



Hinckley & Bosworth
Borough Council

Hinckley and Bosworth Borough Council

Consultation response to the draft Witherley Neighbourhood Plan - Pre-Submission (Regulation 14)

Thank you for consulting Hinckley and Bosworth Borough Council on the Regulation 14 Pre-Submission draft Witherley 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).

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. Witherley NDP has undertaken a screening, in consultation with the statutory consultees, and it was determined that a full SEA was not required to comply with this basic condition.

Comments are provided 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 and are not contrary to national and local policy.

It's important to note that the plan at the Regulation 14 stage has been written by and is the responsibility of the Qualifying Body (Parish Council), and the LPA can only provide guidance and advice at this stage. All advice provided by the Borough Council throughout the neighbourhood plan process is to ensure that the neighbourhood plan reaches its full potential; our comments are based on our professional experience in planning policy, development management (i.e. planning applications and developability/viability of sites), conservation, the natural and historic environment, affordable housing etc.

I am aware that the group have a planning consultant on board, and therefore it is advised that these comments are considered in full liaison with your planning consultant, who should be able to advise on any amendments required and next steps.

Please note: the comments have been split into two tables. The first is the detailed comments with specific comments on policies and the plan contents overall. The second table is the general comments on anything additional, but also contains important comments on consultation practices undertaken by the Parish Council.

These representations comprise of comments from various officers within the Development Services department, including Planning Policy, Development Management, the Conservation Officer and the Strategic Housing and Enabling Officer (Affordable Housing). If there are any queries on any of the comments please get in touch by emailing planningpolicy@hinckley-bosworth.gov.uk or contact the lead officer for your plan who will liaise with the team if required.

Detailed comments

| Policy / Page num | HBBC comments |
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| Page 6 | <p>'For Witherley Parish, the most significant planning document is the Hinckley & Bosworth Local Plan, adopted in December 2009'</p> <p>Suggest change to: 'For Witherley Parish, the most significant planning documents are the Hinckley & Bosworth Core Strategy (2009) and Site Allocations DPD (2016)'</p> |
| Page 6 | <p>'The Neighbourhood Development Plan is in general conformity with the policies contained in this document, and also has regard for the emerging Local Plan 2016 – 2036 which is currently being prepared'</p> <p>Change to</p> <p>The Neighbourhood Development Plan is in general conformity with the policies contained in this document, and also has regard for the emerging Local Plan 2020 – 2039 which is currently being prepared</p> <p>In general - Local Plan timescales - The timescale of the emerging local plan is not 2020-2039 and groups have been notified of this previously. It is recommended that the Witherley NDP reflects this timescale rather than to 2036.</p> |
| Page 14 | <p>'Meeting Future Housing Needs'</p> <p>This section refers to the Leicestershire HEDNA, and although this document will have been useful during the production of the neighbourhood plan between 2017 and 2019, the borough have made clear on many occasions that the HEDNA is now out of date in terms of calculating housing need. The Government have set out the standard methodology approach and the neighbourhood plan should reflect this.</p> <p>The national standard method for determining housing need gives a housing need for the borough of 452 houses per year or 8,588 over the period 2020-2039 (see comments on plan period in 'General Comments' table at the end of these reps). Based on the latest data on population (2017 midyear estimates) Witherley parish accounts for 1.2% of the total borough population. Based on this share Witherley would have a housing requirement of 107 dwellings between 2020 and 2039, as below:</p> <p>Witherley Population – 1388</p> <p>% of Borough Population – 1.2%</p> <p>% share of need – 107</p> <p>% share of need + 10% buffer for flexibility – 118.</p> <p>As discussed above, the calculations above are for the plan period 2020 – 2039, as agreed for the Local Plan by HBBC Members.</p> <p>The borough have recommended on many occasions that neighbourhood plans build in flexibility to their housing policies to allow for changes to the housing requirement once the</p> |

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| | <p>HBBC local plan has progressed sufficiently to provide housing requirement figures at parish level, and/or there are changes on a national level to the standard method housing requirements.</p> <p>Therefore we would recommend that you base your approach on the standard method requirement figures and the proportionate approach set out by the borough (and the Independent Examiner for Burbage Neighbourhood Plan) as above.</p> <p>However, we do understand and it must not be underestimated that in particular Witherley settlement is constrained. There are important heritage assets such as the Scheduled Monument to the south of Witherley Village, ongoing concerns with flooding, and the long standing issues with the connections to the A5. The Site Allocations and Development Management Policies DPD (SADMP) stated clearly that no allocations were to be made in Witherley at that time. The SADMP states: <i>“Whilst Highway England’s comments were positive towards the principle of one selected site, they identified that access would not be a viable option for this site as the access lane is unadopted and unsuitable for further development of this nature. As a result no residential development will be allocated for Witherley.”</i></p> <p>As done through the SADMP it is important to establish how you are meeting your housing requirement, and if you are not the reasons for this. We understand that constraints exist in Witherley which have affected allocation in Witherley in the past, but this has not been covered fully in the draft neighbourhood plan. Do the constraints still exist and still present a barrier to allocating more than 15 dwellings? For example are there still capacity issues at the A5 junction as stated previously by Highways England? I believe there has been work on the A5 in recent years around this area, and therefore these concerns may not be present now. You have addressed local concerns around the A5 in the Transport and Traffic section, although there appears to be no evidence from Leicestershire County Council or Highways England to corroborate that there are still significant constraints that would prevent further development.</p> <p>Essentially it needs to be thoroughly demonstrated, if using the Borough Council’s approach to housing numbers, why the neighbourhood plan has allocated 15 dwellings, as opposed to the requirement of around 100 dwellings (exact requirement figure depends on plan period).</p> <p>This takes on even greater importance in that the ‘Witherley Parish today’ section on page 11 has noted that population levels have fallen between 2001 and 2011 and the parish has an ageing population. This is evidence that there is an issue that needs to be addressed and in simple planning terms additional growth in the parish could address this. More homes and particularly homes that are affordable/suitable for younger people and families (and also affordable rental property) could address the decline in population and reverse the trend of an ageing population. Otherwise there is a concern services and facilities may become unviable in the parish – such as you have identified with the primary school. It is important that the plan reflects on the evidence that has been gathered and sets policies/allocates land for development to respond to that evidence.</p> <p>As it stands it appears that insufficient provision for new housing is being made in the plan. See further comments in subsequent sections. Further comments on housing requirements are set out below with regards to Page 16 and Appendix 5</p> |
| Page 15 | <p>“Almost all housing development in Witherley Parish in the past ten years has been on in-fill sites with just 16 housing completions and 8 conversions between April 2006 & March 2019. (source: HBBC Residential Land Availability Statement 2008-2019).”</p> <p>The latest available RLA is for the April 2019 – March 2020 period, and the documents are available on this webpage. Please update to reflect this.</p> <p>In 2021 the RLA will be updated for the April 2020 - March 2021 period and therefore the</p> |

