

22 April 2020

Fran Belcher
Planning Policy Officer
Development Services
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

Dear Ms Belcher,

**DESFORD NEIGHBOURHOOD PLAN 2018-2036 EXAMINATION (APRIL 2020)
RESPONSE TO EXAMINERS QUESTIONS ON BEHALF OF JELSON LTD**

Avison Young is town planning advisor to Jelson Limited ('Jelson') and is instructed to provide a response to the Examiners Questions set out in Appendix I of the Desford Neighbourhood Plan (DNP) Guidance and Directions (8 April 2020).

Jelson is an interested landowner of the site at Hunts Lane, Desford.

As not all of the questions put forward by the Examiner are applicable to Jelson's landholdings in Desford, we therefore provide in this letter a response to those questions considered most relevant, or those within which the Examiner has requested a direct response from Avison Young.

Question 4: In respect of the Hunts Lane site, 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.

The site in its entirety can be seen from both Lockeymead Drive and from the public footpath along the west of the site, and so no photographs have been provided.

Question 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?

Within HBBC's regulation 16 representations, the Borough Council advised that the DNP should *"build in as much flexibility as [it] can by allocating sites/identifying reserve sites should a housing requirement later set by the borough local plan be in excess of that being planning for in the neighbourhood plan."*

Whilst we note the recommendations of the Borough Council, we are of the view that the DNP needs to go further than this, and instead make further allocation(s) for the following reasons:

- i) There is an evidenced and identified housing supply shortfall within the Borough and so the new Local Plan is likely to set a housing requirement in excess of that planned for in the DNP to address this shortfall;
- ii) There is a lack of clear evidence that site at Barns Way (i.e. the proposed allocation) will begin to deliver homes within the next five years; and
- iii) There is a need to ensure that the DNP returns to a 'positive' state in terms of the conclusions of the Strategic Environmental Assessment (SEA).

We address each of the above in turn.

HBBC Housing Supply Position

When considering the housing supply position in the Borough, it is important to note the conclusions of the Planning Inspector during the appeal against the refusal of outline planning permission for the development of up to 80 dwellings on land at Peckleton Lane on the south eastern edge of Desford (appeal ref: APP/K2420/W/19/3235401). It should be noted that, at the time of consideration by the Inspector, outline planning permission had been granted for the development of up to 80 dwellings at Barns Way.

The Inspector concluded that the Council can only demonstrate a deliverable supply of land of 4.15 years and that *"the shortfall is significant"*. He concluded that the dispute between the parties as to whether the proposals would meet local needs in Desford does not detract from the fact that there is a borough-wide shortfall that has no immediate remedy in a plan-led system. He opined that in spite of Desford having seen housing growth in excess of the minimum requirement set out in the Core Strategy, it does not preclude any further development in the village if it is found to be sustainable.

Furthermore, in light of the current circumstances and the implications of the recent coronavirus outbreak, we also note the outcome of an appeal against the refusal of planning permission for the development of 118 dwellings on land north of Nine Mile Ride, Finchampstead, Berkshire (appeal ref: APP/X0360/W/19/3238048). During this appeal, the Planning Inspector acknowledged the likely implications the pandemic would have on the housebuilding industry and agreed with the Appellants conclusions that the effects would be felt for at least a 3-6 month period. On this basis, she agreed that 168 homes should be removed from the authority's housing trajectory in support of its five year land supply position. Whilst, at this stage, the full extent of the economic impact of the COVID-19 outbreak cannot be known, it is likely to have an impact on housing delivery and land supply, both in terms of activity over the coming months and the longer-term implications for the flow of land through the development pipeline.

For local planning authorities such as Hinckley and Bosworth, who are already facing a significant shortfall in supply, there is now a risk of this shortfall increasing even further. It is therefore imperative that these authorities undertake a comprehensive due diligence of their housing land supply and make the necessary provisions in any future development plans to accommodate this temporary reduction in supply.

Taking all of the above into account, Hinckley and Bosworth's future housing requirement will be considerably higher than the current Core Strategy makes provision for (and which the DNP's policies are derived from). However, the DNP, in its current form, fails to respond to this expected increase in requirement and therefore fails to take into account the latest evidence on housing need. We note the requirements of the plan-making process, in particular paragraph 13 of the National Planning Policy Framework (NPPF) which sets out that neighbourhood development plans should support the delivery of strategic policies contained in local plans. By proposing to allocate only a single site for residential development (i.e. land at Barns Way), there is a risk that the Plan will fail to deliver a sufficient quantum of housing in order to meet the future needs of the Borough.

