wide policies. It is a

requirement that all relevant development plan policies should be taken into account in the determination of planning applications and it is therefore not necessary to repeat this requirement in individual policies. The reference to being well designed is not necessary as Policy G2 sets out design requirements in more detail for all developments.

119. No justification is given for the limitation of such developments to 9 dwellings. While it is likely that most such developments would be relatively small scale, and the reserve sites that have been identified in Policy H1 could accommodate more dwellings, in terms of sustainable development, I can see no clear reason why, if a site which could accommodate a larger development and met the other criteria in the policy came forward it should not be accepted. The limitation to sites of 9 or less dwellings could also prevent the provision of affordable housing which can only be required on sites of more than 10 dwellings. Sileby is a relatively large village where developments of more than 9 dwellings are unlikely to appear out of place provided, they meet the required design standards.
120. One of the six criteria is that the developments should be within the Limits to Development. As this requirement relates to the location rather than the form it would be helpful and clearer to decision makers if it was contained in the introductory part of the policy. The other 5 criteria relate to: the relationship of the development to other buildings, respect for the shape and character of Sileby, the retention of natural boundaries, preventing the reduction of garden space to an extent that it impacts on the character of the village or residential amenity and to the living conditions of neighbours and occupants. I am satisfied that they meet the basic conditions.
121. I have taken account of the comments of iPlan Solutions on the relationship between this policy and the guidance in paragraph 123 of the NPPF which seeks to ensure the efficient use of land, but I am satisfied that the removal of the limit to 9 dwellings means that there is not conflict between the Policy and the NPPF on this issue.

#### **Recommendations**

**Modify the first part of Policy H2 to read: “Residential developments on infill and redevelopment sites within the settlement boundary will be supported where the development:” and delete criterion b).**

#### **Policy H3 Housing Mix**

122. This policy aims to ensure that the mix of new houses meets the needs of the community. Appendix 3a) presents a range of demographic and housing data, mainly from the 2011 census, supported where possible by more recent data. This shows that the share of the housing stock made up of semi-detached and terraced properties is higher in Sileby than in the Borough, the County or England, whereas the proportion of detached properties and apartments is lower. The age structure of the parish is relatively young, by comparison with Charnwood and national figures, but the numbers of older people are likely to increase disproportionately, and this points to the need for housing to meet the needs of the elderly.

123. The first part of the policy simply requires new housing to reflect up to date evidence on housing need. This is appropriate as the need may change over the Plan period. The policy is not explicit on what form this evidence should take and I have therefore recommended a slight amendment to make it clear that the it should be available in a published form and relate where possible to Sileby, or, if such evidence is not available, to a wider area.
124. The second part of the policy refers to space standards and accessibility. It states that requires all housing “should” be built to M2 – “accessible housing” standard and for 4% of new housing to be to M3 – “wheelchair housing” standard. I believe these should be references to M4(2) Accessible Housing and M4(3) Wheelchair housing.<sup>27</sup> I have already referred to the PPG which refers to the Written Ministerial Statement<sup>28</sup> and precludes the prescription of standards of housing in neighbourhood plans and, notwithstanding the comments of SPC in response to Gladman Developments, the use of the word “should” reads as a requirement. Moreover, the general aging of the population is a national phenomenon and is likely to be much less pronounced in Sileby than many areas. There is therefore no clear evidence for requiring a higher standard of accessibility than is normally required. I have also found no clear evidence to justify the figure of 4% as the requirement for “wheelchair housing”.
125. However, recent changes to PPG have provided new guidance on the need to provide for the housing needs of an aging population.<sup>29</sup> While this does not overcome the provisions of the ministerial statement for neighbourhood plans, it does mean that it is appropriate for neighbourhood plans to point to the potential need for dwellings for the elderly and encourage their provision.

### **Recommendations**

#### **In Policy H3:**

**delete “should” from the end of the introductory section and insert “Should at the beginning of Part a), changing “Seek” to “seek”. Also in part a) of Policy H3 replace “evidence of local need” with “published evidence of local need in Sileby, or, if this is not available a larger area including Sileby.”**

**Replace Part b) with “are encouraged to construct to building regulations 2015 M4(2) “accessible housing” standard and, to include some housing at M4(3) wheelchair housing” standard.**

#### **Policy H4: Affordable Housing**

126. Policy H4 requires that 30% of new housing on developments of 10 units or more will be “high quality affordable housing”. It aims to achieve an equal mix of social housing for rent, starter homes and shared ownership schemes. It also requires social housing to be scattered through

---

<sup>27</sup> Planning Practice Guidance: Should plan making bodies set minimum standards for accessible housing? Reference ID: 63-009-20190626

<sup>28</sup> Planning Practice Guidance: What are the new optional technical housing standards? Reference ID 56-001-20150327

<sup>29</sup> Planning Practice Guidance: Why is it important to plan for the housing needs of older people? Reference ID: 63-001-20190626

developments so as to be indistinguishable from the equivalent market housing and that priority in the allocation of affordable housing should be given to people with a local connection.

127. The requirement for 30% of new housing on developments of 10 units or more to be affordable is consistent with Policy CS3 of the CLPCS. However, the use of the term “high quality” is imprecise as it does not indicate how high quality can be recognised. It also implies that there could be other places where low quality housing would be supported. In terms of design all new development would be subject to Policy G2 and the term is therefore unnecessary and inappropriate.
128. In justifying the division within different types of affordable housing the policy points to the relatively high proportion of housing that is owner-occupied housing in the Parish, 75% of in Sileby compared to about 72% in Charnwood as a whole, 67% in the East Midlands and 63% in England. The proportion of social rented housing (9% and shared ownership (0.3%) is significantly below that in Charnwood (12% and 0.8%), the East Midlands (16% and 0.7%) and England (18% and 0.8%). Policy CS3 of the CLPCS suggests that in the Borough 80% of affordable housing should be for social or affordable rent and 20% shared ownership. The evidence given does not support the requirement in Policy H3 for 30% to be starter homes and 30% shared ownership in Sileby very different proportions required in the SNP. It is true that, since the adoption of the CLPCS, the definition of affordable housing has been widened to include low cost starter homes but that does not justify the low proportion of social or affordable rented housing being supported by the Plan. Concerns about the character of concentrations of social housing are addressed by the requirement for it to be scattered within new developments.
129. The requirement for all affordable housing to be subject to requirements giving priority to people with local needs cannot be justified. The allocation of affordable housing is the one of the housing responsibilities of the local authority and is not a planning function. The only exception to this is in relation to rural exception sites which can only be justified on the basis of local need.
130. The reference to Lifetime Homes being supported is consistent with the Ministerial Statement I referred to in relation to Policy H3 as it is not phrased as a requirement.
131. The issues I have addressed in relation to this policy require several modifications to Policy H4 in order to meet the basic conditions. Some consequential modifications to the supporting text are also necessary.

#### **Recommendations**

##### **In Policy H4**

**In the first sentence delete “high quality”.**

**Modify the second sentence to read: “In any new development at least two thirds of the affordable housing will be social or affordable housing for rent, and the remainder low cost starter homes for sale and shared ownership housing.”**



**Delete the third paragraph.**

**In the supporting text on page 33 delete “To meet a local need the mix should be...starter homes for sale”.**

**In the supporting text delete “To meet a local need the mix should be” and the following three lines and replace it with “Policy CS3 of the Core Strategy indicates that 80% of affordable housing should be social rented and 20% shared ownership. Since then the definition of affordable housing has been widened to include starter homes and discounted market sales housing.”**

## **The Natural and Historic Environment**

132. Section C begins with a concise and informative summary of the environmental characteristics of the parish. It describes the landscape and geology, the historic environment and environmental designations. It also provides a link to the environmental inventory in Appendix 4 which is a very comprehensive review of environmental data.

### **Policy ENV1: Protection of Local Green Space**

133. The Policy designates the Memorial Park and St Mary’s churchyard as Local Green Spaces. Both sites are evaluated against a set of criteria which are derived from the relevant considerations for the designation Local Green Spaces which are set out in paragraph 100 of the NPPF. The evaluation on Page 40 of the Plan is identical to that in Appendix 5, which is therefore unnecessary. Both spaces are clearly of great importance to the community and identity of Sileby.
134. The Memorial Park is a large and attractive open space in a fairly central position which provides a wide range of formal and informal recreation opportunities. While it is already designated as an open space in the Local Plan, the additional protection offered by the greater permanence associated with Local Green Spaces and the clarification of the limitations on potential development justify its designation.
135. Similarly, although St Mary’s churchyard enjoys protection because of its position in the Conservation Area and the listed building designation of the church and its curtilage, Local Green Space designation recognises its importance as a tranquil open space in the heart of the village.
136. The policy is consistent with the requirement of paragraph 101 of the NPPF in limiting development on these sites to very special circumstances unless it is consistent with the function of the Local Green space
137. The policy is consistent with the basic conditions.

### **Sites of Environmental Significance**

138. This policy identifies several sites as being of historic or natural environment significance.

These sites are evaluated in detail in Appendix 4 against the criteria for Local Green Spaces but did not score highly enough in terms of community benefit for Local Green Space designation.

139. This is a commendably detailed piece of work which identifies a large number of sites which are of some environmental importance and describes their significance. However, it is difficult to link the useful information given in the Appendix with the maps in the Plan. In figure 8.1 the numbers of the sites are not shown and while most of the sites on Figure 8.2 are numbered some are not. The schedule does not list the sites in numerical order and thus even when the map does show the relevant number, it is not straightforward to find it on the schedule. The meaning of the colour coding of the text describing the sites is also not evident as it includes colours (black and red) which are not included in the key at the beginning of the schedule. I was left wondering if the schedule was complete in all respects, as the colour highlighting of the columns is quite limited and, for example, only two sites are highlighted for historic interest whereas Figure 8.1 shows 6.
140. All these issues make it difficult for decision makers and developers to use the information in Appendix 4 when applying the policies in this section. I have therefore recommended that the connection between the Plan and Appendix 4 should be clarified to address these matters. The e mail response to my queries about these points has clarified the intentions and I have recommended several modifications to ensure that figures 8.1 and 8.2 can be used effectively in association with Appendix 4.
141. The policy to be applied to this site is to prevent development which would be harmful to the species, habitats or features of these sites unless the need and benefits of the development would clearly outweigh or compensate for their loss. The identification of such sites is consistent with the guidance given in paragraph 174 of the NPPF in relation to habitats and biodiversity. I am satisfied that the policy meets the basic conditions.
142. On Page 43 there is a section highlighted in a box relating to Park Hill Golf Course, which lists the wildlife which has been identified in this area. However, it is not clear what the significance of this area is in policy terms. There is no specific policy for it and the site is not identified on figure 8.2 which shows sites of natural environment significance. I sought clarification of the significance of this and have been informed that the site has been the subject of a planning application for a training facility for Leicester City Football club, where the implications for the natural environment were an important consideration. That application has now been approved and I saw on my visit that the development is now underway. The highlighted section in the SNP therefore serves no clear purpose and is potentially confusing as it does not feed through into policy.

