

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

20th May 2021

Introduction

The Borough Council received the letter entitled: 'Markfield Neighbourhood Development Plan Independent Examination – Examiner Letter Seeking Clarification of Matters' on the 3rd May 2021. The Borough Council sent a response to questions 2, 10, 13, 14, 15 on the 13th May 2021. This paper sets out the Borough Council's response to question 1.

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

I have broken the response down below to respond to each of the points raised in the question above.

Has the Screening Report been prepared in regard to emerging strategies?

Having read the response from OWL Homes in responding to this question, the Borough Council wish to raise the following points. The Borough Council have had a positive working relationship with the Markfield Neighbourhood Plan Group throughout the preparation of the Neighbourhood Plan and this has been maintained throughout the pandemic. The Group

provided a copy of the Draft Housing Needs Assessment to the Borough Council for comment as part of the ongoing collaborative working arrangement.

The Borough Council note paragraph 84 of the OWL Homes representation which states that there has been 'no regard for emerging strategies as required by the PPG'. It should be noted that the representation by OWL Homes does not set out the emerging strategies that the Borough Council should have considered in preparing the SEA Screening Report. The Borough Council is undertaking a full Local Plan Review where all four current Development Plan Documents will be combined into a single Local Plan. In 2018 a Regulation 18 Scope, Issues and Options Local Plan Consultation took place and following this a further consultation was undertaken in 2019 entitled 'New Directions Growth'. Both of these consultation documents included a number of different options but were not at an advance stage where a preferred strategy was set out to provide certainty to a neighbourhood group what the emerging strategy is. The Neighbourhood Plan Group have been informed when the Borough Council have published a new evidence base document which is to be used in the preparation of the Local Plan and where relevant consulted in the documents production. This shared evidence base has been utilised by the Markfield NDP in the preparation of their Plan, for example the HBBC Green Infrastructure Strategy (2020), SHELAA (2018). It would be unfair to ask a Neighbourhood Plan Group to stop preparing the Neighbourhood Plan until the Local Plan is at a more advance stage and would be beyond the Local Planning Authority's remit. The SEA Screening Assessment – Table 2 SEA Directive Criteria 1a – states that the Markfield Neighbourhood Plan, if made, will form part of the statutory development plan. The plan will form part of and influence the emerging Local Plan.

The range of evidence base documents prepared to inform the emerging Local Plan which have been made available to the Neighbourhood Plan Group have also been used to inform the SEA Screening Report. In addition to those referred to above, the SEA Screening Report was informed by the findings and recommendations of the Borough Council's Strategic Flood Risk Assessment and Extended Phase 1 Habitats Study, in addition to the range of information resources set out in national guidance.

Will the Neighbourhood Plan restrict the delivery of growth at Markfield in the period prior to the adoption of the emerging Local Plan and restrict options for allocations being considered?

The Borough Council has accepted that the housing figures contained within the Core Strategy are out of date and the 'tilted balance' and presumption in favour of sustainable development applies. In a recent appeal decision (APP/K2420/W/20/3260227) issued on the 7th May 2021 the Inspector concluded that the Borough Council can not demonstrate a five year supply of housing. The Borough Council's current five year supply of housing stands at 4.23 years. As the Neighbourhood Plan makes its way through the production steps the weight attributed to the Plan can be increased. There are currently applications within the designated area for residential development outside of the defined Markfield settlement boundary and the 'presumption in favour of sustainable development' will be applied by the case officer. If the Markfield Neighbourhood Plan is 'made' Paragraph 14 of the NPPF could apply if the four criteria are met and planning applications would be assessed accordingly.

In terms of whether the Neighbourhood Plan restricts any potential allocations being considered. I have looked through the Neighbourhood Plan and compared any allocations against sites contained within the Strategic Housing and Economic Land Availability Assessment (SHELAA) (2020) which is yet to be published (due Summer 2021). I have used the Local Green Infrastructure Map and Policies Map to identify potential sites however due to the size of the map and base layer used interpretation was difficult. I have noted that the following sites have been identified as Green Infrastructure in Policy M3 and Map 3:

- AS403
- AS687
- AS1033
- LPR32
- LPR42a
- LPR43
- LPR94 (not yet published in the SHELAA)
- LPR95 (not yet published in the SHELAA)

Maps of these sites are contained within Appendix 1 of this document. It is not clear what evidence base was used to identify these green infrastructure sites. The Borough Council's [Green Infrastructure Strategy \(2020\)](#) does identify GI Assets in figure 5.1 of the document so this could have been used, however, the map is indicative and shows the Borough as a whole so further work would be required to extrapolate the information to use for an allocation basis.

In addition, a number of SHELAA sites are identified as having a non-designated archaeological asset, however the Policy M9 allows interpretation in terms of balancing the need for the proposed development against the scale of any harm or loss and the significance of the heritage asset. It is noted that the NDP allocates housing (Policy M16) on an area identified as containing a non-designated heritage asset.

Neighbourhood Plan Groups within the Borough have all been given consistent advice to build flexibility into their neighbourhood plans and advised that the Borough Council's Local Plan may need to plan for additional housing above what is set out in the Neighbourhood Plan. For example, Leicester City Council have declared an unmet housing need which will be required to be distributed across the Leicester and Leicestershire Housing Market Area (HMA). The HMA authorities are working on a Statement of Common Ground to apportion unmet housing need however this is unlikely to be resolved until later in 2021 as additional sustainability appraisal work is required to consider the additional 35% uplift for Leicester set out in the revisions to the standard method in December 2020. It is however likely that the borough will be expected to seek to accommodate an as yet unquantified portion of this unmet need. Due to these uncertainties the Borough Council have advised groups to either allow for a buffer or allocate a reserve site(s). The Neighbourhood Planning NPPG states: "Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan." Paragraph: 009 Reference ID: 41-009-20190509. Allocating reserve sites in neighbourhood plans also allows for security and flexibility for the community in the event of changing conditions nationally or locally, for example an increase in housing need or a failure to deliver the existing

commitments/allocations within the Neighbourhood Plan. The allocation of reserve sites also shows that the neighbourhood plan can contribute towards the achievement of sustainable development over the plan period.

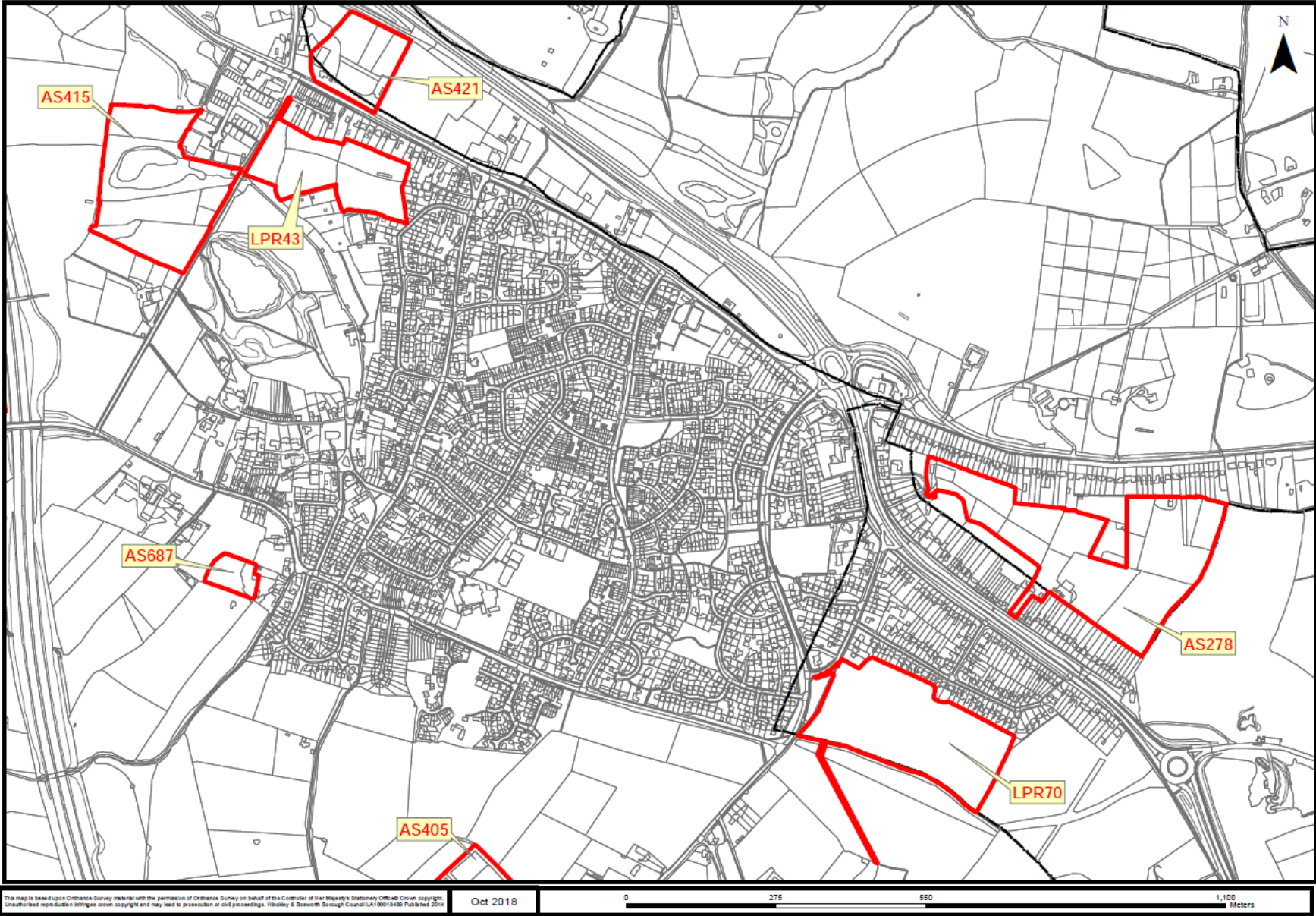
The Town and Country Planning Environmental Impact Assessment Regulations 2017 Schedule 2 threshold of 150 dwellings is exceeded and respondents have suggested that the Screening Report completely fails to have regard to the strategic or spatial effects of the planned growth. It is stated housing requirements and delivery are strategic matters and as the Neighbourhood Plan is providing for such matters a Strategic Environmental Assessment is required.

Section 2 of the SEA Screening Report sets out the legislative background against which it has been prepared, including the screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations and the respective SEA Directive Criteria and national guidance. The representation by Owl Homes states “Housing requirements and delivery are strategic matters...and as the Neighbourhood Plan is providing for such matters a Strategic Environmental Assessment is required.” The representations do not clarify how the SEA Screening has failed to have regard to the strategic or spatial effects of the planned growth. The regulations and national guidance do not predetermine or state that an SEA is required where housing requirements and allocations are proposed. The purpose of the SEA screening is to establish whether an SEA is required after considering whether the proposals in the plan are likely to result in significant environmental effects. The Borough Council has prepared the SEA Screening Report in accordance with the guidance set out in ‘A Practical Guide to the Strategic Environmental Directive’ (ODPM, 2005) – set out in Figure 9, with the assessment against presented in Table 1 (SEA Screening Process).

The Borough Council considers it has undertaken a robust and proportionate SEA screening assessment against the range of criteria in Regulation 9 and Schedule 1 of the SEA Regulations. The assessment in Table 2 considers a range of issues including the potential direct and cumulative impacts of the proposed allocation for residential development and the respective policies, including proposed mitigation, on matters such as flood risk, landscape and environmental designations within a reasonable distance on the plan area. The Borough Council consulted with the statutory consultees Natural England, English Heritage and the Environment Agency on the SEA Screening Report, with all agencies confirming that an SEA for the Markfield Neighbourhood Plan was not required.

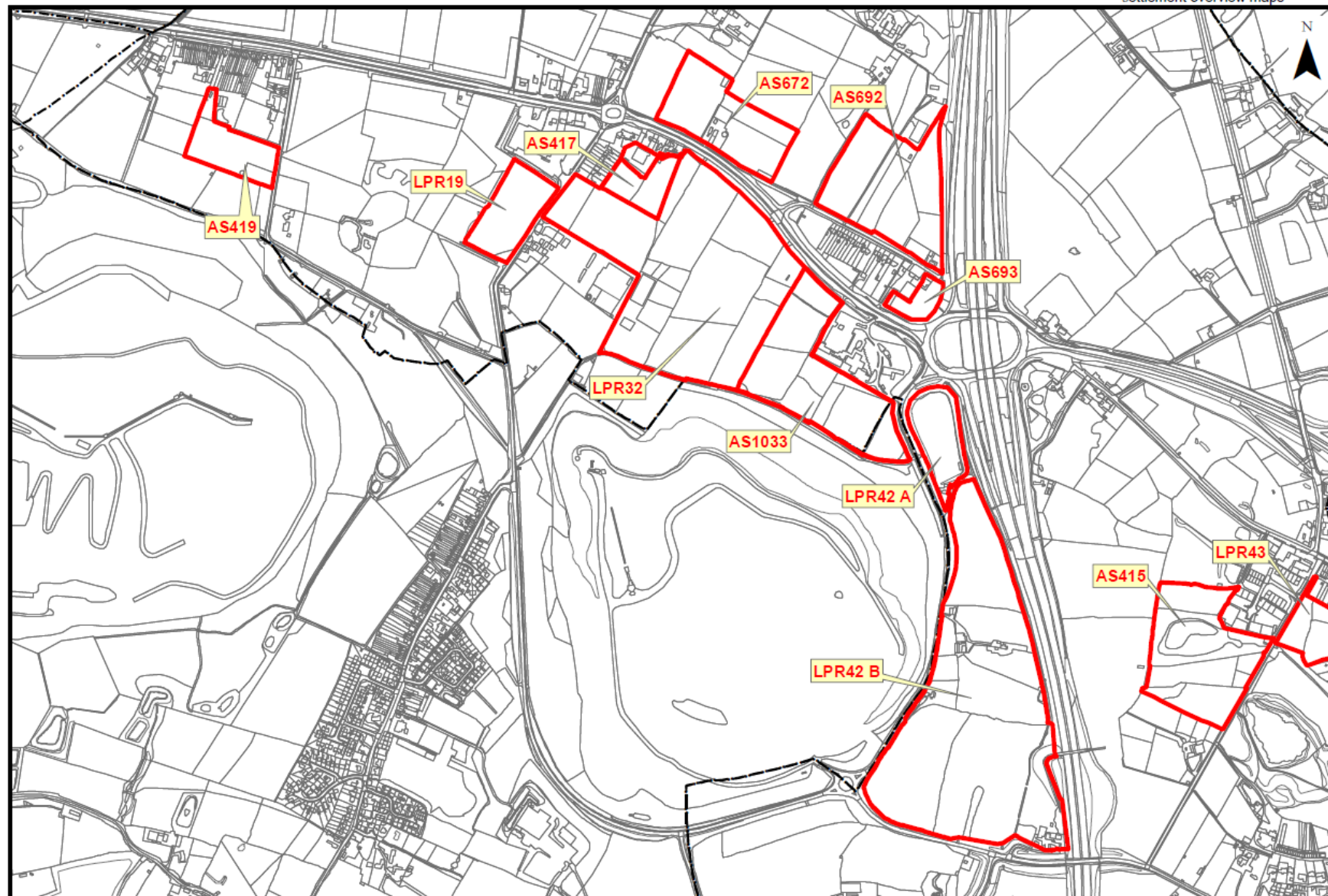
Appendix 1: Question 1. Map showing Strategic Housing and Economic Land Availability Assessment Sites

Markfield Overview Map SHELAA 2018

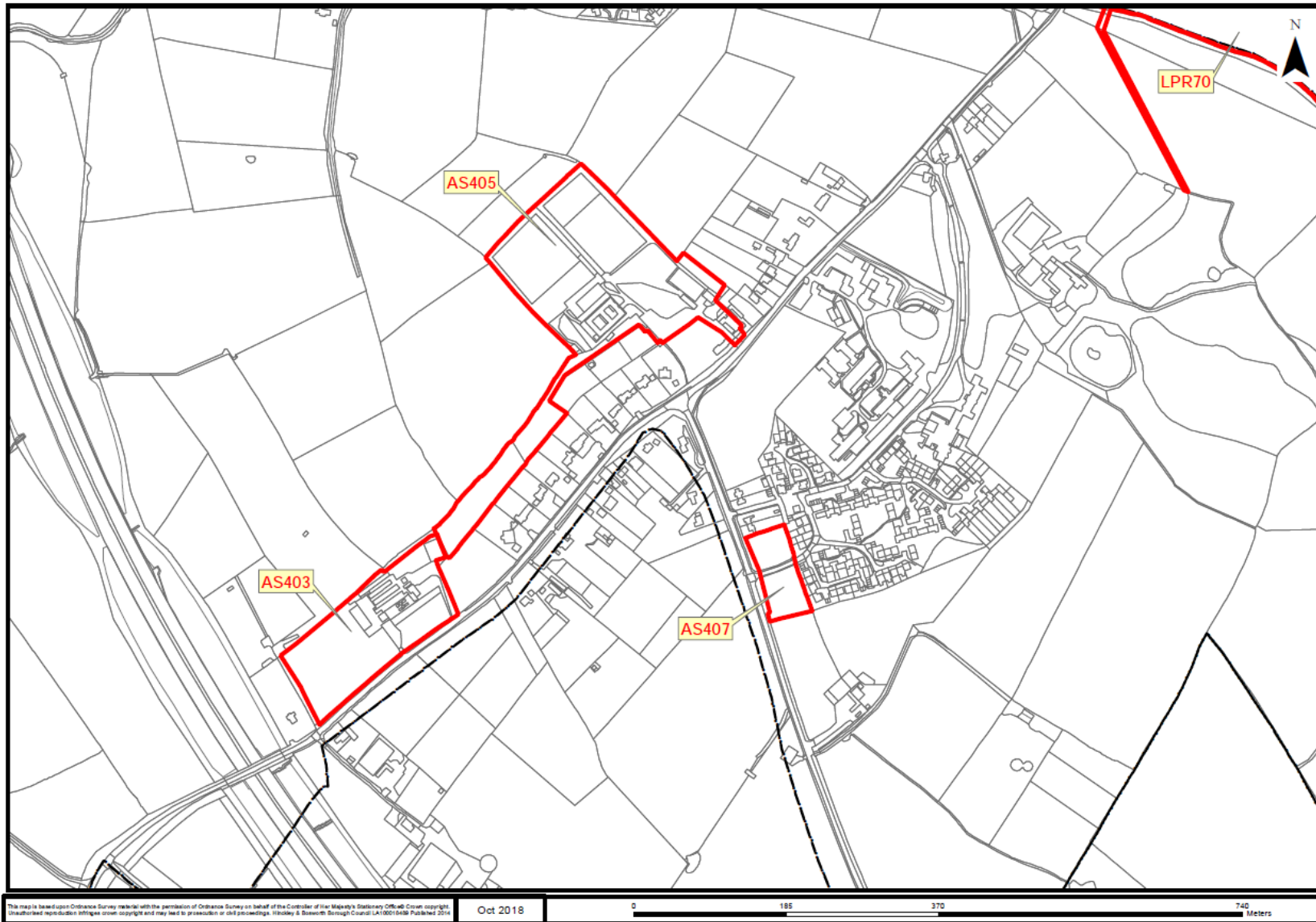


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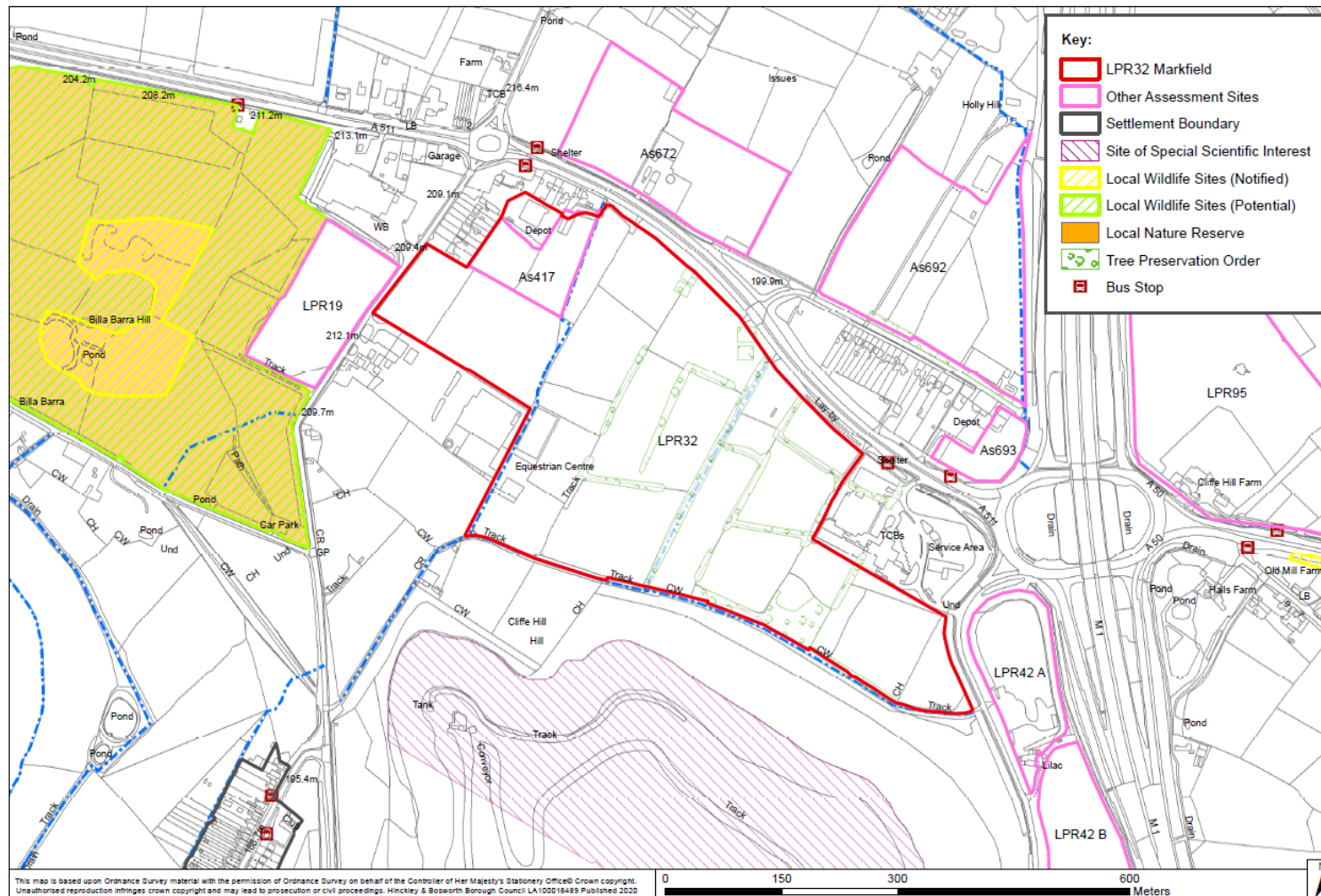


South Markfield Overview Map SHELAA 2018



Site Reference: LPR32 Settlement: Markfield

Year of Assessment: 2020



Site Reference: LPR43 Settlement: Markfield

Year of Assessment: 2020

