

Desford NP SEA consultation responses November 2019

Consultee	Comment	Response	NP amendment
Pegasus Group SEA comments	<p>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 Strategic Environmental Assessment consultation (hereafter referred to as 'the NDP' and the 'SEA' respectively). 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 permission for up to 120 homes.</p> <p>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 processes as a result of the Regulation 14 consultation.</p> <p>Davidsons made representations in respect of the NDP in relation to the Regulation 14 (Pre-Submission) stage, and again to the supplementary consultation and this representation should be read in conjunction with the previous responses, the comments for which still apply.</p>	Noted.	None
	<p>1. INTRODUCTION</p> <p>Before comments on the SEA itself are made, it is important that the background is understood in terms of how this site has been considered so far through the NDP process.</p>	Noted	None

Desford NP SEA consultation responses November 2019

	<p>site assessment scoring, which has correctly taken both sites AS210 and AS211 together (referencing them as 'Desford Site 4'). The letter advises that the site has been dismissed.</p> <p>Again, however, it appears that earlier comments and concerns with the process have, overall, not been taken on board. The assessment shows serious inconsistencies and in many cases the site has been downgraded from earlier scorings when assessed against certain criteria. Appendix 2 contains a table which shows how inconsistently and unfairly the process has been applied at each stage: the final column contains commentary from Davidsons setting out the inconsistencies, illustrates where 'new' criteria have been introduced resulting in the site being downgraded, and providing a revised scoring.</p> <p>It is not possible to compare the revised scorings with the process applied to other sites as this information does not appear to be publicly available. The process is therefore not clear or transparent: a point which has been raised by Davidsons previously.</p> <p>This background is important as it provides the context within which the SEA has been prepared. The SEA should be iterative and based on clear and accurate information.</p> <p>Lack of transparency and clarity has also raised another issue which has become evident through preparing these representations. It is our understanding from a chance conversation with the planning policy team at Hinckley and Bosworth Borough Council on 15th November 2019 that the Neighbourhood Plan itself is now being consulted on at the same time although this is 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). Separate representations have therefore had to be</p>	<p>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.</p> <p>The information is publicly available.</p> <p>Consultation on the Plan WAS in the letter sent and in other publicity.</p>	
--	---	---	--

Desford NP SEA consultation responses November 2019

	<p>prepared in some haste on this matter to meet an unreasonably short deadline as set out in the next section.</p>		
	<p>3. THE STRATEGIC ENVIRONMENTAL ASSESSMENT</p> <p>Firstly, the consultation deadline for the SEA is extremely short given that this is a public consultation. 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 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)1 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.</p> <p>Chapter 3 contains the SEA framework which ‘provides a methodological framework for the appraisal of likely significant effects on the baseline’.</p>	<p>4 – 23 November is three working weeks ... SEA legislation does not specify a timescale and three weeks was considered appropriate given the minor comments made in the SEA report.</p> <p>The range of parties involved is not a reason to extend the timescale. Each has the same period and it is considered appropriate given the small number of minor issues raised in the SEA report.</p> <p>Noted</p>	<p>None</p> <p>None</p> <p>None</p>

Desford NP SEA consultation responses November 2019

	<p>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. Again this process has not been transparent: Davidsons do not recall this consultation nor is there any record of this on the Parish Council’s website.</p> <p>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’. How can it have done? This is the first stage of a process which should be iterative and objective. Instead, it is based on the assumption that the work done on the Neighbourhood Plan to date is robust, whereas the SEA should have undertaken its own objective assessment.</p> <p>This is particularly evident in the appraisal of the potential site allocations. 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 aforementioned site assessment process undertaken to inform the Regulation 14 consultation which, as already stated and illustrated in some detail in Appendix 2, is deeply flawed.</p> <p>1 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.</p>	<p>The Scoping report was made available to the Consultation Bodies as per legislative requirements – these are the Environment Agency; Natural England and Historic England.</p> <p>The SEA was conducted by AECOM in line with legislative requirements.</p> <p>This is a personal opinion from an organisation whose land failed to achieve an allocation and is not accepted by the Qualifying Body. The process is comprehensive and has been successfully</p>	<p>None</p> <p>None</p> <p>None</p>
--	---	---	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>The SEA shows that Land at Ashfield Farm has been appraised as two separate sites rather than as a whole, which impacts on its scoring and is extremely misleading. This only serves to illustrate that the representations to the earlier consultations have not been taken into account, that the process has not been iterative, and that it has been based on inaccurate information.</p> <p>Furthermore, the role of an SEA is to objectively consider 'reasonable alternatives'. Therefore it should be considering all potential allocations objectively, not taking the existing assessment 'as read'. Instead, its starting point is from the assumption that the proposed allocation is the right one, and appears to conclude that no further allocations are necessary, therefore it has not properly considered the 'reasonable alternatives' in a fair, clear nor transparent manner.</p> <p>This approach will have implications for the ability of the Plan to comply with the Basic Conditions as the process has not been properly carried out in accordance with the requirements of the SEA Directive and associate regulations.</p>	<p>deployed in numerous other NPs</p> <p>The revised site was reassessed and the enlarged boundary taken into account. We assesses what we were given by HBBC and the larger site assessed when HBBC sent it through.</p> <p>The decision about 'further allocations' is not one for the SEA to make – it is a matter for the Qualifying Body. The SEA is required only to 'focus on what is needed to assess the likely significant effects of the neighbourhood plan' (PPG para 030)</p> <p>The SEA was prepared by the agency engaged by Locality</p>	<p>None</p> <p>None</p> <p>None</p>
--	---	--	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>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 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.</p> <p>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 boundary and also to the 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.</p>	<p>(the Government’s agency for supporting neighbourhood plans) and they followed the process that has applied to all SEAs that they have prepared on behalf of Qualifying Bodies.</p> <p>This is not accepted. If development delivers net gains to biodiversity, then this will have a greater impact within the settlement boundary than outside, where the opportunity to achieve a net gain is harder to achieve.</p> <p>The Company preparing the SEA is independent of the Qualifying Body and assessed the NP in line with SEA requirements. The</p>	<p>None</p> <p>None</p>
--	--	--	-------------------------

Desford NP SEA consultation responses November 2019

	<p>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. The SEA should therefore be considering this in the light of additional allocations.</p> <p>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:</p> <ul style="list-style-type: none"> • Policy H1 -minor positive • Policy H2 – significant positive • Policy ENV 1 – 7 minor positive • Policy F1 – minor positive 	<p>suggestion of retrofitting is refuted.</p> <p>It is not for the SEA to propose additional allocations, merely to address the potential environmental impacts of the Plan as written. Clearly the respondents purpose is to promote as much development as possible to achieve an allocation for their site.</p> <p>The conclusion appears to be sound – several minor positives add up to an overall significant impact</p>	<p>None</p> <p>None</p>
--	---	--	-------------------------

Desford NP SEA consultation responses November 2019

	<ul style="list-style-type: none"> • Policy T1 – minor positive • Policy E1 – minor positive <p>Therefore five out of the six themes are minor positives with only one being major positive. How can the overall conclusion be major positive? This needs correcting.</p>		
	<p>4. CONCLUSIONS</p> <p>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. Additionally the consultation period has been wholly inadequate, not in line with the Environmental Assessment of Plans and Programmes Regulations 2004. Davidsons therefore 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.</p>	<p>This conclusion is not shared for the reasons stated above.</p>	<p>None.</p>
<p>Jelson Homes</p>	<p>Dear Mr Broomhead,</p> <p>DESford NEIGHBOURHOOD PLAN 2018-2036 STRATEGIC ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL REPORT REPRESENTATIONS ON BEHALF OF JELSON HOMES</p> <p>Avison Young is town planning advisor to Jelson Homes ('Jelson') and is instructed to make representations on its behalf, in respect of the Environmental Report which forms part of the Strategic Environmental Assessment (SEA) of the proposed Desford Neighbourhood Plan (DNP).</p>	<p>Noted</p>	<p>None</p>

Desford NP SEA consultation responses November 2019

	<p>Jelson is an interested landowner in Desford and has previously made representations to the draft DNP, and met with members of the Parish Council and DNP Working Group (DNPWG), to discuss the development of its landholding at Hunts Lane, with approximately 80-100 new homes.</p>	Noted	None
	<p>A Neighbourhood Plan requires a SEA where it is likely to have significant environmental effects. It is understood that the DNP has been 'screened- in' as requiring a SEA as a result of the proposal to allocate land for housing development.</p>	Noted	None
	<p>The SEA has been carried out by AECOM Ltd, and is to inform the preparation of the DNP and assess its proposals against a set of sustainability / environmental objectives. The intention is to ensure that the Plan avoids adverse environmental and socio-economic effects and identifies opportunities to improve the environmental quality of the designated area, and the quality of life of residents. The SEA process is a tool in the plan-making stage which assesses the likely effects of the plan, when judged against reasonable alternatives, so that the most appropriate policies and provisions are incorporated.</p>	Noted	None
	<p>In the following sections, we:</p> <ul style="list-style-type: none"> • provide a summary of the SEA process to date, and the findings of the Environmental Report; and • summarise our interpretation of the Environmental Report findings and make a series of relevant observations. 	Noted	None
	<p>The SEA process to date has comprised the preparation of a scoping report, dated May 2019, which established the key issues that the appraisal should focus on. The scoping report was issued to the three statutory consultation bodies for England, for a five week period. During that time, only the Environmental Agency responded and</p>	Noted	None

Desford NP SEA consultation responses November 2019

	<p>confirmed it had no comments to make. No response was provided by Natural England or Historic England. The key sustainability / environmental issues which form the focus of the SEA, and therefore the SEA Framework, are those which were ‘scoped in’ through AECOM’s scoping exercise. These comprise:</p> <ul style="list-style-type: none"> • Biodiversity; • Climate change; • Historic Environment; • Landscape; • Population and Housing; • Health and Wellbeing; and • Transportation. <p>As noted above, 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. The basis for this is understood to have been informed by the revised housing need figures for the Borough, which were derived through the standard methodology. The Environmental Report therefore concludes that the scale of growth is considered to be appropriate and justified. We do not agree that the housing need figure specified in the DNP is sound and will address this more fully during an examination.</p> <p>In order to address the housing strategy, the Report 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 that was put forward in the Hinckley and Bosworth SHELAA 2018. Consideration of these alternatives concluded that they were unreasonable. The housing strategy was therefore determined through a comparison of reasonable site allocation options.</p>	<p>Noted. The housing figure was agreed with the local planning authority which the NP is required to do, therefore this aspect of the NP meets the Basic Conditions.</p> <p>The SSA approach considered all available sites, not only the ones suggested here.</p>	<p>None</p> <p>None</p>
--	---	---	-------------------------

Desford NP SEA consultation responses November 2019

	<p>The identification of potential site allocations / alternatives appeared to rely upon landowners or interested parties promoting sites either to Hinckley and Bosworth Borough Council, through its call for sites exercise(s), or direct to the Parish Council through its Regulation 14 consultation on the draft Neighbourhood Plan (rather than the DNP conducting its own assessment of potentially suitable sites). The process identified some 15 sites initially, which were considered in the preparation of a pre-submission version of the Plan, and then a further 7 sites, which were subject to a supplementary strategic site assessment consultation in April 2019.</p> <p>It is understood that all of the sites identified were subject to a site appraisal, which attributed a Green, Amber, or Red score against a number of different criteria. The Neighbourhood Plan Working Group used this process to identify the highest scoring sites which it then considered to represent the least environmentally damaging and most sustainable locations for residential development.</p> <p>The Environmental Report confirms that the decision relating to the allocation of the preferred site (i.e. Barns Way extension) is based primarily on the outputs from the site assessment exercise, as according to the DNPWGs 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 and then the draft provisions of the Plan, against the SEA objectives / topics.</p> <p>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</p>	<p>This is incorrect. There was a call for sites in addition to the SHELAA sites identified by HBBC. However – it is not an essential requirement for the NP to undertake its own call for sites, especially when the Borough Council undertake this exercise on an annual basis.</p> <p>Noted. This is not the case. The best scoring site was the site allocated.</p> <p>Noted. This is the purpose of the SEA.</p> <p>Noted</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
--	--	--	---

Desford NP SEA consultation responses November 2019

	<p>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, in the case of Barns Way, these are homes that 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.</p> <p>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. If in doing so, the DNPWG reverts to its sites assessment it shall take care to ensure that it modifies the approach to reflect the representations made by Jelson by way of a letter dated 22 July 2019, and during a meeting with members of the DNPWG and Parish Council on 26 July 2019.</p> <p>As we noted, our principal concern lies with the inconsistencies applied by the Group when attributing red, amber, or green ratings against the different criteria for sites.</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: (i) the Parish in its original assessment; (ii) our assessment when adopting the same rating definitions; (iii) the Parish's revised assessment; and (iv) 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>Noted. However, it is appropriate to allocate a site in a NP that has secured a planning approval.</p> <p>This is a flawed argument. As the housing target has been met, removing the allocated site would not release more sites for development as no others are required.</p> <p>Noted – we disagree with this assessment as the process that was followed was applied consistently.</p> <p>Noted. Undertaking an assessment of a site in isolation without applying the same approach to all other sites renders</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
--	--	---	---

Desford NP SEA consultation responses November 2019

	<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 preferred 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 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 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 exercise inappropriate.</p> <p>There are inevitably elements of judgement and interpretation, but the exercise was independently overseen and the outcome robust.</p> <p>The narrative here is noted but each landowner/agent has been given the opportunity to comment and scores reassessed as a consequence. It is not appropriate to continue to seek representations as they have already been taken into account.</p>	<p>None</p> <p>None</p>
--	--	--	-------------------------

Desford NP SEA consultation responses November 2019

	<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> <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 a 'Meadow Way Extension' by the Parish, was recently refused by Hinckley and Bosworth Borough Council. The reason for refusal was that the development would result in an adverse impact to the intrinsic value, beauty and open character of the countryside.</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>We hope that the above clearly sets out our representations to the SEA process and emerging DNP to date. However should you require any further information, or wish to discuss our representations, please contact Emily Hill of this office</p>		
--	--	--	--

Desford NP SEA consultation responses November 2019

	<p>d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development</p> <p>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).</p> <p>f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.</p> <p>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</p> <p>1.4. Why the NDP is not considered to meet the basic conditions is set out as follows.</p> <p>2. Consultation on the SEA and NDP</p> <p>2.1. This section of the consultation response identifies concerns in relation to the consultation of the SEA and NDP.</p> <p>2.2. In relation to the consultation of a SEA, The Environmental Assessment of Plans and Programmes Regulations 2004 require under regulation 13 that:</p> <p>(2) As soon as reasonably practicable after the preparation of the relevant documents, the responsible authority shall...</p> <p>(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.</p>	<p>Noted</p> <p>The legislative position is noted.</p> <p>In relation to the timescale, the legislative requirements are that the consultees have</p>	<p>None</p> <p>None</p> <p>None</p>
--	--	---	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>(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. (my emphasis)</p> <p>2.3. The Planning Practice Guidance re-iterates the above requirements at Paragraph: 040 Reference ID: 11-040-20140306 whereby it states:</p> <p>'The consultation bodies and the interested parties should have an opportunity to express their opinion and be given sufficient time to do so. These procedures can be incorporated into the pre-submission publicity and consultation process for the neighbourhood plan. (my emphasis)'</p> <p>2.4. The PPG sets out the process for preparing a SEA alongside a NDP at Paragraph: 033 Reference ID: 11-033-20150209, and is illustrated through a flowchart. The flowchart identifies that consultation on the environmental report should be undertaken concurrently with pre- submission publicity and consultation on the draft NDP.</p> <p>2.5. The SEA is a fundamental part of the evidence base underpinning the NDP to establish the environmental effects and consider reasonable alternatives. The current consultation only lasts for a period of 21 days. It is considered that 21 days is not an effective opportunity for public consultees to express their opinion on the relevant documents as is required by the legislation and is contrary to the recommendations of the PPG recommending consultation concurrent to the Reg 14 consultation allowing for a minimum six-week period. The limited timeframe in which the SEA can be considered, prejudices the public's ability to fully consider all matters and respond.</p> <p>2.6. Further to the above requirement for consultation on the SEA, Regulation 14 of The Neighbourhood Planning (General) Regulations 2012 requires that a qualifying body must publicise details of the proposals for a neighbourhood development plan for</p>	<p>an 'effective opportunity' to comment. No specific time frame is set. Had the requirement been to consult through a further Regulation 14 consultation, then the timeframe would be specified as a minimum of 6 weeks. It is considered that 3 weeks is sufficient for this purpose.</p> <p>Undertaking a further SEA is not an essential requirement so this</p>	<p>None</p>
--	--	--	-------------

Desford NP SEA consultation responses November 2019

	<p>no less than six weeks. As noted above, the SEA is a fundamental part of the evidence base underpinning the NDP and therefore is critical for consideration by consultees when making representations on the NDP. As this evidence base was not available when the previous consultation was concluded in January 2019, it is necessary for the NPG to undertake a Regulation 14 consultation prior to submitting the plan to the local planning authority under Regulation 15.</p> <p>2.7. Further to the above, the SEA states in the non-technical summary that:</p> <p>‘A draft NDP, dated May 2019, which will become the version for submission (my emphasis) to the LPA under Regulation 15 of the Neighbourhood Plan Regulations 2012, has been appraised...’</p> <p>2.8. The SEA acknowledges that the submission version of the NDP was prepared in May 2019, after the previous consultation. In light of this, it should be considered that Regulation 14 has not been complied with and a minimum of six-week consultation on the submission version of the plan should be undertaken.</p> <p>3. Consideration of Reasonable Alternatives</p> <p>3.1. This section of the response identifies concerns in relation to the consideration of reasonable alternatives.</p> <p>3.2. Paragraph 2 of Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 requires that when preparing an environmental report:</p> <p>‘(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—</p> <p>(a) implementing the plan or programme; and</p>	<p>comparison is not relevant.</p> <p>The SEA has not proposed any significant amendments therefore the implications of the reports recommendations do not make a significant change to the NP.</p> <p>This is not accepted. The Submission NP will incorporate amendments made following Regulation 14 representations and agreed amendments following this further consultation on the SEA and the draft Plan.</p>	<p>None</p> <p>None</p>
--	---	--	-------------------------

Desford NP SEA consultation responses November 2019

	<p>(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.'</p> <p>3.3. Paragraph 4.3.1 of the SEA seeks to consider the Housing Strategy and whether there are any other reasonable alternatives identifying that with regards to the scale of growth, the target was established using the standard methodology. Whilst the SEA acknowledges that this is the case, there is no evidence to support this. Therefore, the 'preferred' approach is unjustified.</p> <p>3.4. Of concern with the NDP at present is the lack of transparency which has been used to calculate the minimum number of 163 units to be provided between 2016 and 2036. The NDP does not provide detail of how this number has been reached other than stating that it is an indicative figure based on the standard methodology provided by the local planning authority; no evidence of any calculations has been provided. Without detail/justification of the housing need, environmental effects of allocations cannot be justified and the NDP cannot be certain that it will meet the housing requirements for the plan period.</p> <p>3.5. Further to the above, it is not at all clear how the residual figure of 90 additional units has been calculated. Whilst it is acknowledged that 73 net units have been completed since 2016, it is not clear whether these should only be attributed to the need between 2016 and 2036. Of the units completed, a significant proportion of the</p>	<p>The housing target was agreed with the local planning authority therefore this requirement has been met. It is not for the NP to justify the target we are required to meet.</p> <p>There is no requirement on the NP to 'prove' the figure provided to it by the local planning authority. Indeed – offering an alternative target below the HBBC requirement – however justified – would fail the Basic Conditions.</p> <p>The figure is not disputed by the local planning authority and therefore is the</p>	<p>None</p> <p>None</p> <p>None</p>
--	--	---	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>units are from the Bellway development to the west of the settlement. These dwellings were approved to meet the minimum needs of Desford between 2006 and 2026 as set out in the Core Strategy. By attributing the completions to the period between 2016 and 2036, it is unclear if this results in a shortfall of dwellings provided between 2006 and 2016. Any shortfall in dwellings provided between 2006 and 2016 must be carried forward to the housing need between 2016 and 2036. There is concern due to the lack of clarity at present whether the identified housing need is therefore sufficient to meet the needs of the residents of Desford and whether there is a greater residual requirement than that specified.</p> <p>3.6. In addition to the 80 units to be provided on the preferred site, the NDP is reliant on an existing commitment adjoining Kirby Muxloe which is significantly separated from the settlements which comprise the Parish. The housing would not meet the housing requirements of the parish due to the separation and therefore should not be relied upon and further allocations should be made to meet the housing need.</p> <p>3.7. Further to the above, the consultation response from Hinckley and Bosworth Borough Council Planning Policy team for the recent planning application on site ref: AS201 (application ref: 18/01252/OUT), a copy of which can be found at Appendix 1, identified that the draft figure of the NDP was 'heavily caveated as a draft indicative figure' and also that 'the Borough Council have advised the NPG to include reserve sites within the NDP which was not done within the pre-submission version'.</p> <p>3.8. The NDP states that:</p>	<p>figure which must be used in the NP.</p> <p>If there is a later increase in housing need that is unmet by the NP then it will be subject to a review and a revised approach to meeting the new target implemented.</p> <p>The development is within the Parish and therefore counts towards the Parish's housing target.</p> <p>The NP has relied – as it must – on the latest evidence of housing need as supplied by the local planning authority. If in time housing need increases and the NP needs to be reviewed then this will happen.</p>	<p>None</p> <p>None</p> <p>None</p>
--	---	--	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>'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 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>3.9. In light of the above, it is asserted that there is insufficient evidence to justify the approach to residential development and that reasonable alternatives must be considered in order to justify the approach taken, and for the NDP to comply with its legal obligations.</p>	<p>It is a matter for the future change in circumstances and does not impact on the meeting of the Basic Conditions now.</p> <p>Noted</p> <p>This is the best evidence currently available. NPPF para 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 is</p>	<p>None</p> <p>None</p> <p>None</p>
--	--	--	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>3.10. The SEA identifies that there was no need to test a lower delivery of housing as it would not meet the objective of the NDP to support and influence sustainable growth. It also states that there is no specific evidence to support a higher target, and the plan does not seek to limit further growth and therefore it is unnecessary to appraise higher housing targets.</p> <p>3.11. The work undertaken so far by HBBC on their Local Plan Review confirmed the objectively assessed need for Hinckley and Bosworth over the emerging plan period. However, the New Directions for Growth (NDfG) consultation presently undertaken confirms that whilst the OAN for Hinckley and Bosworth alone has been calculated, the scale of any unmet need which may need to be accommodated in the borough and wider Leicestershire area has not been quantified, and the mechanism for apportioning this has yet to be agreed.</p> <p>3.12. The NDfG consultation goes on to note that from the responses to the previous consultation it is apparent that there are concerns over the continued focus of development on the urban area, the ability of the urban area to assimilate additional development, and upon the reliance of the urban areas to deliver the majority of new housing. Therefore, HBBC are revisiting the overarching spatial strategy for the borough, with particular emphasis on exploring potential options for growth away from the existing urban area.</p> <p>3.13. The above is evidence that there is a need consider a higher housing need as a reasonable alternative, contrary to the assertions in the SEA. Further to the most recent evidence identifying increasing housing needs, the local planning authority has suggested that the NPG use reserve sites to manage future growth if a higher housing requirement is applicable as a result of the Local Plan Review.</p>	<p>the figure that HBBC has provided</p> <p>Noted</p> <p>The figure provided in the NP is based on the latest evidence of need. If this changes over time the NP may be reviewed.</p> <p>This ongoing review is noted.</p> <p>The decision about the level of growth to include in the NP is a matter for the Qualifying Body – it is</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
--	---	---	---

Desford NP SEA consultation responses November 2019

	<p>3.14. In light of the above, it is contended that consideration of the allocation of additional housing site, or the allocation of reserve sites would be a reasonable alternative to the preferred approach which has not been explored.</p> <p>3.15. The SEA goes onto state that: 'Several strategic alternatives were considered as part of the SEA process. However, these were ultimately found to be unreasonable.'</p> <p>3.16. The text goes onto identify that consideration was given to development In Botcheston or Land South of Desford for a large site but both of these alternatives were dismissed. It is not clear if these are included in the several strategic alternatives that were unreasonable or if these are purported to be the reasonable alternatives considered but not preferred. However, these do not represent reasonable alternatives as they are fundamentally different strategies to the preferred approach and notwithstanding this, no assessment of them has been made sufficiently to satisfy that reasonable alternatives have been duly considered as required by the legislation.</p> <p>3.17. The SEA states that:</p>	<p>not something that can be determined by a third party and 'over providing' is not an issue that impacts on the Basic Conditions.</p> <p>The Qualifying Body has considered allocating additional housing as part of the evolution of the NP and has clearly determined not to do so.</p> <p>Noted</p> <p>The SEA was undertaken by an experienced body whose approach followed tried and tested practice.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
--	---	--	---

Desford NP SEA consultation responses November 2019

	<p>‘the housing strategy was therefore essentially determined through a comparison of reasonable site options.’</p> <p>3.18. The comparison of reasonable sites was undertaken through Strategic Sustainability Appraisals which do not form part of the Environmental Report. Therefore, it cannot be reasonably considered that the SEA considers any reasonable alternatives, as is required by law.</p> <p>4. Reliance on Strategic Sustainability Appraisals</p> <p>4.1. Whilst it is identified in the above section that the SSAs do not form part of the SEA, it is considered necessary to re-iterate, as per previous consultation responses, that SSAs do not appropriately assess the sustainability of the submitted sites. In this section, our approach is to consider whether the Site Sustainability Assessments accurately reflect whether a site could be developed, and is not necessarily concerned with whether a site should be developed. In considering whether a site could be developed it is important to have regard to the positive benefits and enhancements that a site could offer as well as reviewing the negative effects.</p> <p>4.2. It should be noted that a RAG assessment is a useful part of an evidence base. However, it cannot be relied upon to be determine a suitable allocation as it falls short of a sustainability appraisal in that it inevitably does not fully explore some of the detailed issues when comparing one site to another. Rather, it provides a high-level view.</p> <p>4.3. The use of a RAG methodology provides all criteria with an equal amount of weight. In reality, residents, law and planning policy, attribute a greater level of importance towards some of the criteria than others. An example of this is the great weight that is given to preserving designated heritage assts planning policy and</p>	<p>Noted</p> <p>The SEA considered a number of alternatives as indicated in the report and its conclusions.</p> <p>We disagree with this assessment of the SSA process.</p> <p>The process followed was considerably more detailed than has been followed in many neighbourhood plans and has been robust, comprehensive and transparent.</p> <p>There is inevitably an element of subjectivity, but this has been moderated by the involvement of an independent</p>	<p>None</p> <p>None</p>
--	---	---	-------------------------

Desford NP SEA consultation responses November 2019

	<p>legislation which cannot be considered to have the same level of harm as not adhering to a walking distance to a specific facility in the village for example.</p> <p>4.4. Insofar as the criteria used to assess sites, these are extensive and cover a range of planning and other considerations to be tested through the SSA. However, there is concern that some of the criteria are not appropriate to assess the suitability and deliverability of a site in this instance. Details of these criteria have been iterated in previous representations, a concentrated summary of which can be found at Appendix 2.</p> <p>4.5. The SEA identifies how the preferred site was selected stating ‘ ‘The decision relating to the allocation of the preferred site is based primarily on the outputs from the site assessment exercises. Though some of the discounted sites perform better in respect of certain assessment criteria (for example, several sites are less constrained by the potential for impacts on heritage assets), the Parish Council consider that the chosen site performs better ‘in the round’ (my emphasis).’</p> <p>4.6. There is no evidence in the SEA or NDP to clarify the assessment undertaken by the Parish Council to conclude that the preferred site is the best ‘in the round’ and the use of such language in undertaking sustainability assessments demonstrates the shortcomings of the site selection process.</p> <p>4.7. It is considered that the site selectin process in the NDP is not sufficiently robust to ensure that the most sustainable site is selected and evidenced.</p> <p>5. Meeting Basic Conditions</p>	<p>housing and development professional who has overseen the process. The same process has been followed successfully in a large number of other neighbourhood plans which have been Made.</p> <p>We have received representations from a number of landowners and developers all criticising the process and explaining how if it had been followed accurately, their site would be the most favourable. This demonstrates how hard it is to undertake the process and why the subjectivity that has been applied here is necessary, although we do understand</p>	
--	---	---	--

Desford NP SEA consultation responses November 2019

	<p>5.1. Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are 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.</p> <p>5.2. Having regard to the sections above, there is concern that the NP does not meet, or there is a lack of evidence at present to demonstrate it does meet, basic conditions a, d, e and f.</p> <p>5.3. The NP does not meet condition a by virtue of the inconsistencies with national policy and guidance in relation to the housing need. There is insufficient evidence within the NP and supporting evidence do demonstrate how the housing need has been calculated having regard to the need for the local area between the period of 2016-2036, nor are the dwellings identified that have been completed being taken into account to provide a residual need and whether this creates a shortfall of provision from the previous plan period.</p> <p>5.4. The NP identifies that HBBC provided an indicative figure using the standard method for calculating objectively assessed need as required by paragraph 60 of the NPPF. However, there is no evidence to support this assertion.</p>	<p>why the outcome is disappointing to those landowners and developers whose site has not been selected for allocation.</p> <p>This is agreed.</p> <p>This is not accepted.</p> <p>The housing target has been agreed with the local planning authority. This is the only evidence required to demonstrate compliance with Basic Condition a).</p>	<p>None</p> <p>None</p> <p>None</p>
--	---	--	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>5.5. The NP does not meet condition d by virtue of the site selection process which would not result in the achievement of sustainable development and would prioritize the allocation of a sub- optimal site. Appendix 2 summarising previous representations in relation to the SSAs identify various criteria which could be amended to better reflect and meet the needs of the community.</p> <p>5.6. It is positive that the NPG are pro-actively seeking to plan for the area going-forwards prior to the emergence of the local plan being prepared as part of the local plan review. However, there are significant concerns that the emerging plan will create a differing direction of growth to that at present. The latest consultation undertaken by HBBC, which is currently on-going, seeks to review opportunities for greater dispersal of development towards the rural area. If this direction of growth is adopted it is likely that the NP would be inconsistent with the plan and immediately out-of-date or in the event of a delay in the examination of the NP, would not meet condition e.</p>	<p>This is not agreed. NPs do not have to allocate sites to conform to basic condition e. The SEA report confirms that the Desford NP contributes to sustainable development and the positively prepared policies in the NP reinforce this</p> <p>If the Local Plan review does create a 'different direction of growth' then consideration will be given for a review of the NP. The NP has to meet existing legislative requirements and not second guess future policy direction.</p>	<p>None</p> <p>None</p> <p>None</p>
--	--	--	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>5.7. The NDP does not meet condition f, by virtue of the requirement for a SEA not having been in accordance with the relevant legislation. The consultation on the SEA is insufficient to allow full consideration of the appropriateness of the content and the implications for the NDP. Furthermore, the SEA does not consider any reasonable alternatives to the preferred approach to the housing strategy. That approach is unlawful, and we would welcome the opportunity to explore these matters further at a hearing in the NDP and would hope to assist the examiner with legal submission on the matter; the reason for that is, unless the issues are explored fully and are remedied, the NDP will be exposed to legal challenge when it is made.</p> <p>5.8. In addition to the above, due to the fundamental importance of an SEA as part of the evidence base in supporting the NDP, and the submission version of the NDP not having been drafted until May 2019, it is considered that the NDP has not been subject to a Regulation 14 consultation as required by The Neighbourhood Planning (General) Regulations 2012.</p> <p>6. Concluding Remarks</p> <p>6.1. This submission has been prepared on behalf of Glenalmond Developments Ltd in response to the consultation on the Strategic Environmental Assessment (SEA) and Draft Neighbourhood Development Plan (NDP).</p>	<p>The SEA meets legislative requirements as explained above.</p> <p>The SEA itself has been prepared according to relevant legislation – any requirement to increase the level of housing allocations would have been resisted by the Qualifying Body in any event as previously stated, so a recommendation along these lines would not have been followed and would not be required to be followed as residential allocations are a right not a statutory requirement.</p> <p>All submission NPs are submitted after</p>	<p>None</p> <p>None</p>
--	--	---	-------------------------

Desford NP SEA consultation responses November 2019

	<p>6.2. The comments set out comprise observations in relation to the content and assessment made in the SEA, the draft NDP and re-iterate concerns raised in the previous representations. Having regard to the sections above, there is concern that the NP does not meet, or there is a lack of evidence at present to demonstrate it does meet, basic conditions a, d, e and f, and is unlawful.</p> <p>6.3. It is concluded that at present the NDP should not progress to a Regulation 15 submission without further work and a Regulation 14 consultation.</p>	<p>Regulation 14, as is the case here.</p> <p>Noted</p>	<p>None</p>
Coal Authority	<p>Thank you for the notification of the 3 November 2019 consulting The Coal Authority on the above NDP.</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>I can confirm that we have no specific comments to make on the Strategic Environmental Assessment Report.</p>	<p>Noted</p>	<p>None</p>
Severn Trent	<p>Thank you for the opportunity to comment on your consultation. The Strategic Environmental Assessment (SEA) for Desford Neighbourhood Plan identifies that:</p> <ul style="list-style-type: none"> • Land, Soil and Water resources – Water Quality, Land and Soil • Land, Soil and Water resources – Waste and Recycling are both scoped out of the SEA therefore we do not have any specific comment to make regarding the SEA. <p>Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.</p> <p>For your information we have set out some general guidelines that may be useful to you.</p>	<p>Noted</p>	<p>None</p>

Desford NP SEA consultation responses November 2019

	<p>Position Statement</p> <p>As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.</p> <p>Sewage Strategy</p> <p>Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.</p> <p>Surface Water and Sewer Flooding</p> <p>We expect surface water to be managed in line with the Government's Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer.</p>		
--	--	--	--

Desford NP SEA consultation responses November 2019

	<p>We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.</p> <p>To encourage developers to consider sustainable drainage, Severn Trent currently offer a 100% discount on the sewerage infrastructure charge if there is no surface water connection and a 75% discount if there is a surface water connection via a sustainable drainage system. More details can be found on our website https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/</p> <p>Water Quality</p> <p>Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that water quality of supplies are not impacted by our or others operations. The Environment Agency's Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.</p> <p>Water Supply</p> <p>When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.</p> <p>We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.</p> <p>Water Efficiency</p>		
--	---	--	--

Desford NP SEA consultation responses November 2019

	<p>Part G of Building Regulations specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.</p> <p>We recommend that in all cases you consider:</p> <ul style="list-style-type: none"> • Single flush siphon toilet cistern and those with a flush volume of 4 litres. • Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute. • Hand wash basin taps with low flow rates of 4 litres or less. • Water butts for external use in properties with gardens. <p>To further encourage developers to act sustainably Severn Trent currently offer a 100% discount on the clean water infrastructure charge if properties are built so consumption per person is 110 litres per person per day or less. More details can be found on our website https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/</p> <p>We would encourage you to impose the expectation on developers that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day.</p> <p>We hope this information has been useful to you and we look forward in hearing from you in the near future.</p>		
Pegasus Group Reg 14 comments	<p>1. INTRODUCTION</p> <p>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 Regulation 14 Version 2 consultation¹. This representation is made</p>	Noted	None

Desford NP SEA consultation responses November 2019

	<p>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 for up to 120 homes.</p> <p>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 processes as a result of the first Regulation 14 consultation.</p> <p>Davidsons made representations in respect of the NDP in relation to the initial Regulation 14 (Pre-Submission) stage, and again to the supplementary consultation and this representation should be read in conjunction with the previous responses, the comments for which still apply.</p> <p>As will be detailed further on in these representations, Davidsons were not initially aware that the Neighbourhood Plan is again currently being consulted on, as the invitation to respond to the consultation only referenced the Strategic Environmental Assessment (SEA). Separate representations have been made in this regard. These representations relate specifically to the Neighbourhood Plan itself. Both sets of representations should, however, be read together.</p> <p>Before comments on the latest iteration of the Neighbourhood Plan itself are made, it is important that the background is understood in terms of how this site has been considered so far through the NDP process.</p> <p>1 This is actually published on the Parish Council's Website as the Desford Neighbourhood Plan 2018-2036 Submission Version, May 2019. On behalf of Davidsons, Pegasus Group queried the current status of the Neighbourhood Plan with</p>	<p>Noted</p> <p>Noted. We refer you to responses to the Regulation 14 comments.</p> <p>Noted</p> <p>Noted</p> <p>The NP had been amended following Regulation 14</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>Change to be made as indicated.</p>
--	---	--	--

Desford NP SEA consultation responses November 2019

	<p>the Borough Council, who confirmed it was being consulted on under Regulation 14 (to accompany the SEA consultation), but as it was another iteration of a plan that had previously been consulted on under this Regulation, it should be referred to as a Regulation 14 (2) consultation.</p> <p>2. BACKGROUND</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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’.</p> <p>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</p>	<p>consultation in readiness for submission to HBBC. We are happy for this pre-submission draft to be referred to as such.</p> <p>Noted. The housing requirement is based on the best current evidence of need.</p> <p>Noted. The revised site with the larger boundary was duly assessed.</p>	<p>None</p> <p>None</p>
--	--	--	-------------------------

Desford NP SEA consultation responses November 2019

	<p>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.</p> <p>Since the supplementary consultation, further correspondence has been received from Desford Parish Council dated 20th October 2019. Appended to the letter is a revised site assessment scoring, which has correctly taken both sites AS210 and AS211 together (referencing them as 'Desford Site 4'). The letter advises that the site has been dismissed.</p> <p>Again, however, it appears that earlier comments and concerns with the process have, overall, not been taken on board. The assessment shows serious inconsistencies and in many cases the site has been downgraded from earlier scorings when assessed against certain criteria. Appendix 2 contains a table which shows how inconsistently and unfairly the process has been applied at each stage: the final column contains commentary from Davidsons setting out the inconsistencies, illustrates where 'new' criteria have been introduced resulting in the site being downgraded, and providing a revised scoring.</p> <p>It is not possible to compare the revised scorings with the process applied to other sites as this information does not appear to be publicly available. The process is therefore not clear or transparent: a point which has been raised by Davidsons previously.</p> <p>This background is important as it provides the context within which the latest iteration of the Neighbourhood Plan and accompanying SEA has been prepared. The process should be iterative and based on clear and accurate information.</p> <p>Lack of transparency and clarity has been a recurrent theme throughout the preparation of the plan. It was only as a result of a chance conversation with the planning policy team at Hinckley and Bosworth Borough Council on 15th November</p>	<p>All comments were considered, but not necessarily agreed with.</p> <p>We are aware of concerns raised by landowners and developers in relation to their sites that they believe should be allocated in preference to the preferred site that is in the NP.</p> <p>The community, with independent professional support, has undertaken the</p>	<p>None</p>
--	--	---	-------------

Desford NP SEA consultation responses November 2019

	<p>2019 that it became clear that the Neighbourhood Plan was being consulted on at the same time as the SEA (hence these representations). 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 have 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 in the next section.</p> <p>3. THE NEIGHBOURHOOD PLAN REGULATION 14 (2) CONSULTATION</p> <p>Firstly, the consultation deadline is 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 weeks. This is not an adequate period of time to enable meaningful response from a wide range of interested parties.</p> <p>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.</p>	<p>process in good faith and this has resulted in an allocation that meets the housing requirements as agreed by HBBC and is favoured by the community.</p> <p>4 – 23 November is three working weeks SEA legislation does not specify a timescale and three weeks was considered appropriate given the minor comments made in the SEA report. HBBC suggested the timescale as an option.</p> <p>Noted – but this is not a further Regulation 14 consultation. It is a consultation on the SEA where all relevant</p>	<p>None</p> <p>None</p>
--	---	--	-------------------------

Desford NP SEA consultation responses November 2019

	<p>Furthermore, as set out in paragraph 2.10 of these representations, it was not at all clear that the Neighbourhood Plan was out for consultation alongside the SEA. This is unacceptable.</p> <p>Housing Need and Provision</p> <p>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.</p> <p>The report 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) it is not clear how the indicative figure of 163 units has been derived. This figure was in the previous iteration of the Neighbourhood Plan and has not been updated to take account of the fact that since the last version of the plan, the Standard Methodology has been introduced, along with an updated National Planning Policy Framework (NPPF).</p> <p>For context, the Borough Council is currently reviewing its Local Plan, with a Draft Local Plan anticipated to be produced early 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.</p>	<p>documents are also available.</p> <p>This is not accepted. Full information was provided.</p> <p>Noted</p> <p>The housing target has been proposed by HBBC. The NP is required to use this number in its Plan.</p> <p>The key word is review – the NP is best on the latest available evidence of current need Which is what it has done.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
--	---	---	---

Desford NP SEA consultation responses November 2019

	<p>Housing Allocation (Policy H2)</p> <p>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.</p> <p>Notwithstanding this however, this does not mean that the Neighbourhood Plan should not be considering further allocations to meet its own local needs and to assist with delivering a supply of sites for the Borough as a whole. Land at Ashfield Farm is being promoted as a sustainable and deliverable site, and it is submitted that it should be fairly and transparently considered through this process, using accurate information. Commentary on this, as highlighted earlier, is set out in Appendix 2.</p> <p>Affordable housing (Policy H3)</p>	<p>include this statement in each policy. If, on review, further housing is required it seems apparent that this will necessitate a review of the settlement boundary.</p> <p>The NP has considered further allocations in determining its allocation policy. It has decided that the level of housing provided is appropriate.</p> <p>Each site has been considered. The NP has included the site it prefers and is not required to allocate further sites.</p>	<p>None</p> <p>None</p>
--	---	--	-------------------------

Desford NP SEA consultation responses November 2019

	<p>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, such a document has 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.</p> <p>Housing mix (Policy H4)</p> <p>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).</p> <p>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 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.</p> <p>Windfall Site Development (Policy H5)</p>	<p>The policy meets current need so there is no need for any further affordable housing report.</p> <p>Until such a report is produced, the existing situation will apply.</p> <p>Noted. The policy requires development to meet a locally identified need.</p> <p>This is an important consideration and we do not feel the need to alter the wording of the policy to allow smaller builders to build larger dwellings against the needs of the local community.</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
--	--	--	---

Desford NP SEA consultation responses November 2019

	<p>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.</p> <p>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. Furthermore, 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’.</p> <p>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.</p>	<p>Noted.</p> <p>Noted – however national policy allows windfall provision to be counted within housing requirements. If the housing target increases in time, the NP will be reviewed.</p> <p>We disagree that this is an appropriate approach and prefer to undertake an allocation which, with windfall, exceeds the minimum requirement followed by a review of the NP over time if required.</p>	<p>None</p> <p>None</p> <p>None</p>
--	---	---	-------------------------------------

Desford NP SEA consultation responses November 2019

	<p>4. CONCLUSIONS</p> <p>The Neighbourhood Plan has not been based upon an objective nor fair assessment of sites when considering the site allocations.</p> <p>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.</p> <p>The consultation period has been wholly inadequate, and not in compliance with Regulation 14 (iv) of the Neighbourhood Planning General Regulations 2012 (as amended).</p> <p>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.</p> <p>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.</p>	<p>We note these objections but disagree with them for the reasons stated above.</p>	<p>None</p>
<p>Leicestershire County Council</p>	<p>The Monitoring measures do not include Net Gain for Biodiversity-new development could have significant positive impact and therefore should be mentioned within the monitors alongside the landscape measures.</p> <p>The plan identifies the presence of a Local Wildlife Site, however within the mapping the document does not recognise the remaining ridge & furrow fields around the village that provide semi-natural grassland. Those fields remaining could be added to the 40 Locally Designated Assets. The description of a local wildlife sites is not given in the glossary. The Landscape Sensitivity Study and Green Infrastructure Study for Leicester & Leicestershire 2017 is not in the documents list of strategies. This document lists a number of opportunities. Soar River Corridor Restoration is a benefit</p>	<p>Noted. The NP policy ENV 3 supports enhancements to biodiversity. The R&F fields are mapped in figure 10 in the NP and are recognised as non-designated heritage assets there.</p>	

Desford NP SEA consultation responses November 2019

	<p>to water, biodiversity, landscape, and heritage. The project describes a requirement to reinstate grazing marsh and fens along the floodplain of Soar tributaries. The Soar tributaries could provide habitat connectivity to expand the size of habitat around Botcheston Bog. The document fails to address good design in development and guidance relating to this. Good design for Biodiversity could support the improvement of habitat permeability for species. Good design in development would also support biodiversity net gain and improve connectivity for example supporting linking grassland species from candidate wildlife site road verges and the Local Wildlife Site.</p>	<p>This study can be referenced in the text.</p> <p>Policy H6 in the NP addresses this, including the following:</p> <p>d) Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible;</p> <p>e) Where possible, enclosure of plots should be of native hedging, wooden fencing, or brick/stone wall with ground-level gaps that maintain connectivity of habitat for hedgehogs;</p> <p>f) Development should incorporate sustainable design and construction techniques to meet</p>	
--	--	---	--

Desford NP SEA consultation responses November 2019

		<p>high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, such as high levels of thermal efficiency, water butts, photovoltaic cells and ground heat source pumps as appropriate; ensuring running costs are manageable;</p> <p>g) Security lighting should be operated by intruder switching, not on constantly. Maximum light spillage onto bat foraging corridors should be 1 lux;</p> <p>h) Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to</p>	
--	--	---	--

Desford NP SEA consultation responses November 2019

		flooding and climate change; ensure appropriate provision for the storage of waste, recyclable materials and rain water for use in gardens. The Drainage Hierarchy (Planning Practice Guidance Paragraph 80) should be applied to ensure that where possible, surface water is directed towards infiltration or watercourses before considering the use of the sewerage system;	
Natural England	<p>Thank you for your consultation on the above document dated 03 November 2019 which was received by Natural England on 05 November 2019</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 has considered 'Strategic Environmental Assessment for the Desford Neighbourhood Plan – Environmental Report – October 2019'.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>None</p> <p>None</p> <p>None</p>

Desford NP SEA consultation responses November 2019

	<p>We consider the report to be a good examination of the environmental issues and notes the commitment to the important concepts of sustainable development, net biodiversity gain and the provision of green infrastructure.</p> <p>Natural England has no specific comments to make, however we note that the draft Neighbourhood Plan puts forward an additional housing allocation to the Hinkley and Bosworth Local Plan, and that this has been granted outline planning permission.</p> <p>We would ask you to note that an assessment of potential impact on Botcheston Bog Site of Special Scientific Interest (SSSI) will be required for all housing applications of over 50 units in rural residential areas, and of 100 and over units in residential areas. This is because Desford falls within the Botcheston Bog SSSI Impact Risk Zone. Impact Risk Zones are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to protected sites, (including SSSIs) They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.</p> <p>Natural England would like to advise you that we formed part of a partnership that has produced a planning toolkit aimed at supporting neighbourhood planning groups developing neighbourhood plans which shape development and land use change in their community.</p> <p>The guide includes: opportunities to enhance the environment and how this can be achieved in plan-making; important issues to consider, including legislative requirements; where to find out more; good practice and real life examples and a checklist to use when developing a Neighbourhood Plan. The 'Neighbourhood Planning for the Environment' toolkit is available here.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p>	<p>Noted. HBBC will ensure that this requirement is followed.</p>	<p>None</p>
--	--	---	-------------

Desford NP SEA consultation responses November 2019

<p>Historic England</p>	<p>Thank you for consulting Historic England about your Neighbourhood Plan.</p> <p>The area covered by your Neighbourhood Plan includes a number of important designated heritage assets. In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.</p> <p>If you have not already done so, we would recommend that you speak to the planning and conservation team at your local planning authority together with the staff at the county council archaeological advisory service who look after the Historic Environment Record. They should be able to provide details of the designated heritage assets in the area together with locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (www.heritagegateway.org.uk <http://www.heritagegateway.org.uk>). It may also be useful to involve local voluntary groups such as the local Civic Society or local historic groups in the production of your Neighbourhood Plan.</p> <p>Historic England has produced advice which your community might find helpful in helping to identify what it is about your area which makes it distinctive and how you might go about ensuring that the character of the area is retained. These can be found at:-</p> <p><https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/></p> <p>You may also find the advice in “Planning for the Environment at the Neighbourhood Level” useful. This has been produced by Historic England, Natural England, the Environment Agency and the Forestry Commission. As well as giving ideas on how you</p>	<p>Noted</p>	<p>None</p>

Desford NP SEA consultation responses November 2019

	<p>might improve your local environment, it also contains some useful further sources of information. This can be downloaded from:</p> <p><http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf></p> <p>If you envisage including new housing allocations in your plan, we refer you to our published advice available on our website, "Housing Allocations in Local Plans" as this relates equally to neighbourhood planning. This can be found at <https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf/></p> <p>If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.</p>		
--	--	--	--