

DESFORD NEIGHBOURHOOD PLAN

STRATEGIC ENVIRONMENTAL ASSESSMENT

CONSULTATION

FEBRUARY 2020

REPRESENTATIONS ON BEHALF OF

DAVIDSONS DEVELOPMENTS LTD



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1. INTRODUCTION

- 1.1 These representations are made by Pegasus Group, on behalf of Davidsons Developments Ltd (hereafter referred to as 'Davidsons'), to respond to the Desford Neighbourhood Development Plan Strategic Environmental Assessment consultation (hereafter referred to as 'the NDP' and 'the SEA' respectively).
- 1.2 These representations are made in relation to Land off Kirkby Road (Ashfield Farm), Desford (see Site Location Plan / Illustrative Masterplan at **Appendix 1**). The site is referred to as Site Reference AS210 & AS211 in the NDP, which reflects the SHLAA referencing, or more recently as Desford Site 4 (which correctly combines the two SHLAA sites). It should also be noted that a planning application has now been submitted requesting outline permission, with access, for up to 120 homes (reference 19/01243/OUT).
- 1.3 Separate representations have been submitted with regard to the Regulation 16 consultation on the Neighbourhood Plan itself, and should be read together with these representations on the SEA.
- 1.4 These representations are framed in the context of the requirements of Neighbourhood Plans to 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. The Basic Conditions, as set out in National Planning Practice Guidance Paragraph: 065 Reference ID: 41-065-20140306 are:

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).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the Order. (This Basic Condition applies only to Orders therefore is not applicable to this case)

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make

the order. (This Basic Condition applies only to Orders therefore is not applicable to this case)

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).

2. BACKGROUND

Consultation stages

- 2.1 Before the details of the SEA are considered in relation to the Basic Conditions it is important that the context is understood in terms of how the plan and SEA have evolved, as our client has several concerns regarding inconsistency and inaccuracy, which have been raised through previous representations but which have not been addressed and indeed denied in several cases. This has serious implications for the validity of the SEA.
- 2.2 The Regulation 14 (Pre-Submission) consultation was undertaken early 2019. This was followed by a consultation undertaken in May 2019 (Supplementary Strategic Sites) which focused upon seven further sites which were introduced to the process as a result of the first Regulation 14 consultation.
- 2.3 In November 2019 consultation on the Strategic Environmental Assessment (SEA) was undertaken for a period of just under three weeks: this will be commented on further in due course. Alongside this, the submission version of the Neighbourhood Plan was published, but there is confusion as to whether this was actually intended for consultation or not as set out in our accompanying Regulation 16 representations.
- 2.4 In terms of the initial Regulation 14 consultation (January 2019), Davidsons made representations on several issues. These included the need for the Neighbourhood Plan to address housing issues (including quantum) in a way which addresses need and aligns to the emerging Local Plan and the need for the settlement boundary to be redrawn to reflect site allocations.
- 2.5 The representations to the first Regulation 14 consultation also raised significant concerns with the site selection assessment (SSA) and the methodology which had been utilised.
- 2.6 On 12th March 2019, a letter was received from Hinckley and Bosworth Borough Council containing an enclosure from the Parish Council which advised that a further seven potential sites were to be assessed following the closure of the Regulation 14 Consultation in January 2019.

