



Hinckley & Bosworth  
Borough Council

## **Hinckley and Bosworth Borough Council Consultation Response to the Bagworth, Thornton and Stanton under Bardon Neighbourhood Plan Pre-Submission Draft (Regulation 14)**

Neighbourhood plans are not required to meet the tests of soundness which local plans and other development plan documents must meet. Instead, in order for them to be able to be put to referendum, they must meet the 'basic conditions' set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. Those relevant to neighbourhood plans are as follows:

- (a). having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- (d). the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- (e). the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f). the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- (g). prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

This consultation response aims to highlight where policies of the Bagworth, Thornton and Stanton under Bardon NDP require modification in order to be in full conformity with the basic conditions.

Points (f) and (g) above relate to certain obligations which plans must adhere to, primarily in relation to habitats and environmental impacts. Some plans require a Strategic Environmental Assessment and/or a Habitat Regulations Assessment. Bagworth Thornton Stanton under Bardon NDP undertook screenings and it was determined that whilst neither a full HRA nor an SEA were required to comply with this basic condition, a Heritage Impact Assessment would be required.

Comments are provided below on the NDP policies which aim to ensure that the policies in their final form are workable and can be implemented to their full effect, ensuring that they contribute to the achievement of sustainable development.

## Detailed comments

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### Location in Document

### HBBC comments

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1.1 Why we produced a Plan

Second paragraph of 1.1. Reference to sixteen years. HBBC is planning for the period 2020 – 2039. As we are now into 2021 and the BT&SuB plan has not yet been submitted it would make sense for the neighbourhood plan to also plan for the same period that HBBC is planning for - 2020 – 2039 for consistency.

Fourth paragraph of 1.1. Ditto regarding plan period to 2036

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1.2 How the Plan fits into the Planning System

Third paragraph of 1.1. Reference to HBBC Local Plan should be for the period 2020 – 2039.

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1.3 The Plan process

Hyperlink to consultation activities needs to be fixed. Details of consultation activities could not be found

It is noted that a “Sustainability” theme group was charged with considering employment issues, but there is little evidence of active engagement or consultation with business operators in the NP area, including the part of Bardon Hill industrial estate in the NP area.

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4.1 Housing Introduction P.14

Fourth Paragraph of 4.1. This detail about the preparation of the NP may appear dated once the NP is “made”

Fifth Paragraph of 4.1. Of the key areas the NPPF sets out to address, increasing housing supply generally is a far more explicit priority than increasing affordable housing supply. Suggest re-phrasing accordingly

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4.2 Housing Need PP. 14-15

First Paragraph of 4.2. The Housing and Economic Development Needs Assessment (HEDNA) is 4 years old and has been superseded by the Standard Method of calculating local housing requirements as set out in national planning policy. HBBC recommends that this paragraph is deleted.

Second Paragraph of 4.2. HBBC is planning for the period 2020 – 2039. As we are now into 2021 and the BT&SuB plan has not yet been submitted it would make sense for the neighbourhood plan to also plan for the same period that HBBC is planning for - 2020 – 2039 for consistency. That would mean that outstanding permissions with

dwellings uncompleted at 1/4/20 could count towards meeting the housing requirement.

4.3 Statistical Evidence

First paragraph of 4.3 and table below paragraph 2. This paragraph describes the introduction of the Standard Method setting the borough housing requirement. It then cites an indicative figure of 133 dwellings for the neighbourhood plan area purported to have been provided by the borough. The table apportions the borough housing requirement of 9,460 dwellings according to the Core Strategy apportionment. Since mid-2020 HBBC has been advocating an approach to setting indicative housing figures for parish areas that is based on apportionment of the borough wide figure according to population distribution. This approach was most recently set out to all Parish/Neighbourhood Plan groups on 6<sup>th</sup> November 2020. It uses a borough wide requirement figure of 8,588 dwellings for the 19 year period of 2020 to 2039.

HBBC have recommended that neighbourhood plans include an additional buffer to give flexibility to the plan. For example this would help if sites did not come forward for development as anticipated and/or if the local plan, once adopted, set a different housing requirement for the parish. Also, the Borough may need to accommodate unmet housing need from the City of Leicester. In December 2020 the Standard Method for establishing housing need for Local Planning Authorities was revised so that the housing need for the 20 largest cities in England, including Leicester, was increased by 35%. This is likely to lead to a significant increase in the level of unmet housing need arising in Leicester. Whilst work is ongoing across Leicester and Leicestershire to agree a method of apportioning this unmet need it is possible that the Borough may be expected to accommodate part of this additional 35% uplift. It is therefore considered important that neighbourhood plans in the borough are flexible enough to respond to a potentially higher housing need figure in the emerging local plan. Without flexibility it is possible that neighbourhood plans may quickly become out of date. A 10% buffer has been recommended which would raise the borough requirement to 9,447.

The apportionment of the borough requirement to the parishes of Bagworth and Thornton and Stanton-under-Bardon is as follows:

	Population (ONS 2017)	% of HBBC population	share of need	share of need + 10%
Bagworth & Thornton	2,742	2.5	211	233
Stanton-under-Bardon	843	0.8	65	72
BT&SuB combined	3,585	3.3	276	305

This apportionment by population distribution provides an indicative need figure for BT&SuB for the 2020-39 period of 276 dwellings and a

figure of 305 dwellings for increased flexibility. These figures are offered as a starting point. Local circumstances relative to the rest of the borough may give reason to increase or decrease the indicative figures. The type of issues to be considered include how sustainable the villages are to support housing growth including proximity to employment, what level of local infrastructure is available and public transport, and the environmental capacity of the villages to support housing growth including flood risk, the presence of valuable natural habitats, landscape, and the visual and historic value of the existing built form. Availability of suitable sites will be important.

