



Hinckley & Bosworth
Borough Council

A Borough to be proud of

**HINCKLEY & BOSWORTH LOCAL PLAN (2006 – 2026): ADOPTION
OF EARL SHILTON AND BARWELL AREA ACTION PLAN
REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY
DIRECTION)**

WARDS AFFECTED: BARWELL AND EARL SHILTON

1. PURPOSE OF REPORT

- 1.1 To seek the agreement of Council to adopt the Earl Shilton and Barwell Area Action Plan as part of the Hinckley and Bosworth Local Plan (2006 to 2026).

2. RECOMMENDATION

To request members to:

- (i) Note the conclusions and recommendations of the Planning Inspector of the examination of the Earl Shilton and Barwell Area Action Plan.
- (ii) Note the intention to adopt the Earl Shilton and Barwell AAP at full Council on 23 September 2014.

3. BACKGROUND TO THE REPORT

- 3.1 The overarching strategy for the Hinckley & Bosworth Local Plan (2006 – 2026) is the adopted Core Strategy. This sets out the spatial objectives, directions for growth and strategic core policies for Hinckley and Bosworth and forms the basis for subsequent Local Plan documents. The intention to prepare an Area Action Plan (AAP) to shape proposed growth in Earl Shilton and Barwell is set out within the Core Strategy through policies 2 and 3.
- 3.2 The Earl Shilton and Barwell AAP will provide the development framework for the SUEs at Earl Shilton and Barwell to guide the Council, developers and others in investing in the future of the settlements over the period to 2026. The AAP seeks to ensure that the detailed proposals for the SUEs are located in the most appropriate areas (through the implementation of the masterplans); the necessary infrastructure to support the level of population growth generated by the SUEs is delivered and that the SUEs act as a catalyst for the regeneration of the existing settlement centres of Earl Shilton and Barwell.
- 3.3 The Council approved the consultation and subsequent submission of the Pre-submission version of the AAP to the Secretary of State for independent examination at full Council on 16 July 2013.

4. EXAMINATION OF THE EARL SHILTON AND BARWELL AAP

- 4.1 The AAP was submitted to the Secretary of State for independent examination on 13 December 2013, who appointed an independent Planning Inspector to carry out the examination of the AAP as required by Section 20 of the Planning & Compulsory Purchase Act 2004 (as amended). After an initial appraisal of the AAP, evidence base documents and responses received to the Pre-submission draft, the Inspector identified a number of matters and issues which formed the basis of the Examination hearing sessions.

- 4.2 Examination hearing sessions were held at the Borough Council offices on 27th and 28th March and 2nd and 3rd of April. The matters addressed during the hearing sessions related to: housing provision, deliverability and viability; non-transport infrastructure; employment and retail provision and town centre regeneration; and transport infrastructure to support the urban extensions. Legal and procedural matters were also addressed.
- 4.3 Following the hearing sessions, the Inspector proposed a number of Main Modifications to the plan (discussed further in section 5) to address issues relating to the soundness of the AAP. The Main Modifications were subject to a six week consultation period between the 2nd June and 14th July 2014. The Inspector received 18 responses to the Main Modifications and these were considered by the Inspector prior to drafting his report.

5. INSPECTOR'S REPORT – CONCLUSIONS AND RECOMMENDATIONS

- 5.1 The Planning Inspectorate dispatched the report on the Examination into the Earl Shilton and Barwell AAP to the Borough Council on 4 August 2014.
- 5.2 The Inspector's report contains an assessment of the AAP under the requirements of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). The report considers whether the preparation of the plan has complied with the duty to co-operate; whether it is compliant with the legal requirements of the Act and whether the plan meets the requirements of the National Planning Policy Framework (NPPF) and is sound through being positively prepared; justified; effective and consistent with national policy. The report provides discussion on each of the matters and issues referred to above, having regard to consultation responses received to the Pre-submission AAP, the discussions during the examination hearing sessions and comments received in response to the proposed main modifications. The report sets out the Inspector's conclusions on each of the issues and his recommendations. The full report on the Examination is a supporting paper to this report¹.
- 5.3 The Inspector concluded:
- "The Council has requested that I recommend main modifications to make the plan sound and legally compliant and capable of adoption. I conclude that, with the recommended main modifications set out in the Annex to this report, the Earl Shilton and Barwell Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework."*
- 5.4 The main modifications are changes which relate to matters of soundness, which if not incorporated into the plan would make the plan unsound. The main modifications recommended by the Inspector are primarily those proposed by the Borough Council to the Inspector at the end of the examination hearing sessions. A summary of the main modifications is set out in the box below and are available to view in detail in the document attached to this report².

¹ Report on the Examination into the Earl Shilton and Barwell Area Action Plan (4 August 2014)

² Earl Shilton and Barwell AAP – Schedule of Inspector's Recommended Main Modifications

The Main Modifications (MM) can be summarised as follows:

- MM1 The housing trajectory, paragraph 10.5, to be deleted;
- MM2 Policies 6 and 12 to be more positively worded;
- MM3 A revised Infrastructure Schedule to be included;
- MM4 The wording of Policy 23 to be amended for clarification;
- MM5 The wording of Policy 8 be amended for consistency with Policy 14;
- MM6 That Policy 19 and supporting text be re-worded to clarify the means to implementation and make it more effective;
- MM7 The wording of Policies 9 and 15 to be amended to clarify the provision of facilities for community policing;
- MM8 That reference to the Highway Authority be deleted from the end of the second paragraph in Policies 10 and 16;
- MM9 The wording in the second bullet point of Policy 10 and the supporting text to be amended to clarify the future use of Mill Lane;
- MM10 A new Appendix 7 to be inserted which lists those policies in the plan which supersede policies in the adopted local plan and
- MM11 Figure 3 'submission Proposals Map' to be deleted from the plan.

5.5 A majority of the main modifications are consistent with those proposed by the Borough Council after the hearing sessions. The Council have incorporated the main modifications into the adoption version of the AAP³ which is available to view in hard copy in the Members Room and in electronic format on the intranet prior to Council.

5.6 Throughout the examination process the Borough Council has also prepared a number of additional modifications. Additional modifications are changes which the Borough Council is entitled to make as they do not affect the soundness of the AAP. Additional Modifications include factual corrections, changes received in response to the AAP and consequential changes resulting from the Inspector's Main Modifications. A schedule of additional modifications⁴ is attached to this report.

5.7 It is the recommendation to the Council that the Borough Council should adopt and publish the Earl Shilton and Barwell Area Action Plan in accordance with the Inspector's recommendations set out in paragraph 89 and 90 of the examination report.

6. FINANCIAL IMPLICATIONS [KP]

6.1 The Council has budgeted £146,986 in 2014/2015 for work on the Barwell and Earl Shilton Action plan. All costs associated with the Plan will be met from this budget.

7. LEGAL IMPLICATIONS [MR]

7.1 Set out in the report.

8. CORPORATE PLAN IMPLICATIONS

8.1 The Earl Shilton and Barwell Area Action Plan supports the following aims of the Corporate Plan 2013 – 2016:

- Creating a vibrant place to work and live; and

³ Hinckley and Bosworth Borough Council Local Plan 2006-2026: The Earl Shilton and Barwell Area Action Plan (September 2014)

⁴ Earl Shilton and Barwell AAP – Schedule of Additional Modifications

- Empowering communities.

9. CONSULTATION

- 9.1 The Borough Council is not required to undertake further consultation on the Earl Shilton and Barwell AAP but is required to notify all those who requested to be notified of the adoption of the AAP in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

10. RISK IMPLICATIONS

- 10.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 10.2 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
Risk of piecemeal development proposals within the proposed SUEs.	Adopt the Earl Shilton and Barwell AAP in accordance with the recommendation of the Inspector.	Nic Thomas

11. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 11.1 The Earl Shilton and Barwell Area Action Plan Preferred Options document proposes the allocation of land adjoining Earl Shilton and Barwell for the development of two mixed use sustainable urban extensions. The current land use in these locations is largely agricultural. The allocations are proposed to support the delivery of requirements set out in policies 2 and 3 of the adopted Core Strategy.

12. CORPORATE IMPLICATIONS

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

Community Safety implications – None arising from this report
 Environmental implications – None arising from this report
 ICT implications – None arising from this report
 Asset Management implications – None arising from this report
 Human Resources implications – None arising from this report
 Planning Implications – Contained within the body of the report.
 Voluntary Sector – None arising from this report

- Report on the Examination into the Earl Shilton and Barwell Area Action Plan (4 August 2014)
- Earl Shilton and Barwell AAP – Schedule of Inspector’s Recommended Main Modifications
- Earl Shilton and Barwell AAP – Schedule of Additional Modifications

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