

# Dunton Bassett Neighbourhood Plan 2020 - 2031

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## **Post Hearing Note: A response to Parish Council questions / comments**

**Prepared by**

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**John Slater Planning Ltd**

**6<sup>th</sup> December 2022**

1. On the 25<sup>th</sup> October 2022 I issued my post-hearing note. The set out my initial conclusions in respect of the examination of the Dunton Bassett Neighbourhood Plan, following the hearing which I conducted on 11<sup>th</sup> October 2022.
2. In that document I set out what I considered to be the options for taking the examination forward, notwithstanding my overall concerns regarding the way that the Parish Council approached the site allocation question.
3. In that document I conceded that the Parish Council could still choose to proceed with preparing the Strategic Environmental Assessment (SEA), a separate process from the work that had taken place previously, which would include the setting of objective criteria for the selection of sites and the consideration of reasonable alternatives for the choice of allocation site against objective criteria. The Regulations require that there be an opportunity for public consultation on the draft environmental report.
4. Depending on the outcome of that SEA process, the Parish Council could face a situation where it is potentially required to make changes to the submitted plan, which depending on the nature of the changes, could mean that the plan would need to go back to Regulation 14 stage and then be resubmitted, as this examination relates to the original plan, as submitted at Regulation 15 stage.
5. An alternative approach, which I put forward in my Post Hearing Note, would eliminate the need for an SEA. This would require the Parish Council to recognise the need for the deletion of the Policies H1, H 2 and H3 and I could then make a conditional recommendation which would include the removal of these policies. This would enable a new SEA Screening Determination to be made, which could legitimately conclude that an SEA would no longer be required.
6. If the Parish Council decides not to accept the second option, but also decides not to prepare an SEA, I have to advise that my examination is likely to conclude that the whole plan is deemed not to satisfy the European requirements and potentially the only outcome would be for me that the neighbourhood plan should not be allowed to proceed to referendum.
7. Upon receipt of my Post Hearing Note, I understand that a meeting was held between the Parish Council and Harborough District Council planning officers. Following that meeting the Chairman of the Parish Council wrote to me in the following terms:

*“After consultation with Parish Councillors and Steering Group leaders, I have been asked if you could clarify certain points prior to a decision being made on how we like to progress with our Neighbourhood Plan.*

*The Neighbourhood Plan was completed under the guidance of Your Locale and the site selection methodology is assumed by them on numerous previous Neighbourhood Plans. They have instructed us that the site selection methodology and application is not a Basic Condition issue. If the site selected for allocation meets with the Basic Conditions*

*it should not be rejected because of concerns over the process. No site selection exercise is perfect and all include the exercising of judgements which is entirely reasonable and proportionate for Neighbourhood Planning. Our thoughts are that the Neighbourhood Plan would be vulnerable with no housing allocation.*

*Would the examiner see things differently if the reserve site was to be removed from the Plan?*

*Could the examiner give clarification as to why the settlement boundary should be removed. Could it be adjusted? We see that the settlement is an important part of the plan, giving us some protection over future developments.*

*There are comments regarding levels of consultation, this again being under the guidance of Your Locale, Locality and RCC. All recommended consultations have been carried out and are listed within the Governance statement, the village have been involved in each individual step of the plan from the start to the pre submission. We have extended this through lockdown to individual questionnaires being delivered to every household in the village to ensure full consultation.*

*We have been instructed that this is a "best practice" comment and again not one that impacts on the Basic Conditions.*

*We are very disappointed with the Post Hearing Note as it gives little reward for the considerable work and effort carried out by community volunteers. We feel we are now placed into a unsatisfactory position of choices to proceed.*

*I look forward to your response."*

8. In preparing this response I am conscious that this is not usual practice for an examiner to be asked to justify his or her conclusions, beyond the reasons which are given in the final report, when published along with recommendations.
9. However, I appreciate that the Parish Council has been asked to make a decision, as to whether to commission a Strategic Environmental Assessment at a late stage in the neighbourhood plans process, or accept the removal of three key housing policies. That needs be an informed decision and I am happy to respond to the points made.

10. Firstly, I strongly disagree with the suggestion from the consultants to the Parish Council, that the methodology used to allocate or reject housing sites, and the application of that methodology in practice, is not a basic condition issue. One of the basic conditions is whether the plan should be made, having regard to national policies and advice contained in guidance issued by the Secretary of State.
11. In this respect I have particularly in mind, Secretary of State advice regarding the assessment of the suitability of land for housing development, which includes policies on the suitability of sites, including where constraints, such as those mentioned in footnote seven of the NPPF, where the Framework provide strong reasons for resisting the overall scale, type and distribution of development. These areas include areas at risk of flooding. One concern with the adopted methodology is that a national presumption against development in such areas e.g. the site has a red score where there is a possibility of the site being at risk of flooding would, using the methodology, be counter balanced by a green score attributed to the site being in single ownership or a flat site.
12. That is, but one example, of my lack of confidence in the site selection methodology adopted, a process which I have concluded is not fit for purpose and does not reflect the Secretary of State's requirement that neighbourhood plan should be "supported by proportionate, robust evidence that supports the choices made and the approach taken". The Secretary of State requires site allocations should be done through "carrying out an appraisal of options and assessment of individual sites". I am not satisfied that that has been done in an objective or robust manner.
13. I cannot ignore my reservations that the published appraisal of the sites, which was carried out by the Steering Group and the Your Locale consultant, is fundamentally flawed and is based on an inappropriate methodology, compounded by my residual concerns regarding how that methodology has been used. I will deal with this issue in detail in my final report.
14. In conclusion, I can confirm that I am still satisfied that the site allocation process is a basic condition issue. I obviously cannot and will not comment on other neighbourhood plans or examinations where this methodology has been used.
15. I can also confirm that these reservations would remain, whether or not, the reserve site is included, although I was surprised at its inclusion bearing in mind its impact on the landscape setting of the village.
16. In terms of my consequential recommendation, which will be not to confirm the settlement boundary as proposed in the Policy H3, how such limits to development are drawn has an important role in demonstrating how the village will be able to meet its housing requirements, hence the original decision to include the housing allocation site H1 within the Dunton Bassett boundary. Policy H3 would also play a role in signifying where countryside policies would apply.

17. If the allocation site is to be removed from the plan, as I will be recommending, there would then be no basis for the drawing of the settlement boundary which allows the plan to demonstrate how it will meet its housing requirement, until a robust site assessment process have been being conducted to identify which site(s) is to be included within that settlement boundary. In the meantime, the village will continue to be covered by the development principles set out in Policy GD2 of the Harborough Local Plan.
18. I note the Parish Council's comments regarding the public consultation process adopted, but my remarks were specifically referring to the absence of any community involvement specifically on the choice of housing sites. I feel that was a major failing of the site allocation process.
19. As I said in my Post-Hearing Note, I am very conscious that the Steering Group has spent a considerable amount of time and hard work in getting the plan to this advanced stage. I pay tribute to the work of the volunteers and I do appreciate that it has sought the assistance of its consultants.
20. As a neighbourhood plan examiner, having conducted 116 examinations to date, and as a neighbourhood plan consultant assisting groups with the preparation of plans, I am constantly reminded of the volunteers' commitment that goes into the neighbourhood plan making process. However, it is inevitable that on occasions my recommended modifications will disappoint those who have invested so much in the plan. However, my responsibilities as an examiner, are clearly set out in the legislation.
21. I believe that by offering the removal of the three policies, obviating the need for an SEA, I could at least allow the Parish Council to be in a position where other issues been addressed in the neighbourhood plan could go forward to referendum. That choice is still open to the Parish Council.
22. I do not intend, beyond this note, to engage in further discussions on the conclusions which I have set out of my Post Hearing Note and I will now look forward to hearing from the Parish Council whether it does intend to commission an SEA, or will it accept the option of the removal of the three housing policies with a consequential rescreening for an SEA, which will allow me to recommend that the modified plan can proceed to the referendum. The only other available alternative would be to decide not commission a strategic environmental assessment and not accept the re screening of the plan based on my recommendations to delete the three policies, in which case I will have no alternative but to conclude that the plan as a whole, does not pass the statutory tests.

John Slater BA (Hons), DMS, MRTPI, FRGS

Examiner to the Dunton Bassett Neighbourhood Plan

6<sup>th</sup> December 2022