

Hinckley and Bosworth Borough Council Consultation Representations to the Desford Neighbourhood Plan Submission

22 January 2020 to 4 March 2020

04/03/20



Hinckley & Bosworth
Borough Council

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1 Background to Desford 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).

In February 2015, Desford Parish Council submitted an application to develop a neighbourhood plan which will cover the area of the Desford parish boundary. A four week consultation on whether this was an appropriate area to undertake a neighbourhood development plan ended on 19 June 2015. Following this consultation, the council formally designated the Desford Neighbourhood Area on Wednesday 9 September 2015 for the purpose of producing a neighbourhood development plan.

Following years of evidence gathering and preparing the plan, the pre-submission version of the Desford Neighbourhood Plan went out for consultation for six weeks from 9th November to 11th January 2019. Following this consultation, the feedback provided to the Neighbourhood Plan Group was reviewed and considered alongside feedback from statutory stakeholders. HBBC submitted representations to the Regulation 14 consultation, in which it aimed to provide advice as to where policies, sections or paragraphs within the NDP may be improved with a view of ensuring conformity with the basic conditions outlined above. For this consultation we have provided further advice on each of the policies and the plan in general. This can be seen in Section 3.

Points (f) and (g) above relate 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.

The Strategic Environmental Assessment Screening was complete in March 2019. In accordance with Regulation 9 of the SEA Regulations 2004, HBBC as the determining authority had to consider whether an environmental assessment of the emerging Desford Neighbourhood Development Plan was required. HBBC had regard to Desford's SEA Screening Report, and completed a six week consultation with the three statutory consultation bodies; Environment Agency, Natural England and Historic England.

Following this consultation, and the responses received, HBBC as the determining body, had concluded that the Desford Neighbourhood Plan should complete a full SEA, the determination notice can be found at Section 6. Following this Desford Neighbourhood Plan group sought the help of Locality through the technical support funding package. AECOM were appointed to undertake the SEA, which included the production of a scoping report and full Environmental Report document. The full Environmental Report was received on 17 October 2019.

Section 6 also contains our response to the SEA consultation, undertaken by the group for three weeks in November 2019. Prior to the SEA consultation, HBBC raised various concerns with Desford Parish Council regarding the Neighbourhood Plan, and this will be discussed in more detail at Section 7.

Overall, comments are intended to be guidance based on national and local policy and any legislation associated with neighbourhood plans. This advice aims to address whether the plan, in its final form, is contributing to sustainable development and has been prepared positively and in line with the regulations. Not only this, but it is key for HBBC to ensure that the policies in their final form are workable and can be implemented to their full effect in both planning applications and in the preparation of the Local Plan Review. These representations are intended to help the Independent Examiner to assess the plan against the basic conditions.

2 Hinckley and Bosworth Borough Council's acceptance of Desford Neighbourhood Plan Regulation 15 Submission

The submission of the Desford Neighbourhood Plan Proposal to Hinckley and Bosworth Borough Council (HBBC) on 6 January 2020 included the following items;

- A map which identifies the area to which the plan relates;
- The Neighbourhood Plan document – Submission Version;
- Basic Conditions Statement;
- Consultation Statement;
- The SEA Screening Determination and SEA Environmental Report;
- Desford Parish Council Draft Minutes (18.12.19)
- Desford Parish Council Regulation 15 Submission Letter (06.01.2020)

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 Desford Parish Council had satisfied the relevant regulatory requirements to advance the Desford 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 Desford 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 and Bosworth Borough Council's representations on Desford Neighbourhood Plan Regulation 16 Submission Consultation – Submission Version

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 2019, 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, Principal Planning Officer in Development Management, the Senior Planning Officer for Conservation, and the Strategic Housing Strategy and Enabling Officer.

The table below shows HBBC's Pre-Submission consultation comments provided in January 2019, and a further response to the submission consultation, January 2020. Further comments additionally to this were provided in November 2019 to a further consultation held by Desford, specifically on the Strategic Environment Assessment. As these comments were of a different nature, these have been provided separately in Section 6.

	Been amended in line with previous HBBC comments, no further comments
	Moderately taken on board but could consider further modification, or not a crucial amendments
	No changes have been made following previous comment – HBBC recommendations significant modification

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020																																												
Pages 7, 8 and 9	Cut down the information on the census, and only leave in the essential information needed for the policies in this plan. Potentially put into a tabular format for easy reading. Any extra information not vital to the plan can be placed in a topic paper or briefing note in the additional information/appendices.	Pages 7, 8 and 9	No update made. Comment still applies, however not crucial																																												
Page 14	<p>First para, second sentence reads "HBBC has ascertained it to be in the High/Medium range of Market Interest from developers...".</p> <p>In the HBBC Strategic Housing and Economic Land Availability Assessment methodology Desford is listed as a Key Rural Centre (as per the Core Strategy), and therefore 'High' market interest for housing development, as below:</p> <table border="1" data-bbox="379 1270 1139 1732"> <thead> <tr> <th rowspan="2">Settlement</th> <th colspan="4">Market Interest</th> </tr> <tr> <th>Housing</th> <th>Residential Institutions (C2)</th> <th>Employment (B1, B2, B8)</th> <th>Leisure Uses (D2)</th> </tr> </thead> <tbody> <tr> <td>Hinckley</td> <td>High/Medium</td> <td>Unknown</td> <td>High</td> <td>High</td> </tr> <tr> <td>Burbage</td> <td>High</td> <td>Unknown</td> <td>High</td> <td>High</td> </tr> <tr> <td>Barwell (not inc SUEs)</td> <td>Medium/Low</td> <td>Unknown</td> <td>Low</td> <td>High</td> </tr> <tr> <td>Earl Shilton (not inc SUEs)</td> <td>Medium/Low</td> <td>Unknown</td> <td>Low</td> <td>High</td> </tr> <tr> <td>Key Rural Centres</td> <td>High</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> <tr> <td>Rural Villages</td> <td>Medium</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> <tr> <td>Rural Hamlets</td> <td>Medium</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> </tbody> </table>	Settlement	Market Interest				Housing	Residential Institutions (C2)	Employment (B1, B2, B8)	Leisure Uses (D2)	Hinckley	High/Medium	Unknown	High	High	Burbage	High	Unknown	High	High	Barwell (not inc SUEs)	Medium/Low	Unknown	Low	High	Earl Shilton (not inc SUEs)	Medium/Low	Unknown	Low	High	Key Rural Centres	High	Unknown	Low	Low	Rural Villages	Medium	Unknown	Low	Low	Rural Hamlets	Medium	Unknown	Low	Low	Page 14	Change made, no further changes needed.
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Page 15	The second to last para on page 15 states "Historical Land Registry data suggests that about 5 dwellings per annum have been provided by windfall sites in the parish and this delivery mechanism is expected to yield a similar result over the seventeen years of this plan." As discussed in a meeting with Desford and Your Locale (Fri 4 January 2019) colleagues at HBBC will be doing calculations on historical delivery of housing and commitments/completions, and whether this is	Page 16	HBBC provided all housing data as requested. No further changes needed.																																												

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	<p>expected to carry on in the future. HBBC will be in contact with Desford NDP group regarding this in the near future.</p>		
<p>Page 16, 1st para</p>	<p>1st line states "...and the Local Enterprise Partnership (LEEP) have commissioned a Housing and Economic Development Needs Assessment...". This is a completed document, re-word to reflect this.</p> <p>"...a non-statutory growth plan for Leicester and Leicestershire..." – give this it's full title as it is now a completed plan: 'Strategic Growth Plan Leicester and Leicestershire'.</p> <p>'Leicester Housing Market Assessment (2017)' - Page 16 1st para. What document is this referring to? Is it the Leicester & Leicestershire Housing and Economic Development Needs Assessment or a different document? It is acknowledged that Leicester City will likely have unmet housing need, but this isn't a document that I recognise. Re-consider this, as this reference isn't clear.</p> <p>Also as referred to below the HEDNA is now not the most up to date evidence on housing need and the plan should now refer to the standard methodology and the housing delivery test.</p>	<p>Page 17</p>	<p>Re-worded, no further changes needed.</p> <p>Full title given, no further changes needed.</p> <p>Changed to 'Leicester and Leicestershire Housing and Economic Developments Needs Assessment'. No further changes needed.</p> <p>Now some references to the Standard Methodology, and good explanation of the current situation re housing numbers. No further changes needed.</p>
<p>Page 16, 2nd para</p>	<p>The 2nd para on page 16 which starts 'The consultation version of the new HBBC local plan uses the HEDNA report as its base for calculating need' needs to be redrafted as it is currently confusing and a little misleading.</p> <p>Firstly it is unclear what this sentence is referring to: 'consultation version of the new HBBC local plan uses the HEDNA report as its base for calculating need'. The borough have not established a housing need for its emerging local plan; the latest consultation documents have been looking at the strategy for housing growth, and are not in a position to determine housing need as yet.</p> <p>In any event the HEDNA is now out of date in terms of calculating housing need as the Government have set out the standard methodology approach to housing need. Using the standard method (using 2014 based projections) gives the borough a housing need of around 473 dwellings per year. The minimum figure of 163 dwellings <u>has not been agreed with the borough council</u>. The borough were asked to provide a figure for the purposes of the Desford NDP as requested by the NDP group, in relation to NPPF (2018) para 66. A heavily caveated draft figure was provided however this should not be seen as an agreed figure – this is clear in the briefing note provided to the NDP group (appendix 1 of this report). It is unlikely that the borough will be able to set out a reliable figure for NDPs until:</p> <ul style="list-style-type: none"> • the outcomes of the government consultation on the standard methodology is complete; • the level of unmet need arising from Leicester which may need to be accommodated in the borough is better understood; and • a strategy for housing growth for the borough is established through the emerging local plan. <p>I would advise the para is rewritten to be clearer on the current position as explained above. A suggested wording could be as follows:</p> <p>'The Government have recently introduced the Standard Methodology for assessing housing need. This currently gives the borough an annual housing need of around 473 dwellings per year (or 9,460 dwellings between 2016 and 2036). However in advance of the Hinckley and Bosworth Local Plan there are uncertainties in establishing housing requirement figures for Neighbourhood Plans. A draft indicative figure of 163 dwellings over the period 2016-2036 was provided by the borough. It is acknowledged that this is a draft figure at this time and the full scale of housing requirement which may need to be accommodated in the area covered by the Desford NDP over the period 2016-2036</p>	<p>Page 17</p>	<p>Explanation regarding the borough's housing figures and stages of the Local Plan, and an explanation is given regarding the Standard Methodology.</p> <p>Suggested wording has been added.</p> <p>No further changes needed in this part of the plan.</p> <p>However, the following wording is still included in Appendix D2: "A final housing target for Desford has been identified by HBBC based upon an agreed population and economic development increase in numbers and activity. The objectively assessed need (OAN) between 2016 and 2036 is for 163 additional dwellings, based on the proportion of the population of Desford as a proportion of the Borough as a whole."</p> <p>Please provide clarity here regarding the indicative figure provided by the borough to reflect the text on Page 17.</p> <p><i>Neighbourhood Plan Housing Requirements.(RF DRAFT COMMENTS – APPEND EMAILS REFERENCED BELOW)</i></p> <p><i>In August 2018, HBBC were approached for a housing figure for the Desford Neighbourhood Plan by the neighbourhood plan groups consultant. A methodology for how a figure could be reached was set out in response in September 2019. The response stated that this would give an indicative housing figure of 163 dwellings for the period 2016-2036. The overall methodology and figure was heavily caveated in the response for the reasons sets out in HBBCs January 2019 Pre-submission comments – potential changes to the standard methodology, uncertainty over Leicester's unmet need, and the lack of an up to date borough wide housing spatial strategy.</i></p> <p><i>Unfortunately these thee issues remain unresolved. In response to a request in August 2019 from the Desford neighbourhood plan consultant querying if the methodology and figures remained up to date and valid the borough responded that we 'would not wish to attach much weight to the figures...as they are almost certain to change in the near future'. We also advised that plans should build in as much flexibility as they can by allocating additional sites/identifying reserve sites should a housing requirement later set by the borough local plan be in excess of that being planned for in the neighbourhood plan.</i></p>

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	<p>will only be fully established once the Hinckley and Bosworth Local Plan Review has reached a sufficiently advanced stage. In the meantime a guide figure of a minimum of 163 dwellings will be used for the neighbourhood plan.</p> <p>A review of the neighbourhood plan may be necessary if it is not sufficiently flexible to respond to a changing housing requirement established through the borough wide local plan.'</p>		<p><i>We are currently therefore not in a position to provide indicative housing requirement figures for neighbourhood plan groups (NPPF para 66) in the borough and we can not endorse the figures based on the methodology provided to Desford in September 2018.</i></p> <p><i>The NPPG makes provision for this circumstance in the NPPG (para 105 Reference ID: 41-105-20190509) which sets out that if a local planning authority are unable to provide an indicative housing requirement figure 'then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area'</i></p> <p><i>Page 14, 3rd para states that 'HBBC provided an indicative figure of 163 units...'. As explained above, whilst a figure was set out in an email in September 2018 we no longer consider this should be given much weight.</i></p> <p><i>The last paragraph on page 16 starting 'It is important to justify...' refers to the 2017 HEDNA. It is recommended that the last two sentences are deleted as these partly don't make sense and the MoU has not yet been agreed. It should also be highlighted that the HEDNA has been superseded by the standard methodology with regard housing need.</i></p> <p><i>Last paragraph page 17 refers to 'negative impact on services and traffic will be considerable'. It is unclear what evidence this statement is based on. If it can't be evidenced it should be deleted.</i></p> <p><i>The neighbourhood plan does not set out a minimum housing requirement in policy – it is unclear what the plan is aiming to achieve in terms of levels of development.</i></p>
Page 17	Expand on how you've extended the settlement boundary. As highlighted by a neighbourhood plan examiner in recent examinations, Neighbourhood Plans must clearly set out where settlement boundaries have changed and how. Perhaps highlighting what methodology was used to determine the new boundary. See HBBC's Settlement Boundary Revision Topic Paper as an example methodology.	Page 18	Unaware of any additional clarity on the changes to the settlement boundary. Comment still applies.
Policy H1, page 17	<p>Change terminology to 'settlement boundary' in this policy and throughout document – keep consistent to avoid confusion.</p> <hr/> <p>What do you mean by "new sporting or recreational facilities close or adjacent to the Settlement Boundary" ? The word 'close' would be a hard point to argue. How close is close – close could mean 5 metres or 5km.</p> <hr/> <p>What do you mean by "where they respect the shape and form of Desford". What is the 'shape and form' of Desford? Suggest re-wording to 'character'.</p>	Policy H1, page 18	<p>Terminology changed to 'settlement boundary', no further changes needed.</p> <hr/> <p>No further clarity on 'close or adjacent'. Still vague and could easily be argued.</p> <hr/> <p>Changed 'shape and form' to 'character'. No further changes needed.</p>
Page 18, figure 2	Figure 2 Settlement Boundary map – would be useful having this as a full page landscape map to see intricacies of the settlement boundary.	Page 19, figure 2	Map not made bigger; change not crucial as it is a clear map. Maybe provide it as a large map on the website, or as A4 Landscape in the appendices as a supplement if people need to see the intricacies.
Page 18, 2 nd para	<p>As the HBBC Strategic Housing and Economic Land Availability Assessment (SHELAA) was only published in December 2018, I presume the Desford NDP assessed the sites that were in the 2014 SHLAA. The 2nd para states "As HBBC recently completed a call for sites and a SHELAA evaluation report (of both housing and economic development sites) in spring 2018..."</p> <p>I suggest re-wording to the following: "HBBC completed three call-for-sites between 2016 and 2018. As a result of these call-for-sites the SHELAA was published in December 2018. Due to the timing of the publication of the SHELAA and the Neighbourhood Plan wanting to progress to site assessment stage, the Desford Neighbourhood Plan group agreed to assess the fifteen potential sites that had come forward for the 2014 SHLAA. Site assessment work was undertaken in <i>insert</i></p>	Page 19	Clear what sites are included and the timings of the SHELAA at HBBC level and how this was incorporated. No further changes needed.

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	<p><i>month and year] (Appendix D2)</i></p> <p>The wording above will then make it clear where the sites have come from, and why you are only assessing those sites, as apposed to sites that have come forward since then in further HBBC call for sites.</p>		
Page 18, 4 th para	<p>Last para of page 18 states that the completion of the SSA process meant you are allocating Barns Way for resi development. This process also allowed you to have a list of 'reserve sites' or other alternative sites for if the Barns Way site wasn't to come forward for any reason.</p> <p>Reserve sites also allow you to have a say in what sites may be allocated in the future if a larger housing need is determined. Reserve sites give the Local Authority a good idea of what sites the NDP have assessed as good alternative sites, and this would come into consideration when/if allocating through the Local Plan process if a higher need is determined. What are your thoughts on identifying reserve sites to help cater for potential future growth, and help in the instance of a future review of the NDP.</p>	Page 19	As far as I am aware there is no further mention of reserve sites or the sites that scored well in the SSA process. You can work out which sites came in as second/third preference but only in the appendices. This could be made clearer. Further thought required.
Page 18 and SSA methodology.	<p>Make clear what the SSA process actually is. Is it a Sustainability Appraisal, or is it a SHLAA, or is it neither? Helen Nightingale, Principal Planning Officer (Major Projects), has provided comments on this separate to this report, these will be sent alongside this report during Regulation 14 Pre-submission consultation.</p> <p>To go alongside this, HN also provided the following comments:</p> <p>In your methodology you need to show in an appendix or footnote on how you have scored against each category as you would have needed a consistent approach from all site assessors (a crib sheet), assuming you didn't just use one assessor. By showing your workings and evidence also removes the probability of challenges from developers, particularly regarding those criterion relating to heritage assets, protected species, highway matters, landscape issues, drainage and contamination, by demonstrating it's a local evaluation rather than a professional assessment.</p>	Page 19	<p>No further clarifications on the SSA process. After looking at Appendix D2 further, there are various ambiguous statements.</p> <p>For example, <i>"The initial site assessments were undertaken by the Consultant from YourLocale to ensure a professional approach based upon past experience of similar assessments and to ensure a high level of objectivity and consistency in scoring."</i> Again, similar to comments at Regulation 14, there is no 'crib sheet' or explanation on how each criterion was assessed. For example, "substantial harm" could be subjective to each individual assessor. Again it is worth highlighting that the site assessments were a local evaluation, and were not done by professional experts in the respective fields (i.e. heritage, ecology, archaeology, access/highways, landscape, drainage, contamination etc.</p> <p>See further comments on the SSA process at the bottom of this table at comments on Appendix D2.</p>
Policy H2, page 19	Re-word policy to state "a minimum of 70 dwellings" – best practice.	Policy H2, Page 20	No change made, comment still applies.
	Criteria a – this is in line with HBBC Local Plan Policy (Core Strategy Policy 15), so is this needed in the NDP policy? Suggest removing as it's a duplication of current policy.	Policy H2, Page 20	Duplication of the Core Strategy/Local Plan Policy.
	<p>Criteria d and e - these are optional requirements in the 2016 Building Regulations, therefore it would be unreasonable to ask for this in a policy, and developers may challenge this.</p> <ul style="list-style-type: none"> • M4 (2) – Accessible adaptable dwellings • M4 (3) – Wheelchair user dwellings • In the Building Regulations it states "The provisions of Section (X) apply only where a planning condition requires compliance with optional requirement M4 (2) / M4 (3)..." <p>My Community states "It is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development."</p> <p>Suggest moving these criteria to the supporting text, and change wording to "the provision of X will be encouraged". Make sure this well evidenced and/or cross reference; is there a demand/need for these types of homes, if so, how does this equate to 5% of 100 dwellings for each type?</p> <p>Reference optional technical housing standards, adaptable standards and Design for Life criteria.</p>	Policy H2, Page 20	<p>Criteria e has the addition of <i>"Where possible"</i>, however these are still optional requirements and policies asking for these standards will need to be fully evidenced.</p> <p>Criteria d and e - these are optional requirements in the 2016 Building Regulations, therefore it would be unreasonable to ask for this in a policy, and developers may challenge this.</p> <ul style="list-style-type: none"> • M4 (2) – Accessible adaptable dwellings • M4 (3) – Wheelchair user dwellings • In the Building Regulations it states "The provisions of Section (X) apply only where a planning condition requires compliance with optional requirement M4 (2) / M4 (3)..." <p>My Community states "It is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development."</p> <p>Suggest moving these criteria to the supporting text, and change wording to "the provision of X will be encouraged". Make sure this well evidenced and/or cross reference; is there a demand/need for</p>

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	<p>The NPPG states:</p> <p>“Can local planning authorities require accessibility, adaptability and wheelchair standards in new dwellings? The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.</p> <p>Paragraph: 005 Reference ID: 56-005-20150327. Revision date: 27 03 2015”</p>		<p>these types of homes, if so, how does this equate to 5% of 100 dwellings for each type?</p> <p>Reference optional technical housing standards, adaptable standards and Design for Life criteria.</p> <p>The NPPG states:</p> <p>“Can local planning authorities require accessibility, adaptability and wheelchair standards in new dwellings? The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.</p> <p>Paragraph: 005 Reference ID: 56-005-20150327. Revision date: 27 03 2015”</p>
	<p>Criteria g – Comments from the Strategic Housing and Enabling Officer, Valerie Bunting. Where you refer to discounted market housing, could you please qualify this, either by stating “available in perpetuity” or by “as set out in NPPF as affordable housing”. Straight discounted open market sale for the first sale only is not an affordable housing product and therefore will not meet the affordable housing obligation.</p>	Policy H2, Page 20	Reference to ‘discounted market housing’ has been deleted.
		Policy H2, Page 20	Criteria I – for low-cost starter homes to be considered affordable homes they need to offered at 20% full market discount in perpetuity the word perpetuity is missing.
	<p>Criteria j – Have you spoken to the County Council/Highways regarding this? Have they had an input into this part of the Policy? If so, evidence would be required. This does not need to be a policy requirement, as adequate access provision is discussed at application stage with the Highways authorities. Policy can’t suggest a location for new infrastructure as this is the highways authority’s job to determine.</p>	Policy H2, Page 20	No change made, comment still applies. You could reference the planning application’s proposed access.
	<p>Criteria k – “Priority will be given to dwellings of 3 bedrooms or fewer”. Why? What evidence supports this? Not a flexible criteria. Move to Housing Mix, so that the requirement applies to all development proposals, not just the housing allocation Policy H2. Refer to the HEDNA.</p>	Policy H2, Page 20	<p>As far as I am aware there has been no further evidence provided as to why priority should be given to 3 bedrooms or fewer.</p> <p>What evidence supports this? Not a flexible criteria. Move to Housing Mix, so that the requirement applies to all development proposals, not just the housing allocation Policy H2. Refer to the HEDNA.</p>

