



## **DESFORD PARISH NEIGHBOURHOOD PLAN**

### **RESPONSES TO REPRESENTATIONS RECEIVED FROM HINCKLEY AND BOSWORTH BOROUGH COUNCIL (THE LOCAL PLANNING AUTHORITY) TO A CONSULTATION UNDER THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004.B**

**1** This document responds to a letter dated 22 November 2019 from the LPA to DPC, with its accompanying document "Response to the DNP consultation November 2019 and its appendices 1,2,3 and 4. Appendices 2,3 and 4, plus the letter and representations are attached to the Statement of Consultation, but Appendix 1 is not, for reasons of economy, as the responses to the previous Reg. 14 consultation are separately summarised and responded to earlier.

**2** The consultations described in the Consultation Statement were carried out in a progressive and orderly manner. The Awareness Raising exercises and the questionnaire etc. guided the first draft of the DPNP, which was put out for consultation under Regulation 14 of the 2012 Regulations, with a supplementary consultation relating to late requests for site assessments. A very significant response was generated. DPC assessed all responses, including those from HBBC, and either noted them, did not agree with them or amended the draft plan as listed.

**3** During the Reg. 14 process, a screening report from the Rural Community Council (Leicestershire and Rutland) identified that an SEA was required, because a site allocated for housing lay within the statutory distance of an SSSI, namely Botcheston Bog. DPC's technical advisers scoped in a full SEA, not limited to the statutory aspects. The SEA was carried out. As the Reg 14 consultation had been fully and properly carried out and in the ordinary course of events the plan would not have been subject to any further consultation pre-submission, DPC considered the contents of the SEA report to determine what steps and what timescale it considered appropriate for consultation on the "relevant documents", i.e. the most up-to date version of the emerging DPNP and the SEA report as required by the 2004 Regs., there being no statutory requirement for repeating the Regulation 14 process. It is acknowledged that ideally the 2004 and 2012 processes would have more efficiently been carried out alongside each other, but as the SEA requirement was only discovered during the Reg 14 process, that was not considered practicable. Also, DPC was aware that a further consultation would soon be put in hand on all the issues under Regulation 16 (2012) after submission. The SEA consultation took place in advance of Submission, as required by the legislation, and comments made were taken into account prior to Regulation 15.

**4** In determining what steps and timescale were appropriate under the 2004 Regs, DPC took into account the positions that (1) the latest version of the DPNWP

was only changed in form rather than substance and (2) the SEA was supportive of the plan and recommended some changes to improve it (which were to be recommended to DPC for adoption), and determined that a 3-week consultation timescale would be appropriate. The steps to be taken were to notify statutory consultees, including the local government consultees, all who owned or were agents for sites assessed for housing development and a range of others interested. Public notices were posted on parish notice boards and notice was given on the DPC website and links placed on the DPNP site, Desford Vision. The list of responses to this consultation, other than from HBBC, have been previously listed with comment and suggested action

**5** There were discussions with HBBC, who wanted a full re-run of the Reg 14 (2012) process, but DPC, for the reasons set out above, did not agree with that view and proceeded with the statutorily required exercise under the 2004 Regs, with the undertaking that all previous representations would be considered again before DPC proceeded to the Submission version, as they were by the DPNP Working Group, before the plan was presented to Council on 18 December 2019 for adoption as the version to be submitted to the LPA. This sets the background for the DPC responses to HBBC's representations.

**6** Thus, DPC submits that all statutory requirements for consultation were fully complied with, after the discretionary awareness raising and opinion seeking processes were completed. A wealth of material was presented in the responses and competently analysed and dealt with by DPC with advice from their consultants, YourLocale.

**7** Further background is appropriate on the Housing issues and how discussions, consultations and advice from the LPA were dealt with by DPC in forming the various versions of the plan.

**8** When work on the DPNP started in 2016, the Local Plan was quite clear that no further allocations for housing were required in Desford up to 2026. However, it soon became apparent that there was a need for more housing to be considered in advance of the review of the Local Plan. DPC asked for and were given by HBBC an indicative figure for housing need in Desford, from 2016 up to 2036, of 163 units, less completions or credited of 70 units, leaving a net target of 93 dwellings to be provided for during the whole plan period. DPC were always aware that more than that "target" number of approvals would be required to give robustness to the practicability of achieving at least the 93 further units on the ground by 2036.

**9** It is not normally appropriate for a Neighbourhood Plan Authority to insert different indicative numbers in a NP. DPC, for example, is simply not resourced to research and justify a different figure. Particularly as DPC were informed that, to ensure consistency across the Borough, the Desford figures had been calculated using the government's own issued standard methodology. That figure was caveated, rightly, by HBBC so that it would need to be altered if the standard methodology was changed, or housing need was found by the LPA to have changed. It was always acknowledged in the DPNP that any changes adopted during the Local Plan review would require DPC to respond. However, no such changes have been notified to DPC by HBBC, and therefore, to remain in line with strategic guidance, DPC has retained that indicative figure and treated it as a minimum target.

**10** Clearly the position has been affected by HBBC ceasing to have a 5 year land supply: again this is a strategic issue on which the strategic authority (HBBC) must lead and the NP authority must respond and follow. No guidance has been given to DPC on how to respond to the 5 year land supply issue in writing the DPNP, and thus the indicative figure has been maintained.

**11** In mid December 2019, HBBC informed DPC that there was no adopted strategy document for making up the 5 year shortfall of 407 dwellings across the whole Borough: all applications conforming to the latest NPPF guidance would be approved until the shortfall was met. Again, no variation to the indicative housing need figure was suggested.

