

INDEPENDENT EXAMINATION OF THE MARKFIELD NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
Christopher Collison BA(Hons) MBA MRTPI MIED MCMi IHBC

To Hinckley and Bosworth Borough Council and Markfield Parish Council

By email to Rachel Dexter, Senior Planning Officer (Policy), Hinckley and Bosworth Borough Council and Margaret Bowler, Vice Chair and Councillor, Markfield Parish Council

Copy to Lorraine Davies Clerk MPC and Francis Belcher H&BBC

Dated 3 May 2021

Dear Margaret and Rachel

Markfield Neighbourhood Development Plan Independent Examination – Examiner Letter Seeking Clarification of Matters

Further to my initial letter of 1 April 2021 I am writing to seek clarification of the following matters:

Strategic Environmental Assessment

1. The representation on behalf of Taylor Wimpey (UK) Limited states that given the Neighbourhood Plan is seeking to establish housing requirements and delivery, a Strategic Environmental Assessment is required. The representations on behalf of Owl Partnerships, and on behalf of Member of the Public 71, state the Screening Report has been prepared without regard for emerging strategies as required by the Planning Policy Guidance. Those representations also state that once the Neighbourhood Plan is brought into force the local planning authority must take its policies and proposals into account when preparing the emerging Local Plan but the Screening Report states the Neighbourhood Plan is unlikely to influence other plans and programmes. The representations state, if made, the Neighbourhood Plan would restrict the delivery of growth at Markfield in the period prior to the adoption of the emerging Local Plan, and restrict the options for allocations being considered in the emerging Local Plan. The representations on behalf of Owl Partnerships and on behalf of Member of the Public 71, also state the Town and Country Planning Environmental Impact Assessment Regulations 2017 Schedule 2 threshold of 150 dwellings is exceeded and that the Screening Report completely fails to have regard to the strategic or spatial effects of the planned growth. It is stated housing requirements and delivery are strategic

matters and as the Neighbourhood Plan is providing for such matters a Strategic Environmental Assessment is required. As a matter for clarification, I invite your comment on the matters raised in these representations and ask you to confirm whether or not you consider the Screening Report requires revision.

Habitats Regulations Assessment

2. Arising from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, the Neighbourhood Planning Regulations 2012 are amended such that a new Basic Condition came into force as follows *“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”* Please confirm the Neighbourhood Plan meets the replacement Basic Condition, and that Natural England agree with that opinion.

Policy M1

3. In commenting on the Borough Council representation, the Parish Council has drawn attention to paragraph 6.18 of the Neighbourhood Plan which explains the newly defined settlement boundary is drawn to include the areas of proposed housebuilding in planning application reference 20/01283/FUL and not to include areas of green infrastructure and open land forming part of the application site. How will this approach achieve flexibility in response to any alternative development layouts proposed by the current development proposers or from different developers?
4. Please direct me to the reasoned justification for the alignment of the settlement boundary outside of the planning application site referred to.

Policy M2

5. In commenting on the Borough Council representation, the Parish Council state *“the introduction of small parcels of land to keep ponies or horses in, can potentially erode landscape character, without some form of control.”* Please direct me to the existing evidence that justifies the intention to control the conversion of farmland to pony paddocks.
6. Please confirm the defined viewpoints referred to in part 5 of the policy, and identified on the Map of Views within the Evidence Base, are freely accessible to the general public.

Policy M3

7. Please direct me to the justification for the selection of the components forming the local Green Infrastructure network identified on Map 3.

Policy M4

8. Please explain why all of the sites referred to in the policy do not appear to be identified on Map 4.

Policy M7

9. Please direct me to the existing evidence to justify the part of the policy that states the Neighbourhood Area is not a suitable location for wind turbine installations.

Policy M9

10. Are any of the locally valued heritage assets identified in the policy already included in a local list of Non-Designated Heritage Assets compiled and curated by the Borough Council?

Policy M15

11. Is it intended the figure of 334 dwellings should be the minimum housing provision for the period 2020-2039? If this figure is not intended as a minimum housing provision, please direct me to the existing evidence that confirms sustainable development proposals above that figure should not be supported.
12. The representation on behalf of Owl Partnerships states at the very least their client should have had an opportunity to consider the site assessment and provide any comment and evidence they consider pertinent to the site selection process prior to the plan being submitted to the Borough Council. The representation on behalf of Taylor Wimpey (UK) Limited states the site assessment process is understood to have been carried out without any dialogue or engagement with landowners and developers as required by the Planning Policy Guidance. The representation on behalf of Member of the Public 71 states that consultation on the site assessment has been inadequate contrary to the Planning Policy Guidance. Please advise me whether the site assessment was made available for comment by interested parties prior to submission of the Neighbourhood Plan to the Borough Council.
13. The representation on behalf of Owl Partnerships promotes the residential development of land at Ratby Lane for 48 affordable homes. This site is stated to have been the subject of planning application reference 20/00848/FUL. A representation on behalf of Glenalmond Developments Limited promotes the residential development of land off Hill Lane for 75 dwellings. This site is stated to have been the subject of a planning application, although the representation does not include the relevant reference number. Please advise me of the latest position regarding these planning applications.

Policy M16

14. In respect of the housing allocation site identified in this policy I understand the Borough Council has, on 30 March 2021, resolved to grant planning permission for 283 dwellings in respect of application reference 20/01283/FUL submitted by Jelson Limited subject to conditions and the completion of a S106 Agreement. Please confirm this is the latest position regarding the determination of planning application reference 20/01283/FUL and in doing so please confirm the position regarding a Minerals Assessment.
15. I understand it is intended the Regulation 18 consultation on the emerging Local Plan will take place in the Summer 2021. Please confirm the latest anticipated timetable for stages to adoption.

Policy M17

16. The policy seeks to limit housing development outside the settlement boundary to stated types. How does this approach have regard for rural exception housing sites and entry-level exception housing sites supported by national planning policy?
17. How does the policy relate to national policy regarding housing development that represents the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets?
18. How does part 2 of the policy have regard for the requirement of national policy that development of exceptional design quality must significantly enhance its immediate setting, and be sensitive to the defining characteristics of the area?

Policy M18

19. It is unclear to me how the two sentences of the policy will work together. All new housing development is required to be informed by the evidence of housing need, but with the exception of development at the two named locations only proposals of 10 or more dwellings are required to reflect the need for smaller family homes. Is it intended that with the exception of proposals at the named locations, to be supported all development proposals for more than one dwelling should demonstrate that they reflect the assessment of local housing need in the 2019 Housing Needs Study or more recent evidence?

I request any response to these requests for clarification is agreed as a joint response of the Parish and District Councils wherever possible. This request for clarification and any response should be published on the District Council website.

In order to maintain the momentum of the Independent Examination I would be grateful if any reply could be sent to me by 12.00 Noon on Monday 17 May 2021.

As the Independent Examination progresses, I may seek clarification with respect to other matters. For the avoidance of doubt recommendations of modification of the Neighbourhood Plan that may be contained in my report of Independent Examination will not be limited to those matters in respect of which I have requested clarification.

I should be grateful if the District Council and the Parish Council could acknowledge receipt of this email.

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd