



## Newbold Verdon Neighbourhood Plan

### The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) Publication of Plan Proposal Consultation

Wednesday 22 January 2020 to 5pm Wednesday 4 March 2020

#### Response Form

How to respond:

- Complete our [planning policy contact form](#)
- Send a letter to the planning policy team
- Download, complete and return this Newbold Verdon Regulation 16 response form
  - Please return to the Hinckley Hub or electronically using our [planning policy contact form](#)

Respondent Details	
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Organisation (if applicable):	Marrons Planning on behalf of Richborough Estates.
Position (if applicable):	Associate Director

#### Your Representation on the Newbold Verdon Neighbourhood Plan

Overall do you support the plan, would support the plan with some modifications, or oppose the plan? (please tick one answer)

Support

Support with Modifications

Oppose

Please indicate whether you wish to be informed of any decision by Hinckley and Bosworth Borough Council to either make/adopt the Neighbourhood Plan or refuse to make/adopt the Neighbourhood Plan.

Yes, please inform me of the decision

No, I do not wish to be informed of the decision

Please give details of your reasons for support/opposition

Paragraph  
number/policy  
reference

Comments/Suggested Modifications

Please see separate representations.

(Continue on additional sheets if necessary)

Signature: David Pendle.

Date: 03/03/2020

Privacy notice

All comments will be made available, and identifiable by name and organisation (where applicable) to the appointed examiner, Local Planning Authority, and Newbold Verdon Parish Council. Please note that any personal information will be processed by the council in line

with the Article 6(1)(e) of the General Data Protection Regulation and the Data Protection Act 2018

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# NEWBOLD VERDON NEIGHBOURHOOD PLAN SUBMISSION PLAN

## REPRESENTATIONS ON BEHALF OF RICHBOROUGH ESTATES

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### Introduction

1. These representations have been prepared by Marrons Planning on behalf of our client, Richborough Estates. Our client is a specialist land promoter which supplies the housebuilding community with consented land.
2. Richborough has an interest in land at Brascote Lane, Newbold Verdon and this Neighbourhood Plan representation is intended to help the local planning authority, and any subsequent examiner, understand whether the Newbold Verdon Neighbourhood Plan meets the statutory requirements and basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004). For completeness, the basic conditions referred to in these representations are:
  - *having regard to national policies and advice contained in guidance issued by the Secretary of State;*
  - *contributing to the achievement of sustainable development; and*
  - *being in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
3. Richborough Estates' position is that the Neighbourhood Plan fails to meet the basic conditions by:
  - pursuing a housing requirement which severely limits the amount of homes and fails to significantly boost the supply of homes; and
  - preventing the achievement of sustainable development.

### National Policy and Guidance

4. Paragraph 13 of the National Planning Policy Framework (NPPF) says that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans or spatial

development strategies; and should shape and direct development that is outside of these strategic policies.

5. Paragraph 14 NPPF provides guidance on how the presumption in favour of sustainable development (at paragraph 11d) should be engaged and, in essence, reduces the supply of land required for a plan to be considered up to date from five years down to three where the Neighbourhood Plan contains policies and allocations to meet its identified housing requirement.
6. The amount of housing required in an area is a strategic matter (paragraph 20 NPPF) although non-strategic policies can be used by communities through Neighbourhood Plans to set out more detailed policies for specific areas, neighbourhoods or types of development and also for allocating sites (Paragraph 28 NPPF). Importantly, neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (Paragraph 29 NPPF).
7. Once a Neighbourhood Plan has been brought into force, the policies it contains take precedence over the existing non-strategic policies set out in a local plan covering the area (Paragraph 30).
8. Paragraph 31 NPPF confirms that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
9. Paragraph 33 says that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and that relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly.
10. Paragraph 59 NPPF recognises the Government's objective of significantly boosting the supply of homes and paragraph 60 says to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance.
11. The National Planning Practice Guidance says that 'where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies,

[including] the existing and emerging spatial strategy' (paragraph: 105 Reference ID: 41-105-20190509 – emphasis added).

