

HINCKLEY AND BOSWORTH LOCAL PLAN (2006 – 2026): SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT – PRE-SUBMISSION DOCUMENT
REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

WARDS AFFECTED: ALL WARDS

1. **PURPOSE OF REPORT**

The purpose of the report is to seek Members endorsement to consult on the Site Allocations and Development Management Policies Development Plan Document (DPD) pre-submission version, sustainability Appraisal, consultation report and supporting documents in accordance with the Town and Country Planning Regulations (Local development) (England) 2004 (as amended) and the Local Development Scheme. It also seeks endorsement for subsequent submission of the DPD to the Secretary of State for Examination in Public. Copies of the documents are available to view in the Members room and on the internet as part of the committee documents.

2. **RECOMMENDATION**

That the Scrutiny Commission;

- (i) Review and endorse the publication of the pre-submission draft Site Allocations and Development Management Policies DPD, Sustainability Appraisal, consultation report and supporting documents due for consultation during the period 17 March 2014 to 2 May 2014 in accordance with the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended).
- (ii) Note the planned submission of the Site Allocations and Development Management Policies DPD, sustainability appraisal, consultation report and supporting documents to the Secretary of State for Examination in Public following analysis of the representations received during the consultation period.
- (iii) Forward comments and recommendations on the documents to Council for consideration.

3. **BACKGROUND TO THE REPORT**

- 3.1 The overarching strategy for Hinckley and Bosworth Local Plan (2006 – 2026) is the adopted Core Strategy (December 2009). This sets out the spatial objectives, directions for growth, long term vision and strategic core policies for the borough and forms the basis for subsequent development plan documents. The intention to prepare the Site Allocations and Development Management Policies DPD to allocate individual sites is set out within the Core Strategy.
- 3.2 The Site Allocations and Development Management Policies DPD must be in conformity with the adopted Core Strategy. The DPD allocates land for specific uses such as housing, employment, various typologies of open space, and community uses in accordance with the provisions set out within the Core Strategy and to reflect the adopted evidence which include;

- Areas of Separation Review (2012)
- Biodiversity Assessment (2009)
- Community, Cultural and Tourism Facilities Review (2013)
- District, Local and Neighbourhood Centre Review (2012)
- Employment Land and Premises Review (2013)
- Green Wedge Review and Green Wedge Allocations Topic Paper (2011)
- Phase 1 Habitat Survey (2012)
- Hinckley Area Cycle Network Plan (1999)
- Hinckley and Bosworth Rural Parishes Cycle Network Plan (2003)
- Landscape Character Assessment (2006)
- Leicester and Leicestershire HMA Employment Land Study (2012)
- Open Space, Sport and Recreational Facilities Study (2011)
- Renewable Energy Capacity Study (2013)
- Retail Capacity Study (2007)
- Strategic Flood Risk Assessment (2007)
- Strategic Housing Land Availability Assessment (2013)

All of the studies are available to view on the Borough Council's website (www.hinckley-bosworth.gov.uk).

- 3.3 The housing sites included within the pre-submission draft of the DPD have been robustly assessed to ensure they are; suitable, available and achievable and they will meet the residual requirements of the Core Strategy.
- 3.4 The following allocations; employment land, the different typologies of open spaces throughout the borough, community, cultural and tourism facilities, conservation area boundaries, district, local and neighbourhood centres, and green wedge boundaries are all reflected within the DPD. The Site Allocations and Development Management Policies DPD does not include allocations for gypsy and travellers, these allocations shall be made in the Gypsy and Traveller Allocations DPD.
- 3.5 The council commissioned consultant DTZ to undertake a Viability and Deliverability Assessment of the DPD. The assessment takes into account the cost of development, together with the consideration of competitive returns to land owners and developers that will enable the development to be deliverable. Having tested the policy requirements of the Core Strategy against a series of residential site archetypes, reflective of the profile sites featured in the Site Allocations DPD, the study concluded (notwithstanding site specific abnormal costs) that the residential allocations are deliverable in the context of reasonable flexibility in the interpretation and application of Core Strategy Policy.
- 3.6 Supporting the implementation of the Core Strategy and the site allocations are the Development Management Policies. The 25 policies set out in the document are intended to be used in day to day decision making on planning applications. The policies cover the following topic areas;
- Presumption in Favour of Sustainable Development
 - Delivering Renewable Energy and Low Carbon Development
 - Infrastructure and Delivery
 - Safeguarding the Countryside and Settlement Separation
 - Enabling Rural Worker Accommodation
 - Enhancement of Biodiversity and Geological Interest
 - Preventing Pollution
 - Safeguarding Open Space, Sport and Recreational Facilities
 - Safeguarding Natural and Semi-Natural Open Spaces