Second paragraph of 4.3. This paragraph sets out the dwellings permitted or built since 1<sup>st</sup> April 2017 for deduction from the housing requirement of 133 dwellings (89 Bagworth and Thornton; 44 for Stanton under Bardon). To be consistent with HBBC's emerging Local Plan, the plan period ought to be 2020 – 2039 and as such, outstanding permissions for dwellings to be deducted from the housing requirement should relate to 1<sup>st</sup> April 2020. HBBC records indicate that Bagworth and Thornton had 6 permitted uncompleted dwellings and Stanton under Bardon also had 6 permitted uncompleted dwellings at this point.

It would also be appropriate for a windfall allowance to be made based on past trends of housing delivery from 2006 to 2020 on unallocated sites in BT&SuB. These are as follows:

Bagworth:

2006-2020 = 179 completions

Allocated Completions = 117

Windfall = 4.4 dwellings per year

Thornton:

2006-2020 = 14 completions

Allocated completions = 0 (8 allocated were not delivered)

Windfall = 1 dwelling per year

Stanton under Bardon

2006 – 2020 = 94 completions

Allocated completions = 91 completions

Windfall = 0.21 dwellings per year

This rounds up to a windfall allowance of 5.6 dwellings per year for the whole neighbourhood plan area. Over the 19 year plan period of 2020-39 this would give a windfall allowance of 103 dwellings for Bagworth and Thornton and 4 for Stanton under Bardon, or 107 dwellings for the whole NP area.

So taking the outstanding permitted dwellings at 1/4/20 and the windfall allowance from the indicative housing need figure would leave 89 – 118 dwellings to be found in housing allocations.

Housing Need	Base	10% Uplift
Bagworth and Thornton Need	211	233
Outstanding PPs	6	6
Windfall Allowance	103	103
Remainder for allocation	102	124
Stanton under Bardon Need	65	72
Outstanding PPs	6	6
Windfall Allowance	4	4
Remainder for allocation	55	62
Remainder for allocation BT&SuB	157	186

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4.4 Local Housing Needs PP. 16-17

Fourth Paragraph of 4.4. The local housing need assessments by the Midlands Rural Housing Trust (MRHT) were based on questionnaire surveys of actual and expected need of local households and concluded with quite specific needs being identified for periods from 2017 to 2023. Whilst robust and valid in their own right, such surveys do not take priority over the housing need established through household projections as embodied in the Standard Method of national planning policy and the plan period of 2020 – 2039 is also much longer than the horizons of the MRHT assessments. Therefore, the statement, “the HTG [Housing Theme Group] decided that no further residential allocations were required in Bagworth for either affordable or market housing” only makes sense when recent housing supply (Dunlop site development and pipeline permissions) are compared against the MRHT assessment of need for the 2017-22 period, which has been well and truly exceeded. However, it is not evident that recent housing supply in Bagworth is sufficient to meet the standard method assessment of need for the period to 2039.

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4.5 Housing Allocations, Policy H1 and Figures 2 and 3. PP. 17-19

General point. To avoid confusion the numbering of the sites in Policy H1 ought to correspond with the numbers on Figures 2 and 3.

First Paragraph of 4.5. See comments on the Sustainable Site Assessment under General Comments in the section on Evidence Base below.

Policy H1. Using the word “about” before number of dwellings” is imprecise and should be reconsidered. To give certainty about the housing supply to meet the housing requirement, the neighbourhood plan should express the dwelling capacities of sites as exact numbers of dwellings where exact numbers are expected, or as minima where there is uncertainty. The supporting

text could explain more about the level of confidence in site capacity figures.

In contrast, the requirements for affordable housing relating to the 4 sites are expressed as minima. There could be inconsistency with the borough local plan requirement for 40% of dwellings to be affordable if fewer total dwellings were proposed on the sites.

It is not clear whether the Highway Authority has been consulted about the sites. It is essential that the Highway Authority expresses its satisfaction in writing that highway access is realistically achievable to all the sites proposed to be allocated.

Policy H1 second paragraph. Planning cannot dictate the number of planning applications that can be submitted and cannot prohibit the submission of a planning application for only part of a site. Instead, the policy could set out an expectation for the sites to be comprehensively planned and state that applications for parts of sites will only be permitted where they demonstrate coherence with whole site development, for example through submission of a masterplan, and contribute appropriately to on site requirements such as open space and affordable housing provision.

Site 1 – the rear of Main Street, Thornton. This site has had planning permission for residential development since 2010 and has not come forward for development. The examiner will need to be convinced that the site has no hidden impediments and is likely to be developed during the plan period.

Site 2 Thornton Nurseries. A planning application for 2 dwellings at the western end of the site was approved in January 2020 but HBBC has no knowledge of development interest for the rest of the site. The plant nursery appears to be operational. Has the owner given any commitment to bringing the site forward for residential development?

Site 3 Land off Meadow Lane, Stanton under Bardon. The site, or at least the western end of the site [it is not possible to tell from the small scale of Figure 3] was subject to planning applications for 3 detached dwellings in 2017 which were refused and dismissed at appeal in May 2018. The Inspector's reasoning was primarily influenced by the site being outside of the Settlement Boundary in the statutory plan and therefore counting as countryside. There do not appear to be any intrinsic reasons why the site would not be suitable in terms of plan-making and it is within the scope of the neighbourhood plan to allocate the site and bring it within a redrawn settlement boundary. However, is 12 dwellings a realistic capacity given that the planning application was only for 3?

