



*Meeting:* **Cabinet**

*Date/Time:* **Tuesday, 23 March 2021 at 2.00 pm**

*Location:* **Sparkenhoe Committee Room, County Hall, Glenfield and via  
Microsoft Teams**

*Contact:* **Ms. J. Bailey (Tel. 0116 305 2583)**

*Email:* **[jenny.bailey@leics.gov.uk](mailto:jenny.bailey@leics.gov.uk)**

### **Membership**

Mr. N. J. Rushton CC (Chairman)

Mr. R. Blunt CC	Mr. J. B. Rhodes CC
Mr. L. Breckon JP CC	Mrs H. L. Richardson CC
Mr. B. L. Pain CC	Mr. R. J. Shepherd CC
Mr. T. J. Pendleton CC	Mrs D. Taylor CC

**Please note: this meeting will be filmed for live or subsequent broadcast via the  
Council's [YouTube Channel](#)**

### **AGENDA**

<u>Item</u>	<u>Report by</u>	
1. Minutes of the meeting held on 5 February 2021.		(Pages 3 - 16)
2. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.		
3. Declarations of interest in respect of items on the agenda.		
4. Environment and Transport 2021/22 Highways and Transportation Capital Programme and Works Programme.	Director of Environment and Transport	(Pages 17 - 50)



<u>Item</u>	<u>Report by</u>	
5. A511 Growth Corridor Proposals - Bardon Link Road.	Director of Environment and Transport	(Pages 51 - 62)
6. Provision of Short Breaks and Supported Living Services.	Director of Adults and Communities	(Pages 63 - 72)
7. Recommissioning of Domestic and Sexual Violence and Abuse Services.	Director of Public Health	(Pages 73 - 84)
8. Healthy Weight Strategy for Leicestershire.	Director of Public Health	(Pages 85 - 138)
9. White Papers on Health and Social Care and Mental Health.	Director of Adults and Communities	(Pages 139 - 148)
10. Airfield Business Park Development Proposal.	Director of Corporate Resources	(Pages 149 - 160)
11. Strategic Energy Property Strategy.	Director of Corporate Resources	(Pages 161 - 184)
12. Local Government and Social Care Ombudsman Report Regarding Provision of Suitable Full Time Education.	Director of Law and Governance and Director of Children and Family Services	(Pages 185 - 204)
13. Response to the Blaby District Council New Local Plan Options Consultation.	Chief Executive	(Pages 205 - 266)
14. Exception to Contract Procedure Rules - Urgent Action Taken by the Chief Executive in Relation to the Green Homes Grant Local Authority Delivery Scheme.	Director of Public Health	(Pages 267 - 270)
15. Annual Review of Regulation of Investigatory Powers Act Policy Statement.	Chief Executive	(Pages 271 - 280)
16. Dates of Council Meetings 2021-22 and 2022-23.	Chief Executive	(Pages 281 - 282)
17. Items referred from Overview and Scrutiny.		
18. Any other items which the Chairman has decided to take as urgent.		



Minutes of a meeting of the Cabinet held via Microsoft Teams on Friday, 5 February 2021.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Mr. R. Blunt CC  
Mr. L. Breckon JP CC  
Mr. B. L. Pain CC  
Mr. T. J. Pendleton CC

Mr. J. B. Rhodes CC  
Mrs H. L. Richardson CC  
Mr. R. J. Shepherd CC  
Mrs D. Taylor CC

In attendance

Mr. O. O'Shea CC, Mrs C. Radford CC, Mrs B. Seaton CC, Mrs M. Wright CC, Dr. T. Eynon CC

479. Minutes of the previous meeting.

The minutes of the meeting held on 15 December 2020 were taken as read, confirmed and signed.

480. Urgent items.

The Chairman advised that there was one urgent item for consideration, a report of the Director of Corporate Resources titled "Disposal of Land at Lake Terrace, Melton Mowbray". The report was urgent as the matter had arisen after the agenda for the Cabinet meeting had been circulated and it related to a housing development which was planned to commence before the Cabinet met again in March.

It was noted that the Chairman of the Scrutiny Commission had agreed to the report being considered.

With the agreement of the Cabinet the report was taken under agenda item 13 (minute 491 below refers).

481. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

With regard to agenda item 4 - the Medium Term Financial Strategy - Mr. B. L. Pain CC declared a personal interest with regard to passenger transport issues as relatives owned a local taxi company. Those Cabinet members who were also members of district councils each declared a personal interest this item, namely: Mr. N. J. Rushton CC, Mr. R. Blunt CC, Mr. L. Breckon CC, Mrs L. Richardson CC, Mr. R. Shepherd CC and Mrs D. Taylor CC.

482. Provisional Medium Term Financial Strategy 2021/22 to 2024/25.

The Cabinet considered a report of the Director of Corporate Resources concerning the Council's proposed 2021/22 to 2024/25 Medium Term Financial Strategy (MTFS), following consideration of the draft MTFS by the Overview and Scrutiny bodies and receipt of the Local Government Finance Settlement. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

It was noted that the Corporate Governance Committee at its meeting on 29 January had agreed the Risk Management and Treasury Management Strategies (Appendices I and N to the report).

The Director reported that the final Settlement had been received the previous day and would result in no significant changes to the proposals.

Mr. Rhodes CC said that the Adult Social Care precept increase was essential to enable the Council to balance its budget in 2021/22 and 2022/23. The Council was financially vulnerable and he was concerned that there was little room for manoeuvre if problems arose in the future, for example in connection with the funding of infrastructure.

RESOLVED:

- (i) That the comments of the Overview and Scrutiny Committees and the Scrutiny Commission as set out in Appendix P to the report be noted;
- (ii) That the following be recommended to the County Council:
  - a) That subject to the items below, approval be given to the Medium Term Financial Strategy (MTFS) which incorporates the recommended revenue budget for 2021/22 totalling £399m as set out in Appendices A, B and E of the report and includes the growth and savings for that year as set out in Appendix C;
  - b) That approval be given to the projected provisional revenue budgets for 2022/23, 2023/24 and 2024/25 set out in Appendix B to the report, including the growth and savings for those years as set out in Appendix C, allowing the undertaking of preliminary work, including business case development, consultation and equality and human rights impact assessments, as may be necessary towards achieving the savings specified for those years including savings under development, set out in Appendix D;
  - c) That approval be given to the early achievement of savings that are included in the MTFS, as may be necessary, along with associated investment costs, subject to the Director of Corporate Resources agreeing to funding being available;
  - d) That the level of the general fund and earmarked funds as set out in Appendix K be noted and the use of those earmarked funds as indicated in that appendix be approved;
  - e) That the amounts of the County Council's Council Tax for each band of dwelling and the precept payable by each billing authority for 2021/22 be as set out in Appendix M (including 3% for the adult social care precept);



- f) That the Chief Executive be authorised to issue the necessary precepts to billing authorities in accordance with the budget requirement above and the tax base notified by the District Councils, and to take any other action which may be necessary to give effect to the precepts;
- g) That approval be given to the 2021/22 to 2024/25 capital programme as set out in Appendix F;
- h) That the Director of Corporate Resources following consultation with the Lead Member for Resources be authorised to approve new capital schemes, including revenue costs associated with their delivery, shown as future developments in the capital programme, to be funded from funding available;
- i) That the financial indicators required under the Prudential Code included in Appendix N, Annex 2 be noted and that the following limits be approved:

	2021/22 £m	2022/23 £m	2023/24 £m	2024/25 £m
Operational boundary for external debt				
i) Borrowing	263	263	262	262
ii) Other long term liabilities	1	1	1	1
<b>TOTAL</b>	264	264	263	263
Authorised limit for external debt				
i) Borrowing	273	273	272	272
ii) Other long term liabilities	1	1	1	1
<b>TOTAL</b>	274	274	273	273

- j) That the Director of Corporate Resources be authorised to effect movement within the authorised limit for external debt between borrowing and other long-term liabilities;
- k) That the following borrowing limits be approved for the period 2021/22 to 2024/25:
- (i) Upper limit on fixed interest exposures 100%;
  - (ii) Upper limit on variable rate exposures 50%;
  - (iii) Maturity of borrowing:-

	<u>Upper Limit</u>	<u>Lower Limit</u>
	%	%
Under 12 months	30	0
12 months and within 24 months	30	0
24 months and within 5 years	50	0
5 years and within 10 years	70	0
10 years and above	100	25

- (iv) An upper limit for principal sums invested for periods longer than 364 days is 10% of the portfolio;

- l) That the Director of Corporate Resources be authorised to enter into such loans or undertake such arrangements as necessary to finance capital payments in 2021/22, subject to the prudential limits in Appendix N;
- m) That the Treasury Management Strategy Statement and the Annual Investment Strategy for 2021/22, as set out in Appendix N, be approved including:
  - (i) The Treasury Management Policy Statement, Appendix N; Annex 4;
  - (ii) The Annual Statement of the Annual Minimum Revenue Provision as set out in Appendix N, Annex 1;
- n) That the Capital Strategy (Appendix G), Corporate Asset Investment Fund Strategy (Appendix H), Risk Management Policy and Strategy (Appendix I), Earmarked Funds Policy (Appendix J) and Insurance Policy (Appendix L) be approved;
- o) That it be noted that the Leicester and Leicestershire Business Rate Pool will continue for 2021/22;
- p) That the Director of Corporate Resources following consultation with the Lead Member for Resources be authorised to make any changes to the provisional MTFS which may be required as a result of changes arising between the Cabinet and County Council meetings, noting that any changes will be reported to the County Council on 17<sup>th</sup> February 2021;
- q) That it be noted that following the enactment of the relevant legislation a report will be presented to the Council's Constitution Committee and thereafter to the County Council regarding the proposed addition to the County Council's Constitution (Part 2, Article 12.04) to confirm that the Director of Corporate Resources, as the Chief Financial Officer, is the Responsible Officer for the Leicestershire County Council Local Government Pension Scheme;
- r) That the Leicestershire School Funding Formula remains unchanged and continues to reflect the National Funding Formula for 2021/22.

(KEY DECISION)

#### REASONS FOR DECISION:

To enable the County Council to meet its statutory requirements with respect to setting a budget and Council Tax precept for 2021/22, to allow efficient financial administration during 2021/22, and to provide a basis for the planning of services over the next four years.

Continuing an unchanged Leicestershire School Funding Formula for 2021/22 will ensure that it fully reflects the National Funding Formula.

#### 483. Supporting Economic Recovery in Leicestershire.

The Cabinet considered a report of the Chief Executive regarding proposed action to support economic recovery to be taken by the Council to respond to the impact of Covid-19, including participation in the national Kickstart scheme, support for people seeking

work, and Broadband improvements. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

Comments of the Scrutiny Commission, which considered the proposals at its meeting on 25 January were circulated separately and a copy is filed with these minutes.

The Chairman supported the provision of additional funding to allow the Kickstart placements to run for 12 months and was pleased to be working with Leicester City Council on the scheme.

Mr. Pain CC said that the Council was committed to extending superfast broadband access to rural areas. He noted that the pandemic had resulted in some benefits for the environment and was pleased that the Council's broader environmental commitments would be reflected in its approach to economic recovery.

The Chairman agreed with Mrs Taylor CC that Community Libraries as well as the Council-run libraries should be involved in the delivery of the Work+ scheme.

#### RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That the proposal for the County Council to act as a Kickstart Gateway (in partnership with Leicester City Council) to provide placements within the Council, extended to 12 months duration, and to support Leicestershire SMEs (small and medium-sized enterprises) in also offering extended placements, be agreed;
- c) That the proposal for the Council to establish a two-year Work+ project to support individuals actively looking for employment to become work-ready be agreed;
- d) That the Council's role in providing support for businesses including the Business Recovery Grant and the Community Pub programme be noted;
- e) That the Council's continued support for the roll-out of the broadband programme in Leicestershire be noted;
- f) That the principles set out in paragraphs 63 and 64 of the report, to ensure that Council's actions deliver a green economic recovery, are supported;
- g) That funding for the measures outlined above as set out in paragraph 72 of the report be agreed.

#### REASONS FOR DECISION:

The impact of the Covid-19 pandemic is unprecedented. Unlike other economic shocks, it is ongoing and volatile with the likelihood of repeated lockdowns giving rise to high levels of uncertainty. Evidence collected reinforces the view that Leicestershire businesses have been severely impacted, for some sectors more than others.

It has been widely recognised that young workers (aged up to 25) are likely to be particularly disadvantaged by any downturn in the economy. They are the highest percentage of job seekers allowance claimants by age group, and young women are particularly disadvantaged as they are more likely to work in the hospitality or retail

sectors. Evidence shows that this age group is likely to be the hardest hit for several reasons including missing education, a reduction in apprenticeship opportunities, a more competitive labour market, and lack of workplace digital skills.

Working practices have changed with many more people now working from home, reducing the use of public transport and interaction with others in the workplace. Good digital connectivity in all areas of the County is essential to enable businesses to continue to operate effectively, innovate and grow.

Delivering actions necessary to support economic recovery also provides an opportunity to consider how the Council's commitment to carbon reduction can be embedded into those activities.

#### 484. Scrutiny Review Panel on Flooding.

The Cabinet considered a report of the Chief Executive regarding the key findings and recommendations of the Scrutiny Review Panel on Flooding. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

Mrs M. Wright CC, Chair of the Scrutiny Review Panel, attended the meeting to present the report. She said that the Panel had been created in response to some significant flooding in 2019 to examine the Council's role as the Lead Local Flood Authority (LLFA). Mrs Wright explained that the Council's powers were more limited than this title suggested but it had a key role in liaising with partner organisations and helping local residents and businesses to prepare for and respond to flooding incidents. The Environment and Transport Overview and Scrutiny Committee had endorsed the Panel's findings.

Mr. Pendleton CC thanked the Panel for its work. He regretted that whilst the Council as LLFA could investigate flooding events, it had no powers to require others to take action. However County-wide mapping of flooding was being undertaken, to be considered with partner agencies later in the year.

Members commented that climate change was generally acknowledged to be increasing the incidence of flooding and noted the necessity for appropriate infrastructure to mitigate the risk.

#### RESOLVED:

- a) That the Final Report of the Scrutiny Review Panel be noted and its recommendations approved;
- b) That representations be made to the Government to strengthen the legislation to enable the County Council as LLFA to require relevant agencies to complete mitigating measures arising from Section 19 reports;
- c) That the Chief Executive be requested to ensure that the recommendations of the Review are acted upon.

#### (KEY DECISION)

#### REASONS FOR DECISION:

The Panel's recommendations will strengthen the Council's engagement with risk management authorities, communities and residents and promote resiliency.

485. Hinckley National Rail Freight Interchange.

The Cabinet considered a report of the Chief Executive regarding the proposed Hinckley National Rail Freight Interchange (HNRFI) and the risks associated with the proposed timetable for the project put forward by the developer, Tritax Symmetry (formerly known as DB Symmetry). A copy of the report, marked 'Agenda Item 7', and a supplementary report are filed with these minutes.

Members noted comments from Messrs D. C. Bill MBE CC, Mr. S. Bray CC and Mr. M. Mullaney CC, a copy of which is filed with these minutes.

With the permission of the Chairman, Mrs M. Wright CC, the local member, spoke on the reports. Mrs Wright noted that scant detail had been provided by the developer and questioned how the proposal accorded with the National Policy Statement on sustainability for such national developments. She cited a range of issues including traffic congestion and pollution which had given rise to great concern among local communities since the HNFRI was first mooted two years previously. Mrs Wright agreed with the concerns set out in the supplementary report and hoped that the Council would work with Blaby District Council to ensure that there was comprehensive modelling and assessment of the proposals and mitigation required and to engage with residents.

It was moved by the Chairman and seconded by Mr. Pain CC that recommendation (b) in the supplementary report be amended to state that the Council would object to the proposed development if its concerns continued to be disregarded by Tritax Symmetry.

RESOLVED:

- a) That the concerns and views set out in paragraph 29 of the supplementary report be communicated to and discussed with the developer, in particular:
  - (i) The developer's current planned timetable;
  - (ii) The Council's desire to secure a Planning Performance Agreement with the developer that provides certainty regarding both the HNRFI project programme and the financial contributions required to cover the Council's costs in responding to the developer's proposals; and
  - (iii) Concerns regarding the developer's proposed approach to providing evidence in respect of highways and transport issues for consideration by the Planning Inspectorate;
- b) That the Developer and Planning Inspectorate be informed of the Council's concerns resulting from the developer's submission timeline and that, if the applicant continues to disregard these concerns, the Council will object to the proposal;
- c) That the County Council engages with Blaby District Council over the implications for Blaby District Council's emerging Local Plan in the event that a Development Consent Order is made by the Secretary of State approving the project.

## REASONS FOR DECISION:

Before the Council can form a view on the proposals being put forward by the developer, particularly in relation to its statutory transport responsibilities, it needs to undertake substantial assessment of key information. The decision above sets out the initial actions required to enable the County Council to effectively fulfil its statutory consultee roles and if the application is accepted, to fully participate in the Development Consent Order (DCO) process.

Resolution of concerns regarding the timing of the submission of information from the developer will help inform Council's contribution to the DCO process.

As a result of the scale of the proposal and the impact it would have on the local area, it is essential that the developer complies fully with the consultation requirements of the [planning] pre-application process so that local communities, including Parish Councils, are provided with up to date information.

### 486. Revised Corporate Asset Investment Fund Strategy 2021 to 2025.

The Cabinet considered a report of the Director of Corporate Resources regarding the outcome of an independent review of the revised Corporate Asset Investment Fund (CAIF) Strategy and seeking approval for the revised Strategy. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered the revised Strategy at its meeting on 25 January, were circulated separately and a copy is filed with these minutes.

Mr. Rhodes CC said that he was pleased with the investment choices and performance. He stressed that the focus was on providing the Council with an income to provide services and meet its future liabilities and as such the security of investments and yields was a priority.

## RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That the outcome of the review of the Corporate Asset Investment Fund Strategy be noted;
- c) That the Corporate Asset Investment Fund Strategy 2021-2025 be approved for submission to the Council as part of the Medium Term Financial Strategy 2021/22 to 2024/25.

## (KEY DECISION)

## REASONS FOR DECISION:

To note the outcome of the independent review of the CAIF Strategy carried out in December 2020 and to agree the revised Strategy for submission to full Council.

487. Technology Enabled Care.

The Cabinet considered a report of the Director of Adults and Communities concerning the Business Case for transforming the Council's approach to the use of Technology Enabled Care (TEC) across adult social care services. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Mr. Blunt CC said proposals would help address the rising demand for adult social care, help staff to do their jobs better and enable better outcomes for service users whilst also making savings for the Authority. Working with Hampshire County Council which had a strong track record in using TEC would maximise the benefits.

RESOLVED:

- a) That the outcome of the diagnostic work undertaken by Hampshire County Council, detailed in Appendix A to the report, be noted;
- b) That the Business Case, including options for commissioning a technology partner to deliver a transformed county-wide service for Technology Enabled Care, attached to the report as Appendix B, be noted;
- c) That the Option 2 for the procurement of a TEC service, namely to commission this through a strategic partnership with Hampshire County Council as detailed in paragraphs 42 to 44 of the report be agreed;
- d) That the Director of Adults and Communities, following consultation with the Cabinet Lead Member for Adult Social Care, be authorised to make the appropriate arrangements to enter into a partnership with Hampshire County Council to commission a TEC service.

(KEY DECISION)

REASONS FOR DECISION:

The diagnostic analysis and subsequent Business Case indicates that financial benefits of between £2-5m are possible by the end of the 2025/26 financial year by increasing the numbers of service users being offered appropriate TEC service solutions to meet their outcomes and avoiding other commissioned care package costs with those service users. A saving at the lower end of the diagnostic findings has been assumed in the interests of prudence for the Business Case.

Hampshire County Council has a proven track record of maximising TEC across its services working with its partner PA/Argenti and offers a TEC partnership as part of its sold services offer.

488. Local Government and Social Care Ombudsman Report Regarding Nursery Charges.

The Cabinet considered a report of the Director of Law and Governance and Director of Children and Family Services concerning a report of the Local Government and Social Care Ombudsman (LGO) relating to the Council's operation of the Free Early Education Entitlement (FEEE) scheme with one local provider where the LGO had found fault by the Council which caused injustice to the complainant in the case. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

Mrs Taylor CC said that the Council had an obligation to ensure that in delivering the FEEE scheme participating nurseries were clear about their charging arrangements and was revising its guidance to nursery providers in light of the LGO report. She noted that the Ombudsman's recommendations had implications for other local authorities.

**RESOLVED:**

- a) That the public report of the Local Government and Social Care Ombudsman be noted;
- b) That the Director of Children and Family Services be required to implement the recommendations of the LGO as set out in paragraph 15 (a) to (c) of the report;
- c) That the position in relation to the recommendations of the LGO where the Council departs from those recommendations as set out in paragraphs 16 and 20 to 21 of the report be noted.

**REASONS FOR DECISION:**

To note the facts of the case and the various actions which the Council is taking in light of the Ombudsman's findings.

When a public report is issued by the LGO there is a statutory requirement that it is 'laid before the authority concerned', and there is an obligation for the Council to report back to the LGO to confirm this action has been taken.

**489. Leicestershire's Policy on Admissions to Mainstream Schools: Determination of Admission Arrangements.**

The Cabinet considered a report of the Director of Children and Family Services regarding Leicestershire's School Admissions Policy, Oversubscription Criteria, and associated coordinated admissions schemes, and the proposed reduction of the admission number at Martinshaw Primary School, Groby. A copy of the report, marked 'Agenda Item 11', is filed with these minutes.

With the permission of the Chairman, Mr. O. O'Shea CC spoke as the local member regarding the recommendations relating to Martinshaw Primary School. Mr. O'Shea noted that planning permission had been granted for around 250 houses in Ratby and was concerned that there would not be enough school spaces in the area.

The Director reassured members that there remained sufficient capacity for more pupils at Martinshaw and that the Authority could increase the admission number immediately if necessary. Mrs Taylor CC explained that the change was needed to avoid the School falling into a negative budget position.

**RESOLVED:**

- a) That the outcome of the consultation on changes to the admission number at Martinshaw Primary School be noted;
- b) That the admission number at Martinshaw Primary School be reduced from 45 to 30 pupils with effect from entry in September 2022;



- c) That the Leicestershire School Admissions Policy for entry from September 2022 and associated coordinated admissions schemes for first-time admissions, secondary transfers and mid-term transfers, as set out in Appendix A to the report, be approved.

#### REASONS FOR DECISION:

The School Standards and Framework Act 1988 places an obligation on the Council to determine the admission arrangements for community and voluntary controlled schools in Leicestershire. As the admitting authority the County Council is required to determine the admission arrangements for schools in Leicestershire from September 2022 by 28 February 2021.

The admission number reduction is sought owing to low birth rates from within Martinshaw Primary School's catchment; forecasts also show low intakes in the future. Reducing the admission number, it will help the school better plan the efficient provision of education and the efficient use of resources. If the change is not adopted the School will fall into a negative budget position.

Leicestershire's Admissions Arrangements must be determined by 28 February 2021 and be made available on the Council's website no later than 15 March 2021. This will provide all parents and carers over a year's notice to allow them to make informed preferences when applying for a school place from 2022.

#### 490. Items referred from Overview and Scrutiny.

There were no items referred from the Overview and Scrutiny bodies.

#### 491. Urgent item: Disposal of Land at Lake Terrace, Melton Mowbray.

The Cabinet considered a report of the Director of Corporate Resources regarding the disposal of County-Council-owned land at Lake Terrace, Melton Mowbray. The matter was urgent because it had arisen after the agenda for the meeting had been published and it related to a housing development which was planned to commence before the next Cabinet meeting in March. A copy of the report, marked 'Agenda Item 13', is filed with these minutes.

Members expressed some disappointment that the County Council's land ownership had not been given due and proper consideration and commented that, whilst the development of new homes was supported, the Authority had a duty to seek best value when selling its assets.

#### RESOLVED:

- a) That the Cabinet approves the disposal of the land at Lake Terrace, Melton Mowbray (shown as shaded pink and edged red on the plan attached as Appendix B to the report);
- b) That the Director of Corporate Resources, following consultation with the Cabinet Lead Member for Resources, be authorised to agree a 'best value' sum for the disposal of the land at a) above and finalise the disposal.

## REASONS FOR DECISION:

In accordance with section 123 of the Local Government Act 1972, the County Council has an obligation to achieve 'best value' in the disposal of its land subject to various criteria set out in a General Disposal Consent Order.

The sale of the land will assist in delivering a housing scheme in Melton Mowbray which already has the benefit of a detailed planning permission from Melton Borough Council.

The sale is expected to generate a significant capital receipt for the County Council.

### 492. Exclusion of the Press and Public.

#### RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 10 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information -

"Urgent Action Taken to Approve Loan Funding for Foster Carers (Connected Carers) and Policy Amendment".

### 493. Urgent Action Taken to Approve Loan Funding for Foster Carers (Connected Carers) and Policy Amendment.

The Cabinet considered an exempt report of the Director of Children and Family Services regarding urgent action taken by the Chief Executive to agree loan and grant funding towards the adaptation of a property owned by foster carers. The Cabinet was also asked to agree amendments to the Council policy document regarding Discretionary Payments and Capital Loans to Foster Carers and Adopters and to approve a delegation to the Director of Children and Family Services regarding authorised spending. A copy of the report, marked 'Agenda Item 15', is filed with these minutes.

#### RESOLVED:

- a) That the urgent action taken by the Chief Executive to approve a loan of up to £120,000 and a grant of up to £30,000 or additional monthly payment for each child towards accommodation, as indicated in the report on terms to be agreed with the Director of Children and Family Services following consultation with the Director of Law and Governance and the Director of Corporate Resources, be noted;
- b) That the Director of Children and Family Services be authorised to provide financial assistance by way of grants or loans to County Council registered foster carers and to recover such assistance, in respect of loans, in accordance with any agreed policy framework or statutory provision in force for the time being;
- c) That the Leicestershire Policy on Discretionary Payments and Capital Loans to Foster Carers and Adopters be amended in line with the findings of the Local Government Ombudsman and following advice from the Director of Law and Governance and to reflect the delegation at (b) above to the Director of Children and Family Services.

**REASONS FOR DECISION:**

Urgent action was taken on 13 January 2021 by the Chief Executive to make the offer to the foster carers. This needed to be done within a reasonable timescale following the Local Ombudsman findings and taking account of the timeframe for planning permission on the property. The Cabinet was not due to meet until 5 February.

The amendments to the Policy on Discretionary Payments and Capital Loans to Foster Carers and Adopters clarify existing practice and offer more flexible financial support for Carers.

The delegation gives the Director equivalent powers to the Director of Adults and Communities and avoids the need for reports to be submitted to the Cabinet for proposed loans/grants of over £50,000.

11.00 am - 12.37 pm  
5 February 2021

CHAIRMAN

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**CABINET – 23 MARCH 2021**

**ENVIRONMENT AND TRANSPORT 2021/22 HIGHWAYS AND  
TRANSPORTATION CAPITAL PROGRAMME AND WORKS  
PROGRAMME**

**REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to seek the Cabinet's approval for the Environment and Transport Department's 2021/22 Highways and Transportation Capital Programme and Works Programme, which are attached to this report as Appendix A and Appendix B respectively.

**Recommendations**

2. It is recommended that: -
  - (a) The Environment and Transport 2021/22 Highways and Transportation Capital Programme and Works Programme be approved;
  - (b) That the Director of Environment and Transport be authorised,
    - (i) following consultation with the Director of Corporate Resources and the Cabinet Lead Members for Highways and Transportation and Corporate Resources, to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways and Transportation Capital Programme and Works Programmes;
    - (ii) following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Corporate Resources, to enter into such contracts as is necessary to progress schemes in the approved Highways and Transportation Capital Programme and Works Programmes to allow early contractor involvement to take place in advance of all external funding required to deliver the scheme being secured, subject to the key principles (a) to (g) set out in paragraph 29 of this report.

### **Reason for Recommendations**

3. To approve the Environment and Transport Department's Highways Capital Programme and Works Programme for the 2021/22 financial year.
4. To enable the delivery of large capital schemes using a collaborative approach to work with contractors to reduce risk and increase cost certainty. Working in this way will also provide necessary assurance to partners and third-party funders contributing to the cost of delivering the Highways Capital Programme.

### **Timetable for Decisions (including Scrutiny)**

5. A report was considered by the Environment and Transport Overview and Scrutiny Committee on 4<sup>th</sup> March 2021 and its comments are included in Part B of this report.

### **Policy Framework and Previous Decisions**

6. The 2020/21 Highways Capital Programme and Works Programme was approved by the Cabinet on 24<sup>th</sup> March 2020.
7. The Department's key highways-related plans and strategies have been considered when developing the 2021/22 Highways and Transportation Capital Programme and Works Programme. These include: -
  - The Local Transport Plan (LTP3) (2011 to 2026) – adopted by the County Council on 23<sup>rd</sup> March 2011;
  - The Network Management Plan (NMP) - approved by the Cabinet on 15<sup>th</sup> December 2020;
  - The Highway Asset Management Policy and Highway Asset Management Strategy – approved by the Cabinet on 23<sup>rd</sup> June 2017 (Updated December 2020 following consultation with the Lead Member for Highways and Transportation);
  - The Highways Infrastructure Asset Management Plan – approved by the Cabinet on 15<sup>th</sup> September 2017 (Updated October 2020 following consultation with the Lead Member for Highways and Transportation);
  - The Leicester and Leicestershire Strategic Growth Plan – approved by the Cabinet on 23<sup>rd</sup> November 2018;
  - The Leicester and Leicestershire Strategic Transport Priorities - approved by the Cabinet on 20<sup>th</sup> November 2020.
8. The Highways Capital Programme is aligned with the Council's Medium-Term Financial Strategy (MTFS) 2021/22 - 2024/25, approved by the County Council on 17<sup>th</sup> February 2021.
9. Leicestershire County Council's refreshed Strategic Plan 2018 – 2022 (approved by the County Council in July 2020) outlines the Council's long-term vision for the organisation and the people and place of Leicestershire. The Highways and Transportation Capital Programme and Works Programme will

help support the Strong Economy outcome in the Strategic Plan, in maintaining and improving the highway network.

### **Resource Implications**

10. The actions outlined in the Highways and Transportation Works Programme will be funded from a variety of sources, including capital and revenue budgets and external sources of funding. The Environment and Transport Department's Capital Programme budget totals £212.93 million over the four years 2021 to 2025, of which £197.84 million (93%) comprises the Highways and Transportation element. (It should be noted that these figures do not include any potential slippage/acceleration).
11. The Highways and Transportation Works Programme is resource intensive, both in staff and financial terms. Given this, and the evermore significant financial challenges that the County Council continues to face, not least arising from the continued impacts of COVID-19, there is little opportunity for the Department to take on other commitments, such as those emerging from district councils' local plans as these continue to be developed, without affecting its ability to deliver the actions and schemes set out in the 2021/22 Highways and Transportation Capital Programme and Works Programme. More detail on the financial context is given in Part B of this report.
12. The Director of Corporate Resources and the Director of Law and Governance have been consulted on this report.

### **Circulation under the Local Issues Alert Procedure**

None.

### **Officers to Contact**

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## **PART B**

### **Background**

#### **Policy and Strategy**

13. The 2021/22 Highways and Transportation Capital Programme and Works Programme reflects the Environment and Transport Department's current key highway service-related policies, strategies and plans, as detailed above, whilst also taking account of the Council's future priorities.
14. These policies, strategies and plans will remain in place for the foreseeable future and those developed and owned by the Council will continue to be assessed and reviewed where appropriate to ensure that they remain fit for purpose. It is likely therefore that elements of these documents, and in some cases their entirety, will be superseded. Similarly, the 2021/22 Highways and Transportation Capital Programme and the Works Programme will be updated to reflect any such changes. These changes will be undertaken by the Director of Environment and Transport, following consultation with the Director of Corporate Resources and the Cabinet Lead Member for Highways and Transport, using their existing delegated authority.

#### **Financial context**

15. The County Council is operating in an extremely challenging financial environment following a decade of austerity and spending pressures. The financial position in 2020/21 has been severely affected by COVID-19 and the on-going financial impacts of the pandemic are still unclear, as well as continued uncertainty over the United Kingdom's future trading relationship with the European Union. This is particularly so for a low funded authority such as Leicestershire, as room for further savings is limited. There is also significant uncertainty and risk around future funding levels particularly given the impact of the pandemic, which is likely to affect local government funding in the medium term.
16. Furthermore, housing and economic growth around the County is likely to put increasing pressure on the Council's finances. As district councils develop and refine local plans, significant infrastructure requirements, especially around roads and schools, are emerging. The County Council will only be able to consider taking on forward funding of new road provision and securing school place provision where appropriate measures are put in place to mitigate the risks associated with forward funding these infrastructure schemes.
17. As such, the County Council is developing an infrastructure policy which will articulate its approach to seeking these mitigations. It will set out the County Council's approach to collaborative working with partners including the district councils and developers, including early engagement, appropriate consultation and develop Local Plans and appropriate supplementary planning policy guidance in ways which acknowledge these significant risks to the County and do what they can to minimize them. In instances where this is not the case



and/or given the amount of forward funding the County Council is being required to provide, then as appropriate, agreements will be sought with the district council in question. Such agreements will seek to use district council statutory responsibilities to mitigate the risk of developers not properly paying their share of the required infrastructure provision.

18. The recently agreed MTFS 2021/22 to 2024/25 sets out the Council's response to the financial position and shows a saving requirement of £79.2 million over the next four financial years. This is a challenging task, especially given that savings of £220 million have already been delivered over the last eleven years. In addition, over the period of the MTFS, growth of £58.7 million is required to meet demand and service pressures with £13.8 million required in 2021/22.
19. The framework for asset management is set out in the Highway Asset Management Policy, Highway Asset Management Strategy and the Highway Infrastructure Asset Management Plan, which adopt a 'risk-based' approach to asset management. Essentially, this means the Council will need to look after its highway assets in a way that is more reflective of the relative risks to road users (i.e. particular risk of injury or worse) posed by its condition. This approach to maintenance is based on the premise of providing greatest value for money in that the correct treatment is applied at the correct time to elongate the life of the asset and minimising the need for reactive treatments.
20. Regardless of the adoption of a 'risk-based approach' the County Council, like many other local authorities, faces significant challenges in looking after its highway assets. Present levels of Government funding are insufficient to maintain even Leicestershire's most important roads, the 'A' roads, in their current condition.
21. Going forward, officers will be looking at how this is likely to affect the balance of future years spend across all asset management and maintenance activities. This will include levels of funding for reactive maintenance versus preventative maintenance, and funding relating to the appearance of the assets (such as grass cutting beyond that required in respect of road safety) versus the condition of assets. It is important that the appropriate balance is achieved to seek to maintain highway assets to the best overall condition possible and to minimise possible future legal liabilities on the Council (for example arising from road user incidents). This needs to happen whilst working within ongoing budgetary pressures, responding to increasing travel demand arising from growth and taking account of the climate emergency and review of the Council's Environment Strategy. As a result, future asset management programmes could look very different.
22. The Environment and Transport Department's capital programme budget totals £212.93 million over the four years 2021-25, of which the major part, £197.84 million, is the Highways and Transportation element. This capital funding comes from several sources such as various government grants and competitive funding streams (for example Pothole and Challenge Fund),

capital receipts, the County Council's capital budget and revenue balances and external contributions such as developer contributions.

23. The total highways capital spend for 2021/22 is £45.98 million and the main areas of spend are:

- 1 - Melton Mowbray Distributor Road - North and East Sections  
£9.46 million in 2021/22. Work is on-going to secure the necessary Statutory Orders and prepare the scheme for construction, which is partly funded by £49.5 million Department for Transport (DfT) grant with the balance coming from developer contributions (in some cases forward funded by the authority). Work is currently being carried out to review costs now that the project is reaching detailed design stage.
- 2 - Melton Mowbray Distributor Road - Southern Section  
£4 million in 2021/22. Construction of new road is partly funded by an approved £14 million HIF grant and forward funding of developer contributions using Highways Act powers.
- 3 - Zouch Bridge Replacement – Construction and Enabling Works  
costing £3.16 million in 2021/22, which will address structural issues with this bridge on the A6006.
- 4 - M1 Junction 23 / A512 Improvements  
£0.37 million to be spent in 2021/22 to complete construction of the scheme. This is funded by £5 million from the Growth and Housing Fund, £12 million from the Single Local Growth Fund, and £7.78 million of external contributions.
- 5 - County Council Vehicle Programme  
£1.73 million in 2021/22. Investment in new vehicles to replace aged vehicles, reduce running costs, making them cleaner and lower CO2 emissions.
- 6 – Advance Design / Match Funding  
£1.99 million in 2021/22. It is perhaps now more important than ever, given the need to support post-pandemic economic recovery that the Authority retains the ability to fund work that enables a pipeline of transport projects to be maintained. This funding will cover the delivery of a programme of advanced design works to support future major transport schemes and bids to Government and Leicester and Leicestershire Enterprise Partnership (LLEP) for funding such projects as the Melton Mowbray Transport Strategy, Loughborough Growth Area Strategy, and Local Cycling and Walking Infrastructure Plan development. Any bidding will be carefully considered in light of potential financial commitment/risk to the Council.

- 7 - A511 / A50 Major Road Network – Advance Design  
£1.74 million in 2021/22 is allocated for ongoing design work for the scheme, which is partly funded by the Government's Major Road Network programme.
  - 8 - Anstey Lane A46 Improvements  
£0.22 million in 2021/22. This is funded by £5 million from the Growth and Housing Fund and £5.74 million from external contributions. The scheme is now substantially complete and open to traffic.
  - 9 - M1 Junction 20a – Advance Design  
£0.90 million in 2021/22 is allocated for work to identify sources of funding that would potentially deliver a scheme.
  - 10 - Transport Asset Management Programme  
£17.81 million in 2021/22, for capital maintenance works for highways and transport assets across the County such as roads and footways.
  - 11 – Hinckley Hub (Hawley Road) NPIF  
£3.8 million in 2021/22
  - 12 – Safety Schemes  
£0.79 million in 2021/22
24. Going forward there are likely to be significant additional pressures in terms of the advanced design funding and match funding for the transport infrastructure required to enable Leicester and Leicestershire's growth ambitions, as set out in the Strategic Growth Plan. Further financial and resource pressures are likely to arise from Government funding announcements; already, since Christmas, the Government has announced new funding for passenger transport and cycling (although in some cases with details to follow) and more transport funding announcements are anticipated, including with the Budget on 3<sup>rd</sup> March 2021.
25. It will not be possible to meet all of these pressures through the current approach of funding advanced design work and match funding predominantly through the Highways and Transportation Capital Programme or one-off allocations from other County Council budgets. Alternative approaches are being considered and the Authority will need to carefully consider the level of financial risk it is willing to take on in assessing whether to bid for further scheme funding. Notwithstanding this, dependent on the quantum of announcements and the level of the Authority's ambition in bidding for funding, this could affect the resource available to deliver the Capital and Works Programmes.

### **2020/21 Highways and Transportation Capital and Works Programmes**

26. The 2021/22 Highways and Transportation Capital and Works Programmes have been prepared using the best and most current information available and

will be revised as necessary to ensure value for money and to respond to changing circumstances (for example changes in Government policy or Government funding announcements). The Programmes will continue to evolve in the light of the work to revise the Environment Strategy and the County Council's carbon commitment.

27. The 2021/22 Highways Capital Programme (attached as Appendix A) sets out a summary of the budget breakdown for each of the highway's capital lines set out in the refreshed MTFS. It also sets out figures for the period 2022/23 to 2024/25, although those may be subject to change as a result of, say, future year MTFS refreshes and/or Government funding announcements.
28. The 2021/22 Highways and Transportation Capital Works Programme (attached as Appendix B) contains actions (intervention/work/treatment), some of which are part of longer-term projects that will take place over a number of years or may be implemented beyond 2021/22. Appendix B provides more information behind the budget lines set out in Appendix A.
29. As set out in the report to the Cabinet in February on the Medium-Term Financial Strategy 2021/22 - 2024/25, the approach to developing the Authority's overall capital programme has been based on the following key principles:
  - a) To invest in priority areas of growth, including roads, infrastructure, climate change, and including forward funding of projects;
  - b) To invest in projects that generate a positive revenue return (spend to save);
  - c) To invest in ways which support delivery of essential services;
  - d) Passport Government capital grants received for key priorities for highways and education to those departments;
  - e) Maximise the achievement of capital receipts;
  - f) Maximise other sources of income such as bids to the LLEP, Section 106 developer contributions and other external funding agencies;
  - g) No or limited prudential borrowing (only if the returns exceed the borrowing costs).

### **Comments of the Environment and Transport Overview and Scrutiny Committee**

30. The Environment and Transport Overview and Scrutiny Committee considered a report of the Director of Environment and Transport which provided details of the Department's Capital Programme and Works Programme 2021/22 at its meeting on 4<sup>th</sup> March 2021.
31. The Director informed the Committee that the report set out the current position, but there was a need for flexibility within the Works Programme as more detailed information became available regarding the road network.
32. In response to questions, the Director assured the Committee that funding was allocated to the Authority on a formula basis from government to maintain its

highway network. Capital schemes, such as the A512, were to improve the network and mitigate the impact of growth. The Director acknowledged the concern of residents however highlighted that had the A512 scheme not been undertaken there would be significantly more complaints as the existing highways infrastructure would not be able to fully support the movements generated by such growth.

33. Overall, the Committee supported the proposed Highways and Transportation Capital Programme and Works Programme.

### **Equality and Human Rights Implications**

34. There are no equality or human rights implications arising directly from the recommendations in this report. It has not been necessary to undertake a detailed equality assessment on the 2021/22 Highways and Transportation Capital Programme and Works Programme.
35. Equality and Human Rights Impact Assessments will be carried out in relation to work undertaken on individual projects contained within the 2021/22 Highways and Transportation Capital Programme and Works Programme when appropriate.

### **Environmental Implications**

36. No detailed environmental assessment has been undertaken on the 2021/22 Highways and Transportation Capital Programme and Works Programme. However, the County Council will assess the environmental implications of relevant new policies and schemes at appropriate points during their development.

### **Partnership Working and Associated Issues**

37. Working with key partners, such as the Leicester and Leicestershire Enterprise Partnership (LLEP), Leicester City Council, district councils, DfT, Highways England, Network Rail, developers and Midlands Connect will be increasingly important in seeking to secure additional funding to deliver future transport measures and infrastructure.

### **Risk Assessment**

38. The 2021/22 Highways and Transportation Capital Programme and Works Programme have been risk assessed as part of a wider risk assessment of the Environment and Transport Department's business planning process.
39. The delivery of both Programmes is supported by the Department's business planning process and risk assessments will be undertaken for individual teams, schemes and initiatives, as appropriate.

## **Background Papers**

Report to the County Council on 17<sup>th</sup> February 2021 - Medium Term Financial Strategy 2021/22 -2024/25

<http://cexmodgov1/ieListDocuments.aspx?CId=134&MId=6476>

Leicestershire County Council's Local Transport Plan 3 (LTP3)

[https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/9/Local\\_transport\\_plan.pdf](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/9/Local_transport_plan.pdf)

Report to the Cabinet 23 June 2017 - Highway Asset Management Policy and Highway Asset Management Strategy

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135andMId=5120andVer=4>

Report to the Cabinet 15 September 2017 - Highways Infrastructure Asset Management Plan (HIAMP)

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135andMId=4863andVer=4>

Report to the Cabinet on 15 December 2020 - Network Management Plan

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=6000&Ver=4>

## **Appendices**

Appendix A - Environment and Transport 2021/22 Highways and Transportation Capital Programme

Appendix B - Environment and Transport 2021/22 Highways and Transportation Works Programme

**Appendix A - 2021/2022 Highway Capital Programme**  
**ENVIRONMENT & TRANSPORT - CAPITAL PROGRAMME 2021/22 to 2024/25**

BUDGETS								FUNDING FOR WHOLE PROJECTS				
Gross cost of Project / Scheme	Project / Scheme	Forecasted Slippage / (Acceleration) As at period 9	MTFS Budget 2021/22	Indicative Budget 2022/23	Indicative Budget 2023/24	Indicative Budget 2024/25	Total for MTFS period	Council Funding	Anticipated yearly DFT Funding	Other Specific Grants Funding	External Contribution	Total Funding
	<u>Major Schemes</u>											
£63,500,000	1. Melton Mowbray Distributor Road - North & East Sections	-£259,000	£9,460,000	£36,240,000	£10,882,000	£0	£56,323,000	£0	£4,000,000	£49,472,000	£10,028,000	£63,500,000
£34,900,000	2. Melton Mowbray Distributor Road - Southern Section	£0	£4,000,000	£15,200,000	£8,200,000	£7,000,000	£34,400,000	£0	£0	£14,700,000	£20,200,000	£34,900,000
£12,430,000	3. Zouch Bridge Replacement - Constrction & Enabling Works	£295,000	£3,160,000	£5,194,000	£2,000,000	£0	£10,649,000	£6,849,000	£5,581,000	£0	£0	£12,430,000
£24,830,000	4. M1 Junction 23 / A512 Improvements	£0	£368,000	£0	£0	£0	£368,000	£0	£0	£17,000,000	£7,830,000	£24,830,000
£8,100,000	5. County Council Vehicle Replacement Programme - Fleet Vehicles	£1,408,000	£1,730,000	£2,270,000	£1,900,000	£2,200,000	£9,508,000	£8,100,000	£0	£0	£0	£8,100,000
£9,080,000	6. Advance Design / Match funding	£514,000	£1,995,000	£2,424,000	£2,405,000	£2,562,000	£9,900,000	£0	£9,080,000	£0	£0	£9,080,000
£5,480,000	7. A511 / A50 Major Road Network - Advance Design Works	£1,627,000	£1,740,000	£0	£0	£0	£3,367,000	£4,000,000	£200,000	£1,280,000	£0	£5,480,000
£10,740,000	8. Anstey Lane A46 (Subject to £4.1m Leicester City contribution)	£242,000	£222,000	£0	£0	£0	£464,000	£0	£0	£5,000,000	£5,740,000	£10,740,000
£2,000,000	9. M1 Junction 20a - Advance Design Works	£80,000	£900,000	£513,000	£0	£0	£1,493,000	£2,000,000	£0	£0	£0	£2,000,000
£5,300,000	10. Melton Depot Replacement	£0	£0	£0	£5,000,000	£0	£5,000,000	£5,300,000	£0	£0	£0	£5,300,000
	<b>Sub-Total - Major Schemes</b>		<b>£23,575,000</b>	<b>£61,841,000</b>	<b>£30,387,000</b>	<b>£11,762,000</b>	<b>£131,472,000</b>	<b>£26,249,000</b>	<b>£18,861,000</b>	<b>£87,452,000</b>	<b>£43,798,000</b>	<b>£176,360,000</b>
£47,870,000	<u>Transport Asset Management</u>		0	£15,751,000	£14,307,000	£17,811,000	£47,869,000	£0	£47,870,000	£0	£0	£47,870,000
£2,885,000	11. Capital Schemes and Design	£213,000	£2,885,000	£0	£0	£0	£3,098,000	£0	£2,885,000	£0	£0	£2,885,000
£630,000	12. Bridges (Structures)	£1,000	£631,000	£0	£0	£0	£632,000	£0	£630,000	£0	£0	£630,000
£190,000	13. Flood Alleviation Schemes - Environmental works	-£65,000	£190,000	£0	£0	£0	£125,000	£0	£190,000	£0	£0	£190,000
£2,500,000	14. Street Lighting	£85,000	£2,500,000	£0	£0	£0	£2,585,000	£0	£2,500,000	£0	£0	£2,500,000
£250,000	15. Traffic Signal Renewal	£1,000	£249,000	£0	£0	£0	£250,000	£0	£250,000	£0	£0	£250,000
£4,000,000	16. Preventative Maintenance (Surface Dressing)	-£20,000	£4,000,000	£0	£0	£0	£3,980,000	£0	£4,000,000	£0	£0	£4,000,000
£7,225,000	17. Restorative (Patching)	£0	£7,226,000	£0	£0	£0	£7,226,000	£0	£7,225,000	£0	£0	£7,225,000
£50,000	18. Safety Barriers etc	£0	£50,000	£0	£0	£0	£50,000	£0	£50,000	£0	£0	£50,000
£25,000	19. Public Rights of Way	-£22,000	£24,000	£0	£0	£0	£2,000	£0	£25,000	£0	£0	£25,000
£55,000	20. Network Performance & Reliability	-£28,000	£54,000	£0	£0	£0	£26,000	£0	£55,000	£0	£0	£55,000
£5,655,000	21. Hinckley Hub - Hawley Road (NPIF)	£516,000	£3,800,000	£0	£0	£0	£4,316,000	£0	£1,575,000	£4,080,000	£0	£5,655,000
£792,000	22. Safety Schemes	£145,000	£792,000	£0	£0	£0	£937,000	£792,000	£0	£0	£0	£792,000
	<b>Sub-total - Transport Asset Management</b>		<b>£22,401,000</b>	<b>£15,751,000</b>	<b>£14,307,000</b>	<b>£17,811,000</b>	<b>£71,096,000</b>	<b>£792,000</b>	<b>£67,255,000</b>	<b>£4,080,000</b>	<b>£0</b>	<b>£72,127,000</b>
	<b>TOTAL CAPITAL PROGRAMME</b>		<b>£45,976,000</b>	<b>£77,592,000</b>	<b>£44,694,000</b>	<b>£29,573,000</b>	<b>£202,568,000</b>	<b>£27,041,000</b>	<b>£86,116,000</b>	<b>£91,532,000</b>	<b>£43,798,000</b>	<b>£248,487,000</b>

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**Major Schemes (1-10)****1. Melton Mowbray Distributor Road – North & East Sections**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Melton / Melton Mowbray	<b>Melton Mowbray Distributor Road – North &amp; East Sections</b>	Finalise the detailed design, Public Inquiry and statutory orders confirmation related tasks, Development of the full business case	Cost Band A

**Budget****£9,460,000****2. Melton Mowbray Distributor Road – Southern Section**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Melton / Melton Mowbray	<b>Melton Mowbray Distributor Road – South Section</b>	Transition to formal project, progress to preliminary design and planning, submit combined application for Road and Housing	Cost Band A

**Budget****£4,000,000**

### **3. Zouch Bridge Replacement – Construction & Enabling Work**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Charnwood	<b>A6006 - Zouch bridge replacement</b>	Works to address significant structural issues with bridge	Cost Band A

**Budget**

**£3,160,000**

### **4. M1 Junction 23 / A512 Improvements**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Charnwood/ Loughborough	<b>M1 Junction 23 / A512</b>	Junction improvement, localised widening & new access to development. Site work currently underway	Cost Band B

**Budget**

**£368,000**

**5. County Council Vehicle Replacement Programme – Fleet Vehicles**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
County Wide	<b>County Council Vehicle Programme</b>	Vehicle replacement programme to support service delivery	Cost Band A

**Budget**

**£1,730,000**

**6. Advanced Design / Match Funding**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> <b>A = Over £1 Million</b> <b>B = £201k- £1Million</b> <b>C = £51k to £200k</b> <b>D = £50k &amp; Below</b>
Countywide	<b>Strategic Growth Plan</b>	Development of strategic growth	Cost Band D
North West Leicestershire / Coalville	<b>NWL Growth Fund</b>	Development of schemes to support growth	Cost Band C
County Wide	<b>Emerging Priorities Fund</b>	Fund to support any new initiatives which may arise from funding opportunities during the year	Cost Band B
County Wide	<b>Preparation of Bids Fund</b>	Funding to enable future development of business case/proposals/bids	Cost Band C
Charnwood / Loughborough	<b>Loughborough Growth Area Strategy</b> (Loughborough Town Centre)	To develop proposals to support future growth of Loughborough	Cost Band C

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
County Wide	<b>Major Road Network (MRN)</b>	To investigate areas for potential work on the MRN which can be developed for potential funding bids	Cost Band C
Market Harborough	<b>Market Harborough - Local Pinch Point Fund</b>	To identify a package of works to improve journey times along with cycle and pedestrian improvements.	Cost Band C
Melton / Melton Mowbray	<b>Melton Mowbray Transport Strategy (MMTS)</b>	To identify transport solutions and develop a transport strategy for Melton Mowbray	Cost Band B
County Wide	<b>Rail Strategy</b>	To continue to promote the priorities of Leicester & Leicestershire Rail Strategy including through working with Midlands Connect	Cost Band C
County Wide	<b>Highway Asset Surveys</b>	Asset Management data collection surveys	Cost Band D

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
County Wide	<b>Asset Management Advance Design</b>	Fund to support any new initiatives which may arise from funding opportunities during the year	Cost Band C
County Wide	<b>Pipeline Development</b>	Development of future schemes / project	Cost Band B
County Wide	<b>Walking &amp; Cycling Strategy</b>	To develop a walking and cycling strategy	Cost Band B
Hinckley & Bosworth / Desford	<b>A47 Desford Crossroads (Majors)</b>	Conversion of staggered signalised crossroads to a conventional roundabout to improve capacity, unlock development, housing and support delivery of employment.	Cost Band C
Hinckley & Bosworth / Desford	<b>A47 Desford Crossroads (Land Compensation)</b>	Negotiations for land purchases	Cost Band D
County Wide	<b>South East Leicestershire Transport Strategy (SELTS)</b>	To develop initial evidence base for the strategy and possible initial work for early deliverable	Cost Band C

**Budget****£1,995,000**

### 7. A511 / A50 Major Road Network

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
North West Leicestershire / Hinckley & Bosworth	<b>A511 / A50 Corridor</b>	Progress to preliminary design and planning, submit application for junction improvements and a new road link	Cost Band A

**Budget**

**£1,740,000**

### 8. Anstey Lane A46

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Charnwood / Leicester City	<b>Anstey Lane A46</b>	Post scheme monitoring	Cost Band B



**Budget****£222,000****9. M1 Junction 20a – Advance Design Works**

<b>District / Parish</b>	<b>Location / Scheme Name</b>	<b>Intervention / Work / Treatment Description</b>	<b><u>Cost Band</u></b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Harborough / Blaby	<b>M1 Junction 20a</b>	To develop an initial evidence-base for the scheme	Cost Band B

**Budget****£900,000****10. Melton Depot Replacement**

<b>District / Parish</b>	<b>Location / Scheme Name</b>	<b>Intervention / Work / Treatment Description</b>	<b><u>Cost Band</u></b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Melton Mowbray	<b>Melton Depot Replacement</b>	To find alternative depot site to replace Melton depot whose lease is due to expire	

**Budget****£0****Transport Asset Management (2021-22)****11. Capital Schemes & Design**

<b>District / Parish</b>	<b>Location / Scheme Name</b>	<b>Intervention / Work / Treatment Description</b>	<b><u>Cost Band</u></b> <b>A = Over £1 Million</b> <b>B = £201k- £1Million</b> <b>C = £51k to £200k</b> <b>D = £50k &amp; Below</b>
Melton Mowbray	<b>Kirby Bellars, A607 Leicester Road</b>	Strengthen Carriageway	Cost Band B
Hinckley & Bosworth	<b>Groby, A50 Markfield Roundabout Scheme 1</b>	Strengthen Carriageway	Cost Band C
Hinckley & Bosworth	<b>Groby, A50 Markfield Roundabout Scheme 2</b>	Strengthen Carriageway	Cost band B
Blaby	<b>Sapcote, B4669 Roundabout at Junction 2 of M69 and B4669</b>	Strengthen Carriageway	Cost Band B

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NWL	<b>Ellistown &amp; Battleflat, B585 Beveridge Lane</b>	Strengthen Carriageway	Cost Band B
Melton Mowbray	<b>Melton Mowbray, A606 Nottingham Road</b>	Strengthen Carriageway	Cost Band C
Melton Mowbray	<b>Melton Mowbray, A607 Leicester Road</b>	Strengthen Carriageway	Cost Band C
Hinckley & Bosworth	<b>Sheepy, A444 Twycross Road</b>	Strengthen Carriageway	Cost Band C
Oadby & Wigston	<b>Wigston, Castleton Road</b>	Resurface Footway	Cost Band C
Blaby	<b>Glenfield, Oakfield Avenue</b>	Resurface Footway	Cost Band C
Charnwood	<b>Loughborough, Bottleacre Lane</b>	Resurface Footway	Cost Band C
NWL	<b>Whitwick, Rosemary Crescent</b>	Resurface Footway	Cost Band C

**Budget****£2,885,000****12 - Bridges (Structures)**

<b>District / Parish</b>	<b>Location / Scheme Name</b>	<b>Intervention / Work / Treatment Description</b>	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Harborough/ Horninghold	<b>Stockerston Bridge (ST0465)</b>	Bridge strengthening	Cost Band C
Various	<b>Various bridges</b>	Minor maintenance	Cost Band C
Various	<b>Various bridges</b>	Concrete repairs	Cost Band C
Charnwood/ Loughborough	<b>Nottingham Road (ST0203)</b>	Bridge strengthening	Cost Band D
Charnwood/ Loughborough	<b>Nottingham Road (ST0204)</b>	Bridge strengthening	Cost Band D
County Wide	<b>Various Locations</b>	Structural Inspections / Assessments	Cost Band B
County Wide	<b>Various Locations</b>	Design Fees	Cost Band C

**Budget****£631,000****13. Flood Alleviation Schemes – Environmental Works**

<b>District / Parish</b>	<b>Location / Scheme Name</b>	<b>Intervention / Work / Treatment Description</b>	<b><u>Cost Band</u></b> <b>A = Over £1 Million</b> <b>B = £201k- £1Million</b> <b>C = £51k to £200k</b> <b>D = £50k &amp; Below</b>
Thurmaston / Charnwood	<b>Churchill Road, Thurmaston</b>	New drainage system under rail bridge	Cost Band C
Harborough / Shearsby	<b>Mill Lane / Back Lane, Shearsby</b>	New drainage system	Cost Band C
Harborough / Fleckney	<b>Saddington Road, Fleckney</b>	New drainage system	Cost Band C
Charnwood / Loughborough	<b>Derby Road / Alan Moss Road / Belton Road Junction, Loughborough</b>	New drainage system	Cost Band C