Policy reference /			
	<p>Criteria l – This is a statement and not needed in Policy, please remove.</p> <p>I would suggest instead including supporting text with a list of community priorities for infrastructure provisions/community facilities for which developer contributions are required or could be delivered by other funding streams. This could take the form of a 'Community Changes needed'. This will then cover any development sites that come forward, not just your housing allocation at Barns Way.</p> <p>My Community suggests wording along the lines of:</p> <ul style="list-style-type: none"> • “Financial contributions will be required, as appropriate, from each developer to mitigate the impact of the development on essential infrastructure such as ...” • “Financial contributions will be required, as appropriate, from each developer to fund additional services within the village (list services), in line with ...” • “Community priorities for financial contributions towards local facilities as a result of new development include...” • Remember it is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development. 	Policy H2, Page 20	
	Criteria m – Can't ask for this in policy, please remove.	Policy H2, Page 20	No change made, comment still applies.
Page 20, figure 3	Residential allocation map – a zoomed in map of the site would be welcomed, there's already a map of the village as a whole earlier in the document.	Page 21, figure 3	
Page 21	<p>Comments from the Strategic Housing and Enabling Officer, Valerie Bunting.</p> <p>Paragraph 2 on page 21 concerns me. I'm not sure in any case whether a Neighbourhood Plan can properly stray into the territory of allocation of existing affordable housing. In any case, I think there are problems with saying that <i>“the solution is to agree a local connection policy within the Neighbourhood Plan. This will apply to the affordable residential units of all tenures developed in the Parish, as well as for social and affordable rented re-lets in the Parish.”</i></p> <p>The council has statutory duties relating to the allocation of affordable housing, which include a requirement to consider people in the “reasonable preference” categories. Ring fencing every vacancy for a local connection in the first instance would leave us open to challenge as not meeting our statutory duties and would conflict with the council's Housing Allocation Policy, which is where policy is set, rather than through land use policies.</p> <p>Para 3 – this isn't planning, more a housing related issue that will be changes needed by the Local Authority.</p>	Page 21 and Page 22	<p>Local lettings policies</p> <p>4.21 Reference to the allocation of affordable housing should be removed from the Neighbourhood</p> <p>Section 166A(6)(b) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of s.166A(3). This is the statutory basis for so-called 'local lettings policies' which may be used to achieve a wide variety of housing management and policy objectives.</p>

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020
			<p>5.3 Section 166A(13) requires authorities, before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, to: send a copy of the draft scheme, or proposed alteration, to every Private Registered Provider¹⁹ with which they have nomination arrangements, and ensure they have a reasonable opportunity to comment on the proposals</p> <p>The latest Housing Allocations Policy was adopted in October 2019 and is therefore up to date in respect to housing legislation and guidance.</p> <p>The Act requires local authorities to also have regard to people who are in the reasonable preference categories in the allocations scheme, and therefore the local authority must balance this priority against any local connections or local lettings policy they may adopt. This does not relate to land use policies nor to requirements under Local Planning duties and therefore sits outside of a planning document. Where a local connections policy is included in a section 106 agreement for a new scheme, it is in reference to and conformity with the Housing Allocations Policy.</p>
Policy H3, page 21	<p>Comments from the Strategic Housing and Enabling Officer, Valerie Bunting.</p> <p>Policy H3 will need to be amended as it doesn't accord with national policy which has overridden the Core Strategy. So we can't ask for affordable housing on sites of 4 dwellings or more as the guidance has set a minimum of 10 units before the obligation triggers.</p> <hr/> <p>Policy states "...will be high quality affordable housing". What does 'high quality' mean? Subjective term.</p>	Policy H3, page 22	<p>Text changed to 10 dwellings. No further changes needed.</p> <hr/> <p>"High quality" still subjective, what does 'high quality affordable housing' mean?</p>
Policy H4, page 22	<p>Second para – repetition from allocation Policy H2. Comments as per above.</p> <p>These are optional requirements in the 2016 Building Regulations, therefore it would be unreasonable to ask for this in a policy, and developers may challenge this.</p> <ul style="list-style-type: none"> • M4 (2) – Accessible adaptable dwellings • M4 (3) – Wheelchair user dwellings • In the Building Regulations it states "The provisions of Section (X) apply only where a planning condition requires compliance with optional requirement M4 (2) / M4 (3)..." <p>My Community states "It is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development."</p> <p>Suggest moving these criteria to the supporting text, and change wording to "the provision of X will be encouraged". Make sure this well evidenced and/or cross reference; is there a demand/need for these types of homes, if so, how does this equate to 5% of 100 dwellings for each type?</p> <p>Reference optional technical housing standards, adaptable standards and Design for Life criteria.</p> <p>The NPPG states:</p> <p>"Can local planning authorities require accessibility, adaptability and wheelchair standards in new dwellings?"</p> <p>The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and</p>	Policy H4, page 23	<p>Policy has the addition of "<i>Where possible</i>", however these are still optional requirements and policies asking for these standards will need to be fully evidenced.</p> <p>The Housing Mix Policy H4 will cover all residential developments in the parish, including the Barns Way site, and therefore you don't need to duplicate the requirements in Policy H2 if they are listed in Policy H4.</p> <p>Addition of "as evidenced in Parish Housing Needs Report" is welcomed.</p>

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020
	<p>plan to meet this need.</p> <p>Paragraph: 005 Reference ID: 56-005-20150327. Revision date: 27 03 2015”</p>		
Policy H5, para 23	<p>Restricting windfall development to sites of five or fewer developments would not comply with the NPPFs aim to boost housing supply.</p> <p>The reference to a limit to the size of development should be removed from the policy. Also this may impact on the number of windfalls coming forward as referred to on page 15 (as in comments above). The reference to restricted gap is unnecessary (and is not a common terminology in planning).</p> <p>Limits to development should be replaced by ‘settlement boundary’.</p> <p>Criteria c – “Respects the shape and form”. What does shape mean? Explain or re-word.</p> <p>Criteria d – Reword to “Retains and enhances ... where possible”</p> <p>Criteria e and f – Repetition of ‘amenity’ – what do you mean by this? Suggest removing and/or referring to SADMP Policy DM10.</p>	Policy H5, page 23	<p>No further changes needed.</p> <p>Repetition of the impact on ‘amenity’.</p>
Policy H6, page 23 & 24	<p>The policy refers to development proposals of commercial properties and housing, but is called Housing Design. Potentially move into a new section of the plan that looks at design in general, and therefore can apply to all forms of development, not just housing or in particular the Barns Way site allocation. See HBBC’s Site Allocations and Development Management Policies DPD for an example.</p>	Policy H6, page 24	<p>Still refers to commercial properties, but the policy is still called ‘Housing Design’.</p> <p>The policy refers to development proposals of commercial properties and housing, but is called Housing Design. Potentially move into a new section of the plan that looks at design in general, and therefore can apply to all forms of development, not just housing or in particular the Barns Way site allocation. See HBBC’s Site Allocations and Development Management Policies DPD for an example.</p>
	<p>Criteria a – second section of the criteria from “should clearly show within a Design and Access Statement...” etc should be removed, this is not needed, you should address these matters in your design policy.</p> <p>Criteria b - Guidance does not have minimum parking spaces for residential developments. Recent appeals have shown the inspector disregarding neighbourhood plans that have too restrictive parking policies and that do not refer to the relevant guidance. See Leicestershire County Council Design Guide.</p> <p>Criteria c – “All new housing should continue to reflect the character...”. Last sentence of criteria c is not always applicable, and not necessarily considered a housing design element, potentially an ecology issue. Please remove.</p> <p>Criteria e – “rural wooden fencing” and “brick/stone wall of rural design”, what do you mean by rural? Hard to define, subjective term without examples or evidence.</p> <p>Criteria f – consider changing this to a ‘Renewable energy’ policy so it applies to all forms of development.</p> <p>Criteria g – this is not planning and cannot be enforced through this process. Please remove.</p> <p>Criteria h – This is repeating the Local Plan, please remove or move to supporting text.</p> <p>Criteria i – In conflict with the NPPF, please review or remove.</p> <p>Criteria j – This should be in an ecology policy, not a housing design policy. Amend to say “Properties should have built in facilities for wildlife where applicable, for example, bee bricks and swift boxes.”</p>	Policy H6, page 24	<p>Minimum changes made to policy, comments still apply.</p> <p>Criteria a – second section of the criteria from “should clearly show within a Design and Access Statement...” etc should be removed, this is not needed, you should address these matters in your design policy.</p> <p>Criteria b - Guidance does not have minimum parking spaces for residential developments. Recent appeals have shown the inspector disregarding neighbourhood plans that have too restrictive parking policies and that do not refer to the relevant guidance. See Leicestershire County Council Design Guide.</p> <p>Criteria c – “All new housing should continue to reflect the character...”. Last sentence of criteria c is not always applicable, and not necessarily considered a housing design element, potentially an ecology issue. Please remove.</p> <p>Criteria e – “rural wooden fencing” and “brick/stone wall of rural design”, what do you mean by rural? Hard to define, subjective term without examples or evidence. May be acceptable on the edge of the settlement but not between two properties in the village centre.</p> <p>Criteria g – Security lights do no need planning permission and therefore cannot be enforced through this process. Please remove.</p> <p>Criteria h – This is repeating the Local Plan, please remove or move to supporting text.</p> <p>Criteria i – In conflict with the NPPF, please review or remove.</p> <p>Criteria j – This should be in an ecology policy, not a housing design policy. Amend to say “Properties should have built in facilities for wildlife where applicable, for example, bee bricks and</p>

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			swift boxes.”
Pages 25, 26, 27, 28, and 29.	<p>Page 25 – The orange box and it’s supporting text in the paragraph before; I’m not sure whether this is needed, or if it’s clear what you’re trying to explain. Perhaps it would be clearer to keep the text in the paragraph, and move the orange box and you’re calculations to a supporting evidence base document or appendices, i.e. Appendix E Environmental Inventory.</p> <p>Pages 25, 26, 27 and 28. Reduce the length of this section in the plan or create a topic paper outside of the main plan for supporting information. Make reference to HBBC’s Landscape Character Assessment, and Landscape Sensitivity Assessment (2017). These are the latest documents on landscape in our evidence base and look at the area in a more local view (rather than the National Character Areas referred to at the top of page 28). In the LCA & LSA Desford is included in Landscape Character Area D, the Newbold and Desford Rolling Farmland. This includes some detailed local evidence of geography, geology, topography, landscape character, and in turn it’s sensitivity to development.</p> <p>Page 29 – Cross reference to NPPF 2018 (see comment below). Make clear how you have scored each criteria, for example it’s good how you have separated each score in the ‘notes’ part of Proximity/Local.</p> <p>Make sure to use the technical terms used in the NPPF, for example for “Bounded” I presume you are referring to criteria C in para 100 of the NPPF (2018) in that a LGS site “is not an extensive tract of land”. Use the same terminology for transparency and clarity for the reader.</p> <p>Remember that some of the scoring criteria you have used for LGS is subjective, for example beauty, special to community and tranquillity. You’ve stated that you need to give justification, but where is that coming from? What evidence have you used? Community questionnaire perhaps? Be absolutely clear on how and why you’ve have scored in such a way, and reflect this in Appendix F.</p>	Pages 26 - 30	<p>No changes made, comment still applies.</p> <p>No further clarification or reference to other evidence bases, i.e. Landscape Character Assessment etc.</p> <p>Pages 25, 26, 27 and 28. Reduce the length of this section in the plan or create a topic paper outside of the main plan for supporting information. Make reference to HBBC’s Landscape Character Assessment, and Landscape Sensitivity Assessment (2017). These are the latest documents on landscape in our evidence base and look at the area in a more local view (rather than the National Character Areas referred to at the top of page 28). In the LCA & LSA Desford is included in Landscape Character Area D, the Newbold and Desford Rolling Farmland. This includes some detailed local evidence of geography, geology, topography, landscape character, and in turn it’s sensitivity to development.</p> <p>Reference now made to NPPF 2019. Page 29 states “...each site was scored and evaluated using the nine criteria for Local Green Space selection in the National Planning Policy Framework 2019”. The plan also references the NPPF 2019 at the top of the table on page 30. I am unaware of where these criteria are listed in the NPPF; I have also searched for these nine criterion in the NPPG, however I am still unaware where this reference has come from.</p> <p>The only criteria for LGS I am aware of is NPPF 2019 para 100:</p> <p><i>“a) in reasonably close proximity to the community it serves;</i></p> <p><i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i></p> <p><i>c) local in character and is not an extensive tract of land.”</i></p> <p>If you have derived the criteria for Local Green Space selection yourselves (using NPPF para 100 as a basis) this is fine, and we have no comments on the specific criteria listed, however this needs to be explain and referenced accordingly, rather than directly referencing the NPPF 2019. The criteria themselves are efficient in covering the three criteria in NPPF 2019 para 100, however they are not directly taken from the NPPF, and this needs to be clear in the NP.</p> <p>N.B. Please ensure that the NPPF LGS paragraph is listed as NPPF 2019 para 100, as I’ve seen it wrongly referenced as para 77 in both the main plan and Appendix F.</p>
Local Green Spaces, page 30, 31, 32, and 33.	First paragraph of the Local Green Spaces section, page 30, states “103 were identified as having notable environmental (natural, historical and/or cultural) features.” How were these identified and why? Evidence behind the decisions is key, refer to appendices if needed.	Local Green Spaces, pages 31, 32, and 33.	First paragraph – no further clarification in the text on how these were assessed, or any reference to separate evidence/appendices.

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Policy ENV1 Protection of Local Green Space	Fourth para on page 30, why does a site need to score 75% of more of the maximum score? Why is 75% significant?	Policy ENV1 Protection of Local Green Space	
	Fourth para on page 30 states "will ensure that these most important places in Desford's natural and human environment are protected for future generations". What do you mean by 'human environment'?		
	Cross check LGS criteria and make reference to the new NPPF 2018. As you will be submitting after January 2019, the plan will need to be in conformity with NPPF 2018.		
	The two smaller sites you have identified as LGS are already covered by Local Plan designations, i.e. Open Space, Sports and Recreation Facility. Site 301 St Martin's Churchyard is also a designated community facility. See Site Allocations and Development Management Policies DPD, page 46 to see settlement map for Desford. This means that the sites will be protected via Local Plan policies already. The majority of the larger site, site 167 Barns Charity Fields is a designated Local Wildlife Site, again with a recognised National level of protection. Why does it need a further designation of LGS, which will have the same (if not heavier) protection than Green Belt? If you want to keep the LGS designations, then you need to clearly evidence why you have come to this decision and why such a strong policy is needed at these sites.		
	The LGS table is poorly presented – very unclear which scores and photo belong to which designation. You could have a separate table for each site perhaps, or make clear at the beginning of each page the scoring criteria, the scores and leave the photos separate after the table. Please amend so that it's clearer for the reader.		Table reads a lot better and is clearly sectioned for each LGS site, no further comments
Policy ENV1 states "...will not be permitted other than in very special circumstances". What are these circumstances? This is a very inflexible policy.			
Page 33, Policy ENV2	BAP Species locations have been identified on Figure 7. Check with Leicestershire County Council Ecology Department that this map does not breach data confidentiality as some BAP species are protected and their locations should not be disclosed to the public. From recent advice I believe that rough locations of Badger setts and birds is reasonable to disclose, however it is always worth checking before the final plan is prepared.	Page 34, Policy ENV2	No evidence supplied to satisfy previous query. Comment still applies.
	Policy ENV2: Protection of other sites and features of environmental significance. I would advise you rename this policy, it's not clear what you are referring to by 'other sites'. Perhaps rename to 'Protection of sites & features of environmental significance'.		No change made, comment still applies.
	In relation to this you refer to figure 8 in the policy, but I believe it is meant to refer to figure 7 on page 33, please amend.		Change applied, no further comments.

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	<p>I would recommend splitting up natural and historic environment into two sections. This will make it clearer for the reader. I have included a recommended structure in the last section of these comments.</p> <p>You can include a map with both natural environment and historic environment (currently figure 7) in the appendices.</p>		No change made, however not critical, just more of a general comment.
Page 34	<p>First para in Important Open Spaces refers to the HBBC PPG17 study of 2010. There has been an updated study since then, the Open Space, Sport and Recreational Facilities Study (2016). Cross reference your information with this study to ensure information and typologies are correct.</p> <p>Last sentence on page 34 states "These sites' value, as open space within and close to the built-up areas and as formal or informal community assets, is recognised in this Policy and Community Changes needed". What Policy is this referring to? There is only Community Changes needed ENV1. In the Neighbourhood Plan you can designate open spaces if you have the evidence to support it.</p>	Page 34 and 35	Amended to only refer to the Community Action ENV 1, no further changes required.
Page 35	The maps in Figure 8 are not very clear; can't easily identify where some sites are in relation to the village, especially the top five maps.	Page 36	Maps still unclear, comment still applies.
Page 37	First para on page 37 refers to the NPPF 2012, please amend to reflect NPPF 2018. Section 15 of NPPF 2018 in particular is a key resource for biodiversity and the natural environment.	Page 37	Reference changed to NPPF 2019, no further changes required.
Policy ENV3, page 37	<p>Third para in Policy ENV3 states "Where a development proposal will adversely affect a protected species, an appropriate and suitable survey will be undertaken...". This cannot be asked for in Policy, please move to the supporting text, or remove.</p> <p>The last para of Policy ENV3, "The plan designates a wildlife corridor..." This is a statement, not policy. Change to supporting text between Policy ENV3 and Community Changes needed ENV2.</p>	Page 38, Policy ENV3	<p>Third para in Policy ENV3 states "Where a development proposal will adversely affect a protected species, an appropriate and suitable survey will be undertaken...". This cannot be asked for in Policy, please move to the supporting text, or remove. Legislation sets out what types of ecology surveys need to be carried out in what circumstances and at what time. This is part of the planning application process there is no need for it to be repeated in a policy.</p> <p>The last para of Policy ENV3, "The plan designates a wildlife corridor..." This is a statement, not policy. Change to supporting text between Policy ENV3 and Community Changes needed ENV2.</p>
Policy ENV 4, page 48	N/A	Policy ENV4, page 39	ENV4 - This is a duplication of legislation.
Policy ENV5, page 39	N/A	Policy ENV5, page 40.	ENV5 - Duplication of local and national policy and legislation
Pages 38-41	See Paul Grundy's comments (Senior Planning Officer, Conservation and GIS)		See Paul Grundy's comments (Senior Planning Officer, Conservation and GIS)
Page 41	Safeguarding Important Views. See HBBC's Landscape Character Assessment and Landscape Sensitivity Assessment (2017) for evidence on important views and landscape features.	Pages 41 - 44	<p>No reference to Local Plan evidence, for example the Landscape Character Assessment/Sensitivity Study. There is reference to "consultation during the Neighbourhood Plan's preparation". Where is the evidence to support this statement? Is this included within an appendix or supporting document? Is this within the findings of your questionnaire?</p> <p>I have found one reference to views within the Questionnaire Report, Appendix B/Appendix 3, which states "We have a lovely parish with lovely surrounding countryside and we must maintain our views".</p>

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Page 42, Policy ENV6	Figure 12 on page 42 – the symbols could be misleading, for example the extent of the symbols reaching out only so far could mean the important view stops where the symbol stops. Are the views looking inwards to the village, or are they looking outwards towards the countryside? This map could be interpreted in a very different way than intended, explain the map and symbols. Or you could change the symbols or reflect the extent of the view in a clearer way, just be wary of the way a developer could interpret this map.	Page 44, Policy ENV6.	Figure 12, page 44 – symbols still misleading, for example the extent of the symbols reaching out only so far could mean the important view stops where the symbol stops. Are the views looking inwards to the village, or are they looking outwards towards the countryside? This map could be interpreted in a very different way than intended, explain the map and symbols. Or you could change the symbols or reflect the extent of the view in a clearer way, just be wary of the way a developer could interpret this map. ENV6 – What site specific mitigation measures can safeguard a view? Policy may be too restrictive. What about if the public benefits of the proposal outweigh the harm to the important view?
Page 42	Renewable Energy generation – I suggest moving this section into a separate section, or combining with transport for example. See comments at the end regarding potential structure changes.	Page 45	No change, but not critical
Policy ENV7, page 43	<p>Criteria a states “adverse impact on... wellbeing...” What do you mean by wellbeing? Very subjective and different for everyone.</p> <p>Second para beginning “Developers will be responsible for...” can’t be asked for in policy, and should be removed, or moved to the supporting text.</p> <p>Third para highlights that wind turbine development proposals will be generally acceptable if the turbine tip height is less than 50 metres, and the proposal is for no more than one turbine. Why? Why these criteria?</p> <p>The policy also lists “The land is also used for other purposes” – this is not always possible, remove or amend. “Low-level noise generated does not interfere with residential homes” – again this is repetition throughout the document of impacts on amenity. Please review.</p> <p>The policy states “Large scale solar energy generation development proposals will...” How big is large scale? Subjective term.</p> <p>Reflection/glare is not present on solar farms, as the panels are matte and the purpose of the panels are to absorb the light.</p>	Policy ENV7, page 45	<p>The assessments and document required in support of an application is determined by legislation and statutory consultees. This paragraph should be removed.</p> <p>Third para highlights that wind turbine development proposals will be generally acceptable if the turbine tip height is less than 50 metres, and the proposal is for no more than one turbine. Why? Why these criteria?</p> <p>The policy states “Large scale solar energy generation development proposals will...” How big is large scale? Subjective term.</p> <p>Reflection/glare is not present on solar farms, as the panels are matte and the purpose of the panels are to absorb the light.</p>
Page 45	Last para states “deficiency is noted in green space and play provision” – check this is still correct in the latest Open Space, Sport and Recreational Facilities Study 2016.	Page 47	From my knowledge it is still correct that there is a deficiency.
Policy F1, page 46	<p>This policy has a reference, F1, but no name like the others have, for example it could be called Policy F1 Existing Community Facilities.</p> <hr/> <p>The HBBC Local Plan Policy, DM25, in the Site Allocations & Development Management Policies DPD, is a stronger policy. Amend to be more locally specific, without weakening the Local Plan policy.</p> <p>For example, you could amend to refer to Local Plan Policy DM25, and then designate some of the community facilities that haven’t been identified in the Local Plan.</p>	Policy F1, Page 48	<p>Policy now has a name, no further amendments needed.</p> <hr/> <p>No changes made, comments still apply. The HBBC Local Plan Policy, DM25, in the Site Allocations & Development Management Policies DPD, is a stronger policy. Amend to be more locally specific, without weakening the Local Plan policy.</p> <p>For example, you could amend to refer to Local Plan Policy DM25, and then designate some of the community facilities that haven’t been identified in the Local Plan.</p>
Policy F2, page 47	<p>Criteria b – “unacceptable traffic movements” what do you mean by this? Subjective terms. For example you could talk about highway safety instead.</p> <p>Look at Leicestershire County Council Design Guide, and Highways policies for traffic and parking elements. Either refer to these, or HBBC’s.</p>	Policy F2, page 49	<p>Criteria a - H6 is a housing design policy and therefore how can this be applied to community facilities?</p> <p>Criteria b - Have changed criteria b to “will improve highway safety”, however no development is required to improve an existing problem</p> <p>Criteria c – This assessment will be part of the planning application process</p> <p>Criteria d - What does a scale and appropriate to the locality mean?</p>

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			Criteria e – Covered by Disability Discrimination Act regulations
Policy T1, page 51	<p>Policy T1, criteria a states “Be designed to minimise additional traffic generation and movement through the villages” – why and how?</p> <p>Criteria b – see comments on Policy H6 regarding the Leicestershire County Council Design Guide and parking standards.</p>	Policy T1, page 53	<p>Some evidence is listed above the policy, which highlights the concerns raised through the Questionnaire, however this isn’t reflected in the policy. There could be clearer reference to the impact of developments on congestion and/or traffic movement through the village, and there is no further clarification on what an applicant would be required to do to mitigate or what would be considered acceptable.</p> <p>Criteria a – How would this be achieved? If certain roads are unsuitable then this is tacked through restrictions on the highway by LCC Highways.</p> <p>Criteria b – See previous comments on Policy H6</p> <p>Criteria d and e – S106 contributions are only required to <u>mitigate</u> the impact of the development. (This is not CIL compliant.)</p>
Policy T3, page 52	Policy T3 Footpaths, Bridleways and Cycle Routes – this shouldn’t be a policy, instead make this a community action.	Policy T3, page 54	<p>No change, comments still apply.</p> <p>Policy T3 Footpaths, Bridleways and Cycle Routes – this shouldn’t be a policy, instead make this a community changes needed.</p>
Policy T4, page 53	Policy T4 is very specific, and inflexible. Does the policy mean that every building/dwelling will be required to have a electric car charging point? Or can there be a shared point? Make this policy more flexible; do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development, we need deliverable, sustainable schemes to come forward.	Policy T4, page 55	<p>Only the addition of “where appropriate” in the first paragraph of the policy, which is somewhat more flexible. However no further clarity on whether this policy applies to all buildings or just specific places. Nevertheless Policy T4 is still very specific and inflexible. Does the policy mean that every building/dwelling will be required to have an electric car charging point? Or can there be a shared point? Make this policy more flexible; this will make it difficult for them to bring forward viable development. We need deliverable, sustainable schemes to come forward, and therefore cannot be imposing unreasonable burdens on applicants.</p> <p>This policy is so specific that it does not allow for technological advancements which are likely to be occurring in this area.</p> <p>How are the communal charging points to be assessed? If it results in the loss of a car parking space is it unacceptable? More clarity needed.</p>
Policy E1, page 55	This policy is weaker than DM19 in HBBC’s Site Allocations and Development Management Policies DPD. Amend Policy E1 to be locally specific, or amend to reflect DM19.	Policy E1, page 57	No amendments made, no further clarification provided. Local Plan Policy states 2 years and therefore this is far weaker than local plan policy.
Policy E2, page 55	<p>Criteria a – change ‘limits to development’ to settlement boundary to be consistent with the rest of the document.</p> <p>Criteria a states “...or other forms of commercial/employment related development appropriate to a countryside location or there are exceptional circumstances.” This is very vague, and is open to interpretation. Be specific, use evidence.</p> <p>Criteria d – “Not involve the loss of dwellings” – Why is this a requirement?</p> <p>Criteria e – this is too prescriptive and inflexible. For example you could amend to involve potential mitigation measures.</p>	Policy E2, Page 58	<p>Change made.</p> <p>No change, comments still apply. Criteria a states “...or other forms of commercial/employment related development appropriate to a countryside location or there are exceptional circumstances.” This is very vague, and is open to interpretation. Be specific, use evidence.</p> <p>(Now criteria c) No amendments made, no further clarification provided. “Not involve the loss of dwellings” – Why is this a requirement?</p> <p>(Now criteria d) No change, comments still apply, no further clarification provided. Too prescriptive and inflexible. For example you could amend to involve potential mitigation measures.</p>

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	Criteria f – this is a matter for Highways during the planning application process. Again refer to comments above regarding Leicestershire County Council and Highways (e.g. the Leicestershire County Council Design Guide, parking standards and Highways policies).		(Now criteria e) No change, comments still apply - this is a matter for Highways during the planning application process. Again refer to comments above regarding Leicestershire County Council and Highways (e.g. the Leicestershire County Council Design Guide, parking standards and Highways policies).
Policy E3, pages 56 and 57	<p>Criteria a – “unacceptable traffic movements”. Again this is a matter for Highways during the planning application process. Again refer to comments above regarding Leicestershire County Council and Highways (e.g. the Leicestershire County Council Design Guide, parking standards and Highways policies).</p> <p>Criteria b – repetition regarding residents amenity again, consider a policy regarding amenity and design to address all types of development, see earlier comments.</p> <p>Criteria c – this part of the policy is straying into Permitted Development rights and should be worded carefully. Consider removing from policy and adding to supporting text.</p>	Policy E3, Page 59	<p>No change, comments still apply.</p> <p>Relatively minor changes to the policy wording could improve it’s usability by Development Management. For example the policy could read: “...c) any extension or free-standing building design meets the relevant criteria of Policy H6” etc.</p> <p>Policy E2 needs to include the text “where planning permission is required” using part of your dwelling as an office “Home Working” does not necessarily require planning permission</p> <p>Criteria a – “unacceptable traffic movements”. Again this is a matter for Highways during the planning application process. Again refer to comments above regarding Leicestershire County Council and Highways (e.g. the Leicestershire County Council Design Guide, parking standards and Highways policies).</p> <p>Criteria b – repetition regarding residents amenity again, consider a policy regarding amenity and design to address all types of development, see earlier comments.</p> <p>Criteria c – this part of the policy is straying into Permitted Development rights and should be worded carefully. Consider removing from policy and adding to supporting text.</p>
Policy E4, page 58	This policy is too open, and is effectively allowing development in the countryside. The policies in HBBC’s Site Allocations and Development Management Policies DPD are stronger. Amend to refer to the SADMP policies, and/or make locally specific.	Policy E4, Page 60	No change, comment still applies. This policy is too open, and is effectively allowing development in the countryside. The policies in HBBC’s Site Allocations and Development Management Policies DPD are stronger. Amend to refer to the SADMP policies, and/or make locally specific.
Policy E5, page 58	A duplication of Local Plan policy and National Policy. Either make locally specific, or remove.	Policy E5, Page 61	No change, comment still applies. A duplication of Local Plan policy and National Policy. Either make locally specific, or remove.
Policy E6, page 59	<p>This type of infrastructure is mostly covered by permitted development rights, and therefore can’t be included in policy. Although you can amend to reflect a similar policy position, for example “...where applicable this infrastructure should be placed in the best possible location with the least impact on residents’ amenity and landscape value” etc.</p> <p>You’ve talked about improved Broadband and internet connection in the supporting text above, but not included this in the policy. Do you want to include this in the policy?</p>	Policy E6, Page 61	<p>Minor change to include broadband infrastructure, as per second half of comment. However it is still pertinent to note that much over ground telecommunications development is enabled through the current ‘permitted development’ regime and so outside of the control of adopted planning policy.</p> <p>A relatively minor change to the policy wording could improve it’s usability by Development Management, for example: “Proposals to improve the mobile phone coverage and broadband infrastructure for all businesses and households will be supported, provided any above ground installations are located and designed to minimise potential adverse visual impact.”</p>
Page 60	Monitoring and Review – I would suggest removing any dates and just refer to a review within 5 years/alongside Local Plan reviews, as at the moment we don’t know when the plan will come into effect, or whether you will need to review the plan sooner than 5 years time. In this instance it gives you flexibility to review the plan anytime within 5 years. Refer to the NPPF 2018 and Planning Practice Guidance on reviewing Neighbourhood Plans. This section needs to be clear and concise, especially with the government’s increased pressure on the Housing Delivery Test and 5 year supply.	Page 62	No change and no extra information given on how the plan will be monitored, however this is just a suggestion.
General comments on the plan	<p>Structure – make sure the plan is structured clearly, with clear sections. For example a potential structure could be as follows:</p> <ul style="list-style-type: none"> • Introduction to the Neighbourhood Plan <ul style="list-style-type: none"> ○ Neighbourhood Plan area 	General comments on the plan	Not critical, just a suggestion to improve the usability of the document.

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020
	<ul style="list-style-type: none"> ○ Brief background to the area and the NDP group ○ Timeline up to now • Consultation • A plan for our parish • Housing and the Built Environment <ul style="list-style-type: none"> ○ Settlement Boundary ○ Housing need and provision ○ Housing Allocation (and Reserve Sites) ○ Windfall Site Development ○ Affordable Housing ○ Housing Mix • Development and Design (see earlier comments on the Design Policy) • Natural Environment <ul style="list-style-type: none"> ○ Introduction to natural environment, i.e. landscape character, brief geology/geography/topography etc. ○ Environmental characteristics of the plan area ○ Existing designations ○ Environmental inventory of Desford Parish ○ Environmental Protections ○ Local Green Spaces ○ Sites of Environmental Significance ○ Important Open Spaces ○ Safeguarding Important Views ○ Biodiversity and Wildlife Corridors • Historic Environment (see Paul Grundy's comments below for more info) <ul style="list-style-type: none"> ○ Ridge and Furrow ○ Heritage Assets ○ Designated Heritage Assets • Community Facilities <ul style="list-style-type: none"> ○ Existing Community Facilities ○ New or Improved Community Facilities • Transport and Renewable Energy <ul style="list-style-type: none"> ○ Traffic Management ○ Desford Railway Station ○ Footpaths/Bridleways/Cycle Routes and Dog Walking ○ Electric Vehicles ○ Renewable Energy • Employment, Leisure/Tourism and Infrastructure <ul style="list-style-type: none"> ○ Existing Employment Uses ○ New Employment Opportunities ○ Home Working ○ Farm Diversification ○ Tourism ○ Broadband & Mobile connections • Monitoring and Review 		

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020
	Please make sure all maps are clear and high-resolution, if needed make maps a full page so smaller details can clearly be seen.		
Appendix D2	N/A	Appendix D2	<p>For example: "The policy position of HBBC in terms of their assessment of the developability of these SHELAA sites was a material consideration in these discussions of scoring.</p> <p>The SHELAA is a 'policy off' exercise and therefore the final developability ratings of each site are not the 'policy position' of each site. The SHELAA is a starting point for a policy based assessment of sustainability.</p> <p>References to the NPPF 2012, 2018 and 2019 – no direct references with paragraphs.</p> <p>After looking at Appendix D2 further, there are various ambiguous statements.</p> <p>For example, "The initial site assessments were undertaken by the Consultant from YourLocale to ensure a professional approach based upon past experience of similar assessments and to ensure a high level of objectivity and consistency in scoring." Again, similar to comments at Regulation 14, there is no 'crib sheet' or explanation on how each criterion was assessed. For example, "substantial harm" could be subjective to each individual assessor. Again it is worth highlighting that the site assessments were a local evaluation, and were not done by professional experts in the respective fields (i.e. heritage, ecology, archaeology, access/highways, landscape, drainage, contamination etc.</p>

Page Num/Policy	Paul Grundy, Senior Planning Officer (Conservation and GIS) – Comments January 2019 Documents referred to in PG's comments are attached below.	Conservation Officer Regulation 16 Submission Comments February 2020
Page 4	The clarity of the Designated Area Map in Figure 1 is poor.	The clarity is improved but is it clear enough?
Headings	The heading for sections "Housing and the Built Environment" and "Environment" are perhaps a bit ambiguous and there is some cross over in content. Should the structure and/or titles be considered in more detail?	Amendment to the titles have been made
Page 28 and 38	There are now 19 listed buildings in the Parish following the recent listing of the Desford War Memorial so the text needs updating on these pages. The neighbourhood plan lists these heritage assets for reference in Appendix H2 although this appendix is not particularly coherent. I would suggest this appendix is updated to include the content in the attached table and that the appendix is renamed to " Appendix H2 Designated Heritage Assets ". In the table I have included the optional link to the designation description contained on the Historic England website.	The text in the Existing environmental designations paragraph on page 29 needs updating to confirm that there are now 19 listed buildings in the parish. Appendix H2 has been renamed and the war memorial is included
Page 33	BAP Species locations have been identified on Figure 7. Check with Leicestershire County Council Ecology Department that this map does not breach data confidentiality as some BAP species are protected and their locations should not be disclosed to the public.	As far as I'm aware this issue has been addressed
Page 38	The heading "Buildings and structures of local significance" is confusing as this section includes information on listed buildings (which are a statutory national designation), scheduled monuments (again a national designation which has been referred to within the listed buildings section), and then the local heritage list. I would recommend that the title of this section is renamed to " Heritage Assets ", and the listed buildings section is renamed to " Designated Heritage Assets " (as to cover both listed buildings and scheduled monuments). Renaming these elements and retaining the title "Local Heritage List" will ensure this section of the document has an appropriate structure.	The suggested amendments have been made
Page 38	Remove the reference to "by Historic England" in defining setting. In most cases it is the local planning authority who will determine whether a development proposal will impact the setting of a heritage asset. It will be sensible to end the sentence with " as defined, on a case by case basis. "	The suggested amendments have been made

Page Num/Policy	Paul Grundy, Senior Planning Officer (Conservation and GIS) – Comments January 2019 Documents referred to in PG's comments are attached below.	Conservation Officer Regulation 16 Submission Comments February 2020
Page 39 Local Heritage List	This list has been devised via joint working between the Neighbourhood Plan Group and the Borough Council. Identification of local heritage assets has been based on the Borough Council's adopted selection criteria (attached), this includes a range of values that could warrant inclusion, so the statement "that are considered to be of local significance for architectural, historical or social reasons" is too narrow. I would suggest that the paragraph is worded along the lines of "The Neighbourhood Plan identifies a number of other buildings and structures in the Parish that are considered to be local heritage assets. The reasons why these local heritage assets are significant is varied, often going beyond historical or architectural interest and demonstrating a range of values that contribute to the distinctiveness and heritage of the Parish. These assets have been identified based upon the Borough Council's adopted selection criteria (contained within Appendix XX) and their inclusion here records them in the planning system as non-designated heritage assets (Descriptions in Appendix H1)". As you can see I would suggest that the selection criteria document is included as an appendix and referred to in the main document so the public is aware of how these local heritage assets have been identified and designated.	The suggested amendments to the text have been made. Appendix H1 includes each local heritage asset and has been split into Botcheston and Desford. Consideration should be given to renaming the first part of Appendix H1 to "Botcheston, Kirby Muxloe and Newtown Unthank" as there are entries for all three settlements within this part of the Appendix.
Appendix H1 Desford Parish local heritage assets	This lists the local heritage assets within Desford Parish but it appears an earlier working version is included on the Desford Neighbourhood Plan website as content to be confirmed is highlighted in yellow. Attached is the final version of the list agreed by the Neighbourhood Planning Group and the Borough Council and this should replace the current version of Appendix H1 on the website.	The correct version of the list has been included
Page 39 Figure 11	This map show both designated (listed buildings and conservation area) and non-designated buildings and structures within the Parish, therefore the title of the figure should be amended to "Heritage Assets within the Parish" or "Heritage Assets (designated and non-designated) within the Parish" or another similar title. I did provide this plan for the Group, I apologise in that I had not included the scheduled monument at Lindridge on the plan, so an updated plan is attached.	The map title has been amended
Page 38 Policy ENV5	The name of this policy should be simplified to "Local Heritage Assets" as it has been established that these assets can be identified on more than just historical and architectural interest as currently stated in the name of the policy.	The policy title has been amended
Page 41 Community Action ENV3 Other Heritage Assets	I do not see the need for this community action as it duplicates policy ENV 5.	This community action has been removed

4 Desford Neighbourhood Plan vs National Planning Policy Framework 2019 – Compliance Table

The table below sets out how Hinckley & Bosworth Borough Council (HBBC) consider the Desford 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)”.

	The policy is largely considered in general conformity with NPPF policies
	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	No relevant policies within the NPPF

NDP Policy	Most relevant section of the NPPF (2019)	HBBC Submission Representation- Regard?
Policy H1 – Settlement Boundary	Paragraph 77 and 78 (Rural Housing)	Has appropriate regard and allows for sustainable development outside of the settlement boundary if the proposal is in line with local and national strategic policies. Therefore the policy is largely considered in general conformity with NPPF policies
Policy H2 – Residential Site Allocation	Silent	Silent
Policy H3 – Affordable Housing	Silent	Our main concerns with this policy relate to the Local Authorities Housing Allocations Policy, and therefore the Housing Act, rather than planning guidance. See comments above. However the plan is directly contradictory to policies the Local Authority apply.
Policy H4 – Housing Mix	Section 5- Paragraph 59, Paragraph 61	<p>It is clear in national policy and guidance that optional Building Regulation requirements can be set by the Local Planning Authority. Paragraph: 002 Reference ID: 56-002-20160519: “Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans.” Therefore, as previous comments have stated, it may be unreasonable to ask for this in policy if this is not an overall requirement set by the LPA. It is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable deliverable development.</p> <p>The NPPF requires that plans provide for a mix of housing to cater for different groups and identify the size, type, and tenure of housing required. As a result of the findings of the housing needs report/assessment, policy H4 encourages a range of house types to meet identified local needs. However, the policy then goes on to be restrictive in terms of the number of bedrooms in dwellings. This could potentially be too prescriptive and restrict the ability of the plan to respond to changing needs over its lifetime.</p> <p>The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.</p>
Policy H5 – Windfall Site Development	Paragraph 68.c (Identifying Land for Homes)	The policy supports the development of windfall sites within the settlement boundary or on brownfield sites, therefore the policy is largely considered in general conformity with NPPF policies.
Policy H6 – Housing Design	Section 12. Paragraph 124. Paragraph 125, Paragraph 126, Paragraph 129, Paragraph 130	Section 12 Achieving well-designed places,’ (Section 12) which emphasises that: ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.’ Therefore the policy is largely considered in general conformity with NPPF policies
Policy ENV1 – Protection of Local Green Space	Paragraphs 99-101	<p>Para 99 states ‘The designation of land as Local Green Space through ... neighbourhood plans allows communities to identify and protect green areas of particular importance to them’. Desford’s LGS policy seeks to designate three local green spaces and each space has been assessed against the nationally set criteria at para 100, although there is no specific evidence paper or appendices which shows their methodology. Previous comments at Pre-Submission detailed how there was confusion over how the sites were assessed, or why the scoring of ‘75%’ was relevant (see comments of January 2019).</p> <p>In addition, the two smaller sites identified as LGS are already covered by Local Plan designations, i.e. Open Space, Sports and Recreation Facility. Site 301 St Martin’s Churchyard is also a designated community facility (again, see comments of January 2019).</p> <p>The policy does not unduly constrain the delivery of new development, as the settlement boundary policy of Policy H1 allows flexibility in line with local and national policy , and the site allocation at Policy H2 has made provision for residential development.</p>

NDP Policy	Most relevant section of the NPPF (2019)	HBBC Submission Representation- Regard?
		The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.
Policy ENV2 – Protection of other sites and features of Environmental Significance	Paragraph 170 & 171	Para 171 states: “Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure”. The plan does not clearly distinguish between international, national and locally designated sites, in particular Figure 7 is unclear on where the information has been derived from. Although, the policy itself clearly states that these sites are of ‘local significance’ and are ‘locally valued’. Wording changes within the policy/supporting text could ensure this is NPPF compliant.
Policy ENV3 – Biodiversity General	Paragraph 171, Paragraph 174, Paragraph 175.	Para 175 provides the criteria for mitigating against or off-setting any significant impacts. The policy as it currently stands is compliant with criteria a of para 175. The mapping of the wildlife corridors at Figure 9 is in general conformity with Para 174, which states “To protect and enhance biodiversity and geodiversity, plans should: identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated site of importance for biodiversity; wildlife corridors and stepping stones that connect them;...” However, it is not clear how these wildlife corridors have been drawn up, and what evidence they are based on. Therefore cannot say with complete certainty that the policy is wholly compliant with the NPPF.
Policy ENV4 – Ridge and Furrow	Paragraph 197	Most notably this policy relates to para 197 which states: “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”. Therefore the policy is largely considered in general conformity with NPPF policies
Policy ENV5 – Local Heritage Assets	Chapter 16: Conserving and Enhancing the Historic Environment. Paragraph 185. Paragraphs 189-192.	Para 185 of the NPPF states: “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, 9including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account... c) the desirability of new development making a positive contribution to local character and distinctiveness...”. Therefore the policy is largely considered in general conformity with NPPF policies The plan has appropriate regard to the NPPF in this regard, as the plan seeks to “preserve and enhance” and addresses the benefits coming from a development.
Policy ENV6 – Safeguarding Important Views	Paragraph 170.a	Para 170 of the NPPF states “Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)”. The plan identifies particular landscape views, and the policy aims to mitigate against harm to these views, and/or sustain. The plan could evidence these views more to strengthen their ‘identified quality’ and therefore strengthen its connection to NPPF policy.
Policy ENV7 – Renewable Energy Infrastructure	Paragraph 151 and paragraph 152.	Para 151 in the NPPF states “To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)”. Therefore the policy is largely considered in general conformity with NPPF policies It is also important to note that para 152 states: “Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning”.
Policy F1 – Retention of Existing Community Facilities	Paragraph 83 and paragraph 92.	Para 83 states “Planning policies should enable: ... d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.” Para 92 discusses similar aspirations for providing facilities and services to the community. The NP policy supports the retention of community facilities, and therefore the policy is largely considered in general conformity with NPPF policies
Policy F2 – New or Improved Community Facilities	Paragraph 83, Paragraph 92.	Similar to the above, the neighbourhood plan policies support the retention and improvement of community facilities, therefore the policy is largely considered in general conformity with NPPF policies
Policy T1 – Traffic Management	Paragraph 102	The NPPF, para 102 states: “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

NDP Policy	Most relevant section of the NPPF (2019)	HBBC Submission Representation- Regard?
		<p>a) the potential impacts of development on transport networks can be addressed;</p> <p>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;</p> <p>c) opportunities to promote walking, cycling and public transport use are identified and pursued;</p> <p>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and</p> <p>e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”</p> <p>The plan aims to minimise increase in vehicular traffic and improvement to opportunities of walking and cycling, therefore the policy is largely considered in general conformity with NPPF policies</p>
Policy T2 – Desford Railway Station	Silent	Silent
Policy T3 – Footpaths, Bridleways and Cycle Routes	Paragraph 102, Paragraph 104	<p>Paragraph 104 states: ‘Planning policies should ... provide for high quality walking and cycling networks’.</p> <p>Desford’s policy seeks to maintain, upgrade and extend pedestrian footpaths, and therefore the policy is largely considered in general conformity with NPPF policies; however there is no mention of bridleways or cycle routes within the policy.</p>
Policy T4 – Electric Vehicles	Silent	Silent
Policy E1 – Existing Employment Use	Silent	Silent
Policy E2 – Support for New Employment Opportunities	Paragraphs 80 – 84.	<p>Para 84 states: “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”</p> <p>The NP policy only allows new employment opportunities within the settlement boundary, sited in existing buildings, or on areas of previously developed land...”. The policy does not have sufficient flexibility to address this, and therefore the policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.</p>
Policy E3 – Home Working	Paragraph 81, criteria d. Paragraph 83, criteria a, b	<p>Para 81 states: “Planning policies should: ... d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices...”</p> <p>The plan intends to support proposals for home-working, and therefore is largely considered in general conformity with NPPF policies.</p>
Policy E4 – Farm Diversification	Paragraph 79, criteria a	The policy is largely considered in general conformity with NPPF policies
Policy E5 – Tourism	Paragraph 83, criteria c	The policy is largely considered in general conformity with NPPF policies
Policy E6 – Mobile Phone and Broadband Infrastructure	Paragraph 112 - 116	The policy is largely considered in general conformity with NPPF policies

5 Desford Neighbourhood Plan vs Local Plan – Compliance Table

The table below sets out how Hinckley & Bosworth Borough Council (HBBC) consider the Desford 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 and therefore not in conformity with Local Plan/Local Authority policies’
Silent	Strategic policies of the Local Plan are silent

NDP Policy	Most relevant section of the Core Strategy (2009)	Most relevant section of the Site Allocations and Development Management Policies DPD (2016)
Policy H1 – Settlement Boundary	Silent	DM4 – Safeguarding the Countryside and Settlement Separation. The policy is largely considered in general conformity with the strategic policies of the Local Plan.
Policy H2 – Residential Site Allocation	Silent	Silent
Policy H3 – Affordable Housing	Policy 15 – Affordable Housing The proposed priority of tenure types under this paragraph is contrary to the tenure split in adopted Local Plan policies, and is unjustified. The Core Strategy sets out the tenure split of affordable housing to be for 75% social rented housing (which now is replaced by affordable rented housing in the majority of cases) and 25% intermediate tenure, which includes all types of affordable home ownership products, but is still generally delivered as shared ownership. Therefore this policy is contradictory to Core Strategy policy 15.	Silent
Policy H4 – Housing Mix	Policy 16 – Housing Density, Mix and Design	Silent
Policy H5 – Windfall Site Development	Silent	Silent
Policy H6 – Housing Design	Policy 16 – Housing Density, Mix and Design	DM10 – Development and Design
Policy ENV1 – Protection of Local Green Space	Silent	Silent
Policy ENV2 – Protection of other sites and features of Environmental Significance	Silent	DM6 - Enhancement of Biodiversity and Geological Interest. The policy is largely considered in general conformity with the strategic policies of the Local Plan, however the Local Plan policy uses ‘conserve’ instead of ‘protect’ in its terminology.