### Adopted Local Plan

12. The Housing Requirement for the area is set out in the Hinckley and Bosworth Core Strategy December 2009. That plan provided for the level of housing identified in the East Midlands Regional Plan published in 2009 – 9,000 homes between 2006 and 2026 or 450 homes a year.
13. The Core Strategy designates Newbold Verdon as a rural centre which plays an important role in providing local services to its population (paragraph 3.20). The vision recognises that there will be development in the rural areas, focused on the Key Rural Centres, to support sustainable rural communities and provide local choice. It goes on to say that 'the new development required to meet increased and changing needs will reflect the unique identity of each individual settlement whilst having a character and identity of its own which complements, supports and integrates into existing communities' (paragraph 3.37 – emphasis added).
14. Whilst this context is very much of its time, the Core Strategy allocates land for the development of a minimum of 110 new residential dwellings at Newbold Verdon through Policy 11: Key Rural Centres Stand Alone and also provides support through Policy 7: Key Rural Centres to housing development within the settlement boundary.
15. The Hinckley and Bosworth Site Allocations and Development Management Policies DPD (July 2016) recognised that additional development was needed to meet Core Strategy Policy 4 and that a residual need for allocations at Newbold Verdon was 13 homes (as of 1 September 2015 - Table 3: Page 13).
16. Paragraph 7.24 allocates additional land at Old Farm Lane (18 dwellings) and Land south of Preston Drive (3 dwellings) to meet the residual need. The table that follows paragraph 7.29 also recognises that the original allocation at Old Farm Lane has permission for 102 dwellings.
17. The Core Strategy is in excess of 5 years old and the housing requirement for Hinckley is consequently out of date and has been superseded by more up to date evidence. The up to date housing requirement for Hinckley would now be established through the Standard Housing Methodology and has been estimated at around 569 homes a year.
18. The housing evidence that supports this position relies upon the 2009 housing requirement and analysis undertaken in 2015 for the Site Allocations DPD. There has been no assessment of the strategic context in terms of the housing need and spatial strategy for Hinckley. Nor has there been any assessment of the commitments and completions across the planning area. This is particularly important given the lack of a five year supply in Hinckley and Bosworth as

there is a clear need to not only significantly boost housing supply but also difficulties in meeting increased and changing needs as required by the Hinckley and Bosworth Vision.

### Emerging Local Plan

19. Work has commenced on a new local plan to 2036 and consultation has been held on the scope, issues and options (Jan 2018 to Feb 2018). That document suggests that 'In terms of growth, it is likely that [the Council] will continue to need to deliver at least 450 dwellings per annum until 2031' and that 'as work on the draft Strategic Growth Plan progresses, we will need to consider how to deliver the level of housing arising from the longer term need' (paragraph 4.6).
20. It might be noted that the Strategic Growth Plan for Leicester and Leicestershire (December 2018) recognises a housing need of 471 homes a year (2011-2031) and 454 homes a year (2011-2036) and sets a housing requirement of 531 homes a year for the longer period from 2031 to 2050.
21. The review document proposes a revised vision to 2036 for Hinckley and Bosworth. It says 'the Borough, as a place of opportunity, will be a thriving key part of the Midlands Engine, having continuous sustainable growth' and 'Development [will be] shaped and influenced by our Communities' Neighbourhood Development Plans' (p.6).
22. The review document goes on to identify a set of discrete options for delivering growth in the Borough (paragraph 4.9). Whilst a preferred option has yet to be announced the review document says, importantly, that 'until our new Local Plan is adopted, development will be directed in accordance with the Core Strategy' (paragraph 7.11).
23. The proposed vision for both the emerging Local Plan and Neighbourhood Plan extends to 2036. The emerging Local Plan signals that Neighbourhood Plans should direct development in accordance with the Core Strategy (where Rural Centres play a significant growth role) and, given that the Strategic Growth Plan identifies a figure of 471 homes for Hinckley and Bosworth to 2031 and a figure of 531 homes between 2031 and 2050, the context is clear that the Neighbourhood Plan should be providing for higher levels of growth at Newbold Verdon than that set out in the Core Strategy.

### Neighbourhood Plan – Amount of Development

24. The supporting text for the Neighbourhood Plan Vision (p.7) says that the 'vision will be delivered by high quality, characterful residential and economic development that meets the community's proven needs' although it is notable that the vision itself makes no reference to meeting the need for development. Section 7 of the Neighbourhood Plan (p.15) recognises that

housing need has changed since 2016 (the date of the Site Allocations and Development Policies Plan) and that the Neighbourhood plan is advancing ahead of the Local Plan meaning there is uncertainty about the housing requirement.