**Budget****£190,000**

**14. Street Lighting**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
County Wide	Various Locations	Column Replacement	Cost Band A
County Wide	Various Locations	Network Cabling Replacement	Cost Band A
<b>Budget</b>			<b>£2,500,000</b>

**15. Traffic Signal Renewal**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
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Hinckley and Bosworth	Lena Drive / A50	Junction Improvements	Cost Band B
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**Budget****£249,000****16. Preventative Maintenance (Surface Dressing)**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
County Wide	<b>Surface Dressing Programme</b>	Surface Dressing (County Wide)	Cost Band A
	- Various - Blaby	Blaby Surface Dressing (34,529 m2)	
	- Various - Charnwood	Charnwood Surface Dressing (140,793 m2)	
	- Various - Harborough	Harborough Surface Dressing (357,533 m2)	
	- Various - Hinckley & Bosworth	H&B Surface Dressing (115,622 m2)	
	- Various - Melton	Melton Surface Dressing (153,201 m2)	
	- Various - North West Leicestershire	NWL Surface Dressing (102,672 m2)	
	- Various - Oadby & Wigston	O&W Surface Dressing (0 m2)	
County Wide	<b>Various – Surface Dressing Pre-Patching</b>	Surface Dressing Pre-Patching	Cost Band A

County Wide	<b>Various – Footway Schemes</b>	Footway Schemes	Cost Band D
County Wide	<b>Various – Condition</b>	Condition Surveys	Cost Band D

**Budget****£4,000,000****17. Restorative (Patching)**

<b>District / Parish</b>	<b>Location / Scheme Name</b>	<b>Intervention / Work / Treatment Description</b>	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
County Wide	<b>Various Locations</b>	Footway Patching – CAT 2H (Un-planned)	Cost Band A
County Wide	<b>Various Locations</b>	Footway Patching – CAT 2H (Planned)	Cost Band A
County Wide	<b>Various Locations</b>	Carriageway Patching – CAT 2H (Un-planned)	Cost Band A
County Wide	<b>Various Locations</b>	Carriageway Patching – CAT 2H (Planned)	Cost Band A
County Wide	<b>Various Locations</b>	Roadmender Repairs - Unplanned (Repairs of potholes & small patching repairs typically up	Cost Band A



		to 10m2 in footway and carriageway)	
County Wide	<b>Various Locations</b>	Roadmender Repairs - Planned (Repairs of potholes & small patching repairs typically up to 10m2 in footway and carriageway)	Cost Band A

**Budget****£7,226,000****18. Safety Barriers**

<b>District / Parish</b>	<b>Location / Scheme Name</b>	<b>Intervention / Work / Treatment Description</b>	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Various – County Wide	<b>Various</b>	Terminal upgrades to sub-standard VRS systems	Cost Band D
Blaby	<b>Ratby Lane, Leicester Forest East</b>	Design and investigation of VRS upgrade on approaches to bridge	Cost Band D

**Budget****£50,000****19. Public Rights of Way**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Charnwood	<b>Syston</b>	To bridle bridge over Wreake (Listed structure)	Cost Band D
County Wide	<b>Various</b>	Four area survey schemes to LI78	Cost Band D
<b>Budget</b>			<b>£24,000</b>

**20. Network Performance & Reliability**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
County Wide	Various	Network Data Collection	Cost Band C
<b>Budget</b>			<b>£54,000</b>

**21. Hinckley Hub – Hawley Road**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Hinckley	Hinckley / Hinckley Hub – Hawley Road	Capacity improvements to Hawley Road and Brookside signal junctions and various parking, traffic management, signing, walking and pedestrian improvements.	Cost Band A

**Budget****£3,800,000****22. Safety Schemes**

District / Parish	Location / Scheme Name	Intervention / Work / Treatment Description	<b>Cost Band</b> A = Over £1 Million B = £201k- £1Million C = £51k to £200k D = £50k & Below
Charnwood / Hoton	A60 Loughborough Road (Cotes to Hoton), Hoton	Safety Scheme – Rural Road Initiatives (speed limit reduction and supportive signing & lining)	Cost Band D
Charnwood / Woodhouse Eaves	Sharply Hill / Warren Hill, Woodhouse Eaves	Safety Scheme – Rural Road Initiatives (speed limit reduction and supportive signing & lining)	Cost Band D
Harborough / Ullesthorpe	Lutterworth Road, Ullesthorpe	Safety Scheme – Rural Road Initiatives (speed limit	Cost Band D

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		reduction and supportive signing & lining)	
North West Leicestershire / Heather	C7117 Leicester Road / Swebstone Road, Heather	Safety Scheme – Rural Road Initiatives (speed limit reduction and supportive signing & lining)	Cost Band D
Hinckley & Bosworth / Markfield	Thornton Lane, Markfield	Safety Scheme – Rural Road Initiatives (speed limit reduction and supportive signing & lining)	Cost Band D
Harborough / Frolesworth	Broughton Road, Frolesworth	Safety Scheme – Rural Road Initiatives (speed limit reduction and supportive signing & lining)	Cost Band D
Blaby / Stoney Stanton	Huncote Road / Hinckley Road / Stanton Lane, Stoney Stanton	Safety Scheme – Rural Road Initiatives (speed limit reduction and supportive signing & lining)	Cost Band D
Charnwood / Thurlaston	Barkby Thorpe Lane junction with Duck Pond Lane	Safety Scheme – Junction realignment, signing and lining works.	Cost Band C
Charnwood / Loughborough	A6 Lemyngton Street junction with Baxter Gate	Safety Scheme – Cluster site for further investigation	Cost Band D
Oadby & Wigston / Wigston	A5199 Bull Head Street roundabout junction with Oadby Road	Safety Scheme – Cluster site for further investigation	Cost Band D
General	Community Speed Management Initiative	Safety Scheme – Community speed management	Cost Band B

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<b>Budget</b>	<b>£792,000</b>
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<b>Total Capital Programme</b>	<b>£45,976,000</b>
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**CABINET – 23 MARCH 2021****A511 GROWTH CORRIDOR PROPOSALS - BARDON LINK ROAD****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet on the progress of the A511 Growth Corridor proposals and seek permission to undertake consultation to support the future submission of a planning permission for the extension of the Bardon Link Road which is an element of the A511 Growth Corridor Scheme.

**Recommendations**

2. It is recommended that:
  - (a) The progress on the A511 Growth Corridor scheme is noted;
  - (b) All necessary work continues to progress the A511 Growth Corridor scheme including submission of the Full Business Case to the Department for Transport (DfT);
  - (c) The Director of Environment and Transport be authorised:
    - (i) following consultation with the Director of Corporate Resources and the Cabinet Lead Member for Highways and Transportation, to undertake a pre-submission consultation exercise to support the submission of a planning application in respect of the route of the extension of the Bardon Link Road aligned to the programme for scheme delivery as required by the DfT,
    - (ii) to make minor amendments to the A511 Growth Corridor proposals as the Scheme develops.

**Reason for Recommendations**

3. Following the Cabinet decision of November 2019 to support development of a package of measures which meet the criteria for Major Road Network (MRN) funding, ongoing work on the proposals for the A511 Growth Corridor and on the business case process continue to indicate that the scheme represents good value for money.
4. Undertaking a pre-submission consultation will support the Council in making a preferred route decision for the Bardon Link Road extension that will form the basis of the planning application.

5. Submission of a planning application is a critical part of the scheme programme that supports meeting timescales for the DfT funding. In order to complete the application process for DfT MRN funding it is necessary for the County Council to prepare a business case before DfT funding is awarded.

#### **Timetable for Decisions (including Scrutiny)**

6. Work commenced in December 2020 between North West Leicestershire District Council and the County Council to consider a refresh of the current funding strategy in place between the two authorities with regard to the financing of the Coalville Transport Strategy, of which the A511 Growth Corridor is a major component. It is intended that the outcome of these discussions will be reported to the Cabinet in July 2021.
7. The Outline Business Case (OBC) for the package of measures proposed for the A511 Corridor was submitted to the DfT in January 2020, with a revised post-COVID-19 version being submitted in July 2020. It was expected that the County Council would be advised of the outcome in autumn 2020 but the pandemic has affected government timelines and a decision is now expected in May 2021.
8. Subject to the Cabinet's agreement the pre-submission planning consultation exercise will take place in May/June 2021.
9. If the OBC is successful, then submission of a planning application for the Bardon Link Road Extension is likely to be in August 2021 with a decision expected early in 2022.
10. Subject to securing planning permission and the authorisation, making and confirmation of any required Compulsory and Side Roads Orders, the Full Business Case will be submitted to DfT in autumn 2023.
11. Subject to securing the funding and approval to proceed, construction of the A511 MRN Corridor scheme is expected to commence in Spring 2024.

#### **Policy Framework and Previous Decisions**

12. In March 2011 the County Council approved the third Leicestershire Local Transport Plan (LTP3). This contains six strategic transport goals, of which Goal 1 is to have a transport system that supports a prosperous economy and provides successfully for population growth. The LTP3 sets out the Council's approach to achieving this namely, to improve the management of the road network and continuing to address congestion issues.
13. In March 2014 the Cabinet approved the principles set out in the Leicester and Leicestershire Enterprise Partnership's (LLEP) Strategic Economic Plan, which prioritises support for the economy of Market Towns and rural Leicestershire.



14. The County Council's Enabling Growth Action Plan (approved in March 2015) supports the development of Market Towns for employment land as a priority and includes a specific action to work with North West Leicestershire District Council to plan for the future growth in the area and in particular Coalville.
15. In November 2015 the Environment and Transport Overview and Scrutiny Committee was advised that given the significant opposition to making any changes to Hugglescote Crossroads, future highways improvement work in the area would be focused on the A511.
16. In March 2019 the Cabinet agreed to the development of the Strategic Outline Business Case and the OBC for the MRN A511 Growth Corridor scheme. It authorised the Director of Environment and Transport to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways Capital Programme.
17. In November 2019, following public consultation, the Cabinet agreed to support the proposals comprising proposed improvements to eight junctions along the A511, including a Bardon Link Road extension to south-east Coalville, and dual carriageway between Thornborough Road and Whitwick Road. It authorised the Director of Environment and Transport to use the existing funding allocation of £4m capital funding to develop and submit a planning application for the extension to the Bardon Link Road and undertake all necessary preparations to progress the scheme to Full Business Case (FBC) and, subject to Department for Transport (DfT) approval, deliver the scheme.

### **Resource Implications**

18. The total estimated cost of the A511 Growth Corridor scheme is currently £48.7m. The funding for the scheme is made up of £1.5m development funding from DfT and Midlands Connect with £40.4m expected from DfT Major Road Network funding (should the bid be successful) and £6.8m from developers via the Coalville Contribution Strategy (as agreed with North West Leicestershire District Council).
19. As part of the MTFs capital programme the County Council has forward funded £4.0m of the £6.8m in advance of receipt of developer contributions.
20. The Director of Corporate Resources has been consulted on the content of this report.

### **Legal Implications**

21. Wherever possible the acquisition of land and rights will be conducted by negotiation and agreement with landowners, but it is likely that the Compulsory Purchase process pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981 will be critical for procurement of the land and rights along the route. At the appropriate time a further report will be submitted to the Cabinet seeking the necessary authorisations in connection with compulsory purchase requirements.

22. The Director of Law and Governance has been consulted on the content of this report.

**Circulation under the Local Issues Alert Procedure**

23. This report has been circulated to members representing the electoral divisions that are affected by the proposals - Mr D. Harrison CC, Mrs D. Taylor CC, Dr T. Eynon CC, Mr M. Wyatt CC, Mr T. Gillard CC, Mr P. Bedford CC and Mr N. J. Rushton CC.

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## **PART B**

### **Background**

24. Congestion on the A511 Growth Corridor has been a long-standing issue recognised by both North West Leicestershire District Council and Leicestershire County Council. This dates back to 2008 when the Coalville Transport Strategy (CTS) was developed and officers investigated junctions on the corridor requiring improvement to facilitate housing growth in Coalville and Ashby.
25. An outcome of the CTS was the implementation of the Coalville Contribution Strategy (CCS) to help facilitate the delivery of improvements along the Growth Corridor. However, insufficient funding has currently been received from the CCS to deliver the range of improvements required and issues (such as congestion and pollution) have become increasingly pronounced. This is likely to be exacerbated further by increases in background traffic and the significant levels of growth planned for Coalville as part of the District Council's Local Plan.
26. The A511 Growth Corridor is recognised by Leicester and Leicestershire Enterprise Partnership (LLEP) in its Strategic Economic Plan as one of five Growth Areas. The Strategic Economic Plan states through appropriate investment and improvements along the corridor, there is the potential to deliver at least 5,275 houses and 25 hectares of employment land. Importantly, a significant number of the committed dwellings (3,500) are on sites which are collectively referred to as south-east Coalville.
27. One of the main HS2 Phase 2b construction compounds is to be located near the A42 Junction 13, which forms the westernmost end of the A511 Growth Corridor. Accessibility to the compound will potentially have major traffic implications and it is therefore desirable that the major works on the A511 Growth Corridor are largely completed prior to HS2 work commencing.
28. Taking into account the aims of the MRN funding opportunity and the evidence of priorities needed to support growth a package has been developed for submission to DfT to seek MRN funding. The A511 Growth Corridor proposals consist of a range of measures, including improvements to 8 junctions, a dual carriageway between Thornborough Road and Whitwick Road in Coalville and an extension to the Bardon Link Road. This last is being provided as part of the South East Coalville development. It is this section which is subject to the pre-submission planning consultation.
29. Implementation of A511 MRN Corridor scheme will provide the breathing space to enable a wider transport strategy for Coalville and the surrounding area to address localised traffic issues, public transport improvements and walking and cycling connectivity; building on the work done as part of the Local Sustainable Transport Fund in 2012 and 2013.

### **DfT Major Road Network Bid**

30. The Council submitted the MRN bid to the DfT in July 2019, requesting funding to prepare an OBC by December 2019 with a potential scheme construction start date of 2022. This was the only bid submitted across the East Midlands to the MRN funding pot.
31. In October 2019 the DfT announced that the bid was successful, with £1.28m funding awarded to commence work on the OBC from July 2019. The OBC was submitted in January 2020, with a potential construction start date of Spring 2022.
32. As a result of the impact of the pandemic the DfT requested a revised OBC in order to understand the impact of COVID-19 on all projects that were to be supported by MRN funding. The revised OBC was submitted by the Director in July 2020 with an updated start date of spring 2024.

### **Bardon Link Road Consultation**

33. An essential step in the development of the scheme is to identify a preferred route for the new section of the Bardon Link Road. The preferred route forms the basis for the planning and Compulsory Purchase Order (CPO) processes (minor alterations may be made as part of the later detailed design process).
34. Subject to a successful funding announcement, currently expected from the DfT in May 2021, it is proposed that a formal public consultation exercise should be undertaken prior to the Cabinet making a preferred route decision and a planning application being submitted.
35. Consultation is planned for May/June 2021. The primary purpose will be to seek views on the preferred route for the scheme.
36. A further report, including the outcome of the consultation, will be brought to the Cabinet in July 2021, with a view to deciding the preferred route to be taken for planning and CPO purposes.
37. At this stage it is envisaged that the consultation could be held over 6 weeks, to include appropriate parish and town councils, local communities and businesses and other stakeholders. A consultation survey would be placed on the County Council's website, with copies available on request. The County Council, in partnership with North West Leicestershire District Council, will also hold a public exhibition in the area or virtually in line with COVID-19 rules. The Environment and Transport Overview and Scrutiny Committee will also be consulted.

### **Resource Implications**

38. The total estimated cost of the A511 Growth Corridor scheme is currently £48.7m of which £40.4m is expected to be met from DfT funding should the

Major Road Network Bid be successful. This is an early estimate of cost and there is the potential for this to change before the scheme is delivered.

39. Of the remaining financial commitment of £8.3m, £1.5m has already been received for development of the project from DfT and Midlands Connect. The remaining £6.8m is to be funded from the Coalville Contribution Strategy (the means by which funds are collected from developers via section 106 agreements to fund transport infrastructure in North West Leicestershire, as agreed with North West Leicestershire District Council). As some of this £6.8m may need to be financed in advance of receipt of this funding it is proposed that it is forward-funded through the County Council's capital programme, £4m having been allocated in the MTFS.
40. Forward funding involves a risk to the County Council if the developer funding to be used to recoup the forward funding does not fully materialise via s106 developer contributions – noting that decisions on developer contributions will be made by the District Council as the local Planning Authority. However, contributions of approximately £3.7m for physical infrastructure works have been received to date through the Contribution Strategy and in discussion with North West Leicestershire District Council it is estimated that a further £6.7m is expected in developer contributions from signed s106 agreements as the planning permissions attached to the s106 agreements in question are implemented. Discussions, supported by the Council's Growth Service, will continue to refresh the Contribution Strategy and so minimise potential risks to this funding being available to fund the works on site.
41. To ensure work on the proposals could take place to secure central government funding, approval was given by the Cabinet on 29 March 2019 for £4m of capital funding to be made available to develop the scheme to FBC and delivery. Since then, submitted development funding bids have been successful and a further £1.5m has been received for development of the project from DfT and Midlands Connect. However, as COVID-19 has hampered progress on developing the scheme to FBC and delivery, the £4m MTFS allocation has not been reduced as it may be needed to progress the scheme before being recouped from the DfT grant if the bid is successful. It is only intended that this will be funded from the Highways capital programme if the bid is unsuccessful.
42. The funding to date has enabled a Strategic Outline Business Case to be submitted to the DfT in July 2019 and the OBC to be submitted in January 2020. £1.0m of the funding was spent in 2019/20 to complete the OBC for submission to the DfT, with the remaining £4.5m profiled through 2020/21 and 2021/22 to enable work to submit a planning application, carry out statutory procedures and carry out work necessary to prepare the scheme for delivery. Continuation of the scheme will be kept under review with reference to key decisions and milestones such as the outcome of the MRN funding submission, planning process and assessment of value for money.

### **Next Steps**

43. To date, the A511 MRN Corridor scheme including the Bardon Link Road extension has completed the outline design process and undergone the first stages of detailed design. In order to meet the timescales for planning submission the next stage would be to complete detailed design and firm up alignment which will only be finally confirmed via the planning application process. This work needs to continue before the outcome of the bid is known but the planning application will only be submitted if the bid is successful.
44. Further environmental survey and associated design work will be progressed as part of this work to give a fuller understanding of environmental impacts and potential mitigation required. This information would be presented during any future consultation. This work will also need to be progressed before the outcome of the bid is known.
45. If the OBC is successful, then submission of a planning application for the Bardon Link Road Extension is expected to take place in August/September 2021.
46. The planning determination period is 16 weeks, meaning a decision would be expected by late January 2022/early February 2022. This will provide an opportunity to carry out further consultation with residents and stakeholders on the full list of the A511 scheme proposals which will confirm the final proposals for all the transport improvements, identifying any changes which have been made since the planning consultation, which may arise from detailed design and survey work on the scheme.
47. The DfT has indicated that a decision on the scheme will not be made until May 2021 at the earliest. In order to meet the scheme programme, the County Council would be required to start preparing the scheme planning application and associated statutory orders (including CPO and Traffic Orders) during spring and summer 2021. If DfT funding is not approved by this time, this work would effectively be carried out 'at risk' on the basis that DfT funding would be awarded at the end of the business case process. However, if this was the case, the work would not be unproductive as it would help prepare the scheme for future bid opportunities and inform schemes design for future delivery as contributions are received over time.
48. In the event that the DfT does not award MRN funding a report will be presented to the Cabinet to review the future programme for the scheme.
49. The consultation undertaken in October 2019, showed that residents agree with the need for improvement on the A511 corridor but would like the proposals to go further. The outcomes of the consultation are being considered where appropriate in undertaking the detailed design, but the scheme business case submission will focus on the alignment of the proposals to the scheme objectives, affordability, risk and value for money.

## **Conclusion**

50. The financial risk of delivering the scheme will, in part, be mitigated by secured and expected s106 development contributions and continued working with North West Leicestershire District Council. Whilst it is hoped that the MRN Fund will enable construction of the A511 Growth Corridor to commence in 2024, the preparatory work will ensure that the project is 'shovel ready' for any other funding opportunities that arise.
51. In the context of planned growth, the A511 Growth Corridor scheme will have considerable benefits for North West Leicestershire, especially Coalville, and indeed for Leicestershire and the wider region. As well as addressing existing traffic delays and congestion in and around Coalville, the scheme will support the expansion and economic growth in the area as well as making sure the route is HS2-ready.

## **Equality and Human Rights Implications**

52. An Equality and Human Rights Impact Assessment (EHRIA) Screening has already been approved by the Cabinet. It was produced in order to understand the potential impacts, both negative and positive, on protected characteristic groups. The full and final report will form part of the Environmental Statement that will be included in the submission of the planning application.
53. The conclusion of this screening is that there are a number of potential impacts that could affect groups with protected characteristics across North West Leicestershire. In particular groups most likely be affected are younger people, older people, people with disabilities and low income/deprived groups. At this stage there is insufficient clear evidence as to the level or direction of these impacts in terms of equalities and therefore it is proposed that the impact assessment is updated as the detail of the scheme progresses, as well as undertaking further consultation with relevant groups and organisations.
54. As further evidence emerges through the design and consultation process on the impact of detailed proposals on those with protected characteristics, mitigation measures will be suggested to minimise or avoid potential negative impacts. This will be in addition to recommendations for advancing equality of opportunity for those with protected characteristics. A monitoring plan will also be developed to ensure that impacts are monitored throughout the design and development of the proposed scheme, as well as through construction and operation stages.

## **Environmental Implications**

55. Currently a small section of the A511 around the Broom Leys junction is designated as an Air Quality Management Area (AQMA). Without intervention to ease the current and future levels of congestion along the A511 there is a likelihood that air quality objectives will not be met at other locations, leading to the need to declare more AQMAs along the route. The scheme offers the opportunity to reduce exhaust emissions through reducing acceleration/

deceleration events, thus reducing particulates due to tyre and brake wear that such events cause. The proposed scheme also provides an opportunity to contribute to improving biodiversity through thoughtful landscaping. The table below sets out how the proposed scheme is aligned to the carbon reduction and biodiversity and habitat commitment set out in the County Council's Environment Strategy.

Aim	Objective	Actions taken
A. Reduce our own greenhouse gas emissions and those in the wider county where we have influence	A2. Contribute to the reduction of greenhouse gas emissions across the County.	Reduce exhaust emissions through reducing acceleration/deceleration events
F. Reduce the environmental impacts of travel and transport	F4. Work with partners to reduce greenhouse gas and other pollutant emissions from the local transport network.	
G. Have due regard for biodiversity throughout all our activities and seek to improve the biodiversity value of our own land and influence improvements in the wider county	G4. Work with partners to support wider biodiversity improvements across Leicestershire.	As part of the detailed design, opportunities to improve biodiversity within the green areas of highway land will be considered.

56. The potential to promote short journeys by promoting sustainable transport will also contribute to the Council's commitment to tackling climate change.

### **Background Papers**

Report to the Cabinet 29 March 2019. 'Environment and Transport 2019/20 Highways Capital Programme and Highways Transportation work Programme':  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5601&Ver=4>

Report to the Cabinet 16 March 2015. 'Enabling Growth Plan':  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4360&Ver=4>

Report to the Cabinet 5 March 2014. 'Strategic Economic Plan and City Deal':  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3988&Ver=4>

Report to the County Council 23 March 2011. 'Final Draft Local Transport Plan (LTP3) Proposals':  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=3057&Ver=4>

Consultation Report  
<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/A511MRN>

### **Appendix**

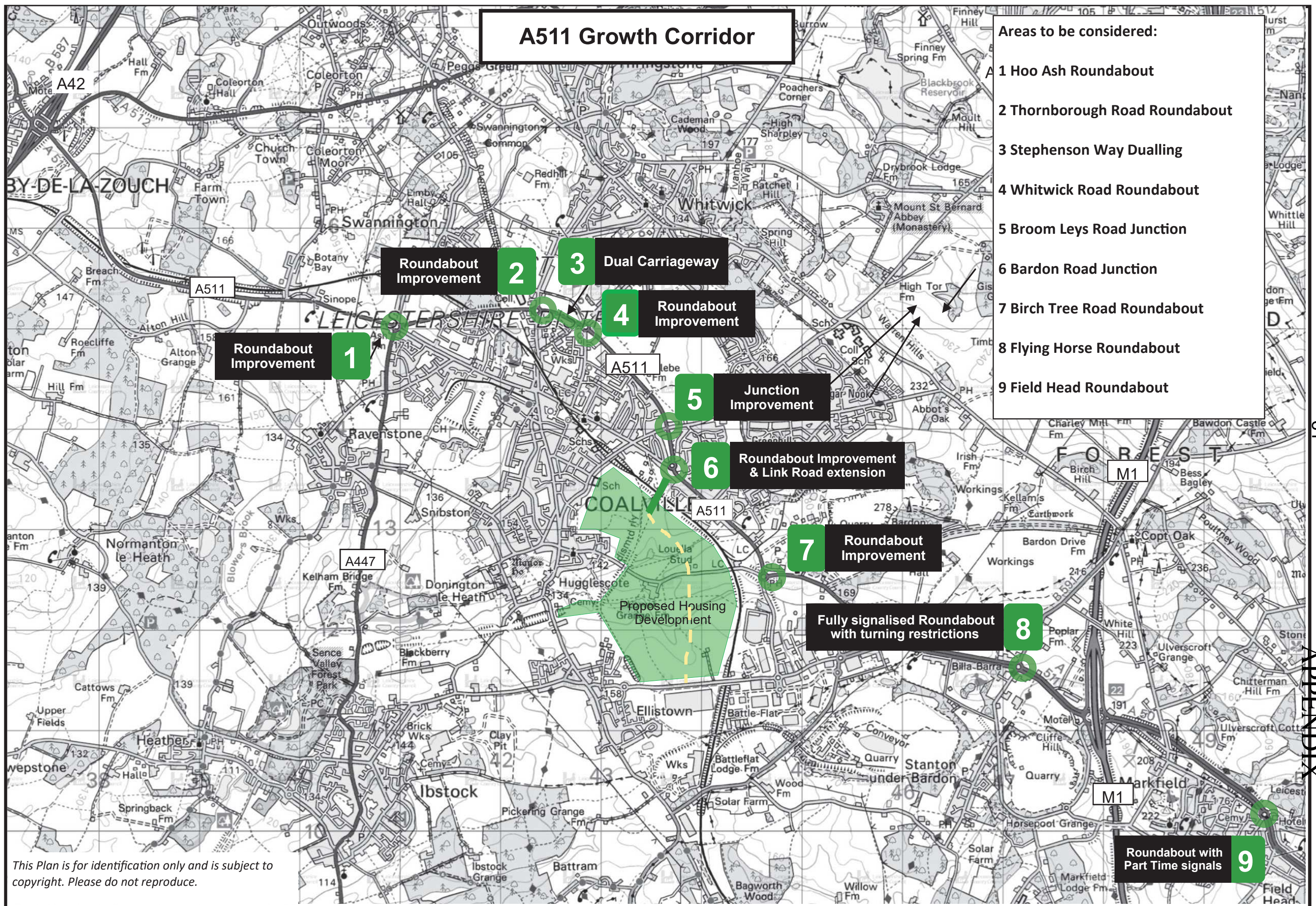
Plan of the proposed A511 MRN Corridor Scheme



# A511 Growth Corridor

Areas to be considered:

- 1 Hoo Ash Roundabout
- 2 Thornborough Road Roundabout
- 3 Stephenson Way Dualling
- 4 Whitwick Road Roundabout
- 5 Broom Leys Road Junction
- 6 Bardon Road Junction
- 7 Birch Tree Road Roundabout
- 8 Flying Horse Roundabout
- 9 Field Head Roundabout





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**CABINET – 23 MARCH 2021**

**PROVISION OF SHORT BREAKS AND SUPPORTED LIVING SERVICES**

**REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to provide the Cabinet with an update on changes to the County Council's short breaks and supported living services and to seek approval for the County Council to consult with services users on revised proposals to:-
  - i. Close the existing Smith Crescent short break service;
  - ii. Utilise the whole of the Trees in Hinckley for the provision of short breaks on the basis that previous residents of the Trees have indicated that they would not wish to return;
  - iii. Withdraw the previously approved proposals for the development of the Cropston Drive site in Coalville pending the outcome of the consultation which would inform alternative proposals for development.

**Recommendations**

2. It is recommended that:
  - a) It be noted that the previous residents of The Trees in Hinckley have indicated that they wish to remain in their current accommodation and not return;
  - b) The Director of Adults and Communities be authorised to commence a consultation exercise on the following proposals:
    - i. To close Smith Crescent as a place for the provision of short breaks and for short break provision to be provided at the following three locations –Hinckley; Melton and Wigston;
    - ii. To expand the existing facilities at the Trees for the provision of short breaks taking the total number of beds at the site to 12;

- iii. To withdraw the current proposals for the development of the Cropston Road site in Coalville pending the outcome of consultation which would inform revised development proposals for the site.
- c) A further report be submitted to the Cabinet in summer 2021 regarding the outcome of the consultation and the proposed way forward.