- Development and Design
- Protecting and Enhancing the Historic Environment
- Heritage Assets
- Preserving the Borough's Archaeology
- Replacement Dwellings in the Rural Area
- Redundant Rural Buildings
- Telecommunications
- Highway Design
- Vehicle Parking Standards
- Existing Employment Sites
- Provision of Employment Sites
- Locating Sustainable Town Centre Uses
- Vitalising District, Local and Neighbourhood Centres
- High Quality Shop Fronts and Advertisements
- Preserving the Borough's Cultural and Tourism Facilities
- Safeguarding Community Facilities

3.7 The pre-submission version of the Development Management Policies have changed significantly from those consulted upon in 2009 'preferred option' consultation paper. The changes reflect the introduction of the NPPF which has seen a dramatic change in policy at the national level which the Borough Council's plans must be in line with. The NPPF has placed a requirement on Council's to include policies in their plans that were not required before the change in national policy. Also the abolition of the East Midlands Regional Plan has had implications in terms of policy voids.

3.8 The Site Allocations and Development Management Policies DPD has the following benefits;

- Once adopted the council will have a secure 5 year housing land supply
- It will provide the Council with a strong case to refuse speculative planning applications
- The Green Wedge boundary has been reviewed to make it more robust and defensible in the future, this includes extensions to both of the green wedges.
- Identifies and safeguards three times as many open spaces as the 2001 Local Plan
- Identifies and safeguards three times as many Community Facilities as the 2001 Local Plan
- Identifies, safeguards and supports the provision of employment sites
- For the first time safeguards rural public houses from redevelopment to other uses
- For the first time identifies and safeguards Cultural and Tourism Facilities
- Settlement separation is for the first time a key consideration in the determination of all applications outside settlement boundaries and not just within specific areas
- For the first time shopping areas are categorised into a hierarchy of provision with tailored policies to each hierarchy
- Recognition and designation of the new Bilstone Conservation Area
- Recognition and designation of the extended Bosworth Battlefield
- For the first time protection is afforded to locally important heritage assets through the Local List
- Settlement boundaries have undergone a robust review and amendment more accurately reflected the built form of settlements
- County Highways Parking standards are for the first time applied as a minimum requirement

3.9 It is intended to consult on the pre-submission Site Allocations and development Management Policies DPD for a period of 6 weeks from **Monday 17 March 2014 to 5pm on Friday 2 May 2014**. After this consultation period, a Government inspector will assess the document at a public examination to make sure that it has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it has passed the four tests of soundness. These four tests are contained within the National Planning Policy Framework (NPPF) and are to ensure that the plan is:

- **Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

When making representations on the Pre-submission document, the representations should focus on explaining in what way:

- The Council has not followed the correct legal procedures (e.g. been produced in line with the proper regulations); or,
- The Proposed Submission document has failed one or more of the tests of soundness. This could be one or more parts of the document and representations should identify the changes needed to make it sound.

4. FINANCIAL IMPLICATIONS [KB]

4.1 The cost of the Site Allocations document is forecast to be approximately £90,000 in 2013/2014 and £200,000 for 2014/2015. At the time of producing this report, it is forecast that approximately £29,500 of the spend for the current year will be requested for carry forward at the year end.

4.2 The Council has in place an earmarked reserve to fund the costs associated with the production of all documents included in the Local Plan. Taking into account current forecasts, the balance on this reserve as at 31st March 2014 is forecast to be £373,500. Additional transfers to this reserve to fund the completion of all Local Plan documents was approved by Council in December 2013.

5. LEGAL IMPLICATIONS [AB]

5.1 Contained in the body of the report

6. CORPORATE PLAN IMPLICATIONS

6.1 The Site Allocations and development Management Policies DPD supports the following aims of the Corporate Plan 2013 – 2016:

- Creating a vibrant place to work and live
- Empowering communities
- Supporting individuals
- Providing value for money and pro-active services

7. CONSULTATION

- 7.1 The production of the Site Allocations and Development Management Policies document has been based on ongoing consultation with the local community and key stakeholders. A wide range of comments were received during the public consultation exercises in November 2003 to December 2003 on the LDF Issues Papers – ‘A vision for our future’ and ‘The Shape of Things to Come’ during summer 2005. In August-September 2007 the Site Allocations and Generic Development Control Policies Issues and Options Papers were consulted upon. These papers set out a number of issues and options for comment and respondents were also invited to submit further issues facing the Borough and additional sites.
- 7.2 In 2009 the Borough Council undertook an eight week public consultation on the Preferred Options version of the document which, at the time, was called the Site Allocations and Generic Development Control Policies DPD. Throughout this consultation period the Borough Council undertook many public consultation workshops and exhibitions to explain the proposals to members of the public and as a result the Council received 13,500 representations to the document. All of the representations received were reviewed and summarised in the Statement of Consultation Responses (July 2011) and have been taken into account while producing this pre-submission version.
- 7.3 The majority of the 13,500 representations related to the allocation of Gypsy and Traveller sites with the borough. As stated above the allocation of Gypsy and Traveller sites will be undertaken through a separate DPD. Below are some of the issues raised during the consultation period, please note that these do not represent all the comments raised these can be found in Appendix 6 of the Consultation Report which can be found on the Council’s web-site www.hinckley-bosworth.gov.uk.
- Lack of facilities (including, for example; schools, GP Surgery’s, Dentists, Libraries, and community centres) development will put a strain on existing facilities
 - High concentration of Travellers
 - Impact of increased traffic, highway safety, access and capacity
 - Brownfield sites should be allocated and not Greenfield (or Green Belt) please note that Green Belt is a national designation and no land in the borough bestows this designation.
 - Concerns regarding flooding and drainage
 - Support for the railway station at Bagworth, but concerns raised about sufficient car parking provision
 - Concerns over Wildlife and habitat Impact
 - Employment sites have overtime been redeveloped for housing therefore why are additional employment sites required?
 - There is a lack of employment sites
 - Accessibility by public transport
 - Protection of allotments and green spaces is supported
 - Additional houses are required to support local facilities and services
 - Landscape and visual impact of proposals
 - Loss of countryside, green wedge, and open space
 - Loss of good quality agricultural land
 - Increase number of public open spaces required including sports pitches.

- Proposals would increase commuting and car use.

7.4 As a result of the consultation it emerged that the Borough Council needed to undertake further work to ensure that the document was 'sound'. Officers have now undertaken this work and the documents listed in paragraph 3.2 above are the result of this additional work.

7.5 Where housing allocations have been required to meet the residual housing requirement of settlements in the borough, Members have been invited to meet with Officers to discuss the background and reasoning for the specific allocations.

7.6 The draft Development Management Policies have been discussed with a cross party Member working group and informal consultation with statutory consultees and key stakeholders. All the comments and suggested changes made during this informal consultation have been incorporated into the policies.

7.7 All the previous consultations have helped inform the preparation of the Site Allocations and Development Management Policies pre-submission version.

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Consultation not undertaken in conformity with the statutory requirements.	Ensure consultation is undertaken with the Statement of Community Involvement (SCI)	Policy and Regeneration Manager.
Publication of the DPD legally compliant and conforms to the 'Test of Soundness'.	Undertake legal compliance self-assessment prior to submission of the DPD to the Secretary of State.	Policy and Regeneration Manager.
Risk of speculative planning applications.	Proceed with the finalisation of the DPD in accordance with the recommendation of this report.	Policy and Regeneration Manager.

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The Site Allocations and Development Management Policies DPD addresses the needs of both urban and rural areas equally and is in conformity with the spatial strategy of the Core Strategy. The balance of green spaces has been considered and where deficits exist, whether rural or urban, this document seeks to secure provision for the future. The policies also aim to safeguard and preserve; community facilities, cultural and tourism facilities, the countryside, open space, sport and recreational facilities, natural and semi-natural open space. Policies also aim to support the provision of new employment within suitable locations which are defined within the

policy. There are policies relating to protecting and enhancing the Historic Environment and relating to heritage assets.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications – None arising from this report
- Environmental implications – Contained within the Sustainability Appraisal
- ICT implications – None arising from this report
- Asset Management implications – Contained within the DPD, Council owned land has been allocated for development.
- Human Resources implications – None arising from this report
- Planning Implications – Contained within the body of the report
- Voluntary Sector – None arising from this report.

Background papers: Site Allocations and Development Management Policies DPD Pre-submission report
Sustainability Appraisal
Site Allocations and Generic Development Control Policies DPD Preferred Option Consultation Report
Viability and Deliverability Assessment
Settlement Boundary Topic Paper

Further supporting evidence which has previously been approved by the Executive are available to view on the council's website.

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