- 2.7 This included an attachment of 'the draft sustainable assessment for your land' and the letter concluded that 'as your site has not been ranked highly enough to merit further consideration at the present time, we will not progress a potential allocation in the Neighbourhood Plan'.
- 2.8 The 'sustainable site assessment' referred to above only assessed SHLAA site AS211, the process had omitted to assess AS210 and had failed to consider both sites together as a whole. Davidsons therefore submitted representations to this supplementary consultation in May 2019, again objecting to the unfair and inaccurate process and the conclusions reached which led to the promoted site again being dismissed. It should be noted that the 'NP SEA consultation responses' document (November 2019)¹ states on page 6 that '*we assess what we were given by HBBC and the larger site assessed when HBBC sent it through*'. This is not correct, as the earlier assessment had, rightly, assessed BOTH sites together.
- 2.9 Since the supplementary consultation, further correspondence was received from Desford Parish Council dated 20th October 2019. Appended to the letter was a revised site assessment scoring, which had once more correctly taken both sites AS210 and AS211 together (referencing them as 'Desford Site 4'). The letter advised that the site had been dismissed.
- 2.10 Again, however, it appeared that earlier comments and concerns with the process had, overall, not been taken on board. The assessment showed serious inconsistencies and in many cases the site had been downgraded from earlier scorings when assessed against certain criteria. **Appendix 2** contains a table which shows how inconsistently and unfairly the process had been applied at each stage: the final column contains commentary from Davidsons setting out the inconsistencies, illustrates where 'new' criteria had been introduced resulting in the site being downgraded, and provides a revised scoring. The 'NP SEA consultation responses' document produced by the Qualifying Body insists that scorings were undertaken consistently, stating that the issue over inconsistency is '*a personal opinion from an organisation whose land failed to achieve an allocation*'. The

¹ <https://www.desfordparishcouncil.co.uk/uploads/appendix-7-reg-13-consultations-responses-comments-actions.pdf>

evidence clearly shows otherwise as set out in Appendix 2. Again, this is highly relevant to the SEA as will be demonstrated shortly.

- 2.11 In terms of consultation process and procedure, Davidsons raised several concerns especially with regard to the most recent 'round', ostensibly focusing upon the SEA and undertaken in November 2019. In part, the concern related to the Neighbourhood Plan itself and its status as part of the November 2019 SEA consultation exercise: this is addressed in our representations to the Regulation 16 Neighbourhood Plan and will not be repeated here, as these representations focus upon the role of the SEA. Issues with process and procedure will be covered in the next chapter.

3. THE STRATEGIC ENVIRONMENTAL ASSESSMENT

Consultation

- 3.1 The consultation deadline for the SEA itself was extremely short. The email publicising the consultation was received on Sunday 3rd November 2019 in the evening at 20.54, with the deadline being 23rd November 2019 (a Saturday). This was less than three full weeks. The Environmental Assessment of Plans and Programmes Regulations 2004 ('The Regulations' for the purpose of these representations) states under section 13c (Consultation procedures) that '*The period referred to in paragraph (2)(d) must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents*'. The point was made in our representations that this was not considered an adequate period of time to enable meaningful response from a wide range of interested parties on a statutory document, especially one which should be iterative and should inform and shape the plan.
- 3.2 The response to this issue, on page 38 of the SEA consultation responses document produced in November 2019 by the Qualifying Body is as follows: '*SEA legislation does not specify a timescale and three weeks was considered appropriate given the minor comments made in the SEA report*'.
- 3.3 Firstly, whilst it is true that for this stage of the process there is no specified timescale, it is important to consider what timescale might be considered 'effective' in terms of expressing an opinion on the relevant documents.
- 3.4 Part 3 of the Regulations sets out consultation procedures for the preparation of the environmental report. Regulation 12 (6) relates to the consultation on the scope and level of detail which should be contained within the report. The consultation period is five weeks. Given that only three statutory consultation bodies legally have to be consulted at the Regulation 12 stage, it would logically follow that a consultation on the SEA under Regulation 13, being aimed at engaging a wider range of participants (including the general public as was made clear by the publication of the information on the Parish Council website) should be given equal or more time to respond, and certainly not less than five weeks as a very minimum in order to be effective. This is an especially pertinent point given that the initial

scoping exercise was limited to the statutory consultees and did not offer wider engagement as an option.

- 3.5 Secondly, the implications of the Qualifying Body response *'three weeks was considered appropriate given the minor comments made in the SEA report'* needs to be considered.
- 3.6 The point regarding *'minor comments'* is not understood. The SEA is a statutory document which should objectively assess and inform the plan making process. The November 2019 consultation was the first opportunity the public would have had to scrutinise the SEA. The *'minor comments'* response suggests SEA was carried out at the end of a process as a bolt-on exercise aimed at validating the plan and the conclusion it had already reached, rather than shaping the plan and considering reasonable alternatives, as is its legal duty. This is explored further in the following section of this chapter.

