

Qualifying Body responses to Examiner October 2024

On Monday 14 October 2024 at 17:33:12 BST, Jennifer Saville

<clerk@tiltonandhalsteadpc.org.uk> wrote:

Dear Chris,

Thank you for the opportunity to comment on the Regulation 16 representations. Most of them are familiar as they are similar to representations made at Regulation 14 Stage. These were considered in detail by the Parish Council, as Qualifying Body, as set out in Appendix 3 of the Consultation Statement. With regard to any new matters raised:

Anglian Water was consulted at Regulation 14 stage but made no comments. The company's principal concerns relate to the potential impact of Local Green Space (LGS) designation on operational development and the comments made in the Draft Neighbourhood Plan in relation to Tilton on the Hill Sewage Treatment Works (STW). In terms of LGS, Part 17 of the Second Schedule of the General Permitted Development Order allows water companies (among others) to carry out certain works without having to make a planning application. These permitted development rights are not affected by the Local Green Space designation. With regards to the STW please see the attached email exchange with the Environment Agency.

The Swift Local Network make detailed comments about bat and bird boxes and swift bricks not contributing to biodiversity net gain, The Qualifying Body would support amendments to Policy HL12 if the Examiner considers it necessary. The Local Swift Network also makes comments about the protection of nest sites for building-dependent species such as swifts and house martins. However, Policy HL12 already offers protection to the network of local ecological features and habitats, which would include bird nest sites.

There are a number of issues relating to the housing site selection process and the allocated housing site. Many of these are not new having been raised at Regulation 14 Stage or prior to that at a 'drop-in' session held at Tilton Village Hall on Saturday 3 June 2023. To summarise:

- Tilton on the Hill is identified as a Selected Rural Village in the Local Plan. Local Plan Policy H1 requires Tilton on the Hill village to provide for a minimum of 35 new homes.
- Taking account of development approved since April 2019 (to 31 March 2022), the residual requirement is reduced to a minimum of 25 dwellings. In May 2024, Harborough District Council published a new statement on [5 Year Housing Supply](#) which identifies, at table B, the residual requirement being 21 dwellings.

- Our 2018 Questionnaire Survey shows that many respondents would prefer Tilton on the Hill's housing requirement to be met by smaller-scale sites (less than 10), including infill sites. However, small sites are not required to provide affordable housing or developer contributions to improved infrastructure. It is also more difficult to get the mix of housing types the community needs. The housing requirement cannot be met by infill housing alone.
- The Qualifying Body has published a Site Assessment Framework which sets out how sites were identified and assessed for the allocation of land for housing development.
- Each option was appraised for its suitability, availability and achievability using clearly defined sustainability criteria which were based on the Sustainability Appraisal Site Appraisal Framework for the Harborough Local Plan. The appraisal was undertaken by members of the Neighbourhood Plan Committee, supported by a planning consultant.
- Residents and key stakeholders were provided with an opportunity to set out their views on the various housing site options. A 'drop-in' session was held at Tilton Village Hall on Saturday 3 June 2023, where members of the public could find out more about the proposed housing sites and the site selection process.
- The consultation event was well attended and well received. Broadly, there were three types of representation:
 - Detailed comments on the scoring. These resulted in recommended changes to the scoring matrix but these did not affect the site preference;
 - Objections to the proposed site (B) from the residents most affected. The main concerns being:
 - Loss of views and impact on property values;
 - Landscape impact;
 - Highways access;
 - Loss of wildlife;
 - Drainage.

Loss of views and property value are not material planning considerations. Mitigation is in place within Policy HL17 to address landscape, ecology and drainage concerns. A highway consultant was appointed to check access arrangements which included an appropriate access design showing that 2.4m x 160m visibility splays could be achieved. It is noted that although the Highway Authority has made comments at Regulation 16 stage, it has not objected to Policy HL17.

- Other comments on site preferences.
- The Qualifying Body recognises that a small number of residents still object to the proposed housing allocation and it would support further mitigation measures if the Examiner considered them necessary. However, it is likely that any of the site options would be the subject of objections from local people. Ultimately, if the Neighbourhood Plan is not supported by a local referendum, it cannot be made.

- Marrons, on behalf of its client, has aggressively pursued the allocation of land west of Manor Farm Walk, Tilton on the Hill throughout. It has some criticisms regarding the site scoring:
 - Criterion NE2: Leicestershire and Rutland Environmental Records Centre has provided the Qualifying Body with biodiversity data. Data marked as confidential or sensitive must not be released into the public domain. This includes data relating to the location of Bat Roosts, Badger Setts, Swifts and Water Voles. The Qualifying Body will approach the Leicestershire and Rutland Environmental Records Centre if the Examiner considers it necessary to see this data.
 - Criterion H4: The 2007 Harborough District Landscape Character Assessment provides an understanding of the district's landscape, its evolution and future pressures. The High Leicestershire Neighbourhood Area is located within the High Leicestershire Landscape Character Area, which is the largest and most sensitive of the character areas. In this context, the Neighbourhood Plan Committee judged the landscape setting to the village of Tilton on the Hill to be highly sensitive to new housing development and scored all sites accordingly.
 - Criterion EH2: In planning for new homes, there should be a mix of housing to meet the needs of people living locally. There is already a high proportion of detached, larger properties and the preference is for smaller, low-cost homes. Low density development encourages larger executive style housing (as demonstrated by the attached indicative layout provided by Marrons) and discourages the delivery of smaller, starter homes. Lower density housing does not promote the efficient use of land contrary to NPPF paragraphs 128 to 130. The estimation of the development potential of each identified site can be guided by existing or emerging plan policy (such as Neighbourhood Plan Policy HL19) in accordance with Planning Practice Guidance (Paragraph: 016 Reference ID: 3-016-20190722).
 - Criterion EH3: Met No. 1 Ltd did not exist before March 2023 and is wholly owned by the site's owners. The assessment that the site is in single ownership but no known developer interest (amber) is correct.
 - Criterion I1: A photo showing the overhead electricity cables at site J is attached. It is important to note that the site boundary of the proposal being promoted by Marrons is somewhat arbitrary and on two sides has no regard to any features on the land such as field boundaries to create a logical boundary. That boundary has also changed over time- even the site in Marron's representation is different to previous submissions. The access is also private, so it is difficult to view and assess physical features on the site. The private road access also has implications for how site J could be developed.
 - The Qualifying Body recognises that landowners and developers will seek to influence the housing site allocation process in their favour. The site scoring is close, but the site selection process has been robust, objective, transparent, impartial and without bias. In accordance with the NPPF, the Submitted Neighbourhood Plan seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community.

Marrons have also noted that the Ministry of Housing, Communities and Local Government has published for consultation its proposed approach to revising the National Planning Policy Framework (NPPF). The Department also sought views on a range of wider planning-related proposals. As part of this consultation, views were sought on a new method for assessing local housing need (LHN). The new formula increases targets across all other regions relative to the existing standard method. The outcome for Harborough district is a significant increase in the indicative housing need. If these changes are confirmed, there will be implications for the review of the Harborough Local Plan which has already begun but remains in its early stages. It is likely that Tilton on the Hill will be categorised as a Small Village- the lowest tier of the District's settlement hierarchy. The implications for the need for housing development in Tilton on the Hill beyond the existing plan period are uncertain, but the Qualifying Body recognises that a review of the Neighbourhood Plan may be required to address new housing requirements once a new Local Plan is in place. It seems likely that the examination of the High Leicestershire Neighbourhood Plan will conclude before any revised NPPF is published. If not, the Qualifying Body understands that the Examiner will need to address the new NPPF to ensure that the Basic Conditions are met.

Marrons have highlighted concerns regarding the application of Harborough Local Plan Policy GD2 which makes some provision for development adjoining the built up area of Tilton on the Hill (a Selected Rural Village). This can be addressed by a small modification to the second part of Policy HL18 which the Qualifying body would support.

Harborough District Council has raised no issues regarding the housing site selection process other than whether a reserve site should be considered. Tilton on the Hill has a very limited range of services and no scheduled bus service. The [Issues and Options](#) public consultation is the first stage of public consultation on the new Local Plan and earlier in the year the District Council sought views on a range of planning issues and potential options for the future development of the District. Of the 6 spatial options for the location of housing, most would require Tilton on the Hill to make provision for little or no new housing making a reserve site unnecessary. The Qualifying Body would prefer to address any new housing requirement through a review of the Neighbourhood Plan. Matters relating to highways access to the allocated site are addressed above and the Qualifying Body is open to any modifications to further mitigate the impact of the propped development on the landscape. With regards to developer funding of the Tilton Electric Car Club, the Qualifying Body believes that such contributions are no different to subsidising bus services, investing in bus shelters or providing new residents with season tickets to services operated by private bus companies via S106 Agreements- a practice which is commonplace. Developer funding of the Tilton Electric Car Club will encourage new residents to use more sustainable travel choices and is a pragmatic solution in the absence of public transport services.

Kind Regards

Jenny Saville

Clerk to Tilton on the Hill and Halstead Parish Council