

Consistency of the Hinckley and Bosworth Local Plan with the National Planning Policy Framework (2019) and Planning Policy for Traveller Sites (2015)

In February 2019 the ministry of Housing, Communities and Local government published a revised National Policy Framework (NPPF). Annex 1: Implementation of the Framework sets out the transitional arrangements that Local Planning Authorities should follow. Paragraphs 212 – 214 state:

“212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

214. The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

This document is a response to these paragraphs and sets out an assessment of consistency of the Borough Council’s Local Plan policies against the NPPF and the Planning Policy for Traveller Sites so that due weight can be given to these policies in decision taking for the following DPDs:

- Core Strategy DPD (2009)
- Site Allocations and Development Management Policies DPD (2016)
- Hinckley Town Centre Area Action Plan (2011)
- Earl Shilton and Barwell Area Action Plan (2014)

Core Strategy DPD (2009)

Core Strategy Policy	Consistency of Local Plan policy with the NPPF	Comments
Policy 1: Development in Hinckley	Consistent (but see comments)	Relevant Paragraphs of the NPPF: 8, 11, 20, 23, 67, 80, 85, 91-92, 96, 102-104, 127, 185 The overall principle of the policy remains consistent with the NPPF however it is accepted that the housing provision figure set out in the policy is out of date ¹ . The remaining elements of the policy are considered to be consistent with the NPPF.
Policy 2: Development in Earl Shilton	Consistent (but see comments)	The overall principle of the policy remains consistent with the NPPF (For the reasons set out in policy 1)
Policy 3: Development in Barwell	Consistent (but see comments)	The overall principle of the policy remains consistent with the NPPF (For the reasons set out in policy 1)
Policy 4: Development in Burbage	Consistent (but see comments)	The overall principle of the policy remains consistent with the NPPF (For the reasons set out in policy 1)
Policy 5: Transport Infrastructure in the Sub-regional Centre	Consistent	Relevant Paragraphs of the NPPF: 102, 104 Whilst some schemes identified in the policy may no longer be appropriate, have already been delivered or are explored further in subsequent DPD's the policy remains consistent with the intentions of the NPPF, notably Chapter 9.

¹ An appeal decision in 2018¹ (APP/K2420/W/17/3188948) has clarified the position regarding the strategic policies of the Development Plan relating to housing provision. The Inspector concluded "As a result of the acceptance that the development plan policies are out of date, with the housing requirement being agreed as 471 [at the time of the appeal] dwellings per annum (dpa) rather than the 450 dpa established under the Core Strategy".

Core Strategy Policy	Consistency of Local Plan policy with the NPPF	Comments
Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge	Consistent	<p>Relevant Paragraphs of the NPPF: 15, 31, 170-171, 180</p> <p>The NPPF does not contain a specific reference to green wedges, however, paragraph 31 makes it clear that “the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned”. Green wedges are a useful local planning tool used within Leicestershire and are consistent with the NPPF.</p>
Policy 7: Key Rural Centres	Consistent	<p>Relevant Paragraphs of the NPPF: 77-78, 83-84, 85</p> <p>The policy is considered to be consistent with the NPPF.</p>
Policy 8: Key Rural Centres Relating to Leicester (Desford; Groby; Ratby; Markfield)	Consistent (but see comments)	<p>Relevant Paragraphs of the NPPF: 77-78, 83-84, 85</p> <p>The overall principle of the policy remains consistent with the NPPF (For the reasons set out in policy 1)</p>
Policy 9 – Rothley Brook Meadow Green Wedge	Consistent	<p>Relevant Paragraphs of the NPPF: 15, 31, 170-171, 180</p> <p>The NPPF does not contain a specific reference to green wedges, however, paragraph 31 makes it clear that “the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned”. Green wedges are a useful local planning tool used within Leicestershire and are consistent with the NPPF.</p>
Policy 10: Key Rural Centres within the National Forest Bagworth and Thornton	Consistent (but see comments)	<p>Relevant Paragraphs of the NPPF: 77-78, 83-84, 85</p> <p>The overall principle of the policy remains consistent with the NPPF (For the reasons set out in policy 1)</p>
Policy 11: Key Rural Centres Stand Alone Barlestone	Consistent (but see comments)	<p>Relevant Paragraphs of the NPPF: 77-78, 83-84, 85</p>

Core Strategy Policy	Consistency of Local Plan policy with the NPPF	Comments
Market Bosworth Newbold Verdon Stoke Golding		The overall principle of the policy remains consistent with the NPPF (For the reasons set out in policy 1)
Policy 12: Rural Villages Higham on the Hill Stanton Under Bardon Sheepy Magna Nailstone Twycross Witherley Congerstone	Consistent (but see comments)	Relevant Paragraphs of the NPPF: 77-78, 83-84, 85 The overall principle of the policy remains consistent with the NPPF (For the reasons set out in policy 1)
Policy 13: Rural Hamlets	Consistent	Relevant Paragraphs of the NPPF: 77-78, 83-84 The policy is considered to be consistent with the NPPF.
Policy 14: Rural Areas: Transport	Consistent	Relevant Paragraphs of the NPPF: Paragraphs 102 – 111; 130 The policy is considered to be consistent with the NPPF.
Policy 15: Affordable Housing	Partly consistent (see comments)	Relevant Paragraphs of the NPPF: 61-64 The overall principle of the policy is consistent with the NPPF however the following issues are relevant. The policy requires affordable housing provision on rural sites of 4 or more dwellings. This is not consistent with the NPPF which states that 'Provision of affordable housing should not be sought for residential developments that are not major developments' (i.e. developments of fewer than 10 dwellings). The NPPF requires that 10% of dwellings on a major development site should be for affordable homes ownership. Whilst the policy does not specifically reflect this it is considered that the policy contains sufficient flexibility in terms of tenure requirements

Core Strategy Policy	Consistency of Local Plan policy with the NPPF	Comments
		that the policy is consistent with the NPPF.
Policy 16: Housing Density, Mix and Design	Consistent	<p>Relevant Paragraphs of the NPPF: 60-61, 122-123, 129</p> <p>It is noted that the policy refers to Building for Life (BfL) which has now been superseded by BFL 12. This does not affect the overall design aims and principles of the policy and it is considered the policy remains consistent with the NPPF.</p>
Policy 17: Rural Needs	Partly consistent (see comments)	<p>Relevant Paragraphs of the NPPF: 77-78</p> <p>The overall principle of the policy is consistent with the NPPF however the NPPF states that 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.'</p> <p>The part of the policy related to rural exception sites does not allow for market housing therefore this element of the policy is not consistent with the NPPF.</p>
Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople	Consistent	<p>Relevant Paragraphs of the NPPF: 4, 61, 73 and Planning Policy for Traveller Sites (PPTS) (2015)</p> <p>Since the publication of the Core Strategy the Borough Council has produced an updated Gypsy and Traveller local needs assessment² as required by the PPTS and acknowledged in Policy 18.</p> <p>The needs assessment identified no additional requirement for pitches for Gypsy and Travellers households. The requirements and assumptions regarding the level of growth set out in the first paragraph of Policy 18 are considered to be out of date.</p> <p>Para.11 of the PPTS states "Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless</p>

² Hinckley & Bosworth Gypsy and Traveller Accommodation Assessment (2016)

Core Strategy Policy	Consistency of Local Plan policy with the NPPF	Comments
		<p>come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.”</p> <p>Policy 18 identifies a range of criteria against which proposals will be considered. The broad principles of the policy generally reflect the requirements of the PPTS</p>
Policy 19: Green Space and Play Provision	Consistent	<p>Relevant Paragraphs of the NPPF: 91-92, 96</p> <p>The policy is considered to be consistent with the NPPF.</p>
Policy 20: Green Infrastructure	Consistent	<p>Relevant Paragraphs of the NPPF: 91, 170-171, 174</p> <p>The policy is considered to be consistent with the NPPF.</p>
Policy 21: National Forest	Consistent	<p>Relevant Paragraphs of the NPPF: 170-175</p> <p>The policy is considered to be consistent with the NPPF.</p>
Policy 22: Charnwood Forest	Consistent	<p>Relevant Paragraphs of the NPPF: 91, 170, 172, 173-175</p> <p>The policy is considered to be consistent with the NPPF.</p>
Policy 23: Tourism Development	Consistent	<p>Relevant Paragraphs of the NPPF: 83</p> <p>The policy is considered to be consistent with the NPPF.</p>
Policy 24: Sustainable Design and Technology	Partly consistent (see comments)	<p>Relevant Paragraphs of the NPPF: 126, 129</p> <p>The overall principle of the policy is consistent with the NPPF however the Code for Sustainable Homes and Building a Greener Future have been replaced by new technical standards, and BREEAM ratings and guidance has been revised. Whilst the principles of the policy remain consistent the targets set out in the policy are now out of date.</p>