Reasonable alternatives

- 3.7 Regulation 12(2) states: *'The report shall identify, describe and evaluate the likely significant effects on the environment of (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme'*.
- 3.8 Chapter 3 contains the SEA framework which *'provides a methodological framework for the appraisal of likely significant effects on the baseline'*. Chapter 4 explains the process for undertaking the SEA for Desford Neighbourhood Plan, stating in paragraph 4.2 that the first stage of the process was a scoping report which was published for consultation in May 2019. This consultation was limited to the three statutory Consultation Bodies. Paragraph 4.2 states *'AECOM worked alongside the Parish Council to identify and appraise any reasonable alternatives, to ensure that the SEA helps to inform the approaches and policies within the draft Plan. This is important given that the Regulation 14 Consultation went ahead in the absence of an Environmental Report'* (our emphasis, as it demonstrates the bolt-on nature of the SEA).
- 3.9 Section 4.3 of the document states that the following sections *'describe how the SEA process to date has informed the development strategy for the neighbourhood plan area'*. Yet it is not clear how an implied iterative process can actually have

taken place. The SEA published in November 2019 was the first stage (bar the scoping report) of a process which should form part of the evidence base in shaping a plan as it develops. Instead, it has been brought in at the end of a process when the plan is advanced, and has been based on the assumption that the work done on the Neighbourhood Plan to date is robust without seemingly to question the evidence presented. It has also not been properly revisited in order to consider the comments made.

- 3.10 The lack of objectivity and robustness of evidence in considering 'reasonable alternatives' is especially evident in terms of the scale of housing growth required, and in terms of the way in which the site selection process has been undertaken.
- 3.11 Section 4.3.1 focuses upon the housing strategy. The SEA does not test higher levels of growth, instead focusing upon a single figure. Davidsons make comments upon the levels of growth proposed in the accompanying representations on the Regulation 16 Neighbourhood Plan consultation, so these are not repeated here. However, given that the Regulation 16 representations clearly demonstrate that other growth scenarios exist, these should be tested as reasonable alternatives to the level proposed by the Neighbourhood Plan. It is simply not adequate to state in the SEA that '*several strategic alternatives were considered as part of the SEA process. However these were found to be unreasonable*' (page 13). This is especially important given that alternatives were proposed by respondents to the November 2019 consultation on the SEA. How have these been considered? Where is the narrative to demonstrate the way in which this conclusion has been justified?
- 3.12 The lack of accurate evidence and consistency of approach is also evident in the appraisal of the potential site allocations, a matter which has repeatedly been raised by Davidsons at every stage of the consultation on the Neighbourhood Plan in relation to the Site Assessment process, however concerns have continually been dismissed.
- 3.13 This is addressed in detail in the accompanying Regulation 16 representations, however for completeness a summary matrix of the key issues can be seen at Appendix 2 to these representations. This matrix shows how the 'evidence' used was often incorrect, non-existent, assumptive or unfairly applied. The Qualifying Body has been given ample opportunity to rectify the situation but continues to assert '*the concerns raised were considered but not agreed. The process*

*undertaken was comprehensive, inclusive and transparent. The site failed to achieve sufficient scores to merit an allocation*². As a result, the SEA has been based on inaccurate 'evidence'. This means it is not legally compliant as will be explained in due course.

- 3.14 The SEA contains a scoring matrix (Table 4.1) which shows how the different potential site allocations have performed against a range of criteria. The SEA advises that this has been drawn from the Neighbourhood Plan site assessment process which, as already stated and illustrated in some detail in Appendix 2, is deeply flawed.
- 3.15 The SEA shows that Land at Ashfield Farm has been appraised as two separate sites rather than as a whole, which severely impacts on its scoring and is extremely misleading. This again serves to illustrate that the representations to the earlier consultations have not been heeded, that the process has not been iterative, and that the assessment has been based on inaccurate information.
- 3.16 Given that the role of an SEA is to objectively consider 'reasonable alternatives'. it should be considering all potential allocations objectively, not taking the existing Neighbouring Plan assessment 'as read' (this would be clear had the representations to the plan been considered, as it would be obvious there were serious shortcomings with the process). Instead, the SEA starting point is from the assumption that the proposed allocation is the right one, and that no further allocations are necessary. It is supporting a pre-determined strategy and therefore has not properly considered the 'reasonable alternatives' in a fair, clear nor transparent manner, both in terms of levels of growth required and in terms of site allocations proposed.