### **Reasons for Recommendation**

- 3. The utilisation of the short breaks service at Smith Crescent had been in decline prior to the Covid-19 pandemic. The building has a number of accessibility challenges which cannot be addressed cost effectively and impacts opportunities to maximise occupancy. The Consultation exercise will enable the Council to understand whether the needs of the current users of the Smith Crescent Short Breaks Service can be met elsewhere in the County.
- 4. Former residents of The Trees have taken the decision not to return to the newly refurbished facility and remain in their alternative setting. Using this accommodation for the provision of short breaks alongside the Council's other short breaks services in Melton and Wigston would provide the Council with sufficient capacity to meet the needs of those eligible to access these services.
- 5. The provision of long-stay services at The Trees is not in line with the strategic direction of accommodation based services for adults, where there is a targeted shift away from residential care to a broader range of personalised options such as supported living.
- 6. There has been a failure to achieve an economically viable bid to develop the previously agreed proposals for the Cropston Drive site. This along with completed refurbishment of The Trees and the opportunity to review its intended use forms the basis on which to review previously agreed decisions.

### **Timetable for Decisions (including Scrutiny)**

- 7. The Adults and Communities Overview and Scrutiny Committee received a report on 8 March 2021 and its comments are set out in Part B of the report.
- 8. Subject to the Cabinet's approval, the consultation exercise will commence on 31 March 2021 for a period of six weeks. The outcome of the consultation will be reported back to the Adults and Communities Overview and Scrutiny Committee on 7 June 2021 and to the Cabinet in summer 2021.

### **Policy Framework and Previous Decisions**

- 9. In June 2018, the Cabinet agreed for long-stay residential services at The Trees in Hinckley to continue to be provided subject to reconfiguration and refurbishment of the existing buildings:

- a) long-stay residential services at Hamilton Court in Coalville be closed and the residents be supported to find appropriate alternative accommodation;
  - b) a new short breaks service be developed on the Hamilton Court/Smith Crescent site to replace the existing short breaks building; funded from discretionary capital funds;
  - c) that the use of the Hamilton Court/Smith Crescent site for supported living continue to be explored.
10. On 8 February 2019, the Cabinet approved funding for the 2019/20 to 2022/23 capital programme including £3.7m for the redevelopment of the North West Leicestershire site (Smith Crescent/Cropston Drive). Plans for the site were subsequently approved by the Cabinet on 25 June 2019 to include the redevelopment of short breaks services, supported living accommodation and Community Life Choices (formerly known as day services) facilities at the Hamilton Court/Smith Crescent site.
  11. The Adults and Communities Overview and Scrutiny Committee considered a report regarding the provision of short breaks and supported living services at its meeting on 8 March 2021.

### **Resource Implications**

12. On the 8 February 2019, the Cabinet approved funding for the 2019/20 to 2022/23 capital programme including £3.7m for the redevelopment of the North West Leicestershire site (Hamilton Court/ Smith Crescent – Cropston Drive).
13. To date £513,000 has been spent on Phase One of the Cropston Drive program, involving demolition of the former Hamilton Court building, design and enablement works. A recent tender for Phase Two works has been paused as tenders exceeded the current capital allocation.
14. Staffing vacancies at Smith Crescent remain on hold whilst the Short Breaks Service remains suspended as a result of the coronavirus pandemic. Existing staff remain temporarily redeployed and there is confidence that there are sufficient alternative options for them within the Department, should the service not reopen.
15. The increase in Short Breaks beds at The Trees will be managed within existing resources, as the proposal is to change the current use of the newly refurbished eight beds from long-stay to short-stay. Existing staffing and operational running costs will be unaffected.
16. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the contents of this report.

### **Circulation under the Local Issues Alert Procedure**

17. A copy of this report has been circulated to the following members representing the electoral divisions in North West Leicestershire and Hinckley areas:

Mr John Coxon CC  
 Dr Terri Eynon CC  
 Mr Tony Gillard CC  
 Mr Dan Harrison CC  
 Mr Trevor Pendleton CC  
 Mr Nicholas Rushton CC  
 Mr Sean Sheahan CC  
 Mr Michael Wyatt CC  
 Mr Peter Bedford CC  
 Mr David Bill MBE CC  
 Mr Stuart Bray CC  
 Mr Bill Crooks CC  
 Mr Michael Mullaney CC  
 Mr Ozzy O'Shea CC  
 Mr Ivan Ould OBE CC  
 Mrs Janice Richards CC  
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## **PART B**

### **Background**

18. In June 2018, proposals to develop a replacement Short Breaks facility on the site occupied by Hamilton Court residential care home and Smith Crescent Short Breaks Service were approved. This would have given the Council sufficient short breaks accommodation in the County to meet demand and ensure that the long-stay residents of The Trees would be able to continue residing in the care home following a period of refurbishment.
19. Recent reviews of the care and support needs of former residents of the The Trees have been completed, leading to an opportunity to review the future use of the refurbished accommodation at the site in Hinckley, which would enable the Council to achieve the necessary provision of short breaks beds, without the need for further additional investment.

### **The Trees, Hinckley**

20. Following the outcome of consultation on proposals regarding in-house Short Breaks Services in Hinckley and Coalville in 2018, the refurbishment of The Trees to re-develop its long stay residential service offer was completed in December 2020 at a cost of £1.1m. The refurbished aspect of the building provides accommodation for up to eight individuals with associated communal space and staff accommodation.
21. The remainder of the building offers accommodation for up to four individuals previously utilised for the provision of a Short Breaks Service, associated communal space, staff accommodation and a Community Life Choices [CLC] service.
22. The refurbishment of The Trees had been completed on the basis that the former permanent residents had expressed a wish to return to The Trees following its redevelopment. The Department remained actively involved with residents and their families during their temporary alternative placements, however following reviews of their current arrangements, all have now decided to remain in their alternative setting as opposed to returning to the site.
23. Given that the Trees is not required by former residents, a review of the options available has been undertaken which included provision of standard residential care for people with a learning disability (the purpose of the refurbishment), consolidation of short breaks services on a single site, use as a step through service for young people transitioning into adult services and an assessment and crisis facility for people with complex needs as an alternative to hospital admission.
24. The outcome of the review recommended that extending the Short Breaks Service at The Trees to accommodate 12 service users was the preferred option as the development at The Trees meets the needs of people that access

short breaks, it would provide operational efficiencies, and this model of care follows successful models adopted elsewhere in the County (Melton, Oadby and Wigston).

25. There are currently 28 service users who would ordinarily access the Short Breaks Service at The Trees. Existing facilities dedicated to this - four beds - are sufficient to meet existing demand, although allows little room for any growth or development of the Service.
26. The Service at The Trees is currently suspended in response to the current Covid-19 pandemic. Existing staffing resources have been temporarily redeployed to support other areas of critical work, including the timely discharge of people from hospital who need care and support in their own home pending longer term arrangements being available.

#### Cropston Drive, Coalville

27. The Hamilton Court long-stay residential care service closed in August 2019 following the transfer of the last three residents to alternative accommodation. The current Smith Crescent Short Breaks Service (based at Cropston Drive, Coalville) has remained largely suspended during the Covid-19 pandemic, with urgent short breaks services being provided at alternative in-house services at Carlton Drive (Wigston) and Melton.
28. Following the Cabinet's approval in February 2019 to redevelop the Cropston Drive site, a planning application was approved on 6 January 2020 in order for the future use of the site to comprise of the following:
  - a) Up to 16 self-contained supported living properties including wheelchair accessible and bariatric facilities (the actual number to be determined). Support will be provided via the County Council's lead contracted provider;
  - b) Six bed short breaks building with all rooms en-suite and accessible, with support provided by the County Council;
  - c) Suitable space and facilities to provide CLC (which is currently provided at Coalville Community Resource Centre) with support provided by the County Council.
29. The Cropston Drive site development has a capital allocation of £3.764m for the demolition and development of the services noted above. To date, £513,000 has been spent on Phase One of the Cropston Drive programme – demolition, design and enablement works.
30. Two tender exercises have been undertaken for Phase Two works. The first was abandoned due to substantive changes to the environmental requirements. The second failed to achieve a bid in line with the current capital allocation, leaving the development paused pending further consideration.



31. The original plans for Cropston Drive provided for an intensive development of the site. Should additional short breaks services be provided on the Trees site, there would be an opportunity to have a less concentrated development, focused on supported living and either a Transforming Care step through facility for people with complex needs or a young person's step through facility both of which have been highlighted as a requirement within the County.
32. In-house CLC services have significantly reduced during the pandemic due to their initial suspension and subsequent phased re-opening. It is currently unclear whether attendance will recover to previous levels, a review of these services may therefore be beneficial to determine the level of demand and the most appropriate model of support post the pandemic.

### **Proposals/Options**

33. If short breaks provision is extended at The Trees, there would be no requirement for services to be provided at the Cropston Drive site. There are currently 17 service users who would usually access services at Cropston Drive, who could be offered an alternative at The Trees, Melton or Wigston, dependent on the most appropriate location.
34. The proposal is that all 12 beds at The Trees be utilised as specialist Short Breaks and CLC provision. This would enable the Council to consolidate its Short Breaks services to three sites, Hinckley, Melton, and Wigston. The emphasis being to ensure services are financially viable, maximising productivity, and focusing on providing tailored support for eligible people with complex and multiple needs.
35. Although formal engagement with people and families who use Smith Crescent short breaks has not yet begun, a desk top review has been undertaken indicating that the demand for a local service has reduced since the last formal consultation in 2018. Of those who would usually access the service, only 53% are local to the Coalville area, with the rest living closer, or as close to, alternative services. The previous formal consultation resulted in six responses of mixed view, with a proportion open to the proposal of closing Smith Crescent and using other short breaks services. The main theme being that availability of service was the important factor in supporting families to continue in their caring role.
36. The total capacity available on the basis of these proposals would equate to 24 beds (12 at The Trees, seven at Wigston and five at Melton). When considering average allocations per individual, a total of 858 bed weeks are required, versus a total proposed capacity of 1,248 weeks. Based on this, reallocating the refurbished beds at The Trees ensures both sufficiency of provision to meet current demand, as well as additional capacity to meet any growth in need for these services. It would also enable these services to continue providing urgent and crisis support as has been the case through the pandemic.

37. There are currently 17 people who would usually access the service, therefore the Council would be able to enter into individual discussion to ensure that it meaningfully gains their views and fully understands the impact of this change. Advocacy support would be accessed to ensure that any barriers to engagement are managed.

### **Consultation**

38. It is proposed to enter consultation with those who currently use Smith Crescent on the basis of no longer providing a Short Breaks Service at the site, with them being provided access to an appropriate in-house service elsewhere in the County.
39. The remodelled facilities at The Trees would provide specialist accommodation for those who currently access the Council's Short Breaks Service and offers an opportunity to fully utilise existing accommodation that is already available, as opposed to developing additional provision.
40. It is intended that the consultation exercise will commence on 31 March 2021 for a period of six weeks. It will follow the guidance set out in the Council's consultation principles, ensuring that it reaches all relevant stakeholders in appropriate formats, and is open and transparent in the use of information. It will take place in the form of a questionnaire, available to the general public of Leicestershire and published on the Council's website, as well as individual discussions with those directly affected. This will include people who access Smith Crescent (and their families) and staff who are employed there.
41. Although this would be a further consultation with this group on similar proposals to those discussed with them in 2018, it is important to articulate an updated rationale for the proposals and ensure certainty around the Council's future provision post Covid-19 pandemic.
42. Consultation will also be undertaken with the staff group currently employed at Smith Crescent Short Breaks site, who are currently temporarily redeployed to other critical roles within the Department as a result of the pandemic.

### **Consideration by the Adults and Communities Scrutiny Committee**

43. The Adults and Communities Overview and Scrutiny Committee considered a report regarding the provision of short breaks and supported living services at its meeting on 8 March 2021 in which it confirmed its support for the planned consultation and engagement on the proposals for the future use of the Trees Residential Care Home in Hinckley, and the potential development of the site at Cropston Drive in Coalville.
44. The Committee took account of comments received from two local members, Mr Wyatt CC and Dr Eynon CC. The following key points were also noted:

- Impacts to service user travel arrangements and ensuring adequate service provision across the County would be considered as part of the consultation process.
- If development plans at the Cropston Drive site were to be less intensive, consideration would be given to making appropriate use of the land space around the development, the effects to the borders and local neighbourhood, and ensuring adequate screening.
- Newer purpose-built units for short breaks including the newly refurbished units at the Trees Residential Care Home in Hinckley tended to provide better occupancy as the designs were often better suited to service user's needs.
- The Council and the NHS would work jointly to ensure good coordination of Transforming Care services to help provide people with the right accommodation and support in accordance with their needs. Despite a number of successes, it was recognised that even with support, transitioning between educational or hospital accommodation into supported living arrangements could be a significant change for some and this would need factoring into any plans to re-develop Transforming Care services.

### **Conclusion**

45. The resultant impact of decisions taken by the former long-stay residents at The Trees and their families means the Council has purpose built facilities at The Trees site, Hinckley, for Short Breaks for up to 12 people. Alongside other existing provision, there is sufficient accommodation to meet the current needs and demand for these services.
46. Before embarking further on developing a new facility in the Coalville area, the views of people who use these services need to be considered and whether alternative proposals would achieve the same outcome.
47. The development of the Cropston Drive site will be paused whilst further work is undertaken to consider the future use of the whole site. Subject to the outcome of the consultation, proposals on the future utilisation of the site will be presented to scrutiny and the Cabinet in the summer

### **Equality and Human Rights Implications**

48. An Equality and Human Rights Impact Assessment (EHRIA) was completed in relation to the recommendations to develop the site and was submitted, along with the recommendations, to the Cabinet in June 2018. The EHRIA identified a disproportional impact on people with learning disabilities, but that this does not amount to unlawful discrimination against anyone with a protected characteristic. It concluded that the recommendations should have a positive or neutral impact on the services.
49. A further EHRIA will be produced as part of the consultation process.

### **Environmental Implications**

50. Environmental Implications will be a requirement for future tenders associated with the development of the Cropston Drive site and will form part of the tender evaluation process.

### **Partnership Working and Associated Issues**

51. The provision and availability of local short breaks services enables the Council to support the work of partner agencies, including Leicester City Council and health agencies which now operate limited comparable services. This enables access to unused capacity, generating additional income to support service delivery.

### **Risk Assessment**

52. An initial risk assessment has been carried out on the proposals and the resultant risks have been logged. This will continue to be developed throughout the consultation and reporting period.

### **Background Papers**

- Report to Cabinet: 12 June 2018 – Reconfiguration of In-House Learning Disability Residential Accommodation  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5181&Ver=4>
- Report to Cabinet: 8 February 2019 – Provisional Medium Term Financial Strategy 2019/2020 to 2022/23  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5600&Ver=4>
- Report to Cabinet: 25 June 2019 – Re-development of Disability Services in North West Leicestershire  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5604&Ver=4>
- Report to Adults and Communities Overview and Scrutiny Committee: 8 March 2021 – Provision of Short Breaks and Supported Living  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6461&Ver=4>



**CABINET – 23<sup>RD</sup> MARCH 2021**

**RECOMMISSIONING OF DOMESTIC AND SEXUAL VIOLENCE AND ABUSE SERVICES**

**REPORT OF THE DIRECTOR OF PUBLIC HEALTH**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to outline the proposed model for the procurement of domestic and sexual violence and abuse services (DSVA), the outcome of the consultation on the proposed model, and to seek approval to delegate authority to the Director of Public Health to proceed with the procurement process and appoint the preferred bidder for the provision of certain elements of the model, noting that relevant partner organisations will be commissioning other elements as appropriate.
2. The current service model involves a single funding pot, to which all partners - the County Council, Leicester City Council, Rutland Council, and the Police and Crime Commissioner - contribute, with Leicester City Council leading on the contract management of a single service. The new model would see the commissioning and procurement of 5 separate elements by the individual partners, illustrated in the Appendix to this report.

**Recommendations**

3. It is recommended that the Cabinet;
  - (a) Notes the outcome of the consultation on the proposed model for Domestic and Sexual Violence and Abuse Services (DSVA);
  - (b) Approves the new model for the provision of DSVA as detailed in this report, noting that the model will also require approval of the commissioning partners;
  - (c) Authorises the Director of Public Health in consultation with the Director of Corporate Resources to award contracts for the elements of the DSVA model relating to the provision of domestic violence and abuse locality support service and domestic abuse accommodation related support with effect from 1 April 2022;

- (d) Notes that the commissioning and procurement of other elements of the new DSVa model will be carried out by Leicester City Council and the Police and Crime Commissioner as set out in this report.

### **Reasons for Recommendation**

- 4. Following a review of the current service model, combined with a review of need across the sub-region, a revised delivery model is proposed across Leicestershire, Leicester and Rutland, with the aim of meeting future demand within available resources.
- 5. Delegation to the Director of Public Health will ensure that procurement is completed to timescale and contracts will be in place for 1 April 2022.

### **Timetable for Decisions (including Scrutiny)**

- 6. The Health Overview and Scrutiny Committee will receive a report on the plans for the recommissioning of domestic and sexual violence and abuse services at its meeting on 18 March 2021 and its comments will be reported to the Cabinet.
- 7. The commissioning partners: the Police and Crime Commissioner (PCC), Leicester City Council, and Rutland County Council, are currently seeking approval through their respective governance processes for the recommissioning of domestic and sexual violence and abuse services to ensure project timescales are met and new contracts are in place for 1 April 2022.

### **Policy Framework and Previous Decisions**

- 8. The provision of domestic and sexual violence and abuse services aligns with Outcome 3 of the County Council's Strategic Plan 2018-2022; Keeping People Safe: People in Leicestershire are safe and protected from harm.
- 9. The provision of domestic and sexual violence and abuse services is in line with the Leicester, Leicestershire and Rutland Domestic Abuse Strategic Intentions 2018-2021.
- 10. The Domestic Abuse Bill 2020 is currently in the final report stage and expected to receive Royal Assent by 1 April 2021. The Bill places additional statutory responsibilities on the local authority in relation to the provision of support services to victims of domestic abuse and their children.
- 11. A report was previously brought to Cabinet on 8 February 2019 by the Director of Children and Family Services that outlined the recommissioning work undertaken to date and sought approval to consult on the proposed structure for domestic and sexual violence and abuse services to be commissioned across Leicestershire, Leicester, and Rutland. The consultation process and the results of the consultation are set out in Part B of this report. (Overall strategic and operational work for these services is

carried out by the Community Safety team within Children and Family Services and the Public Health Department now leads on commissioning).

### **Resource Implications**

12. The Public Health annual funding envelope for domestic and sexual violence and abuse services is currently £385,907. Within this total £119,919 funds domestic abuse refuge accommodation support services, £257,168 funds the existing commissioned DSVA service and there is also an administrative cost payable to Leicester City Council for contract management of £8,820.
13. On 12 February 2021 it was announced by central Government that there would be additional funding for all Tier 1 and Tier 2 authorities for 2021/22 for domestic abuse safe accommodation. The allocation for Leicestershire is £1,127,205.
14. Early guidance from the Ministry of Housing, Communities and Local Government (MHCLG) confirms that additional financial resources will continue beyond 2021/2022. Proposals on how this additional money will be allocated to supplement the new model will be submitted to the Cabinet at a future date.

### **Circulation under the Local Issues Alert Procedure**

15. None.

### **Officers to Contact**

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## **PART B**

### **Background**

16. The County Council jointly commissions a Domestic Abuse and Sexual Violence (DSVAV) Service with Leicester City Council, Rutland Council and the Office of the Police and Crime Commissioner. Leicester City Council currently manages the contract on behalf of all the commissioners. The service is provided by a consortium of voluntary sector providers known as UAVA (United Against Violence and Abuse), which includes: Living Without Abuse, FreeVa, and Women's Aid Leicestershire. The service provides support to survivors of domestic abuse and sexual violence over the age of 13 through the provision of:
  - A telephone helpline for professionals and the public;
  - Individual and group support for high risk and medium risk victims of domestic abuse and sexual violence;
  - Therapeutic interventions, or counselling;
  - Awareness raising, training and education for professionals and the public.
  
17. The total value of the current contract across Leicester, Leicestershire and Rutland area (LLR) is £1,024,570.
  
18. In addition to the main contract, across LLR there are a range of other contracts and projects being undertaken to address domestic abuse and sexual violence. For example, the County Council has previously funded
  - The Domestic Abuse Family Recovery Service (£40,000). This service works with children and young people and their families to reduce the harmful impact of domestic abuse and sexual violence upon the child. This contract began on 1 October 2018 and ended on 30 September 2019.
  
  - Safe Places and Support for Domestic Abuse Service (£119,919). This service provides tailored support for female victims of domestic abuse within a refuge setting. This includes but is not limited to: development of domestic/life skills, setting up a home or tenancy, gaining access to other services, managing finances and benefit claims, establishing personal safety and security, social contact and activities, enabling access to employment, education and training opportunities, and developing the skills and knowledge to be able to recognise and form healthy relationships and break the behaviour patterns associated with abusive relationships.
  
  - Perpetrator Programme (£10,000). This is a voluntary programme working with perpetrators of domestic abuse in order to address their abusive behaviour; the programme also works with young people who



are perpetrating child on parent abuse. This funding enables the spot purchase of limited places on the respective programmes.

19. There has been an increase in demand on domestic abuse and sexual violence services across LLR with limited resources within existing service provision to meet the growing need; on average the volume of domestic violence offences increased 17% each year in the last three years. This is a national trend.
20. Following a review of the current service model, combined with a review of need across the sub-region, a revised delivery model is proposed across Leicestershire, Leicester and Rutland, with the aim of meeting future demand within available resources.
21. Current contracts for all domestic and sexual violence and abuse services were due to end on 31 March 2021 and have been extended to 31 March 2022 due to the Covid-19 pandemic.

### **Consultation**

22. A 12-week consultation took place between 24 September 2019 and 24 November 2019.
23. The consultation was web-based, accessible via the County Council's website. The web-based survey was supplemented in Leicestershire (as well as in Leicester and Rutland) by hard copy surveys and open public engagement events. These events took place in children's centres, libraries and district council offices. A range of advocacy groups were consulted including Clinical Commissioning Groups (CCGs), district councils, providers, the Police, County Council staff and service users themselves.
24. The consultation on the proposed model for domestic and sexual violence and abuse services took place between 11 September 2019 and 24 November 2019. There were 28 responses in total. Of these the majority were female (82%). Over half the respondents were aged 36-45 (54%). There were 20 respondents who identified as white; 5 respondents who identified as Asian/Asian British; 1 respondent who identified as Black/Black British, and 2 who 'preferred not to say'.
25. In relation to the role of the respondents, 12 (43%) respondents either currently or had previously used domestic and sexual violence and abuse services, 4 (14%) identified as a member of the public, 3 (11%) identified as a provider/professional of non-domestic and sexual violence and abuse services, 2 (7%) as a family member of someone who has used domestic and sexual violence and abuse services, and 1 (4%) as a domestic and sexual violence and abuse service provider/professional.
26. 75% (21 of 28) of respondents rated the accommodation service proposal as Very Good or Good, 78% (21 of 27) respondents rated the domestic abuse locality service proposal as Very Good or Good; 89% (24 of 27) respondents

rated the Helpline service proposal as Very Good or Good, 68% (17 of 25) respondents rated the sexual violence service proposal as Very Good or Good, 62% (16 of 26) rated the domestic abuse perpetrator service as Very Good or Good, and 50% (13 of 26) respondents rated the counselling service as Very Good or Good.

27. Most respondents did not leave any other comment on equality aspects of the proposed services. There were comments on culture and race being a barrier to accessing services and more work was needed to ensure victims come forward, and ensuring services are accessible to people with disabilities.
28. Respondents were less positive in relation to the proposals for the counselling services that would be delivered by existing specialist counselling services via a grant system from the Police and Crime Commissioner. The proposed model will provide more emotional support and therapeutic support through the other elements of the domestic and sexual violence and abuse services. Dependent on future levels of funding it may be possible to review whether a separate counselling service should be provided.

### **Progress to Date**

29. The joint recommissioning project is being undertaken by The County Council, the Police and Crime Commissioner (PCC), Leicester City Council and Rutland County Council.
30. While the overall strategic and operational function for domestic and sexual violence and abuse sits with the Community Safety team within Children and Family Services, the Public Health Department is leading on the commissioning of domestic and sexual violence and abuse services.
31. The Leicester, Leicestershire, Rutland (LLR) Domestic and Sexual Violence and Abuse Recommissioning Group (consisting of officer representatives from the various commissioning partners) meets monthly to ensure the Project Plan timescales are maintained and that the workstreams are progressing. Key aspects of the recommissioning process, including contract length and award criteria.
32. Soft market testing was carried out in November 2020 to explore learning from Covid and to test the market for a Case Management and Tracking System which has further informed the system model.
33. Subject to approval of the new model, the next two months will see the final versions of service specifications completed, key performance indicators agreed, and preparation of the Invitation to Tender (ITT) documentation.
34. It is expected that the procurement will commence in May 2021 with the Evaluation Stage in late summer (August/September) and contract award in October/November 2021, allowing a five-month Mobilisation period for new services.

### **Proposed Model**

35. The approach taken to recommission the full service across Leicester, Leicestershire and Rutland also allows partners to retain control of specific elements of commissioned services for their locality including contract management and performance monitoring whilst ensuring a co-ordinated approach to delivery.
36. The model comprises 5 service elements with Leicestershire's funding contribution totalling £385,907 (Appendix A summarises the service model and summarises each party's contribution);
  - a. Helpline and Engagement Service – an LLR-wide service with a single specification. The PCC will lead on procurement of this element. This is the 'front-door' that all potential service users will engage with. The service will be responsible for assessment, referral to other parts of the service system relevant to needs identified, assertive engagement and support and maintaining a case management system.
  - b. Domestic violence and abuse locality support service – 2 Lots (Lot 1 – Leicestershire and Rutland, Lot 2 – Leicester City) with a single specification. Leicestershire County Council will lead on procurement of this element. This service will provide more intensive and specialist support tailored to individual need and will include support throughout the criminal/civil justice system.
  - c. Sexual violence and abuse support service – an LLR-wide service with a single specification. The PCC will lead on procurement of this element. This service will provide more intensive and specialist support tailored to individual need and will include support throughout the criminal justice system.
  - d. Domestic abuse accommodation related support service – 2 Lots (Lot 1 – Leicestershire, Lot 2 – Leicester City) with separate specifications and procurement leads. This service will provide a variety of accommodation for victims without safe housing, and intensive on-site support to maintain safety, and enable move-on.
  - e. Domestic violence and abuse Perpetrator Interventions – a single lot with a single specification. Leicester City Council will lead on procurement of this element. This service will deliver short-term and longer-term programmes with perpetrators to address abusive behaviour. Leicestershire County Council will not currently contribute to this service but will spot purchase capacity, as is the current practice. This will enable a further review of the evidence and reach of the perpetrator element to be commissioned in Leicestershire utilising additional funding as detailed in paragraph 13 above.

## **Conclusion**

37. The consultation showed broad support for the proposed model. The proposed model allows for greater control for each commissioning partner whilst retaining the overall service system and economies of scale that commissioning with partners allows.
38. All commissioning partners are now securing agreement for the model and agreement to proceed with procurement through their respective governance procedures throughout February and March 2021 in preparation for the tender publication in May 2021.

## **Equality and Human Rights Implications**

39. An Equality and Human Rights Impact Assessment (EHRIA) screening assessment has been carried out and a full EHRIA will be completed prior to procurement to review the impact of the new service model. Based on procurement exercises previously carried out for domestic and sexual violence and abuse services, it is not expected that there will be any areas of concern.

## **Health Implications**

40. DSVAs have wide reaching implications on the health and wellbeing of victims and those around them such as their children. Victims and others affected are more likely to experience health inequalities and poor health outcomes. Children who are victims or witnesses are more likely to have poor educational attainment which will further exacerbate health inequalities. Drug and alcohol, and mental health issues may feature in the profile of both victim and perpetrator so linkages into the specialist agencies are key to ensuring a holistic, person-centred and recovery focussed approach.

## **Crime and Disorder Implications**

41. Section 17 of the Crime and Disorder Act 1998 requires councils to take account of community safety implications. The service will contribute to meeting this requirement. Providing these services is central to ensuring victims are responded to swiftly and appropriately to ensure their safety and security.

## **Partnership Working and Associated Issues**

42. Adopting a Leicester, Leicestershire, Rutland (LLR) approach involves additional complexities in working with multiple partners. Robust partnership relationships with criminal justice services are important to ensure that victims are responded to swiftly and appropriately to ensure their safety and security.