Site 4 Land Opposite South Charnwood High School. HBBC questions the sustainability of this site given its relative isolation from the village of Stanton under Bardon. By road the site is over 2km from the centre of the village. Residents will be forced to drive for almost all interactions with the village, for employment and other services. One exception is the high school immediately opposite the site, which is equally isolated along with 3 or 4 dwellings on Markfield Lane. The site requirement to make the footpath to Stanton under Bardon all weather would be a significant improvement, but the distance would still be about 1.5km following existing routes and more certainty would be needed about deliverability of an improved path. Even still it would not overcome the fundamentally flawed location of the site. That this site scored well in the Sustainable Site Assessment raises questions about the soundness of that assessment which are addressed in the General Comments section below.

Figures 2 and 3. These maps serve well to illustrate the location of the sites but they are not of a sufficient scale to see boundaries clearly to know what buildings, boundaries, trees and other physical features are part of the site. Additional maps are needed at a bigger scale, say 1:200 or 1:500

On paper the total housing capacity of the proposed allocations of 90 dwellings would fall short of the population apportioned net housing requirement of 157-186 dwellings.

Site 1 r/o Main Street, Thornton	12
Site 2 Thornton Nurseries	21
Site 3 Meadow Lane, SuB	12
Site 4 opp High School, SuB	45
Total	90

Given the shortfall, and HBBC's concerns about the suitability of Site 4 (given its isolation from Stanton under Bardon) and developability of other sites it is suggested that alternative sites from the SSA be considered.

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4.6 Reserve site.  
Policy H2. P 20

HBBC has no information about the deliverability of this site. Is there any evidence that the site available for development – for example expression of interest from the landowner? Also, it is not clear whether the Highway Authority has been consulted about the reserve site. It is essential that the Highway Authority expresses its satisfaction in writing that highway access is realistically achievable.

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4.7 Settlement  
boundary. Policy  
H3. PP. 21- 24

Policy H3 refers to development outside of the settlement boundary being carefully controlled but presumably defers to Policy DM4 of the

Borough's Site Allocations and Development Management Policies DPD (SADMP). Policy DM4 has strong detailed criteria for determining the acceptability of development in the countryside, so the policy ought to be cross referenced in Policy H3 or its supporting text.

There are a number of differences between the settlement boundaries set out in Figures 4, 5 and 6 and the settlement boundaries set out in the SADMP. It would help the determination of planning applications that could be made on land that is inside the boundary in one plan but outside in the other if the differences were explained. Obvious differences in the settlement boundaries are set out below under headings of the 3 settlements.

Bagworth. The NP map includes some land within the settlement boundary that is excluded by the SADMP: Land behind 312-322 Station Road; land behind 280-300 Station Road; land behind most northerly house on Park Lane; land behind 86-94 Station Road; and the Paddock to the rear of 15 The Square.

Conversely, farm plots and buildings are excluded from the settlement south of Main Street that are included in the Local Plan Settlement Boundary.

The proposed settlement boundary around the former Dunlop factory redevelopment site (Now Round House Close) includes some of the open space at the rear, which would be better protected from further residential development if it were outside of the Settlement Boundary. Conversely, the proposed boundary excludes the existing industrial buildings to the south of Round House Close. This is clearly urban land forming part of Bagworth and if any alterations or extensions to these buildings were proposed they ought to be determined as such, rather than being considered part of the countryside.

There is inconsistency in the treatment of Important Open Spaces. For example, BAG09 is outside where as BAG11 and BAG12 are inside the Settlement Boundary.

Thornton. The NP map includes some land within the settlement boundary that is excluded by the SADMP: Land and buildings forming part of the farmstead behind number 3 Main Street; Land to rear of 22-29 Oakwood Close



There is inconsistency in the treatment of Important Open Spaces. For example, THO07 and THO08/16 are outside where as THO03 – 05 are inside the Settlement Boundary.

Domestic rear gardens of 183-193 Main Street and properties behind 301 Main Street are excluded from the settlement of the NP which are included in the SADMP.

Should the church and its curtilage not be part of the settlement? The church and its setting will be highly protected as a listed building; there is no danger of inappropriate development as a result of being within the Settlement.

Stanton under Bardon. The NP map includes some land within the settlement boundary that is excluded by the SADMP: Large rear garden at 294 Main Street.

To reiterate; it will help with determining planning applications on land that is inside the settlement boundary in one plan and outside in another for each case in the neighbourhood plan to be explained.

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4.8 Housing mix.  
Policy H4 P25

Policy H4 states that development should deliver more than 60% of units as 3 bedroom or fewer. It does not make clear what “more than” means. Would “at least” be better wording?

Figure 3 of HBBC's [Housing Need Study 2019](#) suggests 80% of new market dwellings across the borough need to be of 1-3 bedroom size (85-95% for new affordable dwellings) so 60% is insufficiently challenging particularly if BTSuB needs to address a historic imbalance in the existing stock.

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4.9 Affordable housing. Policy H5. PP 25-26

In this section there is no reference to the Local Plan having a policy to require provision of affordable housing.

It is agreed that there is a need for smaller affordable dwellings but Policy H5 is vague in specifying the mix of affordable dwellings that will be expected. The Borough's emerging local plan will be setting target requirements for housing mix for both affordable and market housing based on Figure 3 of HBBC's [Housing Need Study 2019](#).

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4.10 Windfall development.  
Policy H6. P27

Second Paragraph of 4.10. Reference to 2036 as the end of the plan period ought to be 2039 to be consistent with the Local Plan.

Policy H6 criterion a) refers to Policy H2 as the Housing Mix policy. Should be Policy H4.

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4.11 Design standards. Policy H7. PP 27-29

Policy H7. Is design policy also needed for developments involving uses other than residential? Or will the neighbourhood plan defer to Local Plan policy in this regard? The supporting text ought to clarify.

Criterion a). All planning applications have to be accompanied by scale drawings that need to be sufficiently detailed to illustrate proposed development, so this criterion is not necessary. It is not clear what is meant by “advanced” in terms of architectural drawings.

