

Title of Report	HINCKLEY AND BOSWORTH LOCAL PLAN 2020 - 39-REGULATION 19 CONSULTATION	
Presented by	Ian Nelson Planning Policy Team Manager	
Background Papers	National Planning Policy Framework Hinckley and Bosworth Borough Local Plan 2020 – 2039 (regulation 19) Submission Consultation	Public Report: Yes
Financial Implications	None identified	
	Signed off by the Deputy Section 151 Officer: Yes	
Legal Implications	The Council is a consultee and any comments it makes will need to be taken in to account by Hinckley and Bosworth Borough Council as part of the process for preparing a further iteration of the Local Plan. If necessary, the District Council's comments could be considered as part of the subsequent Local Plan Examination.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	The purpose of this report is to advise Members of comments submitted in response to consultations in respect of the Hinckley and Bosworth Local Plan and to seek formal approval of these.	
Recommendations	THAT HINCKLEY AND BOSWORTH BOROUGH COUNCIL BE ADVISED THAT THIS COUNCIL: <ul style="list-style-type: none"> (I) OBJECTS TO POLICY SS02 AS BEING NOT EFFECTIVE FOR THE REASONS SET OUT AT PARAGRAPH 3.5 OF THIS REPORT; (II) OBJECTS TO POLICY SS02 AS NOT BEING POSTIVELY PREPARED AND EFFECTIVE FOR THE REASONS SET OUT AT PARAGRAPH 3.7 OF THIS REPORT; (III) OBJECTS TO POLICY SS03 AS NOT BEING EFFECTIVE FOR THE REASONS SET OUT AT PARAGRAPH 3.13 OF THIS REPORT; (IV) OBJECTS TO POLICY HO01 AS NOT BEING JUSTIFIED FOR THE REASONS SET OUT AT PARAGRAPH 3.15 OF THIS REPORT; (V) OBJECTS TO POLICY HO07 AS NOT BEING POSTIVELY PREPARED, JUSTIFIED OR EFFECTIVE FOR THE REASONS SET OUT AT PARAGRAPHS 3.19 - 3.21 OF THIS REPORT; (VI) WELCOMES AND SUPPORTS POLICIES NAT04 AND NAT05 	

- 1.1 The development plan for Hinckley and Bosworth Borough currently comprises of
- Hinckley & Bosworth Core Strategy (December 2009);
 - Site Allocations and Development Management Policies (July 2016)
 - Hinckley Town Centre Area Action Plan (March 2011); and
 - Earl Shilton and Barwell Area Action Plan (September 2014).
- 1.2 Work on preparing a replacement Local Plan began in 2018. The plan has now got to Regulation 19 stage which represents the final plan which Hinckley and Bosworth Borough Council (HBBC) proposes to submit for Examination.
- 1.3 The Local Plan can be viewed at <https://www.hinckley-bosworth.gov.uk/localplanreview>
- 1.4 The consultation closes at 5pm on 23 March 2022. As this is before the meeting of this Committee, officers have submitted comments based on the contents of this report subject to them being agreed by this Committee.
- 1.5 Members will be aware that Local Plans have to be found ‘sound’ as part of the Examination process. There are four tests of soundness. The National Planning Policy Framework (NPPF) identifies that this means that plans must be:
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 1.6 These terms are used when framing the suggested response of this Council.

2.0 OVERVIEW OF THE HINCKLEY AND BOSWORTH LOCAL PLAN

- 2.1 The plan is split in to 14 chapters covering a range of subject areas, with each chapter setting out a number of relevant policies. The subject matters covered include:
- Vision and Objectives
 - Spatial Strategy;
 - Climate Change
 - Place Making and Design;
 - Housing
 - Economic Prosperity and
 - Town Centres
- 2.2 It is proposed that the plan should cover the period 2020-2039. The current timetable envisages that the Plan will be adopted in March 2023. The National Planning Policy Framework (paragraph 22) requires that the strategic policies in plans should look ahead at least 15 years from adoption. Strategic policies include those relating to the amount of development to be provided for. If the plan is adopted in accordance with the current timetable, then this aspect of the NPPF will have been satisfied as there would be 16 years

remaining. However, any slippage would potentially reduce this closer to the NPPF requirement. This is something that HBBC needs to be aware of, but from this authority's perspective it is not an issue.

- 2.3 The Plan identifies 13 objectives under People, Places and Prosperity. These objectives are used to frame the specific policies included in the Local Plan and are designed to ensure that the vision for the plan area is achieved.
- 2.4 Policies tend to either be very place specific (e.g. Strategy policies for Hinckley and Burbage, Sustainable Urban Extensions at Barwell and Earl Shilton) or more generic and apply across the borough (e.g. policies on climate change, preventing pollution, community facilities etc). This report concentrates on those matters which be of particular significance to North West Leicestershire. The matters considered in the following section of this report follow the structure of the Local Plan itself.

3.0 KEY MATTERS

Policy SS02 – Development Strategy

- 3.1 This policy proposes that new development should be directed in accordance with the proposed settlement hierarchy, with the Urban Areas of Hinckley, Burbage, Barwell and Earl Shilton at the top followed by Key Rural Centres, Rural villages and Rural hamlets.
- 3.2 It identifies a housing requirement of 8,436 dwellings during the plan period and proposes a provision of 9,124 dwellings. The requirement is based on the use of the government's standard method of 444 dwellings per annum.
- 3.3 In terms of employment needs, a local study identified a need for 35.30 to 46.8 hectares. The identified supply exceeds this at 105.95 hectares. The supply includes allocations which policy SS02 suggests equates to 32.1 hectares. The plan notes (paragraph 4.19) that *"Further work is underway on a strategic distribution needs study and a Leicestershire wide employment land study which will provide updated evidence on employment land needs, and this is anticipated to be finalised in Spring 2022. We will consider the latest evidence on employment land needs in the next iteration of the draft Local Plan"*.

Comments

- 3.4 In terms of the issue of the housing requirement, this is based on the government's standard method and is consistent with the NPPF. It is noted the HBBC does not consider that it is necessary to increase the requirement over and above the standard method due to economic circumstances or the need for affordable housing. The plan notes that Leicester City has declared an unmet need but does not propose to address this as part of the proposed allocations. Instead, the issue is addressed in policy SS03 which is considered below. Notwithstanding this, it is noted that the supply exceeds the requirement by about 8%, which provides some flexibility in the event that not all sites come forward as predicted.
- 3.5 In terms of employment land, there appears to be a discrepancy between the policy which refers to 32.1 hectares as being allocated in the plan, and Table 3 (Employment Land Need and Supply) which identifies a figure of 43.1 hectares. This is also quoted in policy EP01 (Scale and Distribution of New Employment Sites). The plan should be amended to include only one figure. This is reflected in the recommendations above.
- 3.6 On the issue of strategic distribution members will be aware that as part of the work on this Council's new Local Plan it has proposed to make some provision for strategic distribution to address some of the unmet needs identified in the Leicester and Leicestershire Strategic Distribution Study. It is disappointing that HBBC has not taken a similarly positive approach. Indeed, paragraph 8.26 make states that *"The borough has currently met its current need for large scale distribution, so will not be allocating further sites until the cross-boundary employment work and agreement on distribution of needs has concluded"*.

- 3.7 Furthermore, the reference in paragraph 4.19 of the plan (and quoted above) is somewhat confusing, as it suggests that the issue of strategic distribution will be considered in “*the next iteration of the draft Local Plan*”. However, Regulation 19 is supposed to represent the plan which HBBC wishes to submit for Examination; there are no further opportunities for a further iteration. It is recommended that an objection be made to the lack of positive planning and a lack of clarity as to how this issue will be addressed.

Policy SS03 – Local Plan Review

- 3.8 This policy is, in effect, a trigger policy and it provides a commitment to undertake a review of the plan within 6 months of the publication of Statement of Common Ground for the apportionment of unmet housing and employment needs.

Comment

- 3.9 HBBC has been preparing its Local Plan in the context of a known unmet need for housing and employment from Leicester City and ongoing joint work by all of the Leicester and Leicestershire authorities to address this issue. It is currently anticipated that this work will be completed in spring 2022. Whilst the proposed Local plan does include a higher provision for housing, the level of over provision (8%) is not that significant in the context of unmet need. It is disappointing that HBBC has not taken a more positive approach to address this issue head on.
- 3.10 In an ideal world HBBC would wait for the matter of unmet need to be resolved. However, HBBC does not have an up-to-date Local plan and nor does it have a 5-year housing supply. This means that it is vulnerable to unwanted planning applications. Therefore, HBBC are, understandably, keen to push on with their local plan as a matter of urgency. To enable this to happen the trigger policy has been proposed. It has been subject of discussion with all the Leicester and Leicestershire authorities through both the Member Advisory Group (MAG) and also the Strategic Planning Group (SPG).
- 3.11 The trigger policy provides a reassurance to the other Leicester and Leicestershire authorities that HBBC will, in the event of any unmet need being directed to Hinckley and Bosworth, address the matter. A failure to do so would mean the Leicester and Leicestershire authorities would not be meeting all the identified Housing Market Area housing and employment needs and so would leave each authority vulnerable to speculative planning applications.
- 3.12 The trigger policy helps HBBC to demonstrate that it is complying with the Duty to Cooperate. A failure to do so would be catastrophic for the plan.
- 3.13 Notwithstanding the discussion and agreement at both MAG and SPG, now that we have had an opportunity to see the plan in its entirety, it is considered that greater clarification is required as to whether the reference in the policy to “employment need” includes that arising in respect of strategic distribution as well as general employment. This is reflected in the recommendations above.

Policy HO01 – Provision of New Housing

- 3.14 This policy identifies a number of housing sites which it is proposed be allocated for development. The following sites are located within less than 5 miles of the border with this district:

Site Allocation	Settlement	Site	Minimum housing
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Reference			to be delivered
BARL01H	Barlestone	Land at Barton Road., Osbaston	55
BARL02H	Barlestone	Land at Spinney Drive	49
MKBOS01M	Market Bosworth	Land south of Station Road	100
MKBOS2H	Market Bosworth	Phase 2 of Land south of Station Road	243
NEW01H	Newbold Verdon	Land east of Brascote Lane	221
BAG01H	Bagworth	The Silk Forest, Barlestone Road	7
BAG02H	Bagworth	Land at Station Road	17
STA01H	Stanton Under Bardon	Land off Main Street	56
THO1H	Thornton	Thornton Nurseries, South of Reservoir Road	21
THO2H	Thornton	Land off Warwick Close, St Peters Drive and Sharp's Close	53
THO3H	Thornton	Manor Farm, Main Street	17

Comment

- 3.15 None of these sites are located such that they would have a visual impact upon this district. Whilst it is understood that a transport assessment has been commissioned, this has not been published alongside the Regulation 19 plan on the HBBC website. Without this evidence it is not possible to be sure that these developments either individually, or more likely cumulatively, will not have an impact upon the highway network in North West Leicestershire. Therefore, it's considered that an objection should be raised to policy HO01 as not being justified due to the lack of any published transport evidence.

Policy HO07 – Gypsies, Travellers and Travelling Showpeople

- 3.16 This policy sets out the considerations which will apply when determining proposals for gypsies, travellers and travelling showpeople. It proposes to prepare a Gypsy and Traveller Site Allocations Development Plan Document and to “*work with partners to identify and allocate suitable sites to meet the identified pitch needs as contained in the latest Gypsy and Traveller Accommodation Needs Assessment*”. A needs assessment was undertaken for the borough in 2016 and identified a need for 53 households to 2039. Despite undertaking three separate call for sites exercises no suitable sites were identified.
- 3.17 Additional evidence has been commissioned to look at other potential options, including extending existing sites. The text at paragraph 7.29 of the plan states that “*In order to identify suitable sites to meet these identified needs, the Council will need to work with partners across Leicestershire and with its neighbours along its Warwickshire border and produce a separate Gypsy and Traveller Site Allocation Development Plan Document (DPD)*”.

Comments

- 3.18 Members will be aware of the difficulty of trying to identify suitable and deliverable sites for gypsies and travellers. Members will also be aware that this Council has worked with all of the Leicester and Leicestershire authorities to identify the needs for gypsies and travellers. However, HBBC were not part of this work.
- 3.19 As currently worded, the text at paragraph 7.29 (referred to above) it appears that HBBC has decided that it will not be able to make any provision for gypsies and travellers. However, this is somewhat at odds with the policy itself which includes a clear commitment to preparing a DPD to identify sites.
- 3.20 It is also not clear what is meant in the policy when it refers to “*work with partners to identify and allocate suitable sites*”. Is this just within HBBC area or further afield?

- 3.21 If HBBC considers that it cannot accommodate its needs for gypsies and travellers, then HBBC should be formally approaching authorities such as North West Leicestershire District Council under the Duty to Cooperate. In doing so there would need to be demonstrable evidence that HBBC cannot accommodate its needs. No such evidence appears to have been published at this time.
- 3.22 The policy, as currently drawn does not comply with the DCLG Planning Policy for Traveller Sites (April 2015) and particularly Policy D of that document.
- 3.23 As currently worded it is considered that the policy is not positively prepared, justified or effective.

CLT04 – Twycross Zoo

- 3.24 This policy provides support for proposals at Twycross Zoo which are directly related to the Zoo as a visitor and tourist facility and/or for animal conversation and research.

Comment

- 3.25 Twycross Zoo is a major tourist destination which is very important to the local economy. The Zoo is located adjoining the A444 which as members will be aware passes through part of North West Leicestershire. The policy does not include any reference to any other criteria. However, policy HT01 requires all development proposals to be supported by an Appropriate Transport Assessment, which includes ensuring that new development would not have a significant adverse impact upon the highway network. It is generally recognised that it is not necessary for a generic policy or parts of it be repeated as part of site specific policies as all policies in the plan have to be read together. It is considered that the application of policy HT01 should ensure that any potential impacts upon this district are adequately addressed.

Policy NAT04 – National Forest

- 3.26 The policy provides support for proposals which contribute towards the delivery of the National Forest Strategy and the 25-year Vision for the National Forest. New development will be required to include on-site or nearby woodland planting.

Comment

- 3.27 This policy is consistent with that in this Council’s Local Plan and is supported.

Policy NAT05 – Charnwood Forest Regional Park

- 3.28 This policy provides support for proposals within the Charnwood Forest area that comply with a range of criteria.

Comment

- 3.29 The various criteria are very similar to those in this Council’s Local Plan and are to be welcomed and supported.

Policies and other considerations, as appropriate	
Council Priorities:	None

Policy Considerations:	None
Safeguarding:	No issues identified
Equalities/Diversity:	No issues identified
Customer Impact:	No issues identified
Economic and Social Impact:	No issues identified
Environment and Climate Change:	The potential impact of proposed development upon parts of the district are highlighted in the report
Consultation/Community Engagement:	Portfolio Holder for Infrastructure and Planning
Risks:	The District Council is a consultee on the Regulation 19 Hinckley and Bosworth Borough Local Plan. It is important that the District Council engage in the process to ensure that any concerns are raised to protect the Council's interests.
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