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# **Report to Hinckley & Bosworth Borough Council**

**by Derek Stebbing BA (Hons), Dip E.P., MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 17 May 2016**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE  
HINCKLEY & BOSWORTH SITE ALLOCATIONS AND DEVELOPMENT  
MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT**

Document submitted for Examination on 27 March 2015

Examination hearings held 29-30 September, 1 October and 7 October, 2015

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## **Abbreviations Used in this Report**

AAP	Area Action Plan
CS	Adopted Core Strategy (December 2009)
DtC	Duty to Co-operate
DPD	Development Plan Document
H&BLP	Hinckley & Bosworth Local Plan (February 2001)
HRA	Habitat Regulations Assessment
LDF	Local Development Framework
LDS	Local Development Scheme
MM	Main Modification
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Policy Guidance
SA	Sustainability Appraisal
SA&DMP	Site Allocations and Development Management Policies DPD
SHLAA	Strategic Housing Land Availability Assessment
SoCG	Statement of Common Ground
SCI	Statement of Community Involvement
SUE	Sustainable Urban Extension

## **Non-Technical Summary**

The report concludes that the Hinckley & Bosworth B.C. Site Allocations and Development Management Policies DPD (SA&DMP) provides an appropriate basis for the planning of the Hinckley & Bosworth area during the period to 2026 providing a number of modifications are made to the SA&DMP. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the SA&DMP. All of the modifications to address this were proposed by the Council, following discussion at the Examination Hearings, and have been published for public consultation with an accompanying Sustainability Appraisal Supplementary Statement and Habitat Regulations Assessment (HRA). I have recommended the inclusion of all the modifications, after full consideration of the representations from other parties, and the recommended Main Modifications are contained at the Annex to the report.

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

- To provide updated data on the residual housing requirements to be met by site allocations within the Plan up to 2026;
- To provide greater clarity on the Council’s approach to site identification and achieving a sustainable pattern of development across the borough;
- To include a clear statement within the Plan regarding the Council’s intention to undertake a Local Plan Review in the short-term;
- To strengthen the Plan’s mechanisms for monitoring the implementation and delivery of its site allocation proposals, linked to the Council’s Infrastructure Plan;
- To include a revised Infrastructure and Monitoring Framework at Appendix 1 in the Plan;
- To include the latest housing trajectory (as published for consultation in February 2016) at Appendix 9 within the Plan;
- To refer in the Plan to the adoption in September 2015 of the Market Bosworth Neighbourhood Development Plan;
- To propose amendments to a number of the proposed Development Management policies to improve their clarity and purpose, and to conform with current Government policy;
- To update the position or correct inaccuracies with regard to certain proposed site allocations;
- To propose consequential amendments to the Policies Map and its accompanying Inset Maps.

## Introduction

1. This report contains my assessment of the Hinckley & Bosworth Site Allocations and Development Management Policies DPD (SA&DMP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s preparation has complied with the Duty to Co-operate (DtC), in recognition that there is no scope to remedy any failure in this regard. It then considers whether the SA&DMP is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) at paragraph 182 makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my Examination is the Submitted Draft Plan (Ref. SD 01). Formal pre-submission (Regulation 19) consultation took place on the Draft Plan between 17 February, 2014 and 31 March, 2014. A further consultation under Regulation 19 took place between 8 December, 2014 and 30 January, 2015 on various Proposed Modifications to the Draft Plan. I have considered both sets of representations as part of this Examination, alongside the Council’s responses, proposed amendments to the Plan and formal statements submitted by those parties invited to the Examination hearings.
3. My report deals with the Main Modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the SA&DMP unsound/not legally compliant and thus incapable of being adopted. These recommended Main Modifications are set out in the Annex to this report.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed Main Modifications and carried out Sustainability Appraisal, and this schedule has been subject to public consultation for six weeks between 5 February, 2016 and 18 March, 2016. I have taken account of the representations received in response to that consultation in coming to my conclusions in this report, and in this light I have made some minor amendments to the wording of the Main Modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and Sustainability Appraisal that has been undertaken. The Council also prepared a schedule of Additional Modifications, which was published alongside the formal consultation on the proposed Main Modifications. These Additional Modifications are all of a minor nature, correcting typographical errors, nomenclature and the like, and do not form any part of this report.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation.
6. The Council’s Duty to Co-operate Statement (Ref. SD11) demonstrates that there has been a long history of authorities in Leicestershire and Warwickshire collaborating on strategic spatial planning and cross boundary issues. In the case of Hinckley & Bosworth, it adjoins districts in Warwickshire and I have seen evidence of ongoing co-operation between the authorities on cross boundary issues, notably regarding highways infrastructure such as the A5 Trunk Road through the A5 Strategy Partnership.
7. The spatial strategy for Hinckley & Bosworth, which is set out in Chapter 4 of the adopted Core Strategy (CS), with accompanying Policies 1-24, sets out the broad framework around which the spatial development strategy for Hinckley & Bosworth borough will be taken forward. Crucially, it establishes the settlement hierarchy for the borough with Hinckley being identified as a sub-regional centre, sustainable urban extensions being proposed at Barwell and Earl Shilton, with limited housing and employment growth being proposed at Burbage. Area Action Plans have been prepared and adopted for Hinckley Town Centre (March 2011) and Barwell and Earl Shilton (September 2014). Settlements in the rural areas are categorised as Key Rural Centres including those relating to Leicester, Rural Villages and Rural Hamlets, with more limited growth related to the needs and functions of those settlements.
8. In my assessment, the Council has taken forward the collaborative work that underpinned the CS and subsequent AAPs, with a substantial accompanying evidence base, through to the preparation of the SA&DMP. That collaboration has clearly extended beyond the statutory requirements of the DtC to now include partnerships with many other bodies and stakeholders, with a strong emphasis on implementing the major strategic elements of the CS.
9. It is vital, in my view, that this ongoing consultative and collaborative work continues through the Plan period for the CS, the AAPs and the SA&DMP, if the Council’s vision is to be implemented successfully. To that end, I consider under the third main issue (Effective Implementation and Monitoring) how the SA&DMP can be strengthened in order to ensure that there is greater clarity on the future roles and responsibilities of the various partners and bodies involved in the delivery of new homes, economic growth and infrastructure across the borough.
10. There is clear evidence that the Council has undertaken effective and positive engagement during the preparation of the SA&DMP, and this was confirmed during the Hearings. I am satisfied that the level of co-operation that has taken place has been substantial and wide-ranging. This co-operation has demonstrably continued throughout the preparation of the Hinckley & Bosworth Local Plan (formerly LDF), of which the SA&DMP is part, and I also consider that the Council has taken full regard of strategic cross-boundary issues that affect the Hinckley & Bosworth borough.

11. Consequently, I conclude that the statutory Duty to Co-operate has been fulfilled.

## Assessment of Soundness

### Preamble

12. The SA&DMP has been prepared in the context of the adopted CS. The focus of the CS is to make Hinckley town centre a vibrant sub-regional centre, with the local urban centres of Earl Shilton, Barwell and Burbage providing local services for their communities. The Hinckley Town Centre AAP provides the detailed planning framework for the development and enhancement of Hinckley’s role as a sub-regional centre, including proposals for new housing, employment, retail and transportation developments.
13. The Spatial Strategy contained in the CS sets out the distribution of housing across the borough, seeking to direct development to the most sustainable locations. It seeks to achieve the development of 9,000 new dwellings between 2006 and 2026, of which the CS sought to make provision for 5,046 new dwellings, this being the number of dwellings which were not commitments within the existing supply. To meet this requirement, the CS proposes that major allocations of land be made for 1,120 dwellings at Hinckley, 2,000 dwellings for the SUE at Earl Shilton and 2,500 dwellings for the SUE at Barwell. Appendix 2 of the CS contains the Housing Trajectory (as at the time of the adoption of the CS) for the period 2006-2026 which shows a planned provision of 9,667 dwellings across the borough during that period.
14. The Earl Shilton and Barwell AAP provides the development framework for the extension of those settlements, with Sustainable Urban Extensions (SUEs) planned to the south east of Earl Shilton and to the west of Barwell. The AAP contains proposals for a minimum of 1,600 new dwellings to be provided at Earl Shilton and 2,500 new dwellings to be provided at Barwell, together with employment land allocations and the provision of new community and transportation infrastructure.
15. The 1,600 dwellings to be provided at Earl Shilton represents a reduction of 400 dwellings from the CS target of 2,000 dwellings. The AAP Inspector stated that “I conclude that the reduction in provision in Earl Shilton is unlikely to result in a serious shortfall in housing provision in the Borough as a whole. Any remedy for a shortfall would also need to be considered Borough-wide either through the forthcoming Site Allocations DPD or in a new comprehensive Local Plan” (Document ref. LP07, para. 17).
16. Excluding the Earl Shilton and Barwell SUEs, the proposed housing distribution set out in the CS for settlements elsewhere in the borough totalled 2,300 dwellings, of which the largest allocation was proposed for Hinckley (1,120 dwellings). The SA&DMP therefore addresses this requirement, and Table 3 in the Plan calculates that the residual requirement (as at September 2014) was 1,020 dwellings, to be met by allocations in the Plan. The Plan states, at paragraph 3.14, that the planned over-provision of 667 dwellings in the CS has enabled the Council “to absorb the shortfall of 400 dwellings” at Earl Shilton. I further consider this matter below.

