

Dunton Bassett Neighbourhood Plan 2020 - 2031

Additional Comments of the Independent Examiner and Notice of Public Hearing

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

25th August 2022

The Need for a Public Hearing

1. Following my Further Comments document, which I sent out on 20th July 2022, I have now received responses from both the Parish Council and the District Council, as well as information provided by Richborough Estates.
2. Based on the information provided in response to my original Initial Comments document and also the additional information just provided, I have concluded that I need to call for a public hearing. This will provide me with an opportunity to receive oral evidence on a limited number of questions which I have set out at the end of this Note. Whilst it is usual for most neighbourhood plan examinations to be conducted via written submissions, the legislation does allow for the holding of a public hearing.

Issues to be Covered at The Hearing

3. The first issue that I wish to explore at the hearing relate to the site selection process and the methodology used to select the allocation site (Policy 1) and the Reserve Site (Policy 2). The second topic is, to what extent does the choice of The Beats and Loves Lane as a Local Green Space meet the criteria set out in paragraph 102 of the NPPF, as being demonstrably special to the local community and how does it hold a particular local significance.
4. On the first issue, I have had regard to the information provided in the Site Sustainability Analysis and I feel that I need to understand and test the robustness and the objectivity of that process. I have seen the scoring framework setting out the 25 criteria and the requirements for whether a site is scored red, amber or green. I have also seen the outcome of the scoring and the ranking of the sites. Unless I am mistaken, it appears that the Steering Group has not published the detailed scoring of each site against the respective criteria.
5. I would request that the Parish Council provide me with the individual scoring sheets or spreadsheet for each of the 11 sites, so that it is clear how each site was scored. Please can this be forwarded to me by Friday **16th September 2022** in order that I can properly prepare for the hearing. I would also request that this information is also published in the appropriate websites so that all parties are aware of the way the sites were scored.
6. I will also wish to understand the extent to which the residents of Dunton Bassett have been involved in the choice of sites and whether that involvement was informed by the constraints and opportunities of the respective sites.
7. I have received a representation at Regulation 16 stage promoting an alternative site to the south of Station Road and to the east of Lutterworth

Road and I would wish to focus on how that site was scored in comparison with the allocation site to the rear of the village playground.

8. I note that Historic England are maintaining their objection to the allocation site and the Strategic Heritage Assessment carried out on behalf of the landowners, acknowledges there will be a modest impact on the ancient monument, but less than substantial harm. I would wish to explore to what extent that level of harm should be reflected in the site selection process, having regard to the advice set out in paragraphs 199 and 200 of the Framework.
9. I am also wishing to understand whether there should be a presumption against the principle of a vehicular access to the allocation site from the A426 with its 50-mph speed limit and whether the concerns expressed by the County Council are that the thresholds set out in paragraph 111 of the NPPF are breached.
10. The hearing will also need to explore the appropriateness of the settlement boundary, as proposed in the plan and to what extent the allocation site is a logical housing site bearing in mind the lack of boundaries or other features separating the proposed housing site from the remainder of the field. The Parish Council, in response to one of my Initial Comments questions, now concede that the Reserve Site should also be included in the settlement boundary, but will that then allow its development under the provisions of Policy H3?
11. I have noted that the District Council has now published its Final Screening Decision on the Neighbourhood Plan, having considered the views of Historic England and it has confirmed that a Strategic Environmental Assessment will now be required. That clearly will have to be formally scoped, with appropriate consultation and then the assessment has to be carried out, which could take some months.
12. I have asked that this hearing should take place prior to the commissioning of that assessment, as I believe the discussions at the hearing could have a bearing on how the assessment looks at the issue of reasonable alternatives and their respective environmental impacts. I will not be able to conclude this examination until that SEA has been carried out.
13. The final question invites the participants to join with me in a discussion as to how the examination should proceed, now that a SEA is required and whether there should be any public consultation on its findings and how it affects the plan as submitted under Regulation 15.

Arrangements for the Hearing

14. Having liaised with both the District Council and the Parish Council, I can confirm that the hearing will commence at **10.00am on Tuesday 11th October 2022** at The Village Hall, The Mount

in Dunton Bassett. I am confident that the hearing can be concluded within the day.

15. This section provides guidance as to how the hearing will be conducted, and includes an agenda and the questions are set out at the end of the note.
16. The hearing is open to the public to attend; however, the conduct of a neighbourhood plan hearing is set out in Schedule 4B to the Town and Country Planning Act 1990 and that specifies the parties who can participate. The legislation specifically provides for oral representations at the hearing to be made by the Qualifying Body, namely Dunton Bassett Parish Council and the Local Planning Authority, Harborough Borough Council.
17. In addition, I have asked that invitations be sent to one representative from a number of the parties whose contributions are pertinent to my examination. I am inviting their involvement in respect of the specific questions.
18. It is not my intention to invite representations from other parties at the hearing. I have no objections if any party wishes to film or record any part of the proceeding or to use social media.
19. It is for me as the Examiner to decide how the hearing is conducted. In particular, I will decide the nature and extent of any follow up questions, and the amount of time for oral representations. The principle to be applied, is that questioning will be done by myself, except where I feel that questioning by other parties should be allowed to ensure the adequate examination of a particular issue, or to ensure that a party has a fair chance to put their case.
20. We will take a short break during the morning session and the afternoon session, if necessary. I will have an adjournment for lunch at a suitable moment in the proceedings.

Agenda

21. The Agenda will be as follows:
 - a. **Opening remarks-** by myself as Examiner
 - b. **Opening statement** by Dunton Bassett Parish Council – I would like to offer the opportunity to the Parish Council to set out its overall approach to the neighbourhood plan. I would suggest that 10 minutes should be sufficient.
 - c. **Discussion based on my individual questions:** These will look in turn at the questions which I have attached to this note.
 - d. **Examiners Closing Remarks**

Site visits

22. I have already carried out an unaccompanied site visit to the Dunton Bassett area back in June. However, on that occasion I did not enter the site which is the subject of Aitchison Rafferty's Regulation 16 submission. I believe that it is important for me to familiarise myself with that site and I propose to carry out an accompanied site visit prior to the hearing, on the afternoon of **Monday 10th October 2022, at 4pm**. I would like to invite Mr Ozier or another representative to arrange access with the landowner and I would also ask for us to be accompanied by a representative of the Parish Council. I would suggest we meet at the entrance to Seven Elms on Lutterworth Road.

Publicity

23. Please can this note be placed on the appropriate district and parish websites. I would also ask the Parish Council, as the Qualifying Body, to give publicity to the hearing, within the Parish, for example, by placing posters on parish notice boards advertising that the hearing is taking place and that the public can attend (but not participate in the proceedings).

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Dunton Bassett Neighbourhood Plan

25th August 2022

Questions to be Discussed at the Hearing

1. Is the Neighbourhood Plan's Site Sustainability Analysis a robust and objective basis for site selection? Is the method of scoring, an objective and robust foundation for decision making and to what extent was the public able to be involved in the selection of the allocation site and the reserve site.

Parties to be invited to participate: HDC, DBPC, Richborough Estates, Aitchison Rafferty

2. Will the development of the allocation site have an adverse impact on the setting of a designated heritage asset and what is the significance of that impact?

Parties to be invited: HBC, Richborough Estates, Historic England, DBPC

3. Could the establishment of an access to the allocation site off Lutterworth Road result in an unacceptable impact on highway safety (or will the residual cumulative impact on the road network be severe) and is the achievement of a safe access dependent on achieving a reduction in the 50mph speed limit?

Parties to be invited: HBC, Richborough Estates, Leicestershire Highway Authority, DBPC

4. Is the settlement boundary shown in Figure 3 a logical and sustainable boundary between the built-up area and the countryside? Is it sensible to include the Reserve Site within the settlement boundary?

Parties to be invited: HBC, Richborough Estates, DBPC

5. Does the allocation of The Beat and Loves Lane as a Local Green Space meet the tests set out in paragraph 102 of the NPPF and is the Plan's approach to the scoring of the NPPF's criteria for open space an appropriate measure to identifying local green space sites.

Parties to be invited: HBC, DBPC and landowner of the Beats

6. Now that a Strategic Environmental Assessment is required to be undertaken at this late stage, how should the examination of the Dunton Bassett Neighbourhood Plan proceed? How will the results of that assessment inform the plan making process, how will the public be consulted on its findings and what are the implications for the submission version of the neighbourhood plan and this examination?

Parties to be invited: HBC, DBPC, Richborough Estates, Aitchison Raffety