Criterion b). “Enhancement” is a standard national requirement for conservation areas, but may not always be necessary, particularly in locations lacking in existing visual and historic character, where a development would maintain or not harm existing character.

Criterion c). As per comment on Criterion a), all planning applications have to be accompanied by scale drawings to illustrate the impact of proposed development on the character of surroundings, so the first sentence of Criterion c) is not necessary. The second sentence could be more succinct and clearer if it stated “...development does not harm views of the street scene or wider landscape.”

Criterion d). The [Leicestershire Highway Design Guide](#) for rural areas sets a standard of 3 spaces for 4 bedroomed dwellings for schemes of up to 5 dwellings (para 3.173). Requiring 3 spaces for 4+ bedroomed dwellings may not be necessary for larger schemes where on street or visitor car parking areas can provide extra capacity. Other exceptions ought to be considered such as historic village cores where small infill developments may not have land for parking spaces and where the visual appearance of car parking could detract from the street scene. Supporting evidence (Appendices 3b and 3c) puts ownership of 3 or more cars higher than average but still quite low at 12.7% of households in Bagworth and Thornton and 18% in Stanton under Bardon.

Criterion e). There is duplication with criterion b) and second sentence of criterion c). Could there be one consolidated criterion that covers impact of development on visual and historic character?

Criterion g). How would high standards be measured?

Criterion i). Could the “curfew” hours be explained in the supporting text to save people having to look up the guidelines in the 2014 LRERC document? Presumably LRERC stands for Leicestershire and Rutland Environmental Records Centre? This should be set out in full.

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5.1. The Environment Introduction. P30	<p>Sub Heading. Should be 5.1, not 5.9?</p> <p>First Paragraph of 5.1. Some people use the web version of the NPPF which does not have page numbers, so it would be better to refer to NPPF paragraph numbers 7-14.</p> <p>Second paragraph of 5.1. It is not clear how 13% of open land is protected according to the figures in the table?</p>
5.1.4 Existing Environmental Designations P. 33	<p>There are five listed buildings within the Plan area, rather than three as mentioned in the text.</p>
5.1.5 Environmental inventory PP. 34-35	<p>Fig 8 (scoring system) does not need to be in the NP; it would fit better within the Environmental Inventory evidence (Appendix 5).</p>
5.1.6 Sites qualifying for more than one designation P36	<p>Second Paragraph of 5.1.6. The acronym OSSR is used without its full title.</p>
5.3 The natural environment	<p>The section number should be 5.3 not 5.11</p>
5.3 2 Biodiversity protection and enhancement. PP43-44	<p>Second paragraph of p. 44. Reference to Charnwood Borough Council policies. Should be Hinckley and Bosworth Borough Council policies.</p>
5.4 1 Listed Buildings and Scheduled Monument. P44	<p>There are 6 buildings and structures that are statutorily designated within the plan area (five listed buildings and one scheduled monument), so the number needs amended to six in this paragraph. The omission is Stanton war memorial which is a grade II listed building, this needs to be added to the list below the paragraph: <a href="https://historicengland.org.uk/listing/the-list/list-entry/1467317">https://historicengland.org.uk/listing/the-list/list-entry/1467317</a> (it is a relatively new listing so I can see how it might have been missed).</p>

The sentence, “...new development will be required to take into account their settings, as defined on a case by case basis with Historic England” should be amended as there are some errors – in particular the reference to Historic England defining setting (ordinarily it is the local planning authority that do this), and also direct impacts as well as impacts on the settings of listed buildings should also be acknowledged. In HBBC’s opinion the wording of this sentence should be amended to: “*The Neighbourhood Development Plan lists them for reference and notes that proposed development is required to take into account the direct impact upon their significance and also the effects upon their setting.*”

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5.4 2 Local  
Heritage Assets.  
P46

The first paragraph identifies that seven buildings and structures are judged to be of local significance. On page 33 the text refers to eight such buildings and structures. Eight buildings or structures (with LCC Historic Environment Record reference numbers) are identified within Fig 14. Five buildings and structures are then listed at the end of Policy ENV4: Local Heritage Assets. HBBC suggests that the number of assets referred to be consistent throughout the document – please note the comments about assets identified in the policy below, which will likely reduce the number of assets identified in this section.

The first paragraph states that the buildings and structures are of local significance for historic, architectural or social reasons. In the Policy ENV4 it states the sites, buildings and structures are of high local significance for historic, architectural and/or built environment reasons. What does built environment mean in this context? There should be consistency in the categories of heritage value referred to in the supporting text and policy. Are the specific heritage reasons why each of the assets have been identified articulated in the plan (other than that they are on the LCC Historic Environment record) – for example how is Thornton Water Mill (taken as the first site on the list) of historic, architectural or social significance?

Reference to footnote 63 of the NPPF within the last sentence of this section should be removed as it is not relevant or appropriate in seeking the preservation of local heritage assets (footnote 63 concerns substantial harm to or loss of non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments being wholly exceptional within the planning balance). HBBC suggests that this last sentence is significantly altered to wording such as (or similar to): “Inclusion in the

Plan records them in order that any effects upon their significance arising from a development proposal are a material planning consideration.”

Bagworth War Memorial (listed in the policy and on the map – Fig. 14) and Stanton under Bardon war memorial (on the map – Fig.14 only) are both grade II listed buildings. They have more local heritage interest through their statutory designation so their identification within this policy is not required. The remaining farm buildings at Battleflat Lodge Farm, Victoria Road (on the map – Fig.14 only as MLE23211) may have been demolished as part of a recent construction of a warehouse. This should be clarified and if demolished they should no longer be identified within this policy.

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Policy ENV5  
Protection of  
Sites of Historical  
Environmental  
Significance

Figure 15

In HBBC’s opinion the last sentence of this policy (*Development proposals that would have a detrimental impact on the earthworks, buried archaeology or features present will not be supported unless the need for and benefits arising from development in that location clearly outweigh the loss*) does not conform with or and reflect the provisions of Section 16 of the National Planning Policy Framework and Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD as it does not instigate an unweighted balanced approach when assessing the significance of the non-designated heritage asset against the benefits of the proposal. To accord with the NPPF and SADMP DPD HBBC would strongly suggest that this last sentence is amended so an unweighted balanced approach is specified in the policy, utilising the format of paragraph 197 of the NPPF. Suggested options are to draft wording similar to that contained within Policy ENV 4: Local Heritage Assets in this Plan.

Figure 15 identifies the sites of historic environmental significance with a site number cross-referenced back to the environmental inventory. For further ease of identification consideration should be given to listing the sites identified by the policy within the Policy wording and providing simple information such as the site address/location and the reasoning as to why each site is of significance.

The clarity of Figure 15 is poor so it is difficult to determine the physical extent of each site.

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5.13 Important  
open spaces.  
Policy ENV7 and  
Figure 18.1

List of protected sites 1.1 Bagworth. Sites A, B and C should be deleted as they duplicate sites BAG05, BAG06 and BAG07 in HBBC’s Site Allocations and Development Management Plan (SADMP)

Figure 18.1. HBBC's SADMP and should be referenced as such to avoid confusion. Sites A, B and C are protected in Site A is part of BAG05; Site B is BAG06 and Site C is BAG07

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5.14 Important views. Figure 20. Policy ENV8 Fig 20 and Policy ENV8. The description of panoramic view number 7 in the Policy does not tally with the arrow symbol on Fig 20. The description refers to a southerly view whereas the symbol points north, east and west but not south.

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6.1.1.1 Community Assets of Stanton under Bardon The Old Thatched Inn. Text is missing explaining what 90% of respondents said  
War memorial. The first sentence lacks description of the cross in front of the Church.

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6.1.1.2. Bagworth community centre  
Third paragraph of 6.1.1.2. This paragraph repeats the findings of community consultation for the NP area set out in the 5<sup>th</sup> paragraph under 6.1.1 "Character and histories of the three main settlements". These findings repeated under the sub-heading of Bagworth imply that the responses were unique to Bagworth. It is suggested this paragraph be deleted  
Merry Lees. Inclusion of the description of Merry Lees within section 6.1.1.2 on Bagworth implies that Merry Lees is part of Bagworth rather than a free standing business area / settlement to the south of the NP area. Suggest relocating the paragraph  
Education. Primary. For those unfamiliar with the area it would be worth giving Nailstone as the location of Dove Bank school. The wording describing the percentage of Bagworth's primary school children going to different schools should be clarified. It is assumed that 52% go to Dove Bank, Nailstone 15% to Thornton Primary, and the remainder (33%) to other schools but the wording "52% of those who responded in the survey" ought to clarify that this means respondents from Bagworth with primary school children. The year of the survey would be helpful for when the NP is used years in the future.  
If an aspiration of Bagworth is to have its own primary school, could the NP provide any guidance on potential locations for a future primary school?

The grammar switches to the first person plural (“our” and “us”) at the end of the first paragraph, which is out of kilter with the third person used elsewhere.

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6.1.1.3 Thornton      The Fuchsia Centre (Thornton Nurseries). Is there a contradiction in allocating the Thornton Nurseries site as a housing site but also listing it as a community facility, which under the second paragraph of the opening section (6.1.1), “...make a significant contribution to its vitality and sense of community,” and under Policy CA1, its development for housing would be subject to criteria? It is assumed that criteria a) and b) concerning need, demand and viability of the facility would not give reason to allow housing development, which leaves criterion c) which expects new development to provide for satisfactory re-location of the facility. If there is a plan for the nursery to be relocated as part of housing development, could the NP provide guidance on options for relocation?

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Policy CA1  
Community  
Facilities and  
Amenities

The policy offers useful criteria for considering planning applications which would either result in the loss of community facilities or result in the improvement or provision of community facilities. However, the preceding sections on the settlements of the NP area reveal needs and aspirations for new facilities (eg primary school in Bagworth, GP surgeries, shops and other supporting infrastructure), and for transport controls and improvements which are unlikely to be delivered unless pro-active measures are taken. There is potential for NPs to address these needs in two ways:

- i) Seeking infrastructure improvements on the back of major development. Particular requirements could be added to site allocations and/or a separate policy could be set out that applies to all major developments. Such requirements would have to be subject to development viability, and it has to be remembered that major developments are already subject to local plan requirements for costly benefits such as affordable housing and open space. So it would be better to prioritise key needs rather than set out a lengthy list
- ii) Set out community aspirations that would be met through interventions not involving planning control. For example, campaigning for infrastructure spending of public bodies such as the health authority or pressing for introduction of speed and other traffic restrictions

Criterion iv could be strengthened by expecting that development will be fully accessible to people with disabilities where possible.

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Broadband and  
Mobile Phone  
Infrastructure  
and Policy CA2

Mobile phone masts for 5g are currently being rolled out across England. The supporting text could acknowledge that this is likely to improve reception, but bring questions concerning the appropriate location of new masts.

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6.2 Transport  
and Traffic and  
Policy TT1

Similar to HBBC's comment on community facilities above, the section on Transport and Traffic contains a number of local community concerns which are expressed, for example speeding cars and HGV violations, but no solutions are offered.

Thornton potential parking solutions. These suggestions are left hanging with no indication of who or how they will be taken forward.

Policy TT1 needs a cross reference with Policy H7. which sets minimum car parking spaces for new dwellings. Criterion e) could be expressed more strongly, perhaps using wording "Make provision for..." instead of "Consider..."