This has led us to question whether the DNP is supporting the delivery of strategic policies and therefore meeting its basic conditions. It seems to us that a further allocation(s) is needed.

Deliverability of the site at Barns Way

The submission version of the plan proposes the allocation of land at Barns Way. Whilst the site currently benefits from outline planning consent, we have concerns about its deliverability.

The term deliverable is defined in the Glossary to the NPPF. Sites that benefit from outline planning consent and an allocation in a development plan, such as the site at Barns Way, should only be considered deliverable where there is “clear evidence that housing completions will begin on site within five years”. In the absence of such evidence, a site is not, by definition, deliverable.

Insofar as the site at Barns Way is concerned, whilst the site has been the subject of an application for outline planning permission, no Reserved Matters application has been submitted to date, and so it is not clear that the proposals are acceptable in planning terms. In addition, we are not aware of there being any housebuilder engaged or of any evidence that the site is available now. In light of the current circumstances, and the associated implications of the coronavirus outbreak, there is an increased risk to securing developer involvement. Housebuilders have generally paused all new land-buying activity and a majority have stopped all new acquisitions of immediate land in order to focus on protecting their cash-flows. This in turn could result in a significant delay to the delivery of the site at Barns Way.

With this in mind, there stands a very real risk that the site at Barns Way may not come forward for development within five years. To minimise this risk, the Parish should look to allocate an additional site(s) to ensure that it, and the wider Borough, maintain a deliverable supply of housing.

In light of the above, careful consideration should be given to ensure that any additional allocations are considered deliverable. It is on this basis we contend that a number of alternative sites within the Parish be excluded from further consideration, such as the site at Meadow Way. Whilst this site benefits from outline planning permission, it too was ‘promoter-led’ and so has no housebuilder involvement, as far as we are aware. In line with the requirements of the NPPF, it would therefore be plainly wrong to assume this site could begin to deliver housing within the next five years.

By contrast, our Clients land at Hunts Lane is in the freehold ownership of an experienced local housebuilder. Technical work to support its delivery has been completed and work on a detailed planning application is almost complete. This site could therefore be delivered very quickly and make a contribution to housing supply ahead of either Barns Way or Meadow Way.

Conclusions of the SEA

A Strategic Environmental Assessment (SEA) and Environment Report was prepared by AECOM Ltd. It assessed the proposals against a set of sustainability/environmental objectives and considered whether the proposed allocation, or draft policies, would have a positive or negative effect on the key objectives when considered in the context of the baseline (i.e. the existing environmental characteristics of the designated area).

The SEA suggests that the plan is predicted to have mostly positive effects and for three objectives, significantly positive effects, albeit with uncertainty over one (heritage). It concludes:

“The main benefits of the Plan relate to communities, as the delivery of new homes and high quality design will support the local population and improve their health and wellbeing. The allocated site contributes notably to these effects. In the instance that planning permission is granted on this site [Barns Way], the effects are only relevant should the permission lapse. Therefore, these positive effects could actually be minor in reality.”

The homes to be delivered on the site at Barns Way have the benefit of planning permission and so, if delivered, will not be delivered because of the proposed DNP allocation. They will, instead, be delivered on the back of a planning permission. Therefore, in accordance with the conclusions of the SEA, the DNP is delivering little in the way of positive effects, and so it is clear that additional allocations should be made to bring the plan to a positive state in SEA terms.

Recommendations

It is clear, for the reasons we set out above, that the DNP needs to make additional allocations.

To date, the Parish appears to have considered sites identified to it by either HBBC or landowners/promoters by way of a Strategic Site Assessment (SSA). The SEA sets out that the Barns Way site was taken forward for allocation as it was the top scoring site in the SSA process. It is therefore considered that if the Parish were to make further allocations, it would turn back to the SSA.

As the examiner will have seen through our previous representations, Jelson raises serious concerns regarding the approach the DNP Group has taken to identify suitable sites within the SSA, . Whilst potential sites have been assessed against the same criteria, there are significant inconsistencies with the way in which sites have been scored. This is the case when simply comparing the scores attributed by the Group to the different criteria between just Barns Way and Jelson's site at Hunts Lane. We found that either, the commentary is broadly similar for both sites, but Barns Way is given a higher rating; the position is worse at Barns Way and yet scores the same rating as Jelson's site; or there is a general inconsistency around how different considerations are assessed.

