

Desford Neighbourhood Development Plan

Summary of representations submitted by Hinckley & Bosworth Borough Council to the independent examiner following the Regulation 16 Draft Plan consultation, held between Wednesday 22 January to 5pm Wednesday March 2020

Rep ref	Type of response (email/letter/online form etc)	Customer	Agent (if applicable)	Electronic copy Yes/No	Date received
1	Email	Sport England		Yes	23/01/2020
2	Email	Natural England		Yes	23/01/2020
3	Email	Historic England		Yes	29/01/2020
4	Email	Planning @ The Coal Authority		Yes	30/01/2020
5	Email	Market Bosworth Parish Council		Yes	07/02/2020
6	Email	National Grid	Avison Young	Yes	10/02/2020
7	Email	Highways England		Yes	12/02/2020
8	Email & Letter	Persimmon Homes		Yes	19/02/2020
9	Online Form	Landmark Planning		Yes	26/02/2020
10	Email	Leicestershire County Council		Yes	03/03/2020
11	Email	Davidsons	Pegasus	Yes	27/02/2020
12	Email	Severn Trent Water		Yes	28/02/2020
13	Email	Gladman		Yes	28/02/2020

Rep ref	Type of response (email/letter/online form etc)	Customer	Agent (if applicable)	Electronic copy Yes/No	Date received
14	Email	Jelson	Avison Young	Yes	04/03/2020
15	Email	Environment Agency		Yes	04/03/2020
16	N/A	Hinckley & Bosworth Borough Council, Development Services		Yes	04/03/2020

All representations submitted at Regulation 16 stage can be found at the following website address: www.hinckley-bosworth.gov.uk/desfordplan

Representations have been summarised below as part of the specified documents required for the Referendum. All of these representations (in their full form) were sent to the Examiner at the close of the Regulation 16 consultation.

Rep Ref	Comments By	Representation text
1	Sport England	<p>Thank you for consulting Sport England on the above. Whilst the plan refers to the Open Space and Recreational Facilities Study – 2016, there does not appear to be any reference to the Playing Pitch Strategy 2019.</p> <p>Whilst the plan policies seek to protect and enhance existing sports facilities (playing fields) the recommendations and the action plan of the PPS should be checked for any issues which need to be resolved at those sites or any positive actions which should be referenced.</p>
2	Natural England	<p>Thank you for your Regulation 16 Newbold Verdon Neighbourhood Plan Consultation.</p> <p>Natural England has previously commented on this proposal, our ref: 306461, and made comments to the authority in our letter dated 9 July 2018. I enclose a copy of the letter for your reference.</p> <p>The advice provided in our previous response applies equally to this amendment.</p> <p>If you have any further enquiries please contact Natural England at consultations@naturalengland.org.uk quoting the reference 306461.</p> <p>Letter dated 9 July 2018:</p> <p>Thank you for your consultation on the above dated 21 January 2020.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.</p> <p>Natural England does not have any specific comments on this draft neighbourhood plan.</p> <p>However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.</p> <p>For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.</p>
3	Historic England	<p>I am writing in relation to the following:</p> <p>NDP: Neighbourhood Development Plan</p> <p>DESFORD NEIGHBOURHOOD PLAN 2018- 2036</p> <p>[Case Ref. PL00501337; HE File Ref. HD/P5301/01/PT3; Your Reference.]</p> <p>Thank you for consulting Historic England.</p> <p>We have no further comments to make and refer you to our letters of 4 December 2018 and 9 November 2018.</p>

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4	Planning @ The Coal Authority	<p>Thank you for the notification of the 21 January 2020 consulting The Coal Authority on the above Neighbourhood Development Plan.</p> <p>The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.</p> <p>As you will be aware the Neighbourhood Plan area lies within the current defined coalfield.</p> <p>According to the Coal Authority Development High Risk Area Plans, there are recorded risks from past coal mining activity in the form of two mine entries.</p> <p>We note that the Neighbourhood Plan allocates a site for future housing development, however, this site does not appear to be in the area where the recorded mine entries are present. On this basis we have no specific comments to make.</p>
5	Market Bosworth Parish Council	<p>Thank you for your letter of 22 January 2020 regarding the 'Notification of Publicity of the Desford Neighbourhood Plan', final submission.</p> <p>I write on behalf of Market Bosworth Parish Council simply to say that the Council supports the Desford Neighbourhood Plan as submitted and wishes the Desford team well in respect of adoption and progression of the Plan.</p>
6	National Grid	<p>Desford Neighbourhood Plan: Regulation 16 Consultation</p> <p>Representations on behalf of National Grid</p> <p>National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.</p> <p>About National Grid</p> <p>National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.</p> <p>National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.</p> <p>National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.</p> <p>Proposed development sites crossed by or in close proximity to National Grid assets</p> <p>An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.</p> <p>National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.</p> <p>National Grid provides information in relation to its assets at the website below.</p> <ul style="list-style-type: none"> • www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/ <p>Please also see attached information outlining guidance on development close to National Grid infrastructure.</p>

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		<p>Distribution Networks</p> <p>Information regarding the electricity distribution network is available at the website below: www.energynetworks.org.uk</p> <p>Information regarding the gas distribution network is available by contacting: plantprotection@cadentgas.com</p> <p>Further Advice Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets.</p>
7	Highways England	<p>CONSULTATION ON THE SUBMISSION VERSION OF THE DESFORD NEIGHBOURHOOD PLAN</p> <p>Highways England welcomes the opportunity to comment on the Submission version of the Desford Neighbourhood Plan which covers the period 2018 to 2036 and has been produced for public consultation. We note that the document provides a vision for the future of the area and sets out a number of key objectives and planning policies which will be used to help determine planning applications.</p> <p>Highways England has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Desford Neighbourhood Plan, our principal concern is safeguarding the operation of the M1 Motorway and A46 Trunk Road which route less than 2 miles east of the Plan area, and the M69 Motorway which routes 4 miles south of the area.</p> <p>We understand that a Neighbourhood Plan is required to be in conformity with relevant national and Borough-wide planning policies. Accordingly, the Neighbourhood Plan for Desford is required to be in conformity with the current Hinckley and Bosworth Borough Council Local Plan (2016-2036) and this is acknowledged within the document.</p> <p>It is understood that a total allocation of 163 new dwellings has been assigned to Desford Parish Council for the period up to 2036. It is noted that 70 of these have been already completed, 17 have been granted permission and that a development of around 80 dwellings is allocated in Policy H2, providing slightly more than the minimum requirement.</p> <p>We note that Policies H1, H2 and H5 support housing proposals in the Settlement Boundary and windfall sites, whilst Policy E2 supports the provision of additional space for employment sites.</p> <p>As mentioned when reviewing the Pre-Submission Version of the Desford Neighbourhood Plan in December 2018, it is considered that the level of growth proposed through these policies would not detrimentally impact on the operation of the SRN and therefore raises no concerns from our perspective.</p> <p>We have no further comments to provide and trust that the above is useful in the progression of the Desford Neighbourhood Plan.</p>
8	Persimmon Homes	<p>This representation was received via the website as a response form, the full version can be found here: https://www.hinckley-bosworth.gov.uk/downloads/file/6909/regulation_16_representation_08_persimmon_homes_19_february_2020</p> <p>We would like to know whether you support the plan, would support the plan with some modifications, or oppose the plan.</p> <p>Overall: Support the plan with modifications.</p> <p>Policy H2 parts d & e, Policy H4 (regarding Part M2 & M3): The Written Ministerial Statement dated 25th March 2015 stated that "the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly</p>

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		<p><i>evidenced need, and where their impact on viability has been considered, in accordance with the NPPG". If the Neighbourhood Plan can only adopt the higher optional standards for accessible & adaptable homes for market and / or affordable housing if the Council have adopted these as policy and by applying the criteria set out in the NPPG. All new homes are built to Building Regulation Part M standards. If it had been the Government's intention that a generic statement justified adoption of the optional standards then the logical solution for the Government would have been to incorporate such standards as mandatory via the Building Regulations which was not done. Therefore it is incumbent on the Council to provide a local assessment evidencing its specific case to justify the inclusion of such standards as an adopted policy. Therefore, as there is no local plan policy to include these regulations, they cannot be enforced through a Neighbourhood Plan.</i></p> <p>Policy H2 partsf & g: The Core Strategy (Dec 2009) identifies in policy 15 a split of 75% socialrented and 25% intermediate housing, that <i>'may be revised to reflect changes in the housing market and local circumstances'</i>. This is also reflected in the Affordable Housing SPD 2011.The HEDNA report in Jan2017 identifies an updated split of 79% intermediate and 21% rent. As such the affordable housing split contained within the draft Neighbourhood Plan should be amended to reflect this.</p> <p>Policy H2 partk & Policy H4 (last paragraph): The latest housing evidence (HEDNA 2017) identifies the following mix: 1 bed= 0-10% 2 bed = 35-45% 3 bed = 45-55% 4+ bed = 5-15%</p> <p>Whilst the wording of part k implies the above, it should be worded more clearly and include wording such as 'the mix may be subject to updates to be in line with local policy and up-to-date housing evidence.'</p> <p>Policy H6 part b: This should be reworded to state that parking should be provided in linewith the adopted requirements within Hinckley and Bosworth.</p> <p>Policy H6 part f: This is too specific - it should be worded more in line with DM10 of theSite Allocations and Development Management Policies DPD (2016) that states <i>'Developments will be permitted providing that the followingrequirements are met: f.It maximises opportunities for the conservation of energy and resources through design, layout, orientationand construction in line with Core Strategy Policy 24.'</i></p> <p>Policy H6 partsg & j: Unless there is already policy or up-to-date evidence supporting these requirements, then they are seen as too prescriptive. Furthermore, in relation to security lighting, this would be up to a plot purchaser on a residential scheme and not something that could be enforced.</p> <p>PolicyT4: This should be reworded to be in line with Hinckley & Bosworth's adopted policy - DM10 DM10 of the Site Allocations and Development Management Policies DPD (2016) that states <i>'g) Where parking is to beprovided charging points for electric or low emission vehicles are included where feasible.'</i> There is no mention of site viability or studies carried out locally to suggest the power requirements required.</p> <p>The full version of this representation (including any appendices) can be requested as a hard copy, or can be found on our website here: https://www.hinckley-bosworth.gov.uk/desfordplan</p>
9	Landmark Planning	<p>We would like to know whether you support the plan, would support the plan with some modifications, or oppose the plan.</p> <p>Overall: I support the plan with modifications</p>

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		<p>Paragraph number or policy reference:: Policy E2 (a) Support for New Employment Opportunities</p> <p>Your comments/suggested modifications relating to Policy E2 (a) Support for New Employment Opportunities: This implies that employment opportunities outside the planned limits will not be supported. The major employers within Desford such as Poundstretcher and Caterpillar are located outside of the planned limits and their success is important to the economy of not only Leicestershire but also the country as a whole. Their expansion should be supported where this does not cause environmental disbenefits and would be in line with Government policy to promote the economic success of the Country. The policy as written may have the opposite effect. Therefore the policy should be re-written to support the growth of existing employment possibilities within the Parish wherever possible.</p>
10	Leicestershire County Council	<p>Leicestershire County Council is supportive of the Neighbourhood plan process and welcome being included in this consultation.</p> <p><u>Highways</u></p> <p>Specific Comments</p> <p>Page 20 POLICY H2: RESIDENTIAL SITE ALLOCATION (HDM)</p> <p>Land is allocated for residential development off Barnes Way in Desford for around 80 units. Development will be supported subject to the following criteria.....</p> <p>j) A new vehicular access will be built on the junction of Barnes Way, subject to Highways Authority approval.</p> <p>The development off Barnes Way has been granted planning permission by Hinckley & Bosworth Borough Council (application reference 19/00149/OUT, where access was determined). Reserved matters are ongoing at present (application reference 19/01416/REM, where the internal layout is being considered)</p> <p>Page 24 POLICY H6: HOUSING DESIGN (HDM) All new development proposals of commercial properties, one or more house, replacement dwellings and extensions will need to satisfy the following design principles. b) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings for four bedrooms or more;</p> <p>While this is generally what we ask for, this could be re-worded to “parking should be provided in accordance with the Leicestershire Highway Design Guide”</p> <p>ELECTRIC VEHICLES</p> <p>We would support provisions for electric vehicle charging.</p> <p>General Comments</p> <p>The County Council recognises that residents may have concerns about traffic conditions in their local area, which they feel may be exacerbated by increased traffic due to population, economic and development growth.</p> <p>Like very many local authorities, the County Council’s budgets are under severe pressure. It must therefore prioritise where it focuses its reducing resources and increasingly limited funds. In practice, this means that the County Highway Authority (CHA), in general, prioritises its resources on measures that deliver the greatest benefit to Leicestershire’s residents, businesses and road users in terms of road safety, network management and maintenance. Given this, it is likely that highway measures associated with any new development would need to be fully funded from third party funding, such as via Section 278 or 106 (S106) developer contributions. I should emphasise that the CHA is generally no longer in a position to accept any financial risk relating to/make good any possible shortfall in developer funding.</p>

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		<p>To be eligible for S106 contributions proposals must fulfil various legal criteria. Measures must also directly mitigate the impact of the development e.g. they should ensure that the development does not make the existing highway conditions any worse if considered to have a severe residual impact. They cannot unfortunately be sought to address existing problems.</p> <p>Where potential S106 measures would require future maintenance, which would be paid for from the County Council's funds, the measures would also need to be assessed against the County Council's other priorities and as such may not be maintained by the County Council or will require maintenance funding to be provided as a commuted sum.</p> <p>In regard to public transport, securing S106 contributions for public transport services will normally focus on larger developments, where there is a more realistic prospect of services being commercially viable once the contributions have stopped ie they would be able to operate without being supported from public funding.</p> <p>The current financial climate means that the CHA has extremely limited funding available to undertake minor highway improvements. Where there may be the prospect of third-party funding to deliver a scheme, the County Council will still normally expect the scheme to comply with prevailing relevant national and local policies and guidance, both in terms of its justification and its design; the Council will also expect future maintenance costs to be covered by the third-party funding. Where any measures are proposed that would affect speed limits, on-street parking restrictions or other Traffic Regulation Orders (be that to address existing problems or in connection with a development proposal), their implementation would be subject to available resources, the availability of full funding and the satisfactory completion of all necessary Statutory Procedures.</p> <p>Flood Risk Management</p> <p>The County Council are fully aware of flooding that has occurred within Leicestershire and its impact on residential properties resulting in concerns relating to new developments. LCC in our role as the Lead Local Flood Authority (LLFA) undertake investigations into flooding, review consent applications to undertake works on ordinary watercourses and carry out enforcement where lack of maintenance or unconsented works has resulted in a flood risk. In April 2015 the LLFA also became a statutory consultee on major planning applications in relation to surface water drainage and have a duty to review planning applications to ensure that the onsite drainage systems are designed in accordance with current legislation and guidance. The LLFA also ensures that flood risk to the site is accounted for when designing a drainage solution.</p> <p>The LLFA is not able to:</p> <ul style="list-style-type: none"> • Prevent development where development sites are at low risk of flooding or can demonstrate appropriate flood risk mitigation. • Use existing flood risk to adjacent land to prevent development. • Require development to resolve existing flood risk. <p>When considering flood risk within the development of a neighbourhood plan, the LLFA would recommend consideration of the following points:</p> <ul style="list-style-type: none"> • Locating development outside of river (fluvial) flood risk (Flood Map for Planning (Rivers and Sea)). • Locating development outside of surface water (pluvial) flood risk (Risk of Flooding from Surface Water map). • Locating development outside of any groundwater flood risk by considering any local knowledge of groundwater flooding. • How potential SuDS features may be incorporated into the development to enhance the local amenity, water quality and biodiversity of the site as well as manage surface water runoff. • Watercourses and land drainage should be protected within new developments to prevent an increase in flood risk. <p>All development will be required to restrict the discharge and retain surface water on site in line with current government policies. This should be undertaken through the use of Sustainable Drainage Systems (SuDS). Appropriate space allocation for SuDS features should be included</p>

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		<p>within development sites when considering the housing density to ensure that the potential site will not limit the ability for good SuDS design to be carried out. Consideration should also be given to blue green corridors and how they could be used to improve the bio-diversity and amenity of new developments, including benefits to surrounding areas.</p> <p>Often ordinary watercourses and land drainage features (including streams, culverts and ditches) form part of development sites. The LLFA recommend that existing watercourses and land drainage (including watercourses that form the site boundary) are retained as open features along their original flow path and are retained in public open space to ensure that access for maintenance can be achieved. This should also be considered when looking at housing densities within the plan to ensure that these features can be retained.</p> <p>LCC, in its role as LLFA will not support proposals contrary to LCC policies.</p> <p>For further information it is suggested reference is made to the National Planning Policy Framework (March 2012), Sustainable drainage systems: Written statement - HCWS161 (December 2014) and the Planning Practice Guidance webpage.</p> <p>Flood risk mapping is readily available for public use at the links below. The LLFA also holds information relating to historic flooding within Leicestershire that can be used to inform development proposals.</p> <p>Risk of flooding from surface water map: https://flood-warning-information.service.gov.uk/long-term-flood-risk/map</p> <p>Flood map for planning (rivers and sea): https://flood-map-for-planning.service.gov.uk/</p> <p>Planning</p> <p>Developer Contributions</p> <p>If there is no specific policy on Section 106 developer contributions/planning obligations within the draft Neighbourhood Plan, it would be prudent to consider the inclusion of a developer contributions/planning obligations policy, along similar lines to those shown for example in the Adopted North Kilworth NP and the Adopted Great Glen NP albeit adapted to the circumstances of your community. This would in general be consistent with the relevant District Council's local plan or its policy on planning obligations in order to mitigate the impacts of new development and enable appropriate local infrastructure and service provision in accordance with the relevant legislation and regulations, where applicable.</p> <p>North Kilworth Adopted Plan</p> <p>Great Glen Adopted Plan</p> <p>Mineral & Waste Planning</p> <p>The County Council is the Minerals and Waste Planning Authority; this means the council prepares the planning policy for minerals and waste development and also makes decisions on mineral and waste development. Although neighbourhood plans cannot include policies that cover minerals and waste development, it may be the case that your neighbourhood contains an existing or planned minerals or waste site. The County Council can provide information on these operations or any future development planned for your neighbourhood. You should also be aware of Minerals and Waste Safeguarding Areas, contained within the adopted Minerals and Waste Local Plan. These safeguarding areas are there to ensure that non-waste and non-minerals development takes place in a way that does not negatively affect minerals resources or waste operations. The County Council can provide guidance on this if your neighbourhood plan is allocating development in these areas or if any proposed neighbourhood plan policies may impact on minerals and waste provision.</p> <p>Property Education</p> <p>Whereby housing allocations or preferred housing developments form part of a Neighbourhood Plan the Local Authority will look to the availability of school places within a two-mile (primary) and three-mile (secondary) distance from the development. If there are not sufficient places then a claim for Section 106 funding will be requested to provide those places.</p>

