

BURBAGE NEIGHBOURHOOD PLAN 2015-2026

QUALIFYING BODY'S RESPONSE TO QUESTIONS FOR THE BURBAGE PUBLIC HEARING AS PER "GUIDANCE NOTES AND AGENDA FOR THE PUBLIC HEARING"

Question 1

Is it appropriate for the plan to have such a short plan time frame, until 2026 and does the commitment of the Parish Council to carry out an immediate review offer sufficient reassurance?

Only a draft Neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and be adopted. In particular, a Neighbourhood Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- Be in general conformity with the strategic policies contained in the development plan for the area.

The relevant Development Plan for the area is the Hinckley and Bosworth Local Plan which covers the period 2006-2026. The plan period for the Burbage Neighbourhood Plan extends to the same period and is therefore in conformity.

NPPF para 22 requires 'strategic policies should look ahead over a minimum 15 year period from adoption'. However, a neighbourhood plan is not a strategic plan and this requirement does not apply to the Burbage Neighbourhood Plan.

Work on the new Hinckley and Bosworth Local Plan has begun. The new Local Plan will set out the overall development strategy for Hinckley and Bosworth Borough for the period up to 2036 reflecting the Strategic Growth Plan. The Qualifying Body appreciates that Burbage will play a part in delivering a sufficient supply of homes within this context. Accordingly, we are committed to a review of the Burbage Neighbourhood Plan once the Borough Council is able to provide an indicative housing provision for the Neighbourhood Area to 2036.

Question 2

Does the decision of the plan not to allocate land for housing, beyond allowing development within the settlement boundary, ensure that the plan is in general conformity with the strategic policies in the adopted development plan?

The Hinckley and Bosworth Core Strategy required the allocation of land for a minimum of 295 houses focused primarily to the north of the settlement. The residual minimum housing requirement for Burbage, as of 1 September 2014 was 46 dwellings and the Site Allocations and Development Management Policies DPD subsequently allocated sites to meet this requirement. It follows that there is no requirement for the Burbage Neighbourhood Plan to allocate sites in order to be in conformity with the development plan.

How does the plan meet the other basic conditions, firstly regarding how it contributes to the achievement of sustainable development, particularly meeting the plan area's present and future housing needs and secondly how does it relate to

Secretary of State policy and advice and in particular the objective of the planning system to be substantially boosting the supply of housing?

Section 3 of the Qualifying Body's Basic Conditions Statement summarises how sustainability objectives have been met.

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. NPPF para 65 makes it clear that it is for H&BBC to establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. This is not the responsibility of the Qualifying Body.

Nonetheless, Burbage has played its part in significantly boosting the supply of homes. Over the period 2006 to 2019 some 833 houses have been built and at 31 March 2019 a further 137 were committed. So the total supply of 970 dwellings significantly exceeds the minimum provision of 295 houses.

The expression of the housing requirement for Burbage as a minimum provides for flexibility to take account of changing market conditions over time. It is not a signal that the figure should be comprehensively exceeded.

Would delivering more housing than required under the 2009 Core Strategy be unsustainable?

The Burbage Neighbourhood Plan supports housing development within Settlement Boundaries, but further significant housing growth would:

1. Bring the Neighbourhood Plan out of conformity with the development plan, the most important of the basic conditions;
2. Bring the Neighbourhood Plan out of conformity with European Union (EU) obligations and other prescribed conditions as the relevant Strategic Environmental Assessment Screening and Habitats Regulations Assessment Screening would no longer be appropriate;
3. Prejudice the preparation of the new Hinckley and Bosworth Local Plan which will have to make important strategic decisions on the area's growth;
4. Disenfranchise the local community who have not been engaged on plans for significant additional housing growth;
5. Place environmental assets under greater stress;
6. Not have regard to key infrastructure improvements needed to support growth, such as those raised by Highways England in connection with the A5.

How relevant is the inability of the Borough Council to demonstrate a 5- year housing supply, to the neighbourhood plan?

