



Hinckley & Bosworth  
Borough Council



### Hinckley & Bosworth Borough Council’s response to the Examiner’s letter of 2 January 2023

The following table details the Planning Policy team’s response to the Examiner’s letter, dated 2 January 2023. The letter was seeking clarification on a number of matters, and asked seven questions in total.

As the majority of the questions are for the Parish Council to answer, the Planning Policy team have little to no comment on some questions. The Borough Council were not directly involved with the writing of policies or the background evidence, and as a result we aren’t aware of what the aims/intention behind the policies were when they were written, and wouldn’t want to speak for the Parish Council. Therefore the team can’t comment fully on some of the questions, however we are happy to expand or answer further questions if required.

Question	HBBC’s response
<p>1. <b>Policy H1</b> - Pages 14/15 of the Neighbourhood Plan identify a housing requirement of 118 dwellings including flexibility uplift. Constraints on housing delivery are identified in general terms, but not in terms of housing numbers. Please direct me to the evidence that supports the selection of the upper limit for allocations to be around 15 dwellings and not a greater number, for example 30 dwellings.</p>	<p>The Borough Council assume that the constraints presented throughout the plan as barriers for development (flooding, highways, historic environment etc.) are the contributing factors to a larger housing site not being chosen, as detailed on page 16 of the plan: <i>“The same constraints to development exist now as they did in 2016 ... For this reason, the Neighbourhood Plan allocates a single site for around 15 dwellings, to help meet a local need for smaller dwellings and Affordable Housing, and sees this, alongside a reasonable allowance for windfall, as meeting the housing requirement for the Parish up to 2039.”</i></p> <p>However the Examiner is asking why a ‘cap’ of 15 dwellings seems to have been placed on the numbers, rather than, for example 20 dwellings, 30 dwellings, 40 dwellings etc. The plan doesn’t clearly demonstrate how the ‘cap’ of 15 dwellings was determined, either as a result of the constraints detailed above, or any other factors such as site availability, impact on services/infrastructure etc. The quote above from page 16 of the plan also mentions a local need for smaller dwellings and affordable housing provision, but these could also be provided on larger sites than 15 dwellings. Therefore the Parish Council are best to answer this question.</p>

Question	HBBC's response
<p><b>2. Policy H2</b> - Where the policy refers to “outside the defined Settlement Boundary” what is the intention for Fenny Drayton and Ratcliffe Culey which have settlement boundaries established by the Site Allocations and Development Management Policies DPD?</p>	<p>The Parish Council are best to answer this question.</p> <p>If the settlement boundaries for Ratcliffe Culey and Fenny Drayton aren't re-drawn in the Neighbourhood Plan, the Borough Council will continue to use the settlement boundaries in the 2016 Site Allocations and Development Management Policies DPD (SADMP DPD).</p>
<p><b>3. Policy H4</b> - Please direct me to the evidence that supports the selection of the limitation to 5 dwellings or fewer.</p>	<p>No comment, the Parish Council are best to answer this question.</p>
<p><b>4. Policy H4 (cont.)</b> - Please direct me to the evidence that justifies the restriction adjacent to the settlement boundary to previously developed land, which appears to be in conflict with strategic policies. What is the intention for Fenny Drayton and Ratcliffe Culey which have settlement boundaries established by the Site Allocations and Development Management Policies DPD? Should part b) state “is within the settlement boundaries of Witherley or Fenny Drayton or Ratcliffe Culey, unless it is a proposal that complies with Core Strategy Policy 17 which supports specified development adjacent to a settlement boundary.”</p>	<p>As per HBBC's Reg 16 Submission comments, Policy H4 should be considered with national and local policy in mind.</p> <p>As per our comment above to question 2, if the settlement boundaries for Ratcliffe Culey and Fenny Drayton aren't re-drawn in the Neighbourhood Plan, the Borough Council will continue to use the settlement boundaries in the 2016 Site Allocations and Development Management Policies DPD (SADMP DPD).</p> <p>The team would like to raise with the Examiner that SADMP DPD Policy DM4 also gives situations/criteria as to when development outside of settlement boundaries (i.e. in designated countryside) is acceptable, therefore if the Parish Council agree to an amendment to this policy, perhaps it could read: 'unless it is a proposal that complies with other local plan policies that state where and what type of development is acceptable in the countryside'.</p>
<p><b>5. Policies ENV1 and ENV2</b> - Some areas of land are included in both Policy ENV1 and ENV2 which are not entirely compatible. An example is that Policy ENV2 would support loss if the open space is no longer required by the community whereas LGS should only be designated, amongst other requirements, where land is demonstrably special to a local community and holds a particular significance, and is capable of enduring beyond the end of the plan period. Could you please consider whether site references FEN04; RATC02; RATC03; and WIT04 should be deleted from Policy ENV2?</p>	<p>No comment, the Parish Council are best to answer this question.</p>

Question	HBBC's response
<p><b>6. Policy ENV3</b> - The requirements of the second paragraph of the policy have the effect of restricting development proposals to levels that are not adequately justified and which do not have sufficient regard for national policy. The Environmental Inventory presented in Appendix 7 does however provide information that will inform the preparation of sustainable development proposals. I invite comment on replacing the policy with “To be supported development proposals affecting the sites and features of natural environment significance identified on Figure 7 must demonstrate consideration of the natural environment significance”.</p>	<p>The team would suggest a slight amendment to the proposed modification, in that the policy should aim to protect, maintain and enhance the features identified, where possible, to comply with national policy, for example more generally NPPF Para 174: “Planning policies and decisions should contribute to and enhance the natural and local environment”.</p>
<p><b>7. Policies ENV7, ENV8 and ENV9</b> - The Planning Practice Guidance refers to advice on local lists published on Historic England's website (Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019). Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018) states “Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority's heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them.” It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued.</p>	<p>No comment, the Parish Council are best to answer this question.</p>

Question	HBBC's response
<p>Paragraphs 14.43 to 14.45 of the Site Allocations and Development Management Policies DPD state “Locally Important Heritage Assets are buildings, monuments, sites, places, areas or landscapes which are valued, distinct elements of the local historic environment. These assets hold meaning to the local community and contribute to their sense of history, place and quality of life. Locally Important Heritage Assets do not benefit from statutory designation however their importance and significance is recognised by the Borough Council through their listing on the Locally Important Heritage Assets List. The List of Locally Important Heritage Assets will highlight the significance of the asset and identify the key features which should be retained through any development proposal. Development proposals should make every effort to retain the significance of locally listed heritage assets.” Policy DM 12 states “Locally Important Heritage Assets - Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11.”</p> <p>It is possible that as an administrative process separate from the Neighbourhood Plan preparation process the Parish Council may wish to nominate buildings and features of the built environment for assessment by the Borough Council as potential Non-Designated Heritage Assets to be included in a Locally Important Heritage Asset List. Any assets judged by the Borough Council to meet its published criteria may be added to that local list of Non-Designated Heritage Assets compiled and curated by the Borough Council. A clear statement of reasons for nomination of each heritage asset will be a critical success</p>	

Date of response: 19 January 2023

Question	HBBC's response
<p>factor. I invite comment on modifications so that the policy text in ENV7 ENV8 and ENV9 is amended to reflect the actual status of the heritage assets as locally valued heritage assets.</p>	

### Witherley Parish Council's response to the Examiner's letter of 2 January 2023

The following table details Witherley Parish Council's response to the Examiner's letter, dated 2 January 2023. The letter sought clarification on a number of matters and asked seven questions in total.

Question	WPC's Response
<p><b>1. Policy H1</b> - Pages 14/15 of the Neighbourhood Plan identify a housing requirement of 118 dwellings including flexibility uplift. Constraints on housing delivery are identified in general terms, but not in terms of housing numbers. Please direct me to the evidence that supports the selection of the upper limit for allocations to be around 15 dwellings and not a greater number, for example 30 dwellings.</p>	<p>Evidence to support selection of the upper limit of 15 dwellings in Witherley settlement, is the same evidence of constraints which precluded a housing allocation of 10 dwellings in 2016, prevail today. In particular problems identified with the A5/Kennel Lane junction. The working group identified a requirement of 10 homes for Witherley based on the Core Strategy, and local experiential knowledge of the junction. Ongoing evidence of traffic flows is available if required.</p> <p>The only sustainable identified site – the Atherstone Kennels &amp; Stables – does not have potential to increase traffic above the volume generated by usage of the former site while having the benefit of:</p> <ul style="list-style-type: none"> <li>• Being developable and deliverable to meet the identified local housing need (evidence for which a range of information was scrutinised: Census data 2011, Housing Need Surveys 2016, Land Registry Data and neighbourhood planning consultation).</li> </ul>

Question	WPC's Response
	<ul style="list-style-type: none"> <li>Avoiding harm to valued local heritage built assets and their setting, at this historically important site, by optimising the number of units provided within the redundant buildings and a limited new build development.</li> </ul>
<p><b>2. Policy H2</b> - Where the policy refers to “outside the defined Settlement Boundary” what is the intention for Fenny Drayton and Ratcliffe Culey which have settlement boundaries established by the Site Allocations and Development Management Policies DPD?</p>	<p>For clarity the policy would be better phrased as follows:</p> <p>Policy H2: Settlement Boundary – Figure 3 defines a revised settlement boundary for Witherley. The settlement boundaries for Ratcliffe Culey and Fenny Drayton remain as defined by the Site Allocations and Development Management DPD. Land outside the settlement boundaries will be treated as open countryside.</p>
<p><b>3. Policy H4</b> - Please direct me to the evidence that supports the selection of the limitation to 5 dwellings or fewer.</p>	<p>Further development exceeding 5 dwellings is considered unsustainable for any of the settlements. There is no exact hard evidence, however, the number was agreed as a result of consultation.</p>
<p><b>4. Policy H4 (cont.)</b> - Please direct me to the evidence that justifies the restriction adjacent to the settlement boundary to previously developed land, which appears to be in conflict with strategic policies. What is the intention for Fenny Drayton and Ratcliffe Culey which have settlement boundaries established by the Site Allocations and Development Management Policies DPD? Should part b) state “.”</p>	<p>It is agreed part b should state exactly that i.e.</p> <p>b) is within the settlement boundaries of Witherley or Fenny Drayton or Ratcliffe Culey, unless it is a proposal that complies with Core Strategy Policy 17 which supports specified development adjacent to a settlement boundary</p>
<p><b>5. Policies ENV1 and ENV2</b> - Some areas of land are included in both Policy ENV1 and ENV2 which are not entirely compatible. An example is that Policy ENV2 would support loss if the open space is no longer required by the community whereas LGS should only be designated, amongst other requirements, where land is demonstrably special to a local community and holds a particular significance, and is capable of enduring beyond the end of the plan period. Could you please consider whether site references FEN04; RATC02; RATC03; and WIT04 should be deleted from Policy ENV2?</p>	<p>Agree to delete site references FEN04; RATC02; RATC03; and WIT04 from Policy ENV2.</p>

Question	WPC's Response
<p><b>6. Policy ENV3</b> - The requirements of the second paragraph of the policy have the effect of restricting development proposals to levels that are not adequately justified and which do not have sufficient regard for national policy. The Environmental Inventory presented in Appendix 7 does however provide information that will inform the preparation of sustainable development proposals. I invite comment on replacing the policy with “To be supported development proposals affecting the sites and features of natural environment significance identified on Figure 7 must demonstrate consideration of the natural environment significance”.</p>	<p>Agree. Propose the text is amended in Policy ENV3 to read:</p> <p>The sites and features mapped in Figure 7 are of at least local significance for their natural environment significance as detailed for each site in Appendix 7. They are ecologically important in their own right, contribute to carbon sequestration and are locally valued.</p> <p>To be supported, development proposals affecting the sites and features of natural environment significance identified in Figure 7 must demonstrate consideration of the natural environment significance and contribute to and enhance the natural and local environment.’.</p>
<p><b>7. Policies ENV7, ENV8 and ENV9</b> - The Planning Practice Guidance refers to advice on local lists published on Historic England’s website (Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019). Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018) states “Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority’s heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them.” It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued.</p>	<p>The local planning authority does not have a Local List of Heritage Assets.</p> <p>Agree the policy text should therefore be amended to reflect the actual status as Locally Valued Heritage Assets.</p> <p>Page 44 POLICY ENV 7: LOCAL HERITAGE ASSETS – The structure and buildings listed in Figure 12 are non-designated locally valued heritage assets. . . .</p> <p>Page 48 POLICY ENV 8: RIDGE AND FURROW – The areas of ridge and furrow earthworks mapped in Figure 13 are non-designated locally valued heritage assets. . . .</p> <p>Page 48 POLICY ENV 7 LANE SETTING LOTS – The seven Lane Setting lots mapped in Figure 14 are non-designated locally valued heritage assets.</p>

Question	WPC's Response
<p>Paragraphs 14.43 to 14.45 of the Site Allocations and Development Management Policies DPD state “Locally Important Heritage Assets are buildings, monuments, sites, places, areas or landscapes which are valued, distinct elements of the local historic environment. These assets hold meaning to the local community and contribute to their sense of history, place and quality of life. Locally Important Heritage Assets do not benefit from statutory designation however their importance and significance is recognised by the Borough Council through their listing on the Locally Important Heritage Assets List. The List of Locally Important Heritage Assets will highlight the significance of the asset and identify the key features which should be retained through any development proposal. Development proposals should make every effort to retain the significance of locally listed heritage assets.” Policy DM 12 states “Locally Important Heritage Assets - Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11.”</p> <p>It is possible that as an administrative process separate from the Neighbourhood Plan preparation process the Parish Council may wish to nominate buildings and features of the built environment for assessment by the Borough Council as potential Non-Designated Heritage Assets to be included in a Locally Important Heritage Asset List. Any assets judged by the Borough Council to meet its published criteria may be added to that local list of Non-Designated Heritage Assets compiled and curated by the Borough Council. A clear statement of reasons for nomination of each heritage asset will be a critical success</p>	



Date of response: 19 January 2023

<b>Question</b>	<b>WPC's Response</b>
<p>factor. I invite comment on modifications so that the policy text in ENV7 ENV8 and ENV9 is amended to reflect the actual status of the heritage assets as locally valued heritage assets.</p>	