Policy assessment

- 3.17 In terms of the scorings for SEA Objective 1 (Biodiversity) the assessment concludes that housing policies H1 – H6 will have a positive effect on biodiversity. It concludes this because development is not supported outside the settlement boundary, saying that it will 'reduce sprawl into open countryside / areas which may contain biodiversity habitats'. Yet surely if the status-quo is to be maintained, at best this should be a neutral scoring. Furthermore it is submitted that carefully

² NP SEA consultation responses November 2019 page 3

planned developments need to deliver net gains for biodiversity as required by the NPPF, so the conclusions of this section do not appear to be reasonable. This point was made to the previous consultation and continues to be made by Davidsons.

- 3.18 SEA objective 4 (Landscape) only assesses Policy H1 (settlement boundary) stating that it will have a minor positive effect as it restricts development to within the village boundary and to the chosen site allocation. No mention of a negative impact is made as a result of the site allocation itself which, when looked at in conjunction with Policy 6 of the Neighbourhood Plan is in an area containing significant views. This suggests that the appraisal of certain policies might be being treated as retrofitting to suit a pre-determined strategy rather than being a proper objective assessment of reasonable alternatives as required by the regulations. This point was made to the November 2019 consultation; the response by the Qualifying Body was that the Neighbourhood Plan was '*assessed in line with SEA requirements*'. Davidsons continue to dispute this matter and consider that the SEA has been prepared to support a pre-determined strategy. This is not the case.
- 3.19 SEA Objective 5: Population and Community concludes that in terms of the delivery of affordable housing the allocation of one site for housing (Barns Way) the effects '*whilst positive.....are not considered to be significant*'. This would suggest that a reasonable alternative should be to consider additional growth to ensure that cumulative significant positive impacts upon the delivery of affordable housing can be achieved.
- 3.20 Under this same objective the SEA draws its final conclusion that '*overall the plan is predicted to have a significant positive effect on population and community*'. This is not understood. Objective 5 considers a range of themes, drawing the following conclusions for each:
- Policy H1 -minor positive
 - Policy H2 – significant positive
 - Policy ENV 1 – 7 minor positive
 - Policy F1 – minor positive
 - Policy T1 – minor positive

- Policy E1 – minor positive

3.21 Therefore five out of the six themes are minor positives with only one being significant positive. Davidsons previously questioned how, given this information, the conclusion could be significantly positive overall. The response of the Qualifying Body was that '*several minor positives add up to an overall significant impact*'. This is a highly tenuous conclusion, arguably manipulated to suit a pre determined outcome.

Meeting the Basic Conditions

3.22 The point has already been made under the Regulation 16 representations that the plan as written does not conform with Basic Conditions (a) (d) and (e). However, these representations on the SEA also demonstrate that Basic Condition (f) (*the making of the Order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations*) cannot be met. There are several examples of case law to illustrate the points made.

3.23 As has been demonstrated, the SEA has not adequately assessed the reasonable alternatives nor adequately explained why alternatives have been rejected (Heard v. Broadland DC [2012] EWHC 344 (Admin)).

3.24 As has also been shown, the SEA of the plan has been undertaken at a late stage in the process, has been subject to limited and inadequate consultation and has simply acted as a bolt-on to confirm a predetermined position (Satnam Millennium Ltd. V. Warrington BC [2015] EWHC 370 (Admin)).

3.25 Finally, the evidence used to inform the SEA has been repeatedly demonstrated to be incorrect (as shown in Appendix 2). Consideration of alternatives must be informed by accurate evidence (Henfield Neighbourhood Plan [2016] EWHC 2512 (Admin)).