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6.2 Electric  
vehicles

The UK government has brought forward the ban on sales of new petrol and diesel cars to 2030

Policy TT2. The policy could go further in not only requiring 7kw cabling but requiring at least one charging point? Cabling and charging points may need to extend into the garden, so could say "...to the most practical point of the curtilage of the home...."

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6.2 Bus service

Does the NP have any proposals that could improve the poor bus service of Stanton under Bardon?

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6.2 Rail service

The opening of the paragraph needs to mention that a railway line passes through the NP area which is currently only used for freight

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6.3 Business and Employment

Policy BE1. Further explanation is needed of what is meant by land that provides future employment opportunities. Without clarification, this could include any land at all. For example, supporting text could clarify that this means land allocated for future employment use, or undeveloped land that is within existing employment areas, or land with extant planning permission for employment uses?

Regarding the part of the policy that says, “Applications for a change of use to an activity that does not provide employment opportunities will only be supported...”, consideration should be given to what is meant by uses that do not provide employment opportunities. This would clearly include housing, but there may be uses that employ people but are not traditional business typified in the list of local businesses set out in the supporting paragraph. If you want to exclude any uses they will need to be specified.

Policy BE2. This section should have regard to the importance of the Bardon Hill industrial estate which is predominantly within North West Leicestershire borough but which has a large extension within the neighbourhood plan area. This includes the allocation for employment Interlink Park, Beveridge Lane (ref STA20) and is one of the few opportunities for modern new employment premises to be provided in the area. The area should be shown on a map with consideration given to potential to extend the allocation which is being built out. Policy guidance is also required specific to land adjoining this industrial area to deal with any planning applications. It does not appear that criterion a) of Policy BE2 has been drafted with this industrial area in mind.

Also regarding criterion a) how will decision makers know what is small scale and whether commercial development is appropriate to a countryside location? Could the supporting text provide guidance?

Policy BE4. Regarding criterion a) can further guidance be given on judging what is an appropriate use for a rural location?

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7 Monitoring and Review

HBBC recommends a plan period of 2020 – 2039 to be consistent with the Borough’s local plan

Consideration should be given to setting a time period for review. As a comparative bellwether, national planning policy expects local plans to be reviewed at least every 5 years

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## **General comments**

### **Treatment of Bagworth**

Have the challenges of Bagworth's changing historical circumstances been fully addressed in the neighbourhood plan? The description of Bagworth in section 2.2 describes the losses of buildings because of subsidence and bemoans the loss of facilities and businesses, with residents having to travel outside of the village for shops, schools, GP surgery and churches. On the positive side, it concludes by saying there is a real appetite to put Bagworth back together and recover much of what has been lost. However, the NP does not follow this up. The vision makes no distinction for Bagworth to recover what has been lost and the plan lacks policy or other interventions to deliver community infrastructure. The lack of a primary school is a particular example. There is good evidence to support the case for a primary school: it is raised as an issue by residents in the consultation exercise; Bagworth has by far the biggest population of the three settlements at 2605 people (2011 Census) and has a higher proportion of children than the other settlements.

The NP is silent on how new community infrastructure could be provided. There are certain planning interventions that could be considered. One would be seeking contributions toward infrastructure from development, although problems with this approach are that considerable housing development has already occurred in Bagworth with little or no contribution made and the appetite for further housing development is limited. Another approach could be for the NP to seek to identify appropriate locations or allocate land for new facilities. Non-planning interventions can also be considered such as lobbying public service providers for investment.

### **Presentation / Layout**

Paragraph numbering is essential. When plans are used for determining planning applications it is necessary to reference supporting text. Paragraph numbering makes the process of referencing paragraphs much easier and removes uncertainty about identifying the intended paragraph and text. In the pre-submission draft plan the section numbering is sometimes out of kilter with sub-heading numbering.

### **Duplication of Policy Requirements**

In the recent Burbage Examiner's Report it was recommended that where the NP makes reference to adopted Borough Council Local Plan policies, these should be removed as they repeat policy. This recommendation was agreed and taken forward. The NP is an opportunity to refine and add more detail to general policy requirements, particularly where local circumstances give reason to apply a general policy requirement differently. Sometimes, it will be appropriate to list relevant local circumstances or features that ought to be taken into account when applying a Local Plan policy. Such matters may be better set out in the supporting text with appropriate cross references to relevant policy.

### **Evidence base**

The need for evidence is outlined in Planning Practice Guidance and this sets out that proportionate, robust evidence should support the choices made and the approach taken. Planning policies need to be based on clear planning rationale and proper understanding of

the place they relate to, if they are to be relevant, realistic and to address local issues effectively. The data and analysis about a place is called the evidence base. This can include social, economic and environmental data.

The following comments relate to particular pieces of evidence:

### Housing Site Selection

Appendix 4 is the Sustainable Site Assessment (SSA)

The second paragraph of the introduction refers to a housing net minimum number of additional dwellings being 12 for Bagworth and Thornton and 40 for Stanton under Bardon. This is consistent with the draft Plan, but not consistent with the population apportionment recommended by HBBC which generates housing need figures for the period 2020 – 2039 of 211 dwellings for Bagworth and Thornton and 65 dwellings for Stanton under Bardon, with a combined total of 276 dwellings. If allowance is made for outstanding permissions and future windfall, net minimum additional dwellings for allocation would be 34 dwellings for Bagworth and Thornton and 55 dwellings for Stanton under Bardon, with a combined total of 89 dwellings.

The SSA framework set out in Table 1 provides a useful systematic means of assessing site options according to generally well established planning criteria used by YourLocale. Some observations on the criteria are as follows:

1. Site capacity. Although it may be a local community preference for smaller sites, it is not axiomatic that larger sites are inappropriate in planning terms per se. This will depend on site circumstances. It is also possible for smaller parcels of larger sites to be considered which can improve the rating of this criterion, and sometimes other criteria.

