

PLANNING COMMITTEE –

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

HINCKLEY & BOSWORTH LOCAL PLAN (2006 – 2026): EARL SHILTON AND BARWELL AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT – PRE SUBMISSION DOCUMENT

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek endorsement of the Pre-submission draft Earl Shilton and Barwell Area Action Plan (the 'AAP'); Strategic Transport Assessment and Viability Assessment and approval that the AAP be presented at Council on 16 July 2013.

2. RECOMMENDATION

- 2.1 That Planning Committee endorse the pre-submission draft Earl Shilton and Barwell Area Action Plan, The Earl Shilton and Barwell AAP Strategic Transport Assessment and The Earl Shilton and Barwell AAP Viability and Deliverability Assessment and agree that the documents be presented to Council for approval.

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 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 Sustainable Urban Extensions (SUE) 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.

4. THE PREPARATION OF THE EARL SHILTON AND BARWELL AAP

- 4.1 In December 2010, Council approved a Preferred Options draft of the AAP which was subject to a six-week consultation period, inviting representations and comments from residents, stakeholders and other interested parties.
- 4.2 To inform the preparation of the Preferred Options draft AAP, including the SUE masterplans within it, a number of consultation methods were used to ensure a wide range of views were considered from stakeholders and residents. In summary these methods and processes included:

- A forum with landowners and developers within the SUE areas to inform them of the project's progress and accommodate inputs into the masterplan proposals at key stages;
- The masterplan options for both SUEs were presented at public exhibitions to seek views from the public and stakeholder organisations during the early planning stages;
- Consultation events with key stakeholder organisations to inform the design process and the preparation of a 'preferred option' for each SUE;
- The preferred options AAP was subject to an initial consultation via manned public exhibitions in both settlements during October 2010.

4.3 In response to the preferred Options Draft AAP, the Council received written representations from a total of 80 respondents made up of:

- 41 from members of the public;
- 16 representations from various organisations such as government agencies and service providers;
- 12 responses from or on behalf of the development industry or land owners;
- 4 representations from Parish or Town Councils;
- 3 from individual Councillors;
- 3 responses from Local Authorities; and
- 1 representation from a local community group.

4.4 Furthermore, a total of 103 people signed into the public exhibitions at Earl Shilton and 70 at Barwell held in January 2011.

4.5 A Consultation Statement has been prepared and is included in the background documents to this Report. This will be published alongside the Pre-submission draft AAP, outlining key information that may be of interest to consultees. In summary the main issues raised were:

Table 1 – summary of main issues raised during consultation

Issue raised	Summary response
The level of housing proposed is not justified within the AAP	The principle for the SUE developments is an integral part of the Council's adopted Core Strategy which sets the housing requirement for the Borough for the period 2006 to 2026. The AAP provides a policy framework within which these schemes are to be implemented.
The need for the delivery of an appropriate mix of housing type and tenure	The AAP reaffirms that the SUEs will be required to comply with Core Strategy policy 16 with regards to housing mix. In addition, Core Strategy Policy 15 includes a requirement for 20% affordable housing in urban areas. The reaffirms that contributions can be sought to secure the delivery of part of this affordable housing requirement 'off-site'.

(Table 1 continued)	
Issues Raised	Summary response
The reduction in housing provision within the Earl Shilton SUE from 2000 to 1600 homes.	The AAP sets out a requirement for 1600 homes within the Earl Shilton SUE. The adopted Core Strategy included a contingency to absorb a shortfall of this scale should it arise during the masterplanning of the SUEs.
Employment land provision has been reduced from the level set out in the Core Strategy	The AAP sets out a level of employment land that reflects the outcome of the Earl Shilton and Barwell Employment Land Assessment (King Sturge) which was published alongside the preferred options version of the AAP in January/February 2011.
Severn Trent Water – Earl Shilton Waste Water Treatment Works	The AAP has been prepared in consultation with Severn Trent Water to assess the development implications on the waste water treatment works in terms of capacity and its proximity to sensitive land uses.
Transport infrastructure will not be able to cope with the impact of the developments.	The AAP provides a framework of policies to ensure that the SUE developments contribute towards appropriate infrastructure upgrades. A Strategic Transport Assessment has been prepared which sets out the transport infrastructure strategy for the SUEs. This has been prepared following detailed analysis using the Leicester and Leicestershire Integrated Transport Model and sets out requirements for highways, public transport, walking and cycling. (see paragraph 5.3 below)
Impact on infrastructure, including: education, sport and recreation, open space health care, community buildings, recycling and household waste sites, policing and libraries.	The AAP includes a framework of policies that relate to the infrastructure required to support the delivery of the SUEs. An infrastructure schedule within the AAP provides further details in relation to these infrastructure requirements, including indicative costs and phasing. (see paragraph 5.4 below)
Consultation on the preparation of the AAP has not been adequate.	The AAP is being prepared to provide planning policies that will help shape the successful delivery of SUEs that were identified in the Council's adopted Core Strategy. Consultation has been undertaken in line with the requirements of the Town and Country Planning Act 2004. This has included engagement through a masterplanning process (issues and options) and on a consultation draft version of the AAP document (Preferred Options). The comments received by the Council during these consultations have helped shape the policies contained within the AAP. (see section 9 below)