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		<p>It is recognised that it may not always be possible or appropriate to extend a local school to meet the needs of a development, or the size of a development would yield a new school. However, in the changing educational landscape, the Council retains a statutory duty to ensure that sufficient places are available in good schools within its area, for every child of school age whose parents wish them to have one.</p> <p><u>Strategic Property Services</u></p> <p>No comment at this time.</p> <p><u>Adult Social Care</u></p> <p>It is suggested that reference is made to recognising a significant growth in the older population and that development seeks to include bungalows etc of differing tenures to accommodate the increase. This would be in line with the draft Adult Social Care Accommodation Strategy for older people which promotes that people should plan ahead for their later life, including considering downsizing, but recognising that people's choices are often limited by the lack of suitable local options.</p> <p><u>Environment</u></p> <p>Specific Comments</p> <p>Very thorough Housing Design Policy (Policy H6)</p> <p>General Comments With regard to the environment and in line with Government advice, Leicestershire County Council (LCC) would like to see Neighbourhood Plans cover all aspects of the natural environment including climate change, the landscape, biodiversity, ecosystems, green infrastructure as well as soils, brownfield sites and agricultural land.</p> <p>Climate Change The County Council through its Environment Strategy is committed to reducing greenhouse gas emissions in Leicestershire and increasing Leicestershire's resilience to the existing and predicted changes in climate. Furthermore, LCC has declared a climate emergency along with most other UK councils. The County Council has committed to becoming carbon neutral as a council by 2030 and to working with others to keep global temperature rise to less than 1.5 degrees Celsius, which will mean in effect needing to achieve carbon neutrality for Leicestershire by 2050 or before. Planning is one of the key levers for enabling these commitments to be met and to meeting the legally binding target set by the government for the UK to be carbon neutral by 2050. Neighbourhood Plans should in as far as possible seek to contribute to and support a reduction in greenhouse gas emissions and to increasing the county's resilience to climate change.</p> <p>Landscape The County Council would like to see the inclusion of a local landscape assessment taking into account Natural England's Landscape character areas; Leicester, Leicestershire and Rutland Landscape and Woodland Strategy; the Local District/Borough Council landscape character assessments and the Landscape Sensitivity and Green Infrastructure Study for Leicester and Leicestershire (2017) which examines the sensitivity of the landscape, exploring the extent to which different areas can accommodate development without impacting on their key landscape qualities. We would recommend that Neighbourhood Plans should also consider the street scene and public realm within their communities, further advice can be found in the latest 'Streets for All East Midlands' Advisory Document (2006) published by English Heritage.</p> <p>LCC would encourage the development of local listings as per the National Planning Policy Framework (NPPF) and LCC have some data on the social, cultural, archaeological and historic value of local features and buildings (https://www.leicestershire.gov.uk/leisure-and-community/history-and-heritage/historic-environment-record)</p> <p>Biodiversity The Natural Environment and Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their duties, to the purpose of conserving biodiversity. The National Planning Policy Framework clearly outlines the importance of sustainable development alongside the core principle that planning should contribute to conserving and enhancing the natural</p>

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		<p>environment, providing net gain for biodiversity, and reducing pollution. Neighbourhood Plans should therefore seek to work in partnership with other agencies to develop and deliver a strategic approach to protecting and improving the natural environment based on local evidence and priorities. Each Neighbourhood Plan should consider the impact of potential development or management of open spaces on enhancing biodiversity and habitat connectivity, such as hedgerows and greenways. Also, habitat permeability for habitats and species which addresses encouragement of movement from one location to another such as the design of street lighting, roads, noise, obstructions in water, exposure of species to predation and arrangement of land-uses.</p> <p>The Leicestershire and Rutland Environmental Records Centre (LRERC) can provide a summary of wildlife information for your Neighbourhood Plan area. This will include a map showing nationally important sites (e.g. Sites of Special Scientific Interest); locally designated Wildlife Sites; locations of badger setts, great crested newt breeding ponds and bat roosts; and a list of records of protected and priority Biodiversity Action Plan species.</p> <p>These are all a material consideration in the planning process. If there has been a recent Habitat Survey of your plan area, this will also be included. LRERC is unable to carry out habitat surveys on request from a Parish Council, although it may be possible to add it into a future survey programme. Contact: planningecology@leics.gov.uk, or phone 0116 305 4108</p> <p>Green Infrastructure Green infrastructure (GI) is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities, (NPPF definition). As a network, GI includes parks, open spaces, playing fields, woodlands, street trees, cemeteries/churchyards allotments and private gardens as well as streams, rivers, canals and other water bodies and features such as green roofs and living walls.</p> <p>The NPPF places the duty on local authorities to plan positively for a strategic network of GI which can deliver a range of planning policies including: building a strong, competitive economy; creating a sense of place and promote good design; promoting healthier communities by providing greater opportunities for recreation and mental and physical health benefits; meeting the challenges of climate change and flood risk; increasing biodiversity and conserving and enhancing the natural environment. Looking at the existing provision of GI networks within a community can influence the plan for creating & enhancing new networks and this assessment can then be used to inform CIL (Community Infrastructure Levy) schedules, enabling communities to potentially benefit from this source of funding.</p> <p>Neighbourhood Plan groups have the opportunity to plan GI networks at a local scale to maximise benefits for their community and in doing so they should ensure that their Neighbourhood Plan is reflective of the relevant Local Authority Green Infrastructure strategy. Through the Neighbourhood Plan and discussions with the Local Authority Planning teams and potential Developers communities are well placed to influence the delivery of local scale GI networks.</p> <p>Brownfield, Soils and Agricultural Land The NPPF encourages the effective use of brownfield land for development, provided that it is not of high environmental/ecological value. Neighbourhood planning groups should check with Defra if their neighbourhood planning area includes brownfield sites. Where information is lacking as to the ecological value of these sites then the Neighbourhood Plan could include policies that ensure such survey work should be carried out to assess the ecological value of a brownfield site before development decisions are taken.</p> <p>Soils are an essential finite resource on which important ecosystem services such as food production, are dependent on. They should be enhanced in value and protected from adverse effects of unacceptable levels of pollution. Within the governments "Safeguarding our Soils" strategy, Defra have produced a code of practice for the sustainable use of soils on construction sites which could be helpful to neighbourhood planning groups in preparing environmental policies.</p> <p>High quality agricultural soils should, where possible be protected from development and where a large area of agricultural land is identified for development then planning should consider using the poorer quality areas in preference to the higher quality areas. Neighbourhood planning</p>

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		<p>groups should consider mapping agricultural land classification within their plan to enable informed decisions to be made in the future. Natural England can provide further information and Agricultural Land classification.</p> <p>Strategic Environmental Assessments (SEAs) Information for Neighbourhood Planning groups regarding Strategic Environmental Assessments (SEAs) can be found on the Neighbourhood Planning website (www.neighbourhoodplanning.org) and should be referred to. As taken from the website, a Neighbourhood Plan must meet certain basic conditions in order to be 'made'. It must not breach and be otherwise compatible with EU obligations. One of these obligations is Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment' (Environmental Assessment of Plans and Programmes Regulations, 2004, available online). This is often referred to as the SEA Directive. Not every Neighbourhood Plan needs a SEA, however, it is compulsory to provide when submitting a plan proposal to the local planning authority either:</p> <p>A statement of reasons as to why SEA was not required An environmental report (a key output of the SEA process).</p> <p>As the UK prepares to leave the EU in 2020, Neighbourhood Planning groups should remain mindful of any future changes which may occur to the above guidance.</p> <p>Impact of Development on Household Waste Recycling Centres (HWRC)</p> <p>Neighbourhood planning groups should remain mindful of the interaction between new development applications in a district area and Leicestershire County Council. The County's Waste Management team considers proposed developments on a case by case basis and when it is identified that a proposed development will have a detrimental effect on the local HWRC infrastructure then appropriate projects to increase the capacity to off-set the impact have to be initiated. Contributions to fund these projects are requested in accordance with Leicestershire's Planning Obligations Policy and the relevant Legislation Regulations</p> <p><u>Communities</u></p> <p>Consideration of community facilities is a positive facet of Neighbourhood Plans that reflects the importance of these facilities within communities and can proactively protect and develop facilities to meet the needs of people in local communities. Neighbourhood Plans provide an opportunity to;</p> <ol style="list-style-type: none"> 1. Carry out and report on a review of community facilities, groups and allotments and their importance with your community. 2. Set out policies that seek to; <ul style="list-style-type: none"> • protect and retain these existing facilities • support the independent development of new facilities, and • identify and protect Assets of Community Value and provide support for any existing or future designations. 3. Identify and support potential community projects that could be progressed. <p>You are encouraged to consider and respond to all aspects of community resources as part of the Neighbourhood Planning process. Further information, guidance and examples of policies and supporting information is available at www.leicestershirecommunities.org.uk/np/useful-information.</p> <p><u>Economic Development</u></p> <p>We would recommend including economic development aspirations with your Plan, outlining what the community currently values and whether they are open to new development of small businesses etc.</p> <p><u>Superfast Broadband</u></p> <p>High speed broadband is critical for businesses and for access to services, many of which are now online by default. Having a superfast broadband connection is no longer merely desirable but is an essential requirement in ordinary daily life. All new developments (including community facilities) should have access to ultrafast broadband (of at least 100Mbps). Developers should take active steps to incorporate</p>

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		<p>adequate broadband provision at the pre-planning phase and should engage with telecoms providers to ensure ultrafast broadband is available as soon as build on the development is complete. Where practical, developers should consider engaging several telecoms providers to encourage competition and consumer choice.</p> <p>Equalities While we cannot comment in detail on plans, you may wish to ask stakeholders to bear the Council's Equality Strategy 2016-2020 in mind when taking your Neighbourhood Plan forward through the relevant procedures, particularly for engagement and consultation work. A copy of the strategy can be view at: www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/30/equality-strategy2016-2020.pdf</p>
11	Davidsons	<p>Due to the size and number of documents associated with this representation, these can be found appended to this summary.</p> <p>The full version of this representation (including any appendices) can be requested as a hard copy, or can be found on our website here: https://www.hinckley-bosworth.gov.uk/desfordplan</p>
12	Severn Trent Water	<p>Thank you for giving Severn Trent an opportunity comment on the Submission version of the Desford Neighbourhood Plan, We are supportive of the principles outlined within the Submission version of the Neighbourhood plan and welcome the amendments made to incorporate our comments on the draft Neighbourhood Plan.</p>
13	Gladman	<p>This letter provides Gladman's representations in response to the draft version of the Desford Neighbourhood Plan (DNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.</p> <p>Legal Requirements</p> <p>Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the DNP must meet are as follows:</p> <ul style="list-style-type: none"> (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order. (d) The making of the order contributes to the achievement of sustainable development. (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). (f) The making of the order does not breach, and is otherwise compatible with, EU obligations. (g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan). <p>National Planning Policy Framework and Guidance</p> <p>On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. This version was</p>

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		<p>itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.</p> <p>The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.</p> <p>At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.</p> <p>The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.</p> <p>The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.</p> <p>Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.</p> <p>Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.</p> <p>Relationship to Local Plan</p> <p>To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted Development Plan relevant to the preparation of the DNP is the Hinckley and Bosworth Local Plan, which consist of the Core Strategy DPD and the Site Allocations & Development Management Policies DPD. The Core Strategy determined that Hinckley & Bosworth would be required to deliver 9,000 homes between 2006 and 2026. The important role Desford plays as a key rural centre that provides the necessary day-to-day services for those people living in the settlement, and the surrounding rural villages and hamlets, is recognised in the Core Strategy.</p> <p>To meet the requirements of the Framework the Council is currently reviewing the Core Strategy and the Council is still in the early stages of plan preparation. It is therefore important that the DNP provides flexibility to ensure that the policies contained in the DNP are capable of being effective over the duration of its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004.</p>

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		<p>Desford Neighbourhood Plan</p> <p>This section highlights the key issues that Gladman would like to raise with regards to the content of the DNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.</p> <p>Policy H1: Settlement Boundary</p> <p>Policy H 1 identifies a settlement boundary for Desford and states that land outside of this defined area will be treated as open countryside, where development will be carefully controlled.</p> <p>Gladman object to the use of settlement limits in circumstances such as this where they would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework.</p> <p>Ahead of the emerging Local Plan, and to ensure the longevity of the neighbourhood plan policies, Gladman suggest that this approach should be reconsidered with increased flexibility ahead of the preferred strategy for the emerging Local Plan being known. This would be in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be prepared positively whilst sufficiently flexible to be able to adapt to rapid change. It is noted that the supporting text to the policy acknowledges the DNP is being prepared in advance of the Hinckley and Bosworth Local Plan Review and that there remains significant uncertainty with regards to the full scale of housing requirement which may need to be accommodated.</p> <p>Accordingly, Gladman consider that the above policy should be modified to allow for this flexibility and it is considered that the DNP would be better served by a criteria-based approach consistent with the requirements of national policy and the following wording is put forward for consideration:</p> <p>'The neighbourhood plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Development proposals that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:</p> <ul style="list-style-type: none"> New homes including market and affordable housing; or Opportunities for new business facilities through new or expanded premises; or Infrastructure to ensure the continued vitality and viability of the neighbourhood area. <p>Development proposals that are considered sustainable and well related to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development."</p> <p>Policy H4: Housing Mix</p> <p>The above policy requires residential development, where possible, to be built to Building Regulation M2 and 10% to built to Building Regulation M3. In principle Gladman acknowledge the importance of delivering housing to assist in meeting the needs for older people and</p>

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		<p>those with mobility issues. Gladman suggest the policy is modified and flexibility added to the policy wording which provides 'support' for the provision of Building Regulations M2 & M3 but does not set a policy requirement which could impact development viability.</p> <p>Policy ENV4: Ridge and Furrow</p> <p>This policy as drafted does not fully accord with the Framework. Development proposals affecting the ridge and furrow fields should be considered in the context of the NPPF (2019) Paragraph 197 which states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.' In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' In this instance, development affecting the ridge and furrow fields should clearly not be ruled out with a proposal given proper consideration in the balancing exercise and the policy wording should be made clearer in this regard.</p> <p>Policy ENV6: Safeguarding Important Views</p> <p>Policy ENV6 identifies 8 'important' views which the DNP considers are important for the setting of Desford and states development that would adversely affect the identified views will not be supported unless the proposal includes effective site-specific mitigation measures.</p> <p>Identified views must ensure that they demonstrate a physical attribute elevating a view's importance beyond simply being a nice view of open countryside. The evidence base to support the policy does little to indicate why these views should be protected, other than providing a nice view of the surrounding fields. Gladman consider that to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggest the evidence base to this policy is revisited and that the Parish Council must ensure that it is able to demonstrate robust evidence to support Policy ENV6.</p> <p>Policy T2: Desford Railway Station</p> <p>Whilst acknowledging the intentions of Policy T2, which supports the re-opening of Desford railway station, Gladman suggest this aspiration is better suited as a Community Action rather than a policy requirement and the Plan should be modified accordingly.</p> <p>Policy T4: Electric Vehicles</p> <p>Gladman submit further clarity is required in the wording of Policy T4 which as currently drafted infers new housing and commercial development will be required to provide electric vehicle charging points. Before requiring electric vehicle charging points in residential or commercial development through planning policies, the Parish Council should engage with the main energy suppliers to determine the network capacity to accommodate any adverse impacts if all dwellings were to install a charging facility. If recharging demand became excessive, there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables, and new substation infrastructure may be necessary. Gladman suggest this aspiration is also better suited as a community action rather than a policy requirement.</p>

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		<p>Conclusions</p> <p>Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relationship of the DNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.</p> <p>The full version of this representation (including any appendices) can be requested as a hard copy, or can be found on our website here: https://www.hinckley-bosworth.gov.uk/desfordplan</p>
14	Jelson	<p>We would like to know whether you support the plan, would support the plan with some modifications, or oppose the plan.</p> <p>Overall: Support the plan with modifications</p> <p>DESFORD NEIGHBOURHOOD PLAN 2018-2036 REGULATION 16 SUBMISSION CONSULTATION REPRESENTATIONS ON BEHALF OF JELSON LTD</p> <p>Avison Young is town planning advisor to Jelson Limited ('Jelson') and is instructed to make representations on its behalf, in response to the Regulation 16 consultation of the Desford Neighbourhood Plan (DNP).</p> <p>Jelson is an interested landowner in Desford and has made representations to the draft DNP over the past 13 months, with the first engagement being made through the Regulation 14 consultation on the pre-submission version of the Plan. It has also met with members of the Parish and Working Group, to promote the benefits of its landholding at Hunts Lane, for residential development.</p> <p>We provide in this letter:</p> <ul style="list-style-type: none"> • An overview of Jelson's interest in Desford; • Jelson's engagement with the Parish Council to date; and • Jelson's comments on the proposed DNP. <p>The above are addressed in turn.</p> <p>Jelsons Interest</p> <p>We append to this letter a location plan which shows land controlled by Jelson. The land lies to the immediate south of Hunts Lane and to the west of Gables Close and Lockymeade Drive, on the western side of the settlement. It extends to 4.19 ha and so has the ability to accommodate something in the order of 80 - 100 dwellings.</p> <p>The site comprises a single large arable field. It is flat and easy to develop. Mature hedges and the occasional mature tree mark the sites boundaries but there are no trees, hedges or other landscape features within the site itself. The land is entirely within Flood Zone 1 (and so is at low risk of flooding), does not fall within an important view corridor, does not form part of the setting of a heritage asset and has no particular environmental quality, other than that associated with its agricultural use.</p>

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		<p>There are bus stops on Hunts Lane, just outside where the site would be accessed, and the centre of the settlement is easily accessible, as is Leicester to the east.</p> <p>Development on this site would, in our view, make for a logical extension to the village, and when considered against the site assessment criteria, as defined by the Parish Council in the preparation of the DNP, would score highly in sustainability terms.</p> <p>Engagement to Date</p> <p>As noted above, Jelson first engaged with the Parish Council and DNP Working Group through the Regulation 14 consultation. Representations were submitted in January 2019 following the publication of the pre-submission version of the DNP and shortly after Jelson acquired the land.</p> <p>The pre-submission version of the plan suggested that 15 site options were appraised for consideration as a residential allocation and that this resulted in land at Barns Way being taken forward as the only allocation and to deliver up to 70 dwellings. The remaining “need” which is suggested to have been informed by the standard methodology, relies upon delivery from windfall sites.</p> <p>At this time, we reviewed the Group’s site selection methodology and applied the same assessment criteria and scoring matrix to Jelson’s land. This identified a scoring of ‘Green 14’, which exceeds that for Barns Way (Green 12), and therefore in our view, makes it the most sustainable and least environmentally damaging site. Adding to this that 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 with five years, Jelson’s representations supported allocation of its land for housing in the DNP.</p> <p>In May 2019, we noted on the Parish Council’s website that a further round of consultation was being undertaken prior to the submission of the Plan for examination. The purpose of this was to consider seven further sites for possible allocation. We were able to clarify through correspondence with the Parish and HBBC Officers that the additional sites were those which were submitted to HBBC in response to ‘call for sites’ exercises ran to inform its 2014 and 2017/18 Strategic Housing and Economic Land Availability Assessment (SHELAA). We were advised that any sites since drawn to the attention of HBBC were not being assessed, nor it appeared that any sites submitted directly to the Parish as part of the Regulation 14 consultation were being assessed. This therefore meant that Jelson’s site was not assessed and so we raised our concerns with the approach and submitted further representations to the Strategic Site Assessment consultation.</p> <p>We noted at this time the requirements of the plan-making process and noted in particular that the National Planning Policy Framework (NPPF) sets out that neighbourhood development plans (NDP) should support the delivery of strategic policies contained in local plans or development strategies and should shape and direct development that is outside of these strategic policies. The need for an NDP to be in general conformity with strategic policies in the Development Plan also forms one of the Basic Conditions that NDPs must meet in order to progress to examination.</p> <p>In relation to housing allocations in NDPs, we noted that Planning Practice Guidance sets out that the qualifying body leading the NDP process should “carry out an appraisal of options and assessment of individual sites against clearly identified criteria”.</p> <p>It was our opinion at this time that based on the information provided by the Parish, we concluded that there was a failure to conduct an appropriate assessment of all potential sites and that there were fundamental failings with the approach taken.</p> <p>Following Jelson’s representations, we received a Sustainable Site Assessment of Land at Hunts Lane in July last year. We understand that this was undertaken and approved by the NDP Working Group on behalf of the Parish Council. It identified a score for Jelson’s site of ‘red minus 3’. Whilst Jelson</p>