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| | Neighbourhood Plan may need updating again to include this. |
| Page 15 | <p>“When asked what benefits it was thought that sustainable development would bring to the Parish, 71% supported housing which enables young families to move in, and the elderly to remain in the Parish.”</p> <p>The first half of the sentence doesn’t make sense, should the sentence read “When residents were asked what benefits sustainable development would bring to the Parish, 71% supported...” ?</p> <p>Please amend accordingly.</p> |
| Page 15 | <p>“Although the Borough Council has made no residential housing allocation for the Parish, the evidence shows that there are gaps in the current residential provision.”</p> <p>Please amend to make clear that it is in the Site Allocations and Development Management Policies DPD (SADMP) that there was no allocation for Witherley. The plan should explain why, at the time, it was decided not to allocate land in the settlement of Witherley in the SADMP. And that no allocations were made elsewhere in the parish because the other settlements were categorised at the lower end of the settlement hierarchy set out in the SADMP and considered not to be sustainable settlements for the purposes of allocating housing sites. See comments below on housing targets in Witherley in the SADMP.</p> |
| Page 16 and Appendix 5. Also comments on overall strategy of housing allocations in the absence of the allocation in Fenny Drayton. | <p>In Appendix 5 it would be useful to have a map for each site, so that it is clear exactly where each site is.</p> <p><u>Housing targets, OAN and SADMP allocations</u></p> <p>Appendix 5 Para 1.3 states: “There is no housing target set for Witherley which has been recognised by HBBC based upon an agreed population and economic development increase in numbers and activity. The objectively assessed need between 2016 and 2036 is therefore for 0 additional dwellings, based upon the settlement hierarchy agreed for the parish and the small proportion of the population of Witherley as a proportion of the Borough as a whole.” This is incorrect.</p> <p>Also an objectively assessed need for housing is not the same as a housing requirement. I suggest this is amended, in both Appendix 5 and the main plan to:</p> <p><i>‘The Core Strategy set a housing requirement of 10 dwellings for the settlement of Witherley. However the subsequent Site Allocations DPD did not allocate a site to meet this requirement due to Highways England concerns at the time regarding access and junction capacity onto the A5. In addition no housing requirements were set for Fenny Drayton or Ratcliffe Culey. These settlements were classed as rural hamlets in the Core Strategy and these are considered as the least sustainable settlements in the settlement hierarchy set out in the Core Strategy. Atterton has no settlement status in the hierarchy and therefore also had no housing requirement set.</i></p> <p><i>The emerging Local Plan is not sufficiently advanced to establish a new housing requirement for Witherley Parish and in the absence of a figure the Borough Council has recommended an alternative approach based on apportioning the overall Borough housing need (based on the latest standard method) against existing population distribution of the parishes in the borough. This approach would give a housing requirement figure for Witherley Parish of 107 dwellings between 2020-2039. In addition it is recommended flexibility is built into this figure to allow for future changes to this figure once the local plan is adopted. A minimum of 10% is recommended which would provide an overall figure of 118 dwellings.’</i></p> <p>The Borough would support the approach set out above until a figure can be provided through the emerging Local Plan. However It is for the neighbourhood plan group to decide whether to use this figure or establish its own figure. If the group were to choose to</p> |

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| | <p>establish their own figure this should be based on sound evidence and justified. For example the neighbourhood plan could use this approach to establish a baseline housing 'need' figure and then undertake a 'policy on' assessment of local factors and constraints – such as any constraints associated with the A5, physical constraints, infrastructure needs etc. The Borough Council will do this through the local plan, but Neighbourhood Plans can make the case for a different requirement figure on the basis of local circumstances. But as noted above this would need to be based on sound and clear evidence.</p> <p>Para 2.1 states of the HBBC SHELAA: <i>“This exercise was substantially updated in December 2018 and July 2019”</i>. The second date is incorrect. The most recently published SHELAA Report was in December 2018, covering the 2017-2018 period. Then a Local Plan Call for Sites was undertaken in January 2019 onwards for the preparation of the Local Plan Review. The SHELAA covering the 2019 – 2020 period will be published early 2021.</p> <p>Paras 2.2 refers to two allocated sites, this is no longer the case and only one site has been allocated. Please amend to reflect this, as has been done in para 2.3.</p> <p><u>Methodology</u></p> <p>It's unclear how each site was assessed against each criteria, i.e. was a specific methodology followed to arrive at a certain score. By showing your workings and evidence behind each score removes the probability of challenges, particularly regarding those criterion relating to technical and/or 'expert' topics such as heritage assets, protected species, highway matters, landscape issues, drainage and contamination. If there has been input into these assessments by a technical officer (i.e. at County Council or independent consultant) this needs to be evidenced so we can see where the information has come from. Additionally how was landscape character assessed? Was it just by site visit, or was it using evidence prepared by experts such as HBBC's Landscape Character Assessment or Sensitivity Study (2017)?</p> <p>If the assessments are purely based on local knowledge and local evidence, then this needs to be made clear and the Examiner can be assured that it is a local evaluation rather than a professional assessment of sustainability via technical assessments.</p> <p>I am concerned that some of the criteria cannot directly be attributed to 'sustainability', especially if this assessment has been undertaken in a 'policy off' manner. For example, just because a site is over 5 dwellings this does not mean it is unsustainable.</p> <p>Likewise just because a site is greenfield it does not mean it is unsustainable if the assessment is 'policy off'. For example, in the HBBC SHELAA which is a 'policy off' assessment, there are only limited circumstances where a site can be classed as unsuitable/unavailable/undevelopable, this can be found in the SHELAA Methodology 2020 here.</p> <p>Also I'm unclear on whether the housing requirement was established before a site was chosen, or vice versa. If a site is proposing 15 dwellings how can it be scored a red, if that's how many dwellings the NP is proposing to allocate?</p> <p>Overall, please be clear on how each site was scored against each criteria, if the assessment is a 'policy off or policy on' evaluation of sustainability, and if technical documents were used and/or if experts were consulted on the technical topics.</p> <p><u>The removal of the Fenny Drayton site and consequences</u></p> <p>The site allocated in Fenny Drayton was removed from the plan prior to the Regulation 14 consultation started. As far as we are aware, this site has just been automatically removed from the plan, however it does not seem there has been further consideration of the consequences.</p> |

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The LPA would have had some concerns with the site at Fenny Drayton, as the settlement is classed as a rural hamlet in HBBC's Local Plan, with little to no services such as a school, doctors, shop etc. In any case, the site has now been removed by the Qualifying Body, and there has been no settlement boundary change at Fenny Drayton. I am aware that there are many residents of Fenny Drayton that are concerned with the potential impacts this plan has on Fenny Drayton, in particular the allocation of a housing site and as a consequence the removal of the open space (FEN02 in the SADMP). However, as the site allocation has been removed and the plan does not look to change or modify the open space or the settlement boundary, the Borough Council has no comments to make on these matters.

In the absence of the site allocation at Fenny Drayton, the dwellings allocated at that site that were meeting some of the need has now been lost, as there has been no alternative approach suggested, nor is there any evidence provided to suggest that a second preferred site has been considered.

Changes to and queries on the SSA methodology and site assessments

Appendix 5 was amended upon our request to include all of the site assessments (see comments elsewhere on this matter). It seems that during the updating of Appendix 5, one of the scorings of site Witherley 10a has changed. In the original version of Appendix 5 that I have saved the site was originally scored +7, however in the updated version of the document the site scored +8. Please make clear as to why this has happened.

There are several instances where the questions in the methodology have been amended on each site assessment. For example, in the methodology on pages 3 and 4 one of the questions is "13. Safe pedestrian access to and from the site". In the site assessments however, the question has been changed to "is there an adopted pavement to and from site?". Likewise, site 7 has a different question for question 15 than the methodology i.e. the methodology question of "Safe vehicular access to and from the site", as opposed to the question used for site 7 "Is a vehicular access available to and from the site?". Also in some instances the designated centre of the village is classed as the church, but in others it's the public house. Why is the centre of the village changing? There is a chance therefore that the scoring for each question would be different depending on the wording of the question asked.

There is considerable consistency issues here between methodology and assessments, and therefore is open to challenge.