Site Allocations and Development Management Policies DPD (2016)

Site Allocations DPD Policy	Consistency of Local Plan policy with the NPPF	Comments
SA1: Safeguarding Site Allocations	Consistent	Relevant Paragraphs of the NPPF: 17 and 23 The policy is considered to be consistent with the NPPF.
SA2: Land West of Hinckley, Normandy Way, Hinckley	Consistent	Relevant Paragraphs of the NPPF: 8, 11, 20, 23, 91-92, 96, 102-104 The policy is considered to be consistent with the NPPF.
SA3: Land at Brookfield Road and Sketchley Brook, Burbage	Consistent	Relevant Paragraphs of the NPPF: 8, 11, 20, 23, 62, 80, 91-92, 96, 102-104 The policy is considered to be consistent with the NPPF.
DM1: Presumption in Favour of Sustainable Development	Consistent	Relevant Paragraphs of the NPPF: 11 The policy is considered to be consistent with the NPPF.
DM2: Delivering Renewable Energy and Low Carbon Development	Consistent	Relevant Paragraphs of the NPPF: 148; 151; 152 and 154 The policy is considered to be consistent with the NPPF.
DM3: Infrastructure and Delivery	Consistent	Relevant Paragraphs of the NPPF: 20; 25; 34; 102; 104 and 122 The policy is considered to be consistent with the NPPF.
DM4: Safeguarding the Countryside and Settlement Separation	Consistent	Relevant Paragraphs of the NPPF: 79; 83; 91-98, 118; 170 Policy DM4 sets out development which may be considered sustainable. Whilst it does not set out development identified in para 79 criteria b), d) and e) it does not contradict or preclude consideration of these criteria. The policy is considered to be consistent with the NPPF.

Site Allocations DPD Policy	Consistency of Local Plan policy with the NPPF	Comments
DM5: Enabling Rural Worker Accommodation	Consistent	Relevant Paragraphs of the NPPF: 79 The policy is considered to be consistent with the NPPF.
DM6: Enhancement of Biodiversity and Geological Interest	Consistent	Relevant Paragraphs of the NPPF: Chapter 15 Conserving and enhancing the natural environment; 170-177 The policy is considered to be consistent with the NPPF.
DM7: Preventing Pollution and Flooding	Consistent	Relevant Paragraphs of the NPPF: 155-163; 170; and 178-183 The policy is considered to be consistent with the NPPF.
DM8: Safeguarding Open Space, Sport and Recreational Facilities	Consistent	Relevant Paragraphs of the NPPF: Chapter 8 Promoting healthy and safe communities, paragraphs 91-98 The policy is considered to be consistent with the NPPF.
DM9: Safeguarding Natural and Semi-Natural Open Spaces	Consistent	Relevant Paragraphs of the NPPF: Chapter 8 Promoting healthy and safe communities, paragraphs 91-98 and 174 The policy is considered to be consistent with the NPPF.
DM10: Development and Design	Consistent	Relevant Paragraphs of the NPPF: Paragraphs 105; 110 127; 130-131; 150; 165; 180 and 182 The policy is considered to be consistent with the NPPF.
DM11: Protecting and Enhancing the Historic Environment	Consistent	Relevant Paragraphs of the NPPF: Chapter 16 Conserving and enhancing the historic environment; Paragraphs 189-192. The policy is considered to be consistent with the NPPF.
DM12: Heritage Assets	Consistent	Relevant Paragraphs of the NPPF: Chapter 16 Conserving and enhancing the historic environment; Paragraphs 184-202.

Site Allocations DPD Policy	Consistency of Local Plan policy with the NPPF	Comments
		The policy is considered to be consistent with the NPPF.
DM13: Preserving the Borough's Archaeology	Consistent	Relevant Paragraphs of the NPPF: Chapter 16 Conserving and enhancing the historic environment; 189. The policy is considered to be consistent with the NPPF.
DM14: Replacement Dwellings in the Rural Area	Consistent	Relevant Paragraphs of the NPPF: 79 The policy is considered to be consistent with the NPPF.
DM15: Redundant Rural Buildings	Consistent	Relevant Paragraphs of the NPPF: 79 The policy is considered to be consistent with the NPPF.
DM16: Telecommunications	Consistent	Relevant Paragraphs of the NPPF: Chapter 10 Supporting high quality communications (paragraphs 112-116) The policy is considered to be consistent with the NPPF.
DM17: Highways and Transportation	Consistent	Relevant Paragraphs of the NPPF: Ch.9 Promoting Sustainable Transport, Paragraphs 102 – 111; 130 The policy is considered to be consistent with the NPPF.
DM18: Vehicle Parking Standards	Consistent	Relevant Paragraphs of the NPPF: 105-106 The policy is considered to be consistent with the NPPF.
DM19: Existing Employment Sites	Consistent	Relevant Paragraphs of the NPPF: Chapter 6 Building a strong, competitive economy, paragraphs 80-82; 121 The policy is considered to be consistent with the NPPF.