## **Appendix**

Service Model and summary of each commissioning partners' contribution

**Background Papers**

Sexual and Domestic Violence and Abuse Needs Assessment for Leicestershire, Leicester and Rutland (2017) <http://lrsb.org.uk/llr-dasv-strategic-docs>

Leicester, Leicestershire and Rutland Domestic and Sexual Violence and Abuse Strategy (2018-2021) <http://lrsb.org.uk/llr-dasv-strategic-docs>

Report to the Cabinet on 8 February 2019 Recommissioning of Domestic Abuse and Sexual Violence Services and minutes of that meeting  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5600&Ver=4>

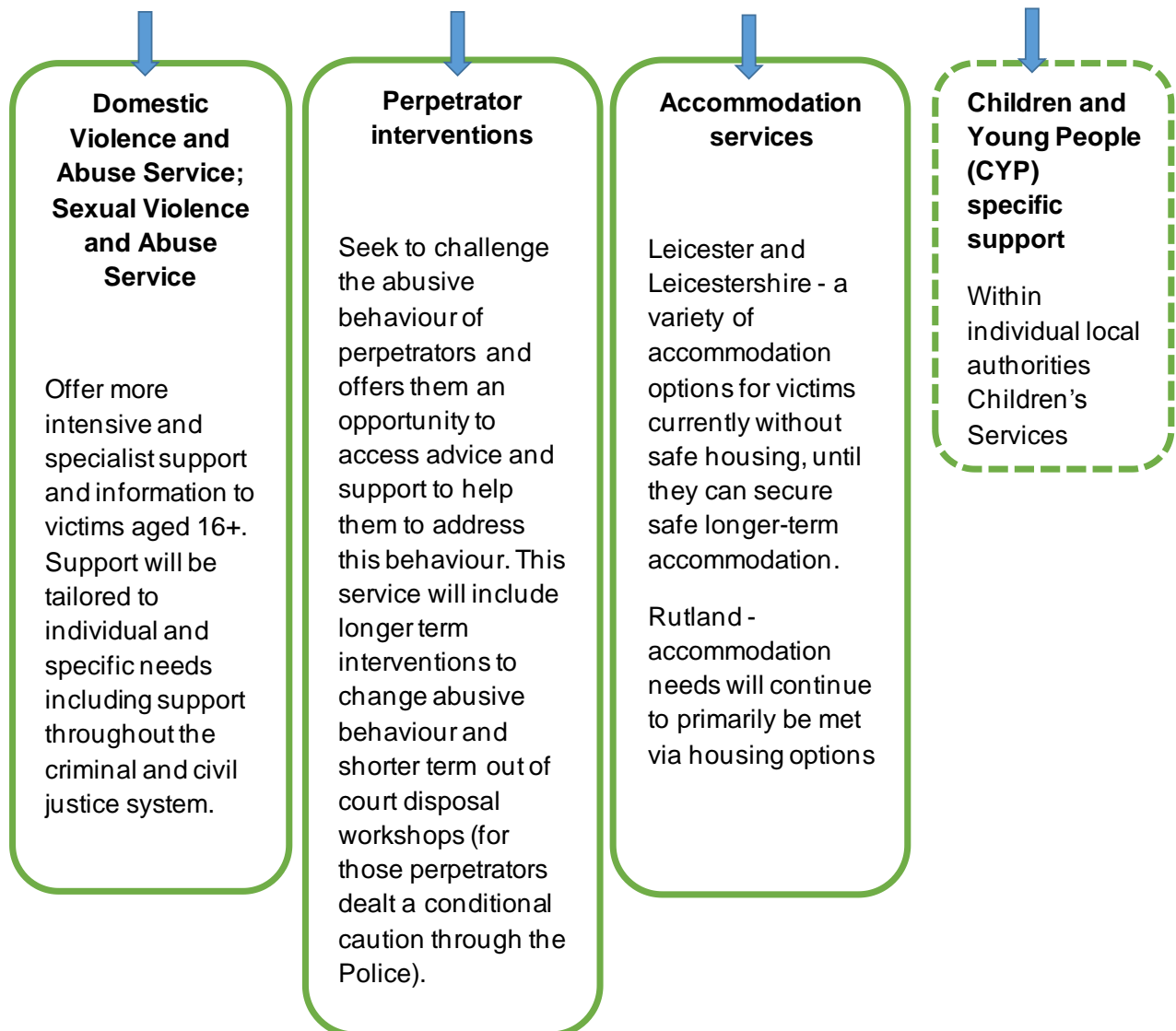
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## APPENDIX

### Service Model and summary of each commissioning partners' contribution

#### Helpline and engagement service

The helpline and engagement service will be the main access point for victims of domestic abuse/sexual violence and as such it will offer a “front door” to other support services (particularly those listed below). The Helpline and Engagement service will include a telephone helpline including webchat, assertive engagement and provision of a dedicated worker who will help to guide individuals on their support journey. It will also act as a front door for those being abusive in their relationships who wish to change and third parties concerned about those who might be in this situation.



<u>Provision</u>	<u>Lots</u>	<u>Contracts</u>	<u>Funding party</u>	<u>Procurement Leads</u>
(a) Helpline and Engagement	Single	LLR	PCC	PCC
<b>(b) Domestic Violence and Abuse Service</b>	City	City	City	City
	County & Rutland	County & Rutland	County Rutland	<b>County</b>
(c) Sexual Violence and Abuse Service	Single	LLR	PCC	PCC
<b>(d) Accommodation related support services</b>	City	City	City	City
	County	County	County	<b>County</b>
(e) Perpetrator Interventions Framework	City	City	City	City for Framework + call off
			PCC	
	County & Rutland	County & Rutland	County	Spot-purchase
			Rutland	



**CABINET – 23 MARCH 2021****HEALTHY WEIGHT STRATEGY FOR LEICESTERSHIRE****REPORT OF THE DIRECTOR OF PUBLIC HEALTH****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of the outcome of consultation on the Healthy Weight Strategy for Leicestershire and seek approval of the final Strategy which is appended to the report as Appendix A.

**Recommendations**

2. It is recommended that;
  - a) The outcome of the consultation on the draft Healthy Weight Strategy for Leicestershire be noted;
  - b) The Healthy Weight Strategy for Leicestershire be approved.

**Reasons for Recommendation**

3. The County Council has a statutory duty to take appropriate steps to improve the health of people living in Leicestershire. This includes creating the conditions necessary to support people to achieve a healthy weight.
4. The Leicestershire Joint Strategic Needs Assessment chapter on Obesity: Physical Activity, Healthy Weight and Nutrition was published by the County Council in September 2019. This recommended that a Strategy be developed for Leicestershire to tackle obesity and support people to maintain a healthy weight.

**Timetable for Decisions (including Scrutiny)**

5. The Health Overview and Scrutiny Committee considered the draft Strategy as part of the consultation exercise on the 11 November 2020, as did the Health and Wellbeing Board at its meeting on the 26 November 2020. Both the Committee and Board supported the Strategy and their comments, along with those of other consultees, are set out in Part B of the report.

6. Subject to approval, the new Healthy Weight Strategy will be implemented from the 1 April 2021.

### **Policy Framework and Previous Decisions**

7. The Healthy Weight Strategy supports the Council's Revised Strategic Plan 2020-2023 'Working Together for the Benefit of Everyone' regarding Wellbeing Opportunities.
8. It also builds on recommendations within the Leicestershire Joint Strategic Needs Assessment 2018-2021 Chapter on Obesity: Physical Activity, Healthy Weight and Nutrition, and forms part of the Leicestershire Food Plan which was endorsed by the Cabinet on the 18 December 2018.
9. The aims of the Strategy are also consistent with the UK Government's policy paper published in July 2020 - "Tackling obesity: empowering adults and children to live healthier lives" which describes the Governments intentions regarding e.g. nutritional labelling and TV advertising to children.
10. The Cabinet approved the draft Healthy Weight Strategy for consultation at its meeting on 20 October 2020. The consultation exercise took place between 2 November and 31 December, the findings of which are summarised in paragraphs 24 to 33 of the report.

### **Resource Implications**

11. There are no significant additional resource implications arising from the recommendations in this report. Delivery of actions arising from the Strategy will be met by existing budgets and actions taken by partner organisations.
12. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

### **Circulation under the Local Issues Alert Procedure**

13. None.

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## **PART B**

### **Background**

14. Nearly two thirds (65%) of adults and a third (30%) of year 6 primary school children living in Leicestershire are overweight or obese. Overweight and obesity is more common in socio-economically disadvantaged communities and is associated with many long-term conditions.
15. People who are obese are at a greater risk of developing serious medical problems such as Type 2 diabetes, high blood pressure, cardiovascular disease and certain cancers. There is also a strong association between high body mass index and risk of developing severe Covid-19 disease.
16. The economic burden of overweight/obesity is significant across England. The NHS spends £6.1bn per year on obesity-related ill health, local government spends and estimated £0.35bn in social care costs and the cost to the wider UK economy is around £27bn.
17. Obesity is therefore one of the most important modifiable risks factors and so is an essential area to target both in improving the well-being of the population but also to help reduce the financial burden on health and care services.
18. There is considerable evidence that obesity is a complex issue that requires a complex system response, where all sectors work together, with the public, to address it. The Strategy outlines an approach that brings together responsibilities of the private and public sectors and the general public, to tackle obesity and help people maintain a healthy weight. This is Leicestershire's 'whole systems approach'.

### **Healthy Weight Strategy for Leicestershire**

19. The Leicestershire-wide strategy is divided into three themes and 5 objectives and will run over a 5-year period from April 2021.
20. Theme 1 addresses action that tackles the obesogenic environment that residents of Leicestershire live in.

Strategic Objective 1: to improve the availability of healthy and sustainable food and drink in all sectors. For example, promoting the accreditation of food and catering business through 'Food For Life Served Here';

Strategic Objective 2: to support settings to prevent obesity and increase healthy weight across the life course. For example, through the Leicestershire Healthy Schools programme;

21. Theme 2 addresses action that focuses on providing individuals with the information and support they need to manage their own weight and that of their families.

Strategic Objective 3: to co-ordinate a healthy weight pathway including prevention, self-management and supported weight management. For example, increasing uptake of the Leicestershire Weight Management Service.

22. Theme 3 addresses leadership by partner organisations (the NHS, district councils) to ensure that the wider workforce is equipped to promote healthy weight and that policies are conducive to healthy weight.

Strategic Objective 4: develop a workforce that is confident and competent talking about and promoting healthy weight. For example training more professionals in Making Every Contact Count;

Strategic Objective 5: lead partners and stakeholders in developing healthy weight policies using for example the Leicestershire Food plan partnership work.

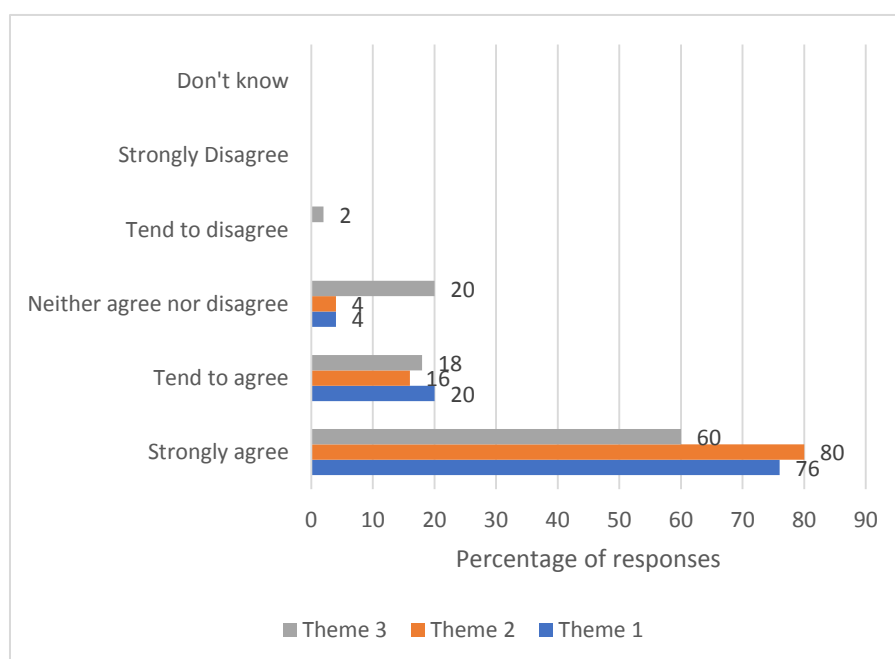
23. A Whole System approach means that the responsibility for supporting people to maintain a healthy weight sits with partners across local authorities, the NHS, third and independent sectors. By working together they will take action appropriate to their area of responsibility, local environment and population need and reporting to their accountable bodies. For example, implementation of weight management services cuts across local authority and NHS commissioning responsibilities and partners will work together to ensure a coherent weight management pathway is in place.

### **Consultation**

24. An eight-week countywide stakeholder consultation was carried out from 2 November 2020 to 31 December 2020 on the draft Strategy.
25. The consultation questionnaire was available via the County Council's website and paper copies were provided on request. Links to the online questionnaire were shared with key stakeholders including Clinical Commissioning Groups (CCGs), Leicestershire Partnership Trust and University Hospitals Leicester, Leicestershire Nutrition Action group, County Council workers groups and service users for the Leicestershire Weight Management Service.
26. In addition, dedicated focus groups were held as follows:
- a. Hindu Ladies group (01/12/2020) – 60 attendees
  - b. Leicestershire Equalities Challenge Group (11/12/2020) – 13 attendees
  - c. Jewish Community Group (21/12/2020) – 11 attendees
  - d. Blaby, Oadby and Wigston Locality Learning Disabilities group (13/02/2020) – 4 attendees
27. Meeting presentations were given at:
- a. Health Overview and Scrutiny Committee (11/11/20)
  - b. Leicestershire Health and Wellbeing Board (26/11/20)
  - c. Food and Drink Forum (13/01/2021)

d. Nutrition and Hydration Assurance Committee (24/02/21)

28. Other digital engagement included:
- a. Confers public forum (Leicestershire Weight Management Service Users) (2/12/2020 – 17/1/2021) - 6 responses from 200 weight management service users invited to participate.
  - b. Dedicated email address responses (2/11/2020 – 27/12/2020) - 4 responses.
  - c. Healthy Weight Strategy Consultation page – 363 page visits with 271 strategy document downloads.
29. Key findings from the 46 people who responded to the online questionnaire were as follows:
- a. Responders were from a range of backgrounds; the largest group were interested members of the public (39%). There were also representatives from schools and local councils.
  - b. 71% of responders strongly agreed that there was a need for a Healthy Weight Strategy in Leicestershire.
  - c. When asked to what extent they agreed or disagreed with the inclusion of the themes in the Strategy, the responses were as shown below for each of the three themes:



### Health Overview and Scrutiny Committee

30. Feedback from the County Council's Health Overview and Scrutiny Committee indicated broad support for the variety of approaches needed to manage the issue, including working with the commercial sector to ensure people have healthy choices available to them. There was also recognition of

the important role that good mental health plays in maintaining a healthy weight. The Committee was supportive of the prevention approach proposed.

#### Health and Wellbeing Board

31. The County Council's Health and Wellbeing Board also supported the proposed approach, whilst noting that the Strategy would need to take account of the short and long term impacts arising from the coronavirus pandemic, including the difficulties faced by certain groups, particularly carers, to find time to exercise as they took on additional responsibilities. It also welcomed confirmation that a separate piece of work was being undertaken by Leicester-shire and Rutland Sport, in conjunction with local authorities, to develop a Physical Activity Strategy.
32. Feedback from focus groups and meetings with other expert committees again included broad support for the Strategy, with an emphasis on the need to address underlying causes of obesity such as poor mental health, and the need to be culturally sensitive in the provision of services, communication and information provided.
33. As a result of the feedback received, the following amendments to the draft Strategy have been made:
  - Strengthening the importance of supporting people with disabilities to access services;
  - Ensuring planned action is culturally sensitive and adapted to maximise reach and engagement;
  - Acknowledging the role that poor mental health and complex illnesses can have on weight;
  - Ensuring language is non-judgemental and empathetic to the stigma often associated with obesity;
  - Outlining governance arrangements for the strategy;
  - Strengthening the connection between weight and physical activity;
  - Celebrating the role that food plays in society and emphasising the need to focus on the root causes of overweight and obesity in particular.

#### **Conclusion**

34. It is evident that obesity and maintaining a healthy weight is a significant issue both nationally and locally. It has impacts on numerous other health conditions and there is emerging evidence that obesity can increase the risk of dying from Covid-19.

35. The consultation showed a high level of support for the Strategy and the feedback has been reflected in the final document. It is important that the Council works together with partner organisations to tackle obesity and aim for a population with a healthy weight. The appended Strategy sets out agreed priorities and an approach to creating an environment that facilitates healthy choices, supports people to be physically active, to help everyone achieve and maintain a healthy weight.

### **Equality and Human Rights Implications**

36. In the course of developing the Healthy Weight Strategy for Leicestershire, an Equalities and Human Rights Impact Assessment (EHRIA) was completed as a way to highlight any issues with equality, barriers to services and ensure protection of human rights. A copy of the assessment is attached to the report as Appendix B.
37. The EHRIA identified some unique groups who may experience barriers in accessing resources and services in relation to healthy weight.
38. This information enabled the County Council to perform a thorough consultation with diverse community groups, the findings of which led to the Strategy being amended in order to help mitigate these challenges. It is expected that the revised Strategy will have a positive impact across the population.
39. There were no adverse impacts on any articles of the Human Rights Act.

### **Background Papers**

40. Report to the Cabinet – 20 October 2020  
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5998&Ver=4>
41. Report to the Health Overview and Scrutiny Committee - 11 November 2020  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1045&MId=5979&Ver=4>  
  
Report to the Health and Wellbeing Board – 26 November 2020  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1038&MId=6109&Ver=4>
42. Report to the County Council – 8 July 2020 - Leicestershire County Council's Revised Strategic Plan 2020-23  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MID=6040#A163661>
43. Joint Strategic Needs Assessment 2018:21 Obesity: physical activity, healthy weight and nutrition.  
<https://www.lsr-online.org/uploads/obesity-physical-activity-healthy-weight-andnutrition.pdf?v=1568369427>
44. Leicestershire Good Food Plan and Good Food Leicestershire Charter  
<http://politics.leics.gov.uk/documents/s143186/LCC%20Cabinet%20report%20Leices%20tershire%20Food%20Charter.pdf>
45. Tackling obesity: empowering adults and children to live healthier lives – UK Government Policy Paper – Published July 2020  
<https://www.gov.uk/government/publications/tackling-obesity-government-strategy/tackling-obesity-empowering-adults-and-children-to-live-healthier-lives>

**Appendices**

Appendix A - Healthy Weight Strategy for Leicestershire

Appendix B - Equalities and Human Rights Impact Assessment





# Draft Healthy Weight Strategy for Leicestershire



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## Introduction

The 2021-2026 Healthy Weight Strategy sets our partnership priorities and approach to promote a healthy weight and tackle obesity in Leicestershire.

Obesity is a complex and multifaceted problem that requires coordinated, effective action to change the food, physical activity and social environments from 'obesogenic' to ones which promote a healthy weight. If we are going to take effective action to reverse obesity at a population level, we need to work together with partners in a 'whole systems'<sup>1</sup> approach to create an environment that facilitates healthy choices and supports individuals to be physically active and achieve and maintain a healthy weight.

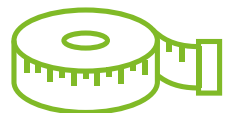
This strategy builds on the Recommendations within the Leicestershire Joint Strategic Needs Assessment 2018-2021 Chapter on Obesity: Physical Activity, Healthy Weight & Nutrition. It is also closely aligned with the ambitions detailed in the Leicestershire Food Plan and the Leicester-Shire & Rutland Sport (LRS) Physical Activity and Sport Strategy 2017-2021 (currently being refreshed).

Food plays an important part of our economy and culture and can bring communities together. It is important therefore that action to support people to maintain a healthy weight is taken by all without stigmatizing individuals and whilst acknowledging that factors such as poor mental health and complexities of managing long term conditions can make weight management extremely difficult. But taking action is something we must do. Most adults are above a healthy weight and 1 in 5 children start school above a healthy weight and this proportion rises to 1 in 3 at year 6 of Primary School. Maintaining a healthy weight can improve our health related quality of life and reduce the risk of health conditions such as heart disease, stroke, type 2 diabetes, liver disease, and some cancers.

It is important to acknowledge in the action we take that there are marked and growing health inequalities associated with the occurrence of obesity, whereby those living in the most socio-economically disadvantaged areas, older people, people with disabilities and some ethnic groups being less likely to be a healthy weight. We need to ensure that our actions reach out to those who are most at risk.

Obesity has financial implications too. Each year, obesity and its related ill health costs the UK NHS £6.1bn; it also costs local government in England £0.35bn in social care costs and the wider UK economy £27bn.

The case for action is therefore clear and this Strategy is a commitment to working together with a range of sectors, including food, health, education, planning, transport, sport and leisure, to support our communities to start, live and age well and to achieve and maintain a healthy weight.



<sup>1</sup> <https://www.gov.uk/government/publications/whole-systems-approach-to-obesity>

## Why do we need a healthy weight strategy?

The prevalence of overweight and obesity in the UK has risen dramatically since 1993, and whilst the increase has slowed down since 2001, the trend is still upwards.



Nearly two-thirds of adults (62.3%) in England were classed as being overweight (a body mass index (BMI) of over 25) or obese (a BMI of over 30) in 2018/19.

In Leicestershire 64.5% of adults were either overweight or obese in 2018/19.

The prevalence of children in reception year who were either overweight or obese in 2019/20 was 23.0% for England and 19.0% for Leicestershire.



The figures for Year 6 pupils in 2019/20 was 35.2% for England and 30.6% for Leicestershire<sup>2</sup>.

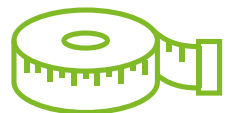
As deprivation increases the number of children at a healthy weight decreases, and the number of children measured as overweight or obese increases.

Physical inactivity and a sedentary lifestyle are also a primary contributor to an increase in prevalence of overweight and obesity in the UK.

The physical activity data for both adults and children and young people in Leicestershire can be found in Appendix A.

## Why is it an issue?

- Poor diet contributes to nearly half of Coronary Heart Disease<sup>3</sup>.
- Poor diet contributes to a third of all cancer deaths<sup>4</sup>.
- Being overweight increases the risk of high blood pressure, high cholesterol and pre-diabetes<sup>5</sup>.
- Severe obesity reduces life expectancy by 8-10 years<sup>6</sup>.



2 <https://fingertips.phe.org.uk/profile/national-child-measurement-programme/data#page/0/gid/8000011/pat/6/par/E12000004/ati/302/are/E06000015/cid/4/page-options/ovw-do-0>

3 Yusuf, S. et al (2004) Effect of potentially modifiable risk factors associated with myocardial infarction in 52 countries (the INTERHEART study): case-control study. *Lancet*; 364: 937-52

4 Doll, R. Peto, R (1981) The causes of cancer: quantitative estimates of avoidable risks in cancer in the United States today. *Journal of the National Cancer Institute*; 66:1191-208

5 <http://webarchive.nationalarchives.gov.uk/20170110171057/> [https://www.noo.org.uk/NOO\\_about\\_obesity/obesity\\_and\\_health/health\\_risk\\_child](https://www.noo.org.uk/NOO_about_obesity/obesity_and_health/health_risk_child) [accessed on 04/04/2018]

6 Dent M, Swanston D (2010) Briefing Note: Obesity and life expectancy

## Our vision

“Our vision is a future where everyone in Leicestershire can eat well, be physically active and develop in a way which facilitates a healthy weight”.

We will work together with a range of sectors to make lasting changes to the food, physical activity and social environment to promote a healthy weight in all of our communities. Our aim is to increase the number of adults, children and families who are a healthy weight in Leicestershire by 2026 compared to the 2019/20 baseline.

## The local context

This strategy is closely aligned with the Leicester-Shire and Rutland Sport (LRS) Physical Activity & Sport Strategy 2017- 2021 for LLR<sup>7</sup>, the Leicestershire Food Plan<sup>8</sup> the Leicestershire Corporate Strategy ‘Working together for the benefit of Everyone’, Leicestershire County Council’s Strategic Plan 2018- 2022<sup>9</sup>, the Leicester and Leicestershire Local Industrial Strategy<sup>10</sup> and the wellbeing@work programme, with integrated action plans to achieve our shared objectives.

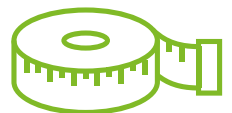
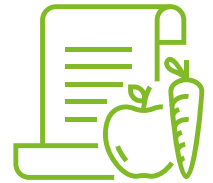
Through a strong evidence base this strategy advocates a tailored approach to address the needs of the population, focusing in particular on those least likely to be a healthy weight, and at key stages where people are more at risk of obesity across the life course. Whilst recognising that there are people in all population groups who are not a healthy weight, this strategy will focus on areas in Leicestershire with the highest prevalence of childhood and adult obesity, and on higher-risk groups such as people with disabilities, certain ethnic groups, older people and those living in disadvantaged circumstances.

## Physical activity

The LRS Physical Activity Strategy 2017-2021 vision is for LLR ‘to be the most physically active and sporting place in England, with 4 ambitions to ‘Get Active, Stay Active, Active Places and Active Economy’. It is also based on 4 foundations:

1. Well lead.
2. Insight driven.
3. Skilled and representative workforce.
4. Effective marketing and communications.

This strategy is currently under revision.



7 <https://www.lrsport.org/uploads/lrs-physical-activity-sport-strategy-2017-2021.pdf>

8 <https://www.leicestershire.gov.uk/news/food-plan-firmly-on-the-table>

9 <https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/6/27/LCC-Strategic-Plan-2018-22.pdf>

10 <https://www.llep.org.uk/strategies-and-plans/our-local-industrial-strategy/>

## The Leicestershire Food Plan

The Leicestershire Food Plan (see Appendix B) is part of the national Sustainable Food Cities (SFC) framework. It links to the Leicestershire Corporate Strategy – ‘Working together for the benefit of Everyone’ with areas of commonality across all five strategic outcomes.

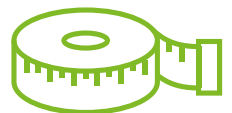
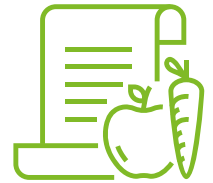
- Correct infrastructure enabling a healthy population for a Strong Economy
- Opportunities for children to get the best start in life, and reducing health inequalities through enhanced community Wellbeing and Opportunity associated with healthier environments and support to gain a healthy weight.
- Families more able to maintain a healthy lifestyle in a self-sufficient way – keeping people safe.
- Communities are more able to plan the future of their ‘healthy place’, taking greater control of the place of health within Great Communities including recognising the impact of obesogenic environments and seeking to change them.
- ‘Health in all policies’ and ‘Healthy Partners, Healthy Place’ enable environments that encourage healthier habits in Affordable and Quality Homes through creating spaces where people can lead active lifestyles and participate in community food activities.

## Local Industrial Strategy

This strategy aligns with the *Leicester and Leicestershire Local Industrial Strategy – A Healthy Climate for Growth* by linking mainly to the core theme of Healthy People – improving the quality of life and wellbeing of the population and supporting the need for improved public transport, promotion of cycling and walking (and associated infrastructure) and the need for more green space to encourage greater levels of activity. There is also the recognition that Healthy Businesses need a healthy workforce.

## Wellbeing@Work Programme

This strategy also links to LLR wellbeing@work programme – which essentially is a workplace health needs assessment offer (sourced from *Public Health England & Healthy Working Futures (2017) ‘Workplace Health Needs Assessment’*) used to identify key priority areas of employee health including healthy eating and physical activity. The results can be used to shape the development of a health and wellbeing action plan that employees’ value and feel is reflective of their needs.



## Outcomes

Monitoring of the prevalence of healthy weight in children and adults is a requirement of the national public health outcomes framework. The key performance indicators relevant to a healthy weight are:

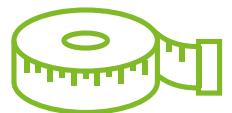
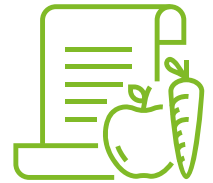
- 2.02i – Breastfeeding initiation.
- 2.02ii – Breastfeeding at 6-8 weeks.
- 2.06i – Child excess weight in 4-5-year olds.
- 2.06ii – Child excess weight in 10-11-year olds.
- 2.11i – Proportion of the population meeting the recommended '5-a-day' on a 'usual' day.
- 2.11ii – Average number of portions of fruit consumed daily at aged 15 years.
- 2.11iii – Average number of portions of vegetables consumed daily (adults).
- 2.11iv – Proportion of the population meeting the recommended '5-a-day' at age 15.
- 2.11v – Average number of portions of fruit consumed daily at age 15.
- 2.11vi – Average number of portions of vegetables consumed daily at age 15.
- 2.12 – Percentage of adults (aged 18+) classed as overweight or obese - current method.
- 2.12 – Percentage of adults (aged 16+) classed as overweight or obese.