**12** Before the land supply change, DPNP already contained an allocation for 80 units up front, without waiting until 2026, and thus well above the Local Plan requirement as it stood then, (this site now has outline approval and is being progressed by a significant housebuilder). In addition, opportunity sites would occur during the period 2018 to 2036. No specific claim for a figure was made, as DPC does not have the resources to provide one. Past data suggests about 5 per annum, but the DPNP position is that is unrealistic to assert that none will take place. That has been proved correct, with 18 dwellings having been granted planning consent already. That gave a total of 98 units approved and ready for implementation, with more opportunity sites expected up to 2036.

**13** However, the land supply position has resulted already in a permission for 80 more units being granted at a site adjoining the existing settlement boundary at the south east of the village. Again, no guidance has been issued on how the plan might reflect this. Accordingly, the DPNP proposes to amend the settlement boundary for Desford Village to accommodate these 2 changes. Further changes will have to be made if any further sites are allocated either by HBBC or on appeal. Those matters are wholly out of the control of DPC as an NP authority.

**14** DPC, outside the NP process, is discussing with HBBC the impact of further possible permissions just outside the amended settlement boundary, and if such are granted (possibly a further 180 dwellings) the plan and settlement boundary will have to be adjusted accordingly before the DPNP is made.

**15** To put matters in context, Desford Parish has a mid 2018 estimated population of 4228 and an area of 13.8 square kilometres. HBBC has a mid 2018 estimated population of 112,430 and an area of 297 square kilometres. The 160 units now allocated in the plan comprise approximately 40 % of the total shortfall of 407 units. If the further 240 mentioned above are approved, that will virtually eliminate the shortfall. Thus, a parish with approximately 4.6% of the Borough's population and 4% of its surface area is already being asked to provide what DPC believes is an unfair and excessive proportion of the shortfall and the position and effect on village life will become severe. Again, those are not NP matters: DPC believes that any further releases should be considered holistically as part of the Local Plan review now in hand. Until then, the DPNP can only continue with the indicative "target" and will have to be reactive to any changes imposed by the planning application or appeal processes.

**16** This background explains and underpins much of the DPC responses to the detailed representations of HBBC

Policy	HBBC Comment Summarised	Action
H1	Relates to a suggestion from the SEA report and seeks consistency of wording to ensure effectiveness of policy on recreational development outside the settlement boundary.	As the plan refers to compliance with “local and national policies”, no change is considered necessary.  H1 was amended in line with the SEA recommendations
H2	Seeks amendments to the requirements attaching to the allocated site at Barns Way, Desford	As this site now has planning approval, these issues will be or have been dealt with by way of appropriate conditions/agreements. A similar position applies to the site east of Peckleton Lane, Desford. No action is suggested at this stage, but changes will be agreed with HBBC after submission to deal with the actual positions of both sites and any others approved before examination.  Reference to „full planning stage“ was removed as per SEA recommendation. Reference to „all other policies apply“ has been added to the narrative but not the policy as Examiners have removed such references from other Plans.
Consider provision of policy to encourage renewable energy infrastructure.	Queries wording re difficulty of foreseeing sites coming forward in Desford and seeks policy supporting any that do, subject to appropriate other planning policies.	The statement was made following consideration of all open sites in the parish and is stood by. Policy ENV 7 gives full support to appropriate applications and community action ENV 3 commits DPC to work constructively with others outside the NP process to deliver various improvements and reflects DPC’s commitment to positive change and action. No change is suggested at this stage.
H5	Seeks clarification and amendments relating to policy on windfall sites	DPC’s position is set out in the statement to which this table is attached. At neighbourhood plan level, now, 160 dwellings are allocated as against the indicative

		<p>figure of 93. All are being actively progressed now. Thus, there is no need to rely on windfall/opportunity sites and the existing wording sets out a suitable policy for dealing with any that arise.</p> <p>Likely levels of windfall development is referenced on pages 14 and 23 of the Submission NP</p>
ENV 5, table at P40	There is lack of clarity over extent of policy on designated and non-designated local heritage assets	<p>The existing wording is still preferred for neighbourhood plan purposes, and complements HBBC policies etc in their landscape quality review with local reinforcement. DPC would be happy to agree proposed amendments with HBBC, both in respect of the table and the views, if this suggestion is pursued after submission</p> <p>The words heritage asset have been incorporated into Policy ENV 5</p>
ENV 6	Lack of clarity about symbols and extent of views	<p>DPC responded to this view when submitted in response to Reg 14 consultation, and stands by that view. However, if HBBC pursues this post submission, DPC would be happy to discuss an agreed change.</p> <p>The changes in wording to the policy as recommended through the SEA report have been implemented.</p>
P42, ENV 7, p43	Comments re clarity and appropriateness of wording and optimum location of policy	<p>Responded to in response to Reg 14 representation, and DPC maintains its view that no change is required.</p> <p>Examiners have removed policies that say „all other policies apply“ as this is self evident. Reference is made in the narrative for clarity.</p>
ENV 3	Comments on proposal for community action and	Noted

	monitoring	
E2	Include brownfield land in this policy.	Change has been made to include those “sited in existing buildings or on areas of previously developed land”.
GENERAL COMMENTS		These have mainly been dealt with in the statement to which this table is attached. DPC has undertaken extremely wide consultation and carefully considered all responses. The plan now submitted fulfils the basic conditions and provides for local support and implementation of European, National, and Local Plan policies. In the strategic area of housing supply, it provides for almost double the HBBC indicative figure by new, up front allocations which are being progressed and whose conditions and social housing requirements will be determined by HBBC, and not by the Neighbourhood Plan. It is a sound Neighbourhood Plan which gives effect to Local Plan policies in the particular local context of Desford Parish. As mentioned, if HBBC still wish to pursue issues after submission, DPC will work constructively to agree solutions.