25. The Neighbourhood Plan references a 'latest housing target' from HBBC of 163 dwellings being required in the parish. The source for this is unknown. The Neighbourhood Plan also references a 2017 Housing Needs Survey undertaken by Midland Housing Trust which identifies a figure of 57 affordable and 19 market homes being required to 2032 and community endorsement for a figure of 100 homes. Perhaps unsurprisingly the Neighbourhood Plan responds to the community's wishes and settles on a minimum figure of 100 dwellings for Newbold Verdon based upon a belief that taking account of windfalls reduces the 163 dwellings down to a net target of 90 units.
26. We consider the analysis of housing need is based on an unstable footing. The Borough Council has signaled that development should continue to be directed in accordance with the existing Core Strategy and that the Strategic Growth Plan, which sets higher housing requirements for the period 2031 to 2036 for Hinckley and Bosworth, will provide the context for selecting a preferred option. Given this, and that the emerging vision envisages growth being shaped and influenced by Neighbourhood Plans it is essential that individual communities do not attempt to restrict growth.
27. The difficult position this puts the Neighbourhood Plan in is appreciated. It is attempting to rely on an out of date housing requirement and is not responding to the adopted or emerging strategy. Notwithstanding that a neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves (PPG paragraph: 105 Reference ID: 41-105-20190509) it should be noted that the amount of housing required in an area is a strategic matter (paragraph 20 NPPF) and that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies (paragraph 13 NPPF). It is wholly improper for a Neighbourhood Plan to seek to limit the housing requirement for an area in the manner undertaken here.

### Neighbourhood Plan – Housing Allocations

28. The Neighbourhood Plan allocates Land at Old Farm Lane for a minimum of 100 dwellings under Policy H1: Residential Site Allocations. This site emerged as the preferred site following a Site Sustainability Assessment (SSA). According to Section 7A of the Neighbourhood Plan this was conducted against common assessment criteria with the Neighbourhood Plan Advisory Steering Committee seeking to ensure that the least environmentally damaging and most sustainable locations are prioritised for potential residential development.



29. The commentary in the Neighbourhood Plan suggests that whilst locally important factors have been considered the wider community has developed the ranking of sustainability. The commentary goes on to note that 'SSA is only part of any potential site selection and that following this exercise 'negotiations about potential development criteria were entered into with the developers and a clear hierarchy of suitable sites emerged' (emphasis added).
30. The SSA has been published on the Newbold Verdon Neighbourhood Plan website. The documents that comprise the assessment are undated but the properties of the word documents confirm that all the documents were last updated between 8<sup>th</sup> and 10<sup>th</sup> February 2018 with one being updated on 20<sup>th</sup> February 2020.
31. The Newbold Verdon Consultation Statement confirms that consultation on the SSA took place in February 2018 and that the Regulation 14 consultation on the draft plan and the SEA took place in June 2018. We are not aware of any documentation being made available that provides evidence of the negotiation that followed the SSA and explains how the hierarchy of suitable sites emerged.
32. The Strategic Environmental Assessment for the Newbold Verdon Neighbourhood Plan undertaken by AECOM and published in September 2019 confirms that the sites 'were assessed by YourLocale using a sustainable site assessment matrix with the findings supporting the Steering Group in their decision making. The strongest site with the highest 'ranking' was identified as the preferred site' (paragraph 4.3.2). There is no reference to any negotiation that followed the SSA even at this late stage of plan making by the Group.
33. The SEA in September 2019 undertakes its own site appraisal, noting that the criteria overlaps considerably with the SSA. The SEA site assessment claims that it 'demonstrates that the preferred site performs the best overall compared to the discounted site options (when considered across the full range of criteria)' but noting that 'some of the discounted sites perform better in respect of certain assessment criteria .... the Parish Council consider that the chosen site performs better "in the round."' (p.18).
34. The SEA also says that a 'proforma for each of the reasonable site options, setting out the performance against the site appraisal criteria .... can be found in the site assessment document on the Newbold Verdon Neighbourhood Plan website with a full explanation of methods' (Paragraph 4.3.2). There are no SEA site assessment documents on the Newbold Verdon Neighbourhood Plan website at the time of writing.
35. It is clear that the SSA provides the only evidence for selecting the site at Old Farm Lane; the SEA post-dating the selection of the site and drafting of the Neighbourhood Plan.