#### **Recommendations**

**In figure 8.1 insert the numbering of the sites to facilitate its use in association with Appendix 4.**

**In Figure 8.2 insert the numbers of the sites where the number is not shown to facilitate its use in association with Appendix 4.**

**In Appendix 4 remove the colour coding of the text as it serves no purpose and present the sites in numerical order for easy reference.**

**Delete the highlighted section on Park Hill Golf Course**

### **Policy ENV 3: Important Open Spaces**

143. This policy aims to protect a large number of open spaces which are considered to be of high value to the community on the basis of the evaluation in Appendix 4. These spaces are mapped on Figure 9. They include a wide range of formal and informal spaces including parks, children's play spaces, semi-natural open spaces allotments and cemeteries. There is no clear connection between the spaces listed in the policy and those shown in figure 9. I sought clarification on these points and I have received a map which numbers the sites and links them to a new numbered schedule (both attached as Appendix 1 to this report). These documents help, but there remain some inconsistencies between the Map, Policy ENV3 and the new schedule.

- The Map does not clearly distinguish those sites which are referred to in Policy ENV 3 from other sites
- Policy ENV 3: refers to "Memorial Park extension to Highgate Road (south of brook)" as a separate site, but this area is included in the area marked RO2 on the map and it should be listed in the policy as one site.
- The area referred to as "Memorial Park extension (Sibley Brook flood management area)" in Policy ENV 3 is referred to in the schedule as "Memorial Park extensions to Heathcote Drive and northeast of Heathcote Drive". The same name should be used in both locations.
- Sites RO1 New football pitch, RO1A Community Park are shown on the map and listed in Part 2 of the schedule as "Important Open Spaces Sibley Neighbourhood Plan" but not included in the policy.
- Four other sites are listed in Part 1 of the schedule as "Charnwood Borough Council Open Space, Sport & Recreation sites in Local Plan" but are not included in Policy ENV 3. It is not clear what if any rationale there is for this as several of the sites that are listed are also in this category. The relevant sites are OOS10 Cossington Road Old Allotments and open space to north, OOS1 Cemetery, ALL1 Barrow Road Allotments, ALL2 Cemetery Road Allotments.

144. I sought further clarification on these points and the intentions of the Parish Council regarding which sites should be included in Policy ENV 3. It has been confirmed to me that it is the intention that all of the sites in the list attached at Appendix 1 to this report should be included in the policy. This means that there is an element of duplication with the Local Plan but there is no conflict between the policies of the two plans and as the SNP has a longer time frame than the Local Plan it makes sense to include those sites also included in the Local Plan.

145. St Mary's Churchyard and Memorial Park including the extension to the south to Highgate Road are already identified as Local Green Spaces by Policy ENV1. This offers a higher level of protection than that of Policy ENV3 because of the expectation of more long-term protection, and there is therefore no purpose in referring to them in Policy ENV3. However, for completeness and the avoidance of confusion it would be helpful for this to be indicated on the revised map. It should be noted that the area defined as Local Green Space at Memorial Park differs slightly from that shown in space RO2 on the revised map.
146. Cossington Road Open space (OOS10 on the revised map) should be deleted as it is inconsistent to protect the site and at the same time identify it as a reserve site for residential development.
147. The Policy refers to Appendix 4. However, as I have previously suggested, this is a long and complex evaluation document and it is not easy to find individual sites within it. The list which has been supplied to me is much clearer and it would be helpful for it to be included as Appendix 5 replacing the unnecessary Appendix on Local Green Spaces which I referred to in Policy ENV1.
148. There is a potential conflict between this policy and Policy CF 4 (as modified by my recommendation)
149. The wording of the policy is generally consistent with guidance in the NPPF<sup>30</sup>. However, the reference to the Parish Council in the penultimate line is inappropriate as decisions on planning applications are made by the local planning authority and, while the Parish Council's view as a consultee is relevant it cannot have a power of veto. There is also a superfluous "or" after "...that the open space" in the penultimate line. Subject to the following modifications the policy meets the basic conditions.

### **Recommendations**

#### **In Policy ENV3:**

**In the second line of the first paragraph delete the reference to Appendix 4 and replace it with a reference to Appendix 5**

**In the penultimate line of the first paragraph delete "or" in the penultimate line of the first paragraph after "...that the open space" and add or, in the case of the sites in Part c), Policy CF 4 applies.**

**Replace the list that follows with the following list:**

#### **a) Sites protected in the Charnwood Local Plan**

**Collingwood Drive Open Space**

**Sileby Town Cricket Club**

**Memorial Park extensions to Heathcote Drive and northeast of Heathcote Drive**

**Dudley Bridge to Brook Street Open Space**

**Cemetery Road Cemetery**

**Barrow Road Allotments**

---

<sup>30</sup> Paragraph 97

**Cemetery Road Allotments**

**b) Additional Important Open Spaces identified by the Sileby Neighbourhood Plan**

**New Sileby Town Football Club Pitches**

**Sileby Community Park**

**Harlequin Drive/Melody Drive Open Space**

**Flaxland Crescent Open Space**

**Brook Street to The Banks Open Space**

**Quaker Road Open Space**

**c) Open Space on Educational Sites (also referred to in Policy CF 4)**

**Redlands School playing field and grounds**

**Highgate Community Primary School grounds.**

**Replace Figure 9 with the revised map included in Appendix 1 to this report subject to the following amendments:**

**Delete site OOS10**

**Add a notation to sites RO2 and OOS2 to indicate that these areas are designated as Local Green Space.**

**Delete the existing Appendix 5 and replace it with the list attached at Appendix 1 to this report, subject to the deletion of site OOS10.**

**Policy ENV 4: Buildings and Structures of Local Significance**

150. The first part of this section identifies the 12 Listed Buildings in Sileby, where national policy for Listed Buildings will be applied. Policy ENV 4 then lists 20 other buildings and structures which re considered to be of local significance. It requires that development proposals that affect these buildings should conserve or enhance the character, integrity and setting of these buildings and that the benefits of any proposal should be considered against their heritage significance.
151. Changes to PPG that have been made during this examination have made it clear that non-designated heritage assets can be identified in neighbourhood plans.<sup>31</sup> It indicates that:  
*“Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.”*
152. Appendix 6 contains some detail on each of the proposed non-designated heritage assets. It describes the main features of each asset to indicate its significance and then provides information against a wide range of criteria: Age, rarity, architectural / aesthetic value, archaeological value, historic associations, and whether the asset is a village landmark of community significance. There is a wide range of significance between the assets identified,

---

<sup>31</sup> PPG How are non-designated heritage assets identified? Reference ID 18a-040-20190723

with some scoring positively on several of these criteria and some, particularly some of the railway bridges, only on one or two factors. The list of assets makes an important contribution to defining key elements of local distinctiveness at a very local level and the process used to identify them is consistent with the PPG.

153. Policy ENV 4 broadly reflects the balanced approach of the NPPF to development proposals affecting non-designated heritage assets,<sup>32</sup> but for clarity it needs to refer to the significance of the harm to the asset as well as the significance of the asset. The Policy also mistakenly refers to Figure 10 as the non-designated assets are shown in Figure 11.

#### **Recommendations**

**In Policy ENV 4 change “(figure 10, above)” to “(figure 11, below)” and in the final sentence delete “their significance as heritage assets” and insert in its place “the significance of the heritage asset and any harm that would result from the development.”**

#### **Policy ENV 5: Ridge and Furrow**

154. This policy aims to protect from development areas remaining areas of “ridge and furrow” grassland surviving from before the enclosure of open fields. It refers to evidence from Historic England on the loss of these areas and, more specifically, to the very small amount of remaining land showing these features in Sibleby. It identifies these areas as non-designated heritage assets, distinguishing between just five areas where the pattern is well preserved and other less significant areas, and applies a similar policy to Policy ENV 5.
155. Ridge and Furrow is a distinctive historical feature but planning control cannot prevent it being removed for agricultural purposes. Notwithstanding this, it is appropriate for the effect of development on historic ridge and furrow to be a material consideration in the determination of a planning application. The policy requiring the benefits of any development to be balanced against the significance of the ridge and furrow is appropriate. However, there may well be circumstances where some loss of an area of ridge and furrow may be necessary to achieve sustainable development, but the significance may be retained in part. The first part of the policy in seeking to avoid any loss is therefore too restrictive.

#### **Recommendation**

**In Policy ENV 5 after “...be avoided” add “unless it is unavoidable to achieve sustainable development”. After “...as heritage assets” add “and the significance of any loss or damage”.**

#### **Policy ENV 6 Biodiversity, Hedges and Habitat Connectivity**

156. This policy aims to ensure that new development safeguards existing locally significant habitats and where possible creates new ones. The supporting text explains that Sibleby is not rich in important habitats except for the floodplain of the River Soar parts of which are of recognised significance at a county level. It explains that traditional hedgerows provide some

---

<sup>32</sup> NPPF paragraph 107

of the most valuable biodiversity and those of value are mapped in Figure 13. Also important as a wildlife corridor is the valley of the Sileby Brook which runs north-east to south-west through the parish.

157. The wording of the Policy is consistent with the approach of the NPPF to the protection and, where possible, enhancement of biodiversity. The second and third parts of the policy refer specifically to the hedges shown on Figure 13 and the Sileby Brook wildlife corridor and the need in the case of the hedgerows for the mitigation of or compensation for any harm. The policy meets the basic conditions.

#### **Policy ENV 7 Important Views**

158. This policy identifies five important views that have been identified during consultation as important to the rural setting of Sileby. I visited each of these viewpoints on my visit and was able to see the significance of all except view 1. It is not unusual for views which are outstanding in the winter months to be obscured by foliage in the summer and I was unable to see across the Sileby Brook from the position of viewpoint 1 on footpath 143 or anywhere near it because of the vegetation. Nonetheless, from the location and landscape to the east of the Sileby Brook I have no reason to question this view.
159. The policy is balanced and does not seek to unduly restrict development that may affect these views but requires that development should consider and address with appropriate mitigation any effect on these views. The policy meets the basic conditions.

#### **Policy ENV 8 Biodiversity Protection in New Development**

160. This policy aims to ensure that new development maintains or enhances biodiversity; it contains three specific measures. The first is that any site and sports facility lighting should be switched off during 'curfew hours' between March and October which are contained in "Bats and Lighting" published by the Leicestershire and Rutland Environmental Record Centre. These hours commence roughly 30 minutes after sunset. While this may have little impact on the use of sports facilities during the mid-summer months, it could effectively preclude the use of floodlights during March and April and September and October when they are more likely to be useful. The extent to which lighting may impact on bat foraging may also vary greatly and the application of the policy to any floodlighting regardless of whether there is evidence of its likely effect on bats is very restrictive. The floodlighting of a small area within or close to a large foraging area may only have a marginal effect but in other circumstances the effect could be more severe. While there may be circumstances in which the curfew restriction may be justified, where there is evidence of the importance of the vicinity of the site as a bat foraging route, I am not satisfied that there is a clear justification for it to be applied everywhere. I have therefore recommended a modification to this effect.
161. The second requirement is that existing trees and hedges of ecological or arboricultural value should be retained and protected or, where this is not possible, replaced on a one-for-one (or

better) basis. There is an ambiguity in the last phrase of the sentence as it reads as though the requirement is for the trees to have been entirely grown “on site or in suitable locations in the Plan Area”. I am in no doubt that this should apply to where the trees are planted. The modification suggested by LCC reflects this and the substitution of “amenity” for “arboricultural” more accurately reflects the wider benefits associated with trees and hedges. However, where any replacement planting is offsite it would need to be the subject of a planning obligation rather than a condition.

