

THE BAGWORTH, THORNTON, AND STANTON-UNDER-
BARDON NEIGHBOURHOOD PLAN 2023 - 2039
(Submission Version)

Report of the Examination into the
Bagworth, Thornton, and Stanton-under-
Bardon Neighbourhood Plan 2023 - 2039

Timothy Jones, Barrister, FCI Arb,
Independent Examiner



No 5 Chambers,
Birmingham - London - Bristol

To Hinckley and Bosworth Borough Council
And to Bagworth and Thornton Parish Council, and
Stanton-under-Bardon Parish Council

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**Report of the Examination into the Bagworth, Thornton, and Stanton-under-Bardon
Neighbourhood Plan 2023 - 2039**

1. Introduction

Neighbourhood planning

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. A neighbourhood development plan should reflect the needs and priorities of the community concerned and should set out a positive vision for the future, setting planning policies to determine decisions on planning applications. If approved by a referendum and made by the local planning authority, such plans form part of the Development Plan for the neighbourhood concerned. Applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

2. This report concerns the Regulation 15 Submission draft of the Bagworth, Thornton, and Stanton-under-Bardon Neighbourhood Plan 2023-2039 (“the Draft NDP”).

Appointment and role

3. Hinckley and Bosworth Borough Council (“HBBC”), with the agreement of qualifying body (“QB”) Bagworth and Thornton (“BTPC”) and of Stanton-under-Bardon Parish Council (“SuBPC”), has appointed me to examine the Draft NDP. I am a planning barrister and am independent of HBBC, BTPC and SuBPC, and of those who have made representations in respect of the Draft NDP. I have been trained and approved by the Neighbourhood Planning Independent Examiner Referral Service and trained others who wish to be examiners. I have extensive experience both as a planning barrister and as a neighbourhood plan examiner. I do not have an interest in any land that is, or may be, affected by the Draft NDP.

4. My examination has involved considering written submissions and detailed unaccompanied site visits on 19th September 2025 and 23rd March 2026. I have read and considered all the documents with which I have been provided.

5. My role may be summarised briefly as to consider whether certain statutory requirements have been met, to consider whether the Draft NDP meets the basic conditions, to consider human rights issues, to recommend which of the three options specified in paragraph 14 below applies and, if appropriate, to consider the referendum area. I must act proportionately, recognising that Parliament has intended the neighbourhood plan process to be relatively inexpensive with costs being proportionate.

2. Preliminary Matters

Public consultation

6. Consultation and community involvement are important parts of the process of producing a neighbourhood plan. Consultation with local residents is summarised in the Draft NDP's introduction. Details of Consultation are contained in the Consultation Statement. I am satisfied that the parish councils took public consultation seriously and that consultation is accurately recorded in the Consultation Statement. Consultation has been sufficient and meets the requirements of the Neighbourhood Planning (General) Regulations 2012 ("the General Regulations") and the human rights of occupiers of homes and of property owners.

Other statutory requirements

7. I am also satisfied of the following matters:

- (1) The neighbourhood area consists of the parish of Bagworth and Thornton and the parish of Stanton-under-Bardon.¹ HBBC designated this on 23rd October 2017. BTPC is authorised to act in respect of this area (Town and Country Planning Act 1990 ("TCPA") s61F (1) as read with the Planning and Compulsory Purchase Act 2004 ("PCPA") s38C (2)(a));
- (2) The Draft NDP does not include provision about development that is excluded development as defined in TCPA s61K (PCPA s38B (1)(b) and (6)), and does not relate to more than one neighbourhood area (PCPA s38B (1)(c));
- (3) No other neighbourhood development plan has been made for the neighbourhood area (PCPA s38B (2));
- (4) There is no conflict with PCPA s38A and s38B (TCPA Sch 4B para 8(1)(b), PCPA s38C (5)(b) and Levelling-up and Regeneration Act 2023 s98); and
- (5) The Draft NDP specifies the period for which it is to have effect, namely 2023-2039, as required by PCPA s38B(1)(a).

8. Screenings have determined that neither a Strategic Environmental Assessment, nor a Habitats Regulations Assessment were required, but that a Heritage Impact Assessment would be required and that this has been carried out. I am satisfied that, despite the passage of time, these decisions remain appropriate and that the same decisions would be appropriate to the Draft NDP as modified by my recommendations.

¹ This is shown on the Draft NDP's Figure 1 – Designated Neighbourhood Plan Area.

3. The Extent and Limits of an Examiner’s Role

9. I am required to consider whether the Draft NDP meets the basic conditions specified in TCPA Sch 4B para 8(2) as amended and as varied for neighbourhood development plans, namely:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;
- (d)² The making of the Plan contributes to the achievement of sustainable development;
- (ea) The making of the order would not have the effect of preventing development from taking place which—
 - (i) is proposed in the development plan for the area of the authority (or any part of that area), and
 - (ii) if it took place, would provide housing;³
- (f) The making of the Plan does not breach, and is otherwise compatible with, assimilated obligations;
- (fa) Any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with; and
- (g) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

10. These basic conditions were changed in a late stage of the examination. I have carefully considered whether this requires further consultation. In the context of this examination, I have concluded that it does not, since no substantial issue arises in respect of matters affected by the changes. I also note that nobody, including professionally represented parties has sought further consultation. Should the situation change, it would be open to HBBC to carry out a post-examination consultation.⁴ A revised Basic Conditions Statement is not needed.

11. There is one relevant prescribed basic condition:⁵ *“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”* Chapter 8 comprises regulations 105 to 111.

² The omission of (b) and (c) results from these clauses of para 8(2) not applying to neighbourhood development plans (PCPA s38C (5)(d) as amended by Levelling-up and Regeneration Act 2023 s99(2)).

³ At a late stage in the examination this replaced “(e) The making of the 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)”. While there is a considerable difference in wording my examination in respect of this former basic condition had in fact required me to concentrate on the provision of housing.

⁴ An example of this is at <https://www.torridge.gov.uk/northamnp> .

⁵ Sch 2 para 1 of the General Regulations prescribes this. PPG Reference ID: 41-079-20190509.

12. TCPA Sch 4B para 8(6) and para 10(3)(b) and the Human Rights Act 1998 mean that I must consider whether the Draft NDP is compatible with Convention rights. ‘*Convention rights*’ are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights (“the Convention”), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention.

13. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified in the last three paragraphs. In particular, I may not consider whether any other test, such as the soundness test in respect of independent examinations under PCPA s20, is met.⁶ Rather, Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions. It is important to avoid unduly onerous demands on qualifying bodies. It is not my role to rewrite a neighbourhood development plan to create the plan that I would have written for the area. It is not my role to impose a different vision on the community.

14. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. These are:

- (1) that the Draft NDP proceeds to a referendum as submitted;
- (2) that the Draft NDP is modified to meet basic conditions and then the modified version proceeds to a referendum; or
- (3) that the Draft NDP does not proceed to referendum.

15. If I determine that either of the first two options is appropriate, I must also consider whether the referendum area should be extended.

16. My power to recommend modifications is limited by statute in the following terms:

The only modifications that may be recommended are—

- (a) modifications that the examiner considers need to be made to secure that the draft [NDP] meets the basic conditions mentioned in paragraph 8(2),*
- (b) modifications that the examiner considers need to be made to secure that the draft [NDP] is compatible with the Convention rights,*
- (c) modifications that the examiner considers need to be made to secure that the draft [NDP] complies with the provision made by or under sections 61E(2), 61J and 61L,*
- (d) modifications specifying a period under section 61L(2)(b) or (5), and*
- (e) modifications for the purpose of correcting errors.⁷*

⁶ Woodcock Holdings Ltd v. Secretary of State for Communities and Local Government [2015] EWHC 1173 (Admin), 1st May 2015, Holgate J., para 57; R. (Crownhall Estates Limited) v. Chichester District Council [2016] EWHC 73 (Admin) 21st January 2016, Holgate J., para 29; PPG Reference ID: 41-055-2018022.

⁷ TCPA Sch 4B, para 10(3). The provisions in (a), (c) and (d) are in the TCPA.