17. Taking account of all the representations, written evidence and the discussions that took place at the Examination Hearing Sessions I identify four main issues upon which the soundness of the SA&DMP depends.

### **Issue 1 – Has the Plan been ‘positively prepared’?**

18. Paragraph 182 of the NPPF requires plans to be positively prepared, i.e. *‘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’*. The evidence base documents for both the CS and the SA&DMP demonstrate that needs and infrastructure requirements have been adequately assessed, often by independent consultants. The Council’s Local Plan is underpinned by a very substantial evidence base, and I am satisfied that the Council has sought to support its development proposals with a comprehensive understanding of the socio-economic, environmental and infrastructure issues associated with the borough’s growth through to 2026.
19. It is evident that the Council has sought to respond positively both to the comments received from the public and stakeholders during the earlier stages of the preparation of the SA&DMP and to the representations received to the Submission Plan. This process has continued throughout the Examination, culminating in the schedule of Main Modifications, such that a good number of representations have been addressed. In particular, the Statement of Common Ground (SoCG) that was concluded during the Examination has greatly assisted the process of identifying proposed Main Modifications on matters of concern to Historic England, which were matters affecting the soundness of the Plan.
20. The SA&DMP has been prepared in the context of the adopted CS, which contains a positive and ambitious strategy for the development and growth of Hinckley & Bosworth borough. Together with the adopted AAPs, the SA&DMP represents a key development plan document for the successful implementation and delivery of the CS vision and strategy for the borough through to 2026.
21. In order to test the soundness of the Plan as being justified, effective and consistent, my focus throughout the Examination has been to test the deliverability of the proposed policies in two ways – firstly, in the broader context of national policy and the CS spatial strategy, and secondly, in the more detailed context of whether the SA&DMP contains sufficiently clear guidance and policy requirements for the successful implementation and delivery of the proposed allocations.
22. Having considered the requirements of national policy, notably the requirements set out in the NPPF, and the strategic policies of the CS, my overall conclusion on these two principal contextual points is that the SA&DMP has been positively prepared and does conform with national policy and the CS in addressing the requirements for housing and employment growth across the borough. However, I do consider that the proposed implementation and delivery of a number of the site allocation proposals does require greater clarity. This is a matter that can be addressed through

proposed Main Modifications.

23. I have taken into account all the representations that were made to the submission Plan, and through evidence at the Hearings, seeking to challenge elements of the Council’s approach to the preparation of the SA&DMP. It is clear that the Council is now proactively seeking to implement the major elements of its spatial planning strategy, of which the SA&DMP is an integral part alongside the adopted AAPs. Essentially, the AAPs and the SA&DMP are the delivery plans for the CS, and it is important that the last component of that strategy, namely the SA&DMP, is put in place as soon as possible to ensure that planned development can take place across the borough up to 2026 with the necessary confidence for all parties.
24. I have given careful consideration to all the representations seeking to challenge the Council’s overall strategy, particularly with regard to housing targets and the need, as some parties suggest, for the Council to undertake an immediate review of its borough-wide housing target. This is not the central purpose of this Examination. The SA&DMP is a combined Allocations and Development Management Policies DPD prepared first and foremost to implement major parts of the Council’s spatial strategy which was approved and adopted in December 2009 in the CS. It is not a plan which seeks to establish a new strategy, nor review elements of the adopted strategy.
25. I do not see a case to review or revisit the strategies within the CS as part of this Examination. Indeed, I consider from all the evidence submitted, together with my site visits and general assessment of the development proposals currently being progressed across the borough, that the Council is making good headway towards achieving the major components of its growth strategy. Although the CS was adopted in 2009, and pre-dates the publication of the NPPF, I am satisfied from the evidence presented by all parties to the Examination that its strategic approach to meeting the development requirements of the borough remains sound, and that there is demonstrable impetus towards achieving its key growth proposals, for example by the recent trends in housing delivery. The SA&DMP is an integral element of the Council’s approach to implementing its strategic proposals.
26. However, I do consider that the SA&DMP should contain a clearer and more explicit statement regarding the Council’s intentions and progress for the delivery of its Green Infrastructure network, which is a major component of the Council’s spatial strategy. The Council recognise this, and have proposed additional text in the Plan to provide this information. This is addressed by recommended Main Modification **MM3**.
27. The SA&DMP does not contain site allocations to meet the needs of Gypsies and Travellers. I have sought clarification from the Council regarding the provision of such sites, bearing in mind that initial consultation versions of the Plan included the stated need to meet Gypsy and Traveller requirements. It is now the Council’s intention to prepare a separate Gypsy and Traveller DPD to reflect the latest assessments of need and to conform with Government policy. This DPD is part of the Local Plan timetable, as set out in the Council’s latest LDS, with publication scheduled for late-2016. I reluctantly accept this position, and am satisfied that the Council does intend to make full provision for the needs of Gypsies and Travellers in accordance



with latest Government policy and a Gypsy and Traveller Accommodation Assessment commissioned in 2015. I also note that, as at the date of the Hearings, the Council had granted planning permission for 30 Gypsy and Traveller pitches, 8 transit pitches and 7 Travelling Showpeople plots since 2009 through the application of CS Policy 18, and that this has met a substantial part of the identified borough-wide need, at least up to 2017.