### Site Sustainability Assessment

36. The SSA tested 10 sites against a set of 26 criteria, ranking the performance of each site against the individual criteria as Green, Amber or Red; an SSA Matrix sets out a description against the RAG rating for each criteria and guides the outcome.
37. An analysis of the scoring for Site 2a (the NP Preferred Site) and Site 3 (Our clients interest) is attached at appendix 1. It is clear from the analysis that several judgements extend beyond the guidance in the criteria matrix to suppress alternative sites or improve the preferred site score.
38. For example, both sites have existing farm machinery access points but Site 2a is adjudged to be better than Site 3 on the basis that the site lacks visibility splays (both do at present). Both sites have similar visibility to neighbouring residential areas but Site 2a is adjudged to be better. The sites are practically identical in terms of ecology, flooding and drainage but Site 2a is adjudged to perform more highly. There are no existing recreation opportunities within either site but Site 3 is adjudged to score more poorly than Site 2a because of a fishing pond outside of the site.
39. The assessment at Appendix 1 re-profiles the scoring on the basis of the known evidence for the sites and finds the sites to score as follows:

Site	Original Score	Re-profiled appropriate score
2a	R – 4 A – 8 G – 14	R – 5 A – 13 G – 8
3	R – 8 A – 12 G – 6	R – 4 A – 12 G – 10

40. In our view, the identification of site 2a as the preferred site has not been based upon an appropriate assessment of the sites or an accurate application of the guidance set out in the criteria matrix. Correcting this error has the result of clearly showing site 3 to perform more highly.

## Summary

41. Whilst the difficulties of the strategic policy context are acknowledged it is not appropriate for a Neighbourhood Plan to determine its own housing requirement in the manner undertaken for the Newbold Verdon Neighbourhood Plan; ignoring the existing and emerging strategies and seeking to restrict development to an unreasonable level having regard to the settlements position in the growth hierarchy. As a consequence, the Neighbourhood Plan does not accord with paragraph 13 and 20 NPPF. Our clients are also mindful of the advice in paragraph 14

NPPF and, for these reasons, consider that this plan does not meet the basic conditions set out at paragraph 2 of this representation.

42. We are also clear that in claiming a restricted level of housing need, based purely on local wishes, that it cannot be claimed that the Neighbourhood Plan as drafted contains policies and allocations to meet its identified housing requirement. There can be no basis, therefore, under paragraphs 13 and 11d NPPF to reduce the supply of land required from five years down to three for the plan to be considered up to date.
43. Our client supports the preparation of Neighbourhood Plans which meet the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).
44. We have significant concerns about the application of the SSA and the mechanism for selecting the preferred site at Old Farm Lane and the dismissal of the land at Brascote Lane. Specifically, there are inconsistencies in the application of the scoring under the criteria which prefer Site 2a and 'score down' Site 3 despite:
  - a lack of evidence for a number of claims;
  - the same situation applying to each site for a number of criteria; and
  - issues outside of the guidance being brought to bear to alter the scoring.
45. When corrected the resultant changes in the scoring quite clearly show a misapplication of the criteria without due regard to the guidance or evidence.
46. We also have concerns about the lack of published evidence which is alluded or referred to and the narrative that suggests the SSA was subject to negotiation post-scoring despite no amended scores being made available or details of the 'negotiation' being published.
47. We consider that in order to pass examination, proceed to referendum and be 'made', the Neighbourhood Plan should re-assess the level of housing required and be re-drafted with policies and allocations that meet that identified housing requirement. Our client is willing to work with the Parish Council to this end with a view to their interest at Brascote Lane being allocated to meet the need.
48. In light of the above, this representation should be read as an objection to the Newbold Verdon Neighbourhood Plan at this time albeit we are hopeful that amendments can be made in order to allow the Neighbourhood Plan to meet the basic conditions and proceed to referendum. In the absence of any amendments our client must, regretfully, maintain an objection and wishes to have that heard by the Examiner with a view to preventing the Neighbourhood Plan from being made due to a failure to meet the basic conditions set out in paragraph 8(2) of Schedule

4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

APPENDIX 1 – Appraisal of SSA for Sites 2a and 3 – Newbold Verdon Neighbourhood Plan

<b>Issue</b>	<b>Site 2</b>	<b>Site 3</b>	<b>Commentary</b>	<b>Conclusion</b>
Site capacity	Red	Red	None	No change (equal)
Current Use	Amber7	Amber	None	No change (equal)
Adjoining Uses	Amber	Red	None	No change (Site 2a preferred)
Topography	Green	Amber	None	No change (Site 2a preferred)
Greenfield or Previously Developed Land	Red	Red	None	No change (Equal)
Good Quality Agricultural Land	Red	Amber	None	No change (Site 3 preferred)
Site availability - Single ownership or multiple ownership	Green	Green	None	No change (Equal)