17. The word “only” prevents me recommending any other modifications. The fact that a modification would be of benefit is not in itself sufficient to recommend modification. So, for example, the fact that a policy could be strengthened or added to does not justify a modification unless this is necessary for the reasons given above. I must not take an excessively restrictive view of the power to recommend modifications, but must bear in mind Lindblom LJ’s explanation of its extent in his judgment in Kebbell Developments Ltd v. Leeds City Council.⁸ Errors include matters that were correct when written but have become out of date. I may not recommend a modification that would put the draft NDP in breach of a basic condition or of human rights. When I conclude that a modification is necessary, I must, in deciding its wording, bear in mind material considerations including government advice. This includes the importance of localism. Where I properly can, my recommended modifications seek to limit the extent to which the substance of the draft NDP is changed.

18. It is not my role to consider matters that are solely for the determination of other bodies such as HBBC in a non-planning capacity, Historic England, or the Environment Agency. Nor is it my role to consider matters that an NDP could consider, but which are not considered in the Draft NDP, unless this is necessary for my role as explained above. It is not my role to evaluate aspirations that are not policies, but it is important that aspirations are clearly expressed to be such and do not give the impression that they are policies. It is not my role to add to aspirations or community actions.

4. Consideration of Representations

19. I have given each representation careful consideration, but have not felt it necessary to comment on all of them. Rather in accordance with the statutory requirement and bearing in mind the judgment of Lang J in R. (Bewley Homes Plc) v. Waverley Borough Council,⁹ I have concentrated on giving reasons for each of my recommendations.¹⁰ Where I am required to consider the effect of the whole Draft NDP, I have borne it all in mind.

5. Public Hearing and Site Visits

20. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations.¹¹ However, an examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a

⁸ [2018] EWCA Civ 450, 14th March 2018, paras 34 and 35.

⁹ [2017] EWHC 1776 (Admin), Lang J, 18th July 2017.

¹⁰ TCPA Sch 4B, para 10(6).

¹¹ PPG Reference ID: 41-056-20180222.

case.¹² Since neither applied in this case, I did not hold a public hearing. The holding of a public hearing is very much an exception.

21. I decided that an unaccompanied site visit was necessary and held one on Friday 19th September 2025. The weather was fine, visibility was good and there were no significant impediments to the visit. As a result of a further development at a late stage,¹³ namely a planning application that raised the possibility that additional deliverable land might be available for needed housing, further limited consultation was needed. This took place from Wednesday 7th January 2026 to Wednesday 4th February 2026. Having read that consultation, I conducted a further unaccompanied site visit on Monday 23rd March 2026. The weather was fine, visibility was good and there were no significant impediments to the visit.

22. The two site visits have helped me to gain a sufficient impression of the nature of the area and of sites that required specific consideration for the purpose of my role.

6. Basic Conditions and Human Rights

Regard to national policies and advice

23. The first basic condition requires that I consider whether it is appropriate that the NDP should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but they should only be departed from them only if there are clear reasons, which should be explained, for doing so.¹⁴

24. The main document in which national planning policy is contained is the National Planning Policy Framework (“NPPF”). The was last updated on 7th February 2025. However, paragraph 239 of this update states:

“For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.”

25. The draft NDP was submitted to HBBC in January 2025, and HBBC accepted this submission on 14 February 2025. It follows that the last update does not apply. The relevant policy is that contained in the NPPF of 20th December 2023¹⁵ and I have borne that in mind.

¹² TCPA Sch 4B paras 9(1) and (2).

¹³ Planning application 25/00990/FUL for the erection of 46 dwellings, formation of access, associated landscaping and attenuation Pond on land off Station Road Bagworth.

¹⁴ *R. (Lochailort Investments Limited) v. Mendip District Council* [2020] EWCA Civ 1259, Lewison LJ, 2nd October 2020, paras 6, 31 and 33.

¹⁵ The 7th February 2025 update was not intended to make substantial alterations to the 12th December 2024 update which had introduced paragraph 239.

From here onwards all references to the NPPF are to that last-mentioned update. Other policy and advice that I have borne in mind includes national Planning Practice Guidance (“PPG”). Neither the NPPF, nor the PPG have yet been updated to reflect the changes brought about by the Levelling-up and Regeneration Act 2023 ss 98 and 99.

26. The NPPF provides that neighbourhood plans should support the delivery of strategic policies contained in local plans and should shape and direct development that is outside of these strategic policies.¹⁶ Its paragraphs 28 and 29 state:

28. Non-strategic policies should be used by... communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.¹⁷

27. NPPF paragraph 60 states:

60. 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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay...

Contributing to the achievement of sustainable development.

28. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot proceed to a referendum. This condition relates to the making of the Plan as a whole. It does not require that each policy in it must contribute to sustainable development. It does require me to consider whether constraints might prevent sustainable development and, if they might, whether the evidence justifies them. That involves consideration of site-specific constraints, both existing and those

¹⁶ NPPF para 13.

¹⁷ At this point footnote 16 states, “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.*”

proposed in the Draft NDP. The total effect of the constraints introduced by the Draft NDP when read with existing constraints must not prevent the achievement of sustainable development.

Conflict with the development plan

29. The new third basic condition introduced by the Levelling-up and Regeneration Act 2023 is different from its predecessor, making no mention of “strategic” and only applying to preventing development from taking place which if it took place, would provide housing. In some examinations, this might make a substantial difference. That has not been the case in this examination. Rather my greatest concern has been to ensure that the development of needed housing is not prevented. The development plan may be relevant to other basic conditions in that it will have reflected national policy at the time and will have sought to achieve sustainable development

30. The relevant development plan is HBBC’s Local Plan 2006 to 2026 (“the LP”) and Leicestershire Minerals and Waste Local Plan. The latter is not relevant to basic condition (ea). The draft NDP does not prevent housing development taking place in a location that has been proposed within the LP and does not conflict with the new basic condition.

Assimilated obligations

31. The fourth basic condition requires me to consider whether the Draft NDP breaches, or is otherwise incompatible with, assimilated obligations (formerly retained EU obligations). I have in particular considered the following, together with the UK statutory instruments implementing them in England: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); the Water Framework Directive (2000/60/EC); and the General Data Protection Regulation (2016/679/EU). I have also considered the judgment of the European Court of Justice in People Over Wind v. Coillte Teoranta.¹⁸ I have borne in mind that proportionality is a part of EU law and must be wary of requirements that would be disproportionate to the Draft NDP.

32. I am satisfied that all requirements in respect of strategic environmental assessment and habitat regulation assessment are met.

33. I am satisfied that no issue arises in respect of equality under general principles of EU law, any EU equality directive, or under the Equality Act 2010.

¹⁸ Case C-323/17, 12th April 2018.

Conservation of Habitats and Species Regulations 2017

34. Page 7 of the draft NDP does not mention this requirement. I have therefore had to take extra care to ensure that it has been addressed. In considering this I have been helped by the Bagworth, Thornton and Stanton Under Bardon Neighbourhood Plan Habitat Regulations Assessment Determination and the Bagworth Thornton and Stanton Under Bardon Neighbourhood Plan Strategic Environmental Assessment Screening Statement. I note that no representation expressed concern on this point. I also note that there is no Natura 2000 site in or adjoining the neighbourhood area. While the omission is regrettable, I have sufficient information to be satisfied that the making of the NDP with my proposed modifications would not be incompatible with the prescribed basic condition. It is not necessary to issue a revised Basic Conditions Statement.

Environmental Outcomes reports

35. The wholly new basic condition (fa) requires that neighbourhood plans must comply with requirements resulting from the new environmental assessment framework contained in Part 6 of the Levelling-up and Regeneration Act 2023 and in statutory instruments made under it that replaces the EU processes of environmental impact assessment and strategic environmental assessment. There is no breach of this basic condition.

Human Rights

36. The planning law of England and Wales in general complies with the Convention. This matter can be dealt with briefly in advance of further consideration of the contents of the Draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. The Convention rights that have been most relevant to town and country planning are those under the Convention's Article 6(1), 8 and 14 and under its First Protocol Article 1, and I have considered these. I have also considered the landmark judgment of the European Court of Human Rights' Grand Chamber in Verein KlimaSeniorinnen Schweiz and Others v. Switzerland,¹⁹ which held that under article 8 a State has a positive obligation to implement sufficient measures to combat climate change. In Convention jurisprudence, a State includes its emanations such as local government. First Protocol Article 1 reinforces the common-law principle that private property rights should not be removed without proper justification, and I have borne that in mind. Apart from those, nothing in my examination of the Draft NDP has required further consideration of human rights.

¹⁹ Application no. 53600/20, (2024) 79 EHRR 1, 9th April 2024.