3. Adjoining uses. The criteria could be better explained with regard to site location in relation to the village envelope. Green is clearly within the village envelope. Amber could be read as adjoining the outside or adjoining the inside of the village envelope. If the latter, there is little difference with Green. Red could be read as adjoining the outside of the existing village envelope (which would be the same as the “adjoining outside” interpretation of Amber) or free-standing beyond the village envelope.

7. Site availability. Whilst the number of site ownerships provides some theoretical measure of site availability, evidence of active development activity and of a willing landowner are far more determinant of whether a site will be available for development during the plan period.

16. Safe access to public transport. Unclear why this SSA uses <100m for green, 101-200m for amber and >200m for red, whereas the Barlestone SSA used <250m for green, 251-500m for amber and >500m for red?

17. Distance to village centre. Ditto 16 above. Also, treating the junction of Reservoir Road and Merrylees Road as the centre of the village has to be questioned. It is a very southern locus at the bottom of the linear village with the vast majority of existing housing being north of this point. Most of the key facilities likely to generate visits are located more centrally including the primary school, village shop, Bricklayers Arms pub, community centre, recreation ground and church and would justify a more northerly point along Main Street being regarded as the centre of the village.

18. Distance to primary school. Ditto 16 above

21. Public Rights of Way. Re-routing of a PRW / bridle path would be a form of mitigation which fits better under the intentions for the Amber category rather than Red.

25. Flooding. In parts of the country with high flood risk zones (river flooding) flooding considerations ought to provide an initial sieving of site options through sequential testing, as is required by national planning policy, rather than forming part of a scoring matrix. If sites are in functional flood plains they have to be ruled out, period. If sites are in flood zones 2 or 3 they have to be subject to a sequential test and ruled out if there are sites of lower risk available.

#### Comments on individual site assessments

1. Bagworth Lane, Thornton. If the site was reduced in size to include only land east of the electricity wires it would remove several of the red ratings: size of site, impact on vehicular traffic, electricity transmission network and nuisance from quarry trains. It would also negate the flood issues around the stream / pond.

2. Main Street, Thornton. The question is raised why housing development has not taken place despite planning permission being available since 2010?

3. Beech Drive Extension, Thornton. If the site were reduced in size to land on the village side of the newly planted line of trees, this would improve ratings in terms of size of site, impact on vehicular traffic, electricity transmission and nuisance from quarry trains. The centre of the site would be closer to the village improving the rating for distances to bus stop, primary school and centre of the village. It seems harsh to expect relocation of a grazing field and score current use amber rather than green. The amber rating for ridge and furrow appears at odds with Figure 17 of the draft neighbourhood plan which records this field (ref 319) as having no visible signs.

4. Rear of Main Street, Thornton. If the site were reduced in size to land closest to the village, this would improve ratings in terms of size of site, impact on vehicular traffic, electricity transmission and nuisance from quarry trains. The centre of the site would be closer to the village improving the rating for distances to bus stop, primary school and centre of the village. Also, a smaller site could avoid the requirement for relocating the right of way footpath. It seems harsh to expect relocation of a grazing field and score current use amber rather than green. The green rating for ridge and furrow appears at odds with Figure 17 of the draft neighbourhood plan which records these fields (refs 320 – 324) as having some visible signs.

5. Land adjacent to St Peters close. If the site were reduced in size to land closest to the village, this would improve ratings in terms of size of site, impact on vehicular traffic, electricity transmission and nuisance from quarry trains. The centre of the site would be closer to the village improving the rating for distances to bus stop, primary school and centre of the village. It seems harsh to expect relocation of a grazing field and score current use amber rather than green.

6. Thornton Nurseries. The ranking of Current Use as amber appears contrary to the guidance in the assessment framework (Table 1) which expects loss of important local asset

to be ranked as red. The pre submission NP records Thornton Nurseries as a facility to be protected under Policy CA1 of the neighbourhood plan for its significant contribution to the community. It also appears inconsistent with amber ratings given for agricultural land.

There are questions over the ranking of Adjoining Uses as Green. The guidance in the assessment framework says that extensions beyond the village envelope should be ranked red. The most determinate measure for village envelope is the settlement boundary of HBBC's Site Allocations and Development Management plan 2016 which excludes Thornton Nurseries from the settlement. This would tend toward ranking this site red, or at least amber. An amber ranking would be consistent with Site 12 which adjoins the Settlement Boundary of Stanton under Bardon.

The ranking of availability of this site as green is questioned as the nursery business is long established and appears healthy.

In terms of topography, is the field so steeply sloping to be classed as an amber constraint? In terms of impact on listed buildings or other important heritage assets, the site will be very visible from the reservoir water treatment works which is proposed to be a local heritage asset (ref MLE 21527) in the draft neighbourhood plan. Whilst the impact may be slight, the fact that it will need to be investigated could warrant an amber, rather than a green ranking. Regarding distance to the village centre, the green ranking comes from the questionable decision to regard the village centre as the junction of Reservoir Road and Merrylees Road which is literally right next to this site.

7. Off Thornton Lane, Stanton. In terms of current use, it seems harsh to expect relocation of an arable field and score this amber rather than green. In terms of topography, is the field so steeply sloping to be classed as an amber constraint? Regarding Ridge and Furrow Figure 17 of the draft neighbourhood plan records this land (ref 232) as having well preserved signs, which could justify a red rather than amber ranking?

8. Land opposite white house farm, Stanton. Unlike other housing sites considered in HBBC's Strategic Housing and Employment Land Availability Assessment (SHELAA) 2018 which are mapped through the SHELAA, there is no location map for this site. From references in the assessment it is assumed this is land parcel 202, which is shown on Figure 17 of the draft neighbourhood plan. The site is isolated so scores badly on a number of criteria.