28. It is already apparent to the Council that a full review of its Local Plan will be necessary in the short term, and I was assured that work on a new Local Plan will commence in 2016. The review of the Local Plan is identified in the Council’s latest Local Development Scheme (LDS) document. In my view, it is more important at this time to ensure that the full suite of current Local Plan documents for the period 2006-2026 is put in place in order that the earlier Hinckley & Bosworth Local Plan (2001), together with its various saved policies and policy notations, can be fully superseded. This Plan will bring forward a range of development sites and provide up to date development management policies for the period prior to a full review of the Local Plan.
29. My conclusion on this first main issue is that the SA&DMP has been positively prepared and meets the tests of soundness in that regard. However, I also consider that the Plan should contain a clearer position statement about the Council’s intention to undertake a Local Plan Review, and recommended Main Modification **MM4** addresses that point.

## **Issue 2 – Are the Plan’s proposed Site Allocations justified, effective and consistent with national policy?**

30. In my assessment, this is the principal issue concerning the soundness of the Plan. It is important that the Plan identifies a supply of specific, developable sites to provide five years worth of housing, with an appropriate buffer allowance, and to provide a range of employment sites to meet the development needs of businesses.
31. To that end, I have given careful consideration to each of the Plan’s proposed housing and employment site allocations in the context of an assessment of the Council’s latest Housing Trajectory and the trends over the past and projected future take-up of employment land, to ensure that these fundamental requirements of Government policy are met. Furthermore, I have sought to test those factors against the infrastructure requirements identified as being necessary to achieve the successful and timely delivery of new housing and employment proposals. In my view, this is necessary to provide a sound and realistic basis for the Council and the development industry to judge development proposals with the necessary confidence.
32. Clearly, with the passage of time, the residual housing requirement to be met by the SA&DMP has been reduced from the broad requirements set out in the adopted CS (c.f. paragraph 16 above), as certain sites have been granted planning permission during the intervening years. I consider that the Plan should reflect the latest position as far as possible, and recommended Main Modification **MM1** replaces Table 3 within the Plan with updated data. Taking into account planning permissions granted and housing completions since 2006, this updated position shows that the residual housing requirement is

976 dwellings (as at September 2015). I conclude that the Plan contains sufficient allocations of developable sites to meet that requirement. With reference to the latest Housing Trajectory as published for consultation in February 2016, I am also satisfied that the Plan (together with the Council’s AAPs) does provide sufficient sites in order to maintain five years worth of housing throughout the remainder of the Plan period.

33. From my assessment of the relevant evidence base documents, including the SHLAA and the Urban and Rural Areas Justifications Papers, I am satisfied that the Council’s approach towards the identification of proposed allocations of land particularly for housing and employment uses has been based upon sound criteria for their selection, supported by an ongoing Sustainability Appraisal process. Nevertheless, the Plan itself does not describe this approach fully. I consider that this is an issue that affects the soundness of the Plan, and that it should be more explicit about the approach that has been followed. I therefore recommend Main Modification **MM2** in order to describe the process of site identification leading to allocations within the Plan.

### **Site Allocations**

34. The Plan sets out proposed Site Allocations for the urban areas of Hinckley and Burbage, the Key Rural Centres relating to Leicester (Desford, Groby, Ratby and Markfield), the other Key Rural Centres (Barlestone, Market Bosworth, Newbold Verdon, Stoke Golding, Bagworth and Thornton), the Rural Villages and the Rural Hamlets. The Plan includes allocations of land for major land uses including housing, retail development, employment, open space, community facilities and cultural and tourism facilities. These proposed allocations are shown on the Policies Map and its Inset Maps for each settlement. In defining these site allocations, and accompanying policy designations, the Plan is consistent with the spatial approach set out in the CS, notably in Policies 1, 4 and 6-12.
35. I have considered all of the proposed Site Allocations, but have focused upon the housing and employment allocations, as these are, in my judgement, more critical elements of the Council’s growth strategy. Nevertheless, I have also sought to ensure that other site allocations, including the various open space and green wedge designations, all conform with the spatial approach set out in the CS.
36. In my assessment, it is the balance between the need for sufficient flexibility within the Plan’s proposed housing and employment allocations and the capability to deliver those proposals that is the ultimate determinant of whether the Plan will be successful in meeting the Council’s objectives. Some representations state that there are insufficient land allocations within the Plan (taking into account the major proposals contained in other adopted Plans such as the Sustainable Urban Extensions at Barwell and Earl Shilton) to maintain housing delivery to the required levels across the Plan period. It was asserted that this is demonstrated by under-delivery of new housing in the borough at various times between 2006 and 2015, such that there is a cumulative shortfall in housing delivery by the date of this Examination. In testing this evidence, I asked the Council to prepare an updated housing trajectory for the purposes of this Examination. This revised and updated

information has enabled me to reach two broad conclusions regarding the proposed housing allocations.