162. The third requirement is that sustainable drainage and landscaping schemes should plan to maintain or enhance biodiversity. It meets the basic conditions.
163. Severn Trent Water have recommended the addition of a further requirement to retain existing water courses as open water courses, where possible incorporated into open space, for both biodiversity and flood protection reasons. I am only able to recommend modifications which are necessary to meet the basic conditions and there is no requirement for neighbourhood plans to be comprehensive in their policy coverage. The addition of this requirement is not necessary to meet the basic conditions.

#### **Recommendation**

##### **In Policy ENV8:**

**In the first bullet point insert at the beginning “where there is evidence of the significance of the location as a foraging area for bats,”**

**In the first sentence of the second bullet point replace “arboricultural” with “amenity” and replace the second sentence with “Where this is not demonstrably practicable, the developer should be requested by means of a planning condition or planning obligation to plant and maintain replacement trees and shrubs on at least a one for one basis. The replacement planting should be either on-site or in suitable locations within the plan area, using where practicable, native tree and shrub species that have been grown entirely within the UK.”**

164. This policy is followed by a Community Action Point which sets out measures to be taken by the Parish Council in association with landowners and other organisations to enhance the biodiversity of the Parish.

#### **Policy ENV9: Footpaths and Bridleways**

165. This policy indicates that proposals which would result in the loss of existing footpaths and bridleways will not be supported. It also requires that where it is necessary to divert existing footpaths their previous character should be retained. Footpaths are an important element of sustainability and the policy is generally consistent with the basic conditions. However, there may be circumstances where the retention of the original character of a footpath may not be desirable or possible for a variety of reasons. I have therefore recommended a minor modification to address this.



## **Recommendation**

**In the penultimate line of Policy ENV9 after “...right of way” insert “, where it is appropriate and possible,”**

## **Policy ENV10: Managing Flood Risk**

166. The Policy sets out requirements for new development in relation to flood risk. The NPPF sets out detailed requirements relating to flood risk and I have considered whether the policy adds significantly to the national guidance. A substantial part of the parish, in the Soar Valley and the valley of the Sibley Brook is in Flood Risk Zone 3 with additional areas in Zones 2 and 1. The NPPF sets out the circumstances in which site-specific flood risk assessments would be required.
167. Policy 10 effectively extends some of the requirements for a site-specific flood risk assessment to all development by requiring the proposal to demonstrate that it meets them. There is no clear evidence of the need for this more onerous requirement and the NPPF encourages local planning authorities to keep the requirements for information to accompany planning applications to a minimum and only to require information that is relevant, necessary and material to the application in question.<sup>33</sup> Only part e) of the Policy requiring brownfield surface water run off rates to be as close to the pre-development (greenfield) rate as possible specifically relates to the circumstances in Sibley, as the reserve sites identified in the Plan are brownfield sites. It also adds to and is in general conformity with Policy CS 16 of the CLPCS.

## **Recommendation**

**Delete the existing Policy ENV 10 and replace it with:**

**“POLICY ENV 10: FLOOD RISK AND BROWNFIELD SITES**

**Development proposals on brownfield sites should include measures to reduce the surface water run-off rates to as close to the pre-development (greenfield) rate as possible having regard to the viability of the development and the implications for sustainable development.”**

**In the paragraph of supporting text at the top of page 56 beginning “National regulations require” delete the last two sentences and insert in their place “They also clarify the circumstances in which site-specific flood risk assessments may be required. Much of the development envisaged in the Neighbourhood Plan is likely to be on brownfield sites where high rates of run off to are likely unless measures to mitigate them are included in the proposal.”**

## **Policy ENV11: Renewable Energy Generation Infrastructure**

168. This policy supports small-scale renewable energy generation and energy storage facilities subject to appropriate conditions relating to biodiversity, heritage assets, landscape character, noise and visual impact. The policy is rather less positive than Policy CS16 of the CLPCS which

---

<sup>33</sup> NPPF paragraph 45

may also allow larger scale renewable energy facilities subject to the impact on landscape the historic environment and biodiversity. However, taking account of the one large solar energy facility to the north-west of the parish and the landscape character of the parish, the Plan takes the view that there is little if any potential for large scale installations and I am satisfied that the policy is in general conformity with Policy CS16 and having regard to national policy,<sup>34</sup> it meets the basic conditions.

## **Community Facilities and Amenities**

### **Policy CF1: Retention of Community Facilities and Amenities**

169. The policy resists development which will lead to the loss of or a detrimental impact on existing facilities unless the facility is no longer needed or viable or it is replaced in an equally or more accessible location. The aims of the policy are entirely consistent with national policy<sup>35</sup> and there is no policy specifically relating to community facilities in the CLPCS.
170. I find the term “amenity value” misleading as it relates primarily to open spaces rather than buildings. I have recommended a modification to reflect the value of the facility to the community.
171. The use of “etc.” in the policy is imprecise. It would have been helpful to include a comprehensive list of the facilities to which this policy applies. However, there is also the possibility of new facilities being established during the plan period that would be covered by the policy. I have recommended a modification to clarify that the examples referred to are not exhaustive.
172. **Recommendations**  
**In the first paragraph of Policy CF1 replace the wording after “...detrimentally impacts on” with “the function and value of a facility to the community will not be supported unless it can be demonstrated that:...”.**  
**After criteria a), b) and c) add: “Important existing facilities include: primary schools, the Community Centre, the Library, allotments and other significant community buildings.”**

### **Policy CF 2: New and Improved Community Facilities**

173. The Policy supports the provision of new and improved Community Facilities subject to five criteria. Criterion a) requires that proposals meet the design criteria in Policy G2. This is not necessary as that policy is a general one that applies to all development proposals. Criteria b) and c) relate to the impact of traffic generated by the proposal on residential properties and to the need for on-site parking. Criterion d) requires the scale of the facility to be appropriate to the needs of the locality and accessible for residents wishing to walk or cycle to it. These

---

<sup>34</sup> NPPF paragraph 154 b)

<sup>35</sup> NPPF paragraphs 83 and 92

three criteria are consistent with the basic conditions.

174. Criterion e) requires the design to consider the needs of those with physical and mental disability. It goes on to refer in more detail to people living with Dementia and publications by the Alzheimer's Association and the Local Government Association. The supporting text outlines some deficiencies and specific needs within Sileby, notably a sports hall, and highlights the unsuitability of many facilities for people with disabilities.
175. The first two sentences of criterion e) are entirely consistent with the social objective of sustainable development<sup>36</sup> and it is appropriate to draw attention to the needs of people with dementia because of the large and growing number of people affected by it. Moreover, the design principles which will assist people with dementia, primarily related to the legibility of the environment, are applicable to a wide range of groups. However, in my judgement, it is not reasonable to expect all proposals to refer to the publications listed, as they are not easily found and contain very little related to the design of community facilities. They may also be superseded during the life of the Plan and there are no doubt a great many equivalent publications relating to other groups. I have therefore recommended moving the last part of the criterion to the supporting text and modifying it.

#### **Recommendation**

**In Policy CF 2 e) remove the capital letter from "dementia", insert a full stop after it and delete the remaining text.**

**In the supporting text add an additional paragraph to read "People with dementia are a large and growing group and their need for a clear and legible environment is generally consistent with good design and consistent with the needs of other people with disabilities. The Alzheimer's Society Friendly Communities Charter and the Local Government Association publications and Planning Practice Guidance set out useful principles.**

#### **Policy CF 3: Assets of Community Value**

176. The policy resists development which would lead to the loss of or an adverse effect on an asset of community value unless there are special circumstances which may include the satisfactory replacement of the asset or it being unviable or no longer needed.
177. This policy overlaps substantially with Policy CF1 relating to community facilities but, while most Assets of Community Value are likely to be covered by this policy, it is possible that there could be some which are not. Although there are at present no Assets of Community Value in Sileby, that may change during the Plan period. The designation of Assets of Community Value is essentially a tool to allow a community to acquire an asset which serves a community rather than a planning designation. However, it is indicative of the significance of the asset to the community and it is therefore consistent with sustainable development for the Plan to aim to protect these assets. The policy is consistent with the basic conditions.

---

<sup>36</sup> NPPF Paragraph 8b)

## **Policy CF 4: Schools**

178. Policy CF4 relates to the expansion of existing schools and the establishment of new ones. The first part contains three criteria for the expansion of existing schools. Criterion a) requires that the expansion should not exacerbate existing traffic circulation or access problems or that there are suitable mitigation measures. It could be argued that any expansion that resulted in an increased number of children at the school would add to the traffic going to the school. The NPPF makes it clear that *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*<sup>37</sup> It follows that some adverse effect may be acceptable where the benefit of the expansion of the school would outweigh the harm in highway and access terms. I have recommended a modification to align more closely to the national policy.
179. Criterion b) resists the loss of any land used for recreation purposes by the school. This may also be too restrictive in some circumstances, where the amount of recreational space would remain adequate even if part of it was lost to accommodate the expansion. In these circumstances the loss of recreational space may be consistent with sustainable development. Here again it would be appropriate to balance the benefits of expansion against the loss of space.
180. Criterion c) relates to potential loss of amenity to neighbouring residents. Again, a small modification is necessary to reflect the need for balance
181. The second part of the policy has three criteria to apply to new schools. The first relating to accessibility to pedestrians and cyclists and the relationship to bus routes is consistent with the basic conditions. The second raises the same issue relating to the effect on traffic as criterion a) relating to expanded schools. The third relates to the loss of open space and again requires slight modification.
182. The final section of the policy requires that there should be a Community Use Agreement to enable effective use of the building to meet community needs. I am satisfied that this is consistent with the basic conditions as it relates to the use of land and there is evidence of need for additional accessible community facilities.

### **Recommendations**

**In the first part of Policy CF 3:**

**Modify criterion a) to read “Expansion”**

**Modify criterion b) to read “It would not result in an unacceptable loss of recreational space available to the school;”**

**In criterion c) delete “a significant” and insert “an unacceptable”.**

**In the second part of the policy:**

**In criterion b) delete “adversely” and insert “taking account of appropriate mitigation**

---

<sup>37</sup> NPPF Paragraph 109

**measures have a severe”**

**In criterion c) delete “a significant” and insert “an unacceptable”**

#### **Policy CF 5: Health and Wellbeing**

183. This policy supports the provision of new general practice health care facilities, subject to the provision of adequate parking and their effect on traffic generation and residential amenity. The supporting text refers to the potential need for additional facilities as a result of the increase in the population of the village and the increased demands for healthcare as people live longer. The policy is consistent with sustainable development and, subject to a small modification to align the impact on traffic generation with national policy, meets the basic conditions.