3.26 The SEA has, therefore, not been undertaken in compliance with EU obligations and, accordingly the Neighbourhood Plan must fail Basic Condition (f).

4. CONCLUSIONS

- 4.1 Davidsons continue to submit that the SEA has not objectively nor fairly carried out an assessment of the Neighbourhood Plan, and has not properly assessed reasonable alternatives. Instead it has used existing inaccurate information to form its judgements which leads to deeply flawed conclusions. This relates to site by site assessments, but also appraisal of the policies. It suggests a process of retrofitting to suit previously determined conclusions, which is not iterative, not objective and not compliant with SEA legislation.
- 4.2 Additionally the consultation period has been wholly inadequate, not in line with the Environmental Assessment of Plans and Programmes Regulations 2004.
- 4.3 These issues have been raised through the previous consultation but have not been satisfactorily addressed.
- 4.4 Davidsons therefore continue to object in the strongest possible terms to the way in which this process has been undertaken, and consider that as matters stand the Basic Conditions have not been met.

APPENDIX 1

SITE LOCATION / PROPOSED ILLUSTRATIVE MASTER PLAN



LEGEND

Site boundary
5.49ha / 13.57acres

Vehicular access

Key landmark building

New pedestrian link

Grasscrete

Existing tree

Proposed trees

01 New site access arrangement

02 Key arrival space

03 Potential footpath link to adjacent development

04 Play space

05 Landscape buffer

06 Public open space

07 Retained field access for agricultural purposes

Rev A: Amendment to access and footpath links (CM 28/02/18)
Rev B: Amendment to layout and attenuation area (IW 27/06/19)
Rev C: Potential single storey dwellings removed (IW 27/06/19)
Rev D: Revised layout based on surveys and constraints data (CM 18/09/19)
Rev E: Local Area for Play relocated (CM 27/09/19)
Rev F: Revised site area (CM 07/10/19)
Rev G: Grasscrete access added (CM 25/10/19)



ASHFIELD FARM, DESFORD | ILLUSTRATIVE MASTERPLAN

APPENDIX 2

SITE ASSESSMENT SCORINGS

Desford Neighbourhood Plan

A comparison of the site assessment scoring undertaken at different stages, and the assessment undertaken by Davidsons

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
Site capacity	117 units (3 bed) Score: RED	50 units (3 bed) Score: RED	105 units (3 bed) Score: RED	Capacity for approx. 120 dwellings – mixed sizes / tenures in line with NPPF. Planning application is for ‘up to 120 dwellings’. Site capacity should not be a criterion. However if still to be considered in scoring this should be GREEN
Site is an arable field in current use, existing use needs to be relocated	2 arable fields – use needs to be relocated Score: AMBER	Site is an arable field in current use, existing use needs to be relocated Score: AMBER	Site is two arable fields in current use, existing use needs to be relocated. Score: AMBER	Would result in loss of <u>one</u> arable field. Arable use would <u>not</u> require relocation Score: GREEN
Adjoining uses	Edge of built area, surrounded on two sides by arable fields, existing uses on Cambridge Drive to the Eastern edge. AMBER	The site is near to the current Bellway development but is separated from the current built form and is surrounded on three	Site sits on the edge of current built form and surrounded by two sides by further arable fields in current use with a recent housing	The site is surrounded on two sides by the settlement boundary and built development. Does not adjoin fields on the western boundary as this is defined by a strip of land with extensive tree and vegetation cover which separates and contains the site. This should score amber as the assessment