H&BBC's Residential Land Availability Monitoring Statement concludes that the Council is only able to demonstrate a 4.15-year housing supply at this current time. Consequently, many of the policies most important in determining applications for housing development are out-of-date, when taken as a collective.

While the Local Plan may, in part, be out of date this is of no relevance to the basic condition that the draft Neighbourhood Plan must be in general conformity with the

strategic policies contained in the development plan for the area of the local planning authority (whether out of date or not).

The housing supply shortfall is only likely to be a temporary as the presumption in favour of sustainable development and the 'tilted balance' as per Paragraph 11 d) of the NPPF is engaged allowing developers bring forward sites under these arrangements. The proposed Burbage Neighbourhood Plan contains no housing allocation so Burbage will not benefit from the limited protection conferred by NPPF paragraph 14. So, if the Neighbourhood Plan is 'made', the effect is neutral and the 'tilted balance' will remain.

However, the local community will find itself in a position where, through no fault of its own, its plan could be undermined because its local planning authority cannot demonstrate a five-year land supply of deliverable housing sites.

Question 3

What are the implications for the preparation of the neighbourhood plan of the Borough Council being not in a position to provide the Qualifying Body with a figure for how much housing the neighbourhood plan should be making provision for?

As previously discussed, the Hinckley and Bosworth Core Strategy requires the allocation of land for a minimum of 295 houses in Burbage for the period 2006-2026. Hinckley & Bosworth Borough Council has not provided a requirement figure for a neighbourhood area beyond this period and is unable to do so.

In these circumstances, if an indicative housing requirement was required for a longer plan period, Planning Practice Guidance (Paragraph: 105 Reference ID: 41-105-20190509) states that the 'neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area.'

The Strategic Growth Plan is the overarching plan that sets out the aspirations for delivering growth in Leicester and Leicestershire up to 2050.

<https://www.llstrategicgrowthplan.org.uk/wp-content/uploads/2019/01/Final-LL-SGP-December-2018-1.pdf> The Strategic Growth Plan has been developed by a partnership made up of Leicester City and Leicestershire County councils, the seven local borough and district authorities (including Hinckley and Bosworth Borough Council) and the Leicester and Leicestershire Enterprise Partnership (LLEP). The Growth Plan was approved in December 2018.

The Growth Plan recognises that Leicester and Leicestershire will continue to grow. The strategy identifies 'primary' and 'secondary' growth areas where most development would take place and 'key centres' where growth would support existing Local Plan strategies. There is no specific reference in the Growth Plan to Burbage.

The Growth Plan is supported by a study of housing and economic needs which shows a housing requirement for Hinckley and Bosworth of 454 dwellings per annum over the period 2011-36. The annual housing requirement is very similar to the current Hinckley and Bosworth Local Plan Core Strategy requirement of 450 dwellings per annum over the period 2006 – 2026. The minimum figure for Hinckley

and Bosworth Borough Council based on the standard methodology is 457 dwellings per annum.

The Core Strategy provides for a housing allocation of a minimum of 295 new homes for Stoke Golding- the equivalent of at least 15 dwellings per annum. Given that there may be little change in the Borough's annual housing provision or a development strategy that would suggest more growth in Burbage, it is reasonable to apply the same level of housing growth to Burbage i.e. at least 15 dwellings per annum over the plan period 2016 to 2036. This requires a minimum housing allocation of 295 dwellings.

This minimum housing allocation has also already been met. https://www.hinckley-bosworth.gov.uk/download/downloads/id/6511/residential_land_availability_monitoring_statement_2018_-_2019_appendices.pdf In Burbage, 311 have been built over the period 2016-19 and at 31 March 2019 a further 137 were committed.

Question 4

Do the combined constraints imposed by the proposed neighbourhood plan policies actually restrict options for the Burbage plan area to be able to deliver its appropriate contribution towards meeting the objectively assessed housing needs of the Borough/ or to make allocations in the emerging Local Plan.

There is no requirement for the Burbage Neighbourhood Plan to allocate sites in order to be in conformity with the development plan. There is no requirement for the Burbage Neighbourhood Plan to allocate sites to meet an indicative housing requirement of 295 dwellings over the period 2016 to 2036.