Ranking and choice of alternative sites

I have re-ordered the ranking of sites so it is clear what the order of preference of the 'positively' assessed sites are:

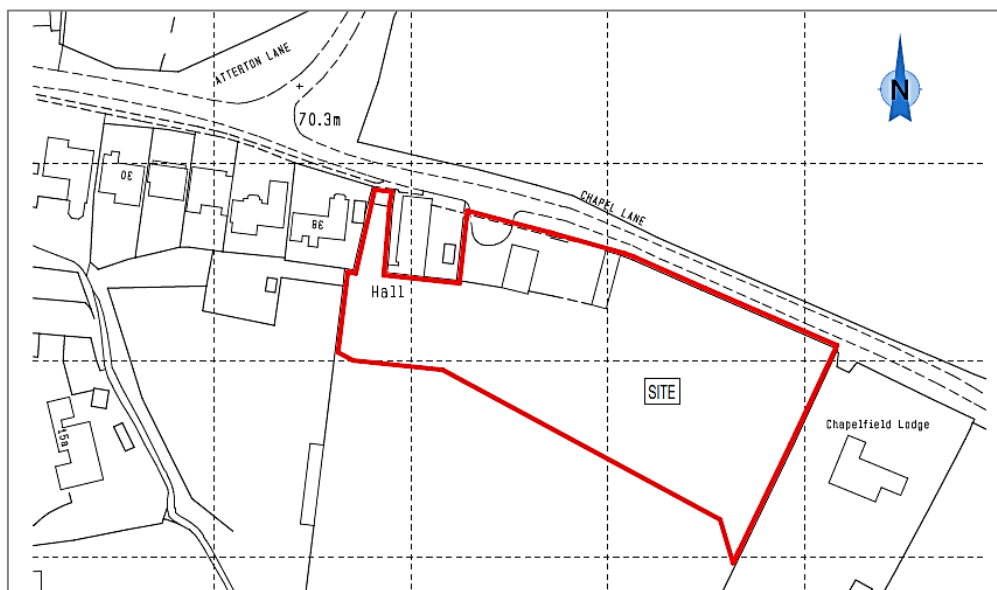
| Site Name and Ref Number | Number of Dwellings | Score |
|--|---------------------|-------|
| Witherley 10b (Witherley, Hunt Kennels Full) | 20 | + 8 |
| Witherley 10a (Witherley, Hunt Kennels Renovation) | 15 | + 8 |
| Witherley 7 (Witherley, Chapel Lane) | 14 | + 4 |
| Witherley 5 (Ratcliffe Culey, Church Croft) | 4 | = - 1 |
| Witherley 9 (Witherley, Kennel Lane upper ext.) | 59 | |
| Witherley 1 (Fenny Drayton, opp. The Royal | 104 | |

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| Redgate pub) | | | |
| Witherley 4 (Ratcliffe Culey, North Main Rd) | 94 | = | - 2 |
| Witherley 6 (Witherley, Church Road) | 9 | | |
| Witherley 10 (Witherley Kennel Ln, middle ext.) | 93 | | - 4 |
| Witherley 11 (Witherley Kennel Lane, lower) | 64 | | - 5 |
| Witherley 8 (Witherley – landlocked site off Chapel Lane) | 33 | | - 6 |
| Witherley 2 – (Fenny Drayton, Simpson Farm) | 1500 | | - 8 |

The most positively ranked site is the sites at the Hunt Kennels (ref 10a and 10b) for 20 dwellings and 15 dwellings respectively, although in the allocation at Policy H1 only 15 dwellings are allocated. Is there a reason why the full site that was also ranked top wasn't chosen? Why are 15 dwellings deemed more appropriate as opposed to the full site. The full site would provide 5 extra dwellings that aren't provided in any other allocation now that the Fenny Drayton site has been removed.

In any case, the second positively ranked site in the site assessment process is Witherley 7, Chapel Lane, SHELAA Ref LPR17, to hold around 14 dwellings, as shown in the SHELAA map of the site below:




As the site at Fenny Drayton was removed quite soon to the start of the Reg 14 consultation, has thought been given to allocating the third ranked site (Chapel Lane, Witherley) in the site assessment process for allocation instead? If it has been considered and not taken forward why is this, and what effect does that have on the overall housing requirement and sustainability of the plan overall?

In addition, the policies and strategy of the plan have not been updated to reflect the withdrawal of this site. It could be argued that the plan is now contrary to [Para 049 of the NPPG](#), below, as the plan has not given full consideration to the preferred approach now the second allocation has been removed.

Para 049 below, my emphasis added in bold:

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| | <p><i>“At what stage does the pre-submission consultation take place on a draft neighbourhood plan or Order?”</i></p> <p><i>Before the formal pre-submission consultation takes place a qualifying body should be satisfied that it has a complete draft neighbourhood plan or Order. It is not appropriate to consult on individual policies for example. Where options have been considered as part of the neighbourhood planning process earlier engagement should be used to narrow and refine options. The document that is consulted on at the pre-submission stage should contain only the preferred approach.</i></p> <p><i>Paragraph: 049 Reference ID: 41-049-20140306”.</i></p> |
| <p>Page 16 – Policy H1</p> | <p>HBBC support the choice of a brownfield site as an allocation in Witherley Neighbourhood Plan; brownfield is generally the preferred choice over greenfield if the site is sustainable and viable.</p> <p>Do we know that the buildings on site are capable of conversion? I.e. are the buildings structurally sound. If not, there is a chance the site would become unviable. Is there any evidence to support this – that they have potential to be developed.</p> <p>The policy must also refer to heritage assets settings also. Therefore it is recommended the policy is re-worded as follows: “Proposals will need to avoid harm to the heritage assets <i>and their setting</i> and are subject to...”</p> <p>Criteria b & c – it is unwise to stipulate in a policy the phased approach of a development. Likewise to comments from the Conservation Officer, you could amend to say the whole development must come forward, and/or state that the phasing is subject to further agreement. Alternatively you can remove reference to the phasing of the development, and include as an aspiration in the supporting text, and state that you wish to work with potential developers on this as and when developability is being discussed. What is an “advanced stage of construction”? Does this means for all converted dwelling, or 50%, or otherwise? Please make clear.</p> <p>Criteria d – please be more specific, is this the Witherley Neighbourhood Plan Design Guide? Or the HBBC Good Design Guide SPD 2020 (here).</p> <p>Criteria e – If a field is being protected it should be excluded from the allocated area and settlement boundary. In any case, it is unclear as to where this ridge and furrow field is, unless referring to other sections of the plan and/appendices. A map showing the extent of the area here would be helpful. See further comments on criteria e by the Conservation Officer, particularly regarding the loss of ridge and furrow and conflict with policy ENV8.</p> <p>Criteria f – No need for the number of dwellings in brackets, advised just keep at 40%.</p> <p>Figure 2 – In addition to figure 2, another closer map of the allocation site would be useful to see the intricacies of the boundary.</p> |
| <p>Pages 15 – 17</p> <p>Comments by the Conservation Officer</p> | <p>Paul Grundy the Borough Council’s Conservation Officer has provided the following comments on pages 15-17, including Policy H1.</p> <p>Policy H1. Allocation for around 15 dwellings at the former Atherstone Hunt Kennel, Witherley.</p> <p>The allocation of this site has my general support as it does provide the opportunity to re-use these significant local buildings, although any proposed scheme must be sensitive to their significance and their setting (as the immediate and wider rural hinterland of these buildings is a critical part of allowing for any understanding of and appreciating their significance). The policy wording should be amended slightly to incorporate the word</p> |

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| | <p>'setting' – I would suggest it is altered to "...Proposals will need to avoid harm to the heritage assets <i>and their setting</i> and are subject to the following criteria..."</p> <p>The policy seeks around 15 dwellings on the site with around four of those being new buildings. The footprint of the existing buildings (including the kennels, stables, and cottages) is extensive so it may be possible to provide around 11 dwellings within these buildings, however perhaps some feasibility work is required to determine if the allocation as a whole would be viable and could actually be delivered, with considerations being the condition of the buildings and their suitability for conversion, providing the suggested housing mix and around six affordable units, meeting the requirements of policy H5 etc.</p> <p>Limbs b and c of the policy are understandable in seeking to ensure the conversion as well as the new build would be delivered, however the phases specified in the two limbs could be considered restrictive and again could make delivering the allocation unviable or unappealing to many developers. I would suggest the thoughts on the phasing is also obtained from HBBC Development Management, but a suitable phasing approach could be sought and agreed with a development partner as part of a planning condition or other legal agreement. So possibly limbs b and c could be amended to a single limb along the lines of <i>both the conversion and new build elements of this allocation must be delivered; the phasing and method of delivery of the allocation is to be agreed and secured with the chosen developer as part of any subsequent planning application.</i></p> <p>Based on figure 2 it is assumed the position for the (around) four new buildings would be the rectangular section of the field directly to the rear (east) of the Hunt cottages and to the south of the kennel range. In my opinion this siting of the new development has the potential to have an adverse impact upon the setting of the kennels with it being an uncharacteristic projection into an open field as well as it likely leading to the loss of preserved ridge and furrow within the field. I understand there is a difficult balance here is seeking to provide housing and preserve features within the historic and natural environment but the loss of ridge and furrow (as identified within the ridge and furrow section) would conflict with Policy ENV8. Are the Neighbourhood Group happy with this? Limb e of Policy H1 refers to the adjacent and more prominent ridge and furrow field so is the ridge and furrow present within the allocation less prominent and worthy or less weight in the planning balance?</p> <p>I would suggest an alternative position for the new build should be explored – marked in red on the screenshot below. There is a contained parcel of land immediately to the south of the cottages on Kennel Lane which if developed would more closely follow the development pattern of buildings being sited next to the lane. Street view indicates there is band of mature hedgerow trees adjacent to the lane but there appears to be adequate space behind for the four new builds (especially if smaller house types are being sought as part of desired housing mix) and retention of the hedgerow. In my opinion amending the boundaries of the allocation to include these site and remove the projection into the field would provide a more appropriate form of development and retain the setting of the former kennels, so this amendment should be strongly considered. One positive aspect to this alternative is that the site in red appears to form part of the same SHELAA submission suggesting land ownership remains the same as the allocation?</p> |