5. EARL SHILTON AND BARWELL AREA ACTION PLAN - PRE SUBMISSION DOCUMENT

- 5.1 All draft Local Plan documents are subject to periods of public consultation in accordance with the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended). These consultations should also follow the procedures set out in the Borough Council's Statement of Community Involvement. The AAP is now at the pre-submission stage and a

further six-week consultation period is required prior to the document being submitted to the Secretary of State for independent Examination. It is proposed that this consultation will be undertaken during a 6 week period in August and September 2013. Any changes suggested through this consultation period will be assessed and considered. Following this, it is anticipated that the document will be submitted to the Secretary of State in November 2013. An independent inspector will then test the 'soundness' of the document at a public examination. It is anticipated that the document will be adopted in May 2014. The Earl Shilton and Barwell Area Action Plan programme and approval process is provided in Appendix A.

5.2 Since the Preferred Options consultation in 2011, Officers have been preparing the 'pre-submission' draft of the AAP and the supporting technical evidence to inform its content. Officers have sought to address the issues and concerns raised during the previous consultation period to inform the Pre-submission draft, including addressing matters relating to the provision of strategic and on-site infrastructure. Officers responsible for preparing the AAP have also been heavily involved in matters relating to the outline planning application for the Barwell SUE to ensure that the emerging development framework within the AAP informed and shaped the outline proposals. The Pre-submission draft AAP is presented as a background paper to this report. A summary of the headline policy changes from the Consultation draft (2010) to the pre-submission document is appended to this Report.

5.3 ***Strategic Transport Assessment***

The Borough Council commissioned the consultant Capita Symonds to undertake a Strategic Transport Assessment (STA) to assess the travel impacts and needs of the two SUEs. The purpose of the STA is to inform the movement and access strategies and infrastructure implementation plan for all modes of travel including private vehicles, public transport, walking and cycling. The STA identifies a provisional list of transport infrastructure schemes required to support the two SUEs, informed by the work undertaken in conjunction with the Highways Authority to assess the impacts of development on the local and strategic transport network. The STA has been informed by the Leicester and Leicestershire Integrated Transport Model (LLITM) and the Hinckley and Nuneaton Paramics Model (HNPM) as advised by the Highways Authority. A full and highly detailed assessment has been undertaken considering the opportunities and constraints to access and connectivity between the existing settlements and the SUEs, and the wider strategic networks and surrounding towns such as Hinckley. The STA is provided as a background paper to this report and the indicative list of schemes and associated estimated costs are also provided in the AAP Infrastructure Schedule (Section 10 of the AAP).

5.4 ***Infrastructure provision – assessing viability and deliverability***

In response to the Consultation Draft AAP, concerns were raised that the necessary infrastructure to support the growth in the local population will not be delivered. The AAP includes a range of policies to support the delivery of appropriate infrastructure and Officers have undertaken further work with a range of infrastructure and service providers to identify an indicative schedule of infrastructure requirements considered necessary to support the delivery of the two SUEs. The Infrastructure Schedule is included in Section 10 of the AAP. The infrastructure in the AAP Infrastructure Schedule includes:

- Provision of new primary and increasing capacity at existing secondary and upper education facilities;
 - Strategic and local transport infrastructure schemes;
 - Health facilities (provision of new and / or increasing existing capacity of GP surgeries);
 - Play and Open Space provision;
 - Indoor Sports and Leisure facilities;
 - Libraries (increased capacity);
 - Increased capacity and improved efficiency at the Barwell Recycling and Household Waste Site;
 - Provision of community facilities;
 - Capacity to support neighbourhood policing;
 - Contributions towards improvements of the public realm for the existing centres.
- 5.5 The Council commissioned consultant DTZ to undertake a Viability and Deliverability Assessment of the AAP (background paper to this report). The assessment takes into account the cost of development and mitigation that will ensure the sustainability of the developments, together with the consideration of competitive returns to land owners and developers will enable the development to be deliverable. The appraisals undertaken as part of the assessment show that both SUE developments are deliverable, whilst providing the infrastructure requirements associated with the AAP and a competitive return to a willing land owner and a willing developer.

6. FINANCIAL IMPLICATIONS (DM)

- 6.1 A total of £15,000 has been drawn down from the LDF reserve into the Planning Policy cost code baseline budget as part of the carry forward request for the Earl Shilton and Barwell AAP. This will cover the costs associated with consultation materials including press notices for both the pre-submission consultation and submission stages.