7. The Local Plan

37. The Local Plan 2006 to 2026 comprises four development plan documents: Core Strategy DPD; Site Allocations & Development Management Policies DPD (“SADMP”); and two area action plans that do not apply to the neighbourhood area.

38. The Core Strategy was adopted in December 2009 and includes the following:

In particular, the key rural centres of Barlestone, Desford, Groby, Market Bosworth, Markfield, Newbold Verdon, Ratby, Stoke Golding, Bagworth and Thornton will provide the necessary day-to-day services to ensure rural communities have the choice to shop, work and play close to where they live.²⁰

Key Rural Centres are those villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service (hourly). Key Rural Centres that provide localised provision of facilities permit access by foot, cycle and local bus and can minimise car journeys not only for those people who are living in the Key Rural Centres, but also the rural villages and hamlets surrounding these centres. The following villages have been designated as Key Rural Centres: ...Bagworth and Thornton...²¹

There are three anomalies in the Key Rural Centre classification. One is Bagworth and Thornton. Whilst these villages have the population to support the above services, very few services have materialised, despite significant housing growth in Bagworth. As a cluster however, they are very well located in terms of employment provision with Merrylees industrial estate and Interlink Industrial Park in close proximity and there is a shop and primary school located in Thornton. The purpose of designating these villages as Key Rural Centres is to assist in securing services to ensure this cluster fulfils its potential...²²

Key Rural Centres within the National Forest are former mining settlements within the National Forest which, as part of the National Forest Initiative, are being transformed into ‘Forest Settlements’. The villages included in this classification are:

- Bagworth
- Thornton.²³

The focus for these villages will be creating a new ‘sense of place’, transforming these former mining villages into ‘Forest Settlements’ within woodland settings, providing the local services to their populations and those of the surrounding rural hamlets/hinterland. The provision of services in Bagworth will be the priority as the current provision is limited. In addition,

²⁰ Paragraph 3.33.

²¹ Paragraph 4.31.

²² Paragraph 4.32.

²³ Paragraph 4.39.

excellent walking and cycling linkages will be developed/maintained between Bagworth and Thornton and the main employers in Merrylees industrial estate and Bardon Industrial Park, to ensure that residents have an alternative to car travel. Land for the provision of a railway station at Bagworth will be safeguarded should the national forest line be reopened for passenger service in the future.²⁴

Policy 10: Key Rural Centres within the National Forest

Bagworth and Thornton

To create a new sense of place and improve the provision of local services the council will:

- Seek the provision of local services in Bagworth including a local shop and possibly a post office and primary care provision.*
 - Allocate land for the development of a minimum of 60 new homes at Bagworth. Developers will be required to demonstrate that the number, type and mix of housing proposed will meet the needs of Bagworth, taking into account the latest Housing Market Assessment and local housing needs surveys where they exist in line with Policy 15 and Policy 16. The release of this land for development will be dependent on local services having been established in Bagworth (or the development providing local services).*
 - Support additional employment provision to meet local needs in line with Policy 7. As part of this, seek the provision of small industrial work units (including social enterprises and craft workshops) in Bagworth for rent or to buy as supported by the Bagworth Parish Plan.*
- Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21, including tree planting, National Forest signage and branding to establish a sense of place for Bagworth and Thornton as forest settlements.*
- Support the development of an improved community centre for Bagworth to create a community hub for the village.*
 - Address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Bagworth and Thornton as detailed in the council's most up to date strategy and the Play Strategy. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19.*
 - Support improvement in the quality of the following facilities: Bagworth Village Hall, Sports Pavilion and Sports Ground and Thornton Community Centre (build all weather pitch and play area behind Community Centre) as supported by the Hinckley & Bosworth Cultural Facilities Audit.*
 - Implement the strategic green infrastructure network detailed in Policy 20. To achieve this, the following strategic interventions relating to Bagworth will be required: Tourism support, Bagworth to Market Bosworth Multifunctional Corridor and Improved Access around Thornton Reservoir.*

²⁴ Paragraph 4.40.

- *Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22.*
- *Deliver safe cycle routes as detailed in Policy 15, in particular from Thornton to South Charnwood High School, between Bagworth and Thornton and to Ellistown and Bardon Industrial Estate.*
- *Safeguard land at Bagworth for the development of a new passenger railway station and associated car parking in case the National Forest line is re-opened to passenger facilities.*
- *Seek improvements in car parking provision at Thornton Reservoir in keeping with its important recreational and tourist role.*

8. The emerging Local Plan

39. HBBC is currently working on a new Local Plan which will set out land allocations and planning policies for the period 2024 to 2045. The local development scheme for this was published on 6th March 2025. Its timetable anticipates a public consultation on a Draft Plan (Regulation 18) this year, submission to the Secretary of State in November 2026 and adoption in late 2027. I am aware that slippage can occur, but have no reason to believe that this would be great.

9. The Nature of the Neighbourhood Area

40. In considering the contents of the Draft NDP I must consider the nature of the neighbourhood area. This is helpfully described in some detail and it is not necessary to repeat most of this. In addition to the matters specified in the Draft NDP, I have also considered what I saw on my two site visits.

41. The populations of Bagworth and Thornton, and Stanton-under-Bardon parishes in the 2021 Census were an estimated 3,031 residents living in 1,500 households in Bagworth and Thornton and 907 residents living in 272 households in Stanton-under-Bardon.

42. The LC15 bus service between Coalville and Leicester serves the three villages on Mondays to Saturdays. There are also buses during term time that serve Bagworth, Thornton and Merry Lees and Charnwood High School and a demand responsive service. There is no public transport after 7.00 pm, or on Sundays.

43. Almost all the roads within the two parishes including all roads within the three villages are unclassified. Part of the B582 and B585 runs through the north and west of the neighbourhood area. National Cycle Network Route 63 (Shobnall to Wisbech) runs through the parish. A substantial public footpath network serves the villages, but the extent of public bridleways is more limited. National Forest Way (a long-distance walking trail from the National Memorial Arboretum to Beacon Hill Country Park) goes through Bagworth and Thornton.

44. Facilities include:

- In Bagworth, the village shop (a NISA general store which includes a post office and an ATM),²⁵ a take-away (the ‘Bagworth Chippy’), a community centre, a working men’s club, a pre-school, allotments, a dedicated sports field with 5 football pitches, a bowling green, play areas, and an MOT and service centre;
- In Thornton, the village shop (which includes a post office), ‘The Bricklayers Arms’ public house and restaurant, a community centre and sports hall, The Thornton Club, a primary school, an Anglican church, allotments, a recreation ground, a wildlife site, Thornton Reservoir and a vehicle repairs business;
- In Stanton-under-Bardon a general store and newsagents, ‘The Old Thatched Inn’ public house, a primary school, two churches (Anglican and Christian Fellowship), a village hall, and allotments; and
- South Charnwood High School in Markfield Lane and Cross Hills Baptist Church in The Hollow between Bagworth and Thornton, neither of which is in, or adjacent to, a village.

45. I note that, despite the longstanding hopes Bagworth does not have a primary school, or primary care provision. The absence of a primary school is a matter of substantial and justified concern. It causes a large number of journeys by private motor vehicles to other villages. The draft NDP rightly states that “the Bagworth community lost a key element of village life”. The absence of services is mentioned in the Core Strategy. In the almost 16 years that have passed since then the need for a primary school has increased.

46. The parishes contains five listed buildings (“LBs”) and a Scheduled Ancient Monument: The Church of St Peter, Thornton (a grade I LB, which dates from the 13th century); Bagworth Park Farmhouse, near Thornton (a grade II LB); Corner Cottage and attached walls and railings, Thornton (a grade II LB); Bagworth War Memorial (a grade II LB); Stanton-under-Bardon War Memorial (a grade II LB; and a moat with fishponds a little north of Thornton (Scheduled Ancient Monument in three parts). These are heritage assets of national importance. Grade I listed buildings are the top 2 *per cent* of all listed buildings and, as such, are of exceptional importance.

47. There is one site of special scientific interest in the parish, a geological site in the northeast of the parish, close to Stanton-under-Bardon village.

10. The contents of the Draft NDP

Paragraph numbering

48. NDPs are frequently used to assist in the making of decisions and are referred in reports and other documents. This is helped by the normal and proper practice of numbering

paragraphs and hindered if paragraphs are unnumbered. This is not necessary in the Foreword or throughout the Appendices.

Recommended modification 1

Throughout the draft NDP, other than in the Foreword and Appendices

Number paragraphs.