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| <p>Page 18</p> | <p>Settlement Boundaries</p> <p>Criteria b in the settlement boundary methodology states “b) the residential sites allocated...”. Please amend this to refer to singular residential site.</p> <p>It is clear that the only amendment to the settlement boundary at Witherley is to include the allocation at the Hunt Kennels.</p> <p>A lot of residents are concerned that the settlement boundary at Fenny Drayton has been amended. Although in past versions of the plan the settlement boundary at Fenny Drayton was amended to include the draft allocation, this is now not true due to the removal of the allocation from the plan. There have been no amendments to the settlement boundary, and therefore the borough council have no comments to make on this.</p> |
| <p>Page 21 and Policy H3</p> | <p>Affordable Housing and Policy H3:</p> <p>This does not comply with paragraph 23 of the NPPG. You can only require affordable housing for Major developments (more than 10 or more than 0.5ha in size). LPA’s can set lower thresholds based on evidence, but is unclear how this applies to Neighbourhood Plans.</p> <p>On such small sites it can’t be distributed evenly as it is unlikely this will be taken up by a Registered Provider.</p> <p>There is no reference to off-site contributions and this should always be an option, please consider amending to include this.</p> <p>It is unlikely that Registered Providers will want to take on sites with less than 5 units so evidence needs to be provided on how this policy will be delivered.</p> <p>Also policy H3 should refer to the Hinckley and Bosworth Housing Needs Study 2019.</p> |
| <p>Affordable Housing</p> | <p>Comments from the Strategic Housing and Enabling Officer:</p> |

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| | <p>Firstly, the Plan does not make reference to the national guidance superseding our own Core Strategy so that affordable housing can only be required on sites of 10 dwellings or more.</p> <p>Secondly, I'm really pleased they will support 40% affordable on the Kennels site, but it will not be popular with social housing providers to take new affordable on conversions, so it would be helpful if they would add the use of a rural exception site for affordable if no registered provider could be found to take converted properties.</p> |
| Policy H4 | <p>Restricting windfall development to sites of five or fewer developments would not comply with the NPPFs aim to boost housing supply. The NPPF states LPAs should support the development of windfall sites through policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.</p> <p>Criteria a & b - Why do sites within the settlement boundary need to demonstrate a housing need? If they are in the settlement boundary of Witherley there would be a presumption in favour of sustainable development, as per national and local policy.</p> <p>Criteria c – It is advised that the word overdevelopment is removed as it is ambiguous.</p> <p>Development should be in keeping with the prevailing character of the surrounding area.</p> <p>Criteria f – this is a requirement of the planning process in any case, so doesn't need to be duplicated in this policy.</p> <p>Criteria g – Again this criteria is rather ambiguous; all residential development should provide gardens that have an appropriate level of amenity space in accordance with the Borough Council's The Good Design Guide.</p> |
| Page 22 | <p>There is no reference to the Design Guide at the start of this section (only in the policy), please refer to Appendix 6 so the reader can refer to the document whilst reading this section.</p> |
| Policy H5 Design and Appendix 6 Design Guide | <p>Appendix 6 Design Guide</p> <p>HBBC are supportive of a locally specific Design Guide, a first for Hinckley & Bosworth Neighbourhood Plans.</p> <p>We support the following sentence at the start of the document: <i>"The Design Guide does not supersede or replace the suggestions and guidance in relevant national and local documents but is designed to complement and augment them."</i></p> <p>Would it be useful to include pictures of the various features of the village and modern design practices you refer to? Could there also be paragraph numbers for easy referencing.</p> <p>Page 2, second para, historic and rural character – the use of the word "concomitant" is not plain English, which all planning documents must adhere to. Please reword.</p> <p>Page 3, vehicular access and parking – should the standards be a maximum not a minimum?</p> <p>Page 5 – It is unreasonable to say no to UPVC windows, please reconsider this.</p> <p>Page 6 – Painting your house or door does not require planning permission, and therefore it is unreasonable to restrict this via the Design Guide, or perhaps the Design Guide could stipulate that it doesn't require planning permission, but you would consider this good practice.</p> |
| Page 25 | <p>In Existing Environmental Designations you state: "...and in the HBBC Fen Lanes</p> |

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| | <p>Landscape Sensitivity Character Area (for renewable energy infrastructure planning). It includes part of the draft HBBC Green Infrastructure Strategy (2008) River Sence Biodiversity Improvement Area.”</p> <p>The 2017 Landscape Sensitivity Study is the sister document to the Landscape Character Assessment. Witherley is situated in area ‘03 Witherley & Surroundings (south of B5000)’. I’m unsure what is meant by “for renewable energy infrastructure planning”?</p> <p>There is also a new Green Infrastructure Strategy 2020 (which can be found here). Please update to reference the new strategy.</p> |
| Page 26 | Figure 5.1 – It’s best to just have the maps of each of the settlements showing the Local Green Spaces, rather than the large map of the area, as it’s difficult to see the boundaries and location of the LGS’s on this overview map. |
| Page 28, Policy ENV1 | <p>The LGS are generally all of merit and we supported the protection of green spaces most important to the community that are in line with LGS criteria in NPPF Para 100.</p> <p>Some of the LGS covered in this policy already have designations within the Local Plan, for example 555 in Fenny Drayton covers the Church and Church Yard of St Michael’s and All Angels. This is designated as an open space and community facility within the SADMP.</p> <p>Another example is 305/333/354 in Ratcliffe Culey; some areas of this site are designated as open space and community facilities, and contains the scheduled monument of SMO04 The Moat and Fishponds.</p> <p>As some of these areas are already covered with designations in the Local Plan, you will need to ensure that you have clearly demonstrated that a further designation of LGS, with a much stronger protective policy is warranted.</p> <p>No comments on the policy wording.</p> |
| Page 28 | ‘Important Open Spaces’ section you reference the 2011 Open Space Sport and Recreational Facilities Study, however there is a newer document, the 2016 version of the document can be found here . Please check content is still correct and update references to this document. |
| Page 28 & 29 Policy ENV2 | <p>The Policy for Important Open Spaces is a weaker policy than that in the SADMP, Policy DM8.</p> <p>The Neighbourhood Plan policy will allow development that result in a loss or adverse effect on open space unless the open space is replaced, or if the open space is no longer required. The SADMP Policy DM8 exceptions include if the open space is replaced by an equivalent typology, if there is a surplus of that particular typology, or the development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site etc.</p> <p>If a site is being covered with LGS designation does it also need to be covered with an Open Space designation? As the LGS policy is a very strict policy in its own right, irrespective of other policies covering a site.</p> |
| Page 31 & Appendix 7 | <p>I commend the hard work that has gone into the Environmental Inventory, which is no doubt very comprehensive and a lot of work has gone into assessing that many sites within the Parish area.</p> <p>The Parish Council have also undertaken an Ecological Survey (2019), which is published as Appendix 11, and is referenced in the Environmental Inventory Appendix 7, but this has not been referred to in the plan itself until page 33. Was this survey used to determine the sites identified in Figure 7 to be protected in Policy ENV3? If so, reference this in the plan please.</p> |

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| Figure 7, page 31 | Figure 7 is too small and the map and key is unreadable. Please make bigger, a full A4 page would be useful, and/or provide a larger high quality map in the appendices and online. |
| Policy ENV3, page 32 | <p>As above, ensure the map is large enough to successfully refer to when using this policy.</p> <p>The policy makes reference to the fact that the sites identified are at least of local importance. Recommend rewording the start of this sentence to: "The sites and features mapped in Figure 7 are of local significance".</p> <p>SADMP Policy DM6 is a good reference. DM6 requires that on locally important sites developers must apply a sequential approach when a proposal is likely to result in harm, i.e. seeking an alternative site, mitigation measures on site, and/or compensation measures. Ensure that your policy doesn't leave you in a weaker position than with Policy DM6.</p> <p>It also important to reference contribution AND enhancement to the natural environment. The NPPF 2019 also makes multiple reference to net gains in biodiversity.</p> |
| Figure 8, page 33 | <p>Please check with Leicestershire Ecology that the locations of Great Crested Newts can be published in the public domain, as they are internationally protected species.</p> <p>If allowed, it might be beneficial to split this map into two to allow the maps to be a bit bigger for easier interpretation, i.e. east and west areas of the parish.</p> |
| Page 34 | You make reference to the draft Environment Bill (2018), the Bill is now on the 2020 draft, and as such references should be checked and updated if required. |
| Policy ENV4, Page 34 | <p>You could use headings to split the policy into sections, see Policy DM6 as an example, as this will make it easier for the reader the refer to the bits of the policy of significance to them.</p> <p>With reference to Bats, it is recommended that you remove "independent research" and replace with "a bat survey by an appropriately qualified person".</p> <p>With reference to Great Crested Newts, what is meant by strategic development? Not sure there is sufficient justification for asking for GCN survey within the buffer zones, and in particular there is certainly no justification for requiring a GCN survey for developments of 5 houses or more anywhere in the plan area.</p> |
| Figure 9, page 35 | Would be beneficial to have Figure 9 as a larger map to be able to see exactly where these green and blue corridors cover. Currently it's hard to see the intricacies, especially when corridors cover some of the settlements. |
| Policy ENV5 | The first paragraph: this cannot be enforced as trees can only be protected in their own right if they are covered by a Tree Preservation Order or within a Conservation Area. No plan policy can change that. Please amend. |
| Historic Environment Section (pages 36-40) Comments from the Conservation Officer | <p>General comments on Historic Environment Section</p> <p>Subject to some suggested alterations to the wording (see other comments below) the policies regarding sites of historical environmental significance (ENV 6) and local heritage assets (ENV 7) appear to reasonably conform with and reflect the provisions of Section 16 of the National Planning Policy Framework and Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD.</p> <p>Interestingly Examiners for NDPs within HBBC have taken alternative views on whether a specific policy for non-designated heritage assets (this would include both ENV 6 and ENV</p> |

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| | <p>7 in this plan) is required. For example Sheepy as a made plan (made in 2019) has a specific local heritage asset policy, whilst the Examiner's report for Burbage requested a similar local heritage asset policy was removed as it duplicated existing policies. In my opinion (and subject to suggested minor alternations) I would suggest retaining these policies and allowing the Examiner to determine their need in due course. The key aspect of this Plan is that it identifies local heritage assets within the Plan area, so if affected by a development national and local policies will be applied even if a policy in the NDP is deemed unnecessary in due course.</p> |
| <p>Policy ENV6, and Figure 10</p> <p>Comments from the Conservation Officer</p> | <p>Would be beneficial to have Figure 10 as a larger map to be able to see exactly where these sites are. Currently it's hard to see the intricacies, especially with the smaller sites. Again might be beneficial to split the parish in half, and have 'east parish' and 'west parish'.</p> <p>Comments from the Conservation Officer:</p> <p>It is not explicit within the policy wording that these sites are considered to be non-designated heritage assets. I would suggest adding the words: "...In addition to the Scheduled Monuments (existing statutory protection), the sites mapped in Figure 10 (details in Appendix 7) are non-designated local heritage assets which have at least local significance for their historical features. "</p> <p>Agree that a a larger scale map of Figure 10 may need to be made available as it difficult to determine the extent of some of the identified sites within the document.</p> |
| <p>Local Heritage Assets section, pages 38 – 40</p> <p>Comments from the Conservation Officer</p> | <p>Comments from the Conservation Officer:</p> <p>The first paragraph identifies 51 assets but does this correlate to the number identified within Policy ENV 7 and Appendix 9 (this seems to identify 40 entries)?</p> <p>The second sentence of Policy ENV 7 (They are important for their contribution to the layout and characteristic mix of architectural styles in the village) is very specific. There is a much wider range of reasons as to why the assets are important, as identified within the main text (on page 38) and within Appendix 9. I would suggest removing this sentence or amending it to They are important <i>to the Parish</i> and their features and settings will be protected wherever possible.</p> <p>Comments on specific local heritage assets and Appendix 9 are as follows:</p> <p>There are some inconsistencies with suggested entries and their identification within the Witherley Conservation Area Appraisal (2007).</p> <p>No.2 – 2 Bridge Lane, Witherley. Although I agree with this entry as the building is of local interest it is not identified as an important local building within the Conservation Area Appraisal. It should therefore be moved to section 2 of Appendix 9.</p> <p>No.3 – 3 Bridge Lane, Witherley. Although I agree with this entry as the building is of local interest it is not identified as an important local building within the Conservation Area Appraisal. It should therefore be moved to section 2 of Appendix 9.</p> <p>No.5 – 1 Church Road, Witherley. This is not identified as an important local building within the Conservation Area Appraisal. The entry in Appendix 9 is very limited and does not articulate why the Group consider it to be of local interest – a justification as to why the building is identified as being of local interest is required. If justified the entry should be moved to section 2 of Appendix 9.</p> <p>No.9 – Witherley Hall Lodge. The last sentence <i>The farmhouse is illustrative of the social and cultural development of Witherley as a predominantly agricultural village</i> is not relevant to the lodge so should be removed.</p> |

