



Hinckley & Bosworth
Borough Council

Hinckley and Bosworth Borough Council Consultation Response to the Sheepy Neighbourhood Plan Pre-Submission Draft Modifications (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 the proposed modifications to the Sheepy NDP need to be revised 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. Sheepy NDP, with the proposed modifications, has been screened with a conclusion that neither a full HRA nor an SEA would be required to comply with this basic condition.

Comments are provided below on the NDP modifications which aim to ensure that the NDP in its final form will be workable and can be implemented to its full effect, ensuring that it contributes to the achievement of sustainable development.

Detailed comments

| Para / Policy | HBBC comments |
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| 1.12 | The first sentence is outdated. HBBCs current timetable is to consult on Regulation 18 draft of the Local Plan in summer 2021 and a submission draft in winter 2021-22 with examination in 2022 and adoption early 2023. |
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| 1.26 | In the second sentence deletion of the description of the current plans forming part of the Local Plan, “(consisting of the Core Strategy (2009) and the Site Allocations and Development Management Policies DPD)” would keep this part of the Neighbourhood Plan up to date after the new Local Plan is adopted superseding these Plans. In any case, the current description is incomplete because it does not refer to the Borough’s Action Plan DPDs |
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| Policy S1 | HBBC supports the proposed modifications which clarify the intentions and application of this policy |
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| Policy S8 | HBBC is supportive of the modifications to insert Appendix 5 and reword Policy S8 to expect development proposals to respond positively to the character of the area in which it is located. The material in Appendix 5 will help reinforce the application of design policy to ensure that new development is sympathetic and appropriate to its setting. However, HBBC does not consider Appendix 5 can truly be described as a Design Code. Design codes are more prescriptive, setting out parameters of development, for example, building lines, setbacks, heights, widths, acceptable materials, and often a host of other details. Appendix 5 is essentially a very detailed and useful character study of Sheepy, and ought to be described as such. Re-naming Appendix 5 as Character Study will not diminish its value and purpose in helping to ensure new development respects the existing character of Sheepy; it will help avoid confusion about its role and intentions. As such HBBC recommends rewording the proposed Policy S8 modification, replacing “Design Code” with “Character Study” in criterion A. |
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| 5.5 & 5.6 | <i>Housing Requirement.</i> HBBC considers that the method for calculating the housing requirement and the figure of 35 dwellings for the period 2006 – 2039 is inconsistent with emerging Local Plan. The Borough Council is planning for the period 2020 – 2039. The Borough’s housing requirement is set by the national Standard Method and the Core Strategy 2009 is no longer a reliable indicator of strategy for housing distribution around differed parts of the borough during the |
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2020-39 period. If the modifications to the housing requirement proceed on the basis of reliance on the Core Strategy, this part of the neighbourhood plan will be considered out-of-date.

HBBC is expecting to publish a Regulation 18 draft Local Plan for consultation in July 2021 and a submission version for consultation at the end of 2021. In the interim period before the Local Plan sets housing requirements for neighbourhood areas, HBBC has proposed use of a population based distribution of the borough's housing requirement. A note was circulated to all Neighbourhood Plan Groups, including Sheepy, on 6th November 2020 which apportioned the borough's housing requirement for 2020-39 of 8,588 dwellings according to the population of differed parishes. With 1.1% of the borough population, Sheepy is apportioned the equivalent percentage of the housing requirement, generating a requirement of 95 dwellings for the 2020-39 period.

HBBC has 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 and Sheepy's apportionment to 105 dwellings for 2020-39.

The indicative figure for Sheepy does not have to be the final requirement. It provides a simple fair shares starting point. Other planning factors need to be considered: how many dwellings can settlements sustain based on the local infrastructure, such as public transport, schools, shops, services, community facilities? What environmental constraints exist: flood risk, landscape, townscape character, biodiversity and green infrastructure? What site opportunities exist? These considerations will form part of the Local Plan preparation, but neighbourhood plans being prepared in tandem will need to address them too.

5.7 & 5.8 With a plan period of 2020-39 this means that the housing requirement should be calculated from the new base date of April 2020 and only dwellings completed after the base date should count toward meeting the 2020-39 requirement. As such it would not be correct to count the 54 houses built prior to 2020 as contributing to the requirement of 2020-39. The “Core Strategy minimum housing allocation for Sheepy Magna” is an out of date marker of what is required in the 2020-39 plan period.

It will be appropriate for allowances to be made for outstanding permissions at the beginning of the 2020-39 plan period and likely windfall development based on historic trends. The pre-submission modifications state that 28 dwellings with planning permission were outstanding at April 2020. This figure is consistent with HBBC data. If requested, HBBC will be happy to calculate if a windfall allowance can be justified on the basis of historic delivery of dwellings on unallocated sites in the NP area.

5.10 HBBC supports the proposed new paragraph 5.10 but suggests that additional housing allocations should be considered in order to demonstrate that Sheepy is planning positively for new homes and providing greater certainty for developers, infrastructure providers and the community. The one allocation at Hornsey Rise will be practically completed by the time the modified neighbourhood plan is “made” leaving only the windfall policy S10 and fairly tightly drawn settlement boundaries. Given the interim housing requirement figures provided by HBBC and the inappropriateness of including housing built prior to 2020 toward the 2020-39 housing requirement, inclusion of allocations may be necessary to provide sufficiency of supply.

If new housing allocations are suggested it will be an opportunity for modifications to set out design and other site requirements appropriate to location.

5.24 HBBC accepts the point that, until all the dwellings on the Hornsey Rise site are completed, there remains the possibility of future planning applications being submitted that seek to vary the approved development. However, the development is approximately half completed now, and with each completed dwelling the potential for the guiding principles to be undermined is diminished. The proposed design guidance for Hornsey Rise in Appendix 5 provides a safeguard against inappropriate future development. Therefore, Sheepy neighbourhood group should consider removing the allocation based on the extent of completion of the scheme by the time the proposed modifications are submitted.

Appx1 Section “Public Rights of Way”. Para beginning “Ongoing activities...” Typo with word “improveme”

Sections “Transport” and “Services and facilities”. Paras beginning “Ongoing activities”. For clarity and simplicity, consider rewording to replace “support with” with “address”

Appx5 Title. As explained in comments on Policy S8 above, HBBC recommends the title “Design Code” is changed to “Character Study”

Is there inconsistency between objectives on P.86 advising against ribbon development and objectives on P.100 preferring development to be “linear” rather than “in depth”? If further housing land has to be found to meet Sheepy Magna’s needs, the design advice needs to be clear on this point. HBBC Policy currently advises against ribbon development (Site Allocations and Development Management Policy DM4, criterion iii).

Policy Map The key for the Hornsey Rise Memorial Home only shows the grey shaded square on the second policy map page.

General comments

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.