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		sides by further arable fields in current use. Score: RED	development to the north. Adjacent to the settlement boundary with existing residential units on Cambridge Drive and to the eastern edge. RED	criteria state that this relates to sites which adjoin the village envelope or residential location, which this site does. Score: AMBER
Topography	Relatively flat Score: GREEN	Relatively flat and straightforward to develop Score: GREEN	Relatively flat and straightforward to develop Score: GREEN	Agree the site is flat and straightforward to develop Score: GREEN
Greenfield or Previously Developed Land	Wholly greenfield Score: RED	Wholly greenfield comprising a large arable field with very open aspects to most sides Score: RED	Wholly greenfield site comprising of two arable fields with very open aspects to two sides Score: RED	Majority of site is greenfield but there is an existing dwelling on part of the site which would be demolished as part of any development proposals, therefore part is previously developed land. Open aspect issue does NOT form part of the assessment criteria, hasn't been used previously and should not be introduced here, this is NOT a consistent approach Score : AMBER

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Good Quality Agricultural Land?	Grade 2 – very good quality Natural England recommend no development of Grade 2 land Score: RED	Whole of the site is grade 2 ie very good. Natural England best practice recommends no development of Grade 2 land Score: RED	Whole of the site is grade 2 ie very good. Natural England best practice recommends no development of Grade 2 land as it is a nationally scarce resource. Score: RED	NE recommendations are not policy and the NPPF is worded differently (Para 170) as it does not preclude development.
Site Availability – single or multiple ownership?	Multiple ownership – one family Score: AMBER	Single ownership Score: GREEN	Single ownership Score: GREEN	The site is available in single ownership and controlled by a single developer (Davidsons) Score: GREEN
Landscape quality? Overview Visual Impact Assessment?	Open long distance vistas to some boundaries, site feels very rural in character development would cause substantial harm to this ‘edge’ of settlement. Inside the	Open long distance vistas found to all boundaries of the area and site feels very rural in character, development would cause substantial harm. Inside the Desford Vales landscape character assessment	Open long distance vistas found to all boundaries of the area and site feels very rural in character, development would cause substantial harm to this edge of the settlement.	No evidence of substantial harm in visual and landscape terms. Previous planning application (14/01166OUT) did not consider landscape harm to be substantial, and the landscape and visual assessment supporting the original application and the recently submitted new application have both identified that mitigation can be achieved relating to long distance views. It is a misrepresentation that the site feels very ‘rural’ in character. The

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	Desford Vales landscape character assessment Score: RED	Score: RED	Score: RED	Bellway development to the north has altered the setting. More accurate to say the site is more suburban in character. Now questionable as to whether there remain long vistas on to the site. Site should be rescored amber. Score: AMBER
Important Trees, Woodlands or Hedgerows?	Hedgerows along three boundaries, development would require destruction of small section of hedgerow Score: AMBER	Hedge along three boundaries and a small section of trees within the curtilage. Development would require substantial mitigation Score: RED	There is a hedge along most boundaries and a small section of trees within the curtilage of the site. Development would require destruction of a section of ancient hedgerow Score: RED	Development (120 homes) could come forward without removing existing hedgerows and trees. Only a small section of low quality hedgerow would need to be removed along the Kirkby Road to accommodate a new access road as shown in the supporting information to the planning application. There is NO ancient hedgerow, and this has been added in to the scoring where as it was not mentioned previously. Scoring criteria reference 'important' trees and hedgerows, the small section to be removed is of low quality therefore not considered important, the rest will be retained. Score should be GREEN.

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Relationship with existing pattern of built development?	Adjacent to current settlement boundary and the Bellway New Build site so could be developed. Score: AMBER	Site is adjacent to the new Bellway development but vehicular access not possible through that site and although planting could mitigate visibility from the properties on Cambridge Drive the location is a sensitive one Score: AMBER	The site is adjacent to the new Bellway development but vehicular access is not possible through that site and although planting could mitigate visibility from the properties on Cambridge Drive the location is a very sensitive one. Development would create a large incursion in to open countryside. Score: RED	Agreed that the site is adjacent to the settlement boundary, but as such site would be a logical extension. It is not understood why vehicular access to the new Bellway development is of any relevance this is not in the assessment criteria for this issue. Site would only be visible from existing residential properties on Kirkby Road, Cambridge Drive and the Bellway development, mitigation (planting etc) can be provided and scoring should reflect this. Design and layout has been carefully considered to avoid overlooking and amenity issues. Instead of taking these issues into account the most recent assessment has added an extra note about 'large incursion into open countryside' and downgraded the site to score red with no obvious reason. This is inconsistent and unfair. Based on the criteria it is considered that the land is visible from a small number of properties and should score green. Score: GREEN