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| | <p>No.11 – Home Farm, Hall Lane, Witherley. Although I agree with this entry as the building is of local interest it is not located within the Witherley Conservation Area. It should therefore be moved to section 2 of Appendix 9 with references to the conservation area removed.</p> <p>No.13 – Old Rectory, Church Road, Witherley. I would suggest reference is also made in this entry to the detached linear outbuilding range located adjacent to the Rectory (this appears to be a possible former functional range associated with the rectory). This building range (now known as Old Rectory Cottage, 17 Church Road) is identified as an important building within the Conservation Area Appraisal.</p> <p>No.21 – The Royal Red Gate, Watling Street, Fenny Drayton. The pub is located on the opposite side of the A444 so the position of the red dot on Figure 12 needs amending.</p> <p>No.22 – Red House Farm, Main Road, Ratcliffe Culey. Do the photos need updating now the farm house has been demolished? I think the references to the pictures in the text need altering to reflect their actual position on the page (top left and top right, etc.).</p> <p>No.23 – Wisteria Cottage, 23 Main Road, Ratcliffe Culey. This entry is located within the historic core of Ratcliffe Culey so full reference to the HER listing (MLE8928) should be added to the entry.</p> <p>No.24 – K6 Telephone Kiosk, Main Road, Ratcliffe Culey. This entry is located within the historic core of Ratcliffe Culey so full reference to the HER listing (MLE8928) should be added to the entry.</p> <p>No.27 – Bank House Farm, Sibson Road, Ratcliffe Culey. The paragraph regarding enclosure is interesting but it may be better placed as historical context within the main body of the Plan.</p> <p>No.28 – Atherstone Hunts Kennels and Stable, Kennel Lane, Witherley. The articulation of significance is key for this entry as this will influence the design and delivery of the housing allocation on the site. In my opinion these buildings also have architectural interest so I would suggest this is added to the entry. I would also suggest reference is made to their setting and relationship with the surrounding countryside. The references to the HER listings should be provided in full for consistency: <i>MLE 24332 - Atherstone Hunt Kennels, Kennel Lane, MLE 24331 Hunts Cottages, 57-59 Kennel Lane.</i></p> <p>No.29 – Hunts Cottages, 57-59 Kennel Lane, Witherley. In my opinion these cottages are of architectural and historic interest so this should be clearly articulated in the entry. There are some minor inconsistencies and duplication in the references to Siegfried Sassoon between the entry for the kennels and the cottages (no.28 and no.29) so I would suggest the text in both entries is revised.</p> <p>No.30 – Woodbine Cottage, 1 Atterton Lane, Witherley. This entry is located within the historic core of Witherley so full reference to the HER listing (MLE8929) should be added to the entry.</p> <p>No.32 – The Gate Inn, Main Road, Ratcliffe Culey. For consistency the reference that this entry is located within the historic core of the village should follow the format of the other HER references within the Appendix.</p> <p>No.33 – 23 & 25 Atterton Lane, Witherley. This entry is located within the historic core of Witherley so full reference to the HER listing (MLE8929) should be added to the entry.</p> <p>No.35 – Bridle Cottage, Church Lane, Fenny Drayton. The cottage is located slightly further to the north along Church Lane so the position of the red dot on Figure 12 needs amending.</p> <p>No.37 – Walter Leith Memorial, Main Road, Ratcliffe Culey. This entry is located within the</p> |

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| | <p>historic core of Ratcliffe Culey so full reference to the HER listing (MLE8928) should be added to the entry.</p> <p>No.38 – War memorial, Witherley. This entry is located within the historic core of Witherley so full reference to the HER listing (MLE8929) should be added to the entry.</p> <p>When providing advice to the Group during 2019 I did suggest that the two buildings listed below were very strong candidates for identification as local heritage assets but I note they are not included within the Plan. In my opinion these buildings are likely to be included within the draft HBBC Local Heritage List so there is no definite need for them to be included within the Plan but they could be considered again by the Group for their inclusion:</p> <ul style="list-style-type: none"> • The Bull Inn, Watling Street – Historic coaching inn? Now has the appearance of a mid-19C building. Is under threat due to closure. Historic and possible aesthetic interest. Possible age and integrity, landmark quality. • Manor Farm complex, Main Road, Ratcliffe Culey – Victorian farm house likely predated by existing and former farm buildings. The adjacent Manor Barn and Wincrowing Barn are also of interest. The complex has historic and aesthetic value. Age, integrity, landmark quality and group value <p>One final comment is that the order of entries is perhaps a little scattergun, particularly in section 2 of Appendix 9 where the entries move between the villages rather in any clear geographical order.</p> |
| Figure 12, page 39 | <p>I note that in the header for Figure 12 a bigger version of the map is available, which is great, but I still think it would be beneficial to split the map into east and west parish within the plan itself. If a reader just wanted a quick reference to the plan to check something this would be beneficial, instead of downloading the supporting documents and looking for it there.</p> |
| Policy ENV8 | <p>As the policy states that ridge and furrow in the parish are a local heritage asset, does this mean ridge and furrow comes under Policy ENV7 Local Heritage Assets also? Please make this clear if so.</p> |
| Policy ENV9 | <p>Although this policy is admirable, please be mindful that this policy could not prevent works being undertaken by a Statutory Undertaker e.g. LCC Highways, as these do not require planning permission.</p> |
| Policy ENV11, page 45 | <p>I commend the Neighbourhood Plan group for considering an extension to the footpath network. This is something that developers could contribute to or help with in future planning proposals. Consideration should be given to this further, maybe putting the Community Action in the plan itself next to this policy will help developers see your wants for a new connected walking route and could propose something in future planning applications to help meet that aim.</p> <p>Can the clarity of Figure 16 be improved please?</p> <p>You refer to ‘the school’, is this a specific school i.e. Witherley CofE Primary School?</p> |
| Page 64 | <p>You refer to the Local Plan document as “HBBC Settlement Site Allocations 2016”, please amend to Site Allocations and Development Management Policies DPD 2016, for clarity.</p> |
| Figure 17, page 47 | <p>Could this map be made a bit clearer please? In particular it’s hard to read the key.</p> |
| Page 47 & 48 | <p>You state that “...The Plan Area falls entirely within HBBC Landscape Sensitivity Area G Fen Lanes (HBBC Renewable Energy Capacity Study 2014)”. The table on the follow page</p> |

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| | <p>also refers to the 2014 study. Are you referring to the Landscape Character Study or the Renewable Energy Capacity Study? Witherley</p> <p>Please check this section's references against the newest Landscape Character Study, which was published in 2017. Witherley is now situated in LCA Area G Sense Lowlands, and Landscape Sensitivity Area '03 Witherley & Surroundings (south of B5000)'.</p> |
| Policy ENV12 | <p>Final para it is recommended it is reworded as follows: "... and supported by relevant documentation, for example impact assessments covering archaeology, landscape..."</p> <p>These studies are not required for all types of renewable energy development and therefore providing it as an example provides that flexibility.</p> |
| Page 50 | <p>You refer to 'Local Plan policies EN8, EN11 and EN12'. Are these meant to be Site Allocations and Development Management Policies DM8, DM11 ad DM12? If so, please update reference.</p> |
| Policy ENV13, page 50 | <p>This policy could be seen as unreasonable, for example would change of use developments be included? One change to the policy could be attaching a floor area trigger for example. Flooding is viewed through the EA and LLFA flood maps and what therefore what is required to be submitted depending on the flood zone area. This policy applies plan area wide.</p> |
| N/A | <p>The policy numbers jump from ENV13 to ENV15, with ENV14 missing. Please amend.</p> |
| Policy ENV15 | <p>The Areas of Separation Review referred to in this section is a HBBC Local Plan document from 2012. This was prepared as an evidence base for the Site Allocations and Development Management Policies DPD (SADMP), with a look to replace the old Local Plan 2001 policy NE4 Areas of Separation.</p> <p>Within the SADMP, our current policy on the countryside is Policy DM4, which helps prevent the merging of settlements. Of particular note is criteria ii): "It does not undermine the physical and perceived separation and open character between settlements;"</p> <p>The supporting text for this policy includes the following: "<i>This policy reinforces the value of maintaining the physical and perceived separation between settlements across the entire borough, rather than a selective approach singling out certain sites as has previously been used. This is in recognition of the importance placed by communities on their individual, separate settlement identities across the borough, as evidenced through the Areas of Separation Review (March 2012). In addition this approach ensures parity for all and consistency in application and decision making and ensures that communities retain their sense of place and identity through the prevention of settlement coalescence.</i>"</p> <p>Therefore as per the above in the SADMP, the Areas of Separation weren't carried forward into specific designations of 'protected land', but a more generic approach was taken by including criteria ii in Policy DM4. We still use the Area of Separation Review from time to time as evidence to detail what exactly about certain areas should be protected through applying criteria ii in Policy DM4. We also have extra evidence in the Landscape Character Assessment and Landscape Sensitivity Study to refer to when determining planning applications, which is a more up to date evidence base by landscape professionals, rather than the Areas of Separation Review which is now 8 years old. This is the most used evidence base when determining what is 'special' about a certain area of landscape.</p> <p>Does Policy DM4 (in particular criteria ii) adequately cover what you would like from a policy to protect the merging of settlements? If so, Policy ENV15 is not needed, and is a duplication of Local Policy. Policy ENV15 does not offer anything locally specific or additional to DM4.</p> |