Site Allocations DPD Policy	Consistency of Local Plan policy with the NPPF	Comments
DM20: Provision of Employment Sites	Consistent	Relevant Paragraphs of the NPPF: Paragraphs 80-84; 118 The policy is considered to be consistent with the NPPF.
DM21: Locating Sustainable Town Centre Uses	Consistent	Relevant Paragraphs of the NPPF: Chapter 7: Ensuring the Vitality of Town Centres, Paragraphs 85-90 The policy is considered to be consistent with the NPPF.
DM22: Vitalising District, Local and Neighbourhood Centres	Consistent	Relevant Paragraphs of the NPPF: Chapter 7: Ensuring the Vitality of Town Centres and Chapter 11 Making effective use of land The policy is considered to be consistent with the NPPF.
DM23: High Quality Shop Fronts and Advertisements	Consistent	Relevant Paragraphs of the NPPF: 130 and 132 The policy is considered to be consistent with the NPPF.
DM24: Cultural and Tourism Facilities	Consistent	Relevant Paragraphs of the NPPF: 83; 84 and 92 The policy is considered to be consistent with the NPPF.
DM25: Community Facilities	Consistent	Relevant Paragraphs of the NPPF: 83; 84, 92 The policy is considered to be consistent with the NPPF.

Hinckley Town Centre AAP (2011)

Hinckley Town Centre AAP Policy	Consistency of Local Plan policy with the NPPF	Reason
Policy 1: Compulsory Purchase Orders	Consistent	Relevant Paragraphs of the NPPF: 119 The policy is considered to be consistent with the NPPF.
Policy 2: Stockwell Head / Concordia Theatre Strategic Development Area	N/A	Policy no longer applicable – scheme delivered.
Policy 3: Atkins Factory Strategic Development Area	N/A	Policy no longer applicable – scheme delivered.
Policy 4: Britannia Centre / Castle Street Strategic Development Area	Consistent	Relevant Paragraphs of the NPPF: 81, 112, The policy is considered to be consistent with the NPPF.
Policy 5: Land North of Mount Road	N/A	Policy no longer applicable – scheme delivered.
Policy 6: Leisure Centre	Consistent	Relevant Paragraphs of the NPPF: 8, 11, 20, 23, 91-92, 96, 102-104, 118 The policy is considered to be consistent with the NPPF.
Policy 7: Rugby Road / Hawley Road	N/A	Policy no longer applicable – scheme delivered.
Policy 8: Railway Station / Southfield Road	Consistent	Relevant Paragraphs of the NPPF: 8, 20, 23, 91-92, 102-104, 118 The policy is considered to be consistent with the NPPF.
Policy 9: Bus Station	N/A	Policy no longer applicable – scheme delivered.
Policy 10: North Warwickshire and Hinckley College Sites	N/A	Policy no longer applicable – scheme delivered.
Policy 11: Public Realm Improvements	Consistent	Relevant Paragraphs of the NPPF: 8, 85, 91, 102 The policy is considered to be consistent with the NPPF. It is noted that some of the

Hinckley Town Centre AAP Policy	Consistency of Local Plan policy with the NPPF	Reason
		schemes have been delivered and no longer relevant.
Policy 12a: Area of Mixed Uses, Upper Bond Street	Consistent	Relevant Paragraphs of the NPPF: 118, 127 The policy is considered to be consistent with the NPPF.
Policy 12b: Transco HQ / Jarvis Porter	Consistent	Relevant Paragraphs of the NPPF: 80 The policy is considered to be consistent with the NPPF.
Policy 13: Hinckley Town Centre Shopping Areas	Consistent	Relevant Paragraphs of the NPPF: 85 The policy is considered to be consistent with the NPPF.
Policy 14: Retail Development Outside Hinckley Town Centre	N/A	Policy no longer applicable – scheme delivered.
Policy 15: Transport Infrastructure Delivery and Developer Contributions	Consistent	Relevant Paragraphs of the NPPF: 34, 102 The policy is considered to be consistent with the NPPF. It should be noted that the contribution figures set out in the supporting text to the policy (para 12.5) are likely to be out of date however the policy itself does not rely on these figures.
Policy 16: Cycle Routes	Consistent	Relevant Paragraphs of the NPPF: 91, 102-104 The policy is considered to be consistent with the NPPF.