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Local Wildlife Considerations?	Nesting birds, badgers and small mammals including BAP 2012 species Score: RED	Nesting birds, badgers and small mammals Score: RED	Nesting birds, badgers and small mammals. Score: RED	Considerable ecological assessment work has been undertaken to inform the process including the planning application, there are no badgers evident. Mitigation for all other species present can be achieved and an ecological mitigation enhancement strategy has been produced. Score: AMBER
Listed Building or important built assets?	None Score: GREEN	None identified Score: GREEN	None identified in this location. Score: GREEN	Agreed. Score: GREEN
Impact on the Conservation Area or its setting?	Outside of the conservation area and far enough away to be of no influence. Score: GREEN	Outside of the conservation area and far enough away to be of no influence Score: GREEN	The site is outside of the conservation area and far enough from it to be of no influence upon it. Score: GREEN	Agreed. Score: GREEN

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
Safe pedestrian access to and from the site?	None exists in to the site but should be possible to extend the footway in from Kirby Road with significant improvements Score: AMBER	None exists and it is a long way to the nearest adopted footway it could be possible to extend the footway from Kirby Road Score: AMBER	None exists and it is a long way to the nearest adopted footway. It could be possible to extend the footway in from Kirby Road with significant improvement. Score: AMBER	Adopted footpath along Kirkby Road can easily be extended into the site, it is not a long way as it runs to the edge of the site. Score: GREEN
Impact on existing vehicular traffic?	Very large scale negative impact from this large number of units in this very sensitive highways location, all traffic will have to cross through the settlement which is already congested at peak times. Score: RED	A large scale negative impact from this large number of units in this very sensitive highways location, all traffic would have to cross through the settlement with routes that are already severely congested for long periods Score: RED	A large scale negative impact from this large number of units in this very sensitive highways location. All traffic would have to cross through the settlement with routes that are already severely congested for long periods. Score: RED	No evidence for these conclusions, Traffic impacts were considered as part of a 2014 planning application for 120 dwellings, LCC had no objection subject to conditions. Planning officer considered that whilst there would be an impact on traffic and queuing at peak times at main junctions on balance with mitigation would accord with policy. This evidence has been updated to inform the recently submitted planning application which concludes that mitigation can be provided for minor impacts. This falls within the green assessment criteria ie ie 'impact on village centre minimal'. Score: GREEN

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Safe vehicular access to and from the site?	A minor track serves the site from the south. Only minor farm access to Ashfield Farm is in place but only for farm machinery and no road width or visibility splays are present. It appears possible to build new highway access arrangements to meet safety standards with significant improvement. Score: AMBER	A land locked site. A minor track serves the site from the south. It is very problematic to build new highway access arrangements to meet safety standards but possibly viable, potentially through the Bellway site with the support of a third party owner. No current access in place and no visibility splays are present. It appears impossible to build new highway access arrangements into the site. Score: RED	A minor track serves the site from the South. It is very problematic to build new highway access arrangements to meet safety standards and not possible through the Bellway site without the support of a third party owner and a change of direction from the planning authority. No current adequate access in place and no visibility splays are present. It appears impossible to build new highway access arrangements in to the site. Score: RED	Vehicular access is not required from the new Bellway development, it can safely be provided from Kirkby Road as the information in support of the submitted planning application shows. Score: GREEN.

