

DESFORD NEIGHBOURHOOD PLAN (2018 - 2036)

Guidance and Directions

Timothy Jones, Barrister, FCI Arb,

Independent Examiner,

No 5 Chambers

8th April 2018.

Guidance and Directions

1. Hinckley and Bosworth Borough Council (“HBBC”), with the agreement of Desford Parish Council (“DPC”), has appointed me to examine the submission draft Desford Neighbourhood Plan 2018-2036 (“the NDP”). I am wholly independent of both councils and to the best of knowledge and belief of all others involved with the NDP, being a planning barrister based in Birmingham. I have no interest in any land in Hinckley and Bosworth borough.
2. The principal purpose of the examination is to consider whether the NDP meets the basic conditions. These are:
 - (1) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP;
 - (2) the making of the NDP contributes to the achievement of sustainable development;
 - (3) the making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of HBBC (or any part of that area);
 - (4) the making of the NDP does not breach, and is otherwise compatible with, EU obligations; and
 - (5) the making of the NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
3. I am also required to consider: whether the NDP is compatible with Convention rights as defined in the Human Rights Act 1998; whether the NDP complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Act 2004; and (in certain circumstances) whether the area for any referendum should extend beyond the neighbourhood area to which the NDP relates.
4. The normal rule for neighbourhood planning representations is that they are conducted by written representations with any site visit being unaccompanied. A public hearing should be held when the examiner (a) considers that a key issue should be examined in more depth or (b) to ensure a person has a fair chance to put a case. It is up to the examiner to decide who is invited to speak and what issues a hearing will cover.
5. An accompanied site visit may be required where it is necessary to access land that is not publicly accessible.
6. In order to facilitate this process I am issuing the following directions.

7. The point of contact for all communications with me is Fran Belcher, Planning Officer (Policy), Development Services frances.belcher@hinckley-bosworth.gov.uk - 01455 255749 - Hinckley and Bosworth Borough Council, Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR. All communications should be in writing, not by telephone or other oral communication. These will be publicly available documents.
8. This is an examination where I have had to give particularly careful consideration to the issue whether a public hearing was necessary in respect of issues relating to housing. Bearing current circumstances in mind, I have sought to do what I reasonably can to avoid both a hearing and an accompanied site visit and have concluded by using publicly available questions and answers, this can be achieved.
9. The questions are contained in the Appendix to these Guidance and Directions. While some are directed to particular participants, others may answer them if they consider it appropriate. The absence of a question does not mean that I do not consider it to be important. Rather, it means that I am satisfied that I can deal with it on the basis of the documentation that I already have and of an unaccompanied site visit.
10. It is important to emphasise that this is not an occasion for further submissions in general or for lengthy statements that go beyond reasonable answers to the questions I am asking.
11. Subject to the following paragraph, answers to the questions must be returned so as to be received by Fran Belcher, Planning Officer (Policy), at the address specified in paragraph 7 above no later than 4.00pm on Wednesday 22nd April 2020.
12. If any person considers that they need more time to answer the questions, they must apply for an extension of time to me, c/o Fran Belcher (details in paragraph 7), no later than 4.00 pm on Monday 20th April 2020, giving reasons for their application.
13. These Guidance and Directions are to be:
- (1) Posted promptly on appropriate locations on websites of HBBC and DPC; and
 - (2) Sent promptly to all who have made representations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

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Appendix

Questions

- 1.1 What is the current housing land supply figure for the borough?
- 1.2 Is there any reason why I should not treat the figure of deliverable housing land supply of 4.15 years in the Peckleton Lane Appeal Decision as accurate on the date when evidence was submitted in that appeal?
- 1.3 [Primarily to HBBC] When was evidence submitted in that appeal?
- 1.4 What significant changes have there been since that appeal? [I anticipate that it will include the granting of planning permission by that appeal, but, if this is wrong, this should be pointed out.]
2. The NDP states that “HBBC provided an indicative figure of 163 units, calculated by the Standard Methodology, and gave credit for 70 completions, leaving a net target of 93”. I have read HBBC representations in respect of this. Are any alternative figures put forward?
- 3 In respect of the Ashfield Farm site [primarily to Pegasus Group and DPC]:
 - 3.1 Is there anything that I ought to see on the site that cannot be seen from Kirkby Road or the Bellway Homes development. If so, please provide photographs.
 - 3.2 Is the second sentence of paragraph 4.2 of Pegasus’ representations correct? If so, please provide a plan showing the route of the footpath and photographs of any relevant view from it.
- 4 In respect of the Hunts Lane site [primarily to Avison Young and DPC]. Is there anything that I should see that cannot be seen from the public footpath along the west of the site or from Lockeymead Drive? If so, please provide photographs.
- 5 [Primarily to HBBC]
 - 5.1 What is the current timetable for the emerging Local Plan? When was this timetable fixed?
 - 5.2 Have any reserved matters applications been submitted in respect of the Barns Lane site? Is there any indication of the likely timetable for development of this site?
 - 5.3 Have any reserved matters applications been submitted in respect for the Peckleton Lane site? Is there any indication of the likely timetable for development of this site?
- 5.1 Should the settlement boundary in Figure 2 be modified to reflect the Peckleton Lane permission?
- 6.1 In HBBC’s regulation 16 representations, there is a reference to identifying reserve sites. Please could any participants who consider this might be appropriate

(whether as their primary case, or as an alternative submission) provide a draft policy to cover this point.