

# **Hinckley and Bosworth Borough Council Response to Markfield Neighbourhood Development Plan Examiner Letter Seeking Clarification of Matters**

**13<sup>th</sup> May 2021**

## **Introduction**

The Borough Council received the letter entitled: 'Markfield Neighbourhood Development Plan Independent Examination – Examiner Letter Seeking Clarification of Matters' on the 3<sup>rd</sup> May 2021. In agreement with the Parish Council the Borough Council will respond to questions 1, 2, 10, 13, 14, 15 set out in the letter. Markfield Parish Council will provide a response to the remaining questions and question 13.

## **Question 1: Strategic Environmental Assessment**

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.

## **Borough Council Response**

As discussed with the Examiner and the Parish Council, the Borough Council will send a response to this question after the deadline of 17<sup>th</sup> May 2021. It is anticipated that a response will be sent by 20<sup>th</sup> May 2021.

## **Question 2: Habitats Regulation Assessment**

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.

#### Borough Council Response

The Parish Council submitted a Basic Conditions Statement to the Borough Council as part of the Regulation 15 Submission. This document was consulted upon alongside the other submission documents as part of the Regulation 16 Consultation process. Chapter 6 of the Markfield Neighbourhood Plan Basic Conditions Statement sets out the consideration of ‘Other Basic Conditions’; this includes paragraph 6.1 *‘the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites’*. The Basic Conditions Statement continues in paragraph 6.2 to state: *‘As set out in above, it is considered that the Markfield Neighbourhood Plan will not affect any Natura 2000 sites in line with the findings of the Habitats Regulation Assessment undertaken of the Markfield Neighbourhood Plan’*. The findings are set out in paragraphs 5.5 and 5.6 of the Basic Condition Statement:

*5.5 The Screening Report also considered the proximity and potential effects on European sites to determine whether the Markfield Neighbourhood Plan will require a Habitats Regulation Assessment. As referred to above, there are no sites of European sites within 10km of the neighbourhood area and it has been concluded that the proposals within the emerging MNP are unlikely to result in significant adverse effects on such sites. The Borough Council has also considered the conclusions of its Habitats Regulation Assessment screening report which informed the preparation of the Site Allocations and Development Management Policies DPD, published in 2016 and the consultation response received from Natural England. The 2014 screening report concluded that it was not considered necessary to undertake a Habitats Regulations Assessment of the plan, which included an allocation south of Markfield, of which the proposed site allocation would be an adjacent extension to the south of the settlement.*

*5.6 Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) do not apply to the Markfield Neighbourhood Plan.*

Natural England responded to the SEA Screening Consultation on 23<sup>rd</sup> July 2020 and in their response letter stated:

*‘Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) for the Markfield Neighbourhood Plan. We can confirm that it is considered unlikely that any significant environmental effects will result from the implementation of the Neighbourhood Plan.*

*Natural England also agrees with the report’s conclusions that Markfield Neighbourhood Plan Neighbourhood Plan would not be likely to result in a significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.’*

Natural England also responded to the Regulation 16 Consultation Statement, their consultation response stated:

*'Natural England does not have any specific comments on this draft neighbourhood plan'.*

In response to the question above, the Borough Council have contacted Natural England for a response to the Examiner's Question. The response from Natural England is as follows:

*'Natural England is satisfied that the making of the Markfield Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 and considers that the Markfield Neighbourhood Plan will not affect any Natura 2000 sites in line with the findings of the Habitats Regulation Assessment undertaken of the Markfield Neighbourhood Plan'.*

The full email response from Natural England is contained in Appendix 1 of this response.

### **Question 10: Policy M9**

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?

#### Borough Council Response

No, the Borough Council have not formally adopted a Local Heritage List identifying non-designated heritage assets within the borough (including Markfield parish).

### **Question 13: Policy M15**

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.

#### Borough Council Response

*20/00848/FUL Land East of Ratby Lane Markfield Leicestershire*

This is a live planning application. Leicestershire County Council Highways Authority have requested additional details in regards to Highways matters the applicants are reviewing this and are looking to provide additional information to overcome the concerns in the coming weeks. Slight amendments to the layout are being made in regards to parking and play and open space and an amended plan is expected in the coming weeks. A viability assessment has been submitted with the application and is being reviewed by an independent assessor.

*21/00387/OUT Land Off Hill Lane Markfield Leicestershire*

This is a live planning application which has recently been validated. Neighbour notifications are in the process of being posted out and the consultation closes Tuesday, 1<sup>st</sup> June 2021.

#### **Question 14: Policy M16**

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.

#### Borough Council Response

The applicant Jelson Ltd, concluded that a Minerals Assessment should not be required, due to the very limited extent of igneous rock deposits within the application site boundary and the likely difficulties and feasibility issues in extracting the deposit, irrespective of the applicants proposals given the significant amenity impacts on adjacent residents. This additional information was then considered by LCC (minerals) who withdrew their objection.

#### **Question 15: Policy M16**

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.

#### Borough Council Response

The current Local Development Scheme sets out the following timeline:

<b>Stage</b>	<b>Target date</b>
Consultation on the Scope and Issues and Options (Regulation 18)	January-February 2018
Public consultation on New Directions for Growth paper	January- February 2019
Public consultation on Draft Plan (Regulation 19)	March-April 2021
Submission to Secretary of State (Regulation 22)	September 2021
Estimated programmed date for examination	January 2022
<b>Programmed date for adoption</b>	<b>October 2022</b>

However, it is now proposed that the Borough Council will undertake an additional Regulation 18 consultation, this is subject to Member approval at Executive on the 2<sup>nd</sup> June 2021. The revised proposed timescale is as follows:

<b>Stage</b>	<b>Target date</b>
Public consultation on Draft Plan (Regulation 18)	June-August 2021
Public consultation on submission Draft Plan (Regulation 19)	December-January 2021
Submission to Secretary of State (Regulation 22)	March 2022
Estimated programmed date for examination	August 2022

<b>Programmed date for adoption</b>	<b>March 2023</b>
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## Appendix 1: Question 3. Email response from Natural England

From: Close, Sandra <Sandra.Close@naturalengland.org.uk>  
Sent: 10 May 2021 12:21  
To: Rachel Dexter  
Subject: Markfield Neighbourhood Plan - Examination, request for a response from Natural England

Follow Up Flag: Follow up  
Flag Status: Flagged

Hi Rachel

Please see NE comment for insertion below.

Natural England is satisfied that the making of the Markfield Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 and considers that the Markfield Neighbourhood Plan will not affect any Natura 2000 sites in line with the findings of the Habitats Regulation Assessment undertaken of the Markfield Neighbourhood Plan'.

Kind regards

Sandra

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Follow the East Midlands on Twitter - @NEEastMidlands [www.gov.uk/natural-england](http://www.gov.uk/natural-england)  
We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

\* During the current coronavirus situation, Natural England staff are primarily working remotely to provide our services and support our customers and stakeholders. Please continue to send any documents by email or contact us by phone to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

\* Hands, Face, Space, Fresh Air.

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