Introduction

Page 7, section 1.2

49. This lists four basic conditions, one of which is in what was an out-of-date wording and omits the then fifth basic condition. Since then, the Levelling-up and Regeneration Act 2023 have further amended the basic conditions. These are errors of law that must be corrected.

Recommended modification 2

Page 7, section 1.2

Replace “Neighbourhood Plans must” with “Neighbourhood Plans had to”.

Replace the fourth indent with “not breach, and otherwise be compatible with assimilated obligations”.

Add a fifth indent “not breach not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

Add after “governing the preparation of a Neighbourhood Plan”:

“The statutory basic conditions were amended and the Neighbourhood Plan has been examined against the current basic conditions, namely that a draft NDP will meet the basic conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;**
- the making of the order contributes to the achievement of sustainable development;**
- the making of the order would not have the effect of preventing development from taking place which (i) is proposed in the development plan for the area of the authority (or any part of that area), and (ii) if it took place, would provide housing;**
- the making of the order does not breach, and is otherwise compatible with, assimilated obligations;**
- any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with; and**

- prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.”

Bagworth, Thornton and Stanton-under-Bardon – A Brief History

50. This section contains helpful information. I have no major concerns. However, the 2011 census now reflects information collected 15 years ago. The section should be brought up to date by including information from the 2021 census.

Recommended modification 3

Page 14, paragraph 2.4

Replace “2011” with “2021” in the second line of the title.

Replace the second grammatical paragraph with: “At the time of the 2021 Census, Bagworth and Thornton Parish had an estimated total population of 3,031 residents living in 1,500 households whereas the smaller parish of Stanton-under-Bardon recorded 907 residents (an increase of 273 since 2011) living in 272 households. The Bagworth and Thornton Parish had a higher representation of younger residents and Stanton-under-Bardon displayed a higher-than-average proportion of residents aged 65 and over. There has been significant population growth in Bagworth and Thornton with the number of residents increasing by around 568 (23%) between 2011 and 2021. During this period the number of dwellings went up by 304 (40%). There is evidence of further housing growth having occurred since the last Census with 49 new build sales recorded between 2013 and 2016.

Delete the whole of the third grammatical paragraph, viz the paragraph beginning “Census data implies”.

Housing

Pages 16 - 27

51. The extent of development needs in Hinckley and Bosworth Borough as a whole (particularly housing) and where this will be met will be determined within the Local Plan review. I do not have the information to determine the details and it would not be appropriate to do in this examination. It is clear that the need is substantial and I must bear this in mind. It is not clear exactly where the need should be met, but it is clear that some housing will be needed in each of the relatively sustainable villages of Bagworth, Thornton and Stanton-under-Bardon, and that this will be more than the number of dwellings that on past delivery would be provided by windfalls. Ideally, this should be determined on a borough-wide basis, not in an NDP for two parishes. In this case, where adoption of the new Local Plan is expected in less than two years and where it will reach a stage where significant weight can be given to before

that, I am of the firm view that it is reasonable and proportionate and in the interests of good planning to adopt a broad-brush approach in this examination. To the extent (if any) that there are differences between this Plan and the new Local Plan when it is adopted PCCA s38(5) means that the latter will apply.

52. The amount of housing currently under construction in the parish of Bagworth and Thornton is limited to a development of seven 4- and 5-bedroom homes at the Laurels, Bagworth. That is insufficient both in total quantity and in not providing any smaller housing. The situation in Stanton-under-Bardon is considerably better. Fifty 2-, 3- and 4- bedroom with mixed tenures, including 15 affordable homes and five First Homes scheme homes are being built at the southern end of the village in a development called 'St Mary's Chase'. There are also four new homes in Horsepool Avenue. Without some land for development in Bagworth, there will be pressure for more land to be taken in Thornton and elsewhere in the borough, including Stanton-under-Bardon. While the details can reasonably be left to the Local Plan process, it would not be appropriate to have no land at all for development of 3- and fewer bedroom dwellings in Bagworth.

53. That leads me to the following broad conclusions:

- There should be no tightening of settlement boundaries;
- The proposed extensions to those settlement boundaries should be retained;
- This still leaves the need to expand the settlement boundary for Bagworth;
- In order to reduce to risk of policies quickly becoming out of date, an allowance for expansion of settlement boundary (if any) in the new Local Plan should be made.

54. I have considered and viewed the four areas coloured blue on Figures 3 and 4 These are:

- Land to the rear of Main Street in the north of Thornton, which was ranked first in the site-selection process, has been the subject of a heritage impact assessment, had outline planning consent (1st February 2017) and could provide about 12 units of residential accommodation;
- Land off Beech Drive in the centre of Thornton, in respect of which there is a 2022 planning permission for 49 houses;
- Thornton Nurseries (the Fuchsia Centre) redevelopment at the southeastern end of Thornton, which came forward in the call for sites, was ranked second in the site-selection and whose western end has planning consent for 2 dwellings - subject to constraints arising from its location close to the reservoir, this has a potential for approximately 12 dwellings;
- Land at the southern end of Stanton-under-Bardon, which came forward in the call for sites, was ranked third in the site-selection process and could provide about 80 dwellings.

55. I note the following in respect of these blue areas:

- Each of them adjoins the previous settlement boundary;
- Each will form part of a village that is relatively sustainable, having a shop, a public house, a primary school, at least one place of worship, allotments and a bus service;
- No part of them is subject to any national designation;
- No part of them is in Flood Zones 2 or 3;²⁶
- They are within walking distance of a bus stop;
- While this is a former coal-mining area, the Coal Authority has considered the proposed sites in its regulation 14 response and its information did not indicate that there are any coal-mining features present in these areas.

56. These are not the only factors that must be considered, but they do reassure me that the draft NDP's extension of settlement boundaries to include them does not breach any basic condition or human rights. I am satisfied that the settlement boundaries should be extended to include these sites.

57. To a limited extent the settlement boundaries are more tightly drawn than in the Site Allocations & Development Management Policies DPD. This departure from development plan strategic policy in a way that would restrict development would require robust evidence, which does not exist here. It follows that the settlement boundaries on the figures should be modified to include all land shown as within the settlement in the Local Plan while retaining the additional land that has been added in the draft NDP.

58. I have considered whether the settlement boundary should be extended to include St Peter's Church and its curtilage. With its grade I listed building status, such an extension would have no practical effect. While others might have included a similarly located church within a settlement boundary, there is no breach of a basic condition in having the church and its curtilage outside the boundary.

59. Two sites in Bagworth (SHELAA refs LPR71 and 221) have been put forward. I have not seen any evidence that any other site in or adjoining Bagworth is deliverable.

60. Site 1 is the land off Almond Way, to the north of Bagworth Heath Woods Country Park and to the west of Station Road and Almond Way namely the land, which is shown edged red on plan BAG_SL_001 on page 20 of the Boyer representation. This was put forward at both the regulation 14 stage and at this stage (including the further consultation in January 2026) and I am satisfied that there has been ample opportunity to comment on it.

61. Site 2 is 2.21 hectares of land to the north of Bagworth, to the west of Station Road. This is included as a proposed allocation site in the latest draft of the draft Local Plan under

²⁶ I note that parts of the Thornton Nurseries site are adjacent to the Thornton Reservoir and its spillway and that this may have implications as to their suitability for development.

site reference LPR221,²⁷ where it is proposed to be allocated for up to 46 dwellings. It is also subject to a planning application (ref. 25/00990/FUL) for the erection of 46 dwellings, formation of access, associated landscaping and attenuation pond. Consultation on this closed on 11th April 2026.

62. Each of these two sites:

- Is within walking distance of the shop and post office, the take-away, a children's play area and a pair of bus stops.
- Does not contain: any heritage asset; ridge and furrow; or semi-natural open space.
- Is not identified as being of historic environmental significance.
- Is of a sufficient size to ensure that a significant number of the needed dwellings of three bedrooms or fewer in accordance with policy H2 and needed affordable housing in accordance with policy H3 could be provided.
- Has been mentioned sufficiently in advance of this report from me to be satisfied that those who take an interest in local matters will be well aware of it and had an opportunity to comment upon it.

63. Site 1 is partly subject to an existing HBBC Open Space, Sport and Recreation Site designation.²⁸ It also contains woodland (albeit mainly overgrown self-set vegetation on former colliery land), loss of which would be a matter of some concern in the National Forest. The impact of the 400Kv overhead transmission line mentioned in the representation on behalf of National Grid Electricity Transmission plc is also a matter of concern. These matters of concern might cause some delay.

64. Site 2 is at a more advanced stage with proposed Local Plan allocation site and the application for planning permission. It is a more appropriate site for the immediately needed extension of Bagworth's settlement boundary.

65. I have concluded that the settlement boundary should be extended to include Site 2. With this extension to cover deliverable land with a capacity for up to 46 dwellings. I have sufficient information to be satisfied that the extension of this settlement boundary to include it would not give rise to the need for an SEA or an HRA. While its close proximity to the hoped-for Bagworth passenger railway station would be a significant advantage in sustainability, the matter is too uncertain at present for me to give this weight.

66. I have concluded that the settlement boundary should not be further extended to include the whole or part of Site 1 and that consideration of this should be left to the Local Plan process. I consider proposed constraints on parts of Site 1 below.

67. While numbers are uncertain, my estimate of the broad picture is as follows:

²⁷ Appendix 3 – Proposed Land for Development and Proposed Future Directions for Growth, pp 12-13

²⁸ Draft NDP figure 17.1. This will be subject to policy ENV1.

- Site 1, 46 dwellings;
- Land to the rear of Main Street, Thornton, coloured blue on figure 3, 12 dwellings;
- Land off Beech Drive, Thornton, coloured blue on figure 3, 49 dwellings (as granted planning permission);
- Thornton Nurseries, coloured blue on figure 3, up to 21 dwellings;
- Land off Main Street, Stanton under Bardon coloured blue on figure 4, 80 dwellings; and
- Windfall allowance on the basis of past delivery, 75 dwellings.²⁹

68. Looked at broadly and bearing in mind uncertainties, that should result in at least 200 dwellings. That is a sufficient number for me to be confident the draft Plan would not prevent sustainable development in the period up to the adoption of the emerging Local Plan. A significantly lower figure (in particular an absence of any extension of Bagworth’s settlement boundary) would prevent the making of draft Plan contributing to the achievement of sustainable development and hence breach basic condition (d). My recommended modification provides for the changes (if any) to settlement boundaries made by the new Local Plan, and also for the maps in the neighbourhood plan to revert back to the settlement boundary maps in the SADMP, apart from those recommended inclusions covered in this report.

Page 17, 2nd complete paragraph

69. Since 2018, there have been three updatings of HBBC’s Strategic Housing and Economic Land Availability Assessment (“SHELAA”). This paragraph could give the incorrect impression that 2018 was the latest version. This should be corrected.

Recommended modification 4

Page 17, 2nd complete paragraph.

Replace “HBBC’s latest” with “HBBC’s then latest”.

Add at the end of the paragraph, “Since then there have been three more publications of the updated SHELAA: 2020, 2020 Addendum, and 2022. In considering Appendix 4, it should be borne in mind that it precedes these updated versions, and that there have been alterations in respect of sites.”

Pages 18 and 19

70. Modification to both the text and policy H1 is needed to reflect paragraphs 49 to 60 above and to avoid reference to windfall development in one village only.

²⁹ I have taken the total figure from the BC’s regulation 14 representation figure of 5.6 windfalls per year for the whole neighbourhood plan area, multiplied this by 15.5 and rounded down.

Recommended modification 5

Page 18, last three paragraphs.

Replace all from “Since commencement of the Local Plan” to the end of the page with:

“Since commencement of the Local Plan, planning permission has been granted for 49 dwellings off Beech Drive, Thornton. This is reflected in this Plan.

The following sites, coloured blue on figures 2, 3 and 4 have been identified:

- Thornton, land to the rear of Main Street;**
- Thornton, land off Beech Drive;**
- Thornton Nurseries; and**
- Stanton under Bardon, land off Main Street.”**

Recommended modification 6

Page 19, policy H1, first paragraph

Replace this with “Settlement Boundary - Development proposals that comply with the policies of this Plan will be supported on the sites:

(1) within the three settlement boundaries as shown in Figures 2, 3 and 4 (below) including the sites coloured blue;

(2) within any extension of those boundaries by a subsequent development plan.

71. The current final sentence of policy H1 is too imprecise.

Recommended modification 7

Page 19, policy H1, current final sentence

Replace this with, “Land outside the defined settlement boundaries shown on figures 2, 3 and 4 is open, where, subject to the policies of this Plan, national and local open countryside policy applies.”

72. Even with modifications to the Bagworth settlement boundary that I recommend, that boundary is tightly drawn and would prevent the provision of the needed primary school. Preventing this provision would be contrary to sustainable development. I therefore recommend a modification that bears in mind NPPF paragraph 89 to address this.

Recommended modification 8

Page 19, policy H1, new final sentence

Add at the end of the policy, “The provision of a primary school outside the settlement boundary on a site that is physically well-related to the village of Bagworth and complies with the policies of this Plan will be supported.”

Page 20, figure 2

73. For the reasons given above, the settlement boundary should be modified so that the settlement includes all land shown as within the settlement in the Local Plan Site Allocations and Development Management Policies DPD together with the land proposed allocation site in the latest draft of the draft Local Plan under site reference LPR221.

Recommended modification 9

Page 20, figure 2

Amend the settlement boundary so that the settlement also includes:

- (1) all land enclosed by the settlement boundary in the Local Plan Site Allocations and Development Management Policies DPD,**
- (2) the land proposed as an allocation site in the latest draft of the draft Local Plan under site reference LPR221.**

Page 21, figure 3, and Page 22, figure 4

74. For the reasons given above, these settlement boundaries should be modified so that the settlement includes all land shown as within the settlement in the Local Plan.

Recommended Modification 10

Page 21, figure 3, and Page 22, figure 4

Amend the settlement boundaries so that all land enclosed by the settlement boundary in the Local Plan Site Allocations and Development Management Policies DPD is included within the settlement together with land added to the settlement by this Plan.

Page 23, policy H2

75. Policy H2 includes “(which can include accommodation for older people which should be built to the M4(2) Building Regulations 2016 or any future standard updating this)”. Building Regulations are not a matter for planning policy. HBBC deals with building control, but not in its capacity as a local planning authority and its planning department is not empowered to secure that properties are built to Building Regulations Standards. as they are controlled by separate legislation. In so far as the proposed policy requires compliance with law, it is unnecessary. The words in brackets in the policy should be deleted.

Recommended modification 11

Page 23, policy H2

Delete “(which can include accommodation for older people which should be built to the M4(2) Building Regulations 2016 or any future standard updating this)”.

Page 24, policy H3, first paragraph

76. The first sentence of policy H3 needs to be updated to mention the 2019 Housing Needs Survey Report and the 2024 Housing Needs Study.

Recommended modification 12

Page 24, policy H3, third line

Replace this with, “based on the Bagworth & Thornton and Stanton-Under-Bardon Housing Needs Evidence October, Parish Housing Needs Survey Report 2019 (Appendix 3), Hinckley & Bosworth Borough Council Housing Needs Study 2024, together with any or updating of these.”

Page 25, 1st paragraph

77. The final sentence of NPPF paragraph 89 states, “*The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*” While ‘previously developed land’ and ‘and sites that are physically well-related to existing settlements’ are distinct categories, it would be wrong to exclude that latter from windfall sites. I also bear in mind NPPF paragraph 124 (c). The final sentence of this paragraph and the second indent of policy H4 are too absolute and result in a policy that is too restrictive. It should be modified.

Recommended modification 13

Page 25, 1st paragraph, final sentence

Add at the end, “or any previously developed land that is well-related to an existing settlement and complies with the policies of this Plan (other than in respect of the settlement boundary)”.

Page 25, policy H4, 2nd indent

Add at the end, “or is physically well-related to an existing settlement and complies with the policies of this Plan (other than in respect of the settlement boundary)”.

Page 25, third paragraph

78. This relates to section 106 contributions in general, not specifically to windfall development. It is more likely to apply to larger developments. It is unnecessary in an NDP and I cannot locate anywhere to which it could sensibly be moved. I recommend its deletion.

Recommended modification 14

Page 25, third paragraph

Remove the whole of this paragraph.

Page 26, policy H5

79. The fourth indent of this policy requires “three parking spaces per three bedroomed house and above”. This is more demanding than the Leicestershire County Council standards, the Leicestershire Highway Design Guide³⁰, which are produced by people with relevant expertise and subject to consultation. HBBC’s Site Allocations and Development Policies DPD policy DM18 states: “*All proposals for new development will be required to provide an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available (e.g. public transport and cycle provision) and appropriate design. Any development will be expected to provide disabled parking provision.*” This was produced by people with the relevant expertise and subject to consultation and the statutory procedure for DPDs. A departure from it should be properly justified.

80. I do not accept that a departure from them is justified by local conditions. The documents that I have seen do not show the neighbourhood area to be greatly different from many other areas in Leicestershire. Impressions of parking on two site visits must be treated with caution since they are only brief snapshots in time. Having said that, I do not consider that parking above Leicestershire Highway Design Guide standards in the areas where development is likely to take place would improve the impact of the parking that I saw. The matter should be left to the local planning authority and the local highway authority.

Recommended modification 15

Page 26, policy H5, 4th indent

Delete this indent.

81. Inappropriate wooden fencing can (and often does) detract from an area. The mention of wooden fencing in this indent could prevent requiring better boundary treatment.

Recommended modification 16

³⁰ Leicestershire Highway Design Guide, <https://www.leicestershirehighwaydesignguide.uk>.

Delete “wooden fencing”.

The Environment

Pages 33 to 38, Local Green Spaces

82. Section 5.2 of the draft NDP considers Local Green Spaces (LGSs)

83. The NPPF provides for LGSs in its chapter 8, which is headed “Promoting healthy and safe communities”. Under the sub-heading “Open Spaces and Recreation”, its paragraphs 105 to 106 state:

105. The designation of land as Local Green Space through ... neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

106. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

84. PPG chapter 37 gives key advice on LGS designation. Among other things it states:

How does Local Green Space designation relate to development?

Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.³¹

What about public access?

Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if

³¹ Reference ID: 37-007-20140306.

there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).

*Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.*³²

Does land need to be in public ownership?

*A Local Green Space does not need to be in public ownership. However... the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.*³³

85. These paragraphs are central to any consideration of whether land should be designated as an LGS. They should be followed unless there is a sufficiently good reason not to do so and none is apparent to me. In considering the proposed LGS designations, I have borne in mind and found helpful the judgment of the Court of Appeal in R. (Lochailort Investments Ltd) v Mendip District Council³⁴. The phrase in paragraph 105 “*capable of enduring beyond the end of the plan period*” was given specific consideration. This is a less demanding policy than applies to Green Belt designation where the stronger “*permanently*” is used, but it is still important. It means that, in respect of LGS designation, I must consider beyond the Plan period, in this case beyond 2039.

86. I have considered each proposed LGS and the reason for their designation in the papers that I have seen and viewed each of them at least once.

Sites 701-704, 710-712 and 750

87. This is a substantial area consisting of 8 parcels. Some of this land is covered by a potential development site submitted through the SHELAA. It lies next to a relatively sustainable village where no land has been found for expansion, whether for housing or for the needed local school. Particular care therefore needs to be taken that it (or the whole of it) does not prevent sustainable development.

88. I note with respect to parcels 710 and 711:

- Parcel 710 receives a total score of 8 out of 25 and parcel 711 receives a total score of 10 out of 25 – these are low scores (Appendix 5 of the draft Plan, Environmental Inventory, 28th page). Within this score, parcel 710 receives a score of 0 out of 5 and

³² Reference ID: 37-017-20140306.

³³ Reference ID: 37-019-20140306.

³⁴ [2020] EWCA Civ 1259, 2nd October 2020.

parcel 711 receives a total score of 1 out of 5 for recreational value – these are obviously low scores.

- The Steering Group scoring of these parcels with respect to local significance criteria was 2 for parcel 710 and 3 for parcel 711 – these again are low scores.
- A tree belt separates parcels 711 and 712. Coupled with a change in topography, this means that parcels 710 and 711 contribute little to the quality and openness of the Durham Walk Recreational Area.
- Nothing in my two site visits caused me to doubt the above three indents.

89. As the extracts from PPG quoted above make clear, neither an absence of public access, nor private ownership, is a bar to LGS designation. That does not make them irrelevant. The absence of a right of public access often reduces or prevents public enjoyment. The rights of owners under both traditional English law and the Convention is material.

90. I have read all of the regulation 14 comment and all of the QB's response and do not consider it necessary to repeat it all. Boyer pointed that the broad locations of inventoried parcels 710, 711 and 712 scored "unremarkably" in the Environmental Inventory. This was not disputed, but the QB responded the whole site had been evaluated under NPPF criteria and it was already used and valued by local residents as one coherent site. Boyer said that the total area of land in the LGS was approximately 15.91 hectares of land. This was not disputed, but the QB pointed a larger LGSs elsewhere.

91. While noting all the points made for and against designation as an LGS at both the regulation 14 and regulation 16 stages, my principal concerns are:

- The totality of constraints on land adjoining Bagworth should not prevent the Plan contributing to the achievement of sustainable development (basic condition (d));
- Designating of the land as an LGS should be consistent with the local planning of sustainable development (NPPF paragraph 105); and
- The LGS should be capable of enduring beyond the end of the plan period (NPPF paragraph 105).

92. I consider that the QB's argument that only 13% of the draft NND's open land area (excluding existing National Forest and Country Park designations) is protected, does not assist. Most of the unprotected land does not adjoin a settlement and would not be likely to gain planning permission for housing development – the proposal to allocate land close to Charnwood High School illustrates what often happens when land that is neither in nor adjoining a settlement is proposed for substantial development. The fact that land for development whether housing or a primary school has not yet been found next to Bagworth indicates that possible sites are limited. I have no hesitation in recommending that no part of

parcel 710 and 711 should be designated as LGS. Figure 9 is not entirely clear. It seems that the eastern boundary of parcel 710 and the eastern and southern boundary of plot 711 to be the track that is shown on this figure and that runs first south-westwards and then westwards from close to the western end of Almond Way and I have reached my conclusion on this assumption.

93. There are arguments for including the whole of site 750. However I am concerned that should Site 1 come to be needed for development, whether as a result of a determination within the Local Plan process, a site mentioned in paragraph 68 above not coming forward for development or otherwise, the draft NDP should not create a situation where access to a Site 1 development has to be taken through one of more of the residential roads to the west of Jackson Road rather than through the northern end of site 750. While care should be taken in assessing traffic impact on the basis of two site visits, I consider that I have seen enough to be satisfied that, should development be needed on Site 1 in or after the Plan period, the option of access from Almond Way should not be excluded. I therefore recommend that all of site 1 shown be excluded from the proposed Durham Walk Recreation Area LGS. The draft NDP cannot alter HBBC's Open Space, Sport and Recreation Site designation.

94. I am satisfied that the rest of sites 701-704, 712 and 750 should remain LGS. In particular I am satisfied that they do not constitute "an extensive tract of land" within the meaning of the NPPF.

Recommended modification 17

Page 35, upper plan and page 38 figure 9

Amend the area coloured green to exclude land within the red line on plan BAG_SL_001 on page 20 of the Boyer representation.

Sites 179, 477 and 490

95. As stated in NPPF paragraph 105 the designation applies to "green areas of particular importance". This can extend to buildings and structures that are ancillary to a green space (such as a sports field pavilion), but not to a substantial building with a non-open-space use like a parish church. A church is not ancillary to its churchyard. A parish church may be subject to appropriate policy, which will often include policies in respect of heritage assets and community facilities, but not to green space policies. The same applies to Thornton's Community Centre and Sports Hall in parcel 477. I therefore recommend modifying the plans on page 36 and elsewhere to exclude the churches in parcels 177 and 490 and the Community Centre and Sports Hall in parcel 477, while retaining as LGSs the churchyards and the open land in parcel 477. There is no need to modify the text.

Recommended modification 18

Page 35

Amend the lower plan to exclude from LGS designation the Community Centre and Sports Hall.

Page 36

Amend the upper plan to exclude from LGS designation St Mary and All Saints' Church and its car park.

Amend the lower plan to exclude from LGS designation St Peter's Church.

Page 37

Amend figure 8 to exclude from LGS designation the Community Centre and Sport Hall, and St Peter's Church.

Page 38

Amend figure 10 plan to exclude from LGS designation St Mary and All Saints' Church and its car park.

Page 39

96. The last sentence of supporting text on this page contains incorrect references that seem to come from an earlier version of the NPPF. The final sentence of the policy is too absolute and would not be good planning. The significance of the species, habitats or features present will vary from one site to another, as will demonstrable local benefit of a development. The sentence would be particularly inappropriate where the former was small and the latter large.

