

Planning Policy Team
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

(Representations submitted electronically)

Re: Desford Neighbourhood Plan Regulation 16 Consultation

Dear Sir/Madam,

This letter provides Gladman's representations in response to the draft version of the Desford Neighbourhood Plan (DNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the DNP must meet 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.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order 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 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).*

National Planning Policy Framework and Guidance

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. This version was itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Relationship to Local Plan

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted Development Plan relevant to the preparation of the DNP is the Hinckley and Bosworth Local Plan, which consist of the Core Strategy DPD and the Site Allocations & Development Management Policies DPD. The Core Strategy determined that Hinckley & Bosworth would be required to deliver 9,000 homes between 2006 and 2026. The important role Desford plays as a key rural centre that provides the necessary day-to-day services for those people living in the settlement, and the surrounding rural villages and hamlets, is recognised in the Core Strategy.

To meet the requirements of the Framework the Council is currently reviewing the Core Strategy and the Council is still in the early stages of plan preparation. It is therefore important that the DNP provides flexibility to ensure that the policies contained in the DNP are capable of being effective over the duration of its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004.

Desford Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the DNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Policy H1: Settlement Boundary

Policy H1 identifies a settlement boundary for Desford and states that land outside of this defined area will be treated as open countryside, where development will be carefully controlled.

Gladman object to the use of settlement limits in circumstances such as this where they would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework.

Ahead of the emerging Local Plan, and to ensure the longevity of the neighbourhood plan policies, Gladman suggest that this approach should be reconsidered with increased flexibility ahead of the preferred strategy for the emerging Local Plan being known. This would be in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be prepared positively whilst sufficiently flexible to be able to adapt to rapid change. It is noted that the supporting text to the policy acknowledges the DNP is being prepared in advance of the Hinckley and Bosworth Local Plan Review and that there remains significant uncertainty with regards to the full scale of housing requirement which may need to be accommodated.

Accordingly, Gladman consider that the above policy should be modified to allow for this flexibility and it is considered that the DNP would be better served by a criteria-based approach consistent with the requirements of national policy and the following wording is put forward for consideration:

“The neighbourhood plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Development proposals that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

- *New homes including market and affordable housing; or*
- *Opportunities for new business facilities through new or expanded premises; or*

- *Infrastructure to ensure the continued vitality and viability of the neighbourhood area.*

Development proposals that are considered sustainable and well related to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development."

Policy H4: Housing Mix

The above policy requires residential development, where possible, to be built to Building Regulation M2 and 10% to be built to Building Regulation M3. In principle Gladman acknowledge the importance of delivering housing to assist in meeting the needs for older people and those with mobility issues. Gladman suggest the policy is modified and flexibility added to the policy wording which provides 'support' for the provision of Building Regulations M2 & M3 but does not set a policy requirement which could impact development viability.

Policy ENV4: Ridge and Furrow

This policy as drafted does not fully accord with the Framework. Development proposals affecting the ridge and furrow fields should be considered in the context of the NPPF (2019) Paragraph 197 which states that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'* *In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* In this instance, development affecting the ridge and furrow fields should clearly not be ruled out with a proposal given proper consideration in the balancing exercise and the policy wording should be made clearer in this regard.

Policy ENV6: Safeguarding Important Views

Policy ENV6 identifies 8 'important' views which the DNP considers are important for the setting of Desford and states development that would adversely affect the identified views will not be supported unless the proposal includes effective site-specific mitigation measures.

Identified views must ensure that they demonstrate a physical attribute elevating a view's importance beyond simply being a nice view of open countryside. The evidence base to support the policy does little to indicate why these views should be protected, other than providing a nice view of the surrounding fields. Gladman consider that to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggest the evidence base to this policy is revisited and that the Parish Council must ensure that it is able to demonstrate robust evidence to support Policy ENV6.

Policy T2: Desford Railway Station

Whilst acknowledging the intentions of Policy T2, which supports the re-opening of Desford railway station, Gladman suggest this aspiration is better suited as a Community Action rather than a policy requirement and the Plan should be modified accordingly.

Policy T4: Electric Vehicles

Gladman submit further clarity is required in the wording of Policy T4 which as currently drafted infers new housing and commercial development will be required to provide electric vehicle charging points. Before requiring electric vehicle charging points in residential or commercial development through planning policies, the Parish Council should engage with the main energy suppliers to determine the network capacity to accommodate any adverse impacts if all dwellings were to install a charging facility. If recharging demand became excessive, there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables, and new substation infrastructure may be necessary. Gladman suggest this aspiration is also better suited as a community action rather than a policy requirement.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relationship of the DNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Andrew Collis
Graduate Planner
Gladman