

Swinford Parish Council

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Matthew Bills
Neighbourhood and Green Spaces Officer
Harborough District Council
The Symington Building
Adam and Eve Street
Market Harborough
Leicestershire
LE16 7AG

12th January 2018

Dear Mr Bills,

On behalf of Swinford Parish Council please find below the responses of the Parish Council to comments received by Harborough District Council as part of the Regulation 16 Consultation on the Submission Version of the Swinford Neighbourhood Plan.

Please note that the comments received are in bold black type and the responses of the Parish Council are in bold red type. Some text has been redacted as the Parish Council views the content as potentially defamatory.

Comments Submitted by Resident 2, also submitted by: Resident 3 (slightly amended), Resident 4, Resident 5.

Apart from specific comments on the content of the N.P (which I shall submit separately). I do not think that the process has complied with Government advice with particular regard to community engagement, consultation, and openness. I refer in particular to the advice given in Locality's N.P. Roadmap Guide, para. 1 pp 7, paras. 5 and 6 pp 8, Sections on Community and Stakeholder Engagement, pp 27 28-30, and, in particular, the statement at the top of pp 34

The Parish Council have complied with the guidance given by the Government and by their own consultants (YourLocale) at every stage of the process. Full details of the consultation and engagement process can be found in the submission version of the Neighbourhood Plan on the Parish Council website (www.swinfordparishcouncil.gov.uk).

My principle concerns are that:-

- 1. In early 2015 the Parish Council (PC) set up a working party, (later called the NP Advisory Committee) to prepare a draft NP on it's behalf. The Terms of Reference approved in January 2016 stated that NPAC meetings were to be held at least every two months (see**

para 4a) and were to be open to the public. (see para 4h). On 13th April 2017 the NPAC met and discussed the options for resolving the errors in the housing section of the first Reg 14 draft of the NP. The next recorded meeting of the NPAC was at 7pm on 12th September 2017 when it resolved to recommend the PC approve a revised NP for submission to HDC. At its meeting at 7.30 on the same evening the PC resolved to submit the revised version of the NP to HDC (Minute 17-153). There were no recorded meetings of the NPAC between April and September 2017. This was contrary to the NPA Terms of Reference.

- The Terms of Reference (ToR) (available on the Parish Council website) for the Neighbourhood Planning Advisory Committee (NPAC) do not require that all meetings are open to the public. In order to keep down costs many of the working meetings held during this period (April to September 2017) were held in private homes.
 - In order to deal with the significant volume of work arising from the responses to the first and second Regulation 14 consultations NPAC formed three working groups. These groups focused individually on Housing, Environmental Matters and Facilities & Amenities and met on approximately twenty separate dates between April and September 2017 (see Parish Council meetings calendar on the Parish Council website).
 - As an example, members of the Housing Sub Group met on numerous occasions during this period with landowners, their agents, the Parish Council's consultants and as a working group.
 - NPAC met as a full group for working meetings on June 1st and August 3rd 2017 to review progress and to collate the work done to date.
 - The Parish Council and NPAC had agreed to operate with a degree of flexibility because they were focussed on the task in hand (namely responding properly and appropriately to the responses that had been submitted).
 - The use of the term 'errors' with regard to changes made to site assessments is misleading. A number of changes were made to site assessments to reflect additional information provided by the community, and to ensure consistency between site assessments. This latter point was all the more important because of two sites added into the process at a very late stage - this meant that consistency checks had to be carried out several times over.
 - To the Parish Council's knowledge there was only one clear error, which was the size of Site 4 as published by Harborough District Council in the SHLAA. The Parish Council and their consultants wrongly assumed that the measurements in the SHLAA were correct.
2. A presentation of the revised housing section of the NP was held on 2nd June 2017. As there had not been a meeting of the NPAC since April this had clearly not been formulated or agreed by the NPAC and was outside the public domain, contrary to the NPAC Terms of Reference. Who authorised the work, who wrote the revisions and who agreed the presentation and its format?

- The revised housing section and the presentation detail was the work of the NPAC Housing Sub Group.
 - A draft of the proposed presentation was shared with NPAC members for comment. It was agreed / approved by NPAC and the Parish Council at a meeting on June 1st 2017 (final version on Parish Council website).
 - As previously noted the NPAC ToR do not require either its meetings or those of its sub groups to be held in public.
 - It was entirely clear from the presentation that this was a presentation / update from the housing sub- group. Questions and comments were invited from those attending.
3. Unfortunately the Housing presentation was just that. Parishioners were shown a slide of potential housing sites and told that three had been chosen to meet the housing allocation for Swinford (presumably by whoever had designed the presentation) The choice, seemingly, was based primarily on the scores in the Site Sustainability Analysis done by Your locale. At, and following the presentation there was no formal consultation process and villagers were not given a range of options or sites about which they could express a preference prior to the housing allocations being finalised. The villagers previous comments and preferences appeared to be given little weight.
- The presentation (see Parish Council website for detail) clearly refers to comments made by the community on the first draft of the plan (the sizing of site 4, the target of 48 houses and where it was from, the desire to avoid big sites, the lack of a s106 policy, etc). These were all commented on and explanations were given if the revised proposal could not accommodate all the suggestions made.
 - ALL comments made by villagers were individually reviewed and given appropriate weight. Residents were invited to comment on the revised proposals either on the night or separately after the event
 - At this meeting, it was explained there would be a second Regulation 14 consultation because of the changes made. The second Regulation 14 consultation ran from July 14th 2017 to August 25th 2017 and was specifically to enable parishioners to comment on the revisions.
 - The sites were broadly similar and in similar locations to those consulted on in the initial stages of the Neighbourhood Plan. They were consulted on in the initial questionnaire and in the consultation events held on Feb 11th 2015 and on April 14th 2016.
 - The sites were chosen on the basis of a full range of data including the Site Sustainability Assessments, data from the questionnaire responses, data from consultation responses, Harborough District Council Strategic Housing Land Availability Assessments (SHLAA) and Harborough District Council Settlement Profile etc etc. This background information is all on the Parish Council website.
4. At the meeting on 11th July the PC approved a revised version of the NP with an updated housing section, essentially the proposals put forward at the presentation on 2nd June, and also agreed that this be the subject of a second Reg 14 consultation. There had been no NPAC meetings since April so this revised version of the NP could not have been considered or produced by the NPAC. Surely this is contrary to the NPAC T. of R. If the

revised draft NP had not been produced and recommended by the NPAC to the PC then who wrote it and with what authority?

- **As already noted there were numerous meetings of NPAC and its sub groups during this period. The revised Neighbourhood Plan was a joint effort from all members of NPAC and was thoroughly debated.**
5. Appendices Qii, Rii, Riv, of the submission version of the NP are all titled "NPAC response". This is misleading as none of the correspondence was considered by the NPAC which had not met since April.
 - **See above**
 6. As a consequence of discovering the mistake in the size of the Lutterworth Rd. site during the first reg 14 consultation in Feb/March 2017, 61 residents signed a petition (unnumbered Appendix to NP submission to HOC) expressing genuine concern about a number of issues. This petition was addressed to the NPAC but was not submitted to or considered by the NPAC. Sadly, instead, the initial responses by the Chairperson of the NPAC was to demand to know who had penned the letter and to criticise the first signatory on social media. In June a full response was circulated to petitioners. As the original petition had not been submitted to or considered by the NPAC, as requested, the response was clearly not from the NPAC and presumably does not represent it's views. Whoever wrote the response appeared to be unwilling to concede that any of the villager's concerns had any merit and much of the response is, in my view disingenuous. I will make just four observations, A. None of HDC's 9 Options allocated 48 dwellings to Swinford, B. None of the remaining 4 Options allocated 48 dwellings to Swinford (the favoured option allocated 36), C. The petition was based on information obtained in the 3 weeks prior to it's submission, not from 2015. D. How are the public supposed to make rational comments on the Draft NP if it's policies are based on confidential information obtained from HOC and which is not in the public domain?
 - **The letter which was signed by 61 residents was discussed by NPAC and by the Parish Council (Parish Council minutes are on the website).**
 - **The letter contained a number of factual inaccuracies and mis-representations all of which were fully addressed in the NPAC's agreed response which is also on the website.**
 - **NPAC members were concerned to discover who had written the this was felt to be highly relevant to any response. It was important to understand how such misunderstandings had occurred, but the author(s) declined to identify themselves.**
 - **NPAC received information via its consultant that the latest target being considered by Harborough District Council was 48.**
 - **NPAC agreed that the correct course of action was to use this information rather than publicly available information which was two years out of date. Using an incorrect target figure would have been counter-productive.**
 7. The notification of the PC meeting arranged for Tues.12th September was posted on Thur. 7th September. At that time the PC Standing Orders (Paras. 3 b and c) required three clear days notice of meetings, excluding Saturday. The notice of the meeting did not give three clear days and so the PC had not complied with it's S.O.'s. The meeting

was therefore unlawful and any decisions taken would in my view also be unlawful. The PC attempted to rescue the situation by holding the meeting, introducing at the beginning, a procedural motion to suspend those particular S.O.'s (see pre-amble to Minutes). I can find nothing in the PC S.O.'s or other advice that indicates that omissions or errors in complying with S.O.'s can be resolved by retrospective decisions. It was at this meeting that the PC resolved to approve the submission of the NP to HDC.

- The Parish Council was unable to publish an agenda for the meeting on Tuesday September 12th 2017 until Thursday September 7th 2017.
 - Parish Councillors nevertheless agreed in advance that the meeting should go ahead because there was important business to consider and they felt that it was in the best interests of the Parish to proceed
 - Parish Councillors unanimously agreed in advance of the meeting that on this occasion Saturday September 9th 2017 would count as one of the 'three clear days of notice'.
 - They did so having consulted Leicestershire and Rutland Association of Parish Councils and confirming that the Parish Council was acting within the law by suspending the relevant Standing Order (omitting Saturday as a 'day of notice') by a procedural motion at the start of the meeting. The procedural motion was agreed unanimously.
 - All decisions taken at the Parish Council meeting on September 12th 2017 were lawful.
8. The untitled plan at pp 34 of the second Reg 14 draft NP which identified the location of all the potential housing sites was crude and hand drawn. Site 6 appears to be about double the size of Site 7 but is allocated four times the number of houses. It is also about half the size of Site 4 but is allocated almost the same number of houses. It was therefore impossible to make any rational comments on the relative merits of the sites. It is only in the submission version of the NP at pp 33 that the sites have, what appear to be, properly drawn boundaries. The proportionate sizes of the sites have not changed. As this untitled plan has only appeared in the submission version of the NP. It has not been the subject of previous consultation and villagers have not been able to comment to date.
- The Regulation 14 draft was clearly labelled DRAFT.
 - As a volunteer group NPAC did not have immediate access to a graphic artist, and therefore during the process illustrations such as the map referred to were hand drawn.
 - Whilst hand drawn, the Parish Council rejects the implication that the sizing of the sites was misleading. In the Parish Council's view, it was reasonably accurate and certainly sufficient for a resident to understand the implications.
 - The Parish Council rejects the idea that the number of houses on a given site vary proportionately to size - this depends on the layout of a site, access, roads etc and the consultant made, and advised the Parish Council of, a best estimate of the number of houses possible on each site.
9. Another serious omission that has deprived the villagers of the opportunity to comment relates to the Limits to Development (LtD). The untitled plan at pp 24 of the Reg 14 draft NP was actually the current LtD and clearly dated 2011. The updated Map 1 at pp 23 of the submission version of the NP has not been the subject of any prior consultation and like much of the rest of the document has not been the subject of consideration by the NPAC

(apart from the rubber stamp approval on 12th Sept.). The plan now incorporates the proposed housing allocations, the site south of "The Berries" on Stanford Rd. which has planning permission, which is logical. Elsewhere, instead of closely following the existing boundary of the built up area the boundary incorporates open and undeveloped land to the south and east of the two new dwellings on the east side of Stanford Rd. As Policy S1 clearly states that "development proposals within the Plan area will be supported on sites within the LtD....." the plan now incorporates a further potential site for roughly 6-8 houses without acknowledging it as such. I can see no logic in the LtD boundary not following the curtilage of the existing housing as it does elsewhere. As the NPAC has not even considered the future LtD and there has been no consultation on the LtD boundary villagers will be unaware of this issue. This also again begs the question as to who or whom decided the proposed LtD if it was not the NPAC?

- The revised LtD were drawn up by the Housing Sub Group and agreed by NPAC and the Parish Council.
- The LtD follow the original boundaries and are revised to incorporate land where planning permission has already been agreed of where development is proposed in the Neighbourhood Plan.
- It was made clear to residents in all meetings that the LtD boundary would be revised when the final allocation of sites was confirmed, this was finalised for the last version prior to submission to Harborough District Council.
- Residents were aware that the plan would be to have another LtD boundary reflective of the Neighbourhood Plan. All members of NPAC and the Parish Council were aware of this and were able to comment on the final proposed LtD.