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Safe access to public transport?	Yes, the nearest bus stop is a fair distance walk about 575m Score: RED	Yes, the nearest bus stop is a fair distance walk about 600m Score: RED	Yes, the nearest bus stop is in excess of a 500m walk. Score: RED	Site is within 400m of a bus stop (from site centre / site access) and pedestrian link to north (as shown on masterplan) can improve access further. This falls within the Amber category for the site assessment criteria. The criteria were challenged through earlier representations as the scoring thresholds were considered arbitrary and should have been amended to accord with Manual for Streets. Score: AMBER (or GREEN if Manual for Streets is applied)
Distance to designated village centre	A distance of over 1100m Score: RED	Walking distance of over 1200m Score: RED	Walking distance of over 1000m. Score: RED	Site is within 800m from village centre. This falls within the Amber category for the site assessment criteria. The criteria were challenged through earlier representations as the scoring thresholds were considered arbitrary and should have been amended to accord with Manual for Streets (the site falls within the latter's recommended walking distances).

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				Score: AMBER (or GREEN if Manual for Streets is applied)
Distance to GP / health centre	A distance of about 900m Score: RED	Walking distance of about 1000m Score: RED	Walking distance of over 900m. Score: RED	Scoring threshold is arbitrary (see above comments), should accord with Manual for Streets Score: GREEN
Distance to Primary School	A distance of about 350m Score: AMBER	Walking distance of about 250m Score: AMBER	Walking distance of about 200m. Score: GREEN	Scoring threshold is arbitrary, should accord with Manual for Streets. Site is very close to Desford Primary School. Agree with score however. Score: GREEN
Current existing informal / formal recreational opportunities on site?	None identified Score: AMBER	None identified Score: AMBER	None identified Score: GREEN	The updated assessment scoring is supported. Score: GREEN

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Ancient monuments or archaeological remains?	None identified Score: GREEN	None identified Score: GREEN	None identified Score: GREEN	Agree Score: GREEN
Any existing public rights of way / bridle paths?	None found in this location Score: GREEN	The bridleway on the southern boundary will require mitigation but this is not within the actual site Score: AMBER	The bridleway on the southern boundary will require mitigation but this is not within the actual site Score: AMBER	There is no bridleway on the southern boundary https://footpathmap.co.uk/map/?zoom=15&lng=-1.310661183278337&lat=52.621645928852274 There is a footpath in an adjacent field. Score: GREEN
Gas and / or oil, pipelines and electricity transmission network? (not water / sewage)	An electricity supply cable passes through the site and will require relocation Score: AMBER	Yes, an electricity supply cable passes through the site and will require relocation Score: AMBER	Yes, an electricity supply cable passes through the site and will require relocation Score: AMBER	It is agreed that an electricity supply cable passes through the site and will require relocation. This is easily achievable as confirmed through the supporting technical reports to the recently submitted planning application. Score: AMBER

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Any noise issues?	No issues identified Score: GREEN	No issues identified Score: GREEN	No issues identified Score: GREEN	Agreed Score: GREEN
Any contamination issues?	HBBC SHELAA identifies that there may be historical ground contamination adjacent to the site and recommends further investigations Score: AMBER	Unmade ground found, small fly tips will require further investigation Score: AMBER	Unmade ground found, small fly tips will require further investigation but should be easily mitigated subject to a detailed survey. Score: AMBER	Low risk, further survey would be needed at detailed planning application stage Score: AMBER
Any known flooding issues?	The land is within flood zone 1, no known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required Score: GREEN	The land is within flood zone 1, no known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required Score: GREEN	The land is within flood zone 1. No known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required. Score: GREEN	Agree with score Score: GREEN

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Any drainage issues?	A small amount of pooling found on site, requires mitigation but readily achievable Score: AMBER	No serious issues identified although slight pooling on site due to soil type Score: AMBER	No serious issues identified, although slight pooling on site due to elevation and soil type. Score: AMBER	Recently submitted planning application is supported by a drainage strategy which shows that minor issues can be mitigated for. Score: AMBER
Distance to nearest employment site	Large employment activities, Bosworth Academy about 1500m of the centre of the site Score: RED	Large employment activities, Bosworth Academy about 1600m of the centre of the site Score: RED	Large employment activities, Bosworth Academy about 1400m from the centre of the site. Score: RED	Scoring thresholds are arbitrary and should be amended to accord with the Manual for Streets. Scoring is also inconsistent as Bosworth Academy is identified as an employment site but Desford Community Primary School is not similarly referenced. Score: GREEN