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		<p>welcomed the consideration of its land, it had some significant concerns with the way in which the assessment appeared to have been undertaken. The assessment made a number of inaccurate assumptions about the site in respect of the different criteria and assumptions which appeared to take an overall negative view of the site. This was particularly noted to be the case when comparing the assessment against that which the Parish undertook for the site at Barns Way (i.e. the proposed allocation). We noted a number of matters in particular where either: the commentary is broadly similar for both sites but Barns Way scores a higher rating; the position is worse at Barns Way and yet it scores the same as Jelson's rating; or there is a general inconsistency around how different considerations are assessed. These inconsistencies were noted for the following criteria and set out in Jelson's response to the Parish:</p> <ul style="list-style-type: none"> • Landscape quality • Important trees, woodlands and hedgerows • Relationship with exiting pattern of built development • Local wildlife considerations • Safe pedestrian access • Impact on existing vehicular traffic • Noise issues <p>We met with members of the Parish Council and the Working Group on 26 July 2019 and discussed these matters and the site assessment in general, addressing each criterion in turn, and providing further clarity or information on matters where required. Following the meeting, Jelson received a revised Sustainable Site Assessment of its land which included amended criteria. The site increased to a score of 'Green 3'.</p> <p>Jelson's latest formal engagement in the DNP process was through representations to the Strategic Environmental Assessment (SEA) and Environmental Report, in November 2019. The SEA was carried out by AECOM Ltd. and assessed the proposals against a set of sustainability / environmental objectives. The intention is to ensure that the Plan avoids adverse environmental and socio- economic effects and identify opportunities to improve the environmental quality of the designated area and the quality of life of the residents.</p> <p>As officers will be aware, a key part of the SEA process is the assessment of reasonable alternatives for the plan. In the context of the DNP, the reasonable alternatives appear to relate to delivering the housing strategy, which as we note above, is one of the basic conditions that must be met. The report sets out the ways in which consideration was given to addressing the housing strategy. It suggests that the Parish first considered potential reasonable alternatives to be (i) accommodating need in Botcheston as opposed to Desford, and (ii) delivering the housing need on a large site to the south of Desford village which was put forward in the Hinckley and Bosworth SHELAA 2018. Consideration of these alternatives concluded that they were unreasonable. This therefore resulted in the housing strategy being determined through a comparison of reasonable site allocation options, which were considered against certain sustainability criteria (i.e. in accordance with the site selection methodology).</p> <p>The Environmental Report confirms that the determination of the preferred site for allocation (i.e. Barns Way extension) was based primarily on the outputs from the site assessment exercise, as according to the DNP Working Group's assessment, it performs best overall. It notes that whilst some discounted sites perform better in respect of certain assessment criteria, the Parish Council considered the preferred site to perform better 'in the round'.</p> <p>The Environmental Report does not evaluate the likely effects of each of the alternative sites in turn. Rather, it assesses the likely effects of the preferred allocation only and then the draft provisions of the Plan, against the SEA objectives / topics. The extent of effect is determined by considering whether the proposed allocation, or draft policies, will 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).</p> <p>The SEA suggests that the plan is predicted to have mostly positive effects and for three objectives, significant positive effects, albeit with uncertainty over one (Heritage). It concludes:</p>

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		<p>“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”.</p> <p>Jelson’s representations noted that permission has been granted for the allocation and so there is no requirement for the site to be allocated in the DNP. The homes 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 Jelson’s representations concluded that additional allocations should therefore be made to bring the plan to a positive state in SEA terms.</p> <p>Jelson’s Comments</p> <p>Jelson’s primary concerns of the Neighbourhood Plan relate to (i) the approach taken to identify suitable sites for allocation, and (ii) that the plan fails to seek to deliver positive benefits.</p> <p>In relation to matter (i), whilst potential sites have been assessed against the same criteria, there are significant inconsistencies with the way in which sites have been scored and therefore determined for allocation.</p> <p>By way of comparison, we have prepared a table which summarises the ratings identified for Jelson’s landholding in relation to each of the strategic site assessment criteria by: the Parish in its original assessment; our assessment when adopting the same rating definitions; the Parish’s revised assessment; and our comments to the changes and in particular, noting the inconsistencies with ratings for different sites. A copy of the table is appended to this letter.</p> <p>There are a number of inconsistencies in the way sites are scored against the same criteria and our analysis notes this to be the case when just comparing two sites (Jelson’s landholding at Hunts Lane, and the proposed allocation at Barns Way). This raises concerns around further inconsistencies that might be realised when comparing all of the assessed sites.</p> <p>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:</p> <ol style="list-style-type: none"> 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 Plant 8) Desford – Ashfield Farm Extension 9) Desford – Kirkby Road Extension 10) Botcheston – New Botcheston North of Main Street, and Lyndale boarding cattery 11) Desford – New Desford South Expansion, and Desford – Neovia New Desford Expansion. <p>The above ranking applies the Parish’s latest site assessment scoring and places Jelson’s land as 4th, or 5th when considering there are two equal scoring sites at position 2. We consider the top four in turn.</p> <p>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.</p>

Rep Ref	Comments By	Representation text
		<p>The two sites scoring second place are located in Botcheston and the Parish concluded that allocations in this settlement would be “unreasonable” due to its lower ranking in the settlement hierarchy, as defined by Hinckley and Bosworth Borough Council in its adopted Core Strategy.</p> <p>Outline planning permission for residential development on land at Peckleton Lane, otherwise referred to as ‘Meadow Way Extension’ by the Parish, has now been granted through appeal. This being taken forward as an allocation would therefore equally be unnecessary and result in minor benefits.</p> <p>With the above in mind, we conclude that Jelson’s land at Hunts Lane actually ranks highest and that it does so despite the inconsistencies in ratings across sites. When addressing the inconsistencies, we believe that Jelson’s land scores significantly greater and indeed highest of all sites, including that for Barns Way. The appended table demonstrates that when applying the Parish’s assessment criteria and when informed by technical assessments, Jelson’s land scores ‘Green 14’.</p> <p>Turning to matter (ii), the appraisal of the draft Plan against the SEA topics suggests that the DNP could have some significant positive effects. However, it is clear from the concluding comments that the main benefits arise from the delivery of new homes and only where these houses do not already benefit from a planning permission. In the case of Barns Way, these are homes that now 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. Accordingly, the benefits being attributed to that allocation should be stripped out of the SEA and additional site allocations made so as to get the Plan back to a ‘positive’ state in SEA terms.</p> <p>Notwithstanding the above, it is important to note the conclusions of the Planning Inspector when considering the appeal against 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). The main issue considered was the effect of the development on the character and appearance of the landscape, due to the sites location outside of the settlement boundary. A copy of the Appeal Decision is appended to this letter.</p> <p>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 housing land of 4.15 years and that “the shortfall is significant”. As a consequence, the policies which are most important for determining the application were considered out-of-date and therefore the tilted balance was engaged.</p> <p>The Inspector noted some impact on landscape character and policy conflict in this respect but weighed this in the planning balance. He concluded that the dispute between parties as to whether the proposal 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.</p> <p>With all of the above in mind, we conclude that the Plan in its current form has been developed on the basis of inaccurate evidence and assessment of sites, and that it is failing to deliver positive benefits, which leads us to question whether it is supporting the delivery of strategic policies and therefore meeting its basic conditions. It seems to us that a further allocation(s) is needed.</p> <p>This is supported by the conclusions of the Inspector and that there is a significant shortfall of housing in the Borough as a whole. Addressing this should not be restricted by local need considerations only. Where further development is found to be sustainable, the Inspector has concluded that it should be approved.</p> <p>There is a fundamental need to boost the supply of housing and the DNP 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</p>

Rep Ref	Comments By	Representation text
		<p>land concludes that it is sustainable by virtue of its overall green scoring and when reviewing the Parish's list of sites above, and making the relevant discounts as we set out, it sits at the top. We therefore conclude that the further allocation should be Jelson's land, south of Hunts Lane</p> <p>The full version of this representation (including any appendices) can be requested as a hard copy, or can be found on our website here: https://www.hinckley-bosworth.gov.uk/desfordplan</p>
15	Environment Agency	<p>This representation was received via the website as a response form, and can be found here:</p> <p>Overall do you support the plan, would support the plan with some modifications, or oppose the plan? Support</p> <p>Policy H2 - With reference to Figure 2, there are no environmental constraints within the settlement boundary which fall within the remit of the Environment Agency. However we note that the most South-Western corner of the proposed housing allocation located off Barnsway is underlain by a closed landfill site. This area of the site is therefore highly likely to have some degree of contamination due to its previous use. Any re-development of the site should ensure that it does not pose a pollution risk to the environment. The Local Planning Authority may hold information regarding which wastes were permitted to be deposited at the site.</p>
16	Hinckley & Bosworth Borough Council, Development Services	<p>Due to the size and number of documents associated with this representation, these can be found appended to this summary.</p> <p>The full version of this representation (including any appendices) can be requested as a hard copy, or can be found on our website here: https://www.hinckley-bosworth.gov.uk/desfordplan</p>



Desford Neighbourhood Plan

The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) Publication of Plan Proposal Consultation

Wednesday 22 January to 5pm Wednesday March 2020

Response Form

How to respond:

- Complete our [planning policy contact form](#)
- Send a letter to the planning policy team
- Download, complete and return this Desford Regulation 16 response form
 - Please return to the Hinckley Hub or electronically using our [planning policy contact form](#)

Respondent Details	
Name:	Clare Eggington
Address:	Pegasus Group, 5 The Priory, Old London Road, Canwell Sutton Coldfield, B75 5SH
Telephone:	0121 308 9584
Email:	Clare.eggington@pegasusgroup.co.uk
Organisation (if applicable):	Pegasus Group
Position (if applicable):	Associate Planner

Your Representation on the Desford Neighbourhood Plan		
Overall do you support the plan, would support the plan with some modifications, or oppose the plan? (please tick one answer)		
Support <input type="checkbox"/>	Support with Modifications <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Please indicate whether you wish to be informed of any decision by Hinckley and Bosworth Borough Council to either make/adopt the Neighbourhood Plan or refuse to make/adopt the Neighbourhood Plan.		

Yes, please inform me of the decision

No, I do not wish to be informed of the decision

Please give details of your reasons for support/opposition

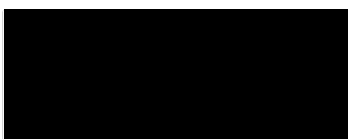
Paragraph
number/policy
reference

Comments/Suggested Modifications

Please see attached representations, there are two sets, one relating to the Regulation 16 Neighbourhood Plan and one relating to the SEA.

(Continue on additional sheets if necessary)

Signature:



Date:

27.02.2020

Privacy notice

All comments will be made available, and identifiable by name and organisation (where applicable) to the appointed examiner, Local Planning Authority, and Desford Parish Council. Please note that any personal information will be processed by the council in line with the Article 6(1)(e) of the General Data Protection Regulation and the Data Protection Act 2018

DESFORD NEIGHBOURHOOD PLAN

REGULATION 16 CONSULTATION

FEBRUARY 2020

REPRESENTATIONS ON BEHALF OF DAVIDSON'S DEVELOPMENTS LTD



5 The Priory, Old London Road, Canwell, Sutton Coldfield, B75 5SH

T 0121 308 9570 www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

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1. INTRODUCTION

1.1 This representation is made by Pegasus Group, on behalf of Davidsons Developments Ltd (**hereafter referred to as 'Davidsons'**), to respond to the Desford Neighbourhood Development Plan (NDP) Regulation 16 consultation. Representations have also been prepared separately for the Strategic Environmental Assessment.

1.2 This representation is made in relation to Land off Kirkby Road (Ashfield Farm), Desford (see Site Location Plan / Illustrative Masterplan at Appendix 1). The site is referred to as Site Reference AS210 & AS211 in the NDP, which reflects the SHLAA referencing. It should also be noted that a planning application has now been submitted requesting outline consent, with access, for up to 120 homes.

1.3 These representations are framed in the context of the requirements of Neighbourhood Plans to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions as set out in National Planning Practice Guidance Paragraph: 065 Reference ID: 41-065-20140306 are:

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).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the Order. (This Basic Condition applies only to Orders therefore is not applicable to this case)

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. (This Basic Condition applies only to Orders therefore is not applicable to this case)

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 obligations¹.

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).

- 1.4** The purpose of these representations is to highlight areas of the NDP that are supported, and to draw attention to elements of the NDP that do not meet the Basic Conditions. These representations are intended to be helpful in identifying modifications that should be incorporated within the NDP having regard to changes to national and local policy and guidance which are likely to significantly influence plan-making at the local level.

¹ This would include any subsequent changes to UK law arising from the transitional arrangements in relation to the withdrawal process from the EU.

2. CONTEXT

Consultation stages

- 2.1** Before the details of the Neighbourhood Plan are considered in relation to the Basic Conditions it is important that the context is understood in terms of how the plan has evolved, as our client has several concerns regarding inconsistency and inaccuracy, which have been raised through previous representations but which have not been addressed and indeed denied in several cases.
- 2.2** The Regulation 14 (Pre-Submission) consultation was undertaken early 2019. This was followed by a consultation undertaken in May 2019 (Supplementary Strategic Sites) which focused upon seven further sites which were introduced to the process as a result of the first Regulation 14 consultation.
- 2.3** In November 2019 consultation on the Strategic Environmental Assessment (SEA) was undertaken for a period of just under three weeks: this will be commented on further in due course. Alongside this, the submission version of the Neighbourhood Plan was published, but there is confusion as to whether this was actually intended for consultation or not as will be explained later in these representations.
- 2.4** In terms of the initial Regulation 14 consultation (January 2019), Davidsons made representations on several issues. These included the need for the Neighbourhood Plan to address housing issues (including quantum) in a way which addresses need and aligns to the emerging Local Plan and the need for the settlement boundary to be redrawn to reflect site allocations.
- 2.5** The representations to the first Regulation 14 consultation also raised significant concerns with the site selection assessment (SSA) and the methodology which had been utilised.
- 2.6** On 12th March 2019, a letter was received from Hinckley and Bosworth Borough Council containing an enclosure from the Parish Council which advised that a further seven potential sites were to be assessed following the closure of the Regulation 14 Consultation in January 2019.
- 2.7** This included **an attachment of 'the draft sustainable assessment for your land' and the letter concluded that 'as your site has not been ranked highly enough to merit further consideration at the present time, we will not progress a potential allocation in the Neighbourhood Plan'.**

- 2.8 The **'sustainable site assessment'** referred to above only assessed SHLAA site AS211, the process had omitted to assess AS2010 and had failed to consider both sites together as a whole. Davidsons therefore submitted representations to this supplementary consultation in May 2019, again objecting to the unfair and inaccurate process and the conclusions reached which led to the promoted site again being dismissed.
- 2.9 Since the supplementary consultation, further correspondence was received from Desford Parish Council dated 20th October 2019. Appended to the letter was a revised site assessment scoring, which had correctly taken both sites AS210 and AS211 **together (referencing them as 'Desford Site 4')**. The letter advised that the site had been dismissed.
- 2.10 Again, however, it appeared that earlier comments and concerns with the process have, overall, not been taken on board. The assessment showed serious inconsistencies and in many cases the site had been downgraded from earlier scorings when assessed against certain criteria. Appendix 2 contains a table which shows how inconsistently and unfairly the process had been applied at each stage: the final column contains commentary from Davidsons setting out the inconsistencies, **illustrates where 'new' criteria had** been introduced resulting in the site being downgraded, and providing a revised scoring. The 'NP SEA consultation responses' document produced by the Qualifying Body insists that scorings were undertaken consistently, **stating that the issue over inconsistency is 'a personal opinion from an organisation whose land failed to achieve an allocation'**. The evidence clearly shows otherwise as set out in Appendix 2.
- 2.11 In terms of consultation process and procedure, Davidsons raised several concerns **especially with regard to the most recent 'round'**, undertaken in November 2019.
- 2.12 It was only as a result of a chance conversation with the planning policy team at Hinckley and Bosworth Borough Council on 15th November 2019 that it became clear that the Neighbourhood Plan was being consulted on at the same time as the SEA. This was not obvious either from the consultation email received from the Parish Council (Appendix 3) nor from the **wording of the Parish Council's website** (Appendix 4). Representations to the latest Neighbourhood Plan consultation had therefore had to be prepared in some haste on this matter to meet an unreasonably short deadline, which is not legally compliant, as set out later in this chapter.

Officers at the Borough Council advised that the consultation on the plan should be referred to as 'Regulation 14 (2)'.

- 2.13 The 'NP SEA consultation responses' document provides a confused reaction from the Qualifying Body to this issue however. On page 35 / 36 the response states that *'the NP had been amended following Regulation 14 consultation in readiness for submission to HBBC. We are happy for this pre-submission draft to be referred to as such'*. On page 38 it states *'this is not a further Regulation 14 consultation. It is a consultation on the SEA where all relevant documents are available'*.
- 2.14 This confusion is problematic. It is clear that other respondents have interpreted the consultation in differing ways from the nature of their responses, some focusing solely on the SEA, some noting the absence of a Regulation 14 consultation linked to the SEA, and others commenting on the Neighbourhood Plan itself.
- 2.15 Furthermore, the consultation deadline was extremely short. The email publicising the consultation was received on Sunday 3rd November 2019 at 20.54pm, with the deadline being 23rd November 2019 (a Saturday). This is less than three full weeks. This is not an adequate period of time to enable a meaningful response from a wide range of interested parties.
- 2.16 Regulation 14 (iv) of the Neighbourhood Planning General Regulations 2012 (as amended) requires a consultation period of *'not less than six weeks from the date on which the draft proposal is first publicised'*. This consultation period falls well short of this requirement and is therefore not compliant with legal procedure, thus failing Basic Condition (a).
- 2.17 The Qualifying Body's response to the representations insists that this is not relevant as the consultation did not fall under Regulation 14. However as previously shown, there has been considerable confusion around this matter and it is emphasised that this should have been a Regulation 14 consultation, and treated as such in terms of consultation timescales.
- 2.18 Notwithstanding this, the consultation deadline for the SEA itself was also extremely short. The email publicising the consultation was received on Sunday 3rd November 2019, with the deadline being 23rd November 2019 (a Saturday). This is less than three full weeks. The Environmental Assessment of Plans and Programmes Regulations 2004 states under section 13c (Consultation procedures) that *'The period referred to in paragraph (2)(d) must be of such length as will*

ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents'. This is not considered an adequate period of time to enable meaningful response from a wide range of interested parties on a statutory document, especially one which should be iterative and should inform and shape the plan.

- 2.19** The response to this issue, on page 38 of the SEA consultation responses document produced by the Qualifying Body is **that** '*SEA legislation does not specify a timescale and three weeks was considered appropriate given the minor comments made in the SEA report*'. **This matter is explored further in the SEA representations, as** the way in which the exercise was undertaken suggests SEA was carried out at the end of a process as a tick-box exercise aimed at validating the plan and the conclusion it had already reached, rather than shaping the plan and considering reasonable alternatives, as is its legal duty.

3. NEIGHBOURHOOD PLAN POLICIES

Housing Need and Provision

- 3.1** Chapter 4 focuses upon Housing and the Built Environment. The acknowledgement **in the first paragraph that 'there were (and are) no brownfield sites of any size within the parish and any future development would have to be outside the settlement boundary' is supported and welcomed.**
- 3.2** The Neighbourhood Plan sets out the need for Desford to provide for 163 units over the plan period (2026-2036). However, as set out in our earlier representations (January 2019 and November 2019) it is not clear how the indicative figure of 163 units has been derived. Page 14 of the Neighbourhood Plan states that the figure was set using the Standard Methodology and provided by HBBC however it does not state how this figure has been derived to provide a local neighbourhood figure. Furthermore, this figure would have been provided before the Standard Method was formally introduced through the updated NPPF in February 2019.
- 3.3** The fact that the Parish Council has sought a requirement figure is welcomed, however the Neighbourhood Plan should be flexible in order to be able to adapt to the changing context.
- 3.4** The Borough Council is currently reviewing its Local Plan, with a Draft Local Plan anticipated to be produced in 2020. In addition to the minimum housing requirement set by the Standard Method the plan will also have regard to local needs and cross boundary pressures and make important decisions on the spatial distribution of planned growth.
- 3.5** The review process will be informed by the Strategic Growth Plan for Leicester and **Leicestershire (December 2018). This is a 'non-statutory' plan, but is intended** to provide an agreed framework between the Local Planning Authorities to inform the preparation of Local Plans. The Strategic Growth Plan will play an important role in redistributing a shortfall in housing provision within Leicester City across Leicestershire County.
- 3.6** In February 2019, as mentioned previously, the Government introduced a Standard Methodology for assessing housing need. The Standard Method uses a formula to identify the minimum number of homes expected to be planned for, in a way which

addresses projected household growth and historic under-supply. This forms the default figure in the case of out of date plans (NPPF paragraph 73).

- 3.7** As a result, the minimum number of homes Hinckley and Bosworth Borough Council is expected to deliver is currently 457 per annum.
- 3.8** **NPPF Paragraph 65 sets out that** *'Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.'*
- 3.9** **NPPF Paragraph 66 states:** *'Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority'.*
- 3.10** A pragmatic solution where a Local Plan is out-of-date, which is the case within Hinckley and Bosworth Borough, is to utilise a simple formula-based approach which apportions the overall housing need figure for the relevant local authority area to the neighbourhood planning area. The proposed formula is simply to take the population of the neighbourhood planning area (which is 3,930 for the Desford Neighbourhood Area based on the 2011 Census) and calculate what percentage it represents of the overall population of the local planning area (which is 105,078 for Hinckley and Bosworth Borough based on the 2011 Census). Therefore, the population of the Desford Neighbourhood Area represents 3.74% of the population of the Borough as a whole.
- 3.11** Utilising this information and following the proposed approach, the housing need figure for the Desford Neighbourhood Area would equate to 17 dwellings per annum (3.74% of 457 dwellings per annum). Over the proposed 18 year plan period (2018 – 2036) this would result in a minimum requirement of 306 additional dwellings, and this figure is without the additional buffers necessary to ensure a deliverable supply as required by paragraph 73 of the NPPF.

- 3.12 Given the wider shortfalls in housing need across Leicestershire, and the need for flexibility, it is important that requirements apportioned to Neighbourhood Plans are treated as a minimum. HBBC will need to address shortfall issues under the statutory Duty to Co-operate as the review of the Local Plan is taken forward.
- 3.13 It is also important to note that Hinckley and Bosworth Borough is currently unable to demonstrate a five year supply of housing and therefore significantly needs to boost supply. Neighbourhood Plans have a role to play in assisting with delivering such growth.
- 3.14 In order to meet Basic Condition (a) (*having regard to national policies and advice contained in guidance issued by the Secretary of State*) and (d) (*contributing to the achievement of sustainable development*), the definition of which includes providing a sufficient number and range of homes under the social objective set out in NPPF paragraph 8b), the plan should include more flexibility so that it can adapt to meet the levels of growth needed in line with national policy and in line with the Local Plan as its review advances.

Settlement Boundary (Policy H1)

- 3.15 Draft Policy H1 of the NDP should make provision that where the NDP is reviewed under the circumstance of increasing housing needs in the Borough or the failure of a housing commitment in the Parish to be developed, that the defined settlement boundary would also be subject to review under such circumstances. Without this, the Plan does not provide the necessary flexibility to satisfy Basic Conditions (a) (*having regard to national policies and advice contained in guidance issued by the Secretary of State*) and (d) (*contributing to the achievement of sustainable development*). As set out in NPPF paragraph 15 and paragraph 005 of the **associated guidance, plans should be 'aspirational but deliverable', so flexibility in boundaries to enable changing needs to be met would assist with this.**

Housing Allocation (Policy H2)

- 3.16 It is noted that the Neighbourhood Plan is proposing allocating land at Barns Way for around 80 units, and Davidsons have already made clear their objections to the way in which site selection was undertaken. However, it is also noted that this site has recently received outline planning consent. It is therefore questionable whether this consented site should now still be included as an allocation.

3.17 Notwithstanding this however, this does not mean that the Neighbourhood Plan should not still be considering further allocations to meet local needs and to assist with delivering a supply of sites for the Borough as a whole or indeed any further shortfall arising from neighbouring areas. Land at Ashfield Farm is being promoted as a sustainable and deliverable site, and it is submitted that it should have been fairly and transparently considered through this process, using accurate information. Commentary on this, as highlighted earlier, is set out in Appendix 2.

3.18 Without further flexibility either through further allocations or through flexible policies, and a housing requirement which is treated as a minimum, it is considered that Basic Conditions (a) (*having regard to national policies and advice contained in guidance issued by the Secretary of State*) and (d) (*contributing to the achievement of sustainable development*) are not met. As set out in NPPF paragraph 15 and paragraph 005 of the associated guidance, plans should be '**aspirational but deliverable**', so flexibility in boundaries to enable changing needs to be met would assist with this.

Affordable housing (Policy H3)

3.19 Policy 15 of the adopted Core Strategy concerns affordable housing, identifying a need of a minimum of 2,090 affordable homes between 2006 and 2026 (105 per annum). **The Policy confirms that in 'rural areas', which** includes Desford, 40% affordable housing will be sought on site as part of major residential developments. The Policy goes on to state that these figures will be kept up-to-date through an Affordable Housing Supplementary Planning Document. However, the current SPD is outdated as it was adopted in 2011 and an updated document had not been produced at the time of writing. It is important that the role of larger sites in delivering much needed local affordable homes is recognised and provided for in the Neighbourhood Plan.

Housing mix (Policy H4)

3.20 Policy H4 of the NDP sets out that housing development proposals should provide a mixture of housing types specifically to meet identified local needs. It goes on to state that the provision of dwellings of 1, 2 and 3 bedrooms and of homes suitable for older people including single level living and a supported living complex will be supported. **It also requires 'where possible' all homes to be built to Building Regulations M2 (accessibility standard) with 10% built to M3 (wheelchair standard).**

3.21 Davidsons encourage the need for a mixture of housing types specifically to meet local needs, particularly the provision of smaller properties, accessible properties and single level living for older persons. However, Davidsons raise concern that such policy requirements may be somewhat onerous especially to small and medium sized developers, likely to result in small sites being unviable and remaining undeveloped over the long term. As such, this increases the risk of this much needed housing never coming forward. The policy should be worded flexibly to allow for individual site circumstances (supported by evidence) and should also recognise the role that larger developments can play in delivering a broader mix of housing to meet identified and evidenced local needs.

Windfall Site Development (Policy H5)

3.22 The NDP includes a policy covering windfall site development. Policy H5 states that small residential proposals for infill and redevelopment sites will be supported, subject to it being within the settlement boundary amongst other criteria. Davidsons support the need to encourage the redevelopment of brownfield and derelict sites within the settlement boundary, however the NDP currently relies upon such sites to come forward in order to achieve the total housing need for the Parish.

3.23 Davidsons object to this approach as it is not considered appropriate or best practice to make an allowance for windfall sites in the NDP supply as there is no certainty or guarantee that these sites will come forward. This is particularly an issue if the housing needs for Desford increase due to increased needs across the Borough. **The NPPF (Paragraph 70) states that ‘compelling evidence’ is needed** before an allowance for windfall can be justified. As mentioned previously the Neighbourhood Plan states clearly in Chapter 4 that *‘there were (and are) no brownfield sites of any size within the parish and any future development would have to be outside the settlement boundary’*. **Therefore there is no ‘compelling evidence’ and the policy fails Basic Condition (a) as it does not comply with national policy.**

3.24 A better and more positive approach would be to allocate more sustainable sites in Desford to meet all of the identified housing need (if the most sustainable site has the capacity to do so) and if any windfall sites do come forward this would only add to the supply of housing in the Parish and in HBBC, an approach encouraged in the NPPF where local authorities should be seeking to boost the supply of housing. In

addition policies should be more flexible to allow for changes to the settlement boundary where justified by evidence of need.

4. LAND AT ASHFIELD FARM, KIRKBY ROAD, DESFORD

Site Proposals

4.1 Land North of Kirkby Road (Ashfield Farm), Desford (“the site”), is located to the south west of Desford village, north of Kirkby Road and covers an area of 5.35ha. It comprises Ashfield Farm made up of a single property, barn and one agricultural field. The site’s north-eastern boundary lies adjacent to the settlement boundary of Desford with residential development off Cambridge Drive. Beyond the north-western boundary is the recent Bellway Homes development known as “The Paddocks” at Lockeymead Drive.

4.2 To the west lies the open countryside made up of agricultural fields, however directly adjacent to the western boundary is a strip of land covered with densely planted vegetation. A public footpath runs through this area along the western boundary of the site. Kirkby Road forms the south-eastern boundary of the site, beyond which lies the open countryside in agricultural use. Across Kirkby Road directly to the east of the site is an area of public open space, which includes a **football pitch, children’s play area** and small car park. All boundaries of the site are defined by hedgerows, with the western boundary of the site including several mature trees.

4.3 The site has capacity to accommodate up to **120 dwellings. Given the site’s size,** there is the flexibility to allow for a mix of housing types and tenures, as well as allowing for the provision of on-site open space. At the time of writing these representations Davidsons were awaiting a decision on their outline planning application on the site for up to 120 dwellings with access, reference 19/01243/OUT. The illustrative masterplan can be seen at Appendix 1.

Social Infrastructure and Accessibility

4.4 The site is well located in relation to a number of local facilities in the surrounding area which could be used by future residents of the site.

4.5 The nearest school to the site is Desford Community Primary School which is located approximately 300 metres to the east. This school is therefore accessible within an approximate 2-minute walk from the site. The nearest secondary school is Bosworth Academy, located approximately 1.4km to the east within Desford.

- 4.6 Desford Post Office, High Street is a Grade II Listed Building, is located on High Street, approximately 800 metres walk to the east of the site.
- 4.7 In terms of medical facilities, the nearest doctor's surgery is Desford Medical Centre, located approximately 1km to the north-east of the site. A pharmacy (Desford Pharmacy) is located on the High Street some 800 metres away from the application site.
- 4.8 The nearest shops are also located on High Street, approximately 800 metres east of the site. The local retail facilities include services such as food/grocery and convenience stores, hairdressers/beauty, post-office and hot food takeaways. Bus services provide access to Market Bosworth, Newbold Verdon and Leicester which provide higher-order services and facilities, including retail.
- 4.9 Existing sports fields are located adjacent to the public rights of way of the application site to the south of the application site, as well as a play park within this same area. In addition, the village supports a number of public houses and Desford Library, all within 800 metres walking distance of the site.
- 4.10 The nearest bus stops are located East of the site, on Main Lane. These bus stops are served by the 153 service between Market Bosworth, Newbold Verdon and Leicester. This is a half-an-hourly daytime service that runs on Monday to Saturday.
- 4.11 **The 153 bus service provides direct access to St Margaret's bus station, which is a 2 minute walk from Leicester railway station.** This station provides direct services to a variety of destinations, including Birmingham, Nottingham, London and Sheffield.

Suitability

- 4.12 The site is located outside of the settlement boundary of Desford. The settlement boundary abuts the north-eastern boundary of the site defined by the rear of the back gardens of the residential properties along Cambridge Drive. Given the recent planning consents directly to the north of the site, the site will therefore be enclosed by residential development on both its north-eastern and north-western boundaries. It is clear that development of this site would make a logical extension **to the village along Kirkby Road. The site's western boundary is well defined by a belt of mature vegetation and the southern boundary defined by Kirkby Road.**

- 4.13** The site is located within the open countryside but adjacent to the settlement boundary of Desford. There are no statutory designations covering the site.
- 4.14** The site is bounded by existing landscape features, namely hedgerows and mature trees. Development of the site would be well contained from the wider open countryside with residential development located directly to the north-west and north-east. A Landscape and Visual Impact Assessment (LVIA) has been prepared in support of the proposed development.
- 4.15** A number of ecological reports have been prepared, including; a Preliminary Ecological Appraisal, a Breeding Bird Survey, a Bat Survey, a Reptile Survey and an Ecological Mitigation and Enhancement Strategy. The soft landscaping scheme, retained hedgerows, and significant areas of open space including attenuation pond proposed for the site will provide connectivity and net gain.
- 4.16** A Flood Risk Assessment and Drainage Strategy has been prepared. The site has not been found to be at any direct risk from flooding associated with fluvial, sewer or groundwater sources. The development site is entirely within Flood Zone 1 and there are no established sources of flood risk. The surface water drainage strategy has been considered, and it is proposed to use a combination of infiltration drainage techniques and onsite attenuation to manage surface water runoff generated by the development. An attenuation basin is indicatively shown to the northern boundary of the site.
- 4.17** The site is not within or adjacent to the Desford conservation area. There are no listed buildings or structures on or within the immediate vicinity of the site. Archaeological assessment work (desk based assessment, geophysical survey and trial trench evaluation) has recorded no significant archaeological remains within the site.
- 4.18** With regards to access the proposed development would be accessed from Kirkby Road. A Transport Assessment and Residential Travel Plan has been prepared. The Transport Assessment confirms that satisfactory vehicular access to the site can be achieved via an extension of Kirkby Road, with the major arm routing straight through to the development. Pedestrians would be able to access the site along Kirkby Road via a new footway with pedestrian links through to the Bellway scheme to the north at Lockeymead Drive. The pedestrian linkages offer the opportunity

for residents to walk to Desford village centre and the variety of facilities that it offers within a reasonable walking distance from the site.

- 4.19** There are no infrastructure constraints or requirements to bring forward this site for residential development. A high voltage power line crosses the site which would require diverting. The village is well served by all utilities and broadband.
- 4.20** The risk of ground contamination issues on this site is low as identified by a Phase 1 Site Appraisal.
- 4.21** Residential development would not impact upon the amenity of neighbouring properties. The predominant land use around the site is residential and agricultural. There are no other uses in the immediate vicinity that may be compromised if residential were to come forward on this site.

Achievability

- 4.22** The site is capable of coming forward for residential development in the next five years. The site is within single ownership and is being promoted by Davidsons Developments Ltd. Residential development on this site is viable and therefore the site is considered achievable.

Availability

- 4.23** The site is within single ownership and is being promoted by Davidsons Developments Ltd. There are no ownership issues that would prevent development coming forward on this site.

Economic Benefits

- 4.24** In terms of economic sustainability, jobs would be created during the construction phase of the development (including indirect employment through the construction supply chain). The new residents of the development would also serve to support the existing local facilities and services within the village, through additional household spend.

5. SUMMARY AND CONCLUSIONS

5.1 Having raised the matter several times previously, Davidsons continue to submit that the Neighbourhood Plan has not been based upon an objective nor fair assessment of sites when considering the site allocations.

5.2 The Neighbourhood Plan is not providing for sufficient development to enable it to meet the future needs of Desford, and of the Borough as a whole.

5.3 The consultation period for the SEA / Regulation 14 (2) exercise was wholly inadequate, and not in compliance with Regulation 14 (iv) of the Neighbourhood Planning General Regulations 2012 (as amended).

5.4 Davidsons consider that the following Basic Conditions have not been met:

- Basic Condition (a): *having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Order (or neighbourhood plan)*. The Plan and SEA have not satisfied legislative requirements in terms of adequate consultation, and the plan has not been prepared in line with the most up to date NPPF. Policies are not considered flexible enough to be able to accommodate changing circumstances and the plan is not therefore fully addressing the achievement of sustainable development, is not aspirational nor deliverable, nor shaped by effective engagement as required by the NPPF Paragraph 16 (a), (b) and (c). Other policies (eg Windfall) are not in conformity with the NPPF as they are not supported by evidence.
- Basic Condition (d): *the making of the Order (or neighbourhood plan) contributes to the achievement of sustainable development*. NPPF Paragraph **8 sets out that 'sustainable development' has a social objective including 'ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations'**. Whilst the plan has taken some steps to addressing need, this should have been reassessed in the light of changing Government policy, as the plan is not flexible enough to provide for further growth in order to meet this test.
- Basic Condition (e): *the making of the Order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)*. The strategic

policies of the Core Strategy are out of date, and whilst this is acknowledged in parts of the Neighbourhood Plan, the steps taken are insufficient to ensure the meeting of this Basic Condition.

- Basic Condition (f): *the making of the Order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.* The SEA has not been undertaken in compliance with these obligations as set out in the accompanying representations in relation to this.

5.5 Davidsons continue to promote Land at Ashfield Farm, Kirkby Road as an entirely logical and sustainable extension to the community, which can help Desford meet its future needs, through a development of up to 120 homes including 40% affordable provision.

APPENDIX 1

SITE LOCATION / PROPOSED ILLUSTRATIVE MASTER PLAN



LEGEND

Site boundary
5.49ha / 13.57acres

Vehicular access

Key landmark building

New pedestrian link

Grasscrete

Existing tree

Proposed trees

01 New site access arrangement

02 Key arrival space

03 Potential footpath link to adjacent development

04 Play space

05 Landscape buffer

06 Public open space

07 Retained field access for agricultural purposes

Rev A: Amendment to access and footpath links (CM 28/02/18)
Rev B: Amendment to layout and attenuation area (IW 27/06/19)
Rev C: Potential single storey dwellings removed (IW 21/08/19)
Rev D: Revised layout based on surveys and constraints data (CM 18/09/19)
Rev E: Local Area for Play relocated (CM 27/09/19)
Rev F: Revised site area (CM 07/10/19)
Rev G: Grasscrete access added (CM 25/10/19)



ASHFIELD FARM, DESFORD | ILLUSTRATIVE MASTERPLAN

APPENDIX 2

SITE ASSESSMENT SCORINGS

Desford Neighbourhood Plan

A comparison of the site assessment scoring undertaken at different stages, and the assessment undertaken by Davidsons

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
Site capacity	117 units (3 bed) Score: RED	50 units (3 bed) Score: RED	105 units (3 bed) Score: RED	Capacity for approx. 120 dwellings – mixed sizes / tenures in line with NPPF. Planning application is for ‘up to 120 dwellings’. Site capacity should not be a criterion. However if still to be considered in scoring this should be GREEN
Site is an arable field in current use, existing use needs to be relocated	2 arable fields – use needs to be relocated Score: AMBER	Site is an arable field in current use, existing use needs to be relocated Score: AMBER	Site is two arable fields in current use, existing use needs to be relocated. Score: AMBER	Would result in loss of <u>one</u> arable field. Arable use would <u>not</u> require relocation Score: GREEN
Adjoining uses	Edge of built area, surrounded on two sides by arable fields, existing uses on Cambridge Drive to the Eastern edge. AMBER	The site is near to the current Bellway development but is separated from the current built form and is surrounded on three	Site sits on the edge of current built form and surrounded by two sides by further arable fields in current use with a recent housing	The site is surrounded on two sides by the settlement boundary and built development. Does not adjoin fields on the western boundary as this is defined by a strip of land with extensive tree and vegetation cover which separates and contains the site. This should score amber as the assessment

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		sides by further arable fields in current use. Score: RED	development to the north. Adjacent to the settlement boundary with existing residential units on Cambridge Drive and to the eastern edge. RED	criteria state that this relates to sites which adjoin the village envelope or residential location, which this site does. Score: AMBER
Topography	Relatively flat Score: GREEN	Relatively flat and straightforward to develop Score: GREEN	Relatively flat and straightforward to develop Score: GREEN	Agree the site is flat and straightforward to develop Score: GREEN
Greenfield or Previously Developed Land	Wholly greenfield Score: RED	Wholly greenfield comprising a large arable field with very open aspects to most sides Score: RED	Wholly greenfield site comprising of two arable fields with very open aspects to two sides Score: RED	Majority of site is greenfield but there is an existing dwelling on part of the site which would be demolished as part of any development proposals, therefore part is previously developed land. Open aspect issue does NOT form part of the assessment criteria, hasn't been used previously and should not be introduced here, this is NOT a consistent approach Score : AMBER

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Good Quality Agricultural Land?	Grade 2 – very good quality Natural England recommend no development of Grade 2 land Score: RED	Whole of the site is grade 2 ie very good. Natural England best practice recommends no development of Grade 2 land Score: RED	Whole of the site is grade 2 ie very good. Natural England best practice recommends no development of Grade 2 land as it is a nationally scarce resource. Score: RED	NE recommendations are not policy and the NPPF is worded differently (Para 170) as it does not preclude development.
Site Availability – single or multiple ownership?	Multiple ownership – one family Score: AMBER	Single ownership Score: GREEN	Single ownership Score: GREEN	The site is available in single ownership and controlled by a single developer (Davidsons) Score: GREEN
Landscape quality? Overview Visual Impact Assessment?	Open long distance vistas to some boundaries, site feels very rural in character development would cause substantial harm to this ‘edge’ of settlement. Inside the	Open long distance vistas found to all boundaries of the area and site feels very rural in character, development would cause substantial harm. Inside the Desford Vales landscape character assessment	Open long distance vistas found to all boundaries of the area and site feels very rural in character, development would cause substantial harm to this edge of the settlement.	No evidence of substantial harm in visual and landscape terms. Previous planning application (14/01166OUT) did not consider landscape harm to be substantial, and the landscape and visual assessment supporting the original application and the recently submitted new application have both identified that mitigation can be achieved relating to long distance views. It is a misrepresentation that the site feels very ‘rural’ in character. The

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	Desford Vales landscape character assessment Score: RED	Score: RED	Score: RED	Bellway development to the north has altered the setting. More accurate to say the site is more suburban in character. Now questionable as to whether there remain long vistas on to the site. Site should be rescored amber. Score: AMBER
Important Trees, Woodlands or Hedgerows?	Hedgerows along three boundaries, development would require destruction of small section of hedgerow Score: AMBER	Hedge along three boundaries and a small section of trees within the curtilage. Development would require substantial mitigation Score: RED	There is a hedge along most boundaries and a small section of trees within the curtilage of the site. Development would require destruction of a section of ancient hedgerow Score: RED	Development (120 homes) could come forward without removing existing hedgerows and trees. Only a small section of low quality hedgerow would need to be removed along the Kirkby Road to accommodate a new access road as shown in the supporting information to the planning application. There is NO ancient hedgerow, and this has been added in to the scoring where as it was not mentioned previously. Scoring criteria reference 'important' trees and hedgerows, the small section to be removed is of low quality therefore not considered important, the rest will be retained. Score should be GREEN.

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Relationship with existing pattern of built development?	Adjacent to current settlement boundary and the Bellway New Build site so could be developed. Score: AMBER	Site is adjacent to the new Bellway development but vehicular access not possible through that site and although planting could mitigate visibility from the properties on Cambridge Drive the location is a sensitive one Score: AMBER	The site is adjacent to the new Bellway development but vehicular access is not possible through that site and although planting could mitigate visibility from the properties on Cambridge Drive the location is a very sensitive one. Development would create a large incursion in to open countryside. Score: RED	Agreed that the site is adjacent to the settlement boundary, but as such site would be a logical extension. It is not understood why vehicular access to the new Bellway development is of any relevance this is not in the assessment criteria for this issue. Site would only be visible from existing residential properties on Kirkby Road, Cambridge Drive and the Bellway development, mitigation (planting etc) can be provided and scoring should reflect this. Design and layout has been carefully considered to avoid overlooking and amenity issues. Instead of taking these issues into account the most recent assessment has added an extra note about 'large incursion into open countryside' and downgraded the site to score red with no obvious reason. This is inconsistent and unfair. Based on the criteria it is considered that the land is visible from a small number of properties and should score green. Score: GREEN

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Local Wildlife Considerations?	Nesting birds, badgers and small mammals including BAP 2012 species Score: RED	Nesting birds, badgers and small mammals Score: RED	Nesting birds, badgers and small mammals. Score: RED	Considerable ecological assessment work has been undertaken to inform the process including the planning application, there are no badgers evident. Mitigation for all other species present can be achieved and an ecological mitigation enhancement strategy has been produced. Score: AMBER
Listed Building or important built assets?	None Score: GREEN	None identified Score: GREEN	None identified in this location. Score: GREEN	Agreed. Score: GREEN
Impact on the Conservation Area or its setting?	Outside of the conservation area and far enough away to be of no influence. Score: GREEN	Outside of the conservation area and far enough away to be of no influence Score: GREEN	The site is outside of the conservation area and far enough from it to be of no influence upon it. Score: GREEN	Agreed. Score: GREEN

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Safe pedestrian access to and from the site?	None exists in to the site but should be possible to extend the footway in from Kirby Road with significant improvements Score: AMBER	None exists and it is a long way to the nearest adopted footway it could be possible to extend the footway from Kirby Road Score: AMBER	None exists and it is a long way to the nearest adopted footway. It could be possible to extend the footway in from Kirby Road with significant improvement. Score: AMBER	Adopted footpath along Kirkby Road can easily be extended into the site, it is not a long way as it runs to the edge of the site. Score: GREEN
Impact on existing vehicular traffic?	Very large scale negative impact from this large number of units in this very sensitive highways location, all traffic will have to cross through the settlement which is already congested at peak times. Score: RED	A large scale negative impact from this large number of units in this very sensitive highways location, all traffic would have to cross through the settlement with routes that are already severely congested for long periods Score: RED	A large scale negative impact from this large number of units in this very sensitive highways location. All traffic would have to cross through the settlement with routes that are already severely congested for long periods. Score: RED	No evidence for these conclusions, Traffic impacts were considered as part of a 2014 planning application for 120 dwellings, LCC had no objection subject to conditions. Planning officer considered that whilst there would be an impact on traffic and queuing at peak times at main junctions on balance with mitigation would accord with policy. This evidence has been updated to inform the recently submitted planning application which concludes that mitigation can be provided for minor impacts. This falls within the green assessment criteria ie ie 'impact on village centre minimal'. Score: GREEN

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Safe vehicular access to and from the site?	A minor track serves the site from the south. Only minor farm access to Ashfield Farm is in place but only for farm machinery and no road width or visibility splays are present. It appears possible to build new highway access arrangements to meet safety standards with significant improvement. Score: AMBER	A land locked site. A minor track serves the site from the south. It is very problematic to build new highway access arrangements to meet safety standards but possibly viable, potentially through the Bellway site with the support of a third party owner. No current access in place and no visibility splays are present. It appears impossible to build new highway access arrangements into the site. Score: RED	A minor track serves the site from the South. It is very problematic to build new highway access arrangements to meet safety standards and not possible through the Bellway site without the support of a third party owner and a change of direction from the planning authority. No current adequate access in place and no visibility splays are present. It appears impossible to build new highway access arrangements in to the site. Score: RED	Vehicular access is not required from the new Bellway development, it can safely be provided from Kirkby Road as the information in support of the submitted planning application shows. Score: GREEN.

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Safe access to public transport?	Yes, the nearest bus stop is a fair distance walk about 575m Score: RED	Yes, the nearest bus stop is a fair distance walk about 600m Score: RED	Yes, the nearest bus stop is in excess of a 500m walk. Score: RED	Site is within 400m of a bus stop (from site centre / site access) and pedestrian link to north (as shown on masterplan) can improve access further. This falls within the Amber category for the site assessment criteria. The criteria were challenged through earlier representations as the scoring thresholds were considered arbitrary and should have been amended to accord with Manual for Streets. Score: AMBER (or GREEN if Manual for Streets is applied)
Distance to designated village centre	A distance of over 1100m Score: RED	Walking distance of over 1200m Score: RED	Walking distance of over 1000m. Score: RED	Site is within 800m from village centre. This falls within the Amber category for the site assessment criteria. The criteria were challenged through earlier representations as the scoring thresholds were considered arbitrary and should have been amended to accord with Manual for Streets (the site falls within the latter's recommended walking distances).

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				Score: AMBER (or GREEN if Manual for Streets is applied)
Distance to GP / health centre	A distance of about 900m Score: RED	Walking distance of about 1000m Score: RED	Walking distance of over 900m. Score: RED	Scoring threshold is arbitrary (see above comments), should accord with Manual for Streets Score: GREEN
Distance to Primary School	A distance of about 350m Score: AMBER	Walking distance of about 250m Score: AMBER	Walking distance of about 200m. Score: GREEN	Scoring threshold is arbitrary, should accord with Manual for Streets. Site is very close to Desford Primary School. Agree with score however. Score: GREEN
Current existing informal / formal recreational opportunities on site?	None identified Score: AMBER	None identified Score: AMBER	None identified Score: GREEN	The updated assessment scoring is supported. Score: GREEN

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Ancient monuments or archaeological remains?	None identified Score: GREEN	None identified Score: GREEN	None identified Score: GREEN	Agree Score: GREEN
Any existing public rights of way / bridle paths?	None found in this location Score: GREEN	The bridleway on the southern boundary will require mitigation but this is not within the actual site Score: AMBER	The bridleway on the southern boundary will require mitigation but this is not within the actual site Score: AMBER	There is no bridleway on the southern boundary https://footpathmap.co.uk/map/?zoom=15&lng=-1.310661183278337&lat=52.621645928852274 There is a footpath in an adjacent field. Score: GREEN
Gas and / or oil, pipelines and electricity transmission network? (not water / sewage)	An electricity supply cable passes through the site and will require relocation Score: AMBER	Yes, an electricity supply cable passes through the site and will require relocation Score: AMBER	Yes, an electricity supply cable passes through the site and will require relocation Score: AMBER	It is agreed that an electricity supply cable passes through the site and will require relocation. This is easily achievable as confirmed through the supporting technical reports to the recently submitted planning application. Score: AMBER

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Any noise issues?	No issues identified Score: GREEN	No issues identified Score: GREEN	No issues identified Score: GREEN	Agreed Score: GREEN
Any contamination issues?	HBBC SHELAA identifies that there may be historical ground contamination adjacent to the site and recommends further investigations Score: AMBER	Unmade ground found, small fly tips will require further investigation Score: AMBER	Unmade ground found, small fly tips will require further investigation but should be easily mitigated subject to a detailed survey. Score: AMBER	Low risk, further survey would be needed at detailed planning application stage Score: AMBER
Any known flooding issues?	The land is within flood zone 1, no known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required Score: GREEN	The land is within flood zone 1, no known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required Score: GREEN	The land is within flood zone 1. No known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required. Score: GREEN	Agree with score Score: GREEN

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Any drainage issues?	A small amount of pooling found on site, requires mitigation but readily achievable Score: AMBER	No serious issues identified although slight pooling on site due to soil type Score: AMBER	No serious issues identified, although slight pooling on site due to elevation and soil type. Score: AMBER	Recently submitted planning application is supported by a drainage strategy which shows that minor issues can be mitigated for. Score: AMBER
Distance to nearest employment site	Large employment activities, Bosworth Academy about 1500m of the centre of the site Score: RED	Large employment activities, Bosworth Academy about 1600m of the centre of the site Score: RED	Large employment activities, Bosworth Academy about 1400m from the centre of the site. Score: RED	Scoring thresholds are arbitrary and should be amended to accord with the Manual for Streets. Scoring is also inconsistent as Bosworth Academy is identified as an employment site but Desford Community Primary School is not similarly referenced. Score: GREEN

APPENDIX 3

SEA CONSULTATION EMAIL

Appendix 3: extract from the email advising of the consultation (SEA)

Notification of consultation on the Strategic Environmental Assessment

You are invited to comment on the independent Strategic Environmental Report (SEA) that has recently been completed on behalf of Desford Parish Council.

SEAs are sometimes required when Neighbourhood Plans are being created, but not always. The Desford Neighbourhood Plan was deemed to require a SEA because the proposed Plan included identification of a possible site for housing that might impact adversely upon the natural environment of the parish.

The purpose of the SEA is to help communities avoid adverse environmental and socio-economic effects through the Neighbourhood Plan and identify opportunities to improve the environmental quality of the area covered by the Neighbourhood Plan and the quality of life of residents.

The SEA Report can be read, along with the draft Neighbourhood Plan, at Desford library or downloaded from the Neighbourhood Plan section of Desford Parish Council website:

<https://www.desfordparishcouncil.co.uk/neighbourhood-plan.html>

Copies are available in the library and someone from the Neighbourhood Plan Working Group will be available in the library on Saturdays 9th, 16th and 23rd November between 10am and 1pm to answer any questions individuals might have.

Following this public consultation of the SEA, the Neighbourhood Plan will be reviewed in the light of these comments and submitted to Hinckley & Bosworth Borough Council, together with all the supporting documentation, including a Basic Conditions Statement and Consultation Statement setting out who has been consulted, how the consultation has been undertaken and how the representations have informed the Plan.

Hinckley & Bosworth Borough Council will then invite representations from parishioners and other stakeholders, before the Plan is subjected to Examination by an Independent Examiner. Once any further amendments have been made, the Plan will be subject to a local Referendum. If the Referendum is successful, the Plan will be "made" by Hinckley & Bosworth Borough Council.

kind regards

APPENDIX 4

PARI SH COUNCI L CONSULTATI ON PAGE

Screenshot of Desford Parish Council's website publicising the consultation

The screenshot shows the Desford Parish Council website. The header includes the council name, contact information (Tel: 01455 822993, Send email), and a search bar. The main content area is titled 'Desford Neighbourhood Plan' and provides information about the latest update in November 2019, including links to the SEA Mitigation Table and the NDP SEA Report. It also details previous consultations in October 2019 and April 2019. A sidebar on the left lists navigation options like Home, A-Z of Services, Planning, and Council Meetings. A sidebar on the right features an A-Z of Services index and logos for the Borough Council, County Council, and Neighbourhood Policing Unit.

DESFORD PARISH COUNCIL

Welcome to our new website, please tell us if you spot any inaccuracies or would like to recommend a change

Home » Planning » Neighbourhood Plan

Desford Neighbourhood Plan

More information can be seen on the [Neighbourhood Plan](#) website

Latest Update - November 2019

A further document showing the modifications to the Strategic Environmental Assessment (SEA) is below.

Any comments should be made to the Clerk at the Parish Council office or by [email](#) on or before 23rd November 2019

- [SEA Mitigation Table](#) (Word Document, 17 Kb)
An update of the SEA

October 2019 - Neighbourhood Plan Consultation

Desford Parish Council has through the agency of AECOM Ltd carried out a Strategic Environmental Assessment (SEA) of the proposed Neighbourhood Plan. Copies of the plan proposal and SEA can be inspected at Desford Library during normal opening hours or by following the links below.

- [Neighbourhood Plan Submission October 2019](#) (PDF, 5.2 Mb)
Neighbourhood Plan Submission October 2019
- [NDP SEA Report October 2019](#) (PDF, 3.8 Mb)
Strategic Environmental Assessment of the proposed Neighbourhood Plan

April 2019 - Supplementary Strategic Site Assessment Consultation

The Parish Council consulted parishioners on its first draft of the Neighbourhood Plan during December and January 2018/2019. The draft included all the sites assessed as possible housing sites in the parish and recommended the allocation of one major site.

Responses to this consultation and discussions with Hinckley and Bosworth Borough Council's Planning Department have resulted in the need to assess and consult on 7 further sites. This does not mean that all or any of them will be allocated in the plan. Indeed, any views received in response to this consultation will help the Council to decide which, if any, should go forward.

The sites are:

- Snowdene and land to the rear, Main Street, Botcheston
- Land to the rear of Manor Farm, Main Street, Botcheston
- Land at disused Sewage Works, Lindridge Lane, Desford
- Land adjacent to Lyndale Cattery, Desford
- Hunts Lane extension, Desford
- Land to the South of Desford, to the East of Peckleton Lane
- Land to the South of Desford, extension of above to the West of Peckleton Lane

72,916 page views over twelve months, updated daily.

GOV.UK

The Borough Council is Hinckley & Bosworth Borough Council.
The County Council is Leicestershire County Council.
The Neighbourhood Policing Unit is Bosworth, Rathby, Groby, Markfield And Stanton.

DESFORD NEIGHBOURHOOD PLAN
STRATEGIC ENVIRONMENTAL ASSESSMENT
CONSULTATION
FEBRUARY 2020

REPRESENTATIONS ON BEHALF OF
DAVIDSONS DEVELOPMENTS LTD



5 The Priory, Old London Road, Canwell, Sutton Coldfield, B75 5SH
T 0121 308 9570 www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

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Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

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APPENDIX 2: SITE ASSESSMENT SCORINGS

1. INTRODUCTION

- 1.1 These representations are made by Pegasus Group, on behalf of Davidsons Developments Ltd (hereafter referred to as 'Davidsons'), to respond to the Desford Neighbourhood Development Plan Strategic Environmental Assessment consultation (hereafter referred to as 'the NDP' and 'the SEA' respectively).
- 1.2 These representations are made in relation to Land off Kirkby Road (Ashfield Farm), Desford (see Site Location Plan / Illustrative Masterplan at Appendix 1). The site is referred to as Site Reference AS210 & AS211 in the NDP, which reflects the SHLAA referencing, or more recently as Desford Site 4 (which correctly combines the two SHLAA sites). It should also be noted that a planning application has now been submitted requesting outline permission, with access, for up to 120 homes (reference 19/01243/OUT).
- 1.3 Separate representations have been submitted with regard to the Regulation 16 consultation on the Neighbourhood Plan itself, and should be read together with these representations on the SEA.
- 1.4 These representations are framed in the context of the requirements of Neighbourhood Plans to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions, as set out in National Planning Practice Guidance Paragraph: 065 Reference ID: 41-065-20140306 are:

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).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the Order. (This Basic Condition applies only to Orders therefore is not applicable to this case)

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make

the order. (This Basic Condition applies only to Orders therefore is not applicable to this case)

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).

2. BACKGROUND

Consultation stages

- 2.1** Before the details of the SEA are considered in relation to the Basic Conditions it is important that the context is understood in terms of how the plan and SEA have evolved, as our client has several concerns regarding inconsistency and inaccuracy, which have been raised through previous representations but which have not been addressed and indeed denied in several cases. This has serious implications for the validity of the SEA.
- 2.2** The Regulation 14 (Pre-Submission) consultation was undertaken early 2019. This was followed by a consultation undertaken in May 2019 (Supplementary Strategic Sites) which focused upon seven further sites which were introduced to the process as a result of the first Regulation 14 consultation.
- 2.3** In November 2019 consultation on the Strategic Environmental Assessment (SEA) was undertaken for a period of just under three weeks: this will be commented on further in due course. Alongside this, the submission version of the Neighbourhood Plan was published, but there is confusion as to whether this was actually intended for consultation or not as set out in our accompanying Regulation 16 representations.
- 2.4** In terms of the initial Regulation 14 consultation (January 2019), Davidsons made representations on several issues. These included the need for the Neighbourhood Plan to address housing issues (including quantum) in a way which addresses need and aligns to the emerging Local Plan and the need for the settlement boundary to be redrawn to reflect site allocations.
- 2.5** The representations to the first Regulation 14 consultation also raised significant concerns with the site selection assessment (SSA) and the methodology which had been utilised.
- 2.6** On 12th March 2019, a letter was received from Hinckley and Bosworth Borough Council containing an enclosure from the Parish Council which advised that a further seven potential sites were to be assessed following the closure of the Regulation 14 Consultation in January 2019.

- 2.7 This included an attachment of 'the draft sustainable assessment for your land' and the letter concluded that 'as your site has not been ranked highly enough to merit further consideration at the present time, we will not progress a potential allocation in the Neighbourhood Plan'.
- 2.8 The 'sustainable site assessment' referred to above only assessed SHLAA site AS211, the process had omitted to assess AS210 and had failed to consider both sites together as a whole. Davidsons therefore submitted representations to this supplementary consultation in May 2019, again objecting to the unfair and inaccurate process and the conclusions reached which led to the promoted site again being dismissed. It should be noted that the 'NP SEA consultation responses' document (November 2019)¹ states on page 6 that '*we assess what we were given by HBBC and the larger site assessed when HBBC sent it through*'. This is not correct, as the earlier assessment had, rightly, assessed BOTH sites together.
- 2.9 Since the supplementary consultation, further correspondence was received from Desford Parish Council dated 20th October 2019. Appended to the letter was a revised site assessment scoring, which had once more correctly taken both sites AS210 and AS211 together (referencing them as 'Desford Site 4'). The letter advised that the site had been dismissed.
- 2.10 Again, however, it appeared that earlier comments and concerns with the process had, overall, not been taken on board. The assessment showed serious inconsistencies and in many cases the site had been downgraded from earlier scorings when assessed against certain criteria. Appendix 2 contains a table which shows how inconsistently and unfairly the process had been applied at each stage: the final column contains commentary from Davidsons setting out the inconsistencies, illustrates where 'new' criteria had been introduced resulting in the site being downgraded, and provides a revised scoring. The 'NP SEA consultation responses' document produced by the Qualifying Body insists that scorings were undertaken consistently, stating that the issue over inconsistency is '*a personal opinion from an organisation whose land failed to achieve an allocation*'. The

¹ <https://www.desfordparishcouncil.co.uk/uploads/appendix-7-reg-13-consultations-responses-comments-actions.pdf>

evidence clearly shows otherwise as set out in Appendix 2. Again, this is highly relevant to the SEA as will be demonstrated shortly.

- 2.11** In terms of consultation process and procedure, Davidsons raised several concerns especially with regard to the most recent 'round', ostensibly focusing upon the SEA and undertaken in November 2019. In part, the concern related to the Neighbourhood Plan itself and its status as part of the November 2019 SEA consultation exercise: this is addressed in our representations to the Regulation 16 Neighbourhood Plan and will not be repeated here, as these representations focus upon the role of the SEA. Issues with process and procedure will be covered in the next chapter.