Recommended modification 19

Page 39, paragraph 5.3.1

Replace "It is in conformity with Section 14 of NPPF 2023 (paragraph 149) and Section 15 (paragraphs 170, 171, 174, 175 and 177) with "It is in conformity with Section 15 of NPPF 2023."

Page 39, policy ENV 2

Replace the final sentence of this policy with, "When determining planning applications, adverse impact on the species, habitats or features present must be given significant weight when considering a proposed development that would have an adverse impact on them".

Page 40, figure 11

97. This shows sites of local environmental significance. The details are in the draft NDP's Appendix 5. The identification of the parcels of land should be justified. The limited information in Appendix 5 does not do this in respect of parcels 710 and 711 and nothing that I saw on my site visits supplemented this limited information or caused me to doubt Boyer's statement that they consist of "overgrown self-set vegetation" on "former colliery land which has not been actively managed in previous years". While all woodland is of value, in relative terms this is less valuable woodland. Appendix 5 does not contain any information about parcel 490 or the unnumbered land coloured blue to the north of parcel 151. Parcels 490, 710 and 711 and this unnumbered should be removed from figure 11.

Recommended modification 20

Page 40, figure 11

Remove the colouring from parcels 490, 710 and 711 and from the unnumbered land coloured blue to the north of parcel 151.

Page 41, paragraph 5.4.1

98. The first sentence is inaccurate and should be corrected. The moat with fishponds Scheduled Monument is in addition to five listed buildings.

Recommended modification 21

Page 41, paragraph 5.4.1

Replace the first sentence with, "Five buildings and structures in the Plan area have statutory protection through Listing at Grade I or II and there is also a Scheduled Monument."

Page 42

99. There is an error in respect of the fourth entry which should reflect the wording in the listing.

Recommended modification 22

Page 42

Replace "Corner Cottage and attached walls and buildings" with "Corner Cottage and attached wall and railings".

Page 44

100. The first words of this section are confusing. There are not eight other buildings and structures in the policy and referring to others is unnecessary. A listed building (such as Bagworth War Memorial) is of national importance, being a nationally significant statutory designation and should not be identified as a local heritage asset.

101. There is a conflict between of “local significance for architectural, historical or social reasons” in the supporting text and of “high local heritage (historical, architectural and/or built environment) significance” in the policy. I do not understand what “built environment” is intended to do in the context of the policy. As for social, to the extent that it is not historical, it would be better covered by community facilities and amenities policy.

102. Figure 14 includes two annotations that do not relate to the text, namely MLE 23211 and MLE 20737. This is an error.

Recommended modification 23

Page 44, paragraph 5.4.2, supporting text

Replace all from “Eight” to “paragraph 194” with: “Five others are judged to be of local significance for architectural or historical or social reasons and are identified as non-designated heritage assets.”

Page 44, policy ENV4

Delete “War Memorial, Holy Rood church (MLE 20706; now Listed grade II. War memorial WMP0042)”.

Page 44, figure 14

Remove the annotation in respect of MLE 20706.

Remove the two annotations that do not relate to the text, namely MLE 23211 and MLE 20737.

Page 46, policy ENV5

103. The third sentence of this policy does not instigate a balanced approach when assessing the significance of the non-designated heritage. As such, it fails to confirm with NPPF section 16 and SADMP policies DM11 and DM12. The policy should follow the NPPF approach to assessing the significance of the non-designated heritage asset against the benefits of the proposal.

Recommended modification 24

Page 46, policy ENV 5

Replace “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.”

with

“In considering development proposals that would have a detrimental impact on the earthworks, buried archaeology or features present, the significance both of their intrinsic features and of their settings should be balanced against the value of those proposals.”

Page 48, ENV6

104. There is a tension between the two parts of the second sentence of this policy, “*Any loss or damage arising from a development proposal (or a change of land use requiring planning permission) is to be avoided; the benefits of such development must be balanced against the significance of the ridge and furrow features as heritage assets.*” I note that English Heritage’s views published 24 years ago have not resulted in express national policy protecting ridge and furrow. In the absence of express status in national planning policy, the first part of the sentence is too absolute. Also, the words in brackets are otiose, since a change of land use requiring planning permission is development.

Recommended modification 25

Page 48, policy ENV6

Replace the second sentence with, “The significance of ridge and furrow features as heritage assets must be borne in mind when considering a proposed development that would cause destruction or damage to them.”

Community Sustainability

Page 71, The Fuchsia Centre (Thornton Nurseries)

105. This is identified as a community facility. As such it would be subject to the protection given by policy CA1. This contrasts with policy H1 and Figure 3 which reads together indicate that the extension of the settlement boundary to include the nursery is to reflect the plots identified as sites. There is a need for housing at a national and local level. Preventing or impeding housing on a site that came second in the site-selection process would be likely to result in housing elsewhere that might well be a less suitable location. Given the Fuchsia

Centre's reasonable identification as a possible housing site, subjecting it to the restrictions of policy CA1 would impede the achievement of sustainable development and, unless this was be compensated for, prevent the Plan from contributes to the achievement of sustainable development and hence be contrary to basic condition (d).

Recommended modification 26

Page 71, The Fuchsia Centre (Thornton Nurseries)

Delete everything on this page that relates to the Fuchsia Centre.

Page 73, policy CA1

106. There is a little error in the 3rd indent of this policy.

Recommended modification 27

Page 73, policy CA1

Replace “toan” with “to an”.

Page 77, paragraph 6.2.3

107. The bus service has changed greatly, so that the paragraph is now out of date. There are three buses a day in each direction between Coalville and Leicester that serve Bagworth and Thornton and normally a different three buses between Coalville and Leicester a day in each direction that serve Stanton-under-Bardon. There are additional buses in term time and a demand responsive service. There are no buses on Sundays.

Recommended modification 28

Page 77, paragraph 6.2.3

Replace the whole paragraph with “There are three buses a day in each direction between Coalville and Leicester that serve Bagworth and Thornton and a different three buses a day between Coalville and Leicester in each direction that serve Stanton-under-Bardon. There are additional buses in term time and a demand responsive service. There are no buses on Sundays.”

Page 81 policy BE4

108. The reference to commercial buildings is not supported by the text and is not appropriate in a policy on farm diversification. Since some agricultural buildings are in a settlement, it is not appropriate to limit use to one appropriate to the rural location.

Recommended modification 29

Page 81, policy BE4

Delete “and commercial”.

Delete “rural”.

11. Updating

109. It may be that parts of the draft NDP need updating. Nothing in this report should deter or delay appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact.

12. The Referendum Area

110. I have considered whether the referendum area should be extended beyond the designated plan area.³⁵ However, I can see no sufficient reason to extend the area and therefore recommend that the referendum area be limited to the neighbourhood area, the parishes of Bagworth and Thornton and Stanton-under-Bardon.

13. Summary of Main Findings

111. I commend the Draft NDP for the effort that has gone into its creation.

112. I recommend that the Draft NDP be modified in the terms specified in Appendix A to this report to meet basic conditions and to correct errors. I am satisfied with all parts of the Draft NDP to which I am not recommending modifications.

113. With those modifications, the Draft NDP will meet all the basic conditions and human rights obligations.

114. I recommend that the modified NDP proceed to a referendum, the referendum area being the area of the Draft NDP, *i.e.* the parishes of Bagworth and Thornton and Stanton-under-Bardon.

Timothy Jones, Barrister, FCI Arb,

Independent Examiner,

No 5 Chambers

4th June 2026.

³⁵ PPG Reference ID: 41-059-20140306.

Appendix A: Recommended Modifications

Recommended modification 1

Throughout the draft NDP, other than in the Foreword and Appendices

Number paragraphs.

Recommended modification 2

Page 7, section 1.2

Replace “Neighbourhood Plans must” with “Neighbourhood Plans had to”.

Replace the fourth indent with “not breach, and otherwise be compatible with assimilated obligations”.

Add a fifth indent “not breach not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

Add after “governing the preparation of a Neighbourhood Plan”:

“The statutory basic conditions were amended and the Neighbourhood Plan has been examined against the current basic conditions, namely that a draft NDP will meet the basic conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;
- the making of the order contributes to the achievement of sustainable development;
- the making of the order would not have the effect of preventing development from taking place which (i) is proposed in the development plan for the area of the authority (or any part of that area), and (ii) if it took place, would provide housing;
- the making of the order does not breach, and is otherwise compatible with, assimilated obligations;
- any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with; and
- prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.”

Recommended modification 3

Page 14, paragraph 2.4

Replace “2011” with “2021” in the second line of the title.