37. Firstly, the detailed description and phasing for a number of the proposed allocations contained in the submission Plan are either no longer correct or are insufficient to provide the necessary certainty for the satisfactory development of the sites concerned. I have considered whether, in combination, those shortcomings amount to a matter that affects the fundamental soundness of the Plan. I conclude, however, that they do not, but that a series of proposed Main Modifications are necessary to ensure that the proposed allocations can be taken forward through the development management process with greater clarity for those parties concerned, including the Council. Such modifications are also necessary to address a number of detailed points made in representations. Most importantly, I consider that the Plan should contain the latest housing trajectory, including all the site allocations proposed in this Plan, in order to establish a key element of a stronger Monitoring Framework (see also paragraph 61 below) for the purposes of monitoring housing delivery during the remainder of the Plan period. This is addressed by recommended Main Modification **MM29**, which will include the latest housing trajectory (as published for consultation in February 2016) as new Appendix 9 in the Plan.
38. Secondly, I have focused particular attention on whether the proposed housing allocations in total provide sufficient flexibility for the objectives of the CS to be achieved, and to maintain the necessary five year housing land supply. In its calculations of five year housing land supply, the Council has applied the Sedgfield method with an additional 5% buffer. As at April 2015, the Council calculated that its five year housing land supply for the district was 5.69 years.
39. There was significant debate during the Hearings regarding the Council's approach, and whether its application of a 5% buffer was correct. I am clear from all the evidence submitted by the parties that the principal factor determining the timely delivery of new housing on a borough-wide basis is the continuing progress with the Barwell and Earl Shilton SUEs, rather than any over-riding need to consider additional housing allocations in this Plan.
40. I have sought to make a realistic judgement of this situation, taking note of the progress with regard to the SUEs that was described by the Council and the developers concerned. Although the submission of planning applications for the SUEs, and the grant of planning permissions, has been delayed beyond the timescales originally envisaged in the Earl Shilton and Barwell AAP, I am satisfied that the planning process is now sufficiently well advanced in respect of both SUEs such that the Council's latest housing delivery projections for these two fundamental schemes are robust. In many respects the housing allocations contained in the SA&DMP are intended and required in my view primarily to provide additional choice and flexibility for the district's housing market, whilst achieving sustainable patterns of development within the settlements concerned. It is my conclusion, from an assessment of all the evidence presented by the parties at the Hearings, and from the updated data regarding housing delivery, that the application of a 5% buffer by the Council in the calculations of five year housing land supply is appropriate.

41. Since the adoption of the CS in 2009, there have been delays to the implementation of some planned housing and commercial schemes across the borough, in many cases due to factors beyond the Council’s control. This has placed the Council’s strategy particularly for housing delivery at risk from speculative proposals for development on unallocated sites. However, bearing in mind that the Council states that it intends to undertake a full review of its Local Plan in the short-term, and also that I consider that a five year housing land supply can be maintained for the remainder of the Plan period, I do not consider that it is either necessary or appropriate to make any further new allocations of land through this Plan. The correct vehicle for assessing the suitability of potential sites will be through a full Local Plan Review when there can be full consultation with local communities and stakeholders.
42. Nevertheless, this Review will need to be progressed expeditiously, not least because of the need to take account of the emerging evidence on objectively assessed housing need about which, I note, there is significant current disagreement between some of the parties represented at the Hearings. My conclusion is that, bearing in mind that the emerging evidence for strategic growth in Leicester and Leicestershire for the period beyond 2026 is not yet fully in place, it is not the role of this Examination to consider partial aspects of a Local Plan Review without a consequential delay, probably of several months’ duration, to this Examination.
43. I now consider in more detail the proposed Site Allocations in order to address matters described in paragraph 37 above.
44. Site Allocation HIN02 : Land West of Hinckley, Normandy Way – this is the largest single housing allocation in the Plan, and its deliverability is critical to meeting a substantial part of the residual housing requirement to be met by the Plan. However, following representations made by the landowners, I consider that the boundary of this allocation should be extended to include the parcel of land immediately to the south-east of the current proposed allocation. This will increase the potential housing capacity of the site and release land that would otherwise be very difficult to develop. This is addressed by recommended Main Modification MM5, together with a proposed amendment to the Policies Map shown at Appendix 1 to the Annex accompanying this report. Policy SA2, which is intended to guide development at this site, should contain an explicit reference for the need to provide an appropriate traffic mitigation strategy in order to reduce the impact of traffic from this new development on Wykin Lane leading to the nearby village of Wykin. This is addressed by recommended Main Modification MM6. With these amendments, I consider that the deliverability of this important site can be achieved in accordance with the Council’s housing trajectory.
45. Site Allocation HIN13 : Essentia House, 56 Upper Bond Street, Hinckley – this proposed residential allocation (for 23 dwellings) should be removed, as the site is currently in employment use and is expected to remain in such use throughout the Plan period. (Allocation HIN13 therefore becomes an employment allocation). This is addressed by recommended Main Modification MM7, together with a proposed amendment to the Policies Map shown at Appendix 2 to the Annex accompanying this report.

