Hinckley & Bosworth Borough Council Consultation Response to the Sheepy Parish Neighbourhood Plan Submission

17 October 2018



Hinckley & Bosworth Borough Council

SHEEPY PARISH **NEIGHBOURHOOD** - PLAN -

- 1. Background to Sheepy Parish Neighbourhood Plan
- 2. Hinckley & Bosworth Borough Council's response to Sheepy Parish's submission documents
- 3. Hinckley & Bosworth Borough Council's comments on the Draft Plan
- 4. Sheepy Parish NDP vs NPPF (2012) Compliance Table
- 5. Sheepy Parish NDP vs Local Plan Compliance Table
- 6. Hinckley & Bosworth Borough Council's response to the SEA Screening Decision

### 1. Background to Sheepy Parish Neighbourhood Plan

Neighbourhood plans are not required to meet the tests of soundness which local plans and other development plan documents must meet. Instead, in order for them to be able to be put to referendum, they must meet the 'basic conditions' set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

Those relevant to neighbourhood plans are as follows:

(a). having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

(d). the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

(e). the making of the order (or neighbourhood 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).

(f). the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

(g). prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

The Neighbourhood Area for Sheepy Parish Neighbourhood Plan was designated by Hinckley & Bosworth Borough Council (HBBC) on 22 October 2015.

Following years of evidence gathering and preparing the plan, the pre-submission version of the Sheepy Parish Neighbourhood Plan went out for consultation for six weeks and concluded on Friday 5 January 2018 at 5pm. Following this consultation, the feedback provided to the Neighbourhood Plan Group was reviewed and considered alongside feedback from statutory stakeholders. HBBC submitted a response to the Regulation 14 consultation, in which it aimed to provide advice as to where policies, sections or paragraphs within the submission NDP may be improved with a view of ensuring conformity with the basic conditions outlined above, this can be seen in Section 3.

HBBC began the Regulation 16 Publicity consultation stage on **Wednesday 5 September 2018.** The consultation ended on 5pm Wednesday 17 October 2018. HBBC invited representations from all those previously consulted through the Pre-submission consultation stage (Regulation 14) as prescribed in Sheepy Parish's Consultation Statement and any others prescribed by regulation.

Following the Regulation 16 Draft Plan consultation, HBBC will make all representations received available to the independent examiner.

#### 2. Hinckley and Bosworth Borough Council's response to Sheepy Parish's submission documents

The submission of the Sheepy Parish Neighbourhood Plan Proposal to Hinckley and Bosworth Borough Council (HBBC) on 16 August 2018 included the following items;

- a) the Consultation Statement which:
  - i. contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - ii. explains how they were consulted;
  - iii. summarises the main issues and concerns raised by the persons consulted; and
  - iv. describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
- b) the Sheepy Parish Neighbourhood Plan;
- c) the Basic Conditions Statement which explains how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act and The Regulations. The Basic Conditions Statement also contains:
  - a. a map which identifies the area to which the proposed neighbourhood development plan relates;
  - b. a statement of reasons for the determination that under regulation 9(1) of those Environmental Assessment of Plans and Programmes Regulations 2004(a) the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment); and
  - c. an Equalities Impact Assessment of the proposed neighbourhood development plan; and
- d) a copy of the Minutes of the Sheepy Parish Council meeting held on 5<sup>th</sup> June 2018 confirming approval of the draft Neighbourhood Plan and accompanying documents.

The above documents are considered to adequately fulfil the submission requirements under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4b of the Town and Country Planning Act 1990, as inserted into Schedule 10 of the Localism Act 2011.

Therefore HBBC is satisfied that the qualifying body of Sheepy Parish Council had satisfied the relevant regulatory requirements to advance the Sheepy Parish Neighbourhood Plan to the Publicity and Consultation Stage (Regulation 16) and subsequent submission of the Neighbourhood Plan proposal for examination.

In addition, HBBC is satisfied that the Sheepy Parish Neighbourhood Plan proposal does not include any development which would be defined as 'excluded development' as prescribed by Schedule 9, Section 61k of the Localism Act.

#### 3. Hinckley & Bosworth Borough Council's comments on the Draft Plan

At this 'draft plan' stage of the neighbourhood plan process the Local Planning Authority is not required to consider whether the draft plan meets the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions.

The local planning authority should provide constructive comments on an emerging plan before it is submitted.

In January 2018, during the pre-submission consultation stage, Hinckley & Bosworth Borough Council (HBBC) provided constructive comments on the draft plan. Comments were provided from Planning Policy, Major Projects, the Senior Planning Officer for Conservation, and the Housing Strategy and Enabling Officer.

Table 1 shows HBBC's Pre-Submission consultation comments provided in January 2018, and further comments on the Draft Plan submission consultation, October 2018.

	Amended and no further comments
Amended to a certain extent – still requires some further modification.	
	No changes made following previous comments – HBBC recommends significant modification.
Silent	No further comments or N/A

 Table 1: HBBC Planning Policy and Development Management responses to the Regulation 14 and Regulation 16 Sheepy Parish

 Neighbourhood Plans

Ref.	Policy/ section/ paragraph	HBBC Regulation 14 Pre-submission Comments January 2018	HBBC Regulation 16 Submission Comments October 2018
1	Paragraph 1.7	Wellsborough, Upton, Pinwall and The Cross Hands are not mentioned within the Core Strategy however neither is that they are not expected to accommodate development. The final sentence of this paragraph implies the Core Strategy explicitly states this which is incorrect.	Amended in para. 1.9 and no further comments

