



**RE: MARKET BOSWORTH NEIGHBOURHOOD
DEVELOPMENT PLAN
REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY
DIRECTION)**

WARDS AFFECTED: MARKET BOSWORTH

1. PURPOSE OF REPORT

- 1.1 To seek Council approval to the modifications to the Market Bosworth Neighbourhood Plan recommended by the Independent Examiner and allow the plan to proceed to a referendum.
- 1.2 Subject to a majority vote in favour of the plan in the referendum, to seek approval for the plan be 'made' a part of the statutory development plan.

2. RECOMMENDATIONS

2.1 That Council:

- (i) Reviews and approves the recommendations of the Examiner, including the recommendation that the houses along the road 'The Park' be included in a referendum, and authorises officers to take the appropriate action to take the plan forward for referendum as set out in The Neighbourhood Planning (General) Regulations 2012.
- (ii) Approves the proposal that the Neighbourhood Plan be 'made' part of the statutory development plan in accordance with the requirements of S38A (4) of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, subject to a majority vote in favour of the Plan at the referendum.

3. BACKGROUND TO THE REPORT

- 3.1 Neighbourhood planning was introduced in the Localism Act 2011. It allows communities to shape new development by coming together to prepare Neighbourhood Plans which can then become part of the development plan for the area and be used when deciding planning applications in the Neighbourhood Area, as well as allocate land for development.
- 3.2 Following a successful application in 2011 to be a Frontrunner as part of the Neighbourhood Planning Vanguard scheme, members of Market Bosworth Parish Council and residents from Market Bosworth Parish came together in 2013 to form a Neighbourhood Forum in order to prepare a Neighbourhood Plan for Market Bosworth Parish. The Neighbourhood Area was designated in 2013 in accordance with the Neighbourhood Planning (General) Regulations 2012 and work on preparation of the plan began.
- 3.3 The draft Neighbourhood Plan has been prepared by Neighbourhood Forum members, in consultation with residents of the parish and statutory

consultees, and with assistance from the Borough Council and the Rural Communities Council. The plan sets out land use policies which would be used to determine planning applications within the Neighbourhood Area, and allocates an area of land South of Station Road for a mixed use development comprising residential and employment land.

- 3.4 Preparation of a neighbourhood plan includes a number of formal stages required in legislation including an examination by an independent examiner and a referendum to be held in the plan area before it can be adopted by the local planning authority. Following the examination of the Market Bosworth Neighbourhood Plan, the Examiner has produced his report containing a number of recommended modifications, none of which fundamentally change the nature or direction of the plan.
- 3.5 Paper copies of the Market Bosworth Neighbourhood Plan, Examiners Report and a table outlining the Examiner's proposed modifications are available on request.
- 3.6 The Independent Examiner was satisfied that the Market Bosworth Neighbourhood Plan, as modified, meets the basic conditions under paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, that:-
 - it has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;
 - it has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - it contributes to the achievement of sustainable development;
 - it is in general conformity with the strategic policies of the development plan for the area;
 - it does not breach and is compatible with European Union obligations and the European Convention on Human Rights.
- 3.7 On this basis and subject to the proposed modifications the Examiner is satisfied that the Market Bosworth Neighbourhood Plan should proceed to referendum.
- 3.8 In proceeding to referendum the local planning authority is required to produce a statement, to be published, along with the other documents specified in Regulation 4 of the Neighbourhood Planning (Referendums) Regulations 2012, no later than 28 days, excluding Saturdays, Sundays, and public or bank holidays, before the date of the referendum. The statement is required to state that the local planning authority is satisfied that the draft neighbourhood meets the basic conditions that were the subject of the examination and that it complies with the provisions made under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. Officers are satisfied that these requirements have been met.

- 3.9 The referendum will only be carried out in the designated Neighbourhood Plan area; the question that will be asked, as prescribed the Regulations is as follows:

Do you want Hinckley and Bosworth Borough Council to use the Neighbourhood Plan for Market Bosworth to help it decide planning applications in the neighbourhood area?

4. FINANCIAL IMPLICATIONS [KP]

- 4.1 Any costs of the referendum and the implementation of the Neighbourhood Plan should be met by the Council. This will in turn be compensated through receipt of grant funding from central government. This Council has, to date, received £15,000 for this purpose and has applied for an additional £20,000 allocation in June 2015.
- 4.2 Once calculated, any cost of the election and implementation of the plan should be established in a budget. Any supplementary expenditure budgets will require authorisation in line with Financial Procedure Rules (despite funding being available). At the time of writing this report, further work was required to determine these costs.

5. LEGAL IMPLICATIONS [MR]

- 5.1 The procedure to be followed to progress the Neighbourhood Plan now that the examiner's report has been received is set out both in the Council's constitution, and the Planning Policy Guidance
- 5.2 The constitution provides that a consideration of the examiner's report and a determination of whether the plan should proceed to referendum is for full council following recommendations from the Executive.
- 5.3 The Planning Policy Guidance summarises the procedure to be followed if HBBC takes the decision to send the plan to referendum.
- 5.4 The Neighbourhood Planning (Referendums) Regulations 2012 (2031) set out in some detail the rules under which any referendum must be conducted and it will be recommended that authority to conduct a referendum be delegated to the Returning Officer
- 5.5 If more than 50% of those voting in a referendum support the Plan then HBBC must make the Plan. This last action must also be taken by the council

6. CORPORATE PLAN IMPLICATIONS

- 6.1 The Market Bosworth Neighbourhood Plan supports the following aims and priorities of the Corporate Plan 2013 - 2016:

Aim 1: Creating a vibrant place to work and live

- Reducing the impact on the environment
- Protecting and improving parks and open spaces
- Providing decent and affordable homes

- Recognising distinctive communities

Aim 2: Empowering communities

- Creating and supporting an effective community and voluntary sector
- Improving confidence, perception and pride in communities

Aim 3: Supporting Individuals

- Identifying and planning to meet the needs of an ageing population

7. CONSULTATION

- 7.1 The Market Bosworth Neighbourhood Plan has been subject to a range of consultation measures involving local residents, business owners and interested members of the public. In addition, relevant statutory bodies and individuals/groups have been consulted as part of the pre submission and submission consultation stages.

8. RISK IMPLICATIONS

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 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.
- 8.3 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
The recommendations of the Independent Examiner are not accepted, meaning that the Neighbourhood Plan cannot proceed to referendum. Failure to progress the plan to referendum would result in significant dissatisfaction for the Parish Council/Neighbourhood Forum and prevent the Neighbourhood Plan being 'made.'	Acceptance of the Examiner's recommendations.	Nic Thomas
The decision to 'make' the plan subject to a majority yes vote at referendum is not endorsed at this stage. This would mean the decision to make the plan have to be taken after the referendum, which would delay implementation of the plan.	The recommendation proposed in paragraph 2.1 (ii) of this report is accepted.	Nic Thomas

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The Market Bosworth Neighbourhood Plan is the work of the Market Bosworth Neighbourhood Forum, a sub-group of Market Bosworth Parish Council, and has been produced in consultation with local residents and businesses.

9.2 The policies and allocation within the Plan are informed by research and consultation conducted within the Neighbourhood Area, and will be used to shape development within the Area over the plan period. These policies have been formulated to address local needs.

10. CORPORATE IMPLICATIONS

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

- Planning implications

Background papers: Market Bosworth Neighbourhood Plan; Examiners Report; Table of Modifications.

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