46. Site Allocation HIN148 : Land at Dennis House, Hawley Road, Hinckley – this proposed residential allocation (for 56 dwellings) should be removed (and the land included as part of employment allocation HIN129), as the site is currently in employment use and is expected to remain in such use throughout the Plan period. This is addressed by recommended Main Modification **MM8**, together with a proposed amendment to the Policies Map shown at Appendix 3 to the Annex accompanying this report.
47. Market Bosworth : General – the section of the Plan dealing with Market Bosworth (at paragraphs 7.11-7.20) needs to be updated to make appropriate reference to the adoption by the Council (in September 2015) of the Market Bosworth Neighbourhood Plan as part of the development plan for the designated Neighbourhood area. This also needs to refer to the fact that the development management policies contained in the Neighbourhood Plan will also be used in the assessment of planning proposals in that area, alongside those within the SA&DMP. This is addressed by recommended Main Modification **MM9**.
48. Site Allocation MKBOS02 : Land South of Station Road, Market Bosworth – the projected housing capacity of this site should be increased from 43 dwellings to 100 dwellings, in accordance with the evidence considered during the Examination, and this is addressed by recommended Main Modification **MM10**. There is also a need to amend Policy SA5, which is intended to guide development at this site, and this is addressed by recommended Main Modification **MM11**.
49. Site Allocation NEW04 : Land adjacent to 50 Brascote Lane, Newbold Verdon – this proposed allocation for four dwellings should be removed from the Plan, following evidence considered at the Examination, including information supplied by the landowner, and this is addressed by recommended Main Modification **MM12** together with a proposed amendment to the Policies Map shown on Appendix 4 to the Annex accompanying this report.
50. Site Allocation NEW26 : Brascote Lane Green Space – this proposed Open Space allocation should be removed from the Plan, following evidence considered at the Examination, including information supplied by the landowner confirming that the site will remain in operational minerals use, and this is addressed by recommended Main Modification **MM13** together with a proposed amendment to the Policies Map shown on Appendix 5 to the Annex accompanying this report.
51. My conclusion on this second main issue is that, with the recommended Main Modifications described in the preceding paragraphs, the Plan does contain sufficient site allocations and guidance to ensure the deliverability of its proposals for development across the borough during the remainder of the Plan period up to 2026. I am satisfied that the proposed housing site allocations contained in the Plan will meet the residual housing requirement as set out in revised Table 3. In reaching this conclusion, I have considered all of the suggested alternative housing sites, with supporting evidence, that were put before the Examination as proposed additional site allocations, but in my assessment none of these comply in full with the site identification and sustainability criteria established by the strategy and policies in the CS, and that some would be in direct conflict with the strategic policies in the CS.

However, for clarity, I do consider that the Plan should contain a more explicit statement regarding the Council’s approach towards seeking a sustainable pattern of development across the borough. I therefore recommend Main Modification **MM14**, to explain the proposed distribution of development in accordance with the settlement hierarchy that is set out in paragraph 12.3 of the Plan.