Question 5

Are the designations of the Local Green Space consistent with “the local planning of sustainable development and compliment investment in sufficient homes, jobs and other essential services”? Are the designated sites so “demonstrably special to the local community “and hold “a particular local significance” to justify ruling out development beyond the lifespan of the neighbourhood plan. *NB I would point out that the Parish Council has clarified the extent of the 4 LGS designations in an email dated 24th January 2020 which should be on the respective websites.*

National policy makes provision for local communities to identify green areas of importance to those communities, where development will not be permitted except in very special circumstances. The reasons for designating these Local Green Spaces is summarised on our website.

Question 6

Is the identification of other important green spaces justified on the basis of robust evidence?

The Burbage neighbourhood plan gives a unique opportunity to link habitats and reducing isolation of populations that is not offered elsewhere. The responses to the community questionnaire highlighted the value the community placed on its green areas. The National Planning Policy Framework (February 2019) highlights the significance local wildlife habitats and the importance of wildlife corridors and

stepping stones that connect them (para 174) and the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (para 177).

To what extent does their designation rule out development rather than identify features that warrant protection?

It is not intended for Policy 7 to offer the same protection as Local Green Spaces. However, development should have regard to these features of local significance.

Could the various policies that protect green spaces be rationalised?

We are open to suggestions for rationalisation of policies.

Question 7

If the ridge and furrow features were to be identified as non-designated heritage assets, what should be the level of protection that the policy should offer? Would the sites be better identified on the Local Heritage Assets Map?

Ridge and furrow across the parish are of a significance commensurate to a non-designated heritage and given the same level protection as other non-designated heritage assets in accordance with the NPPF.

Question 8

Does the neighbourhood plan document adequately differentiate between what is a development plan policy, capable of being used to determine a planning application, and what is shown as supporting text/ justification?

Does the Parish Council wish to propose to me possible amendments, which it would support, which would translate the design expectations set out in supporting text into a development plan policy?

Some of the statements referred to on pages 18-21 are from the Burbage Village Design Statement Supplementary Planning Document and are intended to guide planning decisions. It would be our preference for these statements to be incorporated into the relevant Neighbourhood Plan policy if the Examiner feels able to recommend the necessary revisions.

What is the value of neighbourhood plan policy duplicating existing development plan policy that is already covering the area. Do the Policy Maps in the document clearly identify the features that are protected by the policies in the Plan or could they be rationalised or perhaps a single Policy Map?

The NPPF requires Neighbourhood Plans to avoid the unnecessary duplication of policies in the NPPF and Local Plan. However, many policies do seek to add a local layer of detail to higher tier policies in the Local Plan.

A single Policy Map showing all designations would be helpful.

Question 9

Is the protection offered by Policy 11, which identifies an area of Landscape Sensitivity, justified and if it is, does the policy actually restrict to any meaningful extent the development potential of the land up to the motorway?

The area of fields, hedgerows, copses and old lanes immediately to the south of the 20th century and modern housing developments, between Rugby Road, the M69 and Lychgate Lane, is highly valued by residents. The Plan4Burbage Household Survey, in response to Question 9, highlighted that 97% of residents who responded to the survey considered the countryside south of the village is important to maintaining its distinctive character.

Policy 11 does not preclude development, but simply reflects the guidance contained in the 2017 Landscape Sensitivity Study.

Question 10

Is the neighbourhood plan proposing to supersede any existing designations/allocations of land covered by existing development plans?

The NPPF requires Neighbourhood Plans to avoid the unnecessary duplication of policies in the NPPF and Local Plan. For example, the Green Wedge is not identified. https://www.hinckley-bosworth.gov.uk/download/downloads/id/5298/hinckley_and_burbage_policies_map.pdf

Settlement Boundaries are currently defined by the 2016 Site Allocations and Development Management Policies DPD. The Burbage Plan has provided an opportunity to review the Settlement Boundaries to ensure they remain up to date.