#### **Recommendation**

**Modify Policy CF6 a) to read “would not lead to an unacceptable impact on highway safety or the free flow of traffic, taking account of any mitigation measures and would not cause unacceptable disturbance to residential amenity in terms of noise, fumes or other disturbance”**

#### **Policy CF 6: Parks and Play Areas**

184. The policy takes account of views expressed during consultation which express a preference for the enhancement of existing play areas with play equipment, rather than the creation of new small play areas, in association with new development. Any provision of recreational space in association with new development must be determined on the needs of the new development and what is necessary to make it acceptable in planning terms.<sup>38</sup> Planning conditions and s106 agreements cannot be used to resolve existing problems and deficiencies, which is clearly the aim of this policy. These aspirations will need to be addressed through the Community Action CF 4, which follows the policy.

#### **Recommendation**

**Delete Policy CF 6**

#### **Policy CF 7: Noisy Sports**

185. This policy is positively worded to accommodate proposals for recreational activities referred to as “noisy sports” where they would not result in excessive noise levels for noise. The policy is consistent with support in the NPPF for enabling healthy lifestyles<sup>39</sup> and with the Policies CS15 and CS19 of the CLPCS. It meets the basic conditions.

---

<sup>38</sup> NPPF Paragraph 56

<sup>39</sup> NPPF paragraph 91 c)

## **Transport and Road Safety**

### **Policy T 1: Public car Parking**

186. The introductory text provides a clear analysis of the issues facing Sileby in terms of the availability of parking spaces and it is evident that the amount of parking available in the centre of the village is often not enough to meet the many needs generated by shoppers and users of other village services as well as users of the station and the staff of businesses in the village.
187. Policy T1 supports the extension and improvement of existing off-street car parks and resists the loss of Village Centre parking unless it is replaced by equivalent or better provision. It also requires new developments within the development limits to meet the Leicestershire County Council standards for parking. Finally, it supports improved on street parking schemes along the main radial routes leading out of the village to improve the capacity of the road network.
188. The first two elements of the policy are consistent with the basic conditions. The management of on-street parking and the road network is a highways authority function and not a land use planning matter and the third part of the Policy is therefore not appropriate for a Neighbourhood Plan.
189. The Policy is followed by several Community Actions relating to the implementation of the Policy and these appropriately include the matters relating to the on-street parking elements of the proposed Policy.

#### **Recommendations**

**In Policy T1, delete the third paragraph.**

### **Policy T 2: Road Network**

190. This policy aims to prevent development which would have a serious effect on road safety or the highway network. Its wording replicates that in Paragraph 109 of the NPPF but does not add any local detail to it other than that contained in the supporting text. It is not necessary to repeat national policy in a neighbourhood plan and PPG advises that "A policy in a neighbourhood plan 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."<sup>40</sup>

#### **Recommendation**

**Delete Policy T2**

### **Policy T 3: Sileby Railway Station**

191. The supporting text outlines how Sileby Railway Station was re-opened in 1994 and passenger use has steadily increased. The rail service is clearly important for both school children and commuters, but it is evident that it leads to pressure on off-street parking and the many steps to the platform make it inaccessible for some.

---

<sup>40</sup> PPG How should the policies in a neighbourhood plan be drafted? Reference ID 41-041-20140306

192. The Policy supports an upgrade of the Midland Main Line and improvements to off-street parking and facilities at the station. It is not clear what is entailed in an upgrade of the Midland Main Line, but this is clearly a strategic scale project which cannot be determined by the SNP. The support for the local improvements is relevant and is consistent with the basic conditions.

193. The list of Community Actions following the policy is entirely appropriate.

**Recommendation**

**In Policy T3:**

**Delete “An upgrade of the Midland Main Line and”, begin “Improvements” with a capital letter and change “is” to “are” in the second line.**

**Policy T 4 Bus Transport**

194. This policy requires all development proposals to be laid out to provide safe walking and cycling routes to public transport and connect to other key locations. The requirements of the policy are entirely appropriate for substantial developments, but most developments are small scale where the potential to achieve these aims will be limited. The word “All” at the beginning of the policy, even though qualified by “where appropriate” is therefore misleading.

**Recommendation**

**Modify the beginning of Policy T4 to read: “Where appropriate, development proposals shall include layouts....”**

**Policy T 5: Walking and Cycling**

195. This policy requires new developments to retain, and where appropriate incorporate linkages to the public rights of way network and key destinations in the village. This policy complements and partly duplicates the previous policy and it meets the basic conditions.

**Policy T 6: Canal**

196. The supporting text highlights the importance of the River Soar and the Grand Union Canal for leisure use. The policy requires all development affecting the biodiversity, heritage and setting of the canal to protect and enhance these features and to support the objectives of the River Soar and Grand Union Canal Strategy. It meets the basic conditions.

**Business and Employment**

**Policy E 1: Employment**

197. One of the characteristics of Sileby is that a relatively small proportion of people work in the village and there is substantial outward commuting to Loughborough, Leicester, Nottingham and Derby. The policy provides support for new small-scale employment uses and the expansion of existing employment uses where they do not have unacceptable environmental

effects. The policy also resists proposals that would result in the loss of existing employment uses unless there is evidence that it is no longer viable and the site has been marketed for at least a year.

198. The policy does not define what small-scale means. Moreover, Sileby is a large village / small town in an accessible location and there is no clear reason why businesses that might be considered larger than small scale should not be accommodated where they meet the other requirements of the policy. The Plan is not obliged to identify locations for employment related development, but it should not preclude sustainable economic development.<sup>41</sup>
199. The requirement in the second part of the Policy that an employment site should not be lost as a result of development proposals unless it has been marketed for at least a year is not clear as it does not qualify what form the marketing should take. Clearly, if it is the intention that the site should be retained for employment use if there is a demand for it, the site should be marketed for employment use at a price which reflects the market value for such uses. I have recommended a modification to this effect.
200. However, several of the sites identified in Policy H 1 as reserve sites for residential development are at least partially in use for business purposes. There is therefore an element of conflict between the second part of Policy E 1 and Policy H 1 as Policy E 1 would not allow the release of these sites unless they were demonstrably unviable for business use and had been marketed for at least a year. In response to a query on this point I have been informed that in all cases the owners of the sites wish to make them available for residential use, but that does not overcome the policy objection that would remain if Policy E 1 remains in its present form. While the sites have only been identified as reserve sites in the event that additional housing land is needed, it is important for the policy to be deliverable if required for the sites to be available. I have therefore recommended a modification to the Policy to clarify the relationship with the reserve sites.

### **Recommendations**

#### **In Policy E 1:**

**In the first line delete “small-scale”.**

**Modify the second part of the policy after “...not be permitted unless” to read**

**“a) it can be demonstrated that the site or building is not viable for employment uses and has been marketed for this purpose at a price which reflects the market value for at least a year, or**

**b) In the case of sites identified as reserve sites identified for housing in Policy H1, there is a demonstrable need for housing which outweighs the value of the sites for employment purposes, or the existing employment uses can be satisfactorily relocated.”**

#### **Policy E 2: Farm Diversification**

201. This policy supports the re-use of existing farm buildings for commercial use and the erection

---

<sup>41</sup> NPPF Paragraph 81 a)



of new ones subject to criteria relating to, the effect local character, environmental features, neighbouring uses and the road system. As currently worded “re-use, conversion and adaptation” appear to apply to “well-designed new buildings”. My understanding is that the intention is that the construction of well-designed new buildings would be permitted and I have recommended a modification to this effect.

**Recommendation**

**In the first line of Policy E2 after “...of rural buildings and” insert “the construction of”.**

**Policy E 3:**

202. This Policy does not have a heading, unlike all the previous policies. I assume that this omission is an error and that the policy should be headed “Homeworking”. The policy supports the use of part of a dwelling, or the erection of out buildings or the extension of the dwelling for business purposes subject to criteria relating to traffic generation, impact on neighbouring residents and design. The reference in the third criterion to the policies in this plan is not necessary.
203. The supporting text points to the contribution that homeworking can make to sustainability by reducing the need to travel, and this applies particularly in Sileby where the extent of out-commuting is substantial. Subject to a further small modification to make it clear that both the erection and conversion of outbuildings are covered by this policy it meets the basic conditions.

**Recommendations**

**In Policy E 3:**

**Insert the heading “Homeworking”**

**In the first section insert “the erection of” before “small-scale free-standing buildings...”**

**In part c) delete “..shall be designed having regard to policies in the plan and”.**

**Policy E 4**

204. Again, this policy does not have a heading and I assume that the heading should be “Broadband Infrastructure”. The policy supports the provision of infrastructure to provide for super-fast broadband or the improvement of the mobile telephone network. The final part of the policy requires any above ground installations to be sympathetically located and integrated into the landscape. It also says they should not be located in or near to open landscapes. This is a very prescriptive statement and is not consistent with paragraph 114 of the NPPF. Providing the requirement for sympathetic design and integration with the landscape is met, there is no intrinsic requirement to avoid open landscapes. Otherwise the policy meets the basic conditions.

**Recommendation**

**In Policy E 4**

**Insert the heading “Broadband Infrastructure.**

**Insert a full stop after “...into the landscape” and delete “and not be located in or near to**

**open landscapes”.**

### **Policy E 5: Tourism and Visitor Economy**

205. The supporting text to this policy points to attractions to visitors in Sileby and the surrounding area, including Sileby Mill and the Grand Union Canal. It also points to an absence of visitor accommodation in the village. The policy supports development proposals for tourism and the visitor economy where there are no adverse effects on residential or visual amenity and aims to prevent the loss of any facilities unless they are no longer viable. The consideration of any adverse or visual amenity effects is part of the planning balance, to be weighed against the benefits of the development and most developments are likely to have some effects. A modification to reflect this is recommended.

#### **Recommendation**

**In Policy E5 insert “unacceptable” before “...residential or visual amenity impacts”.**

### **Monitoring and Review**

206. The final section of the Plan commits the Parish Council to monitoring the performance of the Plan and to review the Plan in 2024 or to coincide with the review of the Charnwood Local Plan.

### **Conclusions and Referendum**

207. The Sileby Neighbourhood Plan is a wide-ranging, thoughtfully prepared and for the most part well-presented document. It is based on a careful analysis of the issues facing Sileby and a good understanding of the role of neighbourhood plans and their relationship to national and local strategic planning policies. It is supported by a substantial local evidence base and, for most policies, well-reasoned justification.

208. In carrying out my examination I have found it necessary to recommend modifications to several policies. Most of these modifications are minor in nature and seek to clarify the intentions of policies, where I found some ambiguity so that the policies will provide clear guidance to decision makers. In several cases the modifications reflect the need for decision makers to balance any potential harm against the benefits of a proposal. In some cases the policy does not add significantly to national policy or is not appropriate for a neighbourhood plan.

209. Subject to the modifications that I have recommended, being made, I am satisfied that:

- The Sileby Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights and
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

210. I am therefore pleased to **recommend that the Sileby Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

211. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.<sup>42</sup> **I therefore conclude that there is no need to extend the referendum area.**

*Richard High*

September 2019

---

<sup>42</sup> PPG Reference ID: 41-059-20140306

## Appendix 1 Important Open Spaces in Sileby

### IMPORTANT OPEN SPACES IN SILEBY

#### 1. Charnwood Borough Council Open Space, Sport & Recreation sites in Local Plan

As mapped at <https://webmap.charnwood.gov.uk/CharnwoodWebMap/>

**RO2 Sileby Memorial Park**, Seagrave Road, Sileby, LE12 7TP

CBC Open Space 10743.