10. The analysis of responses to the second Reg. 14 consultation (Appendix P to the submission version of the NP) is interesting. It is undated but was probably undertaken in August following the closure of the consultation period. As there were no meetings of the NPAC at this time it can only have been produced by a person or persons unknown { there is no author reference }. What is certain is that the document was not the subject of debate or approval by either the NPAC or PC. Analysis of the parishioner comments indicates that approx.34 resulted in minor amendments or corrections to the text of the NP and approx 246 relating to more substantive issues resulted in no action. It would appear that this Analysis is based on the personal opinion of the unknown author rather than a balanced and collective debate by the NPAC.

- In order to deal with the significant volume of work arising from the responses to the first and second Regulation 14 consultations working groups were formed by NPAC. These three working groups focused individually on Housing, Environmental Matters and Facilities & Amenities and met on approximately twenty separate occasions between April and September 2017 (see meetings calendar on the Parish Council website).
- The responses to the second Regulation 14 consultation were worked on by the three working groups at meetings throughout August 2017 (see response spreadsheet on the Parish Council website).

- NPAC met on August 31st 2017 to go through all the detail of the responses and to agree/approve a final version of the spreadsheet. The response is based on a balanced and collective debate of NPAC.
- This was agreed by the Parish Council as part of the final submission version on September 12th 2017 (minutes on the Parish Council website).

11. At the NPAC meeting on 17th Oct . it was agreed to send a letter to village organisations inviting them to meet members of the NPAC. This may have been helpful if the letter had been sent, and meetings arranged, prior to the consultation on the submission version of the NP. However the letter was not sent until 9th Dec., (nearly 9 weeks later) and only 1 ½ weeks before the consultation closing date and 2 weeks before Christmas, when it would be impossible to either arrange a meeting or be able to comment. In addition the PC has cancelled it's scheduled December meeting. Neither of these actions appear to encourage or facilitate the involvement of the village in the NP process.

- The purpose of the letter to village organisations was to enable a better understanding of the submission draft and to look at ideas for moving forward once the plan has been agreed.
- It was also offered as an opportunity for detailed questions/comments about the policies and community actions proposed.
- NPAC representatives met with two community groups (WI and School Governors) on January 11th 2018.

In conclusion I do not consider that the process of preparing the final Reg 14 draft NP, or the submission version complies with either the letter or spirit of Government advice. There is no evidence to show that the NPAC has had any formal involvement in the formulation and revision of either of these documents, or have made any recommendations to the PC regarding them (other than the rubber stamp meeting on 12th Sept.). Furthermore there were serious errors and omissions relating to the housing and LtD elements of the second Reg 14 version of the NP which were not addressed by the NPAC and have only been finalised in the submission version of the NP These have not been the subject of any consultation with villagers.

- All evidence on the Parish Council website supports the fact that there was an appropriate, lawful, wide ranging process followed by the Parish Council. The Parish Council acted on the advice and welcomed the support of their consultants, from HDC, and from Leicestershire and Rutland Association of Local Councils.

In the circumstances one can only draw the conclusion that the finalisation of the NP since the last meeting of the NPAC in April 2017 has been done by a person or persons unknown reporting (eventually) direct to the PC. This hardly seems to accord with the transparent and inclusive aspirations as espoused in Government advice, and since April 2017 whoever has been involved with the NP (from the evidence, not the NPAC) seems to have progressively excluded the community from any meaningful consultation or influence on the NP.

- At every stage the Parish Council and NPAC have consulted with and communicated with Parishioners. There have been regular updates via newsletters, circulars and consultation events (see detail on the Parish Council website).
- Parishioners were actively encouraged to join the working groups and make their contributions.
- The process has been inclusive and transparent and at no time has anyone who wished to make a positive and meaningful contribution to the Neighbourhood Plan been prevented from doing so.

Comments Submitted by a Local Landowner.

My comments are specifically aimed at the housing allocation sites.

As a landowner I put forward two proposed sites (Sites 7 Shawell Road and Site 8 Kilworth Road). These sites were not independently assessed by Your Locale as claimed by the NPAC. I can provide numerous factual physical evidence which proves this. No grey areas just black and white hard physical evidence. When errors were presented to the Parish Councillors they choose to correct some of my findings, however, they still choose to ignore physical evidence that did not suit their pre - determined site allocation. All sites were scored by Your Locale/NPAC. These sites were then ranked in order to determine the suitability for allocation of sites for proposed development. Scoring across the sites has not been consistently applied. Some rules apply to some sites and not others!

- The two sites in question were not offered up as development opportunities at the onset of the Neighbourhood Planning process. They had not been included within the Harborough District Council SHLAA.
- The sites were added into the process when the NPAC sought additional sites once it became clear that an error on the size of one of the previously chosen sites resulted in the need for additional sites to be considered.
- The sites were assessed by an independent assessor, with relevant professional qualifications and background, on May 24th 2017.
- There was no pre-determined outcome. As explained by the Parish Council many times in public meetings the site assessments are only one set of data on which site allocations were decided. Other data included the wishes of the community as expressed in the questionnaire, at public meetings and in statutory consultations. All are of equal importance.
- The same process was followed with each of the landowners who put forward sites. YourLocale undertook an independent site assessment. The draft assessment was then shared with the relevant landowners and meetings were held to discuss assessments and revise where necessary and appropriate. A final version of the assessments was then produced and used as part of the data to determine which sites were to be identified for development

- Landowner comments about site assessment scores were taken into account however NPAC and the Parish Council agreed that it was important to retain an independent perspective.
- Three separate meetings were held with this particular landowner.
- Assessment criteria were applied consistently across all sites that were assessed.

Site 3 Rugby Road (Glebe Land) has had its score downgraded by the NPAC by two points. It should score plus 2 and be ranked third above the Lutterworth Road Site (Site 4). Kilworth Road Site 8 (which should have a positive score) should alongside Rugby Road Site 3 been put forward for a vote/consultation by the members of the community of Swinford. I would have thought that public consultation on sites was one of the basic conditions of a Neighbourhood Plan that should have been fulfilled.

- Landowner comments about site assessment scores were taken into account however NPAC and the Parish Council agreed that it was important to retain an independent perspective.
- There is no requirement for a vote on allocation and no parishioner asked for such a vote. Views were taken into account, but unfortunately there will never be 100% agreement by all parties on these matters. There was a significant amount of public consultation throughout the entire process.

It is documented in the minutes of the Swinford NPAC meeting held on 12th September 2017 that there have been 22 individual changes to the site scores since the second round of Regulation 14. That's 22 acknowledged errors made by Your Locale who are supposedly acting independently. It should be noted that numerous errors were also corrected after the first round of Regulation 14 and in the period of time between consultations. Its unbelievable, however, that other errors have still been deliberately ignored by the NPAC for personal reasons and have been not communicated to the residents of Swinford.

- The Parish Council and NPAC take the purpose of consultation to be the finding of common ground and agreement amongst as many Parishioners as possible.
- There were 22 changes, but it is incorrect to say they were errors. The changes were made as a result of consultation and most changes were for consistency – for example three scores changed for the better because no protected species were noted to be present and therefore the scores should be amended to be consistent with other sites.
- Similarly following some confusion as to the exact distance from community facilities, 9 scores were reduced to reflect a more consistent and accurate measurement.
- The Parish Council sees it as a positive that YourLocale and NPAC reacted to feedback and made sure that the site scores were as accurate and consistent as possible. Unfortunately, there is still a degree of subjectivity in some areas, and not all will agree.
- All revisions that were made to the Neighbourhood Plan throughout the process were an outcome of consultation with Parishioners balanced against advice from local and central Government.

- At all times, the focus of the Parish Council and NPAC has been to develop a Neighbourhood Plan that serves the best interests of ALL Parishioners of Swinford.

There has been no public consultation available to the villagers as to the preferred location of the houses.

There are no documented minutes available to even show that my land was properly discussed.

Legally why have the villagers been denied a vote on where the houses should be sited?

The housing allocation has been rushed and has been carried out behind closed doors!

As a long standing villager I feel disappointed that I feel the need to comment this way however I can assure you that all evidence can be forwarded if required.

Have the Basic conditions been met concerning consultation and Legal requirements fulfilled before this important Neighbourhood Plan was submitted? I don't think so.

- The whole process has been conducted with honesty, transparency and integrity. In all meetings whether public or not interests have been declared. Where there have been discussions concerning sites near to individual group member's properties then those members have excluded themselves from discussions.
- Parishioners have been consulted at every stage of the process about all aspects of the plan. The evidence on the website supports this fact.
- Landowners asked that meetings with them were not minuted. This was discussed with this particular landowner and was understood to have been agreed.
- There were a number of separate meetings with this landowner, and detailed written responses were given to their comments on their site assessments, to their consultant (letters of 4th July 2017 and 21st August 2017 on the Parish Council website), to letter of 29th July 2017 and to all the points made by this landowner in both statutory consultations.
- This plan has been developed over a period of three years and with more opportunities for consultation than is recommended/required.

Yours sincerely,

Katherine Clarke

Parish Clerk
Swinford Parish Council