3. THE STRATEGIC ENVIRONMENTAL ASSESSMENT

Consultation

- 3.1** The consultation deadline for the SEA itself was extremely short. The email publicising the consultation was received on Sunday 3rd November 2019 in the evening at 20.54, with the deadline being 23rd November 2019 (a Saturday). This was less than three full weeks. The Environmental Assessment of Plans and Programmes Regulations 2004 ('The Regulations' for the purpose of these representations) states under section 13c (Consultation procedures) that *'The period referred to in paragraph (2)(d) must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents'*. The point was made in our representations that this was not considered an adequate period of time to enable meaningful response from a wide range of interested parties on a statutory document, especially one which should be iterative and should inform and shape the plan.
- 3.2** The response to this issue, on page 38 of the SEA consultation responses document produced in November 2019 by the Qualifying Body is as follows: *'SEA legislation does not specify a timescale and three weeks was considered appropriate given the minor comments made in the SEA report'*.
- 3.3** Firstly, whilst it is true that for this stage of the process there is no specified timescale, it is important to consider what timescale might be considered 'effective' in terms of expressing an opinion on the relevant documents.
- 3.4** Part 3 of the Regulations sets out consultation procedures for the preparation of the environmental report. Regulation 12 (6) relates to the consultation on the scope and level of detail which should be contained within the report. The consultation period is five weeks. Given that only three statutory consultation bodies legally have to be consulted at the Regulation 12 stage, it would logically follow that a consultation on the SEA under Regulation 13, being aimed at engaging a wider range of participants (including the general public as was made clear by the publication of the information on the Parish Council website) should be given equal or more time to respond, and certainly not less than five weeks as a very minimum in order to be effective. This is an especially pertinent point given that the initial

scoping exercise was limited to the statutory consultees and did not offer wider engagement as an option.

- 3.5 Secondly, the implications of the Qualifying Body response '*three weeks was considered appropriate given the minor comments made in the SEA report*' needs to be considered.
- 3.6 The point regarding 'minor comments' is not understood. The SEA is a statutory document which should objectively assess and inform the plan making process. The November 2019 consultation was the first opportunity the public would have had to scrutinise the SEA. The 'minor comments' response suggests SEA was carried out at the end of a process as a bolt-on exercise aimed at validating the plan and the conclusion it had already reached, rather than shaping the plan and considering reasonable alternatives, as is its legal duty. This is explored further in the following section of this chapter.

Reasonable alternatives

- 3.7 Regulation 12(2) states: '*The report shall identify, describe and evaluate the likely significant effects on the environment of (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme*'.
- 3.8 Chapter 3 contains the SEA framework which '*provides a methodological framework for the appraisal of likely significant effects on the baseline*'. Chapter 4 explains the process for undertaking the SEA for Desford Neighbourhood Plan, stating in paragraph 4.2 that the first stage of the process was a scoping report which was published for consultation in May 2019. This consultation was limited to the three statutory Consultation Bodies. Paragraph 4.2 states '*AECOM worked alongside the Parish Council to identify and appraise any reasonable alternatives, to ensure that the SEA helps to inform the approaches and policies within the draft Plan. This is important given that the Regulation 14 Consultation went ahead in the absence of an Environmental Report*' (our emphasis, as it demonstrates the bolt-on nature of the SEA).
- 3.9 Section 4.3 of the document states that the following sections '*describe how the SEA process to date has informed the development strategy for the neighbourhood plan area*'. Yet it is not clear how an implied iterative process can actually have

taken place. The SEA published in November 2019 was the first stage (bar the scoping report) of a process which should form part of the evidence base in shaping a plan as it develops. Instead, it has been brought in at the end of a process when the plan is advanced, and has been based on the assumption that the work done on the Neighbourhood Plan to date is robust without seemingly to question the evidence presented. It has also not been properly revisited in order to consider the comments made.

- 3.10** The lack of objectivity and robustness of evidence in considering 'reasonable alternatives' is especially evident in terms of the scale of housing growth required, and in terms of the way in which the site selection process has been undertaken.
- 3.11** Section 4.3.1 focuses upon the housing strategy. The SEA does not test higher levels of growth, instead focusing upon a single figure. Davidsons make comments upon the levels of growth proposed in the accompanying representations on the Regulation 16 Neighbourhood Plan consultation, so these are not repeated here. However, given that the Regulation 16 representations clearly demonstrate that other growth scenarios exist, these should be tested as reasonable alternatives to the level proposed by the Neighbourhood Plan. It is simply not adequate to state in the SEA that '*several strategic alternatives were considered as part of the SEA process. However these were found to be unreasonable*' (page 13). This is especially important given that alternatives were proposed by respondents to the November 2019 consultation on the SEA. How have these been considered? Where is the narrative to demonstrate the way in which this conclusion has been justified?
- 3.12** The lack of accurate evidence and consistency of approach is also evident in the appraisal of the potential site allocations, a matter which has repeatedly been raised by Davidsons at every stage of the consultation on the Neighbourhood Plan in relation to the Site Assessment process, however concerns have continually been dismissed.
- 3.13** This is addressed in detail in the accompanying Regulation 16 representations, however for completeness a summary matrix of the key issues can be seen at Appendix 2 to these representations. This matrix shows how the 'evidence' used was often incorrect, non-existent, assumptive or unfairly applied. The Qualifying Body has been given ample opportunity to rectify the situation but continues to assert '*the concerns raised were considered but not agreed. The process*

*undertaken was comprehensive, inclusive and transparent. The site failed to achieve sufficient scores to merit an allocation*². As a result, the SEA has been based on inaccurate 'evidence'. This means it is not legally compliant as will be explained in due course.

- 3.14** The SEA contains a scoring matrix (Table 4.1) which shows how the different potential site allocations have performed against a range of criteria. The SEA advises that this has been drawn from the Neighbourhood Plan site assessment process which, as already stated and illustrated in some detail in Appendix 2, is deeply flawed.
- 3.15** The SEA shows that Land at Ashfield Farm has been appraised as two separate sites rather than as a whole, which severely impacts on its scoring and is extremely misleading. This again serves to illustrate that the representations to the earlier consultations have not been heeded, that the process has not been iterative, and that the assessment has been based on inaccurate information.
- 3.16** Given that the role of an SEA is to objectively consider 'reasonable alternatives'. it should be considering all potential allocations objectively, not taking the existing Neighbouring Plan assessment 'as read' (this would be clear had the representations to the plan been considered, as it would be obvious there were serious shortcomings with the process). Instead, the SEA starting point is from the assumption that the proposed allocation is the right one, and that no further allocations are necessary. It is supporting a pre-determined strategy and therefore has not properly considered the 'reasonable alternatives' in a fair, clear nor transparent manner, both in terms of levels of growth required and in terms of site allocations proposed.

Policy assessment

- 3.17** In terms of the scorings for SEA Objective 1 (Biodiversity) the assessment concludes that housing policies H1 – H6 will have a positive effect on biodiversity. It concludes this because development is not supported outside the settlement boundary, saying that it will 'reduce sprawl into open countryside / areas which may contain biodiversity habitats'. Yet surely if the status-quo is to be maintained, at best this should be a neutral scoring. Furthermore it is submitted that carefully

² NP SEA consultation responses November 2019 page 3

planned developments need to deliver net gains for biodiversity as required by the NPPF, so the conclusions of this section do not appear to be reasonable. This point was made to the previous consultation and continues to be made by Davidsons.

- 3.18** SEA objective 4 (Landscape) only assesses Policy H1 (settlement boundary) stating that it will have a minor positive effect as it restricts development to within the village boundary and to the chosen site allocation. No mention of a negative impact is made as a result of the site allocation itself which, when looked at in conjunction with Policy 6 of the Neighbourhood Plan is in an area containing significant views. This suggests that the appraisal of certain policies might be being treated as retrofitting to suit a pre-determined strategy rather than being a proper objective assessment of reasonable alternatives as required by the regulations. This point was made to the November 2019 consultation; the response by the Qualifying Body was that the Neighbourhood Plan was '*assessed in line with SEA requirements*'. Davidsons continue to dispute this matter and consider that the SEA has been prepared to support a pre-determined strategy. This is not the case.
- 3.19** SEA Objective 5: Population and Community concludes that in terms of the delivery of affordable housing the allocation of one site for housing (Barns Way) the effects '*whilst positive.....are not considered to be significant*'. This would suggest that a reasonable alternative should be to consider additional growth to ensure that cumulative significant positive impacts upon the delivery of affordable housing can be achieved.
- 3.20** Under this same objective the SEA draws its final conclusion that 'overall the plan is predicted to have a significant positive effect on population and community'. This is not understood. Objective 5 considers a range of themes, drawing the following conclusions for each:
- Policy H1 -minor positive
 - Policy H2 – significant positive
 - Policy ENV 1 – 7 minor positive
 - Policy F1 – minor positive
 - Policy T1 – minor positive

- Policy E1 – minor positive

3.21 Therefore five out of the six themes are minor positives with only one being significant positive. Davidsons previously questioned how, given this information, the conclusion could be significantly positive overall. The response of the Qualifying Body was that '*several minor positives add up to an overall significant impact*'. This is a highly tenuous conclusion, arguably manipulated to suit a pre determined outcome.

Meeting the Basic Conditions

3.22 The point has already been made under the Regulation 16 representations that the plan as written does not conform with Basic Conditions (a) (d) and (e). However, these representations on the SEA also demonstrate that Basic Condition (f) (*the making of the Order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations*) cannot be met. There are several examples of case law to illustrate the points made.

3.23 As has been demonstrated, the SEA has not adequately assessed the reasonable alternatives nor adequately explained why alternatives have been rejected (Heard v. Broadland DC [2012] EWHC 344 (Admin)).

3.24 As has also been shown, the SEA of the plan has been undertaken at a late stage in the process, has been subject to limited and inadequate consultation and has simply acted as a bolt-on to confirm a predetermined position (Satnam Millennium Ltd. V. Warrington BC [2015] EWHC 370 (Admin)).

3.25 Finally, the evidence used to inform the SEA has been repeatedly demonstrated to be incorrect (as shown in Appendix 2). Consideration of alternatives must be informed by accurate evidence (Henfield Neighbourhood Plan [2016] EWHC 2512 (Admin)).

3.26 The SEA has, therefore, not been undertaken in compliance with EU obligations and, accordingly the Neighbourhood Plan must fail Basic Condition (f).

4. CONCLUSIONS

- 4.1** Davidsons continue to submit that the SEA has not objectively nor fairly carried out an assessment of the Neighbourhood Plan, and has not properly assessed reasonable alternatives. Instead it has used existing inaccurate information to form its judgements which leads to deeply flawed conclusions. This relates to site by site assessments, but also appraisal of the policies. It suggests a process of retrofitting to suit previously determined conclusions, which is not iterative, not objective and not compliant with SEA legislation.
- 4.2** Additionally the consultation period has been wholly inadequate, not in line with the Environmental Assessment of Plans and Programmes Regulations 2004.
- 4.3** These issues have been raised through the previous consultation but have not been satisfactorily addressed.
- 4.4** Davidsons therefore continue to object in the strongest possible terms to the way in which this process has been undertaken, and consider that as matters stand the Basic Conditions have not been met.

APPENDIX 1

SITE LOCATION / PROPOSED ILLUSTRATIVE MASTER PLAN



LEGEND

Site boundary
5.49ha / 13.57 acres

Vehicular access

Key landmark building

New pedestrian link

Grasscrete

Existing tree

Proposed trees

01 New site access arrangement

02 Key arrival space

03 Potential footpath link to adjacent development

04 Play space

05 Landscape buffer

06 Public open space

07 Retained field access for agricultural purposes

Rev A: Amendment to access and footpath links (CM 28/02/18)
Rev B: Amendment to layout and attenuation area (IW 27/06/19)
Rev C: Potential single storey dwellings removed (IW 21/08/19)
Rev D: Revised layout based on surveys and constraints data (CM 18/09/19)
Rev E: Local Area for Play relocated (CM 27/09/19)
Rev F: Revised site area (CM 07/10/19)
Rev G: Grasscrete access added (CM 25/10/19)



ASHFIELD FARM, DESFORD | ILLUSTRATIVE MASTERPLAN

APPENDIX 2

SITE ASSESSMENT SCORINGS

Desford Neighbourhood Plan

A comparison of the site assessment scoring undertaken at different stages, and the assessment undertaken by Davidsons

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
Site capacity	117 units (3 bed) Score: RED	50 units (3 bed) Score: RED	105 units (3 bed) Score: RED	Capacity for approx. 120 dwellings – mixed sizes / tenures in line with NPPF. Planning application is for ‘up to 120 dwellings’. Site capacity should not be a criterion. However if still to be considered in scoring this should be GREEN
Site is an arable field in current use, existing use needs to be relocated	2 arable fields – use needs to be relocated Score: AMBER	Site is an arable field in current use, existing use needs to be relocated Score: AMBER	Site is two arable fields in current use, existing use needs to be relocated. Score: AMBER	Would result in loss of <u>one</u> arable field. Arable use would <u>not</u> require relocation Score: GREEN
Adjoining uses	Edge of built area, surrounded on two sides by arable fields, existing uses on Cambridge Drive to the Eastern edge. AMBER	The site is near to the current Bellway development but is separated from the current built form and is surrounded on three	Site sits on the edge of current built form and surrounded by two sides by further arable fields in current use with a recent housing	The site is surrounded on two sides by the settlement boundary and built development. Does not adjoin fields on the western boundary as this is defined by a strip of land with extensive tree and vegetation cover which separates and contains the site. This should score amber as the assessment

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
		sides by further arable fields in current use. Score: RED	development to the north. Adjacent to the settlement boundary with existing residential units on Cambridge Drive and to the eastern edge. RED	criteria state that this relates to sites which adjoin the village envelope or residential location, which this site does. Score: AMBER
Topography	Relatively flat Score: GREEN	Relatively flat and straightforward to develop Score: GREEN	Relatively flat and straightforward to develop Score: GREEN	Agree the site is flat and straightforward to develop Score: GREEN
Greenfield or Previously Developed Land	Wholly greenfield Score: RED	Wholly greenfield comprising a large arable field with very open aspects to most sides Score: RED	Wholly greenfield site comprising of two arable fields with very open aspects to two sides Score: RED	Majority of site is greenfield but there is an existing dwelling on part of the site which would be demolished as part of any development proposals, therefore part is previously developed land. Open aspect issue does NOT form part of the assessment criteria, hasn't been used previously and should not be introduced here, this is NOT a consistent approach Score : AMBER

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
Good Quality Agricultural Land?	Grade 2 – very good quality Natural England recommend no development of Grade 2 land Score: RED	Whole of the site is grade 2 ie very good. Natural England best practice recommends no development of Grade 2 land Score: RED	Whole of the site is grade 2 ie very good. Natural England best practice recommends no development of Grade 2 land as it is a nationally scarce resource. Score: RED	NE recommendations are not policy and the NPPF is worded differently (Para 170) as it does not preclude development.
Site Availability – single or multiple ownership?	Multiple ownership – one family Score: AMBER	Single ownership Score: GREEN	Single ownership Score: GREEN	The site is available in single ownership and controlled by a single developer (Davidsons) Score: GREEN
Landscape quality? Overview Visual Impact Assessment?	Open long distance vistas to some boundaries, site feels very rural in character development would cause substantial harm to this ‘edge’ of settlement. Inside the	Open long distance vistas found to all boundaries of the area and site feels very rural in character, development would cause substantial harm. Inside the Desford Vales landscape character assessment	Open long distance vistas found to all boundaries of the area and site feels very rural in character, development would cause substantial harm to this edge of the settlement.	No evidence of substantial harm in visual and landscape terms. Previous planning application (14/01166OUT) did not consider landscape harm to be substantial, and the landscape and visual assessment supporting the original application and the recently submitted new application have both identified that mitigation can be achieved relating to long distance views. It is a misrepresentation that the site feels very ‘rural’ in character. The

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
	Desford Vales landscape character assessment Score: RED	Score: RED	Score: RED	Bellway development to the north has altered the setting. More accurate to say the site is more suburban in character. Now questionable as to whether there remain long vistas on to the site. Site should be rescored amber. Score: AMBER
Important Trees, Woodlands or Hedgerows?	Hedgerows along three boundaries, development would require destruction of small section of hedgerow Score: AMBER	Hedge along three boundaries and a small section of trees within the curtilage. Development would require substantial mitigation Score: RED	There is a hedge along most boundaries and a small section of trees within the curtilage of the site. Development would require destruction of a section of ancient hedgerow Score: RED	Development (120 homes) could come forward without removing existing hedgerows and trees. Only a small section of low quality hedgerow would need to be removed along the Kirkby Road to accommodate a new access road as shown in the supporting information to the planning application. There is NO ancient hedgerow, and this has been added in to the scoring where as it was not mentioned previously. Scoring criteria reference 'important' trees and hedgerows, the small section to be removed is of low quality therefore not considered important, the rest will be retained. Score should be GREEN.

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Relationship with existing pattern of built development?	Adjacent to current settlement boundary and the Bellway New Build site so could be developed. Score: AMBER	Site is adjacent to the new Bellway development but vehicular access not possible through that site and although planting could mitigate visibility from the properties on Cambridge Drive the location is a sensitive one Score: AMBER	The site is adjacent to the new Bellway development but vehicular access is not possible through that site and although planting could mitigate visibility from the properties on Cambridge Drive the location is a very sensitive one. Development would create a large incursion in to open countryside. Score: RED	Agreed that the site is adjacent to the settlement boundary, but as such site would be a logical extension. It is not understood why vehicular access to the new Bellway development is of any relevance this is not in the assessment criteria for this issue. Site would only be visible from existing residential properties on Kirkby Road, Cambridge Drive and the Bellway development, mitigation (planting etc) can be provided and scoring should reflect this. Design and layout has been carefully considered to avoid overlooking and amenity issues. Instead of taking these issues into account the most recent assessment has added an extra note about 'large incursion into open countryside' and downgraded the site to score red with no obvious reason. This is inconsistent and unfair. Based on the criteria it is considered that the land is visible from a small number of properties and should score green. Score: GREEN

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Local Wildlife Considerations?	Nesting birds, badgers and small mammals including BAP 2012 species Score: RED	Nesting birds, badgers and small mammals Score: RED	Nesting birds, badgers and small mammals. Score: RED	Considerable ecological assessment work has been undertaken to inform the process including the planning application, there are no badgers evident. Mitigation for all other species present can be achieved and an ecological mitigation enhancement strategy has been produced. Score: AMBER
Listed Building or important built assets?	None Score: GREEN	None identified Score: GREEN	None identified in this location. Score: GREEN	Agreed. Score: GREEN
Impact on the Conservation Area or its setting?	Outside of the conservation area and far enough away to be of no influence. Score: GREEN	Outside of the conservation area and far enough away to be of no influence Score: GREEN	The site is outside of the conservation area and far enough from it to be of no influence upon it. Score: GREEN	Agreed. Score: GREEN

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Safe pedestrian access to and from the site?	None exists in to the site but should be possible to extend the footway in from Kirby Road with significant improvements Score: AMBER	None exists and it is a long way to the nearest adopted footway it could be possible to extend the footway from Kirby Road Score: AMBER	None exists and it is a long way to the nearest adopted footway. It could be possible to extend the footway in from Kirby Road with significant improvement. Score: AMBER	Adopted footpath along Kirkby Road can easily be extended into the site, it is not a long way as it runs to the edge of the site. Score: GREEN
Impact on existing vehicular traffic?	Very large scale negative impact from this large number of units in this very sensitive highways location, all traffic will have to cross through the settlement which is already congested at peak times. Score: RED	A large scale negative impact from this large number of units in this very sensitive highways location, all traffic would have to cross through the settlement with routes that are already severely congested for long periods Score: RED	A large scale negative impact from this large number of units in this very sensitive highways location. All traffic would have to cross through the settlement with routes that are already severely congested for long periods. Score: RED	No evidence for these conclusions, Traffic impacts were considered as part of a 2014 planning application for 120 dwellings, LCC had no objection subject to conditions. Planning officer considered that whilst there would be an impact on traffic and queuing at peak times at main junctions on balance with mitigation would accord with policy. This evidence has been updated to inform the recently submitted planning application which concludes that mitigation can be provided for minor impacts. This falls within the green assessment criteria ie ie 'impact on village centre minimal'. Score: GREEN

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Safe vehicular access to and from the site?	A minor track serves the site from the south. Only minor farm access to Ashfield Farm is in place but only for farm machinery and no road width or visibility splays are present. It appears possible to build new highway access arrangements to meet safety standards with significant improvement. Score: AMBER	A land locked site. A minor track serves the site from the south. It is very problematic to build new highway access arrangements to meet safety standards but possibly viable, potentially through the Bellway site with the support of a third party owner. No current access in place and no visibility splays are present. It appears impossible to build new highway access arrangements into the site. Score: RED	A minor track serves the site from the South. It is very problematic to build new highway access arrangements to meet safety standards and not possible through the Bellway site without the support of a third party owner and a change of direction from the planning authority. No current adequate access in place and no visibility splays are present. It appears impossible to build new highway access arrangements in to the site. Score: RED	Vehicular access is not required from the new Bellway development, it can safely be provided from Kirkby Road as the information in support of the submitted planning application shows. Score: GREEN.

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Safe access to public transport?	Yes, the nearest bus stop is a fair distance walk about 575m Score: RED	Yes, the nearest bus stop is a fair distance walk about 600m Score: RED	Yes, the nearest bus stop is in excess of a 500m walk. Score: RED	Site is within 400m of a bus stop (from site centre / site access) and pedestrian link to north (as shown on masterplan) can improve access further. This falls within the Amber category for the site assessment criteria. The criteria were challenged through earlier representations as the scoring thresholds were considered arbitrary and should have been amended to accord with Manual for Streets. Score: AMBER (or GREEN if Manual for Streets is applied)
Distance to designated village centre	A distance of over 1100m Score: RED	Walking distance of over 1200m Score: RED	Walking distance of over 1000m. Score: RED	Site is within 800m from village centre. This falls within the Amber category for the site assessment criteria. The criteria were challenged through earlier representations as the scoring thresholds were considered arbitrary and should have been amended to accord with Manual for Streets (the site falls within the latter's recommended walking distances).

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				Score: AMBER (or GREEN if Manual for Streets is applied)
Distance to GP / health centre	A distance of about 900m Score: RED	Walking distance of about 1000m Score: RED	Walking distance of over 900m. Score: RED	Scoring threshold is arbitrary (see above comments), should accord with Manual for Streets Score: GREEN
Distance to Primary School	A distance of about 350m Score: AMBER	Walking distance of about 250m Score: AMBER	Walking distance of about 200m. Score: GREEN	Scoring threshold is arbitrary, should accord with Manual for Streets. Site is very close to Desford Primary School. Agree with score however. Score: GREEN
Current existing informal / formal recreational opportunities on site?	None identified Score: AMBER	None identified Score: AMBER	None identified Score: GREEN	The updated assessment scoring is supported. Score: GREEN

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Ancient monuments or archaeological remains?	None identified Score: GREEN	None identified Score: GREEN	None identified Score: GREEN	Agree Score: GREEN
Any existing public rights of way / bridle paths?	None found in this location Score: GREEN	The bridleway on the southern boundary will require mitigation but this is not within the actual site Score: AMBER	The bridleway on the southern boundary will require mitigation but this is not within the actual site Score: AMBER	There is no bridleway on the southern boundary https://footpathmap.co.uk/map/?zoom=15&lng=-1.310661183278337&lat=52.621645928852274 There is a footpath in an adjacent field. Score: GREEN
Gas and / or oil, pipelines and electricity transmission network? (not water / sewage)	An electricity supply cable passes through the site and will require relocation Score: AMBER	Yes, an electricity supply cable passes through the site and will require relocation Score: AMBER	Yes, an electricity supply cable passes through the site and will require relocation Score: AMBER	It is agreed that an electricity supply cable passes through the site and will require relocation. This is easily achievable as confirmed through the supporting technical reports to the recently submitted planning application. Score: AMBER

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Any noise issues?	No issues identified Score: GREEN	No issues identified Score: GREEN	No issues identified Score: GREEN	Agreed Score: GREEN
Any contamination issues?	HBBC SHELAA identifies that there may be historical ground contamination adjacent to the site and recommends further investigations Score: AMBER	Unmade ground found, small fly tips will require further investigation Score: AMBER	Unmade ground found, small fly tips will require further investigation but should be easily mitigated subject to a detailed survey. Score: AMBER	Low risk, further survey would be needed at detailed planning application stage Score: AMBER
Any known flooding issues?	The land is within flood zone 1, no known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required Score: GREEN	The land is within flood zone 1, no known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required Score: GREEN	The land is within flood zone 1. No known flooding although the size of the development means that a Sustainable Urban Drainage System (SUDS) will be required. Score: GREEN	Agree with score Score: GREEN

Criteria for assessment as referenced in appendix 2 of the neighbourhood plan Regulation 14 consultation documentation	Original assessment scoring for the Regulation 14 consultation documentation This correctly related to SHLAA references AS210 and AS211 to be considered together	Revised scoring for the Supplementary Sites consultation Related only to AS211 which was incorrect as this related only to PART of the site being promoted	Further revised scoring October 2019 In a letter from the Parish Council (20 th October 2019), This correctly treats SHLAA references AS210 and AS211 to be considered together.	Scoring undertaken by Davidsons in response to the original Regulation 14 consultation and updated to reflect further work undertaken since the original representations
Any drainage issues?	A small amount of pooling found on site, requires mitigation but readily achievable Score: AMBER	No serious issues identified although slight pooling on site due to soil type Score: AMBER	No serious issues identified, although slight pooling on site due to elevation and soil type. Score: AMBER	Recently submitted planning application is supported by a drainage strategy which shows that minor issues can be mitigated for. Score: AMBER
Distance to nearest employment site	Large employment activities, Bosworth Academy about 1500m of the centre of the site Score: RED	Large employment activities, Bosworth Academy about 1600m of the centre of the site Score: RED	Large employment activities, Bosworth Academy about 1400m from the centre of the site. Score: RED	Scoring thresholds are arbitrary and should be amended to accord with the Manual for Streets. Scoring is also inconsistent as Bosworth Academy is identified as an employment site but Desford Community Primary School is not similarly referenced. Score: GREEN

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

22 January 2020 to 4 March 2020

04/03/20



Hinckley & Bosworth
Borough Council

Contents

1. Background to Desford Neighbourhood Plan
2. Hinckley and Bosworth Borough Council's acceptance of Desford Neighbourhood Plan Regulation 15 Submission
3. Hinckley and Bosworth Borough Council's representations on Desford Neighbourhood Plan Regulation 16 Submission Consultation – Submission Version
4. Desford Neighbourhood Plan vs the National Planning Policy Framework – Compliance Table
5. Desford Neighbourhood Plan vs the Local Plan – Compliance Table
6. Hinckley and Bosworth Borough Council's confirmation of the plan's SEA position

1 Background to Desford Neighbourhood Plan

Neighbourhood plans are not required to meet the tests of soundness which local plans and other development plan documents must meet. Instead, in order for them to be able to be put to referendum, they must meet the 'basic conditions' set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. Those relevant to neighbourhood plans are as follows:

- (a). having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- (d). the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- (e). the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f). the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- (g). prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

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

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

Points (f) and (g) above relate to certain obligations which plans must adhere to, primarily in relation to habitats and environmental impacts. Some plans require a Strategic Environmental Assessment and/or a Habitat Regulations Assessment.

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

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

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

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

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

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

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

The above documents are considered to adequately fulfil the submission requirements under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4b of the Town and Country Planning Act 1990, as inserted into Schedule 10 of the Localism Act 2011.

Therefore HBBC is satisfied that the qualifying body of Desford Parish Council had satisfied the relevant regulatory requirements to advance the Desford Neighbourhood Plan to the Publicity and Consultation Stage (Regulation 16) and subsequent submission of the Neighbourhood Plan proposal for examination.

In addition, HBBC is satisfied that the Desford Neighbourhood Plan proposal does not include any development which would be defined as 'excluded development' as prescribed by Schedule 9, Section 61k of the Localism Act.

3 Hinckley and Bosworth Borough Council's representations on Desford Neighbourhood Plan Regulation 16 Submission Consultation – Submission Version

At this 'draft plan' stage of the neighbourhood plan process the Local Planning Authority is not required to consider whether the draft plan meets the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions.

The local planning authority should provide constructive comments on an emerging plan before it is submitted.

In January 2019, during the pre-submission consultation stage, Hinckley & Bosworth Borough Council (HBBC) provided constructive comments on the draft plan. Comments were provided from Planning Policy, Major Projects, Principal Planning Officer in Development Management, the Senior Planning Officer for Conservation, and the Strategic Housing Strategy and Enabling Officer.

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

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

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

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020
	<p>expected to carry on in the future. HBBC will be in contact with Desford NDP group regarding this in the near future.</p>		
<p>Page 16, 1st para</p>	<p>1st line states "...and the Local Enterprise Partnership (LEEP) have commissioned a Housing and Economic Development Needs Assessment...". This is a completed document, re-word to reflect this.</p> <p>"...a non-statutory growth plan for Leicester and Leicestershire..." – give this it's full title as it is now a completed plan: 'Strategic Growth Plan Leicester and Leicestershire'.</p> <p>'Leicester Housing Market Assessment (2017)' - Page 16 1st para. What document is this referring to? Is it the Leicester & Leicestershire Housing and Economic Development Needs Assessment or a different document? It is acknowledged that Leicester City will likely have unmet housing need, but this isn't a document that I recognise. Re-consider this, as this reference isn't clear.</p> <p>Also as referred to below the HEDNA is now not the most up to date evidence on housing need and the plan should now refer to the standard methodology and the housing delivery test.</p>	<p>Page 17</p>	<p>Re-worded, no further changes needed.</p> <p>Full title given, no further changes needed.</p> <p>Changed to 'Leicester and Leicestershire Housing and Economic Developments Needs Assessment'. No further changes needed.</p> <p>Now some references to the Standard Methodology, and good explanation of the current situation re housing numbers. No further changes needed.</p>
<p>Page 16, 2nd para</p>	<p>The 2nd para on page 16 which starts 'The consultation version of the new HBBC local plan uses the HEDNA report as its base for calculating need' needs to be redrafted as it is currently confusing and a little misleading.</p> <p>Firstly it is unclear what this sentence is referring to: 'consultation version of the new HBBC local plan uses the HEDNA report as its base for calculating need'. The borough have not established a housing need for its emerging local plan; the latest consultation documents have been looking at the strategy for housing growth, and are not in a position to determine housing need as yet.</p> <p>In any event the HEDNA is now out of date in terms of calculating housing need as the Government have set out the standard methodology approach to housing need. Using the standard method (using 2014 based projections) gives the borough a housing need of around 473 dwellings per year. The minimum figure of 163 dwellings <u>has not been agreed with the borough council</u>. The borough were asked to provide a figure for the purposes of the Desford NDP as requested by the NDP group, in relation to NPPF (2018) para 66. A heavily caveated draft figure was provided however this should not be seen as an agreed figure – this is clear in the briefing note provided to the NDP group (appendix 1 of this report). It is unlikely that the borough will be able to set out a reliable figure for NDPs until:</p> <ul style="list-style-type: none"> • the outcomes of the government consultation on the standard methodology is complete; • the level of unmet need arising from Leicester which may need to be accommodated in the borough is better understood; and • a strategy for housing growth for the borough is established through the emerging local plan. <p>I would advise the para is rewritten to be clearer on the current position as explained above. A suggested wording could be as follows:</p> <p>'The Government have recently introduced the Standard Methodology for assessing housing need. This currently gives the borough an annual housing need of around 473 dwellings per year (or 9,460 dwellings between 2016 and 2036). However in advance of the Hinckley and Bosworth Local Plan there are uncertainties in establishing housing requirement figures for Neighbourhood Plans. A draft indicative figure of 163 dwellings over the period 2016-2036 was provided by the borough. It is acknowledged that this is a draft figure at this time and the full scale of housing requirement which may need to be accommodated in the area covered by the Desford NDP over the period 2016-2036</p>	<p>Page 17</p>	<p>Explanation regarding the borough's housing figures and stages of the Local Plan, and an explanation is given regarding the Standard Methodology.</p> <p>Suggested wording has been added.</p> <p>No further changes needed in this part of the plan.</p> <p>However, the following wording is still included in Appendix D2: "A final housing target for Desford has been identified by HBBC based upon an agreed population and economic development increase in numbers and activity. The objectively assessed need (OAN) between 2016 and 2036 is for 163 additional dwellings, based on the proportion of the population of Desford as a proportion of the Borough as a whole."</p> <p>Please provide clarity here regarding the indicative figure provided by the borough to reflect the text on Page 17.</p> <p><i>Neighbourhood Plan Housing Requirements.(RF DRAFT COMMENTS – APPEND EMAILS REFERENCED BELOW)</i></p> <p><i>In August 2018, HBBC were approached for a housing figure for the Desford Neighbourhood Plan by the neighbourhood plan groups consultant. A methodology for how a figure could be reached was set out in response in September 2019. The response stated that this would give an indicative housing figure of 163 dwellings for the period 2016-2036. The overall methodology and figure was heavily caveated in the response for the reasons sets out in HBBCs January 2019 Pre-submission comments – potential changes to the standard methodology, uncertainty over Leicester's unmet need, and the lack of an up to date borough wide housing spatial strategy.</i></p> <p><i>Unfortunately these thee issues remain unresolved. In response to a request in August 2019 from the Desford neighbourhood plan consultant querying if the methodology and figures remained up to date and valid the borough responded that we 'would not wish to attach much weight to the figures...as they are almost certain to change in the near future'. We also advised that plans should build in as much flexibility as they can by allocating additional sites/identifying reserve sites should a housing requirement later set by the borough local plan be in excess of that being planned for in the neighbourhood plan.</i></p>

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

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

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

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

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

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

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

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

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020
	<p>I would recommend splitting up natural and historic environment into two sections. This will make it clearer for the reader. I have included a recommended structure in the last section of these comments.</p> <p>You can include a map with both natural environment and historic environment (currently figure 7) in the appendices.</p>		No change made, however not critical, just more of a general comment.
Page 34	<p>First para in Important Open Spaces refers to the HBBC PPG17 study of 2010. There has been an updated study since then, the Open Space, Sport and Recreational Facilities Study (2016). Cross reference your information with this study to ensure information and typologies are correct.</p> <p>Last sentence on page 34 states "These sites' value, as open space within and close to the built-up areas and as formal or informal community assets, is recognised in this Policy and Community Changes needed". What Policy is this referring to? There is only Community Changes needed ENV1. In the Neighbourhood Plan you can designate open spaces if you have the evidence to support it.</p>	Page 34 and 35	Amended to only refer to the Community Action ENV 1, no further changes required.
Page 35	The maps in Figure 8 are not very clear; can't easily identify where some sites are in relation to the village, especially the top five maps.	Page 36	Maps still unclear, comment still applies.
Page 37	First para on page 37 refers to the NPPF 2012, please amend to reflect NPPF 2018. Section 15 of NPPF 2018 in particular is a key resource for biodiversity and the natural environment.	Page 37	Reference changed to NPPF 2019, no further changes required.
Policy ENV3, page 37	<p>Third para in Policy ENV3 states "Where a development proposal will adversely affect a protected species, an appropriate and suitable survey will be undertaken...". This cannot be asked for in Policy, please move to the supporting text, or remove.</p> <p>The last para of Policy ENV3, "The plan designates a wildlife corridor..." This is a statement, not policy. Change to supporting text between Policy ENV3 and Community Changes needed ENV2.</p>	Page 38, Policy ENV3	<p>Third para in Policy ENV3 states "Where a development proposal will adversely affect a protected species, an appropriate and suitable survey will be undertaken...". This cannot be asked for in Policy, please move to the supporting text, or remove. Legislation sets out what types of ecology surveys need to be carried out in what circumstances and at what time. This is part of the planning application process there is no need for it to be repeated in a policy.</p> <p>The last para of Policy ENV3, "The plan designates a wildlife corridor..." This is a statement, not policy. Change to supporting text between Policy ENV3 and Community Changes needed ENV2.</p>
Policy ENV 4, page 48	N/A	Policy ENV4, page 39	ENV4 - This is a duplication of legislation.
Policy ENV5, page 39	N/A	Policy ENV5, page 40.	ENV5 - Duplication of local and national policy and legislation
Pages 38-41	See Paul Grundy's comments (Senior Planning Officer, Conservation and GIS)		See Paul Grundy's comments (Senior Planning Officer, Conservation and GIS)
Page 41	Safeguarding Important Views. See HBBC's Landscape Character Assessment and Landscape Sensitivity Assessment (2017) for evidence on important views and landscape features.	Pages 41 - 44	<p>No reference to Local Plan evidence, for example the Landscape Character Assessment/Sensitivity Study. There is reference to "consultation during the Neighbourhood Plan's preparation". Where is the evidence to support this statement? Is this included within an appendix or supporting document? Is this within the findings of your questionnaire?</p> <p>I have found one reference to views within the Questionnaire Report, Appendix B/Appendix 3, which states "We have a lovely parish with lovely surrounding countryside and we must maintain our views".</p>

Policy reference / Page number	HBBC comments Pre-Submission January 2019	New Page num if different. February 2020	HBBC comments February 2020
Page 42, Policy ENV6	Figure 12 on page 42 – the symbols could be misleading, for example the extent of the symbols reaching out only so far could mean the important view stops where the symbol stops. Are the views looking inwards to the village, or are they looking outwards towards the countryside? This map could be interpreted in a very different way than intended, explain the map and symbols. Or you could change the symbols or reflect the extent of the view in a clearer way, just be wary of the way a developer could interpret this map.	Page 44, Policy ENV6.	Figure 12, page 44 – symbols still misleading, for example the extent of the symbols reaching out only so far could mean the important view stops where the symbol stops. Are the views looking inwards to the village, or are they looking outwards towards the countryside? This map could be interpreted in a very different way than intended, explain the map and symbols. Or you could change the symbols or reflect the extent of the view in a clearer way, just be wary of the way a developer could interpret this map. ENV6 – What site specific mitigation measures can safeguard a view? Policy may be too restrictive. What about if the public benefits of the proposal outweigh the harm to the important view?
Page 42	Renewable Energy generation – I suggest moving this section into a separate section, or combining with transport for example. See comments at the end regarding potential structure changes.	Page 45	No change, but not critical
Policy ENV7, page 43	<p>Criteria a states “adverse impact on... wellbeing...” What do you mean by wellbeing? Very subjective and different for everyone.</p> <p>Second para beginning “Developers will be responsible for...” can’t be asked for in policy, and should be removed, or moved to the supporting text.</p> <p>Third para highlights that wind turbine development proposals will be generally acceptable if the turbine tip height is less than 50 metres, and the proposal is for no more than one turbine. Why? Why these criteria?</p> <p>The policy also lists “The land is also used for other purposes” – this is not always possible, remove or amend. “Low-level noise generated does not interfere with residential homes” – again this is repetition throughout the document of impacts on amenity. Please review.</p> <p>The policy states “Large scale solar energy generation development proposals will...” How big is large scale? Subjective term.</p> <p>Reflection/glare is not present on solar farms, as the panels are matte and the purpose of the panels are to absorb the light.</p>	Policy ENV7, page 45	<p>The assessments and document required in support of an application is determined by legislation and statutory consultees. This paragraph should be removed.</p> <p>Third para highlights that wind turbine development proposals will be generally acceptable if the turbine tip height is less than 50 metres, and the proposal is for no more than one turbine. Why? Why these criteria?</p> <p>The policy states “Large scale solar energy generation development proposals will...” How big is large scale? Subjective term.</p> <p>Reflection/glare is not present on solar farms, as the panels are matte and the purpose of the panels are to absorb the light.</p>
Page 45	Last para states “deficiency is noted in green space and play provision” – check this is still correct in the latest Open Space, Sport and Recreational Facilities Study 2016.	Page 47	From my knowledge it is still correct that there is a deficiency.
Policy F1, page 46	<p>This policy has a reference, F1, but no name like the others have, for example it could be called Policy F1 Existing Community Facilities.</p> <hr/> <p>The HBBC Local Plan Policy, DM25, in the Site Allocations & Development Management Policies DPD, is a stronger policy. Amend to be more locally specific, without weakening the Local Plan policy.</p> <p>For example, you could amend to refer to Local Plan Policy DM25, and then designate some of the community facilities that haven’t been identified in the Local Plan.</p>	Policy F1, Page 48	<p>Policy now has a name, no further amendments needed.</p> <hr/> <p>No changes made, comments still apply. The HBBC Local Plan Policy, DM25, in the Site Allocations & Development Management Policies DPD, is a stronger policy. Amend to be more locally specific, without weakening the Local Plan policy.</p> <p>For example, you could amend to refer to Local Plan Policy DM25, and then designate some of the community facilities that haven’t been identified in the Local Plan.</p>
Policy F2, page 47	<p>Criteria b – “unacceptable traffic movements” what do you mean by this? Subjective terms. For example you could talk about highway safety instead.</p> <p>Look at Leicestershire County Council Design Guide, and Highways policies for traffic and parking elements. Either refer to these, or HBBC’s.</p>	Policy F2, page 49	<p>Criteria a - H6 is a housing design policy and therefore how can this be applied to community facilities?</p> <p>Criteria b - Have changed criteria b to “will improve highway safety”, however no development is required to improve an existing problem</p> <p>Criteria c – This assessment will be part of the planning application process</p> <p>Criteria d - What does a scale and appropriate to the locality mean?</p>

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

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

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

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

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

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

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

The table below sets out how Hinckley & Bosworth Borough Council (HBBC) consider the Desford Neighbourhood Plan meets the requirements of Basic Condition (a) “having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)”.