7. LEGAL IMPLICATIONS (AB)

- 7.1 The proposed programme and approval process meets the requirement for independent examination required by S20(1) of the Planning and Compulsory Purchase Act 2004.

8. CORPORATE PLAN IMPLICATIONS

- 8.1 The Earl Shilton and Barwell Area Action Plan supports the following aims of the Corporate Plan 2009 – 2014:
- Cleaner & greener neighbourhoods
 - Thriving economy
 - Safer and healthier borough
 - Strong and distinctive communities
 - Decent, well managed & affordable housing

9. CONSULTATION

- 9.1 In summary, the following stages of consultation have been carried out in the preparation of the AAP:

- The Area Action Plan Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on the 4th and 5th of December 2009 and in Earl Shilton on the 11th and 12th December 2009. The exhibition material was then displayed at the Borough Council Offices until 8th January 2010. Feedback was requested during these sessions and was taken into account when refining the Masterplan Options.
- Stakeholder Design Workshops were held on 2nd and 3rd March 2010. The purpose of these events was to bring key stakeholders together and engage them in the design process through a series of interrelated masterplanning exercises in order to inform the preparation of the preferred option for each masterplan.
- The Area Action Plan Preferred Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on 8th and 9th October 2010 and at Earl Shilton on 15th and 16th October 2010. Feedback was requested during these sessions and is being taken into account in the development of the Area Action Plan.
- The Earl Shilton and Barwell Area Action Plan Preferred Options Document was the subject of a six week period of consultation in January and February 2011.

- 9.2 A six week period of consultation on the Area Action Plan will be carried out, as set out in paragraph 5.1 above.
- 9.3 On completion of the Pre-submission AAP consultation, Officers will collate all responses and prepare the relevant material for the submission to the Secretary of State (SoS) for Examination by a Planning Inspector.
- 9.4 The Pre-submission AAP is the version which will be submitted to the SoS and no changes can be made to the document itself. If the Council wishes to propose minor changes (such as factual / spelling correction) it is permitted to submit a schedule of proposed changes to the Inspector as part of the submission material. If 'main modifications' are required i.e. changes which relate to the soundness of the document, the Council will be required to consult on the proposed changes for a further statutory 6-week period prior to submission.

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.

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Consultation not undertaken in conformity with the statutory requirements.	Ensure consultation undertaken in conformity with the Statement of Community Involvement (SCI).	Sally Smith
Publication of the AAP legally compliant and conforms to the 'Tests of Soundness'.	Undertake legal compliance self-assessment prior to submission of the AAP to the Secretary of State.	Sally Smith
Risk of piecemeal development proposals within the proposed SUEs.	Proceed with the finalisation of the AAP in accordance with the recommendation of this Report.	Sally Smith

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

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Executive Member: Councillor Stuart Bray

Due to the size of the documents the following background papers are available to view on the Council's intranet page: <http://intranet/groups/earlshiltonbarwellaap>

Background Papers:

- The Pre-submission draft Earl Shilton and Barwell Area Action Plan
- Earl Shilton and Barwell AAP – Consultation Statement
- Earl Shilton and Barwell AAP Viability and Deliverability Assessment
- Earl Shilton and Barwell AAP Strategic Transport Assessment

Appendix A – Earl Shilton and Barwell Area Action Plan Programme and Approval process

Stage	Date
Pre-submission AAP presented to Planning Committee for endorsement.	25 June 2013
Pre-submission AAP presented to Council to seek endorsement of the Plan and approval to consult on the pre-submission draft AAP and subsequently submit to the Secretary of State for Examination.	16 July 2013
Pre-submission consultation (6-week period).	August / September 2013
Submission of the AAP to Secretary of State for Examination.	November 2013

Appendix B: Summary of Policy Changes from Consultation draft to the Pre-submission draft Earl Shilton and Barwell Area Action Plan

Consultation Draft	Change / Comment
Policy 1: Settlement Boundary	Merged with Policy 2 (revised Policy 1)
Policy 2: Sustainable Urban Extensions	Merged with Policy 1 (revised Policy 1)
Policy 3a: Highway Requirements	Replaced with respective SUE policies (Policies 10 & 16)
Policy 3b: Pedestrian and Cycle Requirements	Replaced with respective SUE policies (Policies 11 & 17)
Policy 3c: Public Transport Requirements	Replaced with respective SUE policies (Policies 10 & 16)
Policy 4: Overall Utilities Requirements	Removed. Not required, upgrades will be required through utility companies' capital programmes.
Policy 5: Overall Green Infrastructure Requirements	Removed. Conformity will be required with the respective SUE Development Frameworks and policies 19 and 20 of the adopted Core Strategy which focus on 'Green Space and play provision' and 'Green Infrastructure'.
Policy 6: Overall Sports and Leisure Facilities	Revised to reflect the change in strategy seeking off-site financial contributions towards the 'sporting hub' to seeking contributions to fund indoor sports facilities elsewhere in the Borough which would accommodate the additional need arising from the SUEs (for example towards providing the additional facilities at a new facility within the urban area).
Policy 7: Skills Development	No change (now Policy 19).
Policy 8: District Centres	Revised to be more flexible to accommodate other proposals which differ to the opportunity sites or other schemes which contribute towards the objectives of regeneration of the district centres. New Policy 19: Regeneration of the District Centres
Policy 9: Earl Shilton and Barwell District Centres – Protection of Existing Uses	Removed. Replaced by Policy 26: Vitalising District, Local and Neighbourhood Centres and by Policy 24: Safeguarding Community Facilities