Replace the second grammatical paragraph with: “At the time of the 2021 Census, Bagworth and Thornton Parish had an estimated total population of 3,031 residents living in 1,500 households whereas the smaller parish of Stanton-under-Bardon recorded 907 residents (an increase of 273 since 2011) living in 272 households. The Bagworth and Thornton Parish had a higher representation of younger residents and Stanton-under-Bardon displayed a higher-than-average proportion of residents aged 65 and over. There has been significant population growth in Bagworth and Thornton with the number of residents increasing by around 568 (23%) between 2011 and 2021. During this period the number of dwellings went up by 304 (40%). There is evidence of further housing growth having occurred since the last Census with 49 new build sales recorded between 2013 and 2016.

Delete the whole of the third grammatical paragraph, viz the paragraph being “Census data implies”.

Recommended modification 4

Page 17, 2nd complete paragraph.

Replace “HBBC’s latest” with “HBBC’s then latest”.

Add at the end of the paragraph, “Since then there have been three more publications of the updated SHELAA: 2020, 2020 Addendum, and 2022. In considering Appendix 4, it should be borne in mind that it precedes these updated versions, and that there have been alterations in respect of sites.”

Recommended modification 5:

Page 18, last three paragraphs.

Replace all from “Since commencement of the Local Plan” with:

“Since commencement of the Local Plan, planning permission has been granted for 49 dwellings off Beech Drive, Thornton. This is reflected in this Plan.

The following sites, coloured blue on figures 2, 3 and 4 have been identified.

- Thornton, land to the rear of Main Street;
- Thornton, land off Beech Drive;
- Thornton Nurseries; and
- Stanton under Bardon, land off Main Street.”

Recommended modification 6

Page 19, policy H1, first paragraph

Replace this with “Settlement Boundary - Development proposals that comply with the policies of this Plan will be supported on the sites:

- (1) within the three settlement boundaries as shown in Figures 2, 3 and 4 (below) including the sites coloured blue;
- (2) within any extension of those boundaries by a subsequent development plan.

Recommended modification 7

Page 19, policy H1, current final sentence

Replace this with, “Land outside the defined settlement boundaries shown on figures 2, 3 and 4 is open countryside, where, subject to the policies of this Plan, national and local open countryside policy applies.”

Recommended modification 8

Page 19, policy H1, new final sentence

Add at the end of the policy, “The provision of a primary school outside the settlement boundary on a site that is physically well-related to the village of Bagworth and complies with the policies of this Plan will be supported.”

Recommended modification 9

Page 20, figure 2

Amend the settlement boundary so that the settlement also includes:

- (1) all land enclosed by the settlement boundary in the Local Plan Site Allocations and Development Management Policies DPD,
- (2) the land proposed as an allocation site in the latest draft of the draft Local Plan under site reference LPR221.

Recommended Modification 10

Page 21, figure 3, and Page 22, figure 4

Amend the settlement boundaries so that all land enclosed by the settlement boundary in the Local Plan Site Allocations and Development Management Policies DPD is included within the settlement together with land added to the settlement by this Plan.

Recommended modification 11

Page 23, policy H2

Delete “(which can include accommodation for older people which should be built to the M4(2) Building Regulations 2016 or any future standard updating this)”.

Recommended modification 12

Page 24, policy H3, third line

Replace this with, “based on the Bagworth & Thornton and Stanton-Under-Bardon Housing Needs Evidence October, Parish Housing Needs Survey Report 2019 (Appendix 3), Hinckley & Bosworth Borough Council Housing Needs Study 2024, together with any or updating of these.”

Recommended modification 13

Page 25, 1st paragraph, final sentence

Add at the end, “or any previously developed land that is well-related to an existing settlement and complies with the policies of this Plan (other than in respect of the settlement boundary)”.

Page 25, policy H4, 2nd indent

Add at the end, “or is physically well-related to an existing settlement and complies with the policies of this Plan (other than in respect of the settlement boundary)”.

Recommended modification 14

Page 25, third paragraph

Remove the whole of this paragraph.

Recommended modification 15

Page 26, policy H5, 4th indent

Delete this indent.

Recommended modification 16

Page 26, policy H5, 5th indent

Delete “wooden fencing”.

Recommended modification 17

Page 35, upper plan and page 38 figure 9

Amend the area coloured green to exclude land within the red line on plan BAG_SL_001 on page 20 of the Boyer representation.

Recommended modification 18

Page 35

Amend the lower plan to exclude from LGS designation the Community Centre and Sports Hall.

Page 36

Amend the upper plan to exclude from LGS designation St Mary and All Saints' Church and its car park.

Amend the lower plan to exclude from LGS designation St Peter's Church.

Page 37

Amend figure 8 to exclude from LGS designation the Community Centre and Sport Hall, and St Peter's Church.

Page 38

Amend figure 10 plan to exclude from LGS designation St Mary and All Saints' Church and its car park.

Recommended modification 19

Page 39, paragraph 5.3.1

Replace "It is in conformity with Section 14 of NPPF 2023 (paragraph 149) and Section 15 (paragraphs 170, 171, 174, 175 and 177) with "It is in conformity with Section 15 of NPPF 2023."

Page 39, policy ENV 2

Replace the final sentence of this policy with, "When determining planning applications, adverse impact on the species, habitats or features present must be given significant weight when considering a proposed development that would have an adverse impact on them".

Recommended modification 20

Page 40, figure 11

Remove the colouring from parcels 490, 710 and 711 and from the unnumbered land coloured blue to the north of parcel 151.

Recommended modification 21

Page 41, paragraph 5.4.1

Replace the first sentence with, "Five buildings and structures in the Plan area have statutory protection through Listing at Grade I or II and there is also a Scheduled Monument."

Recommended modification 22

Page 42

Replace "Corner Cottage and attached walls and buildings" with "Corner Cottage and attached wall and railings".

Recommended modification 23

Page 44, paragraph 5.4.2, supporting text

Replace all from “Eight” to “paragraph 194” with: “Five others are judged to be of local significance for architectural or historical or social reasons and are identified as non-designated heritage assets.”

Page 44, policy ENV4

Delete “War Memorial, Holy Rood church (MLE 20706; now Listed grade II. War memorial WMP0042)”.

Page 44, figure 14

Remove the annotation in respect of MLE 20706.

Remove the two annotations that do not relate to the text, namely MLE 23211 and MLE 20737.

Recommended modification 24

Page 46, policy ENV5

Replace “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.”

with “In considering development proposals that would have a detrimental impact on the earthworks, buried archaeology or features present, the significance both of their intrinsic features and of their settings should be balanced against the value of those proposals.”

Recommended modification 25

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Replace the second sentence with, “The significance of ridge and furrow features as heritage assets must be borne in mind when considering a proposed development that would cause destruction or damage to them.”

Recommended modification 26

Page 71, The Fuchsia Centre (Thornton Nurseries)

Delete everything on this page that relates to the Fuchsia Centre.

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Replace “toan” with “to an”.

Recommended modification 28

Page 77, paragraph 6.2.3

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Recommended modification 29

Page 81, policy BE4

Delete “and commercial”.

Delete “rural”.

Appendix B: Abbreviations

The following abbreviations are used in this report:

BTPC	Bagworth and Thornton Parish Council
Convention	European Convention on Human Rights
Draft NDP	Regulation 15 Submission draft of the Bagworth, Thornton, and Stanton-under-Bardon Neighbourhood Plan 2023-2039
ECtHR	European Court of Human Rights
EU	European Union
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LGS	local green space
HBBC	Hinckley and Bosworth Borough Council
NDP	Neighbourhood Development Plan
LB	listed building
the LP	HBBC's Local Plan 2006 to 2026 Local Plan
NPPF	National Planning Policy Framework (December 2023)
para	paragraph
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	national Planning Practice Guidance
QB	Qualifying Body
s	section
SADMP	Site Allocations & Development Management Policies DPD
Sch	Schedule
SHELAA	HBBC's Strategic Housing and Economic Land Availability Assessment
Site 1	Land off Almond Way shown edged red on plan BAG_SL_001
Site 2	Land to the west of Station Road included as a proposed allocation site in the latest draft of the draft Local Plan under site reference LPR221
SSSI	Site of Special Scientific Interest
SuBPC	Stanton-under-Bardon Parish Council
TCPA	Town and Country Planning Act 1990 (as amended)

Where I use the verb '*include*', I am not using it to mean '*comprise*'. The words that follow are not necessarily exclusive.