	The policy is largely considered in general conformity with NPPF policies
	The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.
	Directly contradictory
Silent	No relevant policies within the NPPF

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

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

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

5 Desford Neighbourhood Plan vs Local Plan – Compliance Table

The table below sets out how Hinckley & Bosworth Borough Council (HBBC) consider the Desford Parish Neighbourhood Plan meets the requirements of Basic Condition (e) “the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).”

The Planning Policy Guidance (Paragraph: 074 Reference ID: 41-074-20140306) When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- Whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach

	The policy is largely considered in general conformity with the strategic policies of the Local Plan
	The policy is currently considered not be in general conformity but could be amended to be in conformity with wording amendments and additions.
	Directly contradictory and therefore not in conformity with Local Plan/Local Authority policies’
Silent	Strategic policies of the Local Plan are silent

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

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

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

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



Hinckley & Bosworth
Borough Council

Desford Neighbourhood Plan

The Environmental Assessment of Plans and Programmes Regulations 2004

Screening determination notice under Regulation 9(1)

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

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

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

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

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

Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

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

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

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

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

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

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

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

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



**Hinckley & Bosworth
Borough Council**

“DES福德 PARISH NEIGHBOURHOOD PLAN

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

Neighbourhood plans are not required to meet the tests of soundness which local plans and other development plan documents must meet. Instead, in order for them to be able to be put to referendum, they must meet the ‘basic conditions’ set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. Those relevant to neighbourhood plans are as follows:

- (a). having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- (d). the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- (e). the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f). the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- (g). prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

Points (f) and (g) above relate to certain obligations which plans must adhere to, primarily in relation to habitats and environmental impacts. Some plans require a Strategic Environmental Assessment and/or a Habitat Regulations Assessment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments on the plan and general observations

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

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

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

Page Number/Policy Number/Topic	Comments November 2019						
	<table border="1" data-bbox="488 296 1124 865"> <tr> <td data-bbox="488 296 1124 363">Sites Included</td> </tr> <tr> <td data-bbox="488 363 1124 427">HBBC SHELAA sites 2014</td> </tr> <tr> <td data-bbox="488 427 1124 491">HBBC SHELAA sites 2017/18</td> </tr> <tr> <td data-bbox="488 491 1124 627">Sites submitted directly to Desford Neighbourhood Plan Group during the Regulation 14 consultation Nov 2018 – Jan 2019.</td> </tr> <tr> <td data-bbox="488 627 1124 691">Sites excluded</td> </tr> <tr> <td data-bbox="488 691 1124 865">Sites submitted to HBBC January 2019 onwards, that were not submitted directly to the Neighbourhood Plan group. These will be looked at as part of any future review of the plan.</td> </tr> </table> <p data-bbox="488 898 2058 991">Last para of page 18 states that the completion of the SSA process meant you are allocating Barns Way for resi development. This process also allowed you to have a list of 'reserve sites' or other alternative sites for if the Barns Way site wasn't to come forward for any reason.</p> <p data-bbox="488 1023 2058 1142">Reserve sites also allow you to have a say in what sites may be allocated in the future if a larger housing need is determined. Reserve sites give the Local Authority a good idea of what sites the NDP have assessed as good alternative sites, and this would come into consideration when/if allocating through the Local Plan process if a higher need is determined. What are your thoughts on identifying reserve sites to help cater for potential future growth, and help in the instance of a future review of the NDP.</p>	Sites Included	HBBC SHELAA sites 2014	HBBC SHELAA sites 2017/18	Sites submitted directly to Desford Neighbourhood Plan Group during the Regulation 14 consultation Nov 2018 – Jan 2019.	Sites excluded	Sites submitted to HBBC January 2019 onwards, that were not submitted directly to the Neighbourhood Plan group. These will be looked at as part of any future review of the plan.
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Sites submitted to HBBC January 2019 onwards, that were not submitted directly to the Neighbourhood Plan group. These will be looked at as part of any future review of the plan.							
Page 19, SSA and methodology	<p data-bbox="488 1177 2058 1209">Make clear what the SSA process actually is. Is it a Sustainability Appraisal, or is it a SHLAA, or is it neither?</p> <p data-bbox="488 1241 2058 1273">My colleague Helen Nightingale provided comments on the SSA methodology at Regulation 14.</p> <p data-bbox="488 1305 2058 1337">Of particular importance to the SSA, is the following comment:</p> <p data-bbox="488 1361 2058 1390"><i>"In your methodology you need to show in an appendix or footnote on how you have scored against each category as you would</i></p>						

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

Page Number/Policy Number/Topic	Comments November 2019
	<p data-bbox="483 268 2002 328"><i>With this being said, we would recommend the Parish Council/Neighbourhood Plan Group runs this consultation the same as the Reg 14 consultation in January 2019, including consulting the same people."</i></p> <p data-bbox="483 363 2033 512">Secondly, it is apparent throughout various pieces of guidance that the reason why the SEA Environmental Report is required to be consulted on at Regulation 14 (rather than Regulation 16 Submission), is that there is a need to demonstrate that the SEA has influenced the plan's development, and the plan and it's policies have been amended in line with the SEA's recommendations. The version of the plan published alongside the SEA for this consultation has not been amended to reflect the changes recommended in the SEA report.</p> <p data-bbox="483 547 2045 727">However as a compromise, Desford have published a mitigation/modifications table at the request of HBBC, to ensure the public and stakeholders have a chance to see, to a certain extent, how the production of this SEA will affect the plan before submission. You can clearly see which policies will be changing as a result of the SEA outcomes, however with the lack of specifics in Desford's responses, it's difficult to determine whether this is sufficient to show how and to what extent they plan to meet these outcomes in the SEA. Until a fully amended plan is available at Submission, HBBC cannot submit appropriate detailed comments on the amended policies.</p> <p data-bbox="483 762 2033 975">It is also worth noting, and as can be seen throughout our previous advice to Desford in the various appendices, there were a few other outstanding issues that needed to be addressed by holding another consultation in particular the extra/amended site assessments. Therefore the Borough Council believed it would be beneficial and appropriate to run the consultation as a second Regulation 14 consultation, asking for comments on the whole suite of documents (i.e. the amended draft plan, the SEA report, the updated site assessment information, and all associated appendices and supporting documents). If consulting on numerous documents it would be appropriate for the time period for comments to be six weeks, as is required at Regulation 14. The full extent of HBBC's advice to Desford prior to this consultation can be found at Appendices 1, 3 and 4.</p> <p data-bbox="483 1010 2033 1157">As the SEA recommendations are limited, the SEA process has now concluded, and this part of the process is ran by the Qualifying Body, the Local Planning Authority the Local Planning Authority advised that it was for the group to determine how and what they were going to consult on at this stage. Going forward it is for the Qualifying Body to state in their Consultation Statement how they have followed consultation procedure, and the public and stakeholders have been given sufficient time to comment on the plans progression at each stage.</p>

January 2019



Hinckley & Bosworth
Borough Council

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

Neighbourhood plans are not required to meet the tests of soundness which local plans and other development plan documents must meet. Instead, in order for them to be able to be put to referendum, they must meet the 'basic conditions' set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. Those relevant to neighbourhood plans are as follows:

- (a). having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- (d). the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- (e). the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f). the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- (g). prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

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

Points (f) and (g) above relate to certain obligations which plans must adhere to, primarily in relation to habitats and environmental impacts. Some plans require a Strategic Environmental Assessment and/or a Habitat Regulations Assessment. Desford NDP have undertaken a screening and have determined a full SEA will be completed to comply with this basic condition.

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

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

Policy reference / Page number	HBBC comments																																												
Pages 7, 8 and 9	Cut down the information on the census, and only leave in the essential information needed for the policies in this plan. Potentially put into a tabular format for easy reading. Any extra information not vital to the plan can be placed in a topic paper or briefing note in the additional information/appendices.																																												
Page 14	<p>First para, second sentence reads “HBBC has ascertained it to be in the High/Medium range of Market Interest from developers...”.</p> <p>In the HBBC Strategic Housing and Economic Land Availability Assessment methodology Desford is listed as a Key Rural Centre (as per the Core Strategy), and therefore ‘High’ market interest for housing development, as below:</p> <table border="1" data-bbox="477 913 1362 1447"> <thead> <tr> <th rowspan="2">Settlement</th> <th colspan="4">Market Interest</th> </tr> <tr> <th>Housing</th> <th>Residential Institutions (C2)</th> <th>Employment (B1, B2, B8)</th> <th>Leisure Uses (D2)</th> </tr> </thead> <tbody> <tr> <td>Hinckley</td> <td>High/Medium</td> <td>Unknown</td> <td>High</td> <td>High</td> </tr> <tr> <td>Burbage</td> <td>High</td> <td>Unknown</td> <td>High</td> <td>High</td> </tr> <tr> <td>Barwell (not inc SUEs)</td> <td>Medium/Low</td> <td>Unknown</td> <td>Low</td> <td>High</td> </tr> <tr> <td>Earl Shilton (not inc SUEs)</td> <td>Medium/Low</td> <td>Unknown</td> <td>Low</td> <td>High</td> </tr> <tr> <td>Key Rural Centres</td> <td>High</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> <tr> <td>Rural Villages</td> <td>Medium</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> <tr> <td>Rural Hamlets</td> <td>Medium</td> <td>Unknown</td> <td>Low</td> <td>Low</td> </tr> </tbody> </table>	Settlement	Market Interest				Housing	Residential Institutions (C2)	Employment (B1, B2, B8)	Leisure Uses (D2)	Hinckley	High/Medium	Unknown	High	High	Burbage	High	Unknown	High	High	Barwell (not inc SUEs)	Medium/Low	Unknown	Low	High	Earl Shilton (not inc SUEs)	Medium/Low	Unknown	Low	High	Key Rural Centres	High	Unknown	Low	Low	Rural Villages	Medium	Unknown	Low	Low	Rural Hamlets	Medium	Unknown	Low	Low
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Page 15	The second to last para on page 15 states “Historical Land Registry data suggests that about 5 dwellings per annum have been provided by windfall sites in the parish and this delivery mechanism is expected to yield a similar result over the seventeen years of this plan.” As discussed in a meeting with Desford and Your Locale (Fri 4 January 2019) colleagues at HBBC will be doing calculations on historical delivery of housing and commitments/completions, and whether this is expected to carry on in the future. HBBC will be in contact with Desford NDP group regarding this in the near future.																																												
Page 16, 1 st para	<p>1st line states “...and the Local Enterprise Partnership (LEP) have commissioned a Housing and Economic Development Needs Assessment...”. This is a completed document, re-word to reflect this.</p> <p>“...a non-statutory growth plan for Leicester and Leicestershire...” – give this it’s full title as it is now a completed plan: ‘Strategic Growth Plan Leicester and Leicestershire’.</p>																																												

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

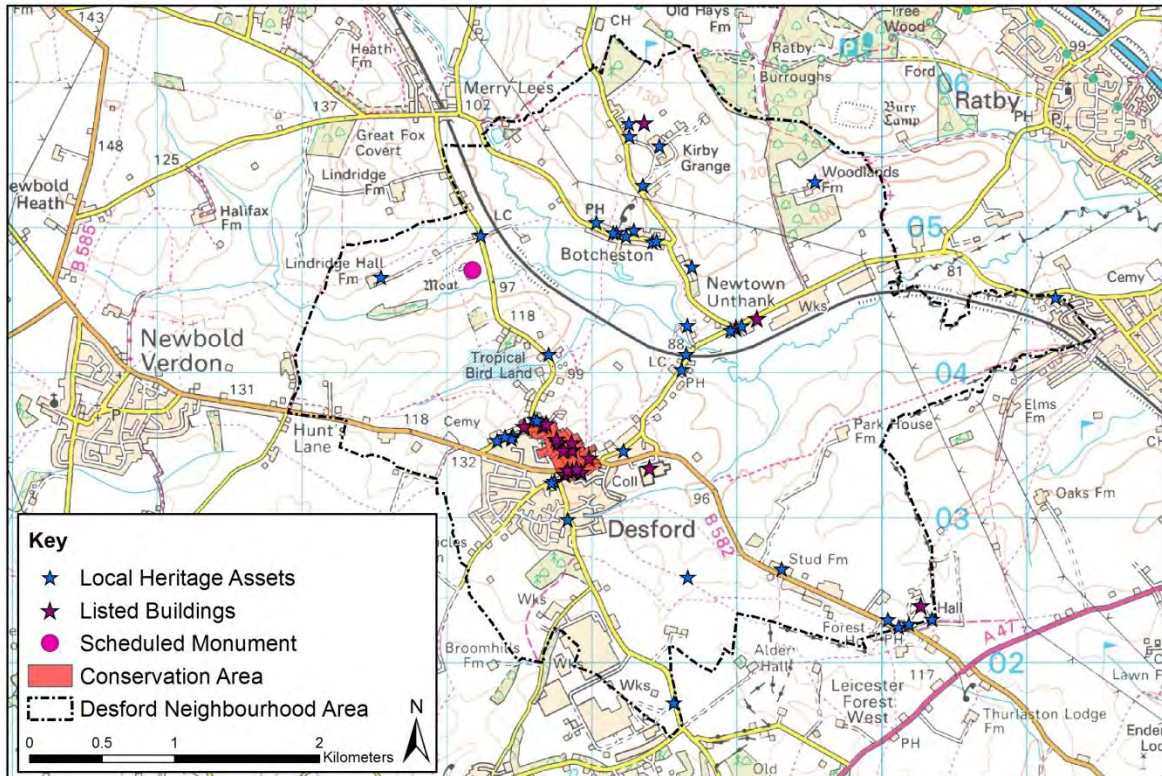

Selection
Criteria.docx


Desford Parish local
heritage assets.pdf


Designated heritage
assets.xlsx


Heritage Assets.pdf

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

January 2019

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

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



Hinckley & Bosworth
Borough Council

Desford Neighbourhood Plan

The Environmental Assessment of Plans and Programmes Regulations 2004

Screening determination notice under Regulation 9(1)

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

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

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

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

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

Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

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

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

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



**Hinckley & Bosworth
 Borough Council**

FAO: Desford Parish Council and Desford Neighbourhood Plan Group.

Desford Neighbourhood Plan, Regulation 14 consultation and SEA Consultation.

Dear Desford Neighbourhood Plan Group and Desford Parish Council,

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

Receipt of the SEA Environmental Report and corresponding consultation

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

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

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

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

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

Consultation procedures

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

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

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

(3) The period referred to in paragraph (2)(d) must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents.

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

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

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

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

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

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

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

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

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

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

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

Consultation on the 'SSA' site assessments and corresponding material

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy S13: Hornsey Rise Memorial Home

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

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

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

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

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

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

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

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply⁴:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

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

Overall recommendations

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

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

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

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

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

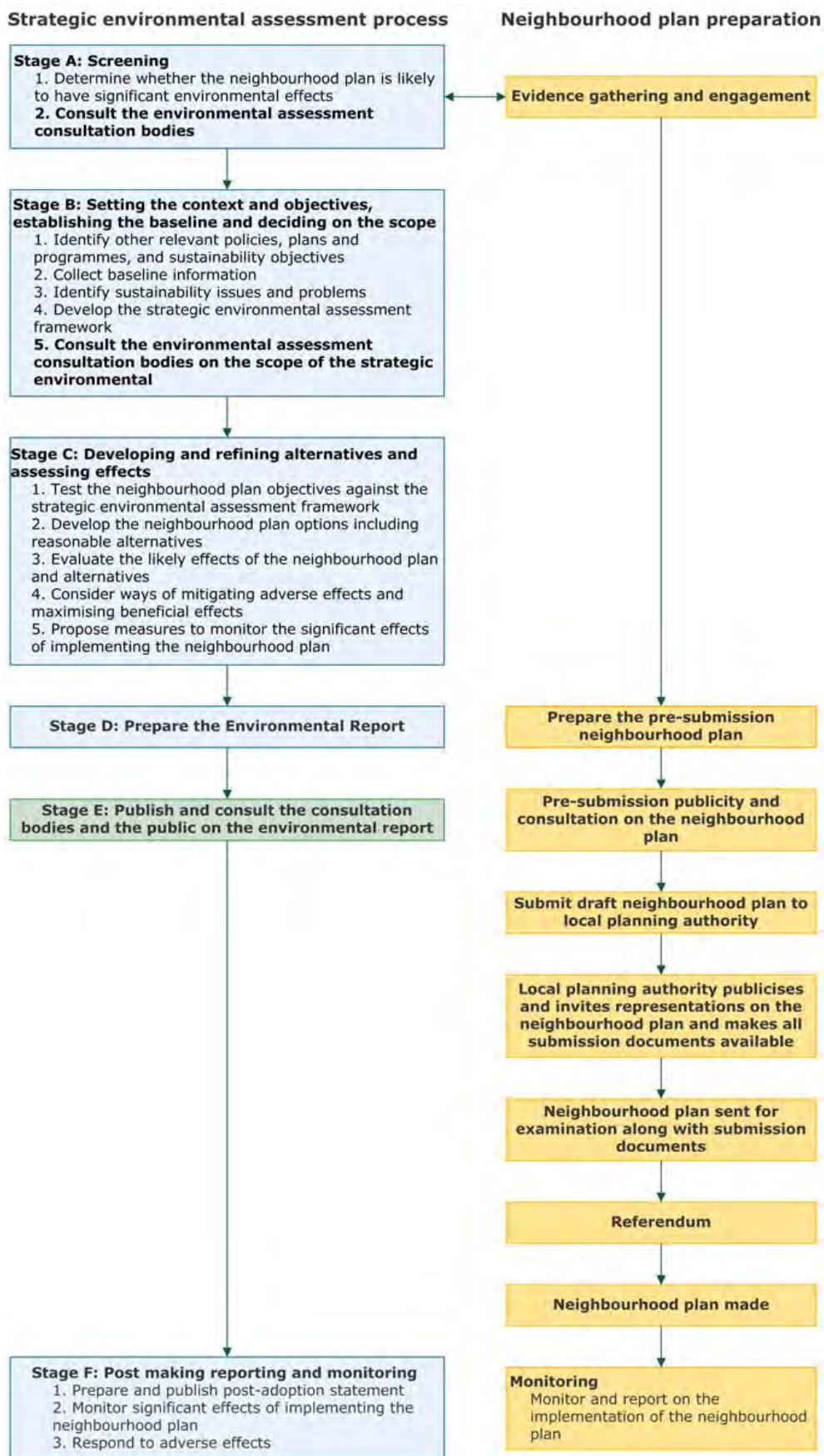
Yours faithfully,



Fran Belcher
Planning Officer, Policy

Development Services
Hinckley and Bosworth Borough Council

Appendix 1



As attached:

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

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



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

FAO: Desford Parish Council and Desford Neighbourhood Plan Group.

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

Dear Cllr Colin Crane and Mr Martyn Randle,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely



Fran Belcher
Planning Officer, Policy

Development Services
Hinckley and Bosworth Borough Council

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

Good afternoon Bernard and the Desford Neighbourhood Plan Group

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

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

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

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

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

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

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

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

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

If you have any questions please get in touch.

Thanks

Fran

Fran Belcher
Planning Officer (Policy)

Planning Policy - Development Services

Tel: 01455 255749

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

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

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

Hi,

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

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

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

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

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

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

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

Have you any queries ?

Regards

Ian

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

Good Afternoon, Ian:

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

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

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

The Working Group awaits your reply!!

Regards

Bernard

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Bernard Grimshaw, Communications Officer, Desford Neighbourhood Plan Working Group



website: www.desfordvision.co.uk

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

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



Hinckley & Bosworth
Borough Council

Dear Bernard and the Desford Neighbourhood Plan Group,

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

The consultation

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

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

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

Who to consult

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

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

How to consult

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

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

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

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

Next steps

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,



Fran Belcher
Planning Officer (Policy)

Planning Policy - Development Services
Tel: 01455 255749.
Email: frances.belcher@hinckley-bosworth.gov.uk