Includes **old Sileby Town football pitch**, CBC Recreation site 10286.

Also includes Memorial Park extension south of Sileby Brook.

Main village public open space used for formal and informal recreation by a mixed user group. It is The Memorial Park children's play facilities, all weather basketball pitch/ five a side football pitch, skate park, outdoor multi gym, four grass football pitches currently in use by Sileby Juniors Football Club, Memorial Sports Pavilion, public car park. Enclosed comprising Peace Garden and Grade Listed War Memorial. Landscape includes ornamental trees and shrubs with Sileby Brook running through the park. A well used of Public right of Way to Seagrave starts in the park which follows a medieval track. The park is used extensively by villagers to exercise dogs with good accessibility for wheelchair and mobility scooter users.

**RO3 and RO4 Collingwood Drive open space.** Springfield Road, Sileby, LE12 7EE

CBC Recreation site 10262.

Includes **Sileby bowls and tennis club facilities**

Well established and popular Bowls Club and Tennis Courts located in a central position of the village settlement. Good access from Collingwood Drive and Springfield Road with large private car park. The historical medieval footpath runs adjacent to the location. Site bounded by houses, mature hedges, shrubs and trees which provide a safe habitat for wildlife. Adjacent Open space on Collingwood Drive side of Bowls Club is used by residents for dog walking and is a safe off -road space for informal recreation. The Bowls Club is planted with mature trees and rose garden and provides a tranquil recreational facility and space.

**RO5 Sileby Town Cricket Club**, Mill Lane off Mountsorrel Lane Sileby, LE12 7NF

CBC Recreation site 10263

Two large fields that provide two pitches, two pavilions, very good facilities, full range of teams, including three senior Men's teams, a Women's team and girls and boys age groups, all stars cricket, quick cricket, under 11s, under 13s, under 17s. It is a regionally significant club for development of Women's Cricket. The Sports Pavilion available for hire to outside groups and Club host the well-attended and popular Sileby Town Cricket Bonfire Night bonfire and Firework Display. Bounded by fences and mature hedgerows. Located on the functional flood plain and does flood regularly. Wide variety of birds and mammals including Yellowhammers.

**OOS4 and OOS4A Memorial Park extensions to Heathcote Drive and northeast of Heathcote Drive**

CBC Open Spaces 10743 and 10744

Mature Horse Chestnut, Willow and other shrubs in this wild space. It includes several wet and marshy areas and natural riverbank which provide ecologically diverse habitats, kingfishers are frequently sighted in this area. It is an important semi natural space which provides a valuable flood alleviation function along the length of the Sileby Brook from the Memorial Park to the nearly developed Bellway Estate. Provides informal play area and a well-used pedestrian route in dry weather from Heathcote Drive to the centre of the village and Memorial Park.

**OOS5 Dudley Bridge to Brook Street open space**, Brook Street, Sileby LE12 7RF

Southwest part is CBC Open Space 10742

A small grassed communal space with a stand of mature Lime trees, a flower bed containing the 'Sileby Rose' borders the length of the Sileby Brook. The trees and space locally known as Martins walk is used a quiet place to

sit in the village centre and also provides a focal point for Sileby Christmas Light switch on, the trees are illuminated for Christmas and recently to commemorate Remembrance Sunday.

**OOS10 Cossington Road old allotments and open space to north** Open Space Behind 99-121 Cossington Road, Sileby, LE12 7RP

In part CBC Allotments 1079

Old allotments accessed along track from Cossington Road. Large open space, now covered in self-seeded shrubs and weeds which extends to the rear of residential properties 99-121 Cossington Road. No longer in use as allotments, the semi wild state forms a haven for wildlife in an otherwise built up area of the village.

**OOS1 Cemetery Road cemetery.** CBC Cemetery 10437

Bounded by hedges/ fences/ some mature trees including Corsican Pines behind the cemetery building-a dominant feature of the Sileby skyline.

At present two sides back onto farmland (081)

Within the Cemetery-areas divided by hedges. Grass around the graves kept short. Trees provide cover for roosting and nesting sites for birds.

**ALL1 Barrow Road allotments**

CBC allotments 1077

Allotments off Barrow Rd, next to Solar Farm.

Private allotments owned by the church originally. Bounded by Solar farm on two sides and 039 on 3<sup>rd</sup> side Most plots in use. Mature hedges provide habitats for birds and other wildlife.

**ALL2 Cemetery Road allotments.** Parish Council owned.

CBC allotments 1078

Owned by Parish Council and let to residents.

Boundary to rear of Ratcliffe Rd -fenced

On cemetery boundary – mature trees, some overgrown shrubs and bushes. Most plots are occupied. One plot is being used for a community scheme. Part of the land can become water-logged. Observed by plot holders to be important habitat for birds and insects.

## 2. Important Open Spaces, Sileby Neighbourhood Plan

**RO1 New Sileby Town Football Club Pitches**, 25 Southfield Avenue, Sileby. LE12 7WN

Included in RO1A Off Seagrave Rd. Part of the Miller development.

Senior team pitches for Sileby Town Football Club, new pitches set within Sileby Community Park on the Miller Housing Development. Main pitch is fenced off and well used. Archaeological investigations during the development of the Miller Estate discovered extensive Roman remains which are preserved underneath the pitch and subject to planning conditions.

The Pitches are an important community facility providing adult recreational facilities and site has important archaeological heritage.

**RO1A Sileby Community Park.** Includes Sunnylands Drive play area

Off Seagrave Rd. Part of the Miller development.

Large open space. Pathways laid out to lead to children's play equipment. Deep attenuation pond, fenced, beginning to become established with surrounding trees, reeds and bulrushes. Scrub type grassland on rest of the park Bounded on two sides by newly planted trees and bushes, forming a corridor between the park and farmland: 014, 019, 023 Providing cover for birds and other wildlife. Buzzards seen flying over area. Park used extensively by residents for dog walking and our other recreation.

Good views across towards Ratcliffe College/ Charnwood Hills.

**OOS2 St Marys Churchyard, Mountsorrel Lane Sileby, LE12 7NF**

The space occupies a prominent corner location in village Conservation area. Mounded site, likely to be on an early Christian or pre-Christian, sacred site. The Churchyard is bounded by Mountsorrel Granite retaining walls which are part of the curtilage and setting of the Grade2\* Listed Building, St. Marys Church. It is located at the very busy junction of Mountsorrel Lane, Barrow Road and High Street. Formerly used as burial ground with Swithland Slate headstones and examples of late Eighteenth Century carving. Mown grass interspersed with a selection of mature and recently planted commemorative trees which include, two mature Yew trees, one mature Oak and two recently planted oaks, two mature Beech trees with TPOs and one mature Holly bush. Site provides habitat for a variety of birds, including a roosting site for starlings. It is a visually and culturally important focal point of the village.

**OOS6 Harlequin Drive/Melody Drive Open Space, Melody Drive, Sileby, LE12 7UT**

Small playpark in the centre of the Harlequin Drive and Melody Drive Estate. Play equipment for younger children, seating and planting. Provides a focal point for the estate and informal recreational facility.

**OOS7 Flaxland Crescent Open Space, Flaxland Crescent, Sileby, LE12 7RJ**

Small, grassed, open space on the corner of Flaxland Crescent and Kilbourne Close. It is bordered by mature trees. The area is well used by residents for dog walking and also for informal play away from busy roads and visible to many houses.

**OOS8 Brook Street to The Banks Open Space, The Banks, Sileby, LE12 7RD**

Sloped grass verges and some wild vegetation to one side of adjacent footpath leading to the Hobbswick. It forms part of the green corridor for Sileby Brook. It has high ecological value providing aquatic habitats as well as an important and attractive pedestrian link between facilities on Swan Street and High Street.

**OOS9 Quaker Road Open Space, located at the junction of Quaker Road and Chalfont Drive/Wallace Drive, Sileby LE12 4SA**

Good access via footpath from each of three roads. Area consisting of grassland bounded by gardens it provides a safe and quiet place for informal recreation for the immediate communities.

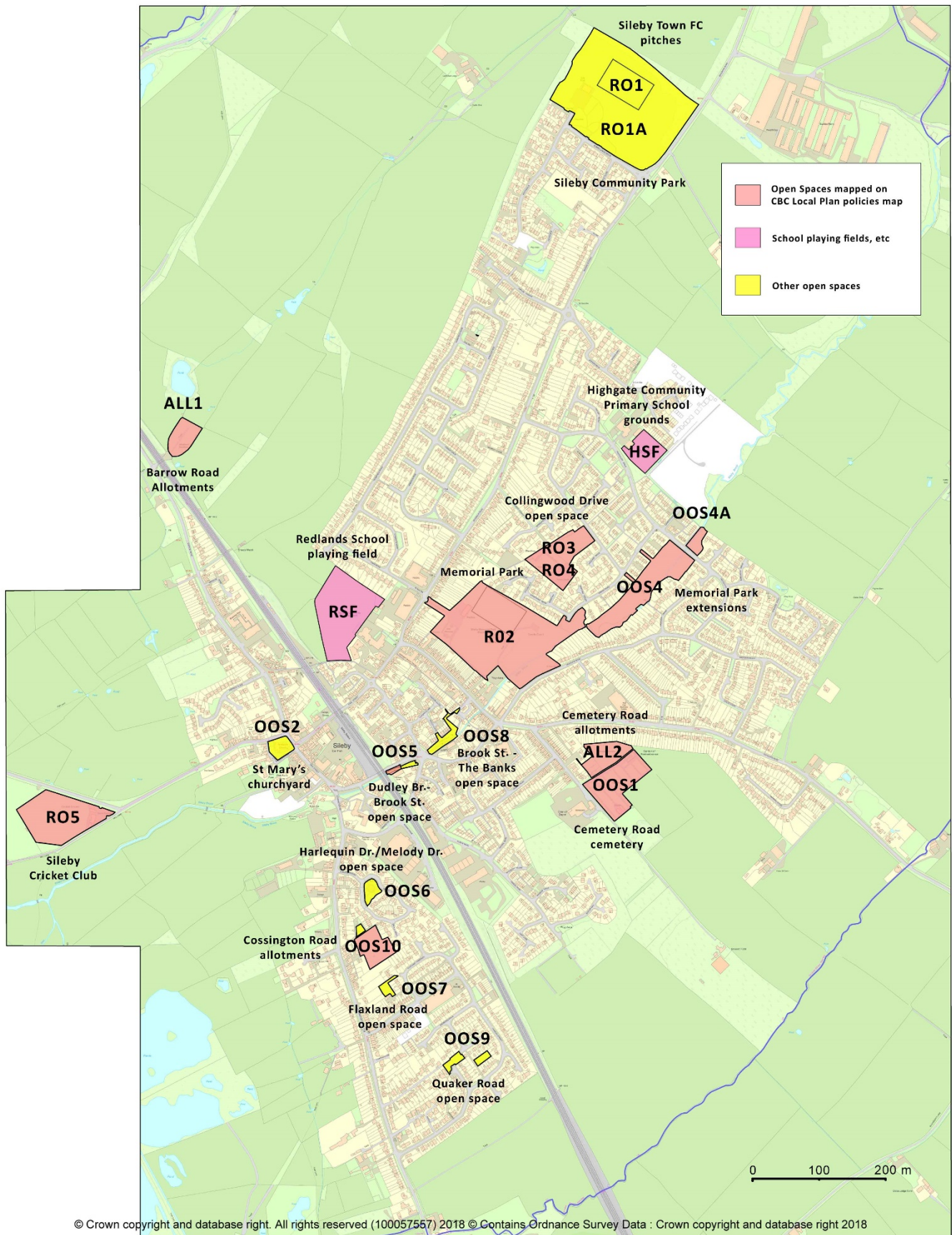
### **3. Open space on educational sites**

**RSF Redlands School playing field and grounds.**

Large field to back and side of school. Open flat green spaces for sports. Sloping green spaces, mature trees with boundary hedge to 042. Areas set aside to encourage wildlife and quiet spaces for pupils. High security school fence on other boundaries. Good views from field for pupils across to Charnwood Hills. Us by community for sporting/ other recreational activities.