NDP Policy	Most relevant section of the Core Strategy (2009)	Most relevant section of the Site Allocations and Development Management Policies DPD (2016)
Policy ENV3 – Biodiversity General	Silent	DM6 – Enhancement of Biodiversity and Geological Interest The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions, see policy comments above.
Policy ENV4 – Ridge and Furrow	Silent	Silent
Policy ENV5 – Local Heritage Assets	Silent	DM11 – Protecting and Enhancing the Historic Environment DM12 – Heritage Assets The policy is largely considered in general conformity with the strategic policies of the Local Plan.
Policy ENV6 – Safeguarding Important Views	Silent	DM4 – Safeguarding the Countryside and Settlement Separation. The policy is largely considered in general conformity with the strategic policies of the Local Plan.
Policy ENV7 – Renewable Energy Infrastructure	Silent	DM2 - Delivering Renewable Energy and Low Carbon Development The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions, see policy comments above.
Policy F1 – Retention of Existing Community Facilities	Policy 7 – Key Rural Centres The policy is largely considered in general conformity with the strategic policies of the Local Plan	DM25 – Community Facilities The policy is largely considered in general conformity with the strategic policies of the Local Plan
Policy F2 – New or Improved Community Facilities	Policy 7 – Key Rural Centres The policy is largely considered in general conformity with the strategic policies of the Local Plan	DM25 – Community Facilities The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions, see policy comments above.
Policy T1 – Traffic Management	Policy 8 – Key Rural Centres relating to Leicester. Policy 8 states: “To support the local services in Desford and ensure local people have access to a range of housing the council will: ... Support traffic management measures and additional car parking to encourage people to shop locally, improve Desford Village Centre and create a true centre for the village as supported by the Desford Parish Plan”. The policy in the NP generally aims to achieve the same outcomes as Core Strategy Policy 8, and therefore is in general conformity. However the policy does place further restrictions/criteria for development to comply with.	DM17 – Highways and Transportation Directly contradictory and therefore not in conformity with Local Plan/Local Authority policies. The policy has no regard and makes no reference to the most up to date guidance adopted by the relevant highways authority. Amendments could be made to rectify this. See policy comments above.
Policy T2 – Desford Railway Station	Policy 8 - Key Rural Centres Relating to Leicester Desford: “Safeguard land for the development of a new passenger railway station and associated car parking on the site the former station yard at Desford in case the National Forest line is re-opened to passenger facilities”. The NP policy is in general conformity with the Core Strategy.	Silent. However it is worth noting that on page 43 of the Site Allocations DPD, the Desford section states “Since the adoption of the Core Strategy, Leicestershire County Council conducted an Ivanhoe Line Stage II Scheme Re-appraisal which highlighted that the previously proposed Desford Railway Station would not be viable. As such, safeguarded land has not been taken forward through the Pre-Submission Site Allocations for a new passenger railway station in Desford”.
Policy T3 – Footpaths, Bridleways and Cycle Routes	Policy 8 - Key Rural Centres Relating to Leicester Desford: “Deliver safe cycle routes, as detailed in Policy 14 with particular focus on the routes from Desford to Sport in Desford and Bosworth College and to local employment at Caterpillar, Peckleton Common and Timkens.” The NP policy is in general conformity with the Core Strategy.	Silent
Policy T4 – Electric Vehicles	Silent	DM10 Development and Design. Criteria g states Developments will be permitted providing that the following requirements are met: “g) Where parking is to be provided charging points for electric or low emission vehicles

NDP Policy	Most relevant section of the Core Strategy (2009)	Most relevant section of the Site Allocations and Development Management Policies DPD (2016)
		<p>are included where feasible”.</p> <p>The NP policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions. The NP policy has more of a restrictive policy, where they ask for particular infrastructure for electric vehicle charging. Conformity could be improved with additional wording similar to the DM policy.</p>
Policy E1 – Existing Employment Use	<p>Policy 7 – Key Rural Centres</p> <p>Policy 7 states: “Ensure there is a range of employment opportunities within the Key Rural Centres. To support this, the enhancement of allocated employment sites in the Key Rural Centres will be supported, as will the development of employment uses including home working within the settlement boundary.”</p> <p>The policy is largely considered in general conformity with Policy 7.</p>	<p>DM19 – Existing Employment Sites.</p> <p>Similar to policy comments above, this policy is weaker than DM19. Therefore The NP policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.</p>
Policy E2 – Support for New Employment Opportunities	<p>Policy 7 – Key Rural Centres</p> <p>Policy 7 states: “Ensure there is a range of employment opportunities within the Key Rural Centres. To support this, the enhancement of allocated employment sites in the Key Rural Centres will be supported, as will the development of employment uses including home working within the settlement boundary.”</p> <p>The policy is largely considered in general conformity with Policy 7.</p>	<p>DM20 – Provision of Employment Sites</p> <p>The NP policy is vague and open to interpretation, and therefore is weaker than DM20. Therefore the NP policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.</p>
Policy E3 – Home Working	<p>Policy 7 – Key Rural Centres.</p> <p>Policy 7 states: “To support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the council will:… Ensure there is a range of employment opportunities within the Key Rural Centres. To support this, the enhancement of allocated employment sites in the Key Rural Centres will be supported, as will the development of employment uses including home working within the settlement boundary”.</p> <p>The NP policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions. The NP policy suggests that proposals for home working outside of the settlement boundary would be supported.</p>	Silent
Policy E4 – Farm Diversification	Silent	<p>DM5 – Enabling Rural Worker Accommodation</p> <p>DM15 – Redundant Rural Buildings</p> <p>The NP policy is too open, and is effectively allowing development in the countryside. The policies in HBBC’s Site Allocations and Development Management Policies DPD are stronger. Therefore the policy is not in conformity with Local Plan/Local Authority policies. Amendments may be may to increase it’s conformity however.</p>
Policy E5 – Tourism	<p>Policy 23 – Tourism Development</p> <p>The policy is largely considered in general conformity with Policy 23.</p>	<p>DM24 – Cultural and Tourism Facilities.</p> <p>The policy is largely considered in general conformity with DM24.</p>
Policy E6 – Mobile Phone and Broadband Infrastructure	Silent	<p>DM16 – Telecommunications</p> <p>The policy is largely considered in general conformity with DM16.</p>

6 Hinckley and Bosworth Borough Council's confirmation of the plan's SEA position



Hinckley & Bosworth
Borough Council

Desford Neighbourhood Plan

The Environmental Assessment of Plans and Programmes Regulations 2004

Screening determination notice under Regulation 9(1)

Regulation 9 of the above regulations requires Hinckley & Bosworth Borough Council (the 'responsible authority'), on behalf of Desford Parish Council (the 'responsible authority') to determine whether the Desford Neighbourhood Plan is likely to have significant environmental effects.

Hinckley & Bosworth Borough Council, following consultation with the Environment Agency, Natural England and Historic England, has determined that the Desford Neighbourhood Plan is likely to have significant environmental effects with particular regard to the Botcheston Bog (SSSI), and therefore, a Strategic Environmental Assessment (SEA) is required.

Historic England have noted that a lack of evidence has been provided in regards to the historic environment in the site assessments provided and as such the Strategic Environmental Assessment should also explore the potential environmental effect upon the Historic Environment. The local authority have considered this request carefully in discussion with Historic England and the Borough Council's Conservation Officer to identify whether the scope of the SEA should also include the Historic Environment and are of the opinion that there will not be a harmful impact on heritage assets. The Borough Council have determined that, although SEA Screening Opinion has not been informed by a site specific Heritage Impact Assessment, it would not be proportionate to request such an assessment for this site given that the potential for harmful impacts on heritage assets caused by its allocation (and future development) is minimal. Any potential effects on heritage assets would not be of a significant level to warrant consideration as part of a Strategic Environmental Assessment.

This notice fulfils the publicity requirements in accordance with Regulations 11(1) and 11(2).

A copy of this screening opinion and the associated screening report will be available on the council's website (Neighbourhood Planning webpage) or can be viewed during normal opening hours at:

Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

For further information, please email planningpolicy@hinckley-bosworth.gov.uk

Following this Desford Neighbourhood Plan group sought the help of Locality through the technical support funding package. AECOM Ltd were appointed to undertake the SEA, which included the production of a scoping report and full Environmental Report document.

The full Environmental Report was received on 17 October 2019, and can be viewed on the Council's website.

The SEA Environmental Report contains a set of recommendations “*to enhance the positive effects of the plan, and mitigate any negatives*”¹. These recommendations can be found in table 1 of the Environmental Report.

Following the completion of the SEA report, Desford were required to consult on the report and the amended plan, before submission to the LPA. Desford Parish Council chose to run a consultation for three weeks, closing on the 23rd December 2019. Due to the ‘focused nature’ of the consultation, and due to the consultation period being three weeks only, HBBC focussed the representations on the recommendations listed in the SEA document (and the associated policies), and the suggested amendments to the plan following those recommendations. HBBC informed Desford that the specific content and policy comments on the entire plan, including comments from other Development Services colleagues, were given at Regulation 14 stage, and will be updated and enhanced at the Regulation 16 Submission Consultation.

The comments provided to Desford on the 22nd November 2019 can be found on the following pages. Of particular note is HBBC's concerns listed at the bottom of Table 2, with regards to consultation procedure.

¹ Strategic Environmental Assessment for Desford Neighbourhood Plan – Environmental Report, October 2019

Hinckley and Bosworth Borough Council Consultation Response to the Desford Neighbourhood Plan Consultation, 22 November 2019 as follows:



Hinckley & Bosworth
Borough Council

"DES福德 PARISH NEIGHBOURHOOD PLAN

The Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 13: Consultation following a Strategic Environmental Assessment"

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).

Points (f) and (g) above relate 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.

These representations are on behalf of Hinckley & Bosworth Borough Council (HBBC) in direct response to the extra consultation being ran by Desford Parish Council, following the receipt of a Strategic Environmental Assessment (SEA) 'Environmental Report'.

HBBC have previously submitted representations to Desford Neighbourhood Plan's Regulation 14 consultation. These can be found at Appendix 1.

The Strategic Environmental Assessment Screening was undertaken in November 2018. In accordance with Regulation 9 of the SEA Regulations 2004, HBBC as the determining authority had to consider whether an environmental assessment of the emerging Desford Neighbourhood Development Plan was required. HBBC had regard to Desford's SEA Screening Report, and completed a six week consultation with the three statutory consultation bodies; Environment Agency, Natural England and Historic England.

Following this consultation, and the responses received, HBBC as the determining body, had concluded that the Desford Neighbourhood Plan should complete a full SEA, the determination notice can be found at Appendix 2. Following this Desford Neighbourhood Plan group sought the help of Locality through the technical support funding package. AECOM were appointed to undertake the SEA, which included the production of a scoping report and full Environmental Report document. The full Environmental Report was received on 17 October 2019.

The SEA Environmental Report contains a set of recommendations "*to enhance the positive effects of the plan, and mitigate any negatives*"². These recommendations can be found in table 1 of the Environmental Report.

Due to the 'focused nature' of the consultation, and due to the consultation period being three weeks only, HBBC are going to focus these representations on the recommendations listed in the SEA document (and the associated policies), and the suggested amendments to the plan following those recommendations. The specific content and policy comments on the entire plan, including comments from other Development Services colleagues, have been given at Regulation 14 stage, and will be updated and enhanced at the Regulation 16 Submission Consultation. More general comments on the usability of the plan can be found in table 2.

Appended to these representations is also correspondence with Desford Neighbourhood Plan group, and Desford Parish Council, prior to this focused consultation, see Appendix 3. This letter, dated 31st July 2019, outlines HBBC's concerns around consultation procedures for the SEA and the plan, and whether Desford NP was meeting the requirements of Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 and Regulation 14 of The Neighbourhood Planning (General) Regulations 2004. This letter also had appended previous advice from the 22nd May 2019, and the 24th July 2019.

HBBC also sent a follow up advice note to Desford NDP group on 26th September 2019, see Appendix 4, which contained some 'next steps' guidance for the consultation. These comments should be considered by the Examiner, as they outline the progress of the neighbourhood plan and SEA throughout 2019. Therefore all official HBBC guidance/representations will be submitted at Submission stage, including:

² Strategic Environmental Assessment for Desford Neighbourhood Plan – Environmental Report, October 2019

- HBBC Regulation 14 Representations (Appendix 1)
- Advice/guidance provided in between the Regulation 14 consultation, and Submission
- These representations for the extra consultation following receipt of the SEA

Comments are intended to be guidance based on national and local policy and any legislation associated with neighbourhood plans. This advice aims to address whether the plan, in its final form, is contributing to sustainable development and has been prepared positively and in line with the regulations. Not only this, but it is key for HBBC to ensure that the policies in their final form are workable and can be implemented to their full effect in both planning applications and in the preparation of the Local Plan Review.

HBBC Comments on the proposed changes to the Desford Neighbourhood Plan following the receipt of the SEA Environmental Report

Desford Neighbourhood Plan group have produced a ‘modifications table’, which highlights the recommendations listed in paragraph 5.12. The group have suggested amendments to the plan following these recommendations, and these are the subject of HBBC’s comments in Table 1 below.

Table 1: HBBC’s comments on Desford’s suggested amendments to the plan, following the SEA recommendations.

SEA mitigation	Proposed Recommendation to DPC	HBBC Comments November 2019
<p>Policy H1 currently seeks to exclude small scale leisure or tourism activities and other forms of commercial/employment appropriate to the countryside outside or adjacent to the settlement boundary which is inconsistent with the provisions as set in Policy E2.</p>	<p>Agree and amend Policy H1 accordingly</p>	<p>Without knowing fully what the amendments will entail, HBBC does support the re-evaluation of Policy H1.</p> <p>Any comments still outstanding from HBBC’s Regulation 14 comments still apply.</p> <p>HBBC will support consistency between the two policies.</p> <p>Will the amendments to Policy H1 mean that small scale leisure or tourism activities will be supported outside the settlement boundary? Or will the amendments be made to E2 to remove reference to small scale leisure or tourism activities.</p> <p>HBBC will encourage Policy H1 to be consistent with the Site Allocations and Development Management Policies (2016), Policy DM4, in which it states: “Development in the Countryside will be considered sustainable where: a) It is for outdoor sport or recreation purposes (including ancillary</p>

SEA mitigation	Proposed Recommendation to DPC	HBBC Comments November 2019
		<p>buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries...”</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>Policy H2 could seek to encourage some mix of uses on site in response to identified local needs while still seek to provide the level and nature of residential growth outlined. As a site specific policy it is recommended that the policy makes it clear that proposals for the site are subject to other relevant policies of the plan in particular Policy H6 including matters relating to landscape character and biodiversity</p> <p>It is recommended for Policy H2 criteria (I) <i>Other financial contributions</i>Delete at full planning application stage as financial contributions requirements are not limited to full planning applications.</p>	<p>Noted: include in narrative, as some examiners have excluded such wording in the policies themselves.</p> <p>Agreed: the words will be deleted.</p>	<p>HBBC would like to see it made clear in the plan, that provision is partly determined by local need. Agreed, with regards to the housing allocation policy section, it needs to be clear that proposals for the site are subject to other relevant policies of the plan.</p> <p>HBBC would encourage the deletion of “at full planning application stage”, as agreed, financial contributions are not limited to Full Applications.</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>Consider the inclusion of policy which seeks to encourage renewable energy infrastructure</p>	<p>No sites came forward in the call-for-sites exercise and it is difficult to see such sites arising in Desford, but a statement of support for any suitable site will be included in the narrative.</p>	<p>From the lack of evidence on renewable energy provided with the plan, I’m not sure how accurate it is to state that <i>“it is difficult to see such sites arising in Desford”</i>.</p> <p>Did the call for sites ask for sites for renewable energy infrastructure? I believe Desford didn’t undertake their own call for sites, and used the sites submitted through HBBC’s three call for sites between 2014 and 2018. HBBC’s call for sites form does not ask for these types of sites, and therefore you cannot expect submissions for renewable energy sites.</p> <p>HBBC would encourage the inclusion of a renewable energy policy as long as it is in line with any applicable local and national policy.</p> <p>Once full wording has been provided in the final Submission Version of the</p>

SEA mitigation	Proposed Recommendation to DPC	HBBC Comments November 2019
		plan HBBC will provide full comments if applicable.
<p>Policy H5/supporting text - It is recommended that it may be beneficial to identify the likely amount of anticipated windfall development that is anticipated to come forward during the plan period.</p>	<p>Agreed: we will make such a statement in the supporting narrative.</p>	<p>Agreed, this will show an indicative projection over the course of the plan period, and how many windfall dwellings you could expect to see come forward. Of course future delivery is subject to many external considerations, including the market.</p> <p>You have some text on application approvals and the subsequent dwelling numbers on page 17. You have also referenced Historical Land Registry data on page 16, where you state 5 dwellings per annum have been provided by windfall sites. Is this data local and accurate? From HBBC numbers you should be able to work out windfall from 2016 to now, and project forward.</p> <p>The NPPF para 70 gives guidance on windfall assessments: <i>'Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'</i></p> <p>Its also important that in assuming that windfalls will continue to come forward based on past trends, there are no policies in the plan which would impact/restrict those sites coming forward in the future. If there are the windfall rate should be reassessed accordingly.</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>Policy ENV 5: Consider an amendment that replaces <i>building or structure</i> to heritage asset in recognition that such assets can include landscape.</p>	<p>Agreed: the change will be made</p>	<p>Agree to the change of 'building or structure' to 'heritage asset'.</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>For clarity the table of heritages assets</p>	<p>Every listed asset is a non-</p>	<p>From reviewing the list, it appears that the NDP states that it lists designated</p>

SEA mitigation	Proposed Recommendation to DPC	HBBC Comments November 2019
<p>provided at page 40 could identify those assets which are designated heritage assets and those which are non-designated heritage assts.</p>	<p>designated heritage asset</p>	<p>heritage assets, but it doesn't actually seem to do so.</p> <p>Therefore agree with SEA recommendation. For clarity, you could add the designated assets to the table as well, and add another column to identify if it is nationally/locally recognised and a designated asset, or whether it has been identified through the Neighbourhood Plan process as a non-designated asset.</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>Policy ENV 6: Consider the inclusion of the following: development shall be designed to sustain significant views that contribute to the character and appearance of the area.</p>	<p>Agreed. The recommended change will be made.</p>	<p>Agree to the suggested changes. Our previous comments at Regulation 14 still apply however, as below:</p> <p><i>“Figure 12 on page 42 – the symbols could be misleading, for example the extent of the symbols reaching out only so far could mean the important view stops where the symbol stops. Are the views looking inwards to the village, or are they looking outwards towards the countryside? This map could be interpreted in a very different way than intended, explain the map and symbols. Or you could change the symbols or reflect the extent of the view in a clearer way, just be wary of the way a developer could interpret this map.”</i></p> <p>From Figure 12 which accompanies the policy, it is difficult to interpret what the significant views actually include, and what the 'character and appearance of the area' consists of.</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>Policy ENV 7: For Wind Turbine and Large-scale solar energy generation developments seek to clarify that such proposals are subject to considerations of the rest of ENV 7 and other relevant policies in the plan.</p>	<p>We will address this in the supporting narrative, because of previous experience of examinations and Examiners' decisions</p>	<p>Agree, the second half of the policy relating to proposals for wind turbines and large scale solar should also have to comply with criteria a-d in the first half of the policy.</p> <p>Many of our comments from Regulation 14 still apply, as below:</p> <p><i>“Criteria a states “adverse impact on... wellbeing...” What do you mean by wellbeing? Very subjective and different for everyone.</i></p>

SEA mitigation	Proposed Recommendation to DPC	HBBC Comments November 2019
		<p><i>Second para beginning “Developers will be responsible for...” can’t be asked for in policy, and should be removed, or moved to the supporting text.</i></p> <p><i>Third para highlights that wind turbine development proposals will be generally acceptable if the turbine tip height is less than 50 metres, and the proposal is for no more than one turbine. Why? Why these criteria?</i></p> <p><i>The policy also lists “The land is also used for other purposes” – this is not always possible, remove or amend. “Low-level noise generated does not interfere with residential homes” – again this is repetition throughout the document of impacts on amenity Please review.</i></p> <p><i>The policy states “Large scale solar energy generation development proposals will...” How big is large scale? Subjective term.”</i></p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>Policy ENV 3: Consider the inclusion of: Work constructively with other organisations to seek to consider the possibility of installing major solar facilities.</p>	<p>This is more of a Community Action than a policy, and we will address it in the supporting narrative.</p>	<p>I presume this recommendation in the SEA is referring to Policy ENV7, and Community Action ENV3? If so, agree to the inclusion of this as a Community Action, possibly included within Community Action ENV3. Ensure that all Community Actions are monitored as you would with actual Policies so that you can report on their progress and efficiency for Parish Council use, and for future reviews of the plan.</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable.</p>
<p>Policy E2: Consider the inclusion of: or on areas of previously developed land in sustainable locations.</p>	<p>Agreed. The recommended change will be made.</p>	<p>Agree the inclusion of sustainable ‘brownfield land’ in this policy</p> <p>Once full wording has been provided in the final Submission Version of the plan HBBC will provide full comments if applicable..</p>

Comments on the plan and general observations

Following on from the comments regarding the SEA's recommendations and Desford's response, it is pertinent to offer some overall comments regarding the plan, and some of the changes that have been made since the Regulation 14 stage. At this stage, the Council will refrain on commenting on every policy and it's supporting text, however below are some general comments on the practicalities of using the plan, and some key elements that will help the plan become more usable.

Table 2: General comments relating to the plan at this stage.

Page Number/Policy Number/Topic	Comments November 2019
General comment	Ensure the whole plan and it's policies complies with the National Planning Policy Framework 2019 , of which the newest version is February 2019. There have also been various amendments to the National Planning Practice Guidance, of which you can cross-reference to your plan.
Pages 7, 8, 9	Again comment still stands from Regulation 14, as follows: <i>"Cut down the information on the census, and only leave in the essential information needed for context and for the policies in this plan. Potentially put into a tabular format for easy reading. Any extra information not vital to the plan can be placed in a topic paper or briefing note in the additional information/appendices."</i>
Page 18 & 19 – Settlement Boundary	Again comment still stands from Regulation 14, as follows: <i>"Expand on how you've extended the settlement boundary. As highlighted by a neighbourhood plan examiner in recent examinations, Neighbourhood Plans must clearly set out where settlement boundaries have changed and how. Perhaps highlighting what methodology was used to determine the new boundary. See HBBC's Settlement Boundary Revision Topic Paper as an example methodology"</i>
Page 19 – Figure 2	Again, figure 2 Settlement Boundary map – would be useful having this as a full page landscape map to see intricacies of the settlement boundary. Alternatively you can include a A4 landscape map as part of the appendices potentially. Or a high resolution version available on the website.
Page 19 – Housing allocations	Please ensure that the text reflects what sites have been included as part of the assessment, and which have been excluded. The table below shows this accurately, as agreed with a member of the group, and can be inserted into the plan itself, or incorporated into the current supporting text. The table is clear in that sites submitted to HBBC during 2019 (and not submitted directly to the group) won't be available until the Council's updated SHELAA review is made available later in 2019. Therefore these sites won't be included in this version of the Neighbourhood Plan, but will be looked at as part of any future review of the plan.

Page Number/Policy Number/Topic	Comments November 2019						
	<table border="1" data-bbox="488 296 1124 865"> <tr> <td data-bbox="488 296 1124 363">Sites Included</td> </tr> <tr> <td data-bbox="488 363 1124 427">HBBC SHELAA sites 2014</td> </tr> <tr> <td data-bbox="488 427 1124 491">HBBC SHELAA sites 2017/18</td> </tr> <tr> <td data-bbox="488 491 1124 627">Sites submitted directly to Desford Neighbourhood Plan Group during the Regulation 14 consultation Nov 2018 – Jan 2019.</td> </tr> <tr> <td data-bbox="488 627 1124 691">Sites excluded</td> </tr> <tr> <td data-bbox="488 691 1124 865">Sites submitted to HBBC January 2019 onwards, that were not submitted directly to the Neighbourhood Plan group. These will be looked at as part of any future review of the plan.</td> </tr> </table> <p data-bbox="488 898 2058 991">Last para of page 18 states that the completion of the SSA process meant you are allocating Barns Way for resi development. This process also allowed you to have a list of 'reserve sites' or other alternative sites for if the Barns Way site wasn't to come forward for any reason.</p> <p data-bbox="488 1023 2058 1142">Reserve sites also allow you to have a say in what sites may be allocated in the future if a larger housing need is determined. Reserve sites give the Local Authority a good idea of what sites the NDP have assessed as good alternative sites, and this would come into consideration when/if allocating through the Local Plan process if a higher need is determined. What are your thoughts on identifying reserve sites to help cater for potential future growth, and help in the instance of a future review of the NDP.</p>	Sites Included	HBBC SHELAA sites 2014	HBBC SHELAA sites 2017/18	Sites submitted directly to Desford Neighbourhood Plan Group during the Regulation 14 consultation Nov 2018 – Jan 2019.	Sites excluded	Sites submitted to HBBC January 2019 onwards, that were not submitted directly to the Neighbourhood Plan group. These will be looked at as part of any future review of the plan.
Sites Included							
HBBC SHELAA sites 2014							
HBBC SHELAA sites 2017/18							
Sites submitted directly to Desford Neighbourhood Plan Group during the Regulation 14 consultation Nov 2018 – Jan 2019.							
Sites excluded							
Sites submitted to HBBC January 2019 onwards, that were not submitted directly to the Neighbourhood Plan group. These will be looked at as part of any future review of the plan.							
Page 19, SSA and methodology	<p data-bbox="488 1177 2058 1209">Make clear what the SSA process actually is. Is it a Sustainability Appraisal, or is it a SHLAA, or is it neither?</p> <p data-bbox="488 1241 2058 1273">My colleague Helen Nightingale provided comments on the SSA methodology at Regulation 14.</p> <p data-bbox="488 1305 2058 1337">Of particular importance to the SSA, is the following comment:</p> <p data-bbox="488 1361 2058 1388"><i>"In your methodology you need to show in an appendix or footnote on how you have scored against each category as you would</i></p>						

Page Number/Policy Number/Topic	Comments November 2019
	<i>have needed a consistent approach from all site assessors (a crib sheet), assuming you didn't just use one assessor. By showing your workings and evidence also removes the probability of challenges from developers, particularly regarding those criterion relating to heritage assets, protected species, highway matters, landscape issues, drainage and contamination, by demonstrating it's a local evaluation rather than a professional assessment."</i>
Page 21 – Figure 3	Zoomed in site location map would be useful here, as village map has been provided earlier in the form of the Settlement Boundary map.
Page 31 – Local Green Spaces	Table with Local Green Space info and scoring could be turned landscape to fit on the page better. This way you could also include the photograph next to the info rather than below, or you could include the photographs separate to the table.
Page 33 – Figure 7	<p>Comment still applies from Regulation 14 as follows:</p> <p><i>"BAP Species locations have been identified on Figure 7. Check with Leicestershire County Council Ecology Department that this map does not breach data confidentiality as some BAP species are protected and their locations should not be disclosed to the public. From recent advice I believe that rough locations of Badger setts and birds is reasonable to disclose, however it is always worth checking before the final plan is prepared."</i></p> <p>Figure 7 is also quite a small zoomed out map, and it is difficult to interpret details from it. You could have this map as a full A4 landscape map in the plan, and/or have a high resolution version available on the website, and/or as an appendix.</p>
Page 60 – Monitoring	Again, this section needs to be clear and concise, especially with the government's increased pressure on the Housing Delivery Test the 5 year supply, and the continual review of plans. The monitoring and review of the plan is especially important as the Local Plan Review is advancing through the process.
General comments on the consultation process	<p>Firstly, HBBC have concerns over Desford calling this consultation a 'Regulation 13' consultation. I believe they are calling this a Reg 13 consultation on a public notice, although this hasn't been made available on the website. Previous advice on this to Desford (Appendix 4) was as follows:</p> <p><i>"The consultation you'll be running at this stage is, for want of a better phrase, a Regulation 14 Part Two, as generally you'll be consulting on the draft plan as you did back in January 2019, but this time with the added SEA report and extra site assessments. I would steer clear of calling it a Regulation 13 consultation, as 'Reg 13' refers to a different set of regulations i.e. the Environmental Assessment of Plans and Programmes 2004, separate to the Neighbourhood Planning (General) Regulations 2012.</i></p> <p><i>Running this consultation including consulting on the SEA Environmental Report shows how you plan to meet Regulation 13 of the Environmental Assessment of Plans and Programmes 2004 regulations.</i></p>

Page Number/Policy Number/Topic	Comments November 2019
	<p data-bbox="483 268 2002 325"><i>With this being said, we would recommend the Parish Council/Neighbourhood Plan Group runs this consultation the same as the Reg 14 consultation in January 2019, including consulting the same people.”</i></p> <p data-bbox="483 363 2033 512">Secondly, it is apparent throughout various pieces of guidance that the reason why the SEA Environmental Report is required to be consulted on at Regulation 14 (rather than Regulation 16 Submission), is that there is a need to demonstrate that the SEA has influenced the plan’s development, and the plan and it’s policies have been amended in line with the SEA’s recommendations. The version of the plan published alongside the SEA for this consultation has not been amended to reflect the changes recommended in the SEA report.</p> <p data-bbox="483 550 2045 727">However as a compromise, Desford have published a mitigation/modifications table at the request of HBBC, to ensure the public and stakeholders have a chance to see, to a certain extent, how the production of this SEA will affect the plan before submission. You can clearly see which policies will be changing as a result of the SEA outcomes, however with the lack of specifics in Desford’s responses, it’s difficult to determine whether this is sufficient to show how and to what extent they plan to meet these outcomes in the SEA. Until a fully amended plan is available at Submission, HBBC cannot submit appropriate detailed comments on the amended policies.</p> <p data-bbox="483 766 2033 975">It is also worth noting, and as can be seen throughout our previous advice to Desford in the various appendices, there were a few other outstanding issues that needed to be addressed by holding another consultation in particular the extra/amended site assessments. Therefore the Borough Council believed it would be beneficial and appropriate to run the consultation as a second Regulation 14 consultation, asking for comments on the whole suite of documents (i.e. the amended draft plan, the SEA report, the updated site assessment information, and all associated appendices and supporting documents). If consulting on numerous documents it would be appropriate for the time period for comments to be six weeks, as is required at Regulation 14. The full extent of HBBC’s advice to Desford prior to this consultation can be found at Appendices 1, 3 and 4.</p> <p data-bbox="483 1013 2033 1157">As the SEA recommendations are limited, the SEA process has now concluded, and this part of the process is ran by the Qualifying Body, the Local Planning Authority the Local Planning Authority advised that it was for the group to determine how and what they were going to consult on at this stage. Going forward it is for the Qualifying Body to state in their Consultation Statement how they have followed consultation procedure, and the public and stakeholders have been given sufficient time to comment on the plans progression at each stage.</p>

January 2019



Hinckley & Bosworth
Borough Council

Hinckley and Bosworth Borough Council Consultation Response to the Desford Neighbourhood Plan Pre-Submission Draft (Regulation 14)

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).

This consultation response aims to highlight where policies of the Desford NDP require modification in order to be in full conformity with the basic conditions.

Points (f) and (g) above relate 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. Desford NDP have undertaken a screening and have determined a full SEA will be completed to comply with this basic condition.

Comments are provided below on the NDP policies which aim to ensure that the policies in their final form are workable and can be implemented to their full effect, ensuring that they contribute to the achievement of sustainable development.

Planning Policy, Development Management and Strategic Housing and Enabling Officer's comments – January 2019

Policy reference / Page number	HBBC comments																																												
Pages 7, 8 and 9	Cut down the information on the census, and only leave in the essential information needed for the policies in this plan. Potentially put into a tabular format for easy reading. Any extra information not vital to the plan can be placed in a topic paper or briefing note in the additional information/appendices.																																												
Page 14	<p>First para, second sentence reads “HBBC has ascertained it to be in the High/Medium range of Market Interest from developers...”.</p> <p>In the HBBC Strategic Housing and Economic Land Availability Assessment methodology Desford is listed as a Key Rural Centre (as per the Core Strategy), and therefore ‘High’ market interest for housing development, as below:</p> <table border="1" data-bbox="478 913 1364 1451"> <thead> <tr> <th rowspan="2">Settlement</th> <th colspan="4">Market Interest</th> </tr> <tr> <th>Housing</th> <th>Residential Institutions (C2)</th> <th>Employment (B1, B2, B8)</th> <th>Leisure Uses (D2)</th> </tr> </thead> <tbody> <tr> <td>Hinckley</td> <td>High/Medium</td> <td>Unknown</td> <td>High</td> <td>High</td> </tr> <tr> <td>Burbage</td> <td>High</td> <td>Unknown</td> <td>High</td> <td>High</td> </tr> <tr> <td>Barwell (not inc SUEs)</td> <td>Medium/Low</td> <td>Unknown</td> <td>Low</td> <td>High</td> </tr> <tr> <td>Earl Shilton (not inc SUEs)</td> <td>Medium/Low</td> <td>Unknown</td> <td>Low</td> <td>High</td> </tr> <tr> <td>Key Rural Centres</td> <td>High</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> <tr> <td>Rural Villages</td> <td>Medium</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> <tr> <td>Rural Hamlets</td> <td>Medium</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> </tbody> </table>	Settlement	Market Interest				Housing	Residential Institutions (C2)	Employment (B1, B2, B8)	Leisure Uses (D2)	Hinckley	High/Medium	Unknown	High	High	Burbage	High	Unknown	High	High	Barwell (not inc SUEs)	Medium/Low	Unknown	Low	High	Earl Shilton (not inc SUEs)	Medium/Low	Unknown	Low	High	Key Rural Centres	High	Unknown	Low	Low	Rural Villages	Medium	Unknown	Low	Low	Rural Hamlets	Medium	Unknown	Low	Low
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Page 15	The second to last para on page 15 states “Historical Land Registry data suggests that about 5 dwellings per annum have been provided by windfall sites in the parish and this delivery mechanism is expected to yield a similar result over the seventeen years of this plan.” As discussed in a meeting with Desford and Your Locale (Fri 4 January 2019) colleagues at HBBC will be doing calculations on historical delivery of housing and commitments/completions, and whether this is expected to carry on in the future. HBBC will be in contact with Desford NDP group regarding this in the near future.																																												
Page 16, 1 st para	<p>1st line states “...and the Local Enterprise Partnership (LEP) have commissioned a Housing and Economic Development Needs Assessment...”. This is a completed document, re-word to reflect this.</p> <p>“...a non-statutory growth plan for Leicester and Leicestershire...” – give this it’s full title as it is now a completed plan: ‘Strategic Growth Plan Leicester and Leicestershire’.</p>																																												

	<p>‘Leicester Housing Market Assessment (2017)’ - Page 16 1st para. What document is this referring to? Is it the Leicester & Leicestershire Housing and Economic Development Needs Assessment or a different document? It is acknowledged that Leicester City will likely have unmet housing need, but this isn’t a document that I recognise. Re-consider this, as this reference isn’t clear.</p> <p>Also as referred to below the HEDNA is now not the most up to date evidence on housing need and the plan should now refer to the standard methodology and the housing delivery test.</p>
<p>Page 16, 2nd para</p>	<p>The 2nd para on page 16 which starts ‘The consultation version of the new HBBC local plan uses the HEDNA report as its base for calculating need’ needs to be redrafted as it is currently confusing and a little misleading.</p> <p>Firstly it is unclear what this sentence is referring to: ‘consultation version of the new HBBC local plan uses the HEDNA report as its base for calculating need’. The borough have not established a housing need for its emerging local plan; the latest consultation documents have been looking at the strategy for housing growth, and are not in a position to determine housing need as yet.</p> <p>In any event the HEDNA is now out of date in terms of calculating housing need as the Government have set out the standard methodology approach to housing need. Using the standard method (using 2014 based projections) gives the borough a housing need of around 473 dwellings per year. The minimum figure of 163 dwellings <u>has not been agreed with the borough council</u>. The borough were asked to provide a figure for the purposes of the Desford NDP as requested by the NDP group, in relation to NPPF (2018) para 66. A heavily caveated draft figure was provided however this should not be seen as an agreed figure – this is clear in the briefing note provided to the NDP group (appendix 1 of this report). It is unlikely that the borough will be able to set out a reliable figure for NDPs until:</p> <ul style="list-style-type: none"> • the outcomes of the government consultation on the standard methodology is complete; • the level of unmet need arising from Leicester which may need to be accommodated in the borough is better understood; and • a strategy for housing growth for the borough is established through the emerging local plan. <p>I would advise the para is rewritten to be clearer on the current position as explained above. A suggested wording could be as follows:</p> <p>‘The Government have recently introduced the Standard Methodology for assessing housing need. This currently gives the borough an annual housing need of around 473 dwellings per year (or 9,460 dwellings between 2016 and 2036). However in advance of the Hinckley and Bosworth Local Plan there are uncertainties in establishing housing requirement figures for Neighbourhood Plans. A draft indicative figure of 163 dwellings over the period 2016-2036 was provided by the borough. It is acknowledged that this is a draft figure at this time and the full scale</p>

	<p>of housing requirement which may need to be accommodated in the area covered by the Desford NDP over the period 2016-2036 will only be fully established once the Hinckley and Bosworth Local Plan Review has reached a sufficiently advanced stage. In the meantime a guide figure of a minimum of 163 dwellings will be used for the neighbourhood plan.</p> <p>A review of the neighbourhood plan may be necessary if it is not sufficiently flexible to respond to a changing housing requirement established through the borough wide local plan.'</p>
<p>Page 17</p>	<p>Expand on how you've extended the settlement boundary. As highlighted by a neighbourhood plan examiner in recent examinations, Neighbourhood Plans must clearly set out where settlement boundaries have changed and how. Perhaps highlighting what methodology was used to determine the new boundary. See HBBC's Settlement Boundary Revision Topic Paper as an example methodology.</p>
<p>Policy H1, page 17</p>	<p>Change terminology to 'settlement boundary' in this policy and throughout document – keep consistent to avoid confusion.</p> <p>What do you mean by "new sporting or recreational facilities <u>close or adjacent</u> to the Settlement Boundary" ? The word 'close' would be a hard point to argue. How close is close – close could mean 5 metres or 5km.</p> <p>What do you mean by "where they respect the shape and form of Desford". What is the 'shape and form' of Desford? Suggest re-wording to 'character'.</p>
<p>Page 18, figure 2</p>	<p>Figure 2 Settlement Boundary map – would be useful having this as a full page landscape map to see intricacies of the settlement boundary.</p>
<p>Page 18, 2nd para</p>	<p>As the HBBC Strategic Housing and Economic Land Availability Assessment (SHELAA) was only published in December 2018, I presume the Desford NDP assessed the sites that were in the 2014 SHLAA. The 2nd para states "As HBBC recently completed a call for sites and a SHELAA evaluation report (of both housing and economic development sites) in spring 2018..."</p> <p>I suggest re-wording to the following: "HBBC completed three call-for-sites between 2016 and 2018. As a result of these call-for-sites the SHELAA was published in December 2018. Due to the timing of the publication of the SHELAA and the Neighbourhood Plan wanting to progress to site assessment stage, the Desford Neighbourhood Plan group agreed to assess the fifteen potential sites that had come forward for the 2014 SHLAA. Site assessment work was undertaken in [<i>insert month and year</i>] (Appendix D2)"</p> <p>The wording above will then make it clear where the sites have come from, and why you are only assessing those sites, as apposed to sites that have come forward since then in further HBBC call for sites.</p>

<p>Page 18, 4th para</p>	<p>Last para of page 18 states that the completion of the SSA process meant you are allocating Barns Way for resi development. This process also allowed you to have a list of ‘reserve sites’ or other alternative sites for if the Barns Way site wasn’t to come forward for any reason.</p> <p>Reserve sites also allow you to have a say in what sites may be allocated in the future if a larger housing need is determined. Reserve sites give the Local Authority a good idea of what sites the NDP have assessed as good alternative sites, and this would come into consideration when/if allocating through the Local Plan process if a higher need is determined. What are your thoughts on identifying reserve sites to help cater for potential future growth, and help in the instance of a future review of the NDP.</p>
<p>Page 18 and SSA methodology.</p>	<p>Make clear what the SSA process actually is. Is it a Sustainability Appraisal, or is it a SHLAA, or is it neither? Helen Nightingale, Principal Planning Officer (Major Projects), has provided comments on this separate to this report, these will be sent alongside this report during Regulation 14 Pre-submission consultation.</p> <p>To go alongside this, HN also provided the following comments:</p> <p>In your methodology you need to show in an appendix or footnote on how you have scored against each category as you would have needed a consistent approach from all site assessors (a crib sheet), assuming you didn’t just use one assessor. By showing your workings and evidence also removes the probability of challenges from developers, particularly regarding those criterion relating to heritage assets, protected species, highway matters, landscape issues, drainage and contamination, by demonstrating it’s a local evaluation rather than a professional assessment.</p>
<p>Policy H2, page 19</p>	<p>Re-word policy to state “a minimum of 70 dwellings” – best practice.</p> <p>Criteria a – this is in line with HBBC Local Plan Policy (Core Strategy Policy 15), so is this needed in the NDP policy? Suggest removing as it’s a duplication of current policy.</p> <p>Criteria d and e - these are optional requirements in the 2016 Building Regulations, therefore it would be unreasonable to ask for this in a policy, and developers may challenge this.</p> <ul style="list-style-type: none"> • M4 (2) – Accessible adaptable dwellings • M4 (3) – Wheelchair user dwellings • In the Building Regulations it states “The provisions of Section (X) apply only where a planning condition requires compliance with optional requirement M4 (2) / M4 (3)...” <p>My Community states “It is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development.”</p> <p>Suggest moving these criteria to the supporting text, and change</p>

	<p>wording to “the provision of X will be encouraged”. Make sure this well evidenced and/or cross reference; is there a demand/need for these types of homes, if so, how does this equate to 5% of 100 dwellings for each type?</p> <p>Reference optional technical housing standards, adaptable standards and Design for Life criteria.</p> <p>The NPPG states:</p> <p>“Can local planning authorities require accessibility, adaptability and wheelchair standards in new dwellings? The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.</p> <p>Paragraph: 005 Reference ID: 56-005-20150327. Revision date: 27 03 2015”</p>
	<p>Criteria g – Comments from the Strategic Housing and Enabling Officer, Valerie Bunting. Where you refer to discounted market housing, could you please qualify this, either by stating “available in perpetuity” or by “as set out in NPPF as affordable housing”. Straight discounted open market sale for the first sale only is not an affordable housing product and therefore will not meet the affordable housing obligation.</p>
	<p>Criteria h – this is a statement and not needed in policy. Please remove.</p>
	<p>Criteria j – Have you spoken to the County Council/Highways regarding this? Have they had an input into this part of the Policy? If so, evidence would be required. This does not need to be a policy requirement, as adequate access provision is discussed at application stage with the Highways authorities. Policy can’t suggest a location for new infrastructure as this is the highways authority’s job to determine.</p>
	<p>Criteria k – “Priority will be given to dwellings of 3 bedrooms or fewer”. Why? What evidence supports this? Not a flexible criteria. Move to Housing Mix, so that the requirement applies to all development proposals, not just the housing allocation Policy H2. Refer to the HEDNA.</p>

	<p>Criteria l – This is a statement and not needed in Policy, please remove. I would suggest instead including supporting text with a list of community priorities for infrastructure provisions/community facilities for which developer contributions are required or could be delivered by other funding streams. This could take the form of a ‘Community Action’. This will then cover any development sites that come forward, not just your housing allocation at Barns Way.</p> <p>My Community suggests wording along the lines of:</p> <ul style="list-style-type: none"> • “Financial contributions will be required, as appropriate, from each developer to mitigate the impact of the development on essential infrastructure such as ...” • “Financial contributions will be required, as appropriate, from each developer to fund additional services within the village (list services), in line with ...” • “Community priorities for financial contributions towards local facilities as a result of new development include...” • Remember it is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development. <p>Criteria m – Can’t ask for this in policy, please remove.</p>
<p>Page 20, figure 3</p>	<p>Residential allocation map – a zoomed in map of the site would be welcomed, there’s already a map of the village as a whole earlier in the document.</p>
<p>Page 21</p>	<p>Comments from the Strategic Housing and Enabling Officer, Valerie Bunting.</p> <p>Paragraph 2 on page 21 concerns me. I’m not sure in any case whether a Neighbourhood Plan can properly stray into the territory of allocation of existing affordable housing. In any case, I think there are problems with saying that <i>“the solution is to agree a local connection policy within the Neighbourhood Plan. This will apply to the affordable residential units of all tenures developed in the Parish, as well as for social and affordable rented re-lets in the Parish.”</i></p> <p>The council has statutory duties relating to the allocation of affordable housing, which include a requirement to consider people in the “reasonable preference” categories. Ring fencing every vacancy for a local connection in the first instance would leave us open to challenge as not meeting our statutory duties and would conflict with the council’s Housing Allocation Policy, which is where policy is set, rather than through land use policies.</p> <p>Para 3 – this isn’t planning, more a housing related issue that will be actioned by the Local Authority.</p>
<p>Policy H3, page 21</p>	<p>Comments from the Strategic Housing and Enabling Officer, Valerie Bunting.</p> <p>Policy H3 will need to be amended as it doesn’t accord with national policy which has overridden the Core Strategy. So we can’t ask for affordable housing on sites of 4 dwellings or more as the guidance has</p>

	<p>set a minimum of 10 units before the obligation triggers.</p> <p>Policy states "...will be high quality affordable housing". What does 'high quality' mean? Subjective term.</p>
<p>Policy H4, page 22</p>	<p>Second para – repetition from allocation Policy H2. Comments as per above.</p> <p>These are optional requirements in the 2016 Building Regulations, therefore it would be unreasonable to ask for this in a policy, and developers may challenge this.</p> <ul style="list-style-type: none"> • M4 (2) – Accessible adaptable dwellings • M4 (3) – Wheelchair user dwellings • In the Building Regulations it states "The provisions of Section (X) apply only where a planning condition requires compliance with optional requirement M4 (2) / M4 (3)..." <p>My Community states "It is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development."</p> <p>Suggest moving these criteria to the supporting text, and change wording to "the provision of X will be encouraged". Make sure this well evidenced and/or cross reference; is there a demand/need for these types of homes, if so, how does this equate to 5% of 100 dwellings for each type?</p> <p>Reference optional technical housing standards, adaptable standards and Design for Life criteria.</p> <p>The NPPG states:</p> <p>"Can local planning authorities require accessibility, adaptability and wheelchair standards in new dwellings? The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.</p> <p>Paragraph: 005 Reference ID: 56-005-20150327. Revision date: 27 03 2015"</p>
<p>Policy H5, para 23</p>	<p>Restricting windfall development to sites of five or fewer developments would not comply with the NPPFs aim to boost housing supply.</p> <p>The reference to a limit to the size of development should be removed from the policy. Also this may impact on the number of windfalls coming forward as referred to on page 15 (as in comments above). The reference to restricted gap is unnecessary (and is not a common terminology in planning).</p>

	<p>Limits to development should be replaced by 'settlement boundary'.</p> <p>Criteria c – "Respects the shape and form". What does shape mean? Explain or re-word.</p> <p>Criteria d – Reword to "Retains and enhances ... where possible"</p> <p>Criteria e and f – Repetition of 'amenity' – what do you mean by this? Suggest removing and/or referring to SADMP Policy DM10.</p>
<p>Policy H6, page 23 & 24</p>	<p>The policy refers to development proposals of commercial properties and housing, but is called Housing Design. Potentially move into a new section of the plan that looks at design in general, and therefore can apply to all forms of development, not just housing or in particular the Barns Way site allocation. See HBBC's Site Allocations and Development Management Policies DPD for an example.</p> <p>Criteria a – second section of the criteria from "should clearly show within a Design and Access Statement..." etc should be removed, this is not needed, you should address these matters in your design policy.</p> <p>Criteria b - Guidance does not have minimum parking spaces for residential developments. Recent appeals have shown the inspector disregarding neighbourhood plans that have too restrictive parking policies and that do not refer to the relevant guidance. See Leicestershire County Council Design Guide.</p> <p>Criteria c – "All new housing should continue to reflect the character...". Last sentence of criteria c is not always applicable, and not necessarily considered a housing design element, potentially an ecology issue. Please remove.</p> <p>Criteria e – "rural wooden fencing" and "brick/stone wall of rural design", what do you mean by rural? Hard to define, subjective term without examples or evidence.</p> <p>Criteria f – consider changing this to a 'Renewable energy' policy so it applies to all forms of development.</p> <p>Criteria g – this is not planning and cannot be enforced through this process. Please remove.</p> <p>Criteria h – This is repeating the Local Plan, please remove or move to supporting text.</p> <p>Criteria i – In conflict with the NPPF, please review or remove.</p> <p>Criteria j – This should be in an ecology policy, not a housing design policy. Amend to say "Properties should have built in facilities for wildlife where applicable, for example, bee bricks and swift boxes."</p>

<p>Pages 25, 26, 27, 28, and 29.</p>	<p>Page 25 – The orange box and it’s supporting text in the paragraph before; I’m not sure whether this is needed, or if it’s clear what you’re trying to explain. Perhaps it would be clearer to keep the text in the paragraph, and move the orange box and you’re calculations to a supporting evidence base document or appendices, i.e. Appendix E Environmental Inventory.</p> <p>Pages 25, 26, 27 and 28. Reduce the length of this section in the plan or create a topic paper outside of the main plan for supporting information. Make reference to HBBC’s Landscape Character Assessment, and Landscape Sensitivity Assessment (2017). These are the latest documents on landscape in our evidence base and look at the area in a more local view (rather than the National Character Areas referred to at the top of page 28). In the LCA & LSA Desford is included in Landscape Character Area D, the Newbold and Desford Rolling Farmland. This includes some detailed local evidence of geography, geology, topography, landscape character, and in turn it’s sensitivity to development.</p> <p>Page 29 – Cross reference to NPPF 2018 (see comment below). Make clear how you have scored each criteria, for example it’s good how you have separated each score in the ‘notes’ part of Proximity/Local.</p> <p>Make sure to use the technical terms used in the NPPF, for example for “Bounded” I presume you are referring to criteria C in para 100 of the NPPF (2018) in that a LGS site “is not an extensive tract of land”. Use the same terminology for transparency and clarity for the reader.</p> <p>Remember that some of the scoring criteria you have used for LGS is subjective, for example beauty, special to community and tranquillity. You’ve stated that you need to give justification, but where is that coming from? What evidence have you used? Community questionnaire perhaps? Be absolutely clear on how and why you’ve have scored in such a way, and reflect this in Appendix F.</p>
<p>Local Green Spaces, page 30, 31, 32, and 33.</p> <p>Policy ENV1 Protection of Local Green Space</p>	<p>First paragraph of the Local Green Spaces section, page 30, states “103 were identified as having notable environmental (natural, historical and/or cultural) features.” How were these identified and why? Evidence behind the decisions is key, refer to appendices if needed.</p> <p>Fourth para on page 30, why does a site need to score 75% of more of the maximum score? Why is 75% significant?</p> <p>Fourth para on page 30 states “will ensure that these most important places in Desford’s natural and human environment are protected for future generations”. What do you mean by ‘human environment’?</p> <p>Cross check LGS criteria and make reference to the new NPPF 2018. As you will be submitting after January 2019, the plan will need to be in conformity with NPPF 2018.</p> <p>The two smaller sites you have identified as LGS are already covered by Local Plan designations, i.e. Open Space, Sports and Recreation Facility. Site 301 St Martin’s Churchyard is also a designated community facility. See Site Allocations and Development Management Policies</p>

	<p>DPD, page 46 to see settlement map for Desford. This means that the sites will be protected via Local Plan policies already. The majority of the larger site, site 167 Barns Charity Fields is a designated Local Wildlife Site, again with a recognised National level of protection. Why does it need a further designation of LGS, which will have the same (if not heavier) protection than Green Belt? If you want to keep the LGS designations, then you need to clearly evidence why you have come to this decision and why such a strong policy is needed at these sites.</p> <p>The LGS table is poorly presented – very unclear which scores and photo belong to which designation. You could have a separate table for each site perhaps, or make clear at the beginning of each page the scoring criteria, the scores and leave the photos separate after the table. Please amend so that it's clearer for the reader.</p> <p>Policy ENV1 states "...will not be permitted other than in very special circumstances". What are these circumstances? This is a very inflexible policy.</p>
<p>Page 33</p>	<p>BAP Species locations have been identified on Figure 7. Check with Leicestershire County Council Ecology Department that this map does not breach data confidentiality as some BAP species are protected and their locations should not be disclosed to the public. From recent advice I believe that rough locations of Badger setts and birds is reasonable to disclose, however it is always worth checking before the final plan is prepared.</p> <p>Policy ENV2: Protection of other sites and features of environmental significance. I would advise you rename this policy, it's not clear what you are referring to by 'other sites'. Perhaps rename to 'Protection of sites & features of environmental significance'.</p> <p>In relation to this you refer to figure 8 in the policy, but I believe it is meant to refer to figure 7 on page 33, please amend.</p> <p>I would recommend splitting up natural and historic environment into two sections. This will make it clearer for the reader. I have included a recommended structure in the last section of these comments.</p> <p>You can include a map with both natural environment and historic environment (currently figure 7) in the appendices.</p>
<p>Page 34</p>	<p>First para in Important Open Spaces refers to the HBBC PPG17 study of 2010. There has been an updated study since then, the Open Space, Sport and Recreational Facilities Study (2016). Cross reference your information with this study to ensure information and typologies are correct.</p> <p>Last sentence on page 34 states "These sites' value, as open space within and close to the built-up areas and as formal or informal community assets, is recognised in this Policy and Community Action". What Policy is this referring to? There is only Community Action ENV1. In the Neighbourhood Plan you can designate open spaces if you have the evidence to support it.</p>

Page 35	The maps in Figure 8 are not very clear; can't easily identify where some sites are in relation to the village, especially the top five maps.
Page 37	First para on page 37 refers to the NPPF 2012, please amend to reflect NPPF 2018. Section 15 of NPPF 2018 in particular is a key resource for biodiversity and the natural environment.
Policy ENV3, page 37	<p>Third para in Policy ENV3 states "Where a development proposal will adversely affect a protected species, an appropriate and suitable survey will be undertaken...". This cannot be asked for in Policy, please move to the supporting text, or remove.</p> <p>The last para of Policy ENV3, "The plan designates a wildlife corridor..." This is a statement, not policy. Change to supporting text between Policy ENV3 and Community Action ENV2.</p>
Pages 38-41	See Paul Grundy's comments (Senior Planning Officer, Conservation and GIS) at the bottom of this report.
Page 41	Safeguarding Important Views. See HBBC's Landscape Character Assessment and Landscape Sensitivity Assessment (2017) for evidence on important views and landscape features.
Page 42, Policy ENV6	Figure 12 on page 42 – the symbols could be misleading, for example the extent of the symbols reaching out only so far could mean the important view stops where the symbol stops. Are the views looking inwards to the village, or are they looking outwards towards the countryside? This map could be interpreted in a very different way than intended, explain the map and symbols. Or you could change the symbols or reflect the extent of the view in a clearer way, just be wary of the way a developer could interpret this map.
Page 42	Renewable Energy generation – I suggest moving this section into a separate section, or combining with transport for example. See comments at the end regarding potential structure changes.
Policy ENV7, page 43	<p>Criteria a states "adverse impact on... wellbeing..." What do you mean by wellbeing? Very subjective and different for everyone.</p> <p>Second para beginning "Developers will be responsible for..." can't be asked for in policy, and should be removed, or moved to the supporting text.</p> <p>Third para highlights that wind turbine development proposals will be generally acceptable if the turbine tip height is less than 50 metres, and the proposal is for no more than one turbine. Why? Why these criteria?</p> <p>The policy also lists "The land is also used for other purposes" – this is not always possible, remove or amend. "Low-level noise generated does not interfere with residential homes" – again this is repetition throughout the document of impacts on amenity. Please review.</p> <p>The policy states "Large scale solar energy generation development proposals will..." How big is large scale? Subjective term.</p>

	<p>Reflection/glare is not present on solar farms, as the panels are matte and the purpose of the panels are to absorb the light.</p>
Page 45	<p>Last para states “deficiency is noted in green space and play provision” – check this is still correct in the latest Open Space, Sport and Recreational Facilities Study 2016.</p>
Policy F1, page 46	<p>This policy has a reference, F1, but no name like the others have, for example it could be called Policy F1 Existing Community Facilities.</p> <p>The HBBC Local Plan Policy, DM25, in the Site Allocations & Development Management Policies DPD, is a stronger policy. Amend to be more locally specific, without weakening the Local Plan policy.</p> <p>For example, you could amend to refer to Local Plan Policy DM25, and then designate some of the community facilities that haven’t been identified in the Local Plan.</p>
Policy F2, page 47	<p>Criteria b – “unacceptable traffic movements” what do you mean by this? Subjective terms. For example you could talk about highway safety instead.</p> <p>Look at Leicestershire County Council Design Guide, and Highways policies for traffic and parking elements. Either refer to these, or HBBC’s.</p>
Policy T1, page 51	<p>Policy T1, criteria a states “Be designed to minimise additional traffic generation and movement through the villages” – why and how?</p> <p>Criteria b – see comments on Policy H6 regarding the Leicestershire County Council Design Guide and parking standards.</p>
Policy T3, page 52	<p>Policy T3 Footpaths, Bridleways and Cycle Routes – this shouldn’t be a policy, instead make this a community action.</p>
Policy T4, page 53	<p>Policy T4 is very specific, and inflexible. Does the policy mean that every building/dwelling will be required to have a electric car charging point? Or can there be a shared point? Make this policy more flexible; do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development, we need deliverable, sustainable schemes to come forward.</p>
Policy E1, page 55	<p>This policy is weaker than DM19 in HBBC’s Site Allocations and Development Management Policies DPD. Amend Polciy E1 to be locally specific, or amend to reflect DM19.</p>
Policy E2, page 55	<p>Criteria a – change ‘limits to development’ to settlement boundary to be consistent with the rest of the document.</p> <p>Criteria a states “...or other forms of commercial/employment related development appropriate to a countryside location or there are exceptional circumstances.” This is very vague, and is open to</p>

	<p>interpretation. Be specific, use evidence.</p> <p>Criteria d – “Not involve the loss of dwellings” – Why is this a requirement?</p> <p>Criteria e – this is too prescriptive and inflexible. For example you could amend to involve potential mitigation measures.</p> <p>Criteria f – this is a matter for Highways during the planning application process. Again refer to comments above regarding Leicestershire County Council and Highways (e.g. the Leicestershire County Council Design Guide, parking standards and Highways policies).</p>
<p>Policy E3, pages 56 and 57</p>	<p>Criteria a – “unacceptable traffic movements”. Again this is a matter for Highways during the planning application process. Again refer to comments above regarding Leicestershire County Council and Highways (e.g. the Leicestershire County Council Design Guide, parking standards and Highways policies).</p> <p>Criteria b – repetition regarding residents amenity again, consider a policy regarding amenity and design to address all types of development, see earlier comments.</p> <p>Criteria c – this part of the policy is straying into Permitted Development rights and should be worded carefully. Consider removing from policy and adding to supporting text.</p>
<p>Policy E4, page 58</p>	<p>This policy is too open, and is effectively allowing development in the countryside. The policies in HBBC’s Site Allocations and Development Management Policies DPD are stronger. Amend to refer to the SADMP policies, and/or make locally specific.</p>
<p>Policy E5, page 58</p>	<p>A duplication of Local Plan policy and National Policy. Either make locally specific, or remove.</p>
<p>Policy E6, page 59</p>	<p>This type of infrastructure is mostly covered by permitted development rights, and therefore can’t be included in policy. Although you can amend to reflect a similar policy position, for example “...where applicable this infrastructure should be placed in the best possible location with the least impact on residents’ amenity and landscape value” etc.</p> <p>You’ve talked about improved Broadband and internet connection in the supporting text above, but not included this in the policy. Do you want to include this in the policy?</p>
<p>Page 60</p>	<p>Monitoring and Review – I would suggest removing any dates and just refer to a review within 5 years/alongside Local Plan reviews, as at the moment we don’t know when the plan will come into effect, or whether you will need to review the plan sooner than 5 years time. In this instance it gives you flexibility to review the plan anytime within 5 years. Refer to the NPPF 2018 and Planning Practice Guidance on reviewing Neighbourhood Plans. This section needs to be clear and concise, especially with the government’s increased pressure on the Housing</p>

	<p>Delivery Test and 5 year supply.</p>
<p>General comments on the plan</p>	<p>Structure – make sure the plan is structured clearly, with clear sections. For example a potential structure could be as follows:</p> <ul style="list-style-type: none"> • Introduction to the Neighbourhood Plan <ul style="list-style-type: none"> ○ Neighbourhood Plan area ○ Brief background to the area and the NDP group ○ Timeline up to now • Consultation • A plan for our parish • Housing and the Built Environment <ul style="list-style-type: none"> ○ Settlement Boundary ○ Housing need and provision ○ Housing Allocation (and Reserve Sites) ○ Windfall Site Development ○ Affordable Housing ○ Housing Mix • Development and Design (see earlier comments on the Design Policy) • Natural Environment <ul style="list-style-type: none"> ○ Introduction to natural environment, i.e. landscape character, brief geology/geography/topography etc. ○ Environmental characteristics of the plan area ○ Existing designations ○ Environmental inventory of Desford Parish ○ Environmental Protections ○ Local Green Spaces ○ Sites of Environmental Significance ○ Important Open Spaces ○ Safeguarding Important Views ○ Biodiversity and Wildlife Corridors • Historic Environment (see Paul Grundy’s comments below for more info) <ul style="list-style-type: none"> ○ Ridge and Furrow ○ Heritage Assets ○ Designated Heritage Assets • Community Facilities <ul style="list-style-type: none"> ○ Existing Community Facilities ○ New or Improved Community Facilities • Transport and Renewable Energy <ul style="list-style-type: none"> ○ Traffic Management ○ Desford Railway Station ○ Footpaths/Bridleways/Cycle Routes and Dog Walking ○ Electric Vehicles ○ Renewable Energy

	<ul style="list-style-type: none"> • Employment, Leisure/Tourism and Infrastructure <ul style="list-style-type: none"> ○ Existing Employment Uses ○ New Employment Opportunities ○ Home Working ○ Farm Diversification ○ Tourism ○ Broadband & Mobile connections • Monitoring and Review <p>Please make sure all maps are clear and high-resolution, if needed make maps a full page so smaller details can clearly be seen.</p>
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**Paul Grundy, Senior Planning Officer (Conservation and GIS) – Comments
January 2019**

Documents referred to in PG’s comments are attached below.

Page 4	The clarity of the Designated Area Map in Figure 1 is poor.
Headings	The heading for sections “Housing and the Built Environment” and “Environment” are perhaps a bit ambiguous and there is some cross over in content. Should the structure and/or titles be considered in more detail?
Page 28 and 38	There are now 19 listed buildings in the Parish following the recent listing of the Desford War Memorial so the text needs updating on these pages. The neighbourhood plan lists these heritage assets for reference in Appendix H2 although this appendix is not particularly coherent. I would suggest this appendix is updated to include the content in the attached table and that the appendix is renamed to “ Appendix H2 Designated Heritage Assets ”. In the table I have included the optional link to the designation description contained on the Historic England website.
Page 33	BAP Species locations have been identified on Figure 7. Check with Leicestershire County Council Ecology Department that this map does not breach data confidentiality as some BAP species are protected and their locations should not be disclosed to the public.
Page 38	The heading “Buildings and structures of local significance” is confusing as this section includes information on listed buildings (which are a statutory national designation), scheduled monuments (again a national designation which has been referred to within the listed buildings section), and then the local heritage list. I would recommend that the title of this section is renamed to “ Heritage Assets ”, and the listed buildings section is renamed to “ Designated Heritage Assets ” (as to cover both listed buildings and scheduled monuments). Renaming these elements

	and retaining the title “Local Heritage List” will ensure this section of the document has an appropriate structure.
Page 38	Remove the reference to “by Historic England” in defining setting. In most cases it is the local planning authority who will determine whether a development proposal will impact the setting of a heritage asset. It will be sensible to end the sentence with “ as defined, on a case by case basis. ”
Page 39 Local Heritage List	This list has been devised via joint working between the Neighbourhood Plan Group and the Borough Council. Identification of local heritage assets has been based on the Borough Council’s adopted selection criteria (attached), this includes a range of values that could warrant inclusion, so the statement “that are considered to be of local significance for architectural, historical or social reasons” is too narrow. I would suggest that the paragraph is worded along the lines of “ The Neighbourhood Plan identifies a number of other buildings and structures in the Parish that are considered to be local heritage assets. The reasons why these local heritage assets are significant is varied, often going beyond historical or architectural interest and demonstrating a range of values that contribute to the distinctiveness and heritage of the Parish. These assets have been identified based upon the Borough Council’s adopted selection criteria (contained within Appendix XX) and their inclusion here records them in the planning system as non-designated heritage assets (Descriptions in Appendix H1) ”. As you can see I would suggest that the selection criteria document is included as an appendix and referred to in the main document so the public is aware of how these local heritage assets have been identified and designated.
Appendix H1 Desford Parish local heritage assets	This lists the local heritage assets within Desford Parish but it appears an earlier working version is included on the Desford Neighbourhood Plan website as content to be confirmed is highlighted in yellow. Attached is the final version of the list agreed by the Neighbourhood Planning Group and the Borough Council and this should replace the current version of Appendix H1 on the website.
Page 39 Figure 11	This map show both designated (listed buildings and conservation area) and non-designated buildings and structures within the Parish, therefore the title of the figure should be amended to “Heritage Assets within the Parish” or “Heritage Assets (designated and non-designated) within the Parish” or another similar title. I did provide this plan for the Group, I apologise in that I had not included the scheduled monument at Lindridge on the plan, so an updated plan is attached.
Pahe 38 Policy ENV5	The name of this policy should be simplified to “ Local Heritage Assets ” as it has been established that these assets can be identified on more than just historical and architectural interest as currently stated in the name of the policy.
Page 41 Community Action ENV3 Other Heritage Assets	I do not see the need for this community action as it duplicates policy ENV 5.

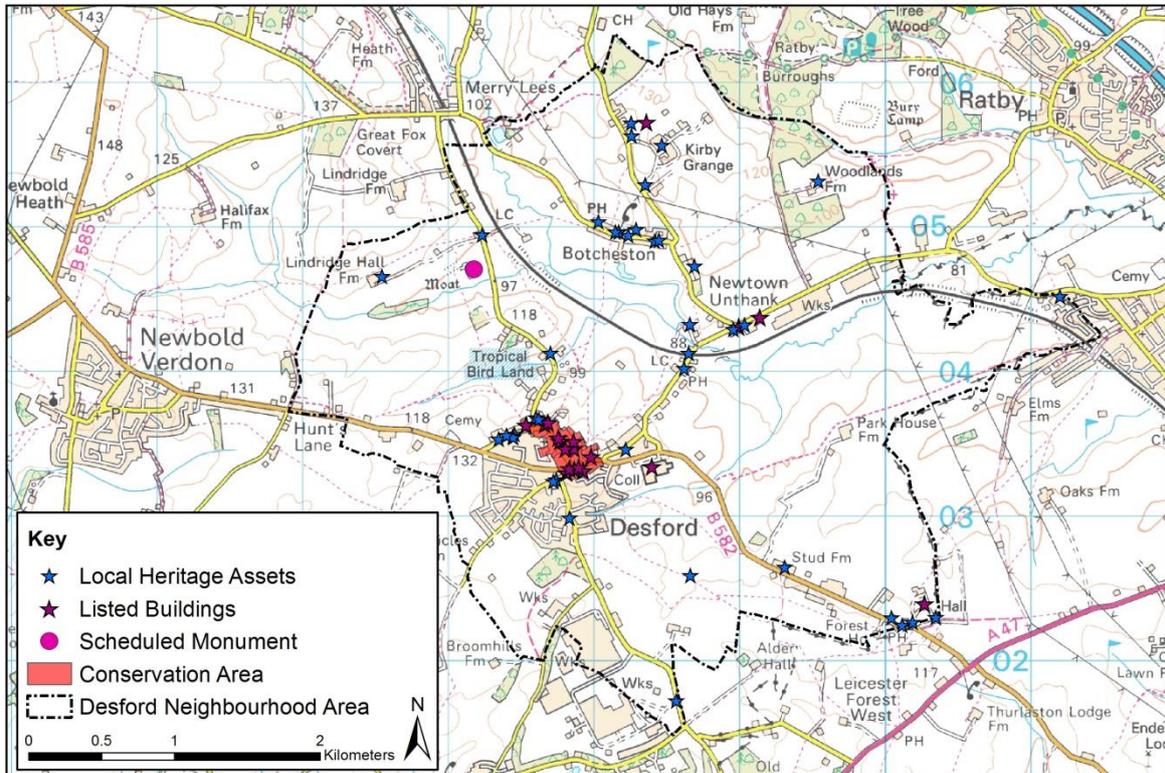

Selection
Criteria.docx


Desford Parish local
heritage assets.pdf


Designated heritage
assets.xlsx


Heritage Assets.pdf

Heritage Assets (provided in PDF format above, and can be sent as image file to NDP group if required).



Appendix 1: HBBC discussions with Desford Neighbourhood Plan group regarding Housing Need.

Calculations provided to Desford Neighbourhood Plan group on 10/09/2018:

Area	Core Strategy Requirement	% of Hinckley & Bosworth Total	Apportionment based on Core Strategy
Hinckley	1,120	17.50%	1,656
Bagworth & Thornton	60	0.94%	89
Barlestone	40	0.63%	59
Barwell	2,500	39.06%	3,695
Burbage	295	4.61%	436
Cadeby	0	0.00%	0
Carlton	0	0.00%	0
Desford	110	1.72%	163
Earl Shilton	1,600	25.00%	2,365
Groby	110	1.72%	163
Higham on the Hill	40	0.63%	59
Market Bosworth	100	1.56%	148
Markfield	80	1.25%	118
Nailstone	20	0.31%	30
Newbold Verdon	110	1.72%	163
Osbaston	0	0.00%	0
Peckleton	0	0.00%	0
Ratby	75	1.17%	111
Shackerstone	10	0.16%	15
Sheepy	20	0.31%	30
Stanton-under-Bardon	30	0.47%	44
Stoke Golding	60	0.94%	89
Sutton Cheney	0	0.00%	0
Twycross	20	0.31%	30
Witherley	0	0.00%	0
Hinckley and Bosworth Total	6,400	100.00%	9,460

Based on standard methodology figure of 473 per year over 20 year period (9,460)

Supporting information from HBBC to Desford Neighbourhood Plan Group, regarding the above, also sent on 10/09/2018:

“This is an issue which will impact on a number of neighbourhood plans currently in preparation across the borough, so we want to make sure the approach we take on this will be consistent. In addition, as you may be aware, the approach to housing need and requirement at a national/local authority level is also currently a little unclear as a result of the new NPPF and the government’s stated intention to review the new standard methodology shortly.

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Our intention is to produce a short note setting out how, if asked in line with para 66 of the NPPF, the authority will provide an indicative housing requirement for a neighbourhood area, in advance of the new local plan. I will finish drafting this note shortly.

As it stands the approach the authority is proposing is to continue to use the overall strategic approach to housing distribution set out in the Core Strategy/Site Allocations DPD but update the housing requirement for each area based on the outcomes of the new standard methodology set out in the NPPF/NPPG.

For Desford this would give an indicative housing figure of 163 dwellings over 20 years (2016-2036) out of a borough wide figure of 9,460. The attached table shows how this figure has been reached. It should be noted that this figure would be under review soon as new data is shortly to be released by the government which impacts on the calculation of the borough wide housing need in the standard methodology, and also if/when the standard methodology itself is reviewed.

This should also be seen as an interim approach until the new local plan is adopted and sets a housing requirement for each area. It is possible that the housing need for the borough as a whole could change substantially from that currently set out in the standard methodology should there be significant changes in the standard methodology. The strategic approach to housing in the borough could also change substantially through the new local plan. In addition the number of dwellings the authority may need to accommodate from the city is currently not known. This could have a significant impact on the housing requirements for the borough as a whole. Therefore it would be prudent to build in flexibility in a neighbourhood plan to allow for any changes when the new local plan is in place. Finally the figure is an indicative figure. It would be up to the neighbourhood group to incorporate this figure into their neighbourhood plan, or to justify and evidence the reasoning behind a different figure.

The note I am currently drafting will confirm the approach to this and provide more background and explanation. However if you wish to discuss this please feel free to contact me.”

Follow up further information provided from HBBC to Desford Neighbourhood Plan Group, sent on 24/10/2018:

“In terms of the proposed site at Barns Way – we would have no concerns in principle with the neighbourhood plan including this site as an allocation.

We would however wish to further understand what minimum housing requirement the neighbourhood plan is proposing to include, and if this site alone would be able to address the housing requirements of the plan area.

I presume you have seen my email to *[Your Locale]* sent last month on this issue (attached for reference). This set out a potential housing requirement figure of around 163 dwellings between 2016 and 2036, although with a number of caveats. Further to this, since my email the government have released new data (2016 based household projections) which indicates the borough wide housing need figure is significantly higher than previously calculated. In addition you may be aware the government are currently reviewing the national standard methodology used to calculate

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housing need at local authority level, and this may well increase the need for the borough as a whole. Both of these would have a consequent impact on housing figures at a neighbourhood level. Thirdly the government have also recently announced they will publish guidance on setting housing requirement figures for neighbourhood plans by the end of the year. There is therefore some uncertainty at the moment regarding housing need. Once we have reviewed the outcomes of these issues we will seek to clarify our approach to housing requirements in neighbourhood plans.

We therefore have some concerns that the plan may not be making sufficient provision for housing to meet the housing requirement of the area. I would be grateful if you could clarify the approach the plan is taking to establishing and meeting its housing requirements.”



Hinckley & Bosworth
Borough Council

Desford Neighbourhood Plan

The Environmental Assessment of Plans and Programmes Regulations 2004

Screening determination notice under Regulation 9(1)

Regulation 9 of the above Regulations requires Hinckley and Bosworth Borough Council (the “responsible authority”), on behalf of Desford Parish Council (the “responsible authority”) to determine whether the Desford Neighbourhood Plan is likely to have significant environmental effects.

Hinckley and Bosworth Borough Council, following consultation with the Environment Agency, Natural England and Historic England, has determined that the Desford Neighbourhood Plan is likely to have significant environmental effects with particular regard to the Botcheston Bog (SSSI), and therefore, a Strategic Environmental Assessment (SEA) is required.

Historic England have noted that a lack of evidence has been provided in regards to the historic environment in the site assessments provided and as such the Strategic Environmental Assessment should also explore the potential environmental effect upon the Historic Environment. The Local Authority have considered this request carefully in discussion with Historic England and the Borough Council’s Conservation Officer to identify whether the Scope of the SEA should also include the Historic Environment and are of the opinion that there will not be a harmful impact on heritage assets. The Borough Council have determined that, although SEA Screening Opinion has not been informed by a site specific Heritage Impact Assessment it would not be proportionate to request such an assessment for this site given that the potential for harmful impacts on heritage assets caused by its allocation (and future development) is minimal. Any potential effects on heritage assets would not be of a significant level to warrant consideration as part of a Strategic Environmental Assessment.

This notice fulfils the publicity requirements in accordance with Regulations 11(1) and 11(2).

A copy of this screening opinion and the associated screening report will be available on the Council’s website (Neighbourhood Planning webpage) or can be viewed during normal opening hours at:

Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

For further information, please email planningpolicy@hinckley-bosworth.gov.uk

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Please ask for: Fran Belcher
 Direct dial/ext: 01455 255749
 Direct fax: N/A
 Email: planningpolicy@hinckley-bosworth.gov.uk
 Your ref:
 Our ref: SEA14DESPLAN
 Date: 31/07/2019



**Hinckley & Bosworth
 Borough Council**

FAO: Desford Parish Council and Desford Neighbourhood Plan Group.

Desford Neighbourhood Plan, Regulation 14 consultation and SEA Consultation.

Dear Desford Neighbourhood Plan Group and Desford Parish Council,

I am writing in response to issues you have raised with us in relation to the SEA of the emerging Desford Neighbourhood Plan and other related concerns. I have broken this guidance note into three separate sections, providing links to references where applicable, and with overall recommendations at the end, so hopefully this is clear on what we are advising.

Receipt of the SEA Environmental Report and corresponding consultation

Thank you for keeping HBBC informed on the progress of the Strategic Environment Assessment (SEA) in partnership with AECOM, and the extra site assessments you have undertaken. Recently it came to the attention of the Borough Council that AECOM were recommending to re-consult via a Regulation 14 consultation following the receipt of the SEA report, and following the amendments to the plan as per the SEA's recommendations. As the Reg 14 consultation has already been undertaken (January 2019), the Borough Council needed to follow up this recommendation and confirm whether there is a legal obligation for another Reg 14 consultation on the SEA. Ian McClusky from AECOM highlighted that not following the recommended procedure will come with risks, and following this recommendation we have explored the matter further and set out our findings below. The Borough Council emailed Locality and sought advice on the matter, and did our own research into the legislation and guidance.

The NPPG provides some guidance on when the SEA environmental report should be published for consultation. The diagram in the NPPG (Strategic environmental assessment and sustainability appraisal) Paragraph 033 suggests this is at Regulation 14 Pre-Submission stage (see Appendix 1). Of note is that the NPPG, Paragraph 080¹ under the 'Pre-Submission' stage, references that at 'Presubmission publicity and consultation' the Qualifying Body, where European Obligations apply, complies with relevant publicity and consultation requirements.

The consultation requirements are referenced in The Environmental Assessment of Plans and Programmes Regulations 2004, regulation 13², as below:

¹ National Planning Policy Guidance, Neighbourhood Planning, Para 080, Reference ID: 41-080-20180222 - <https://www.gov.uk/guidance/neighbourhood-planning--2>

² The Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 13 - <http://www.legislation.gov.uk/ukxi/2004/1633/regulation/13/made>

Consultation procedures

13.—(1) Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 12 and its accompanying environmental report (“the relevant documents”) shall be made available for the purposes of consultation in accordance with the following provisions of this regulation.

(2) As soon as reasonably practicable after the preparation of the relevant documents, the responsible authority shall—

- (a) send a copy of those documents to each consultation body;
- (b) take such steps as it considers appropriate to bring the preparation of the relevant documents to the attention of the persons who, in the authority’s opinion, are affected or likely to be affected by, or have an interest in the decisions involved in the assessment and adoption of the plan or programme concerned, required under the Environmental Assessment of Plans and Programmes Directive (“the public consultees”);
- (c) inform the public consultees of the address (which may include a website) at which a copy of the relevant documents may be viewed, or from which a copy may be obtained; and
- (d) invite the consultation bodies and the public consultees to express their opinion on the relevant documents, specifying the address to which, and the period within which, opinions must be sent.

(3) 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.

(4) The responsible authority shall keep a copy of the relevant documents available at its principal office for inspection by the public at all reasonable times and free of charge.

(5) Nothing in paragraph (2)(c) shall require the responsible authority to provide copies free of charge; but where a charge is made, it shall be of a reasonable amount.

This is clear that the consultation procedures apply to a ‘draft’ plan, rather than a submitted plan. It is also clear in the NPPG Para 040³, that the environmental report must be available alongside the ‘draft’ plan, and that these procedures can be incorporated into the pre-submission publicity and consultation.

It is apparent throughout various guidance notes that the reason why the SEA/Environmental Report needs to be consulted on at Regulation 14 (rather than Regulation 16), is that there is a need to demonstrate that the SEA has influenced the plan’s development, and the plan and it’s policies have been amended in line with the SEA’s recommendations. At Regulation 16 amendments to plan would no longer be made by the Qualifying Body, and whilst it is possible that comments on the SEA are made at this stage and the examiner amends the plan accordingly, this is not advisable, and could leave the plan open to formal challenge.

In the response from Locality they have advised the following: *“The risk of post referendum legal challenge, if an SEA is screened in and not submitted at regulation 14, as described by AECOM, is worth considering. There may also be a risk that the independent examiner has a problem with the submission if SEA was not submitted at regulation 14. The risk of legal challenge may be one of judicial review and this is a method developers have used on a number of neighbourhood plans in the past, particularly areas of high land value.”*

As can be seen in the SHELAA (2017/18) and the recent events with planning applications, there is a lot of developer interest in the Desford area, and it is especially worth noting that developers are already actively submitting representations on the Neighbourhood Plan, especially regarding the site assessments, methodology and consultation procedures. It would be reasonable to expect developers to continue closely scrutinising the Neighbourhood Plan, and if opportunities to consult have been missed, this will likely be questioned through the Regulation 16 and Examination process.

From what AECOM and Locality have stated, and through our own research, there are certain levels of risk that come with various routes going forward. I have included a table below which lists the potential ways forward, and the associated risks.

³ National Planning Policy Guidance, Strategic environmental assessment and sustainability appraisal, Para 040, Reference ID: 11-040-20140306 - <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

Approach	Time implications	Risk	Pros and cons
Consult on the amended Plan and SEA Report through another Regulation 14 consultation	6 week consultation	No risk	Pros: No risk involved, meets the regulations as required, and lessens opportunities for challenge. Cons: Delays the project plan by 6 weeks, potentially lose community appetite for plan.
Consult on the SEA Environmental Report only to invite comments	3-4 week focused consultation on just the SEA Environmental Report.	Medium risk. Consultation on the plan itself has already been completed at Regulation 14, although the plan will/should have been amended in line with the SEA recommendations.	Pros: Reduces the risk of community and other stakeholders saying they didn't have chance to see the SEA before the Plan was submitted. Shortens consultation burden. Cons: Delays the project plan by 3-4 weeks. Does not invite comments on the amended draft plan and supporting documents alongside the SEA report. May invite opportunity to challenge the consultation procedure.
Proceed straight through to the Regulation 15 submission and consult on SEA Report and plan at Regulation 16.	No time implication. Consultation alongside the plan at Regulation 16.	High risk involved should developers or other stakeholders challenge the process, as it could be seen this approach is not meeting regulation. However, there are cases where groups say that Regulation 16 is an appropriate time to consult on the SEA, given the late stage that SEA was screened in.	Pros: Quickest approach. Most likely to maintain community appetite for the NDP. Cons: Risk of challenge on the grounds that the SEA consultation was not early and effective alongside an amended draft plan.

Notwithstanding the above, the Local Planning Authority would recommend the following **with reference to the SEA elements only**, (concluding recommendations will be given at the end of this letter):

- Amend the plan in-line with the SEA recommendations and write an accompanying statement outlining how they have amended the plan to address the SEA/consultation bodies concerns. This will then be a crucial piece of evidence during examination which will support your site allocation, and consequently your whole plan.
- Re-consult on a Regulation 14 consultation for 6 weeks, inviting comments on the SEA Environmental Report, the amended draft plan, the supporting statement on the plan's amendments, and all supporting documents.

Consultation on the 'SSA' site assessments and corresponding material

As discussed in previous communication, dated 22 May 2019, and the follow-up meeting of 17 June 2019, I would like to re-iterate our recommendations on the consultation procedures around the site assessments and methodology.

In my previous letter we highlighted that there were various issues being raised around the accessibility of the consultation material of the site assessments and the supporting documents on the website for the public to comment on. For clarity, I have attached this letter at Appendix 2, however I will re-iterate the main points that still stand:

“Ourselves and stakeholders are concerned that the consultation material available on the website does not showcase the full breadth of documents that should be available for the public to comment on, and/or is not clear for cross-referencing purposes between each of the documents. For example, the SSA Consultation Statement does not include reference numbers for the sites, for example Hunts Lane Extension, Desford, should also include its site reference AS466 to avoid any confusion. The SSA map is also a copy of the Strategic Housing and Economic Land Availability Assessment (SHELAA) map from the 2017/18 study, and does not clearly identify which site is which in relation to the SSA Consultation Statement. This map is also different from the original site assessment map (Appendix D4). Also the site assessment proforma for each site is not available; it was only sent out to each site representative and not shared with the wider public. If all site assessments aren't available on the website interested parties cannot get a fully comprehensive view on why each site scored as it did, and how they scored compared to the other sites. It is therefore difficult to decipher why the Barns Way extension site was chosen for allocation, and why certain sites were excluded for consideration. This results in the consultation being unclear, and the planning process not being transparent to all parties who wish to comment.

Following all of the concerns above, we have looked into this further to explore where the Neighbourhood Plan stands in relation to these challenges. Paragraph 14. A) iv) of The Neighbourhood Planning (General) Regulations 2012 states that 'the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised'. As the site methodology and site assessments form a crucial part of the evidence base behind the draft neighbourhood plan proposals it would not be sound to provide limited material for the public to comment on, resulting in a potentially 'unfair' consultation process.

... It is important to note that if the plan continues without re-consulting, developers will be pro-active in submitting representations against the plan, the housing allocation and the consultation process.”

Again I would like to restate that although an inconsistent consultation wouldn't necessarily mean that the plan would fail a basic condition, it does mean the examination may be challenging. As I highlighted previously, if the plan was successful through examination, and was made following a successful referendum, it does not stop the potential threat of Judicial Review which is a costly and timely process for all parties involved.

Notwithstanding the above, the Local Planning Authority would recommend the following **with reference to the site assessment consultation only**, (concluding recommendations will be given at the end of this letter):

- Re-consult on the draft Neighbourhood Plan, alongside the SEA Environmental Report, including all of the following information on the website and in hard copies:
 - a) A statement clearly outlining what is being consulted on, and the reasons for the extra consultation
 - b) A copy of the site assessment methodology, including (if any) changes to the criteria following the first Regulation 14 consultation
 - c) Maps of all the sites, clearly labelled and referenced

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- d) A list of the sites being consulted on (all sites, not just the extras post-January 2019), with clear site references and descriptions to cross-reference between documents
- e) All of the site assessment proforma, with any changes between the first round of consultation and this consultation clearly highlighted to showcase what has changed, if anything, and the reasons behind the changes
- f) All of the relevant documentation relating to the plan, i.e. the draft plan itself, all appendices etc.

This approach is in keeping with how the local planning authority would carry out a similar level of consultation to ensure consistency and clarity.

The housing allocation and the pro's of having both in the plan (reference previous letter).

As per my email correspondence on 24 July 2019 (Appendix 3), we would still recommend that you keep the site allocation of Barns Way, even though the site has recently gained outline planning permission at Planning Committee 23 July 2019; I will outline the reasons for this below, taking extracts with reference to my original email.

As planning professionals we would recommend that you keep the allocation in your plan, and amend the relevant sections in the plan to address this. Recently, Sheepy Parish Neighbourhood Plan were in a similar circumstance, in which their site allocation gained planning permission before the plan was submitted at Regulation 15. Sheepy changed their plan accordingly to reference app. 17/01050/OUT as follows:

5.22 Hinckley and Bosworth Borough Council's Planning Committee resolved on 31 July 2018 to approve outline planning permission subject to the prior completion of a suitable section 106 agreement and several planning conditions. Policy S13 establishes the principle of development should the current permission not proceed. It will also guide the determination of any subsequent, detailed planning application and ensure that any new proposals for the site stick to key guiding principles.

Policy S13: Hornsey Rise Memorial Home

Land at Hornsey Rise Memorial Home, Bosworth Road, Wellsborough, as shown on the adjacent map and the Policies Map, is allocated for the development of up to 20 dwellings subject to the following:

- A. The extent of the developable area is restricted to the 1.5 ha as shown on the adjacent map;
- B. The development provides for a mix of dwelling sizes which addresses identified housing need, in particular the needs of older households and/or the need for smaller and low-cost homes;
- C. The former chapel should be retained and converted to residential use;
- D. Any contamination present on the site shall be safely remediated prior to the commencement of any development;
- E. The construction of a footpath/cycle path from the site to the south side of Bosworth Road to the point where there is a footpath on the north side of Bosworth Road; and
- F. A landscaping scheme should be implemented to provide for an improvement in biodiversity and include the retention and enhancement of trees and hedgerows along the boundaries of the site.

At a Borough level in the Local Plan we also allocate sites that have planning permission, partly because there is no guarantee that the site will be delivered following the granting of planning permission, and because the allocation 'earmarks' this space for development and as the

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preferred area of growth for the plan period. For example in the Site Allocations and Development Management Policies DPD (2016), the Borough Council allocated several sites that already had planning permission, you can see these examples in the first half of the Site Allocations document.

Allocating sites with planning permission in the Local Plan is an accepted procedure across the country in Local Planning and, in Hinckley & Bosworth's case, was accepted by the inspector through the Examination for the Site Allocations DPD in 2016.

If you keep the Barns Way site allocated, the site will still be in the plan as the preferred site by the community. If there were no allocations in the plan (i.e. a preferred option and reserve sites) and there was a housing need to be met (or the housing need increases) during the plan period, then we would not be able to use the neighbourhood plan to determine where the preferred direction for growth is.

Another key consideration is that if the plan includes policies and allocations to meet its identified housing need, the area is afforded 'extra protection' as per the NPPF Para 14, as below.

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply⁸:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

Especially in the current climate, with a less-than 5 year supply, we would recommend that the site allocation remains, including all the site assessment information as supporting evidence, and the supporting SEA study, to avoid ambiguity over NPPF Paragraph 14⁴, as stated below, in particular criteria b. Keeping the allocation in your plan will also help you if you are challenged by developers or other stakeholders on whether you are meeting the housing need of Desford. As a result of continuing with the site allocation, you would still require the SEA report, which would be a key piece of evidence at examination and going forward post-making of the plan.

Overall recommendations

- Amend the plan in-line with the SEA recommendations and write an accompanying statement outlining how you have amended the plan to address the SEA/consultation bodies concerns

⁴ National Planning Policy Framework (2019), Para 14 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

- Keep the site allocation of Barns Way in the plan and include all the site assessment information as supporting evidence as to how you have chosen that site, and the supporting SEA study to 'back-up' your site assessment evidence
- Re-consult on a Regulation 14 consultation for 6 weeks, inviting comments on the SEA Environmental Report, the amended draft plan, the supporting statement on the plan's amendments, and all supporting documents. The RCC can help with this consultation.
- Re-consult on the site assessments, including all of the following information on the website and in hard copies (and on the Parish notice board, in the library etc.):
 - i. A statement clearly outlining what is being consulted on, and the reasons for the extra consultation
 - ii. A copy of the site assessment methodology, including (if any) changes to the criteria following the first Regulation 14 consultation
 - iii. Maps of all the sites, clearly labelled and referenced
 - iv. A list of the sites being consulted on (all sites, not just the extras post-January 2019), with clear site references and descriptions to cross-reference between documents
 - v. All of the site assessment proforma, with any changes between the first round of consultation and this consultation clearly highlighted to showcase what has changed, if anything, and the reasons behind the changes
 - vi. All of the relevant documentation relating to the plan, i.e. the draft plan itself, all appendices etc.

I would just like to re-iterate that all of the above is only advice, and we, as planning professionals, are offering guidance as to how we think the plan should best proceed as per the SLA between the LPA and the Parish Council. It is Desford's decision on how their plan is taken forward, however post receipt of the examiners report, the LPA has to be satisfied that the plan meets all of the basic conditions for the plan to proceed to referendum.

I hope all of the above is clear, open and constructive, and I hope we can work together to rectify any issues so we can move positively towards the plan's submission over the coming months. We believe that it was best to set this all out in letter format so everything was as clear and concise as possible, however we are happy to answer any queries you may have.

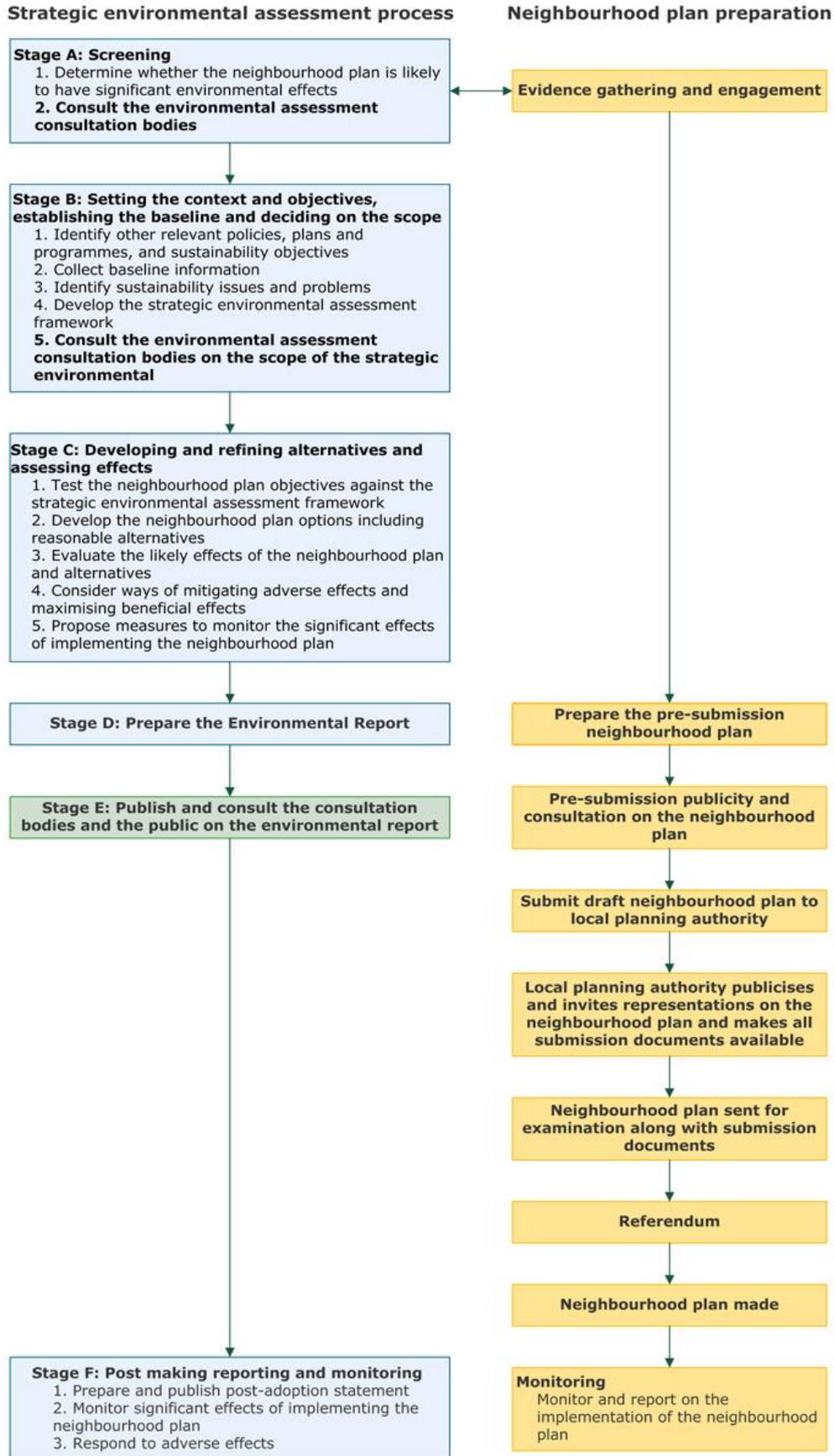
Yours faithfully,



Fran Belcher
Planning Officer, Policy

Development Services
Hinckley and Bosworth Borough Council

Appendix 1



As attached:

Appendix 2 – Letter attached dated 22 May 2019 to Martyn Randle and Cllr Colin Crane.

Appendix 3 – Email attached dated 24 July 2019 to Bernard Grimshaw and the Neighbourhood Plan group.

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Please ask for: Fran Belcher
Direct dial/ext: 01455 255749
Direct fax: N/A
Email: planningpolicy@hinckley-bosworth.gov.uk
Your ref:
Our ref: 14DESPLAN2019
Date: 22/05/2019



**Hinckley & Bosworth
Borough Council**

FAO: Desford Parish Council and Desford Neighbourhood Plan Group.

Desford Neighbourhood Plan, Regulation 14 consultation and site assessment methodology.

Dear Cllr Colin Crane and Mr Martyn Randle,

Thank you for consulting Hinckley & Bosworth Borough Council on the second round of consultation at Regulation 14. These representations are specifically regarding the consultation process, the site assessments and the site assessment methodology.

It has recently come to our attention that there are some errors in the consultation process and some of the documentation/material being consulted on. We have recently been contacted by two developers who have discussed their concerns with us, and therefore we need to highlight these concerns to you so we can address the situation appropriately and positively.

Ourselves and stakeholders are concerned that the consultation material available on the website does not showcase the full breadth of documents that should be available for the public to comment on, and/or is not clear for cross-referencing purposes between each of the documents. For example, the SSA Consultation Statement does not include reference numbers for the sites, for example Hunts Lane Extension, Desford, should also include its site reference AS466 to avoid any confusion. The SSA map is also a copy of the Strategic Housing and Economic Land Availability Assessment (SHELAA) map from the 2017/18 study, and does not clearly identify which site is which in relation to the SSA Consultation Statement. This map is also different from the original site assessment map (Appendix D4). Also the site assessment proforma for each site is not available; it was only sent out to each site representative and not shared with the wider public. If all site assessments aren't available on the website interested parties cannot get a fully comprehensive view on why each site scored as it did, and how they scored compared to the other sites. It is therefore difficult to decipher why the Barns Way extension site was chosen for allocation, and why certain sites were excluded for consideration. This results in the consultation being unclear, and the planning process not being transparent to all parties who wish to comment.

Pegasus on behalf of Davidsons discussed their concerns with us, and have submitted representations to your consultation outlining their views. From my understanding, they believe that the consultation is severely flawed for the following reasons:

- The site assessment methodology used has not been modified as per the comments received at Regulation 14 from both the public and HBBC, and in their opinion is still not an appropriate site selection methodology to determine a housing allocation site. HBBC want to reiterate and confirm that our comments made in the original Regulation 14 consultation still stand; comments were made both in the main representation text, and in a separate piece commented on by my colleague Helen Nightingale. We also discussed the methodology in a meeting with Desford NDP representatives on 4th January 2019.

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- The site boundary of the Davidsons site has been changed between the first Reg 14 consultation and this additional consultation. AS210 & AS211 have been separated into two sites (as per the SHELAA 2017/18), however the developer has confirmed to the group that the site should now be assessed as a whole. The change in boundary has resulted in a lower score, and various other new constraints have appeared on the assessment proforma as a result.
- The full package of site assessments are not fully available on the website to comment on. Appendix D3 and D4 are the older versions from the first round of Regulation 14 consultation.

Following all of the concerns above, we have looked into this further to explore where the Neighbourhood Plan stands in relation to these challenges. Paragraph 14. A) iv) of The Neighbourhood Planning (General) Regulations 2012 states that 'the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised'. As the site methodology and site assessments form a crucial part of the evidence base behind the draft neighbourhood plan proposals it would not be sound to provide limited material for the public to comment on, resulting in a potentially 'unfair' consultation process.

Therefore from the date in which the full breadth of documentation is publicised the consultation should be extended to make sure there is a six week consultation period from this date. After receiving correspondence from AECOM in relation to the SEA, I don't think this will impact on the Groups project plan/program going forward too significantly, as the SEA scoping report consultation with the three consultation bodies is still ongoing, with AECOM needing time to complete the final report following this.

It is important to note that if the plan continues without re-consulting, developers will be proactive in submitting representations against the plan, the housing allocation and the consultation process. I contacted Locality and a neighbourhood plan Officer stated: "If the group take the flawed consultation/site assessments to examination then the policies in the plan would be immediately vulnerable to challenge, even if they did make it through the examination."

As you can see from the most recently published SHELAA report (2018), Desford has a lot of potential development sites, with a wide variety of developers interested in building in Desford. Therefore I anticipate there may be a lot of interest in the Desford Neighbourhood Plan and how it is proceeding. Although a flawed consultation wouldn't necessarily mean that the plan would fail a basic condition, it does mean the examination may be challenging. As Locality highlighted, even if the plan was successful through examination, and was made following a successful referendum, it does not stop the potential threat of Judicial Review which is a costly and timely process.

I'm sure all parties, ourselves included, want to avoid these potential challenges, and therefore we strongly recommend the following:

- Re-consult on the draft Neighbourhood Plan for a total of 6 weeks, including ALL of the following information on the website and in hard copies:
 - a. A statement clearly outlining what is being consulted on, and the reasons for the extra consultation
 - b. A copy of the site assessment methodology, including (if any) changes to the criteria following the first Regulation 14 consultation
 - c. All maps clearly labelled and referenced, with site boundaries for each site confirmed
 - d. A list of the sites being consulted on (all sites, not just the extra 7), with clear site references and descriptions to cross-reference between documents
 - e. All site assessment proforma, with any changes between the first round of consultation and this consultation clearly highlighted to showcase what has changed, if anything, and the reasons behind the changes

- f. All of the relevant documentation relating to the plan, i.e. the draft plan itself, all appendices

I hope all of the above is clear and I hope we can work together to rectify any issues so we can move positively towards the plan's submission in the next few months. We are happy to answer any queries you may have, and if you feel it is required we are happy to meet to discuss the above. Please also remember that we have an ongoing partnership with the Rural Community Council (RCC), so John and Jhanvi are happy to help wherever they can.

Yours sincerely



Fran Belcher
Planning Officer, Policy

Development Services
Hinckley and Bosworth Borough Council

From: Frances Belcher
Sent: 24 July 2019 16:57

Good afternoon Bernard and the Desford Neighbourhood Plan Group

Thank you Ian for your advice in the below email, and thank you Bernard for updating me on the latest postion.

As I have advised Newbold Verdon & Gary, we have been discussing internally what we would recommend be the best way forward in terms of the consultation period regarding the completed SEA. We need to confirm, because both groups have completed the SEA after Reg 14 has already been held, whether there a legal obligation for another Reg 14 consultation on the SEA. As Ian rightly says if you proceed to Reg 15 Submission without re-consulting on the SEA document, this comes with risks. My colleagues and I are seeking further clarification on the potential approaches to this situation; I have been emailing Ian at AECOM for further advice, and I have contacted Locality for their opinion (they may know of case law where this has come up previously). Hopefully they reply to me ASAP.

In terms of the plan and its site allocation, in our professional opinion we would recommend that you keep the allocation in the plan, and amend the plan to reference that this site now has planning permission. Sheepy Parish Neighbourhood Plan were in a similar circumstance, in which their site allocation gained planning permission before the plan was submitted for Reg 15. In the Local Plan, we also allocate sites that have planning permission, as there is no guarantee that the site will be delivered following the granting of planning permission. If the site remains allocated then the plan still has the policy attributed to that site, and remains the preferred site by the community. If there are no allocations in the plan (i.e. a preferred option and reserve sites) and there is a housing need to be met (or the housing need increases) during the plan period then the plan does not state where the community's chosen site is, we would not have the neighbourhood plan policies to use when making decisions, and the plan would not be afforded the 'extra protection' as stated below. We would recommend that the site allocation remains, including all the site assessment information as supporting evidence, and the supporting SEA study, to avoid ambiguity over [NPPF Paragraph 14](#), as stated below, in particular criteria b:

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply⁸:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

As a result of continuing with the site allocation, you would still require the SEA report. Following the receipt of the SEA report, I would recommend producing a statement as to how the Neighbourhood Plan has been amended to

address the recommendations in the SEA report. This will then be a crucial piece of evidence during examination which will support your site allocation, and consequently your plan.

As Ian rightly highlights, if you decide to remove the allocation from the plan, the process would need to be consulted on with the three statutory bodies again, as there has been a significant change in the plan since the first screening process took place. This consultation would be as long as a consultation on a completed SEA (i.e. 5/6 weeks).

As I stated above, I will get back to you on the question of consultation periods following the receipt of the SEA.

Hopefully you can appreciate HBBC are doing our best to get this plan through the process as successfully and pain-free as possible; everything we recommend is our professional advice, and we will do our best to outline the different options so the group can make the best decision for them.

If you have any questions please get in touch.

Thanks

Fran

Fran Belcher
Planning Officer (Policy)

Planning Policy - Development Services

Tel: 01455 255749

Email: frances.belcher@hinckley-bosworth.gov.uk

Hinckley & Bosworth Borough Council, Hinckley Hub, Rugby Rd, Hinckley, Leicestershire, LE10 0FR

From: McCluskey, Ian [REDACTED]
Sent: 24 July 2019 15:19
To: b j grimshaw
Cc: [REDACTED]
Subject: RE: Desford NP SEA

Hi,

This is obviously a big change in the Plan, and in retrospect probably would not require an SEA.

You need to submit either an Environmental Statement, or a screening statement saying SEA isn't necessary.

I think it would be quicker for us to just send you the Environmental Report rather than you having to go through the process of contacting the Statutory bodies to get confirmation (AGAIN) that you now don't need SEA!

We can get the report to you next week, so I would just submit that. I will write some text upfront in the report to say that the Plan has changed drastically, but given that the SEA had already progressed, it was considered useful to consider the outputs on a voluntary basis. It seems a waste of effort for us to have undertaken an appraisal of your plan policies and then not to send them through for consideration. You may decide to take the recommendations on board if they will benefit the Plan for example.

With regards to the consultation issue, I explained to Newbold that there are exceptions where we know groups have bypassed Reg14. Whilst not ideal and there being risk involved, in your case, I would say the risk is negligible now that the Plan is not allocating sites (and we are saying so upfront in the report). Therefore, I think it's fine for you to go to Reg15 as planned with the Environmental Report alongside. The situation is slightly different for Newbold, but the risk there is still relatively low.

I asked a question about site assessments yesterday, but if you are definitely not allocating sites then I don't need this information. We would just remove all the references to the site assessment process from the Environmental Report. We had already started this, but it won't take long to remove. Likewise, the appraisal we had undertaken of the plan took account of the allocated site, but we will just amend now that it is not included. Are you definitely not allocating any sites or setting housing targets? If not I will proceed on this basis and quickly finish off.

As I say, we can get the report to you by the end of next week, so I would just submit this alongside your draft Plan. The only step you would then need to take would be to consider whether you want to amend the plan at all in relation to the recommendations (I can send these through early next week whilst I am tidying up the report though, and it will give you time to consider them).

Have you any queries ?

Regards

Ian

From: b j grimshaw [REDACTED]
Sent: 24 July 2019 14:58
To: McCluskey, Ian
Subject: Desford NP SEA

Good Afternoon, Ian:

Last night, HBBC approved the 80 houses on land opposite Bosworth Academy, and refused permission formally for the 80 units to the east of Peckleton Lane.

As that means the Neighbourhood Plan will no longer be allocating sites, but merely arguing that the first 80 units is sufficient for the plan period 2016 to 2036, does that now mean that, however late in the day, there is no formal ground for an SEA and the process should be discontinued.?

I have also received a phone call from McCarthy at Locality checking on the SEA progress and asking how we are finding the relationship with AECOM: the progress issue is now vital: we must crack on in partnership with HBBC to get our plan submitted for a referendum, so that it gains increasing weight in the planning application and appeal processes. You have said that you are hoping to send us a report at or near the end of July, but there is the issue, as Newbold are considering, of what further consultation is needed. We had thought that as the need for an SEA was only established after we had submitted our plan under Reg 14, we would consider and incorporate as appropriate the recommendations in the SEA and then submit the plan to HBBC for consultation (Reg 15?) prior to examination and referendum. That, of course, will not be relevant if the SEA can be discontinued as above, but if that is not legally possible, then the issue of further consultation becomes vital in our forward planning and will significantly delay progress if another Reg 14 consultation is needed.

The Working Group awaits your reply!!

Regards

Bernard

--

Bernard Grimshaw, Communications Officer, Desford Neighbourhood Plan Working Group



website: www.desfordvision.co.uk

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive



**Hinckley & Bosworth
 Borough Council**

Please ask for: Fran Belcher
 Direct dial/ext: 01455 255749
 Direct fax: N/A
 Email: planningpolicy@hinckley-bosworth.gov.uk
 Your ref:
 Our ref: DES-SEPT-2019
 Date: 26/09/2019

Dear Bernard and the Desford Neighbourhood Plan Group,

Thank you for including me in the series of emails sent on Friday 20th September and Tuesday 24th September 2019 regarding the next steps for consultation and submission. Please see HBBC's advice below.

The consultation

The consultation you'll be running at this stage is, for want of a better phrase, a Regulation 14 Part Two, as generally you'll be consulting on the draft plan as you did back in January 2019, but this time with the added SEA report and extra site assessments. I would steer clear of calling it a Regulation 13 consultation, as 'Reg 13' refers to a different set of regulations i.e. the Environmental Assessment of Plans and Programmes 2004, separate to the Neighbourhood Planning (General) Regulations 2012.

Running this consultation including consulting on the SEA Environmental Report shows how you plan to meet Regulation 13 of the Environmental Assessment of Plans and Programmes 2004 regulations.

With this being said, we would recommend the Parish Council/Neighbourhood Plan Group runs this consultation the same as the Reg 14 consultation in January 2019, including consulting the same people.

Who to consult

The SEA not only requires you to consult the three statutory consultees (Natural England, Environment Agency and Historic England) on the Environmental Report but also the public at this stage i.e. those people affected or likely to be affected, or having an interest in the issues raised in the Environmental Report. It is recommended that the following bodies are also formally consulted (the same as at Reg 14 stage):

- Neighbouring parish and town councils
- Landowners and community organisations that will be affected by your neighbourhood plan
- Any other organisations that you have been working with or who may have an interest in your neighbourhood plan.

How to consult

Once you have a plan of why, how, who and when you are going to consult, it's a good idea to include this as a supporting statement for the consultation and to then include in the final Consultation Statement. This will be good going forward into the examination so the examiner can see why and how this extra consultation was undertaken, and to what benefit, following the recommendations in the SEA report, the extra site assessments undertaken, and the amendments made to the plan since the last round of consultation in Jan 2019.

As you are fitting all this into a focussed three week consultation you'll especially need to make you've 'dotted the t's and crossed the i's'. Notwithstanding this we would recommend the following (some of which you've already stated you've got planned which is good):

- Publishing all relevant documents and maps on the website
- Notifying all parishioners, landowners and stakeholders (by whichever way you find appropriate)
- Social media posts
- Drop-in events within the consultation period (if possible/if you think would be necessary)
- Publicity around the village, i.e. notice boards, in public places for example the library

The more publicity on the plan, the more robustly you can demonstrate you've met the requirements in the regulations.

Next steps

Below I have included a brief run-down of the next steps between now and submission.

Step 1: Three week focussed Regulation 14 part two consultation on:

- The Draft Plan and amendments made to the plan following the SEA recommendations
- The SEA Environment Report
- All site assessment documents/maps and all supporting appendices/evidence bases

Step 2: Make amendments to the plan following the representations received during the consultation. Send to HBBC the final list of respondents to both stages of consultation in January 2019 and October 2019 (we need this to prep for the next stage).

Step 3: Prep all the documents for the Parish Council (as the Qualifying Body) to submit to the LPA under Regulation 15. This should include the following suite of documents:

- A letter confirming submission of the plan at Regulation 15, for the purposes of the LPA undertaking the Regulation 16 consultation
- Final Plan 'Submission Version'
- Basic Conditions Statement
- Consultation Statement
- A map and statement which identifies the area to which the plan relates
- SEA screening statement AND the full SEA Environmental Report

Step 4: After receiving the suite of documents above we issue an acceptance letter to the Qualifying Body and the Neighbourhood Plan group, and proceed to preparation for the Regulation 16 'Submission Consultation'. We usually take two weeks to do this checking and prepping stage depending on the level of prep needed.

Step 5: LPA undertake Regulation 16 consultation for 6 weeks.

Once you have scheduled a date to start the consultation, please let us know as soon as possible, as we will need to prep our website, and put aside time in our calendars to produce our representations. We can then also amend the Service Level Agreement indicative timescales plan to reflect the updated position.

Likewise **could you please let us know when you plan to submit at Regulation 15 as soon as possible**; this allows us more time to discuss the publicity of the consultation with colleagues in the communications team, and prep the consultation material for the website and the notification letters/emails.

I have copied in (cc'd to the email) John & Jhanvi from the RCC who will be able to help with this stage of the process if needed. Otherwise your planning consultant will be able to advise on all aspects of the process.

Any questions please let us know. If I am unavailable for any reason, my colleagues will be able to advise.

Yours sincerely,



Fran Belcher
Planning Officer (Policy)

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