



## Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

COUNCIL

7 DECEMBER 2017

WARDS AFFECTED: HINCKLEY DE MONTFORT

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PETITION: THE BIG PIT

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### **Report of the Director (Corporate Services)**

#### 1. PURPOSE OF REPORT

1.1 To present a petition to Council in accordance with the petitions scheme.

#### 2. RECOMMENDATION

2.1 Council agrees action to be taken, taking into account the matters addressed in paragraph 3.5 onwards.

#### 3. BACKGROUND TO THE REPORT

3.1 A petition has been received which appears to have been collated in several separate parts with three different identifiable titles, as follows:

- (a) "Petition against ANY development on the site of "The Big Pit", off Ashby Road, Hinckley".
- (b) "We the undersigned are against building on "The Big Pit" Hinckley. We ask that you stop in your attempts to put properties on this environmental asset and allow it to remain as a local beauty spot".
- (c) "Block any applications made for development on the land and lake off Ashby Road known as "The Big Pit" or halt any appeals that have been upheld. Make a compulsory purchase order for the lake and land and maintain it to a standard suitable enough to be enjoyed by the local general public".

3.2 The petition was submitted to the planning service to serve as an objection to the current planning application 17/00765/FUL. It was clear, however, that the petition was against ANY development on the site and not objecting specifically to the merits

of the application under consideration. It was therefore processed in accordance with the petitions scheme.

- 3.3 The petitions scheme contains certain criteria for petitions based on the action requested by each petition. If a petition contains more than 2000 signatures it will be debated by Council. For a single parish/ward issue, this figure is proportionately reduced. For the Hinckley special expenses area, 564 verified signatures are required to trigger a Council debate.
- 3.4 Despite only 205 of the 1700 signatures being able to be validated, it is felt that this matter is one which is in the public interest to receive a full debate in Council and is therefore presented to members for this purpose.
- 3.5 The following paragraphs will evaluate the merits of the key actions requested in the petition.
- 3.6 The first key action requested is "We ask that you stop in your attempts to put properties on this environmental asset and allow it to remain as a local beauty spot". It must be noted that the Council is not the developer and is not attempting to build properties.
- 3.7 The second key action requested is "Block any applications made for development on the land and lake off Ashby Road known as "The Big Pit"". The Council has a duty to determine valid planning applications received. It is not legally possible to block applications.
- 3.8 The third key action requested is "halt any appeals that have been upheld". Again, this is not within the Council's power. Appeals are determined by a government inspector and this Council would have to have sound grounds for challenging any such decision and within a very short timescale of six weeks from the date of decision. Members are referred to the appeal decision of 4 December 2014 mentioned below.
- 3.9 The final key action requested is "Make a compulsory purchase order for the lake and land and maintain it to a standard suitable enough to be enjoyed by the local general public". Were it minded to CPO this land as requested in the petition, the council would need to justify the use of CPO powers to the Secretary of State because all CPOs have to be approved by him/her and the council would need to demonstrate that:
  - (a) The council was authorised by statute to acquire the land compulsorily for a particular purpose and that the CPO is necessary to achieve that purpose;
  - (b) There is a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land;
  - (c) Adequate resources are, or are likely to be, available to implement both the CPO and the CPO scheme within a reasonable time frame;
  - (d) There is a reasonable prospect of the CPO scheme going ahead. It is noted that there is an extant outline planning permission on the land granted on appeal on 4 December 2014 for residential development including the importation of material and infill engineering works;
  - (e) The CPO scheme has strong policy support;
  - (f) There is no alternative site or alternative means of bringing about the objective of the CPO;
  - (g) The CPO is a measure of last resort and that negotiations for acquisition by agreement have proved fruitless.

3.10 Were the Council able to pursue successfully a CPO for this land, the owner would be entitled to compensation. Although the assessment of compensation is a complex and specialised field, the general principle is that the compensation payable would represent the value of the interest in the land to the owner consisting inter alia of the amount which its interest in the land might be expected to realise if sold on the open market by a willing seller (ie open market value which would include the value of any current planning consents).

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 This report will be taken in public session

5. FINANCIAL IMPLICATIONS [initials of person writing the implications]

5.1 [Finance to insert – reports must be submitted to Finance by the deadline stated on the list of deadlines which can be found on the intranet. If there are no implications, it is for the relevant Finance officer to state ‘none’]

6. LEGAL IMPLICATIONS (MR)

6.1 Set out in the report.

7. CORPORATE PLAN IMPLICATIONS

7.1 This report considers matters which relate to the corporate ambition of Places: creating clean and attractive places to live and work.

8. CONSULTATION

8.1 This report is in response to a public petition.

9. RISK IMPLICATIONS

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

9.2 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.

9.3 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
None		

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This report affects those residents around the area identified and users of the area. It does not have an impact on any particular group or community.

## 11. CORPORATE IMPLICATIONS

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

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Background papers: None

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