The Earl Shilton and Barwell Area Action Plan (2014)

Earl Shilton & Barwell AAP Policy	Consistency of Local Plan policy with the NPPF	Reason
Policy 1: Sustainable Urban Extensions (SUE)	Consistent	Relevant Paragraphs of the NPPF: 23 The policy is considered to be consistent with the NPPF.
Policy 2 Provision of Community Facilities	Consistent	Relevant Paragraphs of the NPPF: 20, 34, 83, 92 The policy is considered to be consistent with the NPPF.
Policy 3 Primary, Secondary and upper Education provision	Consistent	Relevant Paragraphs of the NPPF: 20, 34, 83, 92 The policy is considered to be consistent with the NPPF.
Policy 4 Provision of Indoor Sports and Leisure Facilities	Consistent	Relevant Paragraphs of the NPPF: 20, 34, 83, 92 The policy is considered to be consistent with the NPPF.
Policy 5 Waste Management Provision	Consistent	Relevant Paragraphs of the NPPF: 20, 34, 83, 92 The policy is considered to be consistent with the NPPF.
Policy 6 Earl Shilton Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20, 23 The policy is considered to be consistent with the NPPF.
Policy 7 Housing in Earl Shilton Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20 The policy is considered to be consistent with the NPPF.
Policy 8 Employment in Earl Shilton Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20 The policy is considered to be consistent with the NPPF.

Earl Shilton & Barwell AAP Policy	Consistency of Local Plan policy with the NPPF	Reason
Policy 9 Neighbourhood Centre in Earl Shilton Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20, 91-92, 94, 104 The policy is considered to be consistent with the NPPF.
Policy 10 General Highways Provision for Earl Shilton Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 102-104 The policy is considered to be consistent with the NPPF.
Policy 11 Walking and Cycling in Earl Shilton Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 91, 102-104 The policy is considered to be consistent with the NPPF.
Policy 12 Barwell Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20, 23 The policy is considered to be consistent with the NPPF.
Policy 13 Housing in Barwell Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20 The policy is considered to be consistent with the NPPF.
Policy 14 Employment in Barwell Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20 The policy is considered to be consistent with the NPPF.
Policy 15 Neighbourhood Centre in Barwell Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 20, 91-92, 94 The policy is considered to be consistent with the NPPF.
Policy 16 General Highways Provision for Barwell Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 102-104 The policy is considered to be consistent with the NPPF.
Policy 17 Walking and Cycling in Barwell Urban Extension	Consistent	Relevant Paragraphs of the NPPF: 91, 102-104 The policy is considered to be consistent with the NPPF.

Earl Shilton & Barwell AAP Policy	Consistency of Local Plan policy with the NPPF	Reason
Policy 18 Carousel Park	Consistent	Relevant Paragraphs of the NPPF: 4, 61, 73 and Planning Policy for Traveller Sites (PPTS) (2015) The policy is considered to be consistent with the NPPF.
Policy 19 Regeneration of the District Centres	Consistent	Relevant Paragraphs of the NPPF: 91-92, Chapter 7: Ensuring the Vitality of Town Centres, Chapter 8: Promoting Healthy and Safe Communities and Chapter 11 Making effective use of land The policy is considered to be consistent with the NPPF.
Policy 20 Skills Development	Consistent	The NPPF does not contain a specific reference to the intention of this policy however it is considered that the policy is consistent with the broad intentions of the NPPF.
Policy 21 Infrastructure and Delivery	N/A	Superseded by Policy 3 of the Site Allocations and Development Management Policies DPD.
Policy 22 Development and Design	N/A	Superseded by Policy 10 of the Site Allocations and Development Management Policies DPD.
Policy 23 Existing Employment Sites		No specific reference
Policy 24 Safeguarding Community Facilities	N/A	Superseded by Policy 25 of the Site Allocations and Development Management Policies DPD.
Policy 25 Safeguarding Open Space, Sport and Recreational Facilities	N/A	Superseded by Policy 8 of the Site Allocations and Development Management Policies DPD.
Policy 26 Vitalising District, Local and Neighbourhood Centres	N/A	Superseded by Policy 22 of the Site Allocations and Development Management Policies DPD.