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| Policy CA1 | <p>Ensure that this policy isn't weaker than SADMP Policy DM 25.</p> <p>The SADMP policy covers similar things to the NDP policy, but also covers circumstances such as there being a surplus of the facility type, if the facility has been proactively marketed, if it has been offered to the local community etc.</p> <p>If the policy is to remain in the plan, the existing facilities should be mapped and a cross-reference to the map or final policies map should be included (see Witherley Allocation map in the SADMP as an example).</p> |
| Policy CA2 | <p>Again see above, SADMP Policy DM 25. Does this policy cover everything you need? If so, duplication of local plan policy unless made locally specific.</p> |
| Policy TR1 | <p>Policy is a bit vague around what type of development this applies to, i.e. you make reference to all housing development, which could mean anything from large sites to house extensions. For example, how would you minimise movement through the village from a single house? Also you would want any local residents to be able to use village services and enter/exit the estate/driveway which would require movement through the village.</p> <p>This is also a matter covered by Highways and/or Leicestershire County Council as part of any planning application.</p> |
| Policy TR2 | <p>This policy could be seen as very specific and potentially inflexible. I agree that it is important to encourage electric vehicle use, however the policy may need amendment to become deliverable. 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 as per the second part of the policy? Make this policy more flexible; it's unwise to impose unreasonable burdens on applicants or make it harder for them to bring forward viable development, and we need deliverable, sustainable schemes to come forward.</p> |
| Policy BE1 | <p>This is duplication of Local Plan Policy and much less robust, please see SADMP Policy DM19.</p> <p>It also doesn't take into consideration permitted development within the new use class order.</p> |
| Policy BE2 | <p>This is similar to Local Plan policy, SADMP Policy DM20. Is this needed in addition? No locally specific elements and therefore a less robust duplication of Local Plan policy.</p> |
| Policy BE3 | <p>It is suggested that this policy is removed, as most of this would fall under permitted development and does not require planning permission. If we grant consent for an extension or outbuilding, it is classed as residential, and not more specific like a home office.</p> <p>Alternatively it could be amended to state that where businesses are being run from a residential property which requires planning permission... etc.</p> |
| Policy BE5 | <p>Criteria a – "scale appropriate to the settlement", please be clearer on what this means.</p> |

General comments

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| N/A | <p><u>Document Accessibility</u></p> <p>As per the new Accessibility Act, all documents published on publically accessible websites must comply with the Website Accessibility Directive (2018).</p> <p>The Borough Council now has to comply with this directive, and this means that's all council websites (and documents on that website available for download) must be accessible to customers who may have a disability. These disabilities include: hearing impairment/deaf, visual impairment/blind, mobility issues, dexterity issue (for example difficulty using their hands), cognitive disability (for example: dyslexia or autism). This means that all PDF, Word and Excel documents published on our website after Sep 2018 must comply. Overall all the documents on our website must comply by the end of 2020. We have been working hard over the past few years to ensure all the documents we already have on the website meet the Directive, but also we now need to make sure any new documents meet the criteria, and it is the responsibility of the author to create an accessible document.</p> <p>First things first, an easy way to check accessibility in a word document is as follows, however this only applies if you have Microsoft Word 2016 or newer. Click on File in the top left corner, go to Info, and click on Check for Issues under the Inspect Document function. You can then click on Check Accessibility. This will scan the document for any areas that may be difficult for people to read if they are using specific software to read the document out loud etc.</p> <p>I have also attached a guide below that the HBBC IT team have provided in ensuring that the document complies with the Directive.</p> <p><u>Web Documents Accessibility Guidance</u></p> <p>Unfortunately we do not have the resources to amend documents for you, so please ensure that all neighbourhood plan documents, including the plan itself, comply with the accessibility standards before submitting the plan to the LPA at Regulation 15 ready for the Regulation 16 Consultation. If we find that there are extensive parts of the plan that have not been checked for their accessibility, the plan will be returned to the group.</p> <p>Prior to formal submission (Reg 15) it is wise that the group sends the document to the Local Planning Authority to do an initial check that the document is accessible. The LPA can then raise any further areas for amendment with the group before it is formally submitted.</p> |
| 4 | <p>Foreword is written by Kay Conway, does this need to be changed with the change in Chair? Or be signed by multiple people as a collective foreword?</p> |
| 10 | <p>Figure 1 Designated Area isn't very clear and perhaps could be provided in a larger format in an appendix.</p> |
| N/A | <p>Plan period and housing numbers</p> <p>Neighbourhood Plan groups in Hinckley & Bosworth have been advised about the changes in the plan period at Local Plan level.</p> <p>Neighbourhood Plan groups will be aware that the housing figures set out in the adopted Core Strategy are out of date (as established in recent planning appeals) and can no longer be relied upon for neighbourhood plan purposes. The emerging HBBC local plan will set out new housing figures for parishes however the plan is not at a</p> |

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| | <p>sufficiently advanced stage to do this yet. In the meantime we have encouraged groups to explore options to set their own housing figures and provide the evidence for doing so. One option we have previously suggested to groups following the Burbage Neighbourhood Plan Hearing is a simple approach of apportioning the overall borough housing need to parishes based on the share of population in those parishes. Until the local plan is able to set a figure we would support this approach in principle.</p> <p>Borough Council Members have recently agreed to amend the plan period for the emerging local plan to 2020-2039 (previously the plan was proposed to cover the period 2016-2036).</p> <p>For groups currently preparing or reviewing a neighbourhood plan we would recommend assessing the potential to align plan periods with the local plan 2020-2039. Aligned plan periods mean there should be closer conformity between the local plan and neighbourhood plans which should help neighbourhood plans progress through examination and meet the basic conditions. This should help minimise the risk of neighbourhood plans being out of date once the local plan is in place.</p> <p>The amended plan period impacts on the suggested calculation of housing figures. It is important to ensure plans contain flexibility should circumstances change. Through the local plan it is likely we will be expected to identify sufficient land for an additional 10-20% on top of our housing need figure to allow for sites that do not come forward for development etc. We would recommend neighbourhood plans plan for flexibility too as this will reduce the chance of plans becoming out of date quickly. This is increasingly important in Witherley, as the second allocated housing site in the plan (Fenny Drayton) has been removed from the plan and no alternative or justification has been given as to why that housing requirement is being met in a different way than originally intended.</p> <p>See further comments above on housing numbers etc.</p> |
| N/A | <p>There is nowhere in the plan that sets out what form/type of development is acceptable in the Countryside (outside of settlement boundaries), similar to DM4 of the HBBC SADMP. The only reference to development outside of the settlement boundary is in the second half of Policy H2, but this doesn't list specific development types and refers to national and local policy. In this case, in the absence of a policy of this type, any application would be assessed against DM4 (and national policy), not a locally specific countryside policy. Are you happy with this approach?</p> |
| All Figures/Maps | <p>Clarity of maps is vital throughout the document, especially where a designation or allocation is being shown. Intricacies of boundaries must be clear, so please try to insert the best quality maps as possible, and/or provide higher quality maps in an appendix and online.</p> |
| Extra evidence in appendices | <p>I am pleased to see the extra evidence provided in the appendix documents to support the proposals within the draft plan. Of particular note is the Environmental Inventory, which is extremely detailed. I'd also like to commend the inclusion of a design guide, and the detail included in the local heritage assets log.</p> <p>A key element to a sound and sustainable policy is the evidence to support it, so as you go through the process please ensure that all policies and proposals in the plan has the accompanying evidence to support those key aims and objectives.</p> |
| Consultation Practices | <p>Over the course of the consultation period, and prior to the consultation starting, the Borough Council have been made aware of residents' concerns surrounding the plan itself, but also consultation practices undertaken by the Parish Council. We wanted to state in our Regulation 14 response that emails and letters received from concerned residents have been noted and filed, although the Borough Council are not the lead authority on the plan at this consultation stage and therefore cannot comment on individual representations. If submitted to the Parish Council during the consultation, the Qualifying Body will need to respond to these comments in their Consultation</p> |

Statement, which is a requirement at submission to the Borough Council at Regulation 15.

We encourage all residents to continue involvement in the neighbourhood plan process, and residents should continue to engage and submit comments during the Regulation 16 consultation stage if they still have outstanding or new comments to make or wish to register their support or objection to the emerging plan.