9. Markfield Lane. HBBC was provided with a site map in the last week of Regulation 14 consultation. The site is isolated so scores badly on a number of criteria. In terms of the red ranking of Current Use it is not clear why the fields of this site are regarded as an important local asset whereas the fields of other sites are not?

10. Land opposite Charnwood High School. In terms of isolation this site is very similar to site 9 which it shares its northern boundary with but the scoring is quite different. Regarding Adjoining Uses Site 9 scores red for being fully removed from the current built form. The description says it is almost wholly surrounded with fields and forestry. In fact Site 9 adjoins the rear of a ribbon of residential and business properties on Markfield Lane. That is comparable to the extent of connection with adjoining urban uses that Site 10 has which is also surrounded with fields and forestry and only has minimal connection with the school across Markfield Lane, yet is ranked amber.

In terms of the Relationship with existing pattern of development, Site 9 scores red for being fully removed from the current built form and having no relationship to it, whereas Site 10 scores amber when its relationship to the existing pattern of development is practically the same. Explanatory text about Site 9 being more visually prominent is more a factor for considering visual impact on the landscape rather than relationship with pattern of development.

Regarding impact on existing vehicular traffic, Site 9 scores red and Site 10 scores amber. Other sites have tended to score red with dwelling capacities of less than 50. Site 1 is scored red with 40 dwellings, Site 3 red with 45 dwellings, Site 4 red with 37 dwellings, Site 5 red with 42 dwellings, Site 7 red with 42 dwellings and Site 13 red with 12 dwellings. So why should Site 10 score amber for 50 dwellings?

Regarding nuisance, why is road noise mentioned for Site 9 (amber rating) but not for Site 10 (green rating) when site 10 has a long road frontage?

Site 11 rear of 5 Thornton Lane, Stanton. Regarding Current Use, the current use a large domestic garden will not need to be relocated. The existing dwelling will operate with a smaller garden.

Site 12 side of public house, Stanton. Regarding Current Use it seems harsh to rank the site amber based on an expectation that arable fields have to be relocated. Regarding Adjoining Uses, the site falls outside of the Settlement Boundary similar to Site 6 (Thornton Nurseries). Regarding safe pedestrian access there is a public footpath running north-south through the site which could provide access into Stanton via Meadow Lane, rather than via Main St. As such, this criterion ought to be ranked green.

Site 13 Land adjacent to Luke Jackson Way. Is a red ranking justified for Impact on existing vehicular traffic? Similar sized site 2 in Thornton was ranked amber.

Mapping. It needs to be possible to see the location and size of the sites assessed.

### Housing Mix

Appendices 3a, 3b and 3c have useful evidence showing that all three settlements in BTSuB have a higher than average stock of 4 and 5 bedroom dwellings (B&T 37.6%, SuB 28%, H&B 21.8 and England 18.8) and a lower than average stock of 1 bed dwellings. The under-occupancy of larger houses by elderly people provides evidence that there may be opportunities to promote down-sizing. The need for downsizing is demonstrated in the Housing Need Surveys (appendices 3d, 3e and 3f) where the housing need of several households is that their current dwelling is too big and unmanageable). This is all useful evidence to inform the housing mix policy in the NP.

Appendix 3a. Discrepancy between explanatory text on p.14 and graph *Fig 8 Build Period of Property*. The peak period of building in Bagworth and Thornton was 2000-09 according to the graph, but 1993-99 in the text.

### Environmental Inventory

Appendix 5 provides a list of parcels of land assessed for environmental qualities. It needs a map to see the exact location of the parcels of land.

### Heritage Impact Assessment

The preparation and submission of a HIA considering the impact of the Manor Farm (Thornton) housing allocation upon heritage assets is welcomed and in the opinion of HBBC demonstrates that the Plan will have no adverse impacts upon heritage assets. For the record, HBBC believes that the need for undertaking a HIA was arrived at in an appropriate and procedurally correct manner.

### **Mapping**

Generally the maps are of a good standard and an appropriate scale for their purpose. Some specific comments are made about individual mapping issues above.

### **Document Accessibility**

As per the new Accessibility Act, all documents published on publically accessible websites must comply with the Website Accessibility Directive (2018).

The Borough Council now has to comply with this directive, and this means that's all council websites (and documents on that website available for download) must be accessible to customers who may have a disability. These disabilities include: hearing impairment/deaf, visual impairment/blind, mobility issues, dexterity issue (for example difficulty using their hands) and cognitive disability (for example dyslexia or autism). This means that all PDF, Word and Excel documents published on our website after Sep 2018 must comply. Overall all the documents on the HBBC website must comply by the end of 2020. HBBC has an obligation to make sure any new documents meet the criteria, and **it is the responsibility of the author to create an accessible document.**

If you have Microsoft Word 2016 or newer an easy way to check accessibility in a word document is as follows: Click on File in the top left corner, go to Info, and click on Check for Issues under the Inspect Document function. You can then click on Check Accessibility. This will scan the document for any areas that may be difficult for people to read if they are using specific software to read the document out loud etc.

Unfortunately HBBC does not have the resources to amend documents for you, so please ensure that all neighbourhood plan documents, including the plan itself, comply with the accessibility standards before submitting the plan to the LPA at Regulation 15 ready for the Regulation 16 Consultation. If HBBC finds that there are extensive parts of the plan that have not been checked for their accessibility, the plan will be returned to the group.

Prior to formal submission (Reg 15) it would be advisable for the group to send the document to the Local Planning Authority to do an initial check that the document is accessible. The LPA can then raise any further areas for amendment with the group before it is formally submitted.