### **Issue 3 – Does the Plan contain adequate mechanisms for effective Implementation and Monitoring?**

52. The NPPF (at paragraph 182) states that a plan should be deliverable over its period, and based on effective joint working on cross-boundary strategic priorities. I have given careful consideration to the Plan’s content for monitoring the implementation of its various proposals and allocations. This is largely set out in Appendix 1 (Monitoring Framework) which sets out the Monitoring Framework for the SA&DMP policies and allocations in the context of CS objectives.
53. In my assessment, the Monitoring Framework is insufficiently robust to be able to provide an effective mechanism for monitoring the successful implementation of planning strategies. This is essential in my view, not only in the context of the CS and the SA&DMP, but also at a time when the main impetus of current Government policy is to boost housing and employment growth.
54. Of particular concern was the absence of any clear linkage between the SA&DMP and the Council’s Infrastructure Plan, which was prepared to support the growth of the borough up to 2026. Many of the housing and employment land allocations will require, and are dependent upon, the timely provision of supporting infrastructure to ensure that proposals can be implemented satisfactorily and in a sustainable way. Some infrastructure will be the responsibility of developers themselves and will be secured through planning obligations, but other strategic infrastructure is the responsibility of other bodies, and if not provided in accordance with agreed programmes and timescales could lead to delays in the implementation of proposals within the CS and SA&DMP.
55. In my judgement, the weaknesses in the Monitoring Framework are matters affecting the soundness of the Plan as a whole. I note that the Council is preparing an Infrastructure Planning and Developer Contributions SPD to replace the Infrastructure Plan. However, this SPD is not yet published, and this reinforces the need in my view to ensure that the monitoring mechanisms in the SA&DMP are strengthened to enable landowners and developers to be able to proceed with confidence towards the delivery of new development schemes.
56. I invited the Council to prepare a revised Infrastructure and Monitoring Framework addressing the points that I have mentioned above. I also invited the Council to update its housing trajectory, which should be included in the Plan alongside the Infrastructure and Monitoring Framework. These will form a revised Appendix 1 and new Appendix 9 to the Plan respectively. Recommended Main Modification **MM28** and the accompanying Infrastructure and Monitoring Framework address the requirement for an enhanced

Monitoring Framework. Recommended Main Modification **MM29** addresses the requirement for the inclusion of the most up to date housing trajectory within the Plan.

57. With these modifications, I conclude that the SA&DMP now contains implementation and monitoring mechanisms which will be more comprehensive and robust than those set out in the submission draft, and will assist the Council not only in its annual monitoring requirements but also in assessing the effectiveness of its site allocations and development management policies. It will also assist in informing the forthcoming review of the Local Plan.

**Issue 4 – Are the proposed Development Management Policies justified, effective and consistent with national policy?**

58. The proposed development management policies will replace a substantial number of “saved” policies within the Hinckley & Bosworth Local Plan (2001), and it is clearly important to replace these outdated policies, which pre-date the publication of the NPPF and PPG, as soon as possible.
59. I have considered the proposed policies in the light of current Government policy and also to ensure that they are in conformity with the CS. The Council have sought to address the NPPF’s presumption in favour of sustainable development by including a policy (Policy DM1) within the SA&DMP. I am satisfied that this policy conforms with the NPPF in that respect.
60. However, prior to the Hearings, I raised a number of issues with the Council concerning the content and wording of certain other proposed policies in the light of the publication of recent Government policy, and also matters relating to representations submitted by Historic England and InSpire.
61. A number of the policies do require amendment in order to be effective, to provide improved clarity in relation to the intended purpose of the policy concerned and to be consistent with Government policy. I set out below those matters of concern.

**Development Management Policies**

62. Policy DM2 : Delivering Renewable Energy and Low Carbon Development – as drafted, this policy and its accompanying text does not conform with Government policy. Accordingly, a Main Modification (**MM15**) is necessary to ensure consistency with current Government policy, and this modification is set out in Appendix 6 of the Annex accompanying this report.
63. Policy DM4 : Safeguarding the Countryside and Settlement Separation – the policy and its supporting text as drafted fails to provide sufficient clarity on the relevant constraints to achieving sustainable development within the countryside, as set out in Government policy, or the relevant local landscape considerations which need to be addressed in the assessment of development proposals. The Council has proposed revisions to the text of the policy and supporting text, which I am satisfied does provide the necessary clarity for the implementation of the policy. This is set out in recommended Main

Modification **MM16**, together with Appendix 7 of the Annex accompanying this report.