Landscape Quality visual impact assessment (VIA)	Amber	Amber	None	No change (Equal)
Important Trees, Woodlands & Hedgerows	Amber	Amber	None	No change (Equal)
Relationship with existing pattern of built development	Green	Red	Criteria concerns visibility from properties/prominence. Site 2a is visible to properties, an allotment buffers Site 3. The SSA incorrectly refers to village envelope which is not part of the criteria assessment.	Site 2a – change to Amber Site 3 – change to Green Site 3 preferred
Local considerations Wildlife	Green	Red	Range of species identified for each site. Site 3 correctly recognises as having low ecological value and therefore scored incorrectly due to reference to badger sett outside the site. Criteria recognises small to medium impact that can be mitigated as Amber.	Site 2a – change to Amber Site 3 – change to Amber Equal

Listed Building or important built assets	Amber	Green	SSA recognises Hall Farm is a Grade 1 Listed Building and that its setting will be affected. Despite there being no heritage assessment that impact is described as slight detriment. Criteria recognises severe compromising of a heritage asset to be rated as Red – the setting of a Grade 1 Listed Building may in fact result in an appropriate heritage assessment finding severe harm.	Site 2a – change to Red Site 3 Green Site 3 preferred
Impact on the Conservation Area or its setting?	Amber	Green	No heritage assessment has been undertaken – however it is likely to find harm.	No change (Site 3 preferred)
Safe pedestrian access to and from the site?	Green	Amber	SSA criteria refers to existing footpaths for Green rating or footpath can be created be Green. The two sites are identical in that	Site 2a – Amber Site 3 Amber (no change) Equal

			there is no footpath in place but potential to create.	
Safe vehicular access to and from the site?	Green	Amber	SSA pro-formas for both sites refers to farm machinery openings for both sites but ranking is different. Sites have same potential which can be easily provided. Pro-forma for site 3 refers to lack of visibility splays (same for Site 2a) and potential for roundabout (not necessarily the mitigation required).	Site 2a – Green (no change) Site 3 – change to Green  Equal
Impact on existing vehicular traffic?	Amber	Red	SSA criteria refers to minimal impact as Green and medium impact as Amber. No transport assessment has been undertaken and there is no evidence to support findings. Both sites have potential for direct access to local road network.	Site 2a – Amber (no change) Site 3 – change to Amber  Equal



Safe access to public transport? Specifically a bus stop.	Green	Red	SSA criteria refers to walking distances to bus stops – taking account of only existing stops not potential. There are opportunities to extend but services provision at Site 3.	Site 2a – Green (no change) Site 3 – change to Amber Site 2a preferred
Distance to designated community facilities, specifically the Co-op junction.	Red	Red	None	No change (Equal)
Current existing informal/formal recreational opportunities on site?	Green	Amber	Pro-forma for site 3 recognises a pond outside the site and scores Amber despite criteria considering only uses on site.	Site 2a – Green (no change) Site 3 – change to Green Equal
Ancient monuments or archaeological remains?	Green	Amber	Pro-forma for site 3 suggest HBBC identifying site as having potential – although no evidence is presented. We are also not aware of an assessment fore Site 2a that would provide evidence of no archaeology. SSA criteria recognise an Amber ranking for instances where mitigation is required. Our	Site 2a – change to Amber Site 3 – Amber (no change) Equal

			view is that the sites are identical in this regard	
Any public rights of ways/bridle paths?	Green	Green	None	No change (Equal)
Gas, oil, pipelines and networks & electricity transmission network?	Amber	Amber	None	No change (Equal)
Any known noise issues?	Green	Green	Pro-forma for site 2a recognises traffic noise from B582 but that it has potential to be attenuated. SSA criteria suggests that an Amber rating should result where mitigation is necessary. Site 2a has been incorrectly scored.	Site 2a – change to Amber Site 3 – Green (No change) Site 3 preferred
Any known contamination issues?	Green	Green	None	No change (Equal)
Any known flooding issues?	Green	Amber	SSA criteria score the sites dependent on Flood Zone, whereas the pro-formas discuss nearby watercourses. In the case of Site 3 the nearby brook provides an opportunity for a drainage network rather than a flood risk to the site	Site 2a – Green (no change) Site 3 – change to Green Equal

			itself (it is flood zone 1 like Site 2a).	
Any known drainage issues?	Green	Amber	As above, the brook for Site 3 presents an opportunity rather than a drainage problem. The sites are identical in that both have a need for mitigation- under the SSA criteria both rank as Amber.	Site 2a – change to Amber Site 3 Amber (no change) equal