Policy 10: Earl Shilton and Barwell District Centres – Hot Food Takeaways	Removed. Replaced by Policy 26: Vitalising District, Local and Neighbourhood Centres
Policy 11: Earl Shilton Urban Extension	Revised to Policy 5. Minor wording revision.
Policy 12: Housing in Earl Shilton Urban Extension	Revised to Policy 7. Revised to reflect the strategy of accommodating a minimum of 1600 units, with the WWTW remaining.
Policy 13: Employment in Earl Shilton Urban Extension	Revised to Policy 8. Revised to accommodate 0.5ha of B1 use as per the Employment Land Assessment.
Policy 14: Community Hub in Earl Shilton Urban Extension	Revised to Policy 9. Revised to ensure that retail provision does not compromise the regeneration of ES district centre; reference to community facilities; off-site contributions and other potential uses.
Policy 15: Green Infrastructure in Earl Shilton Urban Extension	Removed. Policy not considered necessary – proposals assessed against the masterplan and Policies 19 and 20 of the Core Strategy.
Policy 16: General Highways Provision for Earl Shilton Urban Extension	Revised to Policy 10. Addition of flexibility to allow for detailed proposals at the planning application stage within the framework of the policy requirements.
Policy 17: Walking and Cycling in Earl Shilton Urban Extension	Revised to Policy 11. Slight reordering of criteria and addition to accommodate detailed proposals at the planning application stage.
Policy 18: Utilities in Earl Shilton Urban Extension	Removed. Proposals required to include utilities to be delivered by the relevant utility provider.
Policy 19: Barwell Urban Extension	Revised to Policy 12. Minor wording revision.
Policy 20: Housing in	Revised to Policy 7.

Barwell Urban Extension	Small revision to accommodate any slight revision in units delivered subject to detailed proposals.
Policy 21: Employment in Barwell Urban Extension	Revised to Policy 14. Slight revisions to wording to clarify an 'appropriate' buffer (type and distance) between new and existing employment uses. Clarified that a landscape buffer is 'required' rather than maintained, to be delivered by the developers, to protect the amenity of residents north of Hinckley Road from all development proposals (as opposed to only the employment land).
Policy 22: Community Hub in Barwell Urban Extension	Revised to Policy 15. Revised to ensure that retail provision does not compromise the regeneration of Barwell district centre; reference to community facilities; off-site contributions and other potential uses.
Policy 23: Green Infrastructure in Barwell Urban Extension	Removed. Policy not considered necessary – proposals assessed against the masterplan and Policies 19 and 20 of the Core Strategy.
Policy 24: General Highways Provision for Barwell Urban Extension	Revised to Policy 16. Addition of flexibility to allow for detailed proposals at the planning application stage conforming to the policy framework.
Policy 25: Walking and Cycling in Barwell Urban Extension	Revised to Policy 17. Slight reordering of criteria and addition to accommodate detailed proposals at the planning application stage.
Policy 26: Utilities in Barwell Urban Extension	Removed. Proposals required including utilities to be delivered by the relevant utility provider.
Policy 27: Carousel Park	Revised to delete reference to 3 pitches to accommodate a change in the need for pitched in the emerging revised GTAA.
Policy 28: Developer Contributions	Replaced by Policy 21: Infrastructure and Delivery
Policy 29: Design	Replaced by Policy 22: Development and Design

Policy 30: Existing Employment Areas	Replaced by Policy 23: Existing Employment Sites
Policy 31: Residential Development	Policy removed as it is a repetition of content within Core Strategy policies 2 & 3
Policy 32: Existing Educational and Community Sites	Replaced by Policy 24: Safeguarding Community Facilities (which include educational sites)
Policy 33: Green Space, Recreation and allotment uses	Replaced by Policy 25: Safeguarding Open Space, Sport and Recreational Facilities (including allotments)
Policy 34: Local and Neighbourhood Centres in Earl Shilton and Barwell	Replaced by Policy 26: Vitalising District, Local and Neighbourhood Centres