**HSF Highgate Community Primary School grounds.**

Main Grass field bounded by mature hedgerow on two sides: part of original enclosures. Corridor of mature trees on boundary to Heathcote Dr  
Set aside areas for wildlife: bug hotels, bird boxes, wild areas. Also used by the community out of school hours. Historic PROW runs behind boundary.



## **Appendix 2**

Email correspondence received from  
Charnwood Borough Council



**From:** [Clarke, Clare](#)  
**To:** [at.ttplanning@gmail.com](mailto:at.ttplanning@gmail.com)  
**Cc:** [cllr.elizabethastill@silebyparishcouncil.org.uk](mailto:cllr.elizabethastill@silebyparishcouncil.org.uk); [ttpltdoffice@gmail.com](mailto:ttpltdoffice@gmail.com); [localplans@charnwood.gov.uk](mailto:localplans@charnwood.gov.uk)  
**Subject:** FW: Charnwood Local Plan 2021-37 (Pre-Submission Draft) Consultation (Sileby Parish Council)  
**Date:** 16 August 2021 20:23:59  
**Attachments:** [image003.png](#)  
[Sileby Completions Committments 2010 to 2021.xls](#)

---

Andy,

Thank you for your email. This has taken a few hours of work to pull together, but a colleague has provided all the information you requested. I have also set out answers to the other questions. I hope this is helpful.

Clare

Clare Clarke  
Group Leader Plans, Policies and Place-Making  
Charnwood Borough Council  
Southfields Road  
Loughborough  
LE11 2TN  
01509 63 4767  
07591947043

 Please consider the environment before printing this email  
Join the campaign at <http://thinkBeforePrinting.org>

---

**From:** [at.ttplanning@gmail.com](mailto:at.ttplanning@gmail.com) <[at.ttplanning@gmail.com](mailto:at.ttplanning@gmail.com)>  
**Sent:** 13 August 2021 10:57  
**To:** Clarke Clare <[Clare.Clarke@charnwood.gov.uk](mailto:Clare.Clarke@charnwood.gov.uk)>  
**Cc:** Cllr Elizabeth Astill <[cllr.elizabethastill@silebyparishcouncil.org.uk](mailto:cllr.elizabethastill@silebyparishcouncil.org.uk)>; [ttpltdoffice@gmail.com](mailto:ttpltdoffice@gmail.com)  
**Subject:** Charnwood Local Plan 2021-37 (Pre-Submission Draft) Consultation (Sileby Parish Council)

**to:** Clare Clarke (CBC)  
**cc:** Cllr Elizabeth Astill (SPC)

## **RE: CHARNWOOD LOCAL PLAN 2021-37 – SILEBY PARISH COUNCIL**

Hi Clare, we have been asked to assist Sileby Parish Council with the preparation of their response to the Charnwood Local Plan 2021-37 (Pre-Submission Draft) Consultation exercise.

I understand that you have spoken to Cllr Astill at Sileby Parish Council and I would be grateful if you could provide us with the following information:

1. The number of net housing completions for each of the Service Centres (including Sileby) over the 2010 – 2021 period?
2. Of the completions identified in question 1, how many of these were completions on “windfall” sites (both large and small) and how many were completions on Local Plan allocated sites (for each Service Centre but particularly for Sileby Neighbourhood Plan Area)?

	<b>COMPLETIONS</b>	<b>Allocation Completions</b>	<b>Windfall Completions</b>
<b>Service Centres</b>	<b>2010 - 2021</b>	<b>2010 - 2021</b>	<b>2010 - 2021</b>
Anstey	668	46	622
Barrow Upon Soar	515	119	396
Mountsorrel	262	0	262
Quorn	374	0	374

Rothley	903	0	903
Sileby	529	0	529
Syston	516	215	301
<b>TOTAL</b>	<b>3767</b>	<b>380</b>	<b>3387</b>

3. A list of under construction/completed housing sites (with housing completion numbers for each) within the Sileby Neighbourhood Plan Area over the 2010 – 2021 period?

Attached spreadsheet.

4. CBC assessment of “local housing need” for Sileby Neighbourhood Plan Area over the current Local Plan period and requirement going forward 2021-37?

The current adopted Local Plan Core Strategy identifies an objectively assessed need for 820 homes a year in Charnwood and sets out a housing requirement of 13,940 homes between 2011 and 2028. The Core Strategy identifies that 3,000 of these homes should be provided for in seven Service Centres including Sileby. Taking account of completions and commitments, a total of 3,460 homes were already planned for in these villages at the time the Core Strategy was adopted.

The local housing need figure for the Borough is now prescribed through the national standard methodology and is significantly higher than the objectively assessed need that informed the Core Strategy. The current adopted Local Plan Core Strategy is now out of date as the Council can not demonstrate a five year supply of deliverable land against the new local housing need figure of 1,111 homes a year. The emerging local plan has been prepared to take account of this local housing need identified for the Borough. The Pre-Submission Draft Local Plan makes provision for 345 homes in Sileby over and above existing completions and commitments to contribute to meeting the local housing need for Charnwood. This figure and the proposed sites for delivering these homes will be tested through Examination in Public by an independent Inspector appointed on behalf of the Secretary of State.

There is no specific assessment of local housing need for Sileby Neighbourhood Plan Area over the current Local Plan period but there is a proposed housing requirement of 345 homes for this area between 2021-37 (in addition to completions and commitments at 31<sup>st</sup> March 2021). This is set out in the Pre-Submission Draft Local Plan but this is subject to examination.

5. CBC assessment of “local affordable housing need” for Sileby Neighbourhood Plan Area over the over the current Local Plan period and requirement going forward 2021-37.

The Council published a Housing Needs Assessment in September 2020 which identified an affordable housing need of 476 affordable homes per annum in Charnwood and estimated a need for 28 affordable homes per annum in Sileby. This assessment can be viewed here:  
[https://www.charnwood.gov.uk/files/documents/housing\\_and\\_economic\\_development\\_needs\\_assessment\\_report\\_september\\_2020/Charnwood\\_HNA\\_September%202020.pdf](https://www.charnwood.gov.uk/files/documents/housing_and_economic_development_needs_assessment_report_september_2020/Charnwood_HNA_September%202020.pdf)

Thanks for your assistance – I hope much of this information is already available in some format.

Please don't hesitate to contact me if you have any questions. I've copied this email to Cllr Astill so she is aware.

Regards  
 Andy

**Andrew Thomas** BSc(Hons) DipTP MRTPI  
 email: [at.ttpanning@gmail.com](mailto:at.ttpanning@gmail.com)  
 mobile: 07973 667537  
 office: 01530 563800



## THOMAS TAYLOR PLANNING Ltd

Castle House : South Street : Ashby de la Zouch : Leicestershire : LE65 1BR

Registered in England & Wales No. 6183266

VAT Reg Number 901688814

Covid-19: We are now working from home as we seek to protect the welfare of our clients, business contacts and ourselves. Urgent site visits and meetings will still take place but only where current safe distance guidelines are strictly observed. Virtual meetings are also available for all non-urgent situations. We are trying to minimise disruption and remain fully contactable via the usual email addresses and telephone numbers. We appreciate your patience and understanding during these difficult times.

This e-mail and any files transmitted with it are confidential and intended solely for the addressee. They may contain privileged information. If you are not the intended addressee, then you must not disclose the contents to anyone other than the intended addressee nor copy or forward this e-mail/any attachments thereto. Thomas Taylor Planning Ltd takes reasonable precautions against the transmission of viruses, however, the recipient should take appropriate precautions and we accept no responsibility for the transmission of computer viruses. The firm may monitor email communications for business purposes. It is the recipient's responsibility to ensure that any documents contained within or otherwise attached to this communication are displayed and/or reproduced accurately. If you receive this e-mail in error, then please contact the sender by replying to this message. XPS

**Data Protection** For information about how and why we may process your personal data, your data protection rights or how to contact our Data Protection Officer, please view our [Privacy Notice](#).

**CHARNWOOD BOROUGH COUNCIL - Residential Land Survey - Small Sites at November 2001 - APPENDIX 2**

Parish	Address/Location	Application Number	Completions
Sileby	189 Seagrave Road, Sileby, Leicestershire, LE12 7NH	P/07/1316/2	6
Sileby	Land to rear of 98 Barrow Road	P/08/0175/2	1
Sileby	Land adjacent to 93 Seagrave Road, Sileby	P/08/0933/2	1
Sileby	Land Adj 18 Collingwood Drive, Sileby, Loughborough, LE12 7NT	P/10/0454/2	1
Sileby	Land at 19 Finsbury Avenue Sileby Leicestershire LE12 7PJ	P/11/1102/2	1
Sileby	97 - 99 Seagrave Road Sileby Leicestershire LE12 7TW	P/11/1382/2	2
Sileby	5 Molyneux Drive LE12 7SL	P/11/2848/2	1
Sileby	44 Highgate Road Sileby Leicestershire LE12 7PP	P/12/0278/2	1
Sileby	185 Ratcliffe Road Sileby Leicestershire LE12 7PX	P/11/0051/2	1
Sileby	100 King Street, Sileby, Loughborough, LE12 7NA	P/09/0860/2	1
Sileby	114 king street	P/12/0514/2	1
Sileby	4a The Maltings	P/12/1041/2	21
Sileby	Factory Site, Ratcliffe Road/Cemetery Road	P/14/0506/2	24
Sileby	Dudley Court	P/11/2641/2	14
Sileby	Seagrave road	P/11/0860/2	180
Sileby	Land adj to 6 Stanage Road,	P/10/1772/2	76
Sileby	Land to the rear of Sileby Post Office , 95 Swan Street	P/12/1976/2	2
Sileby	41 Swan Street Sileby Leicestershire LE12 7NN	P/12/2482/2	2
Sileby	26 King Street Sileby Leicestershire LE12 7NA	P/12/1276/2	1
Sileby	7 Albert Avenue Sileby Leicestershire LE12 7TA	P/13/1653/2	2
Sileby	Land rear of 54 Cemetery Road Sileby Leicestershire LE12 7PH	P/13/1344/2	1
Sileby	Land rear of 135 Ratcliffe Road Sileby Leicestershire LE12 7PX	P/13/1394/2	2
Sileby	Land off Seagrave Road	P/14/1395/2	134
Sileby	3 Barrow Road Sileby Leicestershire LE12 7LW	P/14/2024/2	1
Sileby	Land r/o 99 Seagrave Road Sileby Leicestershire LE12 7TW	P/16/0332/2	4
Sileby	16 High Street Sileby Leicestershire LE12 7RX	P/15/1881/2	2
Sileby	32 Charles Street Sileby Leicestershire LE12 7RJ	P/16/0705/2	13
Sileby	Land to the rear of 20 Albert Avenue Sileby Leicestershire LE12 7TA	P/16/1138/2	1
Sileby	63 The Banks Sileby Leicestershire LE12 7RD	P/16/1750/2	1
Sileby	79 Cossington Road Sileby Leicestershire LE12 7RW	P/17/1850/2	1
Sileby	Adjacent to 24 Cossington Road Sileby Leicestershire LE12 7RS	P/16/2546/2	2
Sileby	11 Back Lane, Sileby LE12 7RB	RA/18/1494/1	1
Sileby	10 Newbold Close Sileby Leicestershire LE12 7PB	P/15/0650/2	1
Sileby	75 Heathcote Drive Sileby Leicestershire LE12 7ND	P/15/0679/2	1
Sileby	Land rear of 144 Ratcliffe Road Sileby Leicestershire LE12 7QA	P/16/2814/2	1
Sileby	3 Cossington Road Sileby Leicestershire LE12 7RW	P/19/2370/2	3
Sileby	Land east of Seagrave Road LE12 7NJ	P/19/1215/2	21
		<b>TOTAL</b>	<b>529</b>
Parish	Address/Location	Application Number	Commitments
Sileby	Former Waste Site Cemetery Road Sileby	P/16/1359/2	108
Sileby	Peashill Farm Ratcliffe Road Sileby Leicestershire LE12 7QB	P/19/1683/2	169
Sileby	Peashill Farm Ratcliffe Road Sileby Leicestershire LE12 7QB	P/19/2162/2	31
Sileby	Land at 195 Seagrave Road Sileby LE12 7NH	P/20/0153/2	23
Sileby	Land to the east of Seagrave Road Sileby	P/19/1215/2	174
Sileby	193 Seagrave Road Sileby Leicestershire LE12 7NH	P/19/0447/2	18
Sileby	55 Ratcliffe Road Sileby Leicestershire LE12 7PU	P/19/0842/2	1
Sileby	Land opposite 1 Albert Avenue Sileby Leicestershire LE12 7TA	P/18/1878/2	1
Sileby	Land to rear of 137 Seagrave Road Sileby	P/20/0977/2	3
Sileby	Land behind 56 and 58 Wellbrook Avenue	P/19/2028/2	1
Sileby	3 Cossington Road Sileby Leicestershire LE12 7RW	P/19/2370/2	1
Sileby	Land adjacent 1 Claire Court Sileby LE12 7QY	P/19/0972/2	1
Sileby	Land adjacent 53 Seagrave Road and Greedon Rise, Sileby LE12 7TP	P/17/2442/2	2
Sileby	Land adjacent 1 Greedon Rise Sileby LE12 7TE	P/20/1789/2	1

**CHARNWOOD BOROUGH COUNCIL - Residential Land Survey - Small Sites at November 2001 - APPENDIX 2**

Sileby	7 King Street Sileby Leicestershire LE12 7LZ	P/19/0218/2	9
Sileby	55-59 The Banks Sileby LE12 7RD	P/20/1672/2	1
		<b>TOTAL</b>	<b>544</b>

## **Appendix 3**

Appeal Ref. APP/X2410/W/19/3220699  
Barnards Drive, 26<sup>th</sup> September, 2019



## Appeal Decision

Inquiry held on 6-7 August 2019

Unaccompanied site visit made on 8 August 2019

**by Alex Hutson MRTPI CMLI MArborA**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

---

### Appeal Ref: APP/X2410/W/19/3220699

#### Land off Barnards Drive, Sileby, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Charnwood Borough Council.
  - The application Ref P/18/0659/2, dated 23 March 2018, was refused by notice dated 20 December 2018.
  - The development proposed is "Outline planning application for the erection of up to 228 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Barnards Drive. All matters reserved except for means of access."
- 

#### Decision

1. The appeal is dismissed.

#### Preliminary matters

2. No address is provided on the application form. I have therefore taken it from the Council's decision notice which accurately reflects the location of the appeal site.
3. The appeal form cites the appellant as 'Mr Gladman Developments Ltd'. However, it has been confirmed that the 'Mr' element is incorrect and that the appellant is 'Gladman Developments Ltd' and thus the same company which made the original application.
4. The application was made in outline with all matters reserved for future consideration with the exception of access. I have considered the appeal on this basis and have treated the submitted Development Framework Plan, which indicates a possible layout, as indicative only.
5. The appellant initially indicated an intent to counter the Council's contention that it can demonstrate a five year housing land supply. Nonetheless, the appellant now accepts the Council's position on this matter. I have no reason to take a different view and have determined the appeal on this basis.
6. The Council is in the process of preparing a new Local Plan. However, as this is at a very early stage, I afford it little weight.

7. The Government made a number of changes to its Planning Practice Guidance shortly before the opening of the Inquiry. The main parties confirmed during the Inquiry that in their view the changes had no material bearing on the consideration of the appeal. I have no substantive reasons to consider otherwise.
8. Leicestershire County Council (LCC) was granted 'Rule 6' status. Its representative attended the Inquiry for the initial openings and subsequently for discussions on planning obligations only, as this is where its main interests lie.
9. One of the Council's reasons for refusal on its decision notice relates to the lack of a legal mechanism to secure an appropriate level of affordable housing and necessary contributions towards infrastructure and services. The appellant has subsequently provided a completed and certified unilateral undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 to address these matters and thus, as agreed by the Council, this reason for refusal has now fallen away. I am satisfied, on the basis of the written evidence and oral evidence I heard during the Inquiry, that the provision of the UU are compliant with the Community Infrastructure Levy Regulations 2010 (as amended) and can be taken into account in the determination of the appeal.
10. With the agreement of the Council, the appellant and interested parties, I undertook an unaccompanied site visit on 8 August 2019. As well as viewing the site and its surroundings, this included visiting and observing a number of local roads and junctions.
11. Subsequent to the close of the Inquiry, the Council brought to my attention a High Court judgment<sup>1</sup> dated 2 September 2019 (Paul Newman New Homes Ltd High Court judgment). I have given the appellant and LCC an opportunity to comment on this matter and have had regard to any comments made as part of my consideration of the appeal.
12. Subsequent to the close of the Inquiry, the Council and Sileby Parish Council (SPC) provided me with the Report by the Independent Examiner in respect of the examination of the Sileby Neighbourhood Plan 2018-2036 (SNP). In it, the Examiner recommends that the SNP should proceed to a referendum subject to some moderations. The appeal site lies outside of the settlement limits as identified by the SNP and as such, the proposal would be contrary to Policy G1 of the SNP which seeks to limit development in the countryside to certain uses which do not include the type of development proposed. However, given that there are some modifications to be made to the SNP (albeit not to settlement boundaries), that it will go before the SPC for approval on 3 October 2019 and that it has not yet proceeded to a referendum, the conflict with the SNP, whilst not altering my overall decision, adds some weight to it.

### **Main issue**

13. The main issue is whether the location of the proposal would be acceptable having regard to local and national planning policy.

---

<sup>1</sup> Paul Newman New Homes v SSHCLG [2019] EWHC 2367 (Admin)



## Reasons

14. The appeal site comprises two large agricultural fields and adjoins the settlement of Sileby. The proposal seeks outline planning permission for the erection of up to 228 dwellings on the appeal site along with other elements, including public open space. Vehicular access would be provided from Barnards Drive, a residential cul-de-sac.
15. Planning law<sup>2</sup> requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the Borough comprises the Charnwood Local Plan 2011-2028 Core Strategy (CS), adopted in November 2015, and saved policies of the Borough of Charnwood Local Plan 1991-2006 (LP), adopted in January 2004.
16. CS Policy CS1 sets out the development strategy for the Borough. It identifies that provision will be made for at least 13,940 new homes during the plan period and that the priority location for growth will be the Leicester Principal Urban Area with the majority of remaining growth at Loughborough and Shepshed. Sileby is one of seven settlements identified within CS Policy CS1 as Service Centres, which come next in the settlement hierarchy. The policy sets out that the Borough will plan positively for the role of Service Centres, including by providing for at least 3,000 new homes within or adjoining these settlements, by safeguarding services and facilities and by responding positively to sustainable development which contributes towards meeting the development needs of the Borough.
17. The supporting text to CS Policy CS1 provides a helpful insight into the expectations of this policy insofar as it relates to Service Centres. It notes that, at the time, there were commitments for around 3,500 homes in such settlements and that this was sufficient to meet the levels of planned provision. As such, the supporting text notes that the Council only expects to see small scale windfall developments within settlement boundaries between 2014-2028.
18. It is my understanding that housing commitments at the Borough's Service Centres, as of 1 April 2019, has subsequently increased to 4323 homes. In my view, this is well beyond the quantum of housing envisaged in CS Policy CS1 to be provided at Service Centres. Moreover, of these, 1006 have been committed at Sileby alone. On the basis that there are seven Service Centres within the Borough, such a level of commitment in respect of just one of these settlements seems to me to be overly disproportionate. To provide a further 228 homes adjoining Sileby would add materially to the already excessive level of housing commitments in Service Centres, when compared with levels the CS plans for, and to the disproportionate level of housing provision within Sileby. In addition, given that the Council can demonstrate a five year housing land supply against the housing requirements of the CS, which is less than five years old, the proposal is not necessary to meet the housing needs of the Borough on this basis. Nor is it evidently needed in order to safeguard Sileby's services and facilities.
19. As such, whilst it would adjoin Sileby, the proposal would be contrary to the development strategy for the Borough as envisaged by CS Policy CS1 and

---

<sup>2</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

would thus conflict with this policy. I note that the Inspector in the Land East of Seagrave Road, Sileby case<sup>3</sup>, which involved a proposal for up to 195 homes, reached the same conclusion.

20. In addition, the proposal would conflict with saved LP Policy CT/1, which seeks to strictly control development in the countryside and to limit it to certain types, excluding that proposed. Though not cited on the Council's decision notice, the proposal would also conflict with saved LP Policy ST/2, a policy referred to in both the Council's and the appellant's evidence, which requires built development to be confined to allocated sites and other land within development limits. Though conflict with saved LP Policy CT/2 is cited on the Council's decision notice, I am of the opinion that this policy is not of relevance as it relates to development acceptable in principle as defined by saved LP Policy ST/2, which as I have already stated, does not include the type of development proposed.
21. The level of housing commitments at Service Centres over and above that planned for, including at Sileby, has largely come about as a result of the Council's past inability to demonstrate a five year housing land supply. Such a position has previously engaged the presumption in favour of sustainable development, currently as set out within Paragraph 11.d)ii of the National Planning Policy Framework (the Framework), as was the case in the abovementioned Seagrave Road decision. This sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (applicable where the Council cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
22. As there is no dispute that the Council can demonstrate a five year housing land supply, this is not a reason to engage Paragraph 11.d)ii of the Framework in this case. Nonetheless, the appellant takes the view that the policies which are most important for determining the application are out of date for other reasons, a view that the Council does not share, and thus Paragraph 11.d)ii of the Framework is engaged in any event.
23. There is some dispute between the Council and the appellant as to which policies are the most important for determining the application. However, in my view, these are the ones which are being considered as part of this appeal and which are cited above, though, additionally, CS Policy CS25 which generally reflects the Framework's presumption in favour of sustainable development is also important.
24. Saying that, of these policies, I consider CS Policy CS1 to stand out from the others, being a recently adopted policy setting out the development strategy for the Borough, and thus to be of the greatest importance of these for determining the application. This policy was found to be sound and Framework compliant by the CS examining Inspector, and was thus not out of date and carried full weight at the time of the adoption of the CS. This is notwithstanding that the policy to some extent relies on settlement boundaries as identified by saved LP Policy ST/2 which only sought to plan for housing

---

<sup>3</sup> Appeal Ref: APP/X2410/W/16/3152082- Land to the East of Seagrave Road, Sileby, Leicestershire, dated 10 July 2018

needs up to 2006 and that there was a future intention to produce a site allocations document for Service Centres. It is also notwithstanding that settlement boundaries have been breached in order for the Council to be able to demonstrate a five year housing land supply. In any event, CS Policy CS1 does not operate by reference to settlement boundaries alone as it provides for a degree of development to adjoin these, albeit that in my view, the intended degree has been surpassed.

25. On this basis and that the Council can demonstrate a five year housing land supply and has performed well against the Government's Housing Delivery Test, I consider CS Policy CS1, the policy of greatest importance in this case, to be effective and not out of date, as was the case on the adoption of the CS. Thus, I afford it full weight at this time. I also note that the Inspector in the very recent East Goscote<sup>4</sup> case, which involved the same appellant, found this policy to be not out of date and I recognise the importance of consistency in decision making. Furthermore, although that case related to a proposal for housing in a lower tier settlement, such a matter was not central to the Inspector's findings on the up to date status of CS Policy CS1.
26. Given this, and having regard to the very recent Wavendon High Court judgment<sup>5</sup>, which the Paul Newman New Homes Ltd High Court judgment affirms, I consider the 'basket' of most important policies as a whole to be not out of date. This is regardless of whether or not I was to find saved LP Policies CT/1 and ST/2 to be out of date, and thus, I do not consider it necessary for me to make a detailed assessment of them in this regard. Consequently, Paragraph 11.d)ii of the Framework is not engaged, and as such nor is CS Policy CS25. The appeal should thus be considered under the normal planning balance, as was the situation in the East Goscote case. Additionally, it is somewhat surprising that, as little or nothing has materially changed in the short intervening period, the appellant continues to pursue an argument to the contrary.

#### *Other matters*

27. The provision of up to 228 dwellings in an accessible location, of which at least 30% would be affordable, would make a useful contribution to housing supply within the Borough and would support the Government's objective to significantly boost the supply of homes. Notwithstanding that the Council can demonstrate a five year supply of housing, I afford such housing provision substantial weight. The appellant asserts that the proposal would generate a construction spend of over £22.4 million, would create 192 full time jobs per year over 7 years, would inject an additional household spend in the local economy of £6.2 million per year and would house approximately 273 economically active residents. I afford substantial weight to these benefits also.
28. The provision of new public open space, though primarily required to serve any future occupiers of the proposal, would also be likely to be an attractive and useful resource for nearby existing residents. It, along with additional landscaping, would enhance the ecological value of the appeal site and would deliver a net biodiversity gain. Financial contributions for the improvement of existing facilities for young people, the improvement of sports facilities, the

---

<sup>4</sup> Appeal Ref: APP/X2410/W/18/3214382- Melton Road, East Goscote, Leicestershire, dated 16 July 2019

<sup>5</sup> Wavendon Properties Limited v SSHCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)

provision of allotments and the upgrading of healthcare and library facilities would also have some wider community benefits. Together, I afford these benefits moderate weight. Other contributions, including those for education, bus passes, travel packs and civic amenity, weigh neutrally in the planning balance as they would simply assist with mitigating the effects of development.

29. I acknowledge that the Council has not raised any concerns beyond those addressed under the main issue, including in respect of character and appearance, highway safety/capacity, archaeology, heritage, flood risk and neighbour living conditions. On the basis of the evidence before me and my own observations of the appeal site and its surroundings, and having carefully considered interested party concerns in respect of some of these matters, I have no substantive reasons to take an alternative view.
30. I also note that it is common ground between the main parties that although great crested newts, a European Protected Species (EPS), has been identified to be using ponds in the surrounding area, the likelihood of them utilising the appeal site and being harmed as a result of the proposal would be minimal. Furthermore, that any risk in this regard could have been further minimised through the use of a suitably worded planning condition, had I been minded to allow the appeal, and that it is likely that an EPS licence from Natural England would not be required as a result. Though it is not necessary for me to consider the EPS licence matter in any further detail, had I been minded to allow the appeal, I see no compelling reasons why such an approach would not have been acceptable.
31. The appellant highlights that the Government's standard method for assessing local housing need and the Leicester and Leicestershire Strategic Growth Plan, based on the Leicester and Leicestershire Housing and Economic Needs Assessment 2017 (HEDNA), indicate a higher level of housing need within the Borough than that identified in the CS. However, whilst this might be the case, having regard to Paragraph 73 of the Framework, the standard method to assess local housing need is relevant where strategic policies are more than five years old, which is not the case in this appeal. Furthermore, the Leicester and Leicestershire Strategic Growth Plan and HEDNA are non-statutory publications which underpin the preparation of the new Local Plan for the Borough and have not been formerly tested or examined. As such, I afford only limited weight to these matters at this time.
32. I have been provided with an appeal decision<sup>6</sup> relating to Brimington, Chesterfield, in which the Inspector allowed a housing scheme, albeit that it conflicted with the relevant Council's Core Strategy policies setting out its development strategy and where the Council could demonstrate a five year housing land supply. Nonetheless, it relates to a different local authority and thus a different planning policy context. Also, the Council's strategic policies in that case were more than five years old and had not been reviewed. In addition, I note that the Inspector raised a concern that the Council could not demonstrate how the housing requirements in its service centres could be met. This is evidently not the case in Charnwood. Thus, the circumstances of that case are not helpfully comparable to those of the case before me and it does not alter my views on how the current appeal should be determined.

---

<sup>6</sup> Appeal Ref: APP/A1015/W/19/3223162- Land to the north west of Northmoor View, Brimington, Chesterfield, Derbyshire, dated 5 August 2019

### **Planning balance and conclusion**

33. I have found conflict with a number of policies of the CS and LP, including CS Policy CS1 and the development strategy it envisages for the Borough. I therefore find conflict with the development plan as a whole. I find CS Policy CS1 the policy of greatest importance for determining the application and I find it to be effective and not out of date. Thus, I afford such policy conflict significant weight and to develop the appeal site as proposed would be at odds with and would undermine public confidence in the plan led system. The Framework recognises that the planning system should be genuinely plan led.
34. I recognise that the proposal would provide a number of benefits, which in some cases, including in respect of the level of market and affordable housing proposed, carry substantial weight in its favour. However, such benefits would not be sufficient, in my view, to outweigh the conflict with the development plan and the development strategy for the Borough. This would be the case even if an above policy compliant level of affordable housing of 35% were to be provided. Moreover, there are no persuasive material considerations to indicate that the proposal should be determined other than in accordance with the development plan.
35. Accordingly, for the reasons set out above, and having regard to all other matters, I conclude that the appeal should be dismissed.

*Alex Hutson*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Thea Osmund-Smith, of Counsel                      Instructed by Gladman Developments Ltd

She called:

Peter Dutton BA (Hons), MCD, MRTPI	Senior Planner, Gladman Developments Ltd
David Stoddart BA (Hons), CMILT, MIHT	Associate Director, Prime Transport Planning
Jamie Woollam BSc (Hons), CEcol, MCIEEM	Associate Ecologist, CSA Environmental

### FOR THE LOCAL PLANNING AUTHORITY:

Ashley Bowes, of Counsel                      Instructed by Charnwood Borough Council

He called:

Lewis Marshall MRTPI	Principal Planning Officer, Charnwood Borough Council
----------------------	---

### FOR THE COUNTY COUNCIL (RULE 6 PARTY):

Anthony Cross                                      Head of Law, Leicestershire County Council

### INTERESTED PARTIES:

Cllr Julie Jones	Sileby Parish Council
Cllr Elizabeth Astill	Sileby Neighbourhood Plan Advisory Committee
BA Hons Landscape Architecture	
MA History	
Cllr Andrew Pailing	Local Councillor
Sue Collington	Local Resident
Elizabeth Parkinson	Local Resident
Lynn Sheperdson	Local Resident
Lynn Hill	Local Resident
Liz Jones	Local Resident
Ken Jones	Local Resident
Edward Sherriff	Local Resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

INQ1: 'Fixing our broken housing market' publication - Department for Communities and Local Government, February 2017  
INQ2: David Stoddart qualifications and experience sheet  
INQ3: Jamie Woolam qualifications and experience sheet  
INQ4: Ecology Solutions Ecology Briefing Note  
INQ5: Appeal decision APP/A1015/W/19/3223162- Land to the north west of Northmoor View, Brimington, Chesterfield, Derbyshire, dated 5 August 2019  
INQ6: Appearances on behalf of the appellant sheet  
INQ7: Table showing developments consented in Sileby  
INQ8: Opening statement on behalf of the appellant  
INQ9: Opening submissions for the local planning authority

INQ10: Parish Council presentation

INQ11: Draft unilateral undertaking

INQ12: Final though unsigned/undated version of the unilateral undertaking (retained by the appellant)

INQ13: High Court Consent Order dated 31 July 2017 in respect of the quashing of appeal decision APP/X2410/W/16/3152082 relating to Land to the East of Seagrave Road, Sileby, Leicestershire, dated 27 March 2017

INQ14: High Court judgment- Wavendon Properties Limited v SSHCLG Milton Keynes Council [2019] EWHC 1524 (Admin)

INQ15: Charnwood Housing Supplementary Planning Document adopted May 2017 and updated December 2017

INQ16: Prime Transport Planning response to questions raised by a local resident

INQ17: Additional suggested planning condition from the appellant in respect of ecology

INQ18: Closing submissions for the local planning authority

INQ19: Closing submissions on behalf of the appellant

INQ20: Annotated Sileby Parish Council Village Street Map

### **DOCUMENTS SUBMITTED AFTER THE INQUIRY**

1. Completed and certified unilateral undertaking
2. Email from the Council in respect of High Court judgment- Paul Newman New Homes Ltd v SSHCLG [2019] EWHC 2367 (Admin)
3. Appellant's response in respect of the Council's email and High Court judgment- Paul Newman New Homes Ltd v SSHCLG [2019] EWHC 2367 (Admin)
4. Email from the Council dated 26 September 2019 and accompanying Report by the Independent Examiner in respect of the examination of the Sileby Neighbourhood Plan 2018-2036 dated September 2019.
5. Email from Sileby Parish Council dated 26 September 2019 and accompanying Report by the Independent Examiner in respect of the examination of the Sileby Neighbourhood Plan 2018-2036 dated September 2019.