In assessing the site at Hunts Lane against the Parish's site selection criteria, our representations to the DNP pre-submission version (dated 11 January 2019) and Supplementary Site Assessment Consultation (dated 23 May 2019) made it clear that the site scores the highest, and so continues to be the most sustainable and least environmentally damaging when compared against all other sites. Adding to this, the site is controlled by a developer, is available now, offers a suitable location for development, and is achievable, having a realistic prospect of delivering housing in the next three years or until the expiration of any relevant detailed planning permission.

Furthermore, when considering the ranking order of the sites assessed by the Parish, and as referenced in the SEA Environmental Report at Table 4.1, we note the order from highest scoring to lowest as being as follows:

1. Desford – Barns Way Extension [the proposed allocation]
2. Botcheston – Rear of Snowdene Main Street, and Botcheston – Hinds Quarters, Main Street
3. Desford – Meadow Way Extension
4. Desford – South of Hunts Lane [Jelson's land]
5. Desford – Hunts Lane Extension Site
6. Botcheston – Rear of 38 Main Street
7. Desford – Sewage Treatment Plan
8. Desford – Ashfield Farm Extension
9. Desford – Kirkby Road Extension
10. Botcheston – Botcheston North of Main Street, and Lyndale boarding cattery
11. Desford – New Desford South Expansion, and Desford – Neovia New Desford Expansion.

The above ranking applies to the Parish's latest site assessment scoring and places Jelson's land as 4th. We consider the top four in turn.

As noted above, it is not necessary to allocate Barns Way by virtue of its extant planning permission and as the Plan would achieve little by doing so.

This would also be the case for 'Desford – Meadow Way Extension', otherwise known as land at Peckleton Lane as it also benefits from outline planning permission for up to 80 dwellings.

The two sites scoring second place are located in Botcheston. The SEA set out that the Parish concluded that allocations in this settlement would be "unreasonable" due to its lower ranking in the settlement hierarchy, as defined by HBBC in its adopted Core Strategy. It concluded therefore the any allocations should be in Desford.

With the above in mind, we conclude that even when considering sites against the DNP SSA scoring, Jelson's land at Hunts Lane is the most sustainable and would be the most appropriate for allocation. The site offers sustainable development in a logical location which would help to address the increasing housing need that has been identified at both the local and borough-wide level and is capable of making a substantial and much needed contribution towards the delivery of market and affordable housing within the next five years.

Accordingly, we conclude that consideration should be given to amending Policy H2 (Residential Site Allocation) and Policy H1 (Settlement Boundary) of the DNP.

If the examiner or Parish does not agree, then we consider that as a minimum, a reserve site(s) should be allocated which will identify preferred locations for development in the event that either the Barns Way site does not deliver, or the need for development in the settlement increases. As set out above, we conclude that Jelson's land at Hunts Lane would be the most appropriate site for housing.

As requested by the Examiner, we provide our suggested policy wording below:

"Land at Hunts Lane, Desford [and any other site(s) the Examiner considers appropriate] is allocated as a reserve site for the delivery of up to 100 dwellings. This site will be made available for housing development if it becomes necessary to provide for additional homes in Desford as a result of:

- (i) *An increase in housing requirement in accordance with the new Hinckley and Bosworth Local Plan; or*
- (ii) *Where HBBC is unable to identify a 5 year supply of land for housing; or*
- (iii) *The allocation at Barns Way failing to deliver housing within the next three years. "*

Summary

There is a fundamental need to boost the supply of housing and the DNP, in its current form, is not proposing to support this. It should therefore be looking to allocate a sustainable site(s) so that housing will be delivered as a direct result of a DNP allocation. The Parish's own assessment of Jelson's land concludes that it is sustainable by virtue of its overall green scoring and, when reviewing the Parish's list of sites and making the relevant discounts as we set out, it sits at the top. We therefore consider that the land at Hunts Lane should be allocated for residential development, either instead of the Barns Way allocation or in addition to it. If the Examiner or Parish disagree, then we conclude that as a minimum it should be identified as a reserve site. The additional allocation(s) will bring the Plan to a positive state in SEA terms and would add much needed flexibility to the Plan, to help address the current unmet housing need or in the event that the current draft allocation proves to be undeliverable.

We hope that the above addresses the questions of the Examiner, however should you wish to discuss any aspect of the above, please do not hesitate to contact Emily Hill (0121 609 8024 / emily.hill@avisonyoung.com) or Rachel Mythen (0121 609 8619 / rachel.mythen@avisonyoung.com) of this office.

We would be grateful if you could please confirm receipt of this letter and thereafter keep us informed on the progress of the DNP.

Jelson Limited
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Yours sincerely

For and on behalf of Avison Young