Other information available to help form an overall picture of trends in the Leicestershire/UK population are:

- **Food Insecurity:** From 2019 the annual national Family Resources Survey (An annual report that provides facts and figures about the incomes and living circumstances of households and families in the UK) included 10 questions on Food Insecurity. These questions are detailed in Appendix C.
- **Physical Activity datasets from the Active Lives Survey:** Sport England run two surveys: Active Lives Adult, which is published twice a year and replaced the Active People Survey, and the world-leading Active Lives Children and Young People, which is published annually. Both give a unique and comprehensive view of how people are getting active. We have local Sport and Physical Activity datasets for adults and children across LLR taken from Sport England's Active Lives Survey, the most recent is 2019/2020.

## Governance

Successful delivery of this strategy will rely upon all system partners working together on the common priorities as set out. Accountability will shift according to what is being delivered and will be at three principle levels: the Neighbourhood level, the place level and system level.

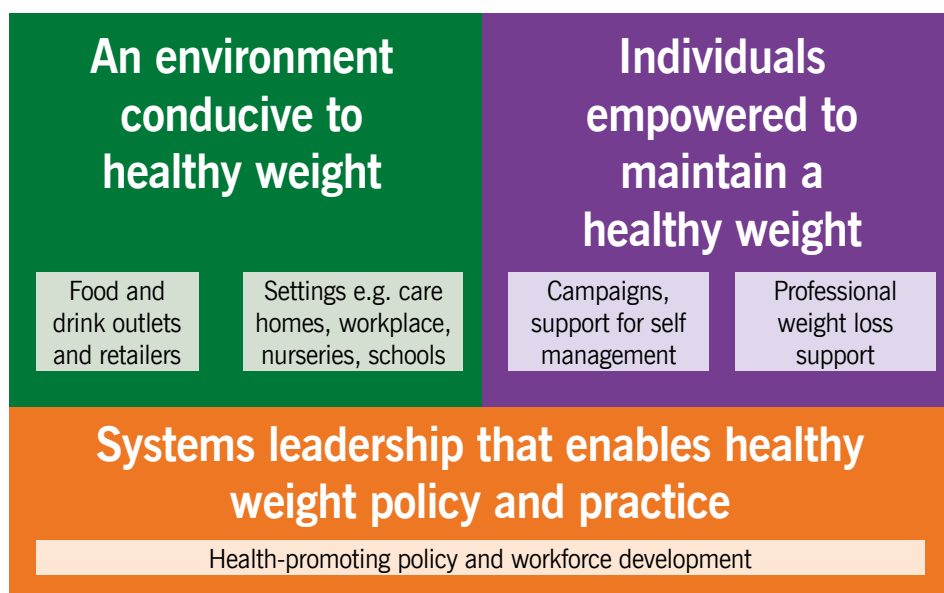


# Delivery themes and strategic objectives

The Leicestershire healthy weight strategy is structured around 3 delivery themes. Each theme identifies objectives needed to achieve our vision.

## Healthy weight delivery themes

- Promoting a healthy weight environment**  
 Population approaches to improve the wider health environment to promote healthy weight (this is aligned to the Active Places strand of the LRS Physical Activity & Sport Strategy and to the Leicestershire Food Plan).
- Support for people to achieve and maintain a healthy weight**  
 Provision of information and advice and weight management services across the life course to increase the number of people who are a healthy weight.
- Prioritising healthy weight through systems leadership**  
 Develop a workforce that is competent and confident to talk about and promoting healthy weight and working with partners to develop healthy weight policy.





## Delivery Theme 1

### Promoting a Healthy Weight Environment

#### Why is it important for Leicestershire?

##### Obesogenic environment

We are living in an obesogenic environment, with an abundance of energy dense food, motorised transport and sedentary lifestyles<sup>11</sup>. Improving the healthy weight environment is therefore complex, and encompasses many areas of work including:

- Enabling active travel.
- Local planning – including advertising (amount of junk food advertising along with where the adverts appear), numbers of fast food outlets and lack of availability of healthy/fresh food (with commonly used terms Food Deserts and Food Swamps).
- Affordability of 'good food' as a viable and available alternative.
- Information available to the public and campaigns (e.g. Sugar Smart).
- Encouraging food outlets to offer and promote healthier options.
- Work with employers to encourage payment of the Living Wage (as determined by the Living Wage Foundation at £9.30/£10.75 in London, not the Government 'National Living Wage' at £8.72).
- Work with specific groups and backbone services e.g. schools, care homes and holiday clubs.
- Skills and resources to help families to cook and eat healthily.

##### Out of home food outlets

There is a known association between the exposure to fast food outlets and food consumption, BMI and obesity. Obesity is also associated with decayed missing or filled teeth in children with links to poor diet and food poverty is associated with low consumption of fruit and vegetables and deficiencies in certain nutrients<sup>12</sup>.

In 2018 there were 473 Fast Food Outlets in Leicestershire (from Food Standards Agency (FSA) Food Hygiene Rating Scheme (FHRS) data (31/12/2017 Snapshot and 02/07/2018 snapshot for Bury data) and in England, more than one quarter (27.1%) of adults and one fifth of children eat food from out-of-home food outlets at least once a week. Meals consumed out of the home tend to be associated with bigger portion sizes and higher intakes of fat, sugar and salt<sup>13</sup>.



11 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296248/Obesity\\_and\\_environment\\_March2014.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/296248/Obesity_and_environment_March2014.pdf)

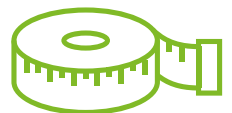
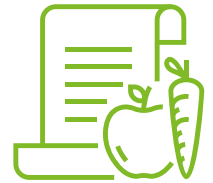
12 <https://publichealthmatters.blog.gov.uk/2017/03/31/healthmatters-obesity-and-the-food-environment/>

13 <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

## Active Environments

As part of our drive to create an active environment, we need to adopt strategies that engineer physical activity back into daily lives. As an example, Sport England, in partnership with Public Health England, have produced the Active Design Guidance which works as a step-by-step guide to implementing an active environment.

This guidance builds on the original objectives of improving accessibility, enhancing amenity and increasing awareness, and sets out the 10 principles of Active Design, these are: activity for all neighborhoods, walkable communities, connected walking & cycling routes, co-location of community facilities, network of multi-functional open space, high quality streets & spaces, appropriate infrastructure, active buildings, management maintenance and monitoring and evaluation, activity promotion and local champions<sup>14</sup>.



<sup>14</sup> Sustain (2016) Measuring household insecurity in the UK <https://www.sustainweb.org/resources/files/reports/MeasuringHouseholdFoodInsecurityintheUK.pdf>

## Strategic Objective 1

### Improve the awareness and availability of healthy and sustainable food and drink in all sectors

#### What are we doing now?

- Local organisations and key stakeholders are working together through the Leicestershire Food Plan to develop multiple food hubs to tackle food poverty including access to affordable (surplus) food, training and resources as well as developing volunteer opportunities.
- In 2019 Leicestershire was successful in obtaining funding for a Holiday Activity and Food Programme – this programme enabled children qualifying for free school meals to access free places in summer holiday clubs including a nutritious meal helping with food insecurity.
- Food for Life is commissioned in Leicestershire and works to increase the uptake of school meals – this has seen an increase in the number of children eating meals that conform to the national school food standard.
- Leicestershire Traded Services distribute 35,000 meals a day to schools in the areas, they have recently been awarded Gold Food for Life Served Here for their menu meaning that school children are eating food with a greater nutritional content that comply with the Food Based & Nutrition based standards.

#### What else could we do?

##### Food retail and outlets

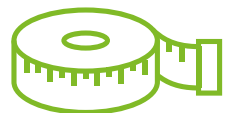
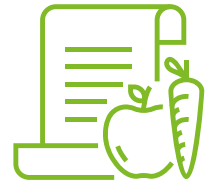
- Government Buying Standards – promotion for local food & catering businesses / increase number of establishments accredited through 'Food for Life Served Here', work with businesses to increase availability of healthy food options.
- Regulation and licensing of fast food outlets, especially those close to schools and early year settings, in conjunction with district and borough councils. We will also look at supporting outlets to offer/promote healthier choices through healthier options merit schemes.

##### Social and community food projects

- Promoting the production and availability of quality food you can trust: more fresh, local, seasonal, sustainable food, with low climate impact and high welfare standards – we will find ways of increasing availability to communities.
- Eating together: more opportunities for social contact through food, building families, tackling loneliness, and bringing communities together.

##### Links with other plans and workstreams

- Continue to support the development of The Leicestershire Food Plan and playing an active role as part of our membership of the Sustainable Food Cities Network.
- Work with our colleagues in the Transport team and across Leicester City Council to explore how we might limit junk food advertising.



## Strategic Objective 2

### Support settings to prevent obesity and increase healthy weight in adults, children and families

#### What are we doing now?

- UNICEF Baby Friendly Initiative<sup>15</sup>: Stage 3 standards achieved: for Health Visiting Services (Leicestershire Partnership NHS Trust) University Hospitals of Leicester Maternity Services (Leicester General Hospital) and Baby Friendly University Programme at De Montfort University (Midwifery course).
- Food for Life Award<sup>16</sup> – over 50% of schools in Leicestershire are participating in this whole school food and nutrition programme.
- Leicestershire Healthy Schools Programme<sup>17</sup>– over 90% of schools are engaged with this programme and have achieved healthy school status by fulfilling the criteria for the 4 core themes including healthy eating/ food in schools and physical activity.
- Leicestershire Healthy Tots Programme<sup>18</sup> – Many early year settings are participating in the healthy tots' programme and have achieved Healthy Tots status by fulfilling the criteria for the 3 core themes including healthy eating and physical activity.
- Workplace Health Award<sup>19</sup> LRS Wellbeing at Work- supporting workplaces to improve health and wellbeing at work.
- Public Health England Clinical Champion Training: Upskilling health professionals such as midwives to increase their confidence of delivering physical activity messages.
- Targeted physical activity campaigns and programmes.
- Whole school approach to physical activity.
- Inviting parents and grandparents to join pupils for school meals, raising awareness of pupil's food choices in school to replicate within the home.
- Older people living in care homes joining children in for school meals, reducing isolation for the older generation and role modelling social dining for the children.
- Parental support provided through education programme such as PEASS (Portion size, e numbers and additives, sugar and salt) that also includes Food for Life (FFL) Served Here and school food standards, this programme, (currently in development, led by FFL) will aid parents understanding of the level of food quality provided by Leicestershire Traded Services and the benefits of this on health and the environment.

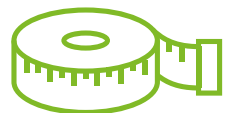
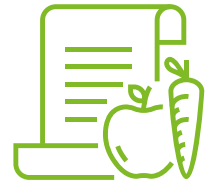
<sup>15</sup> <https://www.unicef.org.uk/babyfriendly/accreditation/>

<sup>16</sup> <https://www.foodforlife.org.uk/>

<sup>17</sup> <https://www.leicestershirehealthyschools.org.uk/>

<sup>18</sup> <https://www.leicestershirehealthytots.org.uk/>

<sup>19</sup> <https://www.lrsport.org/wellbeingatwork>



## What else could will do?

### Maternity, children and young people settings

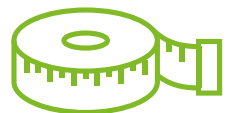
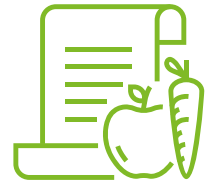
- Continue to promote accreditation to UNICEF's Baby Friendly Initiative.
  - Gold Level for Health Visiting, Leicester General Hospital's Maternity Unit and De Montfort University – Midwifery course.
  - Support- Children & family Wellbeing Centres, UHL's Maternity Hospital and Neonatal Unit at Leicester Royal Infirmary site and De Montfort University Health Visiting course achieve stage 1,2, 3 standards.
  - Undertake an Infant Feeding Health Needs Assessment and use this to inform the refresh of the LLR Infant Feeding Strategy and action plan.
- Form a pregnancy weight loss services as part of the Leicestershire Weight Management Service, with referrals made by midwives.
- Continue to support schools to renew their healthy school status and to achieve healthy schools plus by achieving meaningful outcomes regarding healthy weight.
- Continue to support and recruit early year settings to renew and achieve Healthy Tots status.
- Continue to recruit and support to the Food for Life Programme – to achieve bronze, silver and gold level awards.
- Support schools to prepare and implement the healthy eating and physical activity component of the statutory Relationships Sex and Health Education commencing in September 2020.

### Workplace setting

- See also recommendations from the JSNA and the [Leicester-shire and Rutland sport strategy](#).

### Other settings

- Increase uptake of healthy start vouchers and explore coordinated mechanisms for using vouchers to access fruit and veg.
- Social Prescribing - Fruit and Veg on prescription and other mechanisms for increasing access to Fruit and Veg.
- Piloting approaches for community projects looking at access and support for people to use fresh healthy food.
- Ensure that all health & care professionals are aware of the healthy weight initiatives are signposting and referring to services.
- Identify actions needed within the adult social care sector to help with later life healthy weight.
- Ensure access to information and services are inclusive population by creating translated, braille and BSL versions. Also use alternative means of communication such as community radio and distribution of physical information to homes and community hubs.
- Explore the use of other settings (e.g. Job Centres) to increase the reach of healthy eating messages and awareness of weight management services.



## Delivery Theme 2

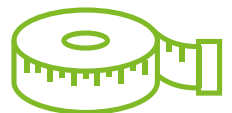
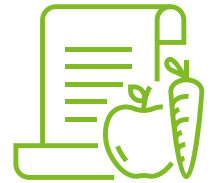
### Support for people to achieve and maintain a healthy weight

#### Why is it important for Leicestershire?

Statistics for Leicestershire show that 64% of adults and 30% of year 6 primary school children are overweight or obese. Supporting people to achieve and maintain a healthy weight is an important part of the system approach and needs to support people who are underweight, overweight or obese. Different services are needed to support people in these different weight categories and need to be joined up between Public Health and CCG-commissioned programmes and pathways. We must also recognise the impact that poor mental health has on healthy living and be able to support those faced with these challenges. By tackling factors poor mental health, we are more likely to help sustain long term positive change in relation to healthy weight.

Indicators of importance to this theme include:

- % of pregnant women in Leicestershire who were classified as obese (Maternity HNA data).
- % of babies that are initially breastfed in Leicestershire.
- % of babies in Leicestershire that are being breastfed at 6-8 weeks.
- The prevalence of children in reception class in 2018/19 overweight/ obese.
- The prevalence of children in year 6 in 2018/19 who were overweight or obese.
- The % of adults in Leicestershire who are overweight or obese in 2018/19.



## Strategic Objective 3

### Co-ordinate a healthy weight pathway which includes prevention, self-management and weight management support

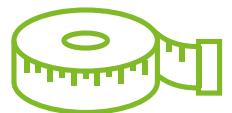
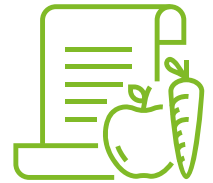
#### What are we doing now?

- Universal services – ante-natal programme – Bumps to Babies, advice on infant feeding (breast feeding/ formula feeding) advice on weaning/ introduction of solids/ portion sizes for very young children. Purposeful physical play. Cook & Eat/ Health for Under 5s/ Health for Kids/ Health for Teens.
- Leicestershire weight management services- child and adult weight management services.
- The Standard Operating Guidance for the 0-19 Healthy Child Programme includes a healthy weight care pathway.
- Healthy Weight care pathway for adults and children.
- Review of the current Healthy Weight Management service – JSNA chapter and recommendations.
- Alignment to the new Physical Activity pathway – ensuring that everyone has access to physical activity at a place and appropriate level for them.
- Continue to emphasise the role exercise has in a healthy lifestyle. Raise awareness of resources for physical activity and exercise referral scheme (Leicestershire & Rutland Sport).

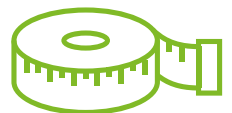
#### What else could we do?

- Work with CCGs to commission a specialist weight management service for adults.
- Promote more widely the Sugar Smart campaign<sup>20</sup>. This is a campaign by food the charity Sustain which encourages councils, businesses, institutions and other sectors to help reduce overconsumption of sugar in their local areas.
- Campaign for Real Food – to reduce the consumption of ultra-processed food and drinks. A healthy sustainable diet: less processed food high in fat, sugar/ salt, less but better-quality meat, and more fruit and vegetables, whole grain and sustainable fish.
- Start 4 Life Change 4 Life.
- Communications Plan-for the Leicestershire Healthy Weight Strategy – increase ease and uptake of self-referrals.
- Link into Good Food Leicestershire communications plan and events.

<sup>20</sup> <http://sustainablefoodcities.org/campaigns/2017sugarsmartuk.html>



- Build on the learning from the hubs that have been established to support vulnerable people during the Coronavirus pandemic, exploring mechanisms for linking with social prescribing, access to the weight management pathway, sign posting for resources and to encourage social aspects of healthy living.
- Acknowledge the role of mental health in achieving a healthy weight and promoting the use of mental health services, especially self-help and self-referral pathways.
- Encourage use of social prescribing link workers to help manage underlying socio-economic and environmental factors which act as external stressors to unhealthy living habits.
- Continue to try and make exercise facilities as financially accessible as possible and raise awareness of them to professionals and the public.





## Delivery Theme 3

### Prioritise healthy weight through systems leadership

#### Why is it important for Leicestershire?

Health & Care Professionals are in a unique position to talk to patients about their weight and evidence has shown that people respond well to professionals in relation to taking action around their weight. However if not done sensitively it can result in people feeling stigmatised or confused about where to access support. Leadership and professional support is an important part of the system strategy. the Covid-19 pandemic has had significant impact on people's physical and mental wellbeing, especially front line workers. It is important that our workforces are confident in talking to colleagues about healthy living and are able to support and direct them to the relevant services.



## Strategic Objective 4

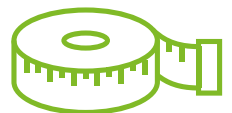
### Develop workforces that are confident and competent talking about and promoting healthy weight

#### What are we doing now?

- PHE Physical activity champions in UHL Maternity Services.
- Making Every contact Count (MECC) – MECC lite and Healthy Conversations (MECC Plus) and Getting it Right First Time.
- Face to face and e learning module for UHL Maternity Services staff/ 0-19 Healthy Child Programme staff on healthy weight before/during and post pregnancy.
- NHS Health Checks.
- Early years, Care workers physical activity training, upskilling of the community to lead physical activity sessions.
- Work across care homes re nutrition guidance and training.
- Link to workforce element of LRS Physical Activity & Sport Strategy.

#### What else could we do?

- Expand MECC Lite / Healthy Conversations MECC Plus training on healthy weight.
- Develop MECC E Learning modules on healthy weight (E-Learning MECC Plus module being developed for healthy weight before/ during/post pregnancy).
- Assess knowledge and practice gaps for planning officers – obesogenic environment/ Health impact assessments – new housing developments (access opportunity for active travel, healthy affordable food).
- Review, develop and evaluate healthy weight training for staff.



## Strategic Objective 5

### Working with partners and stakeholders to support the development of a whole systems approach to healthy weight

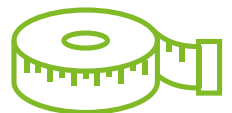
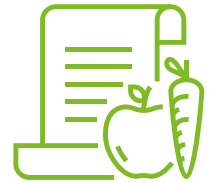
#### What are we doing now?

- Leicestershire Food Plan – the food plan is working on several different areas of the food system and with multiple partners. Our main areas of collaboration are within the Food and Drink Sector where we are developing with alongside Leicester City Council, the Leicester and Leicestershire Enterprise Partnership and the Food and Drink Forum; and on food production (particularly agriculture) alongside the GWCT and Brooksby Melton College. We are also working with specific community groups on several project areas, Melton and Harborough are supporting us to translate our food plan within communities. These areas of work aren't all related to Healthy Weight, but there are many cross-overs.
- LRS Physical Activity and Sport Strategy- vision is for LLR 'to be the most physically active and sporting place in England, with 4 ambitions to 'Get Active, Stay Active, Active Places and Active Economy'. It is also based on 4 foundations:
  - Well lead.
  - Skilled and representative workforce.
  - Insight driven.
  - Effective marketing and communications.

#### What else could we do?

- Develop a 'health in all policies' approach to review how healthy weight can be incorporated into existing strategies and policies, commissioning specifications and work areas to support and promote healthier weight environment.
- Use a 'health equity' approach in developing healthy weight approaches, whereby support and services are proportionate to unmet need, and pathways and services are carefully considered to avoid inadvertently increasing health inequalities.
- Work with partners to develop a 'healthy partners, healthy place' approach to incorporate health considerations in planning decision making, considerations for economic growth and provision of green infrastructure.
- Work with partners to encourage paying of the Living Wage including investigating designation of Leicestershire as a Living Wage County (<https://www.livingwage.org.uk/living-wage-places>).
- Investigate the potential to work alongside Leicester City Council and the Leicester and Leicestershire Enterprise Partnership to align to the B Corp accreditation for companies in the area – this evaluates impact on workers, community, environment and customers.
- Food plan examples of best practice.

Case study examples of how a whole systems approach to obesity has worked in other areas can be found in Appendix D.



## Appendix A

### Sport & Physical Activity levels for adults across LLR taken from Sport England's Active Lives Survey (May- 2019-May 2020)

May 2018-19	Active (150+ mins per week)	Fairly active (30-149 mins per week)	Inactive (> 30 mins per week)
Blaby	61.5%	14.0%	24.6%
Charnwood	64.6%	12.2%	23.2%
Harborough	65.8%	12.7%	21.5%
Hinckley and Bosworth	63.9%	13.2%	22.9%
Melton	66.5%	12.9%	20.6%
NW Leics	64.8%	10.1%	25.1%
Oadby and Wigston	54.9%	12.7%	32.4%
Leicester	56.9%	14.6%	28.5%
Rutland	65.6%	10.6%	23.8%
Leicestershire	63.6%	12.5%	24.0%
LLR	61.6%	13.1%	25.4%
England	62.8%	11.7%	25.5%

### Sport & Physical Activity levels for Children & Young People in school years 1-11 across LLR Taken from Sport England's Active Lives Survey (May 2018- 2019 )

May 2018-19	Active (average 60+ mins per day)	Fairly active (average 30-59 mins per day)	Inactive (average > 30 mins per day)
Blaby	*	*	*
Charnwood	48.7%	31.3%	20.1%
Harborough	56.9%	24.0%	19.1%
Hinckley and Bosworth	47.5%	27.0%	25.4%
Melton	52.4%	20.6%	27.0%
NW Leics	47.5%	22.5%	29.9%
Oadby and Wigston	*	*	*
Leicester	47.1%	22.5%	30.5%
Rutland	56.3%	23.7%	20.1%
Leicestershire	51.5%	24.2%	24.4%
LLR	51.0%	23.8%	25.2%
England	46.8%	24.2%	29.0%

\*indicates numbers have been suppressed due to the small number of schools surveyed



## PHE Fingertips data on Physically Active and Physically Inactive adults and physically active children & Young People in Leicestershire (including district/ Borough Council Percentages)

	Percentage of physically active adults	Percentage of physically inactive adults	Percentage of physically active children and young people
Period	2018/19	2018/19	2018/19
Blaby	69.4	18.8	*
Charnwood	68.0	17.4	48.7
Harborough	69.9	19.0	56.9
Hinckley and Bosworth	65.5	19.7	47.5
Melton	71.3	19.3	52.4
NW Leics	71.6	19.8	47.5
Oadby and Wigston	61.3	28.2	*
Leicestershire	68.3	19.5	51.5
England	67.2	21.4	47.9

Note: PHE do not include data for “fairly active” adults or for “fairly active/inactive” children and young people

\*indicates numbers have been suppressed due to the small number of schools surveyed



## Appendix B

### Sustainable Food Cities Framework

Sustainable Food Cities is a framework managed by three national charities – Sustain, The Soil Association and Food Matters – Leicestershire is a member along with 56 other places.

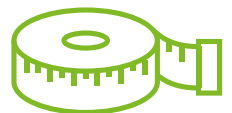
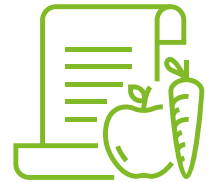
Sustainability is a very broad concept and is about direction of travel rather than reaching a specific destination. The Sustainable Food Cities framework is structured across six areas or key issues:

1. Promoting healthy and sustainable food to the public.
2. Tackling food poverty, diet-related ill health and access to affordable healthy food.
3. Building community food knowledge, skills, resources and projects.
4. Promoting a vibrant and diverse sustainable food economy.
5. Transforming catering and food procurement.
6. Reducing waste and the ecological footprint of the food system.

## Appendix C

### National Family Resources Survey

1. “We worried whether our food would run out before we got money to buy more.” Was that often, sometimes, or never true for you in the last 30 days?
2. “The food that we bought just didn’t last and we didn’t have money to get more.” Was that often, sometimes, or never true for you in the last 30 days?
3. “We couldn’t afford to eat balanced meals.” Was that often, sometimes, or never true for you in the last 30 days?
4. In the last 30 days, did you or other adults in the household ever cut the size of your meals or skip meals because there wasn’t enough money for food? (Yes/No)
5. (If yes to question 4) How often did this happen—almost every month, some months but not every month, or in only 1 or 2 months?
6. In the last 30 days, did you ever eat less than you felt you should because there wasn’t enough money for food? (Yes/No)
7. In the last 30 days, were you ever hungry, but didn’t eat, because there wasn’t enough money for food? (Yes/No)
8. In the last 30 days, did you lose weight because there wasn’t enough money for food? (Yes/No)
9. In the last 30 days did you or other adults in your household ever not eat for a whole day because there wasn’t enough money for food? (Yes/No)
10. (If yes to question 9) How often did this happen – almost every month, some months but not every month, or in only 1 or 2 months?



## Appendix D

### Case studies

Case Studies with examples of whole systems projects working towards reduction and prevention of obesity.

All these examples show working across multiple issues as well as multiple stakeholders and key with these is also leadership at various levels be it Sadiq Kahn (Mayor of London) or a GP in a practice.

### Social Prescribing – Measham and Kindling Trust

A doctor's surgery in Measham has land available and is developing plans to incorporate fruit/vegetable planting on that land. It would be used as a social prescribing resourced managed through TCV (funding is currently being sought). This is a perfect combination of growing food (and therefore more likely to take pride in and eat the produce) and physical activity on land in a familiar setting. There will also be the opportunity to work with the audience to support with cooking skills.

In Greater Manchester the Kindling Trust works to support people with growing and accessing fresh fruit and veg. This funded project saw people receiving fruit and veg on prescription, along with support to grow and cook. [https://kindling.org.uk/more\\_than\\_medicine\\_film](https://kindling.org.uk/more_than_medicine_film)

### Transport for London Advertising ban on junk food

TFL recently banned junk food advertising on its assets – this was a big decision as TFL has one of the largest advertising assets in the world.

## Campaigns

**Healthy start vouchers, campaign to include measure of food poverty in national statistics, coca cola Christmas tour ban, refill water campaign.**

Various campaigns revolve around SFC and its partners including:

**Healthy Start voucher campaign** – supporting places to increase uptake in vouchers so that people in food poverty can access support.

A recent campaign called for national statistics to include asking people about food security – the government has committed to measuring household food insecurity following pressure from charities involved with SFC.

**A campaign as part of Sugar Smart** (an SFC campaign) which saw some places refusing permission to stop the coke truck on public land, and letters and protests at supermarkets allowing the truck to stop. There was also a spotlight shone on the fact that the truck was visiting areas with worse than average health problems relating to diet-related disease and some locations where 30% of the children have experienced tooth decay.

Linked to this, **Sugar Smart** has also looked at raising the profile of water as opposed to sugary drinks, and the need to offer free water in public places. Leicester are looking at this as part of their new Food Plan.



## Vegpower in Leicestershire

Supporting schools with Veg Power packs. We will be providing finance for 50 schools in Leicestershire to have free resources to participate in the 202 Veg Power campaign. This will be coordinated with Food for Life and Leicestershire Traded Services so that national advertising (ITV, channel 4 and supermarket product advertising) links with vegetables used in school meals and this is then capitalised upon in school with use of resources.

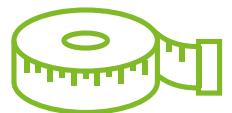
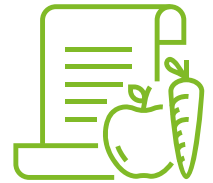
**Blackburn & Darwin:** training staff to help tackle weight issues in the early year settings, using 8 e-learning modules including: behaviour change techniques, unhealthy weight in early year settings, nutrition, physical activity and sedentary behaviour and culture.

**Blackpool:** Healthy food awards for local take away and restaurants, family-based weight management services, 'Giving Up Loving Pop' (GULP) campaign in secondary schools.

**Soil Association's Out to Lunch** campaign ranks children's food in 28 of the UKs most popular restaurants and supermarket cafés.