2	Paragraph 1.24	Whilst the NDP will only be relevant to Sheepy Parish, the NDP once adopted will actually form part of the Statutory Development Plan for Hinckley and Bosworth Borough. Therefore reference to Statutory Development Plan for Sheepy Parish should be changed to that of Hinckley and Bosworth. By referring to 'most' planning applications being determined by HBBC, it is assumed the NDP is highlighting that some – such as minerals and waste applications – are determined by the County Council. In addition, the reference to the NDP forming the basis of decisions suggests the NDP becomes <i>the</i> basis for decision making when in fact it is one element of a broad range of inputs. In view of this and for clarity, it is recommended that some context is added to this sentence such as the following (additions in bold): 'will continue to be responsible for determining most planning applications (minerals and waste planning applications are determined by the County Council, for example), but in Sheepy Parish the policies in the Neighbourhood Plan will form part of the basis for those decisions along with the Local Plan and any other relevant policy instruments or guidance forming part of the Statutory Development Plan for the borough'.	Amended to a certain extent. No further comments.
3	Paragraph 2.2	The borough-wide 2017 Landscape Character Assessment has now been completed and is available to view on the council website. To ensure the NDP remains up to date, this updated document should now be referred to and referenced where relevant within the NDP. The 2006 Landscape Character Assessment is no longer extant and therefore should not be referred to.	Amended and no further comments
4	Policy S1: Countryside	Community uses and essential infrastructure should be defined, potentially within a glossary, to make clear what type of development would be acceptable under this policy.	Amended in regards to the expansion of 'community facilities' and 'infrastructure'.

5	Policy S2: Public Rights of Way Network	Similarly, context should be provided as to what sort of development is considered to be 'suitable for a rural location'. Without this added clarity, the policy is open to challenge and a wide range of interpretation. It may be appropriate to deal with this issue within a subsection of the policy. When defining what uses may be acceptable in more detail, the policy must be compliant with Paragraph 55 of the NPPF which promotes sustainable development in rural areas. The range of uses covered by Paragraph 55 is wider than currently contained in Policy S1: Countryside (i.e., it includes housing). This is also the case for Policy DM4 of the Site Allocations and Development Management Policies DPD which contains a number of additional acceptable uses including renewable energy uses. This NDP policy should not be more narrow than these existing policies if it is to be acceptable. Recommend that the policy be expanded to include reference to <i>enhancing</i> the existing Public Rights of Way, not only protecting them. General re-wording recommended as follows: 'Development should protect and enhance the existing Public Rights of Way within Sheepy and wherever possible create new links to the network including footpaths and cycleways'.	HBBC do not consider this policy to be positively worded. Whilst the policy identifies the range of proposals that could be considered, the wording 'limited to' is not considered to be reflective of the NPPF and presumption in favour of sustainable development. A majority of the development types identified are supplemenmtary criteria which do not undermine Policy DM4, except for criteria (k) – renewable energy in accordance with Policy S4, which limits proposals to one type of renewable energy techmology and the land uses on which these would be acceptable. (See further comments under Policy S4). Amended, no further comments.
		Policy should refer to the relevant map (on page 11).	
6	Page 11 (Footpaths and Bridleways map)	Reference should be made to this map within the Policy S2: Public Rights of Way Network section.	Amended, no further comments.
7	Policy S3: Locally Important Views	Reference is made to a 'policies map'. It is assumed that this is referring to the map on the previous page (page 12) entitled 'Important Viewpoints', however this is not clear. Wording should be changed to clarify for example by re-titling both elements 'policies map – important view points'. Any changes should be consistent with other maps and references to them throughout the	Amended, no further comments.

		document.	
		On the appropriate map, it is recommended that directional arrows are incorporated to represent the direction of the view to correspond with the descriptions within the policy. This, as well as including numbering against every view identified (linking with the appropriate policy description) will help ensure the policy and its geographical application is clear and undisputed.	Directional arrows not incorporated as such, however icons representing the general direction of the view have been implemented. Views identified by numbers which is easier to interpret.
		Recommend that additional wording is included within the policy which explains how development will safeguard and enhance the views, for example through good design (building on the opening sentence of the policy) and potentially refer to Policy S8: Design.	No additional wording added on how development will safeguard and enhance the views. Policy S3 still silent on this.
n	Policy S4: Renewable Energy	Concerned that Point A of the policy will effectively mean there would be almost no development of solar farms within the parish given that there will be very limited brownfield land available given the rural makeup of the parish. Given the nature of solar farms, they invariably rely on a rural location and so there should be a balance struck between energy needs and the quality of greenfield sites – for example their agricultural grading. Keeping in mind that installations are temporary, the policy seems quite limiting in this area and will provide very few opportunities for such development. The element of the policy dealing with wind turbines should be aligned with the provisions of the Ministerial Statement HCWS42 (18 June 2015). At present, it is overly dismissive without reasoning and this undermines this element of the policy and raises a question as to how far Policy S4 has been positively prepared. It should be borne in mind that a starting point for the NPPF and indeed the Local Plan for the borough is a presumption in favour of sustainable development. The Ministerial Statement introduces a requirement for local community support to be in place before a development of this nature can be supported by the Local Planning Authority. It is recommended that Policy S4 recognises this and sets out the conditions upon which a wind turbine development could be acceptable (as per the Ministerial Statement).	No changes made. The policy as currently worded is restrictive on the land types on which ground-mounted solar photovoltaic farms will be considered. HBBC still regard that the policy seems limiting in this area and will provide very few opportunities for such development. The policy is contrary to the NPPF (presumption in favour of sustainable development) and Policies DM2 and DM4 of the Local Plan. See also comments under Table 4 (Regard to National Policies and Guidance) and Table 5 (Conformity to the Local Plan).

		Technically, 'impacts' as referred to within point B of the policy can also be positive. Therefore suggest amendment to wording as follows: ' <i>their location</i> <i>is selected sensitively and well-planned so that the proposals do not</i> <i>adversely impact on any features of Local Heritage Interest</i> '.	
9	Policy S5: Ecology and Biodiversity	Policy refers to 'Policies Map'. Assume this is referring to the 'Ecology' map on the following page (page 17) however this is not clear. Wording should be changed to clarify for example by re-titling both elements 'policies map – ecology'. Any changes should be consistent with other maps and references to them throughout the document.	Labelling of map clearer. No further comments.
		Recommend altering the final paragraph to the following: 'New development which impacts on existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) will be expected to maintain and enhance them for reasons of biodiversity thus demonstrating overall net-gain.'	Amendments made, no further comments.
10	Paragraph 2.35	On this, the NPPF says 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at <b>highest</b> risk, but where development is necessary, making it safe without increasing flood risk elsewhere' [my emphasis]. As you have referred to the NPPF directly in this paragraph, the full context of what is said within the NPPF should be set out clearly. Current wording at paragraph 2.35 implies any area at any risk at all should be avoided when actually it is areas of highest risk that should be avoided.	development is necessary, making it safe without increasing flood risk elsewhere'
11	Policy S6: Water Management	No comment.	What should an applicant do to demonstrate Policy DM7 requires this to be inline with the requirements of the NPPF, I think the same happens if SuDS isn't an appropriate strategy? In addition 5sqm is very restrictive this would include almost all householder

			extension applications is SUDS really appropriate for extensions?
12	Paragraph 3.4	Suggest amendment to wording to include reference to archaeology as follows: 'Scheduling is shorthand for the process through which nationally important <b>archaeological</b> sites and monuments are given protection'.	Amendments made, no further comments.
13	Paragraph 3.13	Recommend this paragraph is amended to include reference to 'significance' as follows: 'there are buildings and sites in the parish that make a positive contribution providing local character and a sense of place because of their heritage value <b>and significance</b> '. Policy S7: Features of Local Heritage Interest requires an assessment of the proposal against its (heritage) significance so this should be mentioned in this context.	Amendments made, no further comments.
14	Features of Local Heritage Interest	<ul> <li>Features of Local Heritage Interest have been compiled from three sources (the HER, Sibson Conservation Area Appraisal, and suggestions from the Historical Society (and others)). It appears that these suggestions are identified on the "Local Heritage" Policies Map on page 24 with reference then made to the map in Policy S7 (as with other occasions throughout, the title of the map does not correspond with this 'policies map' reference and this should be addressed throughout the document). It is not clear what this map displays however, and there should be certainty in what the policy covers if the map is the only source of determining this. A useful addition to supplement the map would be to provide a consolidated list of addresses for each feature considered to be a Feature of Local Interest (from each source), potentially within an appendix to the NDP. Some background information is provided on the supporting evidence website but it is not easy to determine what precisely is covered by the Policy, the Policies map, the Appendix, and the supporting evidence website.</li> <li>Some further specific points in relation to the map issue raised above:</li> </ul>	See Conservation Officer's comments in Table 2.
		• Are findspots, historic buildings, and monuments (as identified on the Policy map legend) just the records from the HER or do they also include the features of interest from the Sibson Conservation Area Appraisal and the suggestions from the Historical Society (and others);	

		<ul> <li>and</li> <li>Why is there one large triangle for a historic building and then the rest are identified as regions?</li> </ul>	
15	Policy S7: Features of Local Heritage Interest	The corresponding map contains a lot of information and 'points of interest'. With this in mind, in its current form it is not clear enough. Recommend including a supplementary list of addresses to correspond with the map etc., as suggested in the comments above. The policy wording may need amending accordingly to take this into account. Recommend that the policy requires that the need for and public benefit of a proposal are considered in tandem with one another through the Development Management process. Can achieve this through the following or similar wording: "will balance the need for, <b>and</b> the public benefit of"	See Conservation Officer's comments in Table 2.
16	Appendix 3 - Properties Nominated for Local Heritage List by Sheepy Historical Society (and others) (in 2014)	This is a good list (document ref 279A), but it should clearly identify the reasons for their identification as a feature of local heritage interest (as already collated by the Society in 2014) to ensure people know why they are of significance. Perhaps include this information in an appendix. In the text for Appendix 3 it states that properties have been nominated for their history, historical association and rarity, but the reasons for identification put together in 2014 include further reasons, such as aesthetic value, evidential value etc., so the text stating the reasons for inclusion in Appendix 3 should be expanded to include all reasons.	See Conservation Officer's comments in Table 2.
17	Nominations and supporting documents	<ul> <li>Additional specific comments:</li> <li>List of proposed additional items of local heritage interest (ref 280 and ref 282) – what is the status of these suggestions? Are they to be considered Features of Local Interest? Confirm if they are and provide specific reasons as to why they are of value and of significance. Keep this to a consistent format.</li> <li>Justification - Unlisted Buildings of Local Historic Interest of Architectural importance identified within the Sibson Conservation</li> </ul>	See Conservation Officer's comments in Table 2.

		<ul> <li>Area Appraisal dated January 2008 (ref 271) – it may be useful to provide an extra column to this table that states the reasons as to why the buildings are of local value and significance, e.g. historical value, aesthetic value etc. The Conservation Officer will happily do this if required.</li> <li>Properties Nominated by Other Parties (ref 279A) - Sheepy Glade: this is more appropriately identified in the Plan as a Local Green Space. I do not believe it is a heritage asset so remove it from this list.</li> <li>Are there any further nominations that should be considered, e.g. historic farmsteads in Upton.</li> </ul>	
18	Design (general)	There needs to be more information on the character of the area provided here to ensure it will guide development proposals from their inception and ensure that Policy S8: Design can be used effectively within the Development Management process. This could be a general statement of traditional design characteristics such as scale, form, materials, distinctive local features (e.g. eyebrow dormers) etc., for the area as a whole or for each settlement. This does not necessarily have to be too prescriptive but the identification of predominant characteristics would likely be useful, perhaps use the brief synopsis of each settlement in the parish area from para. 1.4 as a starting point. Information on this could be used from sources such as the Landscape Character Assessment (2017) and Sibson Conservation Area Appraisal, etc.	
19	Policy S8: Design	The condition that only development that reflects buildings in the parish that are distinctive <i>and</i> traditional will be acceptable in design terms is slightly conflicting and overly constraining. A distinctive development could be very modern and of a contemporary nature and in these circumstances it is unlikely it would also be traditional. Consideration of the word <b>or</b> should be given rather than and, but this would mean that support is to be given to distinctive developments which may of course not be of a traditional nature so this will depend on the aspirations of the plan. A word of caution relating to this is that a design policy that espouses following only traditional characteristics will probably not be considered NPPF compliant (with paragraph 55 for example) so there should be circumstances where development of distinctive nature could be supported. Consider whether the term distinctive is sufficient for the policy or whether a circumstantial approach is more appropriate (similar to	It is considered that Paragraph D would be difficult to implement as 'significantly' is subjective and ultimately, unless the increase is creating a highway safety issue, this could not be a reason for refusal unless there is demonstrable harm caused. It is suggested that criteria D. should be removed or amended to say development should not cause highway safety issues. Part C. of the policy already deals with other amenity impacts that could be caused by traffic.

		<ul> <li>para 55 of the NPPF), such as 'only development that reflects the buildings in Sheepy Parish that have a traditional character will be supported''unless the development is of exceptional quality or innovative design'. This kind of approach is more positive however the terms 'traditional' and 'distinctive' will need to be explained and supported through design character statements to provide the context required to make an assessment against these them.</li> <li>Point D of Policy S8: Design is generally not considered to be a design issue but a general transport/ infrastructure related one.</li> </ul>	
20	Paragraph 5.4	Wellsborough, Upton, Pinwall and The Cross Hands are not mentioned within the Core Strategy however neither is that they are not expected to accommodate development. This paragraph implies the Core Strategy explicitly states this which is incorrect.	Amendments made, no further comments.
21	Paragraph 5.5	Need to ensure that the figures used are the most up to date available ahead of examination in accordance with the latest published Residential Land Availability report (available on the council website).	Most up to date information included. No further comments.
22	Paragraph 5.8	This paragraph implies that the settlement boundaries for Sibson and Sheepy Magna have been altered within the NDP. Comparing NDP versions and those defined within the Site Allocations and Development Management DPD, there are no obvious issues however it is unclear whether or not any changes have been implemented. If there have, it would be helpful to include a paragraph either within the supporting text ahead of Policy S10: Infill Housing or within an evidence base paper setting out what those changes are.	Nothing added to clarify any changes to the Settlement Boundary from the Site Allocations and Development Management Policies DPD. Changes have been made to reflect residential permissions, but no reasons are provided to support/evidence this.
23	Policy S10: Infill Housing	Policy refers to 'Policies Map'. Assume this is referring to the maps on the previous pages (pages 30 and 31) however this is not clear. Wording should be changed to clarify for example by re-titling both elements 'policies map – Sibson settlement boundary' (etc.). Any changes should be consistent with other maps and references to them throughout the document.	Further clarity provided to determine which maps are which, however no further comments.
24	Policy S10: Infill Housing	Delete ' <b>Permission for</b> ' at the beginning of the policy.	'Permission for' has been deleted, no further comments on this. However, there has been

		For clarity, would be useful to make clear that infill housing will be supported, but provided it accords with other elements of the NDP and local and national policies such as in relation to design. Recommend adding some wording to this policy at the end of the first sentence which achieves this recognition of the much wider policy framework to which infill housing will need to adhere.	no further clarity added at the beginning of the policy to recognise this is part of a wider policy framework to which infill housing will need to adhere.
25	Policy S11: Housing Mix	<ul> <li>This policy positively identifies that development shall provide for a 'mix of housing types' in the opening sentence, however goes on to mention only housing needs for older people and the need for smaller, low-cost homes. This policy should be written in a way which highlights all possible types of needs which may be identified by the evidence, not restricted to mentioning two types.</li> <li>Unsure if there is a need to refer to 'smaller' when highlighting the need for low-cost homes. Low-cost homes do not necessarily need to be smaller.</li> </ul>	Policy still only mentions meeting the housing needs of older households and smaller, lower-cost homes. HBBC still determines that the policy needs to be positively written to incorporate all housing needs, and again lower cost homes do not necessarily need to be smaller.
26	Policy S12: Affordable Housing	<ul> <li>Unsure as to why windfall housing developments (of 11 dwellings or more) are referred to as those requiring to meet affordable housing provision (of 40%). This implies that sites which are not windfall, such as the Hornsey Rise Memorial Home allocation, are not required to do so (and, indeed, affordable housing is not mentioned within the policy which is considered further on in this response).</li> <li>Unsure as to why the threshold for developments attracting a minimum affordable housing requirement of 40% is 11 units when national guidance identifies it as 10 units. This represents an inconsistency with national guidance and ultimately reduces the minimum requirement placed on developers which is unlikely to be considered a sustainable approach.</li> </ul>	No changes made, agree with previous comments. It is also recommended the policy is made clear as to how the need should be demonstrated. Policy 17 of the Core Strategy is a good guide for this, for example reference should be made to an up to date needs survey. See also comments under Table 5 (Conformity to the Local Plan).
27	Policy S13: Hornsey Rise Memorial Home	<ul> <li>'around 20 dwellings' is a broad requirement that is likely to be open to a wide interpretation and challenge. Consider how this can be focussed down to be less open.</li> <li>Point A of the policy is quite prescriptive and its restrictive nature could impact on viability. There is little flexibility afforded by this element of the policy and if, at the time of future development, it is found to be an unviable approach, the</li> </ul>	Policy S13 has been amended to 'up to 20 dwellings'. This is not standard practice for housing policies, as a 'minimum' approach is usually applied. Point A is still regarded as an inflexible requirement, and is open to interpretation.

		<ul> <li>policy may be compromised. In addition, housing mix should be informed by outcomes from housing needs evidence (such as a survey) and in the future four bedroom dwellings may be in high demand. This element of the policy could be caveated to include a reference similar to the following: 'unless evidence (viability or housing needs related) indicates otherwise'</li> <li>Point B of the policy should clarify what the intended use of the chapel will be, not just that it will be restored. If this is intended for residential use, it's important the policy sets this out.</li> <li>Unsure how Point D of the policy can be quantified without corroborated evidence of previous traffic levels to compare to. This needs to be expanded upon, and/or evidence should be available to support this requirement.</li> <li>Consider if it would be worthwhile to include a reference to improved public transport services, linking this aspiration (which is included in the following section – services, facilities and infrastructure) directly with this site. Given the isolated location of the site, outside of any settlement, improved public transport provision should be sought as part of its development.</li> <li>Clarify 'the Policies Map' means the map on page 36 – i.e. include a title as with recommendations for other maps within the document for clarity.</li> </ul>	Some consideration on transport and inkages out of the development.
28	Paragraph 6.5	Title 'Young People' draws too much attention as though it is a separate part of the document when in fact it is just a contributory statement within the wider services, facilities and infrastructure section of the document. Consider retaining the paragraph but removing the title.	Amended, no further comments.
29	Map, Page 38	Unsure of what the Services and Facilities map is showing. Recommend complimenting the icons on the map with figures and including these in the section prior. There is also no reference to the map within Policy S14 yet it is assumed that those facilities listed are those things indicated on the map.	No amendments made, still unclear what the community facilities are, and no cross referencing applied to Policy S14.
30	Policy S15: Car Parking and New	The blanket requirement for two off-street car parking spaces to be provided for every new dwelling appears to be overly-onerous and inflexible and could lead to design implications. In addition, such a blanket requirement is likely to	Agree with previous comments. Recent appeals have shown the inspector

	Development	face viability based challenges in application, particularly where the development of smaller scale dwellings are concerned and the cost associated with providing land for two spaces is factored in. Recommend that the policy is made scale-based to be most effective. Small dwellings, with one bedroom for example, would not necessarily require two parking spaces and the implications in design terms could be significant over-proliferation of hard-surfacing across the parish which is not required. The County Council's 6Cs Design Guidance provides a more flexible approach, where different scales of development attract different levels of parking provision and this should be referred to within the NDP or used to further develop this policy. It should be borne in mind that Leicestershire County Council are consulted on applications for development and will apply the 6Cs guidance in determining a view.	disregarding neighbourhood plans that have too restrictive parking policies and that do not refer to the County Council guidance.
31	Policy S17: Rural Economy	provision for new employment or retail uses, for example. The first element of this policy is very broad, encompassing all types of businesses and enterprise. Recommend providing some further clarity as to what use classes are included under this broad description. 'employed in the linked workspace <b>should</b> be imposed' - replace 'will'. 'enterprise through the conversion of existing buildings and <b>appropriately</b> - designed new buildings' – replace 'well'.	No changes made, agree with previous comments.The support for new buildings for employment is very open ended and coupled with point F of policy S1 could mean that applications for large scale employment uses is acceptable in all circumstances. Policy DM4 of the SADMP only considers this type of development in the countryside acceptable if it significantly contributes to the economy and has a set of qualifying factors.There seems to be strong support for live/work units of an unrestricted size. Paragraph 7.9 highlights the needs to be primarily employment but gives a ratio split of

			50:50 in the policy.
			It is suggested that paragraph 1 make reference to Policy DM20 and paragraph 3 makes reference to Policy DM5.
			See also comments under Table 5 (Conformity to the Local Plan).
32	Appendix 1: Non- planning issues (public rights of way)	For information, funding for PRoW improvements can be requested through Section 106 agreements. It might be useful to have an approach to this set out within the NDP, or at least recognition of this possibility.	No reference made to Section 106 towards improvements to PRoW, however no further comments.
33	Supporting Evidence	The BAP species records search for Policies 1, 5 and 7 includes maps of protected species including bats and great crested newts. Ensure that the locations of these species can't be made public due to their protected nature (contact Leicestershire County Council Ecology Department to check).	See Conservation Officer's comments in Table 2.
34	Supporting Evidence	The Landscape Character Assessment referred to is no longer valid. It has been replaced by the 2017 version, available on the council website at the following location: <u>https://www.hinckley-</u> <u>bosworth.gov.uk/downloads/download/308/landscape_character_assessment</u> . Any reference to this in the supporting evidence library and NDP document should be updated.	No further comments.
35	Supporting Evidence	Whilst a housing needs assessment (often known as a housing needs survey at local level) is not a compulsory requirement in the development of an NDP, and it is for the plan makers to assess whether or not housing is a significant enough priority for the plan area to warrant one, the undertaking of one prior to examination to represent the 'up to date evidence of housing need' referenced in Policy S11 should be considered in the context of presenting an objective and thorough evidence base.	No reference to a Housing Needs Survey or any updated local needs assessment, however no further comments.

36	General – Mapping (quality and clarity)	In the current version of the NDP, available on the website, the policies mapping is of limited quality and in some cases unclear. This becomes a notable issue when mapping is specifically required to identify extents (such as the brownfield element of Policy S13), or precise locations (such as those of policies map 'Local Heritage'). Mapping that is of a quality required to allow decision makers to unequivocally interpret the related policy(ies) and its references is a critical element of the planning system. It is recommended that output quality on mapping is improved. For better clarity, it is recommended that alongside improved output quality, the use of more detailed scales where appropriate is considered. In addition, more appropriate 'points' icons may be available to use and this too should be considered. For example, a star on a map is generally less clear to interpret than a simple dot (and label where possible).	Mapping quality could still be improved.
37	General – SEA	Some plans require a Strategic Environmental Assessment and/or a Habitat Regulations Assessment (SEA/ HRA respectively), and although it is unlikely these would be needed for the Sheepy NDP, it would be appropriate to undertake a screening assessment to determine this prior to the plan being submitted for examination. Hinckley and Bosworth Borough Council have already provided some additional advice to the plan making group on this matter, in an email dated 17 November 2017.	Sheepy Parish NDP have completed appropriate SEA screening, in which it was determined a full SEA would not be required. See section 6. However no reference has been made to this in the plan itself.

## Table 2: Comments from Hinckley & Bosworth Borough Council's Conservation Officer on the Regulation 16 Submission Plan (Dated: 17/10/2018)

Policy/ section/	Comments October 2018
paragraph Section 3 Heritage and Design Features of Local Heritage Interest	General comments         Features of Local Heritage Interest have been compiled from three sources (the HER, Sibson Conservation Area Appraisal, and suggestions from the Historical Society (and others)). It appears that these suggestions are identified on the "Local Heritage"         Policies Map on page 24 with reference then made to the map in Policy S7. Much greater clarity is required on what this map displays however, and there should be certainty in what the policy covers if the map is the main source within the document for determining this. A useful addition to supplement the map would be to provide a consolidated list of addresses for each feature considered to be a Feature of Local Interest (from each source), provided wither in the Plan or perhaps in an Appendix. Some background information is provided on the supporting evidence website.         Policies Map (and Policy S7 – Features of Local Heritage Interest)         Are findspots, historic buildings, and monuments (as identified on the Policy map legend) just the records from the HER or do they also include the features of interest from the Sibson Conservation Area Appraisal and the suggestions from the Historical Society (and others); it is not possible to determine this from the map. For example why is there one large triangle for a historic building and then the rest are identified as regions?         Appendix 3         Properties Nominated for Local Heritage Interest, therefore interested parties (including the owners of the sites) will not know why they are considered to be of significance.         In the text for Appendix 3 it states that properties have been nominated for their history, historical association and rarity, however submissions made to the Borough Council by the Sheepy Historical Society (and others) over t
Design	The document lacks contextual information on the character of the area and misses the opportunity to guide development proposals from their inception and ensure that the Design Policy can be used effectively during the Development Management

	process. This could have taken the form of a general statement of traditional design characteristics such as scale, form, materials, distinctive local features (e.g. eyebrow dormers) etc., for the area as a whole or for each particular settlement. This does not necessarily have to be too prescriptive but the identification of predominant characteristics would be useful, perhaps using the brief synopsis of each settlement in the parish area from para. 1.4 as a starting point. Information on this could be taken from sources such as the Landscape Character Assessment and Sibson Conservation Ares Appraisal etc.
Section 6	Policy S15: Car Parking
Services,	An outcome of adhering to providing at least two off-street spaces and potentially more for each new development could in certain
Facilities and	circumstances lead to an over proliferation of hard landscaping at the front of properties and subsequently a poor design.
Infrastructure	Consideration should have been given to including wording within the policy which states that the requirement for a particular number of parking spaces is "subject to not compromising good design".
Traffic and	
Parking	
Supporting Evidence	The BAP species records search for Policies 1, 5 and 7 includes maps of protected species including bats and great crested newts. Ensure that the locations of these species can be made public due to their protected nature (this should be confirmed from the Leicestershire County Council Ecology Department).

# Table 3: Comments from Hinckley & Bosworth Borough Council's Strategic Housing and Enabling Officer on the Regulation 16Submission Plan (Dated: 17/10/2018)

Policy/ section/ paragraph	Comments October 2018
Policy S12	Policy S12 still needs to be changed to a requirement for 10 dwellings or more. Otherwise it is in conflict with national guidance and therefore will not be consistent with procedures relating to the requirement for affordable housing in the Borough . I'd prefer the reference to "Commuted sums in lieu of on-site affordable housing may also be accepted." To be amended so that the sentence ends "in exceptional circumstances" for the sake of clarity.
Policy S13	It would also be helpful if Policy S13 regarding Hornsey Rise Memorial Homes included a requirement that "a contribution towards the supply of affordable housing is required either as 40% of the total dwellings developed or a financial contribution in lieu of on site delivery."

## 4. Sheepy Parish NDP vs NPPF (2012) Compliance Table

Table 4 sets out how Hinckley & Bosworth Borough Council (HBBC) consider the Sheepy Parish Neighbourhood Plan meets the requirements of Basic Condition (a) "having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)". In conformity with the transitional arrangements set out in paragraph 214 of the NPPF published in 2018, the Sheepy Parish Plan has been prepared in the context of the NPPF of 2012 and this assessment has been completed on this basis.

NDP policy	Relevant Sections of the NPPF	Regard to National Policy	
Policy S1: Countryside	Paragraph 17 Paragraph 28 Paragraph 55	The policy has regard to the NPPF in so far as it considers the intrinsic character and beauty of the countryside and setting out the types of development that could be acceptable beyond the settlement boundary. Whilst the policy identifies the range of proposals that could be considered, the wording 'limited to' is not considered to be reflective of the NPPF and presumption in favour of sustainable development. Criteria (k) is not considered to have appropriate regard to the NPPF. See comments under Policy S4.	
Policy S2: Public rights of Way Paragraph 75 Network		The policy has appropriate regard to the NPPF.	
Policy S3: Locally Important Views	Paragraph 109	The policy has appropriate regard to the NPPF.	
Policy S4: Renewable Energy	Paragraph 17 Paragraphs 93-98	Policy S4 does not have appropriate regard to the NPPF. The policy as currently worded is restrictive on the land types on which ground- mounted solar photovoltaic farms will be considered. Paragraph 97 of the NPPF states: "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They shoulddesign their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts."	

#### Table 4: Regard to National Policies and Guidance

		The policy is contrary to the presumption in favour of sustainable development.
Policy S5: Ecology and Biodiversity	Paragraph 109 Paragraph 113 Paragraph 117	Policy S5 does not have appropriate regard to the NPPF in so far as it does not make a distinction between the hierarchy of sites identified in the policy and the proportionate weight of protection afforded to them.
Policy S6: Water Management	Paragraphs 99-104	Policy S6 does not have appropriate regard to the NPPF in so far as it applies the use of SuDS but not in the context of paragraphs 99-103, the Sequential and Exception Tests. Policy S6 states that SuDS are to be applied for all developments if they meet the threshold in the policy, however the criteria in paragraph 103 of the NPPF should also be considered. It is not evident why a threshold for development that includes a surface covering of more than five square metres is applied. Each proposal will be considered on its merits by the approving body.
Policy S7: Features of Local	Paragraph 126	The policy has appropriate regard to the NPPF.
Heritage Interest	Paragraphs 135-136	The policy has expressing to the NDDE
Policy S8: Design Policy S9: Local Green Spaces	Paragraphs 56-61 Paragraphs 76-78	The policy has appropriate regard to the NPPF. The policy has appropriate regard to the NPPF, however Appendix 4 (Summary of reasons for LGS designation) is not clear how the sites meet the designation criteria set out in paragraph 77.
Policy S10: Housing Development	Paragraph 16 Paragraph 49 Paragraph 55 Paragraph 58	As per comments to Policy S1, the policy still places limitations on development (using the wording of 'limited to') in the countryside to only those specified which is contrary to the presumption in favour of sustainable development.
Policy S11: Housing Mix	Paragraph 47 Paragraph 50	The policy has appropriate regard to the NPPF.
Policy S12: Affordable Housing	Paragraph 50 Paragraph 54	The policy has appropriate regard to the NPPF.
Policy S13: Hornsey Rise Memorial Home	Paragraph 50 Paragraph 54 Paragraph 58	The policy has appropriate regard to the NPPF.
Policy S14: Community Services and Facilities	Paragraph 70	The policy has appropriate regard to the NPPF.
Policy S15: Car Parking and New Housing Development	Paragraph 39	The policy does not have appropriate regard to the NPPF, notably paragraph 39 which states:

		<ul> <li>"If setting local parking standards for residential and non-residential development, local planning authorities should take into account:</li> <li>the accessibility of the development;</li> <li>the type, mix and use of development;</li> <li>the availability of and opportunities for public transport;</li> <li>local car ownership levels; and</li> <li>an overall need to reduce the use of high-emission vehicles."</li> </ul> The policy should have regard to the above criteria when setting local parking standards. The policy as currently worded is prescriptive and contrary to paragraph 39.
Policy S16: Communications Infrastructure	Paragraph 42-43	The policy has appropriate regard to the NPPF.
Policy S17: Rural Economy	Paragraph 28	The policy has appropriate regard to the NPPF.

#### 5. Sheepy Parish NDP vs Local Plan Compliance Table

Table 5 sets out how Hinckley & Bosworth Borough Council (HBBC) consider the Sheepy Parish Neighbourhood Plan meets the requirements of Basic Condition (e) "the making of the order (or neighbourhood 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)."

The Planning Policy Guidance (Paragraph: 074 Reference ID: 41-074-20140306) When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach

	The policy is largely considered in general conformity with the strategic policies of the Local Plan	
	The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.	
	Directly contradictory	
Silent	Strategic policies of the Local Plan are silent	

#### Table 5: Conformity of the Sheep Parish Neighbourhood Plan to the Hinckley & Bosworth Local Plan

Sheepy Parish Neighbourhood Plan (Submission) Policy	Relevant Core Strategy Policy	Site Allocations and Development Management Policies DPD	Comments
Policy S1: Countryside	Policy 12: Rural Villages	DM4: Safeguarding the Countryside and Settlement Separation	The policy intends to protect the countryside from development other than those listed. Whilst broadly this reflects the approach in DM4, S1 expands on this policy by identifying other development types that would be acceptable beyond the settlement boundary.
	Policy 23: Tourism Development	DM14: Replacement Dwellings in the Rural Area DM25: Community Facilities	A majority of the development types identified are supplementary criteria which do not undermine Policy DM4, except for criteria (k) – renewable energy in accordance with Policy S4, which limits proposals to one type of renewable energy technology and the land uses on which these would be acceptable. (See further comments under Policy S4).
Policy S2: Public rights of Way Network	Policy 12: Rural villages Policy 14: Rural Areas: Transport	DM9: Safeguarding Natural and Semi-Natural Open Spaces	The policy is in general conformity to existing Local Plan policies.
Policy S3: Locally Important Views	Silent	DM4: Safeguarding the Countryside and Settlement Separation DM10: Development and Design	The policy is in general conformity to existing Local Plan policies.

Policy S4: Renewable Energy	Silent	DM2: Delivering Renewable Energy and Low Carbon Development	Policy S4 is not in general conformity with policies DM2 and DM4 of the Local Plan. Policy S4 only supports ground-mounted solar photovoltaic farms where they are on previously developed or non- agricultural land. The policy limits opportunities for such schemes without rationale or justification for this approach. The Borough Council has previously commented that there are unlikely to be opportunities on land uses which are not agricultural or in the countryside.
Policy S5: Ecology and Biodiversity	Silent	DM6: Enhancement of Biodiversity and Geological Interest	The policy does not distinguish and afford the appropriate protection, between sites of national and local importance. The policy does not support or maintain the approach set out in Policy DM6. The policy sets out limited criteria identifying what protection and enhancement should be expected from development. It includes the provision of maintaining and enhancing existing ecological corridors and landscape features and to demonstrate overall net-gain in biodiversity. Policy DM6 requires there to be no net loss of biodiversity where the removal or damage to features may occur. Further criteria are also applied in DM6 which has regard to whether the designation is of national or local importance.
Policy S6: Water Management	Silent	DM7: Preventing Pollution and Flooding DM10: Development and Design	Policy DM7 (h) requires proposals to demonstrate that development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy. Policy DM10(h) requires a Sustainable Drainage Scheme is submitted to and approved by the relevant authority. The supporting text sets out the types of development which would be expected to incorporate SuDS. Policy S6 as currently worded could be interpreted as placing a requirement for SuDS only where the threshold has

			been met, whereas all developments will need to consider their use.
Policy S7: Features of Local Heritage Interest	Silent	DM11: Protecting and Enhancing the Historic Environment DM12: Heritage Assets	Whilst the criteria of policy S7 includes similar criteria to that set out in Policy DM11, other criteria included in Policy DM11 and DM12 are not considered in S7, nor is there any cross-reference to them. This could undermine the intentions of Policies DM11 and DM12 to ensure a robust assessment of development proposals which may have the potential to affect a heritage asset or its setting (at all levels of designation). Other criteria are included in DM11 against which proposals are
			required to set out the potential harm and impact of proposals on the heritage asset. These criteria will be lost if Policy S7 is to supersede DM11.
Policy S8: Design	Silent	DM10: Development and Design	The policy is in general conformity to existing Local Plan policies.
Policy S9: Local Green Spaces	Silent	Silent	N/A
Policy S10: Housing Development	Policy 17: Rural Needs	DM4: Safeguarding the Countryside and Settlement Separation DM5: Enabling Rural worker Accommodation	The policy is in general conformity to existing Local Plan policies.
		DM14: Replacement Dwellings in the Rural Area DM15: Redundant Rural Buildings	
Policy S11: Housing Mix	Policy 16 – Housing Density, Mix and Design	Silent	The policy is in general conformity to existing Local Plan policies.
Policy S12: Affordable Housing	Policy 15: Affordable Housing Policy 17: Rural Needs	Silent	<ul><li>Policy S12 is not in general conformity with Policy 15 of the Core Strategy.</li><li>Policy S12 states that on windfall housing developments of 11 dwellings or more, the</li></ul>

			<ul> <li>minimum housing provision is 40%. Whilst the provision is correct, Policy 15 of the Core Strategy states that the starting point for the target for affordable housing is 40% on sites of 4 dwellings or more or 0.13ha or more. There is no clear justification to revise the threshold from 4 dwellings or more to 11 dwellings or more.</li> <li>As currently worded, Policy S12 implies that only windfall sites are required to provide 40% of affordable housing. Policy 15 of the CS states this applies for all rural areas.</li> </ul>
Policy S13: Hornsey Rise Memorial Home	Silent	Silent	N/A
Policy S14: Community Services and Facilities	Policy 12: Rural villages	DM25: Community Facilities	The policy is in general conformity to existing Local Plan policies.
Policy S15: Car Parking and New Housing Development	Silent	DM18: Vehicle Parking Standards	The policy is not in general conformity with Policy DM18 of the Local Plan. DM18 sets out a range of criteria against which to assess what level of parking will be appropriate. The criteria reflect those in paragraph 39 of the NPPF.
Policy S16: Communications Infrastructure	Silent	DM16: Telecommunications	The policy is in general conformity to existing Local Plan policies.
Policy S17: Rural Economy	Policy 12: Rural villages Policy 23: Tourism Development	DM5: Enabling Rural Worker Accommodation DM20: Provision of Employment Sites DM24: Cultural and Tourism Facilities	Policy S17 is not in general conformity with policies DM5 and DM20 of the SADM. Whilst the policy supports new employment land and the provision of rural worker accommodation, policy S17 does not include criteria against which such proposals can be assessed as provided in Policies DM5 and DM20 of the SADM. This is particularly important as new development is likely to be located outside of the settlement boundary.

As currently worded, paragraph 1 reads that all new well-designed buildings will be supported regardless of where they are located in the countryside. However, Policy DM20 seeks to guide the location of new employment sites.
Paragraph 3 provides a ratio between living space and work space does not exceed 50:50, regardless of size and scale. Policy DM5 provides criteria against which such proposals could be acceptable. Criteria DM5d) requires the applicant to demonstrate that the proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise.
It is suggested that paragraph 1 make reference to Policy DM20 and paragraph 3 makes reference to Policy DM5, or that the policy is deleted in its entirety.

# 6. Hinckley and Bosworth Borough Council's response to the SEA Screening Decision

Basic Conditions (f):

(f). the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

Points (f) above relates to certain obligations which plans must adhere to, primarily in relation to habitats and environmental impacts. Some plans require a Strategic Environmental Assessment and/or a Habitat Regulations Assessment (SEA/ HRA respectively).

Sheepy Parish have undertaken an SEA screening, in which it was determined a full SEA would not be required, as agreed by the three statutory bodies: Historic England, Natural England and The Environment Agency. Below is HBBC's decision statement, issued to the Qualifying Body on 21/08/2018.