64. Policy DM9 : Safeguarding Natural and Semi-Natural Open Spaces – This policy also requires revision, consequential to the amendments recommended above for Policy DM4, in order to provide greater clarity for implementation as it applies to the National Forest and Green Wedge designations. The amendments proposed to this policy are set out in recommended Main Modification **MM17**.
65. Policy DM10 : Development and Design – this policy is excessively long, containing 13 criteria for the determination of development proposals. In order to ensure that this policy is effective when making planning decisions, it needs to be amended to remove superfluous text and to provide much greater clarity. The Council have proposed significant amendments to the text, which I now consider to be acceptable. This is set out in recommended Main Modification **MM18**, together with Appendix 8 of the Annex accompanying this report.
66. Policy DM11 : Protecting and Enhancing the Historic Environment – the supporting text to this policy needs to be revised in order to provide greater clarity on the Council’s approach towards the protection and enhancement of heritage assets. Following the SoCG with Historic England, the Council has proposed additional text to address this matter, which I consider to be acceptable, and this is set out in recommended Main Modification **MM19**.
67. Policy DM12 : Heritage Assets – This is a lengthy policy, addressing development proposals affecting a range of heritage assets, including Listed Buildings, Conservation Areas and historic landscapes such as the Bosworth Battlefield. I have considered whether it is possible to reduce the length of this policy, but my conclusion is that the preferable approach is to improve the clarity of the policy, particularly as it applies to Conservation Areas. The Council has proposed amendments to the text of the policy, together with revisions to the supporting text, which I consider to be acceptable. These revisions are set out in recommended Main Modification **MM20**, together with Appendix 9 of the Annex accompanying this report.
68. Policy DM14 : Replacement Dwellings in the Rural Area – this policy is negatively worded, particularly in the context of current Government policy. The Council has proposed an amendment to the text of the policy in order to address this issue, which I consider to be acceptable. This is set out in recommended Main Modification **MM21**.
69. Policy DM15 : Redundant Rural Buildings – Criterion b) of this policy requires amendment to stipulate that a redundant building is capable of conversion without significant rebuild or alteration. This is addressed by recommended Main Modification **MM22**.
70. Policy DM17 : Highways Design – this policy provides no clear guidance for the satisfactory design and implementation of highways and transportation proposals in relation to development schemes across the borough. The Council has proposed significant revisions to the policy and text including a revised title to the policy, which I consider to be acceptable, and these



revisions are set out in recommended Main Modification **MM23**, together with Appendix 10 of the Annex accompanying this report.

71. Policy DM18 : Vehicle Parking Standards – Amendments are required to this policy and its supporting text in order to provide greater clarity on car parking requirements for proposed developments in Hinckley Town Centre. This is addressed by recommended Main Modification **MM24**.
72. Policy DM22 : Vitalising District, Local and Neighbourhood Centres – An amendment to this policy is required in order to make it clear that a change of use or loss of an A2 retail use in a Local Centre is within the scope of this policy. This is addressed by recommended Main Modification **MM25**.
73. Policy DM24 : Preserving the Borough’s Cultural and Tourism Facilities – this policy as drafted does not address the development of new cultural and tourism facilities across the borough. The Council has acknowledged this point and propose revisions to the policy including a revised title to the policy, which I consider to be acceptable. This is addressed by recommended Main Modification **MM26**.
74. Policy DM25 : Safeguarding Community Facilities – this policy as drafted provides no guidance for the development of new community facilities across the borough. The Council has acknowledged this point and propose revisions to the policy including a revised title to the policy, which I consider to be acceptable. This is addressed by recommended Main Modification **MM27**.
75. With the recommended Main Modifications set out in the preceding paragraphs, I conclude that the proposed suite of Development Management policies meet the tests of soundness as being justified, effective and consistent with national policy, and provide an appropriate basis for the assessment of development proposals across the borough up to 2026.

## **Hinckley & Bosworth Local Plan Policies Map**

The recommended Main Modifications, together with the need to correct some minor cartographical errors, will necessitate some amendments to the Hinckley & Bosworth Local Plan Policies Map, in accordance with Regulation 22 of the Town and Country Planning Regulations (Local Planning) (England) 2012. These are described within the text of the modifications, and the geographic illustration of these amendments to the Policies Map is shown on accompanying Appendices to the recommended Main Modifications.

## **Assessment of Legal Compliance**

76. My Examination of the compliance of the SA&DMP with the legal requirements is summarised in the table below. I conclude that the SA&DMP meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The SA&DMP is identified within the approved Hinckley & Bosworth LDS (February 2015), and the Plan has been prepared in accordance with the listing and description in the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The Hinckley & Bosworth SCI was adopted in September 2014 and consultation has been compliant with the requirements therein, including the consultation on the proposed Main Modification changes (MM).
Sustainability Appraisal (SA)	SA has been carried out appropriately at each stage of the Plan’s preparation and is adequate, including a Supplementary SA to accompany the proposed Main Modifications.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Assessment (February 2014) (Document ref. EB14) sets out why AA is not necessary.
National Policy	The SA&DMP complies with national policy except where indicated and modifications are recommended.
Public Sector Equality Duty (PSED)	A Diversity Impact Assessment has been prepared, and the SA&DMP complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The SA&DMP complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

77. The Hinckley & Bosworth Site Allocations and Development Management Policies DPD has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
78. The Council has requested that I recommend Main Modifications to make the Hinckley & Bosworth Site Allocations and Development Management Policies DPD sound and/or legally compliant and capable of adoption. I conclude that with the recommended Main Modifications set out in the Annex to this report the Hinckley & Bosworth Site Allocations and Development Management Policies DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Derek Stebbing*

Inspector

This report is accompanied by the Annex containing the recommended Main Modifications