Consultation period

In terms of the consultation practices itself, the Borough Council were initially concerned that we didn't receive notification of the consultation until the 25th November, five days after the official consultation start date of the 20th November. I am unaware if this is the case for all stakeholders who were emailed/written to informing them of the consultation. The Parish Council confirmed that they had added an extra week to the consultation to cover the Christmas/New Year period, which is regarded as best practice to allow extra time for those who may not be at work/otherwise engaged over the festive period. However this doesn't cover for the lost five days at the start of the consultation period. Again, I can only speak for the Borough Council on this matter.

Acceptability of comments made

At the beginning of the consultation it appeared that the PC would only accept comments where they were submitted via a dedicated Response Form and that they would not accept anonymous correspondence. HBBC liaised with the PC to clarify that we didn't think it was their intention to restrict comments on the plan, but advised that there was no requirement within the neighbourhood planning regulations that required comments to be submitted in a particular way. HBBC further advised that there were instances where anonymous responses may be acceptable. The PC clarified on their web consultation page that comments in other forms were acceptable but they would not accept anonymous comments and may not accept those that they considered contained inappropriate language, defamation or are deemed offensive.

Availability of supporting documents during consultation

Another matter the Borough Council discovered whilst analysing the plan was that Appendix 5 did not contain the full site assessments for each of the considered housing sites. On the 15th December the Borough Council sent a request to the Clerk and Chair that Appendix 5 be looked at to include all the site assessments.

The email from ourselves to the clerk stated :

"The site assessments themselves haven't been provided for the public to comment on. I think it would be really useful to publish the site assessments in addition to the overall scoring in Appendix 5, so that we can see how each site has been assessed against each criteria. For previous neighbourhood plans they have published the assessment of each site so we could see how the group arrived at the overall score. Eventually the Examiner will want to see more detail so they can determine whether the allocation(s) is a sustainable choice. It's important the public, stakeholders and the landowners/site agents are given the opportunity to see the assessments so that the process is open and transparent and they are able to comment at both consultation stages."

Appendix 5 was then updated on the website, although the PC did ask why the site assessments needed to be published. We advised the PC on the 17th December the following:

"The Examiner will need to see how the allocated site was assessed against national sustainability principles (environmental, economic, and social) and the assessment provides evidence that this has been applied consistently to all sites considered. Other than a site visit to the area during the examination, the Examiner will not know the site,

and will need to be confident in the allocation process. Without seeing how each site was assessed against the methodology provided at the start of Appendix 5 (the sufficient and proportionate evidence referred to in [NPPG Para 072]) the Examiner won't be able to determine whether the site is a sustainable option alongside the plan policies to deliver a sustainable plan overall meeting basic condition D. A robust proportionate evidence base (including the site assessment process) will help the Examiner make sure that a neighbourhood plan is based on a proper understanding of the area and of the views, aspirations, wants and needs of local people."

Although I thank the Parish Council for providing the site assessments in Appendix 5, I would suggest it is worth considering whether the public, consultees and other stakeholders have had adequate opportunity to comment on the new information contained in this document, especially as housing is one of the main contended topics across the planning system. In addition, as one of the housing allocations was removed from the plan, it is important to be able to scrutinise alternative sites. Overall the public will have only had around 3 weeks to comment on the site assessments, and no update was provided on the website to state that the Appendix 5 document had been updated. It is worth considering whether this has been an adequate time period for the public and stakeholders to comment.

Consultation for all members of the community

One key aspect of the planning system is that plans and policies are built on providing the community with opportunities to help shape their local areas, and it's vital to create a transparent, fair and open planning process. This includes consulting all members of society, and making the process accessible to those groups in the community who may be disadvantaged in any way or vulnerable.

This consultation has taken place during the Coronavirus pandemic, however the Government put in place arrangements for the planning system to continue during this time.

New [Paragraph 107 of the NPPG](#) states:

"Public consultation: The Neighbourhood Planning (General) Regulations 2012 require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area at particular stages of the process. It is not mandatory that engagement is undertaken using face-to-face methods. However, to demonstrate that all groups in the community have been sufficiently engaged, such as with those without internet access, more targeted methods may be needed including by telephone or in writing. Local planning authorities may be able to advise neighbourhood planning groups on suitable methods and how to reach certain groups in the community."

Due to these new arrangements and the rules regarding social distancing etc, the Borough Council updated their Statement of Community Involvement, and in July 2020 provided all of our neighbourhood plan groups with new guidance on best practice and suggested methods of consultation during the pandemic.

It has been brought to our attention that some members of the community do not have access to the internet and therefore would require a paper copy of the plan. Normally hard copies would be available and accessible through local libraries, parish council offices and the borough council offices. During the pandemic all social distancing rules apply and the need for good hygiene practices concerning the handing over of documentation, however as long as these rules are followed paper copies of plans could be provided to residents to ensure they can have their say.

[The ICO states](#) that a public body can charge for the costs of sending information to a member of the public, such as photocopying and postage of larger documents. The Parish Council have published on their website ([here](#)) a Table of Information Available and Accessibility. In this table it states that the Parish Council will charge 10p per A4

sheet, and postage costs if applicable. Although the Neighbourhood Plan isn't specifically mentioned in this table, it is reasonable to assume that the cost to print and post this document would be similar in cost. The Neighbourhood Plan itself is 68 pages long, and therefore it is reasonable to assume a cost of £6.80 for the printing would be appropriate. The Borough Council were informed that the Parish Council were intending to charge £70 for providing paper copies of the plan, and I believe this to be inappropriate and against the spirit of community engagement in planning and may fall foul of relevant accessibility, discrimination and equality legislation. HBBC contacted the Parish Council and suggested a solution might be to prepare a few hard copies of the consultation documents and lend these out to residents on request. I understand this was done but again it was part way through the consultation process which may impact on the ability of interested parties to engage effectively during the consultation period.

Steering Group and the level of scrutiny and consultation leading up to Regulation 14

We've been made aware that Steering Group minutes have not been published until 13th January 2021, four working days after the original close date of the consultation, and seven working days before the new close date. We have also been made aware that full disclosure and scrutiny of the neighbourhood plan work has not been made available to the public/all past & present steering group members/all Parish Councillors on the lead up to Regulation 14. For example this includes the minutes of any sub-committees, some meetings were not held publically, items were not taken to full Parish Council (only to the NDP committee) etc. HBBC understand that there have been several key events Witherley Parish Council have undertaken prior to the first official consultation i.e. questionnaire to all residents and younger population, public drop in events, and then the Regulation 14 consultation. This is the process most neighbourhood plan groups take on the lead up to the first official public consultation, although groups may choose to do more engagement to demonstrate sufficient public consultation to meet the basic condition. When a completed neighbourhood plan is submitted for independent examination, it will have to be accompanied by a consultation statement, demonstrating that the legal requirements for consultation have been met, and all members of the community have had sufficient opportunity throughout the process to comment, contribute and scrutinise.

It is clear in legislation that the Qualifying Body of a neighbourhood plan, in this case Witherley Parish Council, are the responsible authority until the plan is 'made' and adopted as part of HBBC's Development Plan. HBBC have advised our neighbourhood plan groups that any subcommittees for the drafting of a neighbourhood plan are a group of volunteers from the community (whether that be the members of the public or Parish Councillors) but they must report back to the Parish Council, as it is the Qualifying Body who have final sign off at key stages of the process, for example before progressing to Regulation 14, Regulation 15 and so on. If the Parish Council (and the public) have not had access to minutes or haven't been allowed to scrutinise and contribute, then it's unclear how the PC would have sufficient information to confidently progress the NDP.

The Qualifying Body now have time between the close of this consultation and the submission of the plan at Regulation 15 to ensure full transparency and openness. As stated above, the Parish Council must sign off the neighbourhood plan before it is submitted to the Council at Regulation 15, and HBBC will require a copy of the full Parish Council minutes signed by the Parish Council Chair. Without this confirmation of sign off, and the Consultation Statement, the LPA cannot progress the plan to Regulation 16 consultation.