**Carlisle:** Fruit & Veg snack van for communities (as an alternative to an ice-cream van).

**Essex:** School activities including Daily Mile, Let's Get Cooking, Active Heart lessons in schools.







## **Equality & Human Rights Impact Assessment (EHRIA)**

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service\*\* for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service\*\* may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or [equality@leics.gov.uk](mailto:equality@leics.gov.uk)

*\*\*Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

<b>Key Details</b>	
<b>Name of policy being assessed:</b>	Healthy Weight Strategy for Leicestershire 2021- 2026
<b>Department and section:</b>	Public Health
<b>Name of lead officer/ job title and others completing this assessment:</b>	Mike Sandys, Director of Public Health Elizabeth Orton, Consultant in Public Health Rebecca Symes, Specialty Registrar in Public Health, Sai Lanka, Foundation Year 2 Doctor
<b>Contact telephone numbers:</b>	0116 232 3232
<b>Name of officer/s responsible for implementing this policy:</b>	Elizabeth Orton, Consultant in Public Health
<b>Date EHRIA assessment started:</b>	15/08/2020
<b>Date EHRIA assessment completed:</b>	To be completed

### **Section 1: Defining the policy**

### Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1	<p>What is new or changed in this policy? <i>What has changed and why?</i></p> <p>The Healthy Weight Strategy 2021-2026 sets out our partnership priorities and approach to promote a healthy weight and tackle obesity in Leicestershire. The strategy is a commitment to working together with a range of sectors, including food, health, education, planning, transport, sport and leisure, and economic development to support our communities to start, live and age well, and develop in a way which facilitates healthy behaviours and a healthy weight.</p> <p>The prevalence of overweight and obesity in the UK has risen dramatically since 1993. Whilst the increase has slowed down since 2001, the trend is still upwards, emphasising the need for effective action. In Leicestershire 60.6% of adults were either overweight or obese in 2017/18. The prevalence of children in reception year who were either overweight or obese in 2018/19 was 22.6% for England and 19.6% for Leicestershire.</p> <p>This strategy was driven by the recommendations within the Leicestershire Joint Strategic Needs Assessment 2018-2021 Chapter on Obesity: Physical Activity, Healthy Weight &amp; Nutrition. There is a recognised need for a local obesity strategy.</p> <p>Obesity is a complex and multifaceted problem that requires coordinated, effective action to change the food, physical activity and social environments from 'obesogenic' to ones which promote a healthy weight. To take effective action to reverse obesity at a population level, we need to work together with partners in a 'whole systems' approach to create an environment that facilitates healthy choices and supports individuals to achieve and maintain a healthy weight.</p> <p>The strategy has 3 delivery themes and 5 associated strategic objectives:</p> <p><b>1. Promoting a healthy weight environment</b></p> <p>Strategic objective 1: Improve the awareness and availability of health and sustainable food and drink in sectors</p> <p>Strategic Objective 2: Support settings to prevent obesity and increase healthy weight in adults, children and families</p> <p><b>2. Supporting individuals to achieve and maintain a healthy weight</b></p> <p>Strategic Objective 3: Co-ordinate healthy weight pathway including prevention, self-management and supported weight management</p> <p><b>3. Prioritising healthy weight through systems leadership</b></p> <p>Strategic objective 4: Develop a workforce that is confident and competent</p>
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	<p>talking about and promoting healthy weight</p> <p>Strategic objective 5: Working with partners and stakeholders to support the development of a whole systems approach to healthy weight</p>
2	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>The Main focus of this strategy will be on Healthy Weight and Nutrition, whilst making links to the Leicester-Shire &amp; Rutland (LRS) Physical Activity and Sport Strategy 2017-2021. This strategy sets out a long-term vision for physical activity and sport across Leicester, Leicestershire and Rutland and encompasses everything from supporting the least active residents to build activity into their everyday lives, through to the development of future Olympians, Paralympians and World Champions.</p> <p>The proposed Healthy Weight Strategy is also closely aligned with:</p> <ul style="list-style-type: none"> <li>• Leicestershire Food Plan</li> <li>• Leicestershire Corporate Strategy 'Working together for the benefit of Everyone'</li> <li>• Leicestershire County Council's Strategic Plan 2018- 2022</li> <li>• Leicester and Leicestershire Local Industrial Strategy</li> <li>• Leicester, Leicestershire and Rutland (LLR) Wellbeing@workprogramme,</li> </ul>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>This strategy is aimed at all Leicestershire residents. Our vision is a future where everyone in Leicestershire can eat well, be physically active and develop in a way which facilitates a healthy weight.</p> <p>Through a strong evidence base this strategy will tailor its approach to address the needs of the population and key stages where people are more at risk of obesity across the life course. Whilst recognising that there are people in all population groups who are not a healthy weight, this strategy will focus on areas in Leicestershire with the highest prevalence of childhood and adult obesity.</p> <p>We will work together with a range of sectors to make lasting changes to the food, physical activity and social environment to promote a healthy weight. Our aim is to increase the number of adults, children and families who are a healthy weight in Leicestershire by 2026. This in turn will lead to reduction in obesity-related disease such as type 2 diabetes and cardiovascular disease. We aim to support our communities to start, live and age well.</p>
4	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? <b>(Please tick and explain how)</b></p>

	Yes	No	How?
Eliminate unlawful discrimination, harassment and victimisation	✓		This strategy is for all Leicestershire residents. Our vision is a future where everyone in Leicestershire can eat well, be physically active and develop in a way which facilitates a healthy weight. We aim to minimise disadvantage suffered by people due to their protected characteristics. Examples are outlined in the EHRIA screening questions below, including anticipated positive impacts of the strategy. The planned consultation will help us address any possible barriers we have identified and formulate ways to mitigate these.
Advance equality of opportunity between different groups	✓		This strategy will tailor its approach to address the needs of the population and key stages where people are more at risk of obesity across the life course. Additional interventions and considerations may be needed when engaging with some of our communities. More details of this are given below and will be included in the full EHRIA report. The planned consultation will enable us to gain a better understanding of any barriers/disadvantages faced by different groups and how we can mitigate these to promote equality.
Foster good relations between different groups	✓		This strategy promotes social and community projects and aims to improve community cohesion. Promoting a healthy weight environment is a key delivery theme and requires Active Design - a combination of 10 principles that promote activity, health and stronger communities.

## Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

### Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

**Section 2****A: Research and Consultation**

5.	Have the target groups been consulted about the following?	Yes	No*
	a) their current needs and aspirations and what is important to them;		✓
	b) any potential impact of this change on them (positive and negative, intended and unintended);		✓
	c) potential barriers they may face		✓
	<b><i>NB – consultation is currently being planned</i></b>		
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		
	<b><i>NB – consultation is currently being planned</i></b>		✓
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		
	<b><i>NB – consultation is currently being planned</i></b>		✓
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		
	Consultation for this Healthy Weight Strategy is currently being planned by the Health Weight Strategy working group and in collaboration with the Communities, Policy and Resilience department. This will include members of the Equalities Challenge Group in this consultation and members of the public with protected characteristics.		

**Section 2****B: Monitoring Impact**

9.	Are there systems set up to:	Yes	No
	a) monitor impact (positive and negative, intended and unintended) for different groups;	✓	
	b) enable open feedback and suggestions from different communities	✓	
	<b><i>NB this is also an area we wish to strengthen during the development of this strategy.</i></b>		

**Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.**

**Section 2****C: Potential Impact**

10.	Use the table below to specify if any individuals or community groups who identify with any of the ' <a href="#">protected characteristics</a> ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	✓		Nutritional needs change with age. The strategy aims to have a positive impact on a wide variety of age groups throughout the life course. This ranges from nursery/school-based support in younger age groups to work-based support in adults and support for older adults through adult social care. The importance of antenatal support and breastfeeding is also recognised. Key settings identified in the strategy to promote a healthy weight environment include care homes, workplaces, nurseries and schools, encompassing a wide range of age groups.
	Disability	✓		People with disabilities (including those with learning disabilities, dementia and cognitive impairment) may have additional communication needs. Adaptations may be needed to enable these groups to access services outlined in this strategy. This is particularly relevant given the high levels of obesity in those with learning disabilities. Physical disabilities may also limit people engaging in active travel. This a key area of development for the strategy and consultation will enable us to strengthen this area.
	Gender Reassignment		✓	People are supported in this strategy regardless of their gender and there are no issues foreseen following reassignment.
	Marriage and Civil Partnership		✓	It is not anticipated that people would be differentially affected by this strategy based on their marriage or civil partnership status. People are supported in this strategy regardless of their marriage or civil partnership

			status.
<b>Pregnancy and Maternity</b>	✓		The strategy outlines the importance of antenatal services, infant feeding and Unicef's UK Baby Friendly Initiative. There is also an emphasis on developing the Maternity Services workforce to be confident and competent talking about and promoting healthy weight. These are likely to have positive effects on those who are pregnant and engaging with maternity services.
<b>Race</b>	✓		People will be supported in this strategy regardless of race or ethnicity. However, culture/ethnicity-specific diets need to be considered. Barriers to accessing support and services may include language/communication difficulties and cultural acceptability. Some groups e.g. South Asian communities have a higher risk of diabetes and these additional needs require consideration. Additional interventions and considerations may be needed when engaging with some of our communities. This a key area of development for the strategy and consultation will enable us to strengthen this area.
<b>Religion or Belief</b>	✓		People will be supported in this strategy regardless of religion or belief. There may be some connections with Race section above, including the need to consider culture/ethnicity-specific diets.
<b>Sex</b>		✓	People are supported in this strategy regardless of their sex. We do not foresee any differential impacts based on sex.
<b>Sexual Orientation</b>		✓	People are supported in this strategy regardless of their sexual orientation. We do not foresee any differential impacts based on sexual orientation.
<b>Other groups e.g. rural isolation, deprivation, health</b>	✓		The strategy is anticipated to have positive impacts on deprived communities through

	<b>inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>			work with the Leicestershire Food Plan to tackle food poverty. The policy aims to improve the awareness and availability of healthy and sustainable food and drink in sectors. Key settings for this include care homes, workplaces, nurseries and schools, which stretch across urban and rural areas. Delivery of weight management services are predominately telephone and digital-based so travel to access these is not required.
	<b>Community Cohesion</b>	✓		The strategy is anticipated to positively impact community cohesion through initiatives such as social and community food projects, providing opportunities for social contact through food.
<b>11.</b>	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? <b>(Please tick)</b></p> <p>Explain why you consider that any particular <a href="#">article in the Human Rights Act</a> may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>
<p><b>Part 1: The Convention- Rights and Freedoms</b></p> <p><i>This refers to the European Convention on Human Rights, and is reflected in the Human Rights Act 1998, which sets out the legal responsibilities of public bodies under UK law.</i></p> <p><i>The Rights are underpinned by the concepts of fairness, dignity and respect.</i></p>				
	<b>Article 2: Right to life</b>	✓		This strategy will facilitate healthy behaviours and support people to maintain a healthy weight. The aim is to improve quality of life and reduce the impact of long-term health conditions.
	<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>		✓	
	<b>Article 4: Right not to be subjected to slavery/ forced labour</b>		✓	



	<b>Article 5: Right to liberty and security</b>		✓	
	<b>Article 6: Right to a fair trial</b>		✓	
	<b>Article 7: No punishment without law</b>		✓	
	<b>Article 8: Right to respect for private and family life</b>		✓	
	<b>Article 9: Right to freedom of thought, conscience and religion</b>		✓	
	<b>Article 10: Right to freedom of expression</b>		✓	
	<b>Article 11: Right to freedom of assembly and association</b>		✓	
	<b>Article 12: Right to marry</b>		✓	
	<b>Article 14: Right not to be discriminated against</b>	✓		People with protected characteristics will not be discriminated against. Where there may be disadvantages/barriers, this will be mitigated. The planned consultation will enable us to plan these mitigations.
	<b>Part 2: The First Protocol</b>			
<b>Article 1: Protection of property/ peaceful enjoyment</b>		✓		
<b>Article 2: Right to education</b>		✓		
<b>Article 3: Right to free elections</b>		✓		
<b>Section 2</b>				
<b>D: Decision</b>				
<b>12.</b>	Is there evidence or any other reason to suggest that:	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
	a) this policy could have a different affect or adverse impact on any section of the community;	✓		
	b) any section of the community may face barriers in benefiting from the proposal	✓		
<b>13.</b>	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" type="checkbox"/>

**Note: If the decision is ‘Negative Impact’ or ‘Impact Not Known’ an EHRIA Report is required.**

14.	Is an EHRIA report required?	Yes <input checked="checked" type="checkbox"/>	No <input type="checkbox"/>
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## Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

**Option 1:** If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

**Option 2:** If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

# Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

## Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

## Section 3

### A: Research and Consultation

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

15.	<p>Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you now explored the following and <u>what</u> does this information/data tell you about each of the diverse groups?</p> <p>a) current needs and aspirations and what is important to individuals and community groups (including human rights);</p>
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	<p>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);</p> <p>c) likely barriers that individuals and community groups may face (including human rights)</p>
	<p>The strategy aims to promote an integrated whole system approach to healthy weight. As a population there are people of all backgrounds who are not a healthy weight. It is in everyone's interests to support healthy living habits. As we know, being an unhealthy weight has a detrimental effect on many physical conditions such as Diabetes and cardiac disease. It is also important to remember the impact on mental health, especially confounded with the effect of the COVID-19 pandemic. Therefore, by actively supporting the population in achieving a healthy weight you will be protecting their right to life. Overall, we believe the Healthy Weight Strategy can have a positive impact on everyone.</p> <p>We acknowledged that there may be universal barriers to accessing services and experiencing a positive impact from the strategy. But also, we anticipated that there will be individuals and community groups that may face unique barriers. A review of the protected characteristics and general literature allowed us to form a list of some groups or communities that may be affected differently by the strategy. These include:</p> <ul style="list-style-type: none"> <li>• People with disabilities</li> <li>• Persons living in deprived areas</li> <li>• Digitally excluded</li> <li>• Black and minority ethnic (BAME) groups</li> </ul> <p>We then identified local diverse community groups that fall under these categories and from there held consultations to further explore the impact this strategy may have on its members. We will discuss the findings of the consultation with members of some of these groups in the subsequent sections.</p>
<b>16.</b>	Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?
	As per section 15, sufficient research and data collection has been acquired to have a good understanding on the affects of the strategy on target groups.
	When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.
<b>17.</b>	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
	<p>Consultations were conducted in many different ways to help ascertain the likely impact on the wide range of intended service users. Methods of data collection included focus groups via Zoom video calls, an online questionnaire, dedicated email address and Confers online forum. Several groups were identified whom the policy may have a different affect or adverse impact due to protected characteristics. These included:</p> <ul style="list-style-type: none"> <li>• Members of the Jewish community (11 members)</li> </ul>

- Hindu ladies' community group (60 members)
- Leicestershire Equalities Challenge Group (13 members)
- Oadby, Wigston and Blaby Locality Learning Disability Group (LECG) (4 members)

The online questionnaire received 46 responses, the Confers public forum 6 responses and the dedicated email address 4 responses.

Consultations helped identify potential barriers to service that members of the population may face which lead to considerations in strategy design. Barriers that were highlighted across the consultation methods were:

- High cost of healthy food, exercise facilities or weight management support
- Digital exclusion e.g. elderly population who do not have internet access
- Lack of knowledge regarding opportunities
- Inaccessible support and resources for people with disabilities
- Difficulty in accessing services due to rural living
- Inadequate representation of culture specific healthy diets
- Unhealthy food habits due to external stressors such as isolation and low mood
- Stigma and judgement in relation to weight and unhealthy habits.

The individual groups also presented some unique barriers specific to that population. The Hindu ladies group mentioned the difficulties that may arise from a language barrier in their community. They advised production of translated services to promote engagement. Furthermore, they discussed obstacles regarding dietary advice received in the past, explaining it was not culturally specific. Therefore, this led to difficulties following any nutrition advice or plan provided. Both the Jewish community and Hindu ladies group mentioned difficulties with unhealthy eating habits around festivities. The LECG expressed concerns regarding inaccessible support and resources for people with disabilities.

18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?
	We feel that our consultation process has adequately allowed us to develop an understanding of barriers that may policy may produce on target groups. Using this information, we will make amendments to our strategy to better facilitate a more inclusive approach to healthy weight.

### Section 3

#### B: Recognised Impact

19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.	
		<b>Comments</b>
	<b>Age</b>	As discussed in the screening section, we believe we can make a positive impact on all age groups and this is something that is reflected in our strategy. With interventions

		<p>aimed at all stages in a person's life including working with maternity services, schools and adult social services. The Office for National Statistics released a report in 2019 discussing the UK's digital divide. It showed that of the UK's population of internet non-users, 79% of these were of 65 years of age or older. Our data reinforced that the population we consulted also had concerns regarding 'Digital exclusion'. Difficulties accessing online services can limit engagement with healthy weight services. We have amended the draft strategy to emphasise the need for mixed approaches to services so that they are not wholly reliant on digital means of communication, including ensuring resources and services are accessible through face-to-face contact, telephone consultations, physical information for example spread at community events and even advertising through radio.</p>
	<b>Disability</b>	<p>Evidence shows that people with disabilities have an increased risk of obesity. Recent NHS data revealed that 37% of people with learning disabilities are classified as obese as opposed to 30.1% in people without a learning disability (NHS Digital). People with disabilities are likely to face barriers in accessing services. These may include, difficulties with communication (learning disabilities, audio-visual impairments) and limitations with physical activity. It is vital to ensure health programmes are accessible, this may require resources to be adapted. For example, production of BSL translations and braille versions of resources. PHE guidance on obesity and weight management for people with learning disabilities suggests use of abstract images to ensure information and resources are accessible. It also advised one of the main barriers to participation in physical activity in people with learning disabilities is a lack of understanding of its benefits. Therefore, health promotion is vital to ensure maintenance of healthy lifestyle changes. The revised strategy places more emphasis on reaching people with disabilities and ensuring accessibility.</p>
	<b>Gender Reassignment</b>	<p>As per the screening, people will be supported in this strategy regardless of gender reassignment. We did not encounter any further concerns in regard to this.</p>
	<b>Marriage and Civil Partnership</b>	<p>As per the screening people will be supported regardless of their Marriage or Civil Partnership status. We did not encounter any further concerns in regard to this.</p>

	<b>Pregnancy and Maternity</b>	<p>Obesity during pregnancy is associated with an increased risk of gestational diabetes amongst other complications. Gestational diabetes in itself is a significant risk factor for the development of type 2 diabetes later in life. Research shows barriers to healthy weight in pregnancy can include lack of knowledge regarding what is safe in pregnancy restricted physical activity. UHL is working strongly to empower the maternity workforce to have discussions regarding healthy weight before/during/after pregnancy. Our ongoing ante-natal programme aims to provide advice on infant feeding, weaning and food in very young children to ensure a healthy start to life. Furthermore, we have developed a pregnancy weight loss service as part of the Leicestershire Weight Management Service. The strategy includes reference to weight management across the life course, including during and around pregnancy.</p>
	<b>Race</b>	<p>The Public Health Interventions Advisory Committee noted there was evidence that people from Black, Asian and other minority ethnic groups may have the same risk of mortality and diabetes at a lower BMI threshold compared to white populations. The 'Active Lives Survey' 2017/18 revealed 62.0% of adults 18 or over were classified as overweight or obese. However, in those from black ethnic backgrounds, the figure was 72.8%. This data shows that attention needs to be paid to ensure that members of the BAME community are readily involved in our healthy weight services due to their increased risk of unhealthy weights and its complications. Consultation data showed that language barriers can be a significant hurdle regarding access to resources. With Leicestershire containing a very diverse population, it is important the appropriate translated of resources are available. Furthermore building on learning from hubs which have been established to support vulnerable people during the Coronavirus pandemic will be vital to allow maximum engagement. Such diverse engagement has been included in the revised strategy.</p>
	<b>Religion or Belief</b>	<p>There are lots of different factors related to race and/or culture than can influence the impact of the strategy on an individual. For example, there are often specific dietary practices in religions which need to be taken into consideration when providing dietary advice. Furthermore, there can often be</p>

		<p>culture specific barriers in relation to physical activity. Research shows being physically active can be seen as less important to personal beliefs than activities such as group socialising. Consultation feedback showed members of the Hindu ladies' community preferred exercising in social groups and restrictions secondary to the COVID-19 pandemic has restricted this. The need for consideration of how to mitigate these factors when providing healthy weight services has been highlighted in the strategy. Use of culture/belief specific dietary advice would help promote concordance with changes in habit.</p>
	<b>Sex</b>	<p>As per the screening people will be supported regardless of their sex. We did not encounter any further concerns in regard to this.</p>
	<b>Sexual Orientation</b>	<p>As per the screening people will be supported regardless of their sexual orientation. We did not encounter any further concerns in regard to this.</p>
	<p><b>Other groups</b>  <b>e.g. rural isolation, deprivation,</b>  <b>health inequality, carers,</b>  <b>asylum seeker and refugee</b>  <b>communities, looked after</b>  <b>children, deprived or</b>  <b>disadvantaged communities</b></p>	<p>As discussed in previous protected characteristics, there can be issues with 'digital exclusion'. This broad term also applies with those who are rurally isolated or living in deprived/disadvantaged communities. The local authority has learnt a considerable amount about how to support people who are digitally excluded during the Covid-19 pandemic. Lessons are being gathered about ways in which we can support those that are digitally excluded in the light of this, for example First Contact Plus is supporting digitally excluded people who are Clinically Extremely Vulnerable and vulnerable to access digital platforms or fill in digital forms.</p> <p>Health Survey 2018 showed that the highest mean BMI and highest prevalence of obesity was found in the most deprived areas.</p> <p>Figures showed 35% of men and 37% of women living in the most deprived areas were obese compared to 20% of men and 21% of women in the least deprived areas.</p> <p>Consultation data showed that people often found healthy foods and alternatives to be higher in cost than unhealthy options. We know that poor diet is a risk factor for obesity which can lead to contribute to co-morbidities such as coronary heart disease and type 2 diabetes, leading to a reduced life expectancy. One of the main themes of the strategy is the promote a healthy weight environment. More emphasis has been made on including the promotion of programmes to</p>

		increase access to fruit and veg but also piloting approaches for community projects to help access and support people to be able to grow and benefit from locally-grown fresh healthy food.
	<b>Community Cohesion</b>	This strategy is likely to have a positive impact on social cohesion but also use it as a base to help encourage healthy living. Consultation data showed that the social aspect of exercising is an important facilitator. A community and social approach are core factors to the strategy.

<b>20.</b>	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
		<b>Comments</b>
	<b>Part 1: The Convention- Rights and Freedoms</b>	
	<b>Article 2: Right to life</b>	This strategy aims to help prevent obesity but also help people achieve and maintain a healthy weight. In the process, we will empower people to develop life long positive habits in relation to this. A by product of this is an improvement in the overall well-being of the population with reductions in morbidity and mortality related to unhealthy weight.
	<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	None
	<b>Article 4: Right not to be subjected to slavery/ forced labour</b>	None
	<b>Article 5: Right to liberty and security</b>	None
	<b>Article 6: Right to a fair trial</b>	None
	<b>Article 7: No punishment without law</b>	None
	<b>Article 8: Right to respect for private and family life</b>	None
	<b>Article 9: Right to freedom of thought, conscience and religion</b>	None



	Article 10: Right to freedom of expression	None
	Article 11: Right to freedom of assembly and association	None
	Article 12: Right to marry	None
	Article 14: Right not to be discriminated against	None
	Part 2: The First Protocol	
	Article 1: Protection of property/ peaceful enjoyment	None
	Article 2: Right to education	None
	Article 3: Right to free elections	None
Section 3		
C: Mitigating and Assessing the Impact		
Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.		
21.	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.	
<p>The strategy already aims to mitigate members of protected characteristics who are likely to be disadvantaged in achieving a healthy weight. The consultation process appropriately identified diverse groups whom this may apply to. The data highlighted areas in which work could be done to further minimise any inequities. These have been discussed in section 17 and 19 of the assessment.</p> <p>Adverse impacts are more likely to occur in the following groups:</p> <ul style="list-style-type: none"><li>• Members of lower socioeconomic status</li><li>• People with disabilities</li><li>• Black, Asian and other minority ethnic groups</li><li>• Members of the population who are ‘Digitally excluded’</li></ul> <p>Any adverse impacts in these groups is not justifiable and should be mitigated through consideration in the design and implementation of the healthy weight strategy as set out above.</p>		
N.B.		
i) If you have identified adverse impact or discrimination that is <u>illegal</u> , you are required to take action to remedy this immediately.		
ii) If you have identified adverse impact or discrimination that is <u>justifiable or legitimate</u> , you will need to consider what actions can be taken to mitigate its effect on those groups of people.		
22.	Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative	

	<p>impact or discrimination.</p> <ul style="list-style-type: none"> <li>a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination</li> <li>b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed</li> <li>c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why</li> </ul>
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Overall the research around healthy living and the consultation data both highlighted similar barriers that the population may face. Specific groups which may encounter barriers disproportionately and so may not experience the same level of positive impact are discussed in section 21.

Barriers identified and ways to minimise their negative impact are also discussed in section 19. They include:

- Digital exclusion – utilising local community opportunities for face to face discussions and to access resources and services, using telephone consultations to support individuals, use of radio to spread awareness and physical print outs can help mitigate this.
- Language barrier – translated versions of resources, raise awareness by working with places of worship and community centres
- People with disabilities – BSL and braille versions, abstract images, health promotion, involvement of carers
- Access and cost of healthy food options – healthy start food vouchers, social prescribing of fruit and veg
- Underlying causes of unhealthy food habits e.g. mental health services, self-help

### Section 3

#### D: Making a decision

<b>23.</b>	Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.
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The proposed healthy weight strategy will have a positive impact on the health Leicestershire. Whilst it will help the whole population it will also aim to also target resources to areas of greatest need. As per the EHRIA, it is clear there are certain groups who are at risk of inequalities due to barriers to resources and services. By way of design, the strategy aims to mitigate these as much as possible. By monitoring prevalence of healthy weight (as outlined in the outcomes section of the strategy) and including demographic data, we will be able to assess the response to the introduction of the strategy.

### Section 3

#### E: Monitoring, evaluation & review of your policy

<b>24.</b>	<p>Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?</p> <p>As outlined in the Outcomes section of the strategy document, there are a set of key performance indicators that allow us to monitor the prevalence of healthy weight. These include:</p>
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	<ul style="list-style-type: none"> <li>• Breastfeeding initiation.</li> <li>• Breastfeeding at 6-8 weeks.</li> <li>• Child excess weight in 4-5-year olds.</li> <li>• Child excess weight in 10-11-year olds.</li> <li>• Proportion of the population meeting the recommended '5-a-day' on a 'usual' day.</li> <li>• Average number of portions of fruit consumed daily at aged 15 years.</li> <li>• Average number of portions of vegetables consumed daily (adults).</li> <li>• Proportion of the population meeting the recommended '5-a-day' at age 15.</li> <li>• Average number of portions of fruit consumed daily at age 15.</li> <li>• Average number of portions of vegetables consumed daily at age 15.</li> <li>• Percentage of adults (aged 18+) classed as overweight or obese - current method.</li> <li>• Percentage of adults (aged 16+) classed as overweight or obese.</li> </ul> <p>The implementation of the strategy will be monitored at the strategic, place and neighbourhood levels through a range of partners.</p>
<b>25.</b>	<p>How will the recommendations of this assessment be built into wider planning and review processes?</p> <p>The results of this EHRIA, the review of evidence and consultation data form a fundamental part in adjustments made to the strategy and its implementation. By assessing the outcomes listed in section 24, we can monitor for inequalities. From here further changes can be made and can help support future planning and work around healthy living.</p>

Section 3:  
F: Equality and human rights improvement plan

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when
Ensure access to information, resources and services is available to equally.	Implementation of the strategy should consider people’s ethnic/cultural backgrounds.. Then mitigate communication barriers with appropriate adjustment to resources. More emphasis will be placed on increasing reach and ensuring accessibility to people with disabilities.	Eliminate impact of communication barriers.	( name recorded)	(date)
Reduce the effect of digital exclusion	System partners should ensure there are alternative delivery methods for sign posting and resources apart from digital. For example, community radio, telephone, physical copies. A mixed approach	Ensure signposting and access to resources are not solely by digital means	(name recorded)	(date)

	will ensure we are not entirely reliant on digital communication.			
Enable people from deprived areas to have access to fresh food.	A core element of the strategy is to support the use of Healthy start vouchers, community fruit and veg growing and sharing, increase availability of fresh food at food banks. Encourage food outlets to provide affordable healthy food options.	Increase the proportion of population in deprived areas meeting the '5 a day' minimum on a usual day. (adults and aged 15)	(name recorded)	(date)

## Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to [louisa.jordan@leics.gov.uk](mailto:louisa.jordan@leics.gov.uk), Members Secretariat, in the Chief Executive's department for publishing.

### Section 4

#### A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

**Equality and Human Rights Assessment Screening** ☒

**Equality and Human Rights Assessment Report** ☒

1<sup>st</sup> Authorised Signature (EHRIA Lead Officer): Adrian Allen, Public health.....

Date: 10/3/21.....

2<sup>nd</sup> Authorised Signature (DEG Chair): .....

Date: .....

**CABINET – 23 MARCH 2021****WHITE PAPERS ON HEALTH AND SOCIAL CARE AND MENTAL  
HEALTH****REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES****PART A****Purpose of the Report**

1. The purpose of this report is to provide the Cabinet with a summary of the implications of the recent White Papers on Health and Social Care and Mental Health for the County Council and to seek agreement for the Director of Adults and Communities to submit consultation responses to the Department of Health and Social Care on behalf of the Council.

**Recommendations**

2. It is recommended that the Cabinet:
  - (a) Notes the implications of the recent White Papers on Health and Social Care and Mental Health for the County Council;
  - (b) Agrees that a response be made to the consultations on the respective White Papers by the Director of Adults and Communities following consultation with the Cabinet Lead Members for Adult Social Care and Health and Wellbeing.

**Reasons for Recommendations**

3. The White Paper on Health and Social Care includes proposals for adult social care, public health and integrated working across the health and social care system. Some of the proposals will also affect the Health and Wellbeing Board and the Health Overview and Scrutiny Committee.
4. The White Paper on Reform of the Mental Health Act includes proposals for adult social care which may require changes to workforce requirements, the role of the Approved Mental Health Professional, the provision of community services and commissioning of independent sector services.

### **Timetable for Decisions (including Scrutiny)**

5. It is expected that the proposals set out in the Health and Social Care White Paper will begin to be implemented in 2022, subject to parliamentary business. Responses to the consultation on the Mental Health White Paper are due on 21 April 2021. Following consideration of the responses, a draft bill will be brought forward when parliamentary time allows.

### **Policy Framework and Previous Decisions**

6. None.

### **Resource Implications**

7. Greater clarity on what the proposals set out in the White Papers will mean in practice is needed to enable an understanding of the resource implications for the County Council. References are made to further work being undertaken to determine any additional burdens on local authority funding.
8. The current Impact Assessment on the Reform of the Mental Health Act suggests overall implementation costs of £1.862 million, including £83 million on Independent Mental Health Advocates and £51 million for Approved Mental Health Professionals. However, this is subject to the outcome of consultation. The Impact Assessment notes that there are other non-monetarised costs which remain to be determined such as provision of additional community services.

### **Circulation under the Local Issues Alert Procedure**

9. None.

### **Officers to Contact**

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## **PART B**

### **Background**

#### **Integration and Innovation: Working Together to Improve Health and Social Care for All: White Paper**

10. The White Paper, published on 11 February 2021, covers a range of issues requiring primary legislation. It makes a welcome move towards collaboration, partnership and integration. The aims of the White Paper are:
  - (a) To remove the barriers to an integrated system;
  - (b) To remove much of the transactional bureaucracy that currently affects decision-making;
  - (c) To ensure that the system is more accountable and responsive to the people that work in it and the people that use it.
11. It is worth noting that the proposals in the White Paper are not intended to be a coherent reform package. Further white papers on social care and public health are expected. A mental health White Paper, summarised in paragraphs 36 to 51 of this report, was published in January. Adult social care proposals will be brought forward later this year.
12. Much of the White Paper focuses on the development of Integrated Care Systems (ICSs) and increased joint working across the NHS and between the NHS and social care. The three factors that frame the proposed approach to integration are:
  - (a) The importance of shared purpose within places and systems;
  - (b) The recognition of variation – some of it warranted – of form and in the potential balance of responsibilities between places and the systems they are part of;
  - (c) The reality of differential accountabilities, including the responsibility of local authorities to their elected members and the need for NHS bodies to be able to account for NHS spend and healthcare delivery and outcomes.
13. The NHS and Local Authorities (Public Health and Social Care) will be given a duty to collaborate with each other. The Secretary of State will be able to issue guidance as to what delivery of this duty will mean in practice. Health bodies, including ICSs, will also have a triple aim duty – to pursue simultaneously the aims of better health and wellbeing for everyone, better quality of health services for all individuals, and the sustainable use of NHS resources.
14. ICSs will be made statutory. They will consist of an ICS NHS Body and a separate ICS Health and Care Partnership. There is an expectation that they will be coterminous with local authorities. The local ICS will cover Leicester, Leicestershire and Rutland. Both ICS bodies will need to draw on the

experience and expertise of front-line staff across health and social care. The ICS NHS Body will have the following role:

- (a) Developing a plan to meet the health needs of the population within their defined geography;
  - (b) Developing a capital plan for the NHS providers within their health geography;
  - (c) Securing the provision of health services to meet the needs of the system population.
- 15. The ICS Health and Care Partnership will bring together the NHS, local government and partners. Members of the ICS Health and Care Partnership could be drawn from a number of sources including Health and Wellbeing Boards within the system, partner organisations with an interest in health and care (including Healthwatch, voluntary and independent sector partners and social care providers), and organisations with a wider interest in local priorities (such as housing providers). The Government does not intend to specify membership or detail functions for the ICS Health and Care Partnership. Its role will be to bring together systems to support integration and develop a plan to address the systems' health, public health and social needs. The ICS NHS Body and Local Authority will need to have regard to this plan when making decisions.
- 16. ICSs will be accountable for the outcomes of the health of the population. The Government is exploring ways to enhance the role of the Care Quality Commission (CQC) in reviewing system working.
- 17. The proposals are designed as a small set of consistent requirements for each system that the partners who make up that system then supplement with further arrangements and agreements that suit them. There is a view that place-based arrangements should be left to the local area to organise. There is a general recognition within the White Paper that 'place' should be consistent with local authority boundaries. In Leicester, Leicestershire and Rutland the agreement is that 'place' will be coterminous with upper tier authority boundaries. The ICS will be expected to delegate functions to place level partnerships and there is a principle of subsidiarity within decision-making processes
- 18. There will be a duty on the ICS NHS Body to meet the system financial objectives which require financial balance to be delivered. NHS providers with an ICS will retain current organisational financial statutory duties. The ICS Body will not have the power to direct providers although there will be a duty to compel providers to have regard to the system financial objectives.
- 19. ICSs and NHS Providers will be able to create joint committees. NHS Providers will also be able to create joint committees. Both types of joint committee could include representation from other bodies such as Primary Care Networks, GP Practices, Community Health Providers, Local Authorities or the Voluntary Sector.

20. Guidance will be issued for joint appointments, including for appointments between the NHS and Local Authorities.

#### Implications for the Health and Wellbeing Board

21. Health and Wellbeing Boards (HWBs) will remain in place (as they have the experience as 'place-based' planners) and will continue to have an important responsibility at place level to bring local partners together, as well as developing the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy, which both HWBs and ICSs will have to have regard to. The Government will support HWBs and ICSs, including with guidance, to work together closely to complement each other's roles, and to share learning and expertise.
22. There does seem to be significant overlap between the HWB and the ICS Health and Care Partnership in terms of both membership and function. This will require careful management to ensure that they complement rather than duplicate each other.

#### Implications for Health Scrutiny

23. The White Paper only makes a brief reference to Health Scrutiny, in relation to the ICS NHS Body taking on the CCG's responsibilities in relation to Oversight and Scrutiny Committees. However, it is worth noting that there is a proposal to introduce a new process for reconfiguration that will enable the Secretary of State to intervene earlier in local reconfiguration changes and enable speedier local decision-making. Statutory guidance on how this process will work will be issued. The current local authority referral process (which in Leicestershire sits with full Council, acting on the recommendation of the Health Overview and Scrutiny Committee) will be removed to avoid creating any conflicts of interest. It is not clear whether the Secretary of State will be required to seek the views of Health Scrutiny prior to making any intervention.

#### Implications for Adult Social Care

24. The proposals aim to give Adult Social Care a more clearly defined role within the structure of the ICS NHS Body and therefore a greater voice in NHS Planning and Allocation.
25. There will be a requirement for health and adult social care organisations to share anonymised information they hold where such sharing would benefit the system.
26. The Secretary of State will have the power to require data and information from all registered adult social care providers about all services they hold.
27. There will be a new duty for the CQC to assess local authority delivery of adult social care services and a power for the Secretary of State to intervene where a local authority is assessed as failing (this will be the final element of the proposals to be introduced). There is a concern that this could be onerous

and time consuming, particularly if it is similar to the relationship between Ofsted and Children's Services.

28. There will be a power for the Secretary of State to make payments directly to providers (on a case-by-case basis).
29. There will be a legal framework for a 'discharge to assess' model. Discharge to Assess was introduced within the Coronavirus Act and removed the duty to assess people under the Care Act prior to hospital discharge alongside rights to patient choice. Discussions are taking place both nationally and locally to determine how any extension of the Discharge to assess process will be funded. Current arrangements whereby the NHS funds up to the first six weeks of care, pending completion of Care Act Assessments and Continuing Health Care Assessments, are due to expire at the end of March 2021.
30. There will be a standalone legislative power to support the Better Care Fund and separate it from the process of setting the NHS mandate (this is seen as a technical change) but may allow for place-based planning over a medium term rather than on an annual cycle.

#### Implications for Public Health

31. A greater range of delegation options for Section 7A Public Health Services will be enabled, including the ability for onward delegation of function into collaborative arrangements, such as Section 75 Partnership Arrangements.
32. The proposals will help tackle obesity by introducing further restrictions on the advertising of high fat, salt and sugar foods; as well as a new power for Ministers to alter certain food labelling requirements.
33. The Secretary of State will have the power to directly introduce, vary or terminate water fluoridation schemes (the White Paper suggests that this will remove the burden from Local Authorities).
34. The role of Public Health within the ICS NHS Body has not been clarified. It would be beneficial if the current role that Public Health has with the CCG is continued. Similarly, the role of Director of Public Health in the ICS Health and Care Partnership has not been made clear. This role ought to be crucial.

#### Implications for Children and Family Services

35. The White Paper is light with regard to children's social care and it is not yet clear whether there will be any implications for the Children and Family Services Department.

#### Reforming the Mental Health Act: White Paper

36. The Reforming the Mental Health Act White Paper is based upon the independent review of the Mental Health Act undertaken two years ago and is arranged in three parts:

Part 1: Proposals for reform of the Mental Health Act. This brings together plans for legislative change.

Part 2: Proposals and ongoing work to reform policy and practice to support implementation of the new Mental Health Act to improve patient experience.

Part 3: The Government's response to the recommendations made by the Independent Review of the Mental Health Act. This section considers each numbered recommendation in turn.

37. The White Paper introduces four new guiding principles to create a more person-centred approach, to provide more choice and control for patients, to ensure any action has therapeutic benefit and to ensure that compulsion is only exercised when necessary. The new principles are:
  - **Choice and autonomy** – ensuring service users' views and choices are respected;
  - **Least restriction** – ensuring the Act's powers are used in the least restrictive way;
  - **Therapeutic benefit** – ensuring patients are supported to get better, so they can be discharged as quickly as possible;
  - **The person as an individual** – ensuring patients are viewed and treated as individuals.
38. The Choice and Autonomy principle will include introducing Advance Choice documents to enable people to set out in advance the care and treatment they would prefer, and any treatments they wish to refuse, in the event they are detained under the Act and lack the relevant capacity to express their views at the time.
39. Patients will have a right to a care and treatment plan which takes into account their wishes and preferences, alongside a new right to refuse treatment, including the right to suffer, whereby patients with the relevant capacity should be able to determine the degree of suffering they are willing to accept.
40. The principle of least restriction will set out clearer and stronger criteria for detention under the Act. This will address concerns in respect to the growth in the overall number of people being compulsorily detained and the disproportionate number of detentions of Black and Minority Ethnic people.
41. The White Paper does not propose to make fundamental changes to the role of Approved Mental Health Professionals (AMHPs). The local authority has a duty to make these available to respond to referrals for compulsory admission.
42. The White Paper proposes new detention criteria which will require that:
  - (a) The purpose of care and treatment is to bring about a therapeutic benefit;

- (b) Care and treatment cannot be delivered to the individual without their detention; and
  - (c) Appropriate care and treatment is available;
  - (d) There is a substantial likelihood of significant harm to the health, safety or welfare of the person, or the safety of any other person.
43. The proposed reforms relating to Therapeutic Benefit aim to reduce reliance on inpatient services for people with a learning disability and autistic people, and further embed this principle, to ensure that neither autism nor a learning disability are grounds for detention in and of themselves.
  44. The White Paper proposes to replace the current Nearest Relative role with a Nominated Person as part of the personalisation principal. The Nominated Person would continue to carry out Nearest Relative functions but would not be determined by a prescribed list but rather be the person chosen by the patient. Where this function is carried out by the local authority, it would continue to be required to ensure visits are made to the individual and in the case of children and young people to ensure that normal expected parental roles are carried out.
  45. There are also proposals to enhance the role of Independent Mental Health Advocates (IMHAs) to give them powers to support completion of care and treatment plans, support advance choice directives, challenge treatments and apply to tribunals. IMHA services are currently funded through local authorities and therefore any increase in their role may increase the funding required to fulfil their duties. Further proposals to expand their role in relation to not detained patients will be subject to future funding decisions.
  46. The White Paper proposes to give people more opportunity to review and challenge their detention by bringing forward review periods and giving greater access to Mental Health Review Tribunals and increasing the frequency of automatic review by tribunals. In addition, tribunals would be given more power to grant leave, transfer patients and direct access to community services. This would impose an obligation in legislation on health and local authorities to take all reasonable steps to follow the tribunal's decision. If the authority is not able to give effect to the Tribunals' decision, it must provide an explanation to the Tribunal, setting out the steps it took and why it was not possible to follow the decision. This approach will align the Tribunal with that of the Special Educational Needs and Disability Tribunal.
  47. As noted in paragraph 42 above, the White Paper makes specific reference to people with a learning disability and autistic people, acknowledging the considerable concern about admission of people with a learning disability and autistic people to mental health hospitals under the Act, where such an admission could become protracted or may not result in someone receiving an appropriate therapeutic intervention.
  48. Whilst the proposal is that learning disability and autism would not be grounds for detention for compulsory treatment, detention for purposes of assessment would be allowed for people whose, "behaviour is so distressed that there is a

substantial risk of significant harm to self or others and a probable mental health cause to that behaviour that warrants assessment in hospital”.

49. To further reduce the likelihood of admission to hospital the paper proposes the creation of new duties on Local Authority and Clinical Commissioning Group (CCG) commissioners to ensure an adequate supply of community services for people with a learning disability and autistic people. However, there is a recognition that any duty that requires an adequate supply of services to be commissioned for people with a learning disability and autistic people could create new funding requirements if there is not already sufficient supply in place. The White Paper therefore commits to undertake a formal new burdens assessment to establish the implications for Local Government, informed by the consultation responses.
50. The White Paper notes that there are particular sensitivities in delivering mental health services to children and young people alongside the complexities of balancing individual and parental rights and decision-making. However, the provisions set out in the White Paper to have Advance Choice Documents, Care and Treatment Plans and to choose a Nominated Person should apply equally to children and young people. In addition, the intention is to ensure Care and Treatment Plans are provided to all children and young people when they are receiving inpatient care, whether they are under the Act or not. To deliver this, the Government will put on a statutory footing the requirements that already exist for such plans within the national service specification for Tier 4 Child and Adolescent Mental Health Services.
51. Section 117 aftercare was introduced to the Act in 1983 to provide patients with a statutory right to aftercare following discharge from the Act. This provision places a duty on health and social care systems. The review highlighted that there has been a lack of clarity over who is responsible for providing and funding the care and in which locality. This results in delays to providing care to potentially highly vulnerable people. The Government will work in close collaboration with local authorities, the Association of Directors of Adult Social Services, the Association of Directors of Children’s Services, NHS England/Improvement and service users to update national guidance so that there is greater clarity on how budgets and responsibilities should be shared to pay for Section 117 aftercare. The Government will also develop a clear statement in the new Code of Practice of the purpose and content of Section 117 aftercare.

## **Conclusion**

52. The Health and Social Care White Paper will have implications for the County Council in terms of changes to adult social care, public health, partnership working arrangements with the NHS and Health Scrutiny. Whilst the move towards collaboration, partnership working and integration is generally to be welcomed, there remain some concerns. These particularly relate to the ongoing role of the Health and Wellbeing Board and to the implications for Health Scrutiny.

53. The Reforming the Mental Health Act White Paper will have potential implications for the County Council in regard to provision of community services where an enhanced offer will be required to maintain people out of hospital, in deployment of resources through greater use of Tribunals and advocacy and to ensure the workforce is fit for the future arrangements.

**Equality and Human Rights Implications**

54. There are no equality or human rights implications arising from this report.

**Background Papers**

55. None.



**CABINET – 23<sup>RD</sup> MARCH 2021****AIRFIELD BUSINESS PARK DEVELOPMENT PROPOSAL****REPORT OF THE DIRECTOR OF CORPORATE RESOURCES****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of the development proposals for the next phase of Airfield Business Park in Market Harborough (Harborough District) and to seek approval for the allocation of resources necessary to support the submission of a planning application for light industrial units covering a further 96,717 sq. ft. of the site, to proceed to tender to construct the next key phase of the scheme covering most of the site (81,376 sq. ft) and, subject to the outcome of that tender exercise, to seek delegated authority for the Director of Corporate Resources to proceed with the development.

**Recommendations**

2. It is recommended that:
  - a) The proposals for the further development of 96,717 sq.ft of Airfield Business Park as detailed on the indicative Masterplan attached ('the development') and the financial costs and returns estimates as set out in this report be noted;
  - b) It be noted that a planning application for the development will be submitted to the County Council as planning authority in April 2021;
  - c) £9.5m be allocated for the development from the Corporate Asset Investment Fund subject to the satisfactory outcome of the tender exercise referred to in (d) below;
  - d) A tender exercise be undertaken for the construction of part of the development covering 81,376sq. ft of the site (phase 3);
  - e) That the Director of Corporate Resources be authorised to:
    - i. undertake all necessary preparatory work to enable the submission of a planning application for the proposed development;

- ii. consider the outcome of the tender exercise in respect of phase 3 and, following consultation with the Cabinet Lead Member for Resources, determine whether to proceed with the development;
- iii. subject to ii above, to select a preferred contractor(s) and enter into such contracts and undertake such work as is necessary and appropriate to enable the development (both phase 3 and 4) to be delivered, including undertaking a further tender exercise in advance of proceeding with phase 4 of the scheme.

### **Reasons for Recommendation**

- 3. The development of the Council-owned land will support the delivery of both new business accommodation and income generating assets.
- 4. Undertaking a formal tendering exercise will ensure that the Council secures the most competitive build cost price.
- 5. The delegation to the Director of Corporate Resources, following consultation with the Lead Member for Resources, is sought to enable the development to proceed immediately, subject to a satisfactory outcome to the tender exercise.

### **Timetable for Decisions (including Scrutiny)**

- 6. The Scrutiny Commission will consider a report on the proposed development at its meeting on 15<sup>th</sup> March and its comments will be reported to the Cabinet.
- 7. Subject to approval by the Cabinet, it is intended that a planning application will be submitted to the County Council as planning authority in April 2021.
- 8. Subject to planning permission being granted and the successful outcome of the tender exercise, it is intended that the development will be completed by December 2022 unless market conditions indicate that revisions to the scheme are required.

### **Policy Framework and Previous Decisions**

- 9. The County Council's Medium Term Financial Strategy (MTFS) is the key financial plan for the Authority. The latest MTFS for the period 2021/22 to 2024/25 was agreed by full Council on 17 February 2021. This included provision for Corporate Asset Investment Fund (CAIF) capital expenditure of £11m in the year 2021/22 and £71m for the period 2022/23 to 2024/2025 bringing the overall CAIF programme to a total of £260m.
- 10. The County Council's Strategic Plan 2018-22, supported by the Enabling Growth Plan, sets out the Council's objectives for the rationalisation and utilisation of its assets, maximisation of capital receipts, facilitating the delivery of affordable and quality homes and building a strong economy, generating economic growth.

11. The Council's Corporate Asset Investment Fund Strategy (the latest iteration of which was agreed by the full Council as part of the MTFS in February 2021) requires this Fund to be used to add to the Council's portfolio of land assets to:
  - a. Ensure that there is more a diverse range of properties available to meet the aims of economic development;
  - b. Increase the size of the portfolio;
  - c. Improve the quality of land and property available;
  - d. Ensure the sustainability of the County Farms and industrial portfolio by replacing land sold to generate capital receipts and;
  - e. Provide a revenue income stream to support ongoing service delivery.
  - f. Fund will aim to ensure that its developments will be built in as sustainable a manner as possible with the aim of being net zero carbon in the construction phase and as energy efficient to occupy and operate as possible (including the use, where viable, of on-site renewable energy sources).

### **Resource Implications**

12. The Council's investment strategy approach envisages growing the Corporate Asset Investment Fund (CAIF) over the next 5 to 10 years, the exact level of investment being dependent on the availability of good investments and funding. As stated above, the overall target value of the CAIF programme to the end of 2024/25 is intended to total £260m. The expectation is that the returns (both revenue income and capital growth) generated by the CAIF will have a meaningful impact on the Council's funding gap.
13. The Airfield Business Park development would have a maximum capital cost of £9.5m. This figure includes costs associated with preparing and submitting the planning application, fees, construction of 34 light industrial units plus contingencies. The development is expected to generate an income of approximately £787,000 per annum once the scheme is completed. This is in addition to the £550,000 per annum and capital receipt of £802,465 which the previous phases generated.
14. No specific provision exists for this project in the capital programme but funding of £30m has been included for further acquisitions/investments subject to a satisfactory business case.
15. Further information relating to the proposal and financial estimates and risks are provided in Part B of this report.
16. The Director of Law and Governance has been consulted on the content of this report.

### **Circulation under the Local Issues Alert Procedure**

17. The report has been circulated to Dr Paul Bremner CC (Market Harborough West and Foxton)

**Officers to Contact**

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## **PART B**

### **Background**

18. The County Council owns 15.5 acres of land at Airfield Business Park which it acquired in 2016. The site is located adjacent to the A508 Harborough Road north of Market Harborough and has been identified as a Key Employment Area and allocated for B1(a)/(b) (now class E under the new use class order - offices and research and development of products or processes), B2(c) (general industrial) and B8 (storage and distribution) in Harborough District Council's adopted Local Plan.
19. In July 2018, the County Council secured planning permission to build 80,000 sq. ft. (5.42 acres) of industrial space (12 units for B1/B2/B8 use) on part of the site.
20. Works on these units began in February 2019 and were completed in December 2019, at an overall cost of £6.85m. This development phase was valued in October 2020 as being £7.1m.
21. There has been strong market interest in the development, with 10 of the 12 new units now occupied and the rents achieved in line with expectations. The scheme has continued to receive strong levels of interest during the recent Covid lockdowns and a number of lettings have been secured during this time, emphasising the scheme's attractiveness as a business location during what has proven to be a challenging economic period.
22. Five of the tenants who moved into Airfield Business Park took space to expand their existing Leicestershire-based operations. The Council has also been successful in attracting five new businesses from outside of the County. All of the Council's Airfield Business Park tenants have continued to trade successfully throughout recent Covid lockdowns.

### **Proposals for further development**

23. As a result of the success of the most recent phases of the development, consideration has been given to the potential to develop a further 96,717 sq. ft. (the remaining 7.69 acres) of the site for E class, B2 and B8. E class is a new use class order which includes offices and light industrial uses. An indicative masterplan has been produced setting out the proposals which is appended to this report.
24. If the Cabinet approves the recommendations in this report, a planning application for the scheme will be submitted. Once planning permission has been secured, the construction contract for the first 27 units (phase 3) will be put out to open tender on a fixed cost basis as detailed below. Subject to the success of that tender exercise, that part of the development will proceed immediately. The remaining 9 units (phase 4) will be subject to a further tender exercise once the other 27 have been built.

25. By approaching the development in this way, the Council can ensure that the uses for the last 9 units is still optimal. It allows for flexibility to either provide more business units or, subject to further planning permission being granted, for non-industrial uses - whichever has the highest demand/greatest viability at the time. The site allocation within the Local Plan is for commercial uses and therefore any uses to be considered which deviates from the principles agreed will need to be justified through the planning application process.
26. The sizes of the proposed units have had regard to the market demand experienced in the most recent phase of development that highlighted a substantial demand for smaller units (up to 4,000 sq. ft.) which can offer existing tenants the opportunity to move into larger accommodation as their businesses expand in the future. Overall the units will provide accommodation ranging from 1,539 sq.ft.to 10,010 sq.ft.
27. It is envisaged that the following indicative timescales will apply in terms of delivery and receipt of income for the Council should the proposal be approved by the Cabinet:

April 2021	Submission of a planning application to the County Council as the Planning Authority
September 2021	Planning permission secured/ formal marketing commences
December 2021	Completion of procurement exercise/ enter into build contract
February 2022	Commence construction
November 2022	Practical completion of the scheme
December 2022	First occupation of units

### **Financial Estimates**

28. The cost estimate is currently £9.5m. This includes an allocation of contingency, construction costs, professional fees and letting costs.
29. The contingency against the construction cost element is considered appropriate given that significant due diligence has been completed with respect to ground conditions and therefore a lower contingency than that used for phase 1 is assumed.
30. A favourable net yield of 7.6% is expected to be achieved assuming a scheme cost (including land value costs) of £9.5m having regard to an assumed rental income of £787,000.
31. It is worthy of note that the Council acquired the land in 2016 at a cost per acre of £290,000. The land proposed to be developed is now considered to be worth in the region of £420,000 per acre.
32. The rent per sq. ft. compared to the most recent development phase has increased from £8 per sq. ft. to £10 per sq. ft. This should mean that the

existing units are expected to achieve higher rents at rent review or at new letting/lease renewal.

33. The estimated construction costs against those achieved for the most recent phase have increased. These costs will therefore be tested by completing a competitive tender procurement exercise before it is determined whether this phase of the scheme should be progressed. This tender exercise will be based on a fixed cost to limit cost over runs. The details of in scope elements within the tender and construction contract will be carefully considered to also reduce the risk of cost over runs for the Council. If the tenders received are considered too expensive having regard to the returns required then the Council may consider alternative options.
34. Finance have completed various scenarios around the base case to highlight the sensitivity in net present value (NPV) and internal rate of return (IRR) over 20 and 25 years with a summary shown below. Under the base case assumptions, the NPV over 25 years is £1.8m and a breakeven point over 20 years. The competitive tender exercise to be undertaken will re-risk these returns estimates and only if these are shown to be at an acceptable level will this next phase of the development proceed.

	<b>20 yrs</b>	<b>25 yrs</b>
<b>IRR</b>	<b>6.0%</b>	<b>7.5%</b>
<b>NPV</b>	<b>(56,468)</b>	<b>1,830,504</b>

35. Finance have modelled 25 years' NPVs under the following scenarios, a reduction in gross rent from the base case and improvement in construction cost per square foot from the base case. Base case assumptions are shown in bold within the sensitivity tables below.
36. Construction costs are the highest individual cost line with the most uncertainty and as such are modelled alongside rent received. Construction costs are modelled at the base case assumption and also at incremental reductions of £5 per sq ft. Rent sensitivity is modelled given the Council's experience of phase 1 rents where some units are permanently vacant. The assumptions used for this are the base case gross rent of £787,000, followed by reductions in 5% increments.

25-year NPV sensitivity table: Construction costs and gross rents

		<b>Gross rent -5%, -10%, 15%</b>			
		<b>787,168</b>	747,810	708,451	669,093
<b>Construction cost (base and reduction of £5 / sq ft)</b>	Base - £20 / sq ft	<b>£3151 k</b>	£2624 k	£2097 k	£1570 k
	Base - £15 / sq ft	<b>£2809 k</b>	£2282 k	£1755 k	£1228 k
	Base - £10 / sq ft	<b>£2466 k</b>	£1939 k	£1412 k	£885 k
	Base - £5 / sq ft	<b>£2124 k</b>	£1597 k	£1070 k	£543 k
	<b>Base case</b>	<b>£1831 k</b>	<b>£1303 k</b>	<b>£776 k</b>	<b>£249 k</b>

37. Under the 25-year scenarios, an improved NPV is achieved as construction costs decrease. A competitive tender process has been chosen to maximise

the chance of reducing construction costs towards that the Council paid to construct phase 1 on cost per square foot basis.

### **The Planning and Tender Process**

38. It is intended that a single detailed planning application will be submitted for the development. The planning application will be a Regulation 3 matter – that is, a matter to be determined by the County Planning Authority - given the Council owns the land and will be actively involved in the development of the site.
39. It is intended that the application will be submitted in April 2021. Pre-application advice has been sought from County Council planning officers on an informal basis; it should be noted that this should not be seen as indicative of the outcome of any eventual planning application process which will need to follow usual procedures taking into account all relevant and material planning considerations.
40. The application would be in line with the current allocated use in the adopted Harborough District Local Plan.
41. Once the planning application has been submitted, the County Planning Authority (as part of the statutory planning process) will consult on the application with the local community, local councils and any other relevant stakeholders/interested parties in the usual way.
42. Subject to planning permission being granted, the contract to build the units will be secured via an open tender rather than a framework. Legal and procurement colleagues will be consulted regarding the terms of the tender and proposed form of contract which will be drafted on the basis that a contract will only be entered into if the outcome of the procurement process achieves a cost price acceptable to the Council.

### **Equality and Human Rights Implications**

43. There are no Equality and Human Rights Implications directly arising from this report. Implications associated with the future development of the site such as planning applications for planning permission, will be subject to Equality and Human Rights Impact Assessments, as appropriate, prior to decisions being made.

### **Crime and Disorder Implications**

44. The site is undeveloped land. The development of this land will prevent issