

**Blaby District Council**  
**Council**

<b>Date of Meeting</b>	20 September 2022
<b>Title of Report</b>	<b>Cosby Neighbourhood Plan – response to Examiner’s proposed modifications</b> This is not a Key Decision and is on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Ben Taylor – Planning Delivery and Enforcement &amp; Corporate Transformation</b>
<b>Report Author</b>	Development Strategy Manager
<b>Corporate Priority</b>	A Place to Live

**1. What is this report about?**

- 1.1 The Cosby Neighbourhood Plan (submission version) (Appendix A) has been prepared by the Cosby Neighbourhood Plan Steering Group and has recently gone through the Examination process. The Examiner’s Report was published in June 2022 and included a number of proposed modifications to ensure the Plan meets the ‘basic conditions’ set out in legislation.

In accordance with the legislation, the District Council is required to provide its response to the Examiner’s proposed modifications before the Plan can proceed to a referendum.

**2. Recommendation(s) to Council**

- 2.1 That Council accepts the recommended modifications to the Cosby Neighbourhood Plan set out in the Examiner’s Report, attached at Appendix B to this report.

**3. Reason for Decisions Recommended**

- 3.1 The Examiner’s recommended modifications are necessary to ensure the Plan meets the basic conditions required by legislation and can then proceed to referendum.

## **4. Matters to consider**

### **4.1 Background**

#### Introduction

Neighbourhood Planning provides communities with a powerful set of tools to shape the development and growth of their local areas. Neighbourhood Plans can, for example, identify where new homes, shops and employment premises are to be built and have their say on what new buildings should look like. They are plans prepared by the local community, for the local community.

The legislation governing the preparation of Neighbourhood Plans requires that any Plan must meet the basic conditions, which are as follows:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

Following successful Plan preparation, consultation, independent examination and Referendum, a Neighbourhood Plan is 'made' (i.e. adopted) by the District Council. Once 'made', it becomes part of the development plan for the area to which it relates, and therefore planning applications will be determined against it, alongside Blaby District Council's Local Plan.

#### The Cosby Neighbourhood Plan so far

The Cosby Neighbourhood Area was designated in 2017 and Cosby Parish Council is the Qualifying Body in accordance with the legislation. The neighbourhood plan period is 2021 - 2029.

The Cosby Neighbourhood Plan addresses a range of issues in response to matters identified through earlier stages of public consultation, including good design, safeguarding historic buildings and green spaces, and protecting and improving community facilities and amenities.

A number of consultation exercises were undertaken by the Cosby Neighbourhood Plan Steering Group in the development of the plan before it was submitted to Blaby District Council, who undertook the final statutory consultation before the Plan was examined. Sixteen responses were received for the final statutory consultation.

An Independent Examiner was appointed to undertake an Examination to test whether the Plan complies with the 'basic conditions' (as set out above) in light of the representations received during the consultation. The Examiner's Report on the Plan was issued on 17 June 2022 and is provided as Appendix B to this report.

The Examiner recommended a number of modifications to the report to ensure the Plan meets the basic conditions. In summary, the modifications to the policies are:

- Amend policy CNDP1: Development within and affecting the setting of Cosby Conservation Area to conform to national planning policy and to provide clarity.
- Amend policy CNDP2: Development affecting non-designated heritage assets to conform to national and local planning policy.
- Amend policy CNDP3: Design Principles to conform to national planning policy and to provide clarity.
- Amend policy CNDP5: Protecting Other Open Spaces to clearly identify the open spaces to be protected.
- Amend policy CNDP6: Protection of Existing Community Facilities and Local Shops to provide clarity.
- Amend policy CNDP7: Access to the Countryside to conform to national planning policy and to provide clarity.

In addition to the changes to the policies suggested above the Examiner also identified minor editing and clarification matters to be corrected before the Plan proceeds to Referendum. These are set out in the Examiner's Report.

Officers consider that the modifications recommended to the Plan by the Examiner are reasonable and indeed necessary to ensure the final Cosby Neighbourhood Plan sets out clear policies against which planning applications can be determined. At the same time, the recommended modifications are considered to support the focus of the Plan and what it sets out to achieve.

#### Next steps

Should Council accept the modifications to the Cosby Neighbourhood Plan as recommended, a Referendum will be arranged and held. The proposed date for the Referendum is 24 November 2022.

If the majority of those voting at the Referendum support the Plan, it will then come back to Blaby District Council to be 'made', at which point it will become part of the Development Plan for the area and will inform and guide future delegated decisions and recommendations to Planning Committee.

### Reviewing the Plan

As per the relevant legislation, the Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan. The preparation of this Neighbourhood Plan has been undertaken in the context of the Council's current Local Plan (Core Strategy and Delivery DPD) and, with the suggested modifications, is considered to be in general conformity with them.

Members will be aware that work on a new Local Plan for the District has commenced. The potential implications of this new Local Plan for Cosby Parish will become clearer as this work progresses, and specifically whether the Neighbourhood Plan will need reviewing to remain up-to-date and in conformity with the strategic policies in the Development Plan. Cosby Parish Council is a statutory consultee in the local plan preparation process so will be aware of progress on the development of the new Local Plan. On this basis, they will be able to initiate a review of the Neighbourhood Plan should the need emerge.

#### 4.2 Proposal(s)

It is recommended that Council accepts the modifications to the Plan recommended in the Examiner's Report to ensure the final version of the Plan meets the basic conditions, is robust and comprises a clear, understandable document that will be used in the determination of planning applications. The Plan will then proceed to Referendum for the eligible residents of Cosby to vote on it.

In proceeding to a referendum with a Plan that meets the basic conditions, the community are being given the opportunity to have their say on future development in Cosby through their support of the Cosby Neighbourhood Plan.

#### 4.3 Relevant Consultations

As referred to above, public consultation has been undertaken on the Plan by both the Cosby Neighbourhood Plan Steering Group and Blaby District Council, giving a wide range of organisations and individuals the chance to inform and comment on the Plan.

Internal consultations with appropriate Officers of this Council have been held, including the Strategic Director, the Planning and Strategic Growth Group Manager and Development Management Officers.

#### 4.4 Significant Issues

##### Legal implications

The legislation makes clear that the District Council has a duty to support neighbourhood plan groups in preparing their Neighbourhood Plans. The legislation also requires the District Council to undertake public consultation on the Plan prior to the Examination, provide a response to the Examiner's

modifications and arrange the examination and referendum processes. The Plan has been prepared in accordance with the relevant legislation, which includes the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended).

### Human Resources

In order to progress the Neighbourhood Plan to the point where it can be 'made' by Council, the Council will need to arrange the referendum on the Plan. Therefore, resources will be required from other teams within the Council, primarily from the Elections Team.

## **5. What will it cost and are there opportunities for savings?**

- 5.1 The Council is responsible for paying the costs of the Examination and the Referendum. The costs of these two processes have yet to be confirmed, although the Examination cost has been estimated at about £7,000. The District Council can claim £20,000 of funding back from the Department for Levelling Up, Housing and Communities, once the referendum date is set following the successful examination, to recover the costs spent. This grant funding is expected to cover the cost of both the Examination and the Referendum. The costs have been budgeted for in the general neighbourhood planning budget.

## **6. What are the risks and how can they be reduced?**

- 6.1 The risks are as follows:

Current Risk	Actions to reduce the risks
The Plan is not supported by the local community at Referendum.	The Cosby Neighbourhood Plan Steering Group have actively consulted the local community to ensure their aspirations have been reflected and addressed in the Plan, and therefore the risk that the Plan will not be successful at Referendum is reduced.
The strategic policies of the Development Plan could change when the Local Plan is reviewed.	If the policies become out of date or do not conform to the strategic policies of the Development Plan, the qualifying body (Cosby Parish Council) can choose to review and, if necessary, update the Plan. No further action can be taken at this time.

## **7. Other options considered**

### **7.1 Not to accept the Examiner's recommended modifications**

Cosby Parish Council is keen to get a Neighbourhood Plan adopted which reflects the aspirations of the local community. Work commenced on this Neighbourhood Plan in 2017, and the Cosby Neighbourhood Plan Steering Group has put significant resource into getting the Plan to this advanced stage with support from Blaby District Council. The Plan is required by legislation to meet prescribed basic conditions, and the modifications recommended are required to ensure that the Plan is capable of doing this. Cosby Parish Council (as Qualifying Body) is supportive of the Examiner's Report and the District Council has a duty to support the neighbourhood planning process. Therefore, this option is not considered appropriate.

## **8. Other significant issues**

8.1 In preparing this report, the author has considered issues related to Human Rights, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern. The Neighbourhood Plan itself has significant positive impacts for Cosby in respect to growth and development.

8.2 Significant issues relating to Legal Matters and Human Resources have been addressed at paragraph 4.4.

## **9. Appendix**

9.1 Appendix A (available to access via this link)– [Cosby Neighbourhood Plan \(Submission Version\)](#)

9.2 Appendix B – Cosby Neighbourhood Plan – report by Independent Examiner to Blaby District Council (June 2022)

## **10. Background paper(s)**

10.1 Blaby District Local Plan (Core Strategy) Development Plan Document (2013)  
Blaby District Local Plan (Delivery) Development Plan Document (2019)  
National Planning Policy Framework  
Planning Practice Guidance  
Evidence-based documents that informed the preparation of the Neighbourhood Plan, available on the Cosby Parish Council website ([www.cosbyparishcouncil.org.uk](http://www.cosbyparishcouncil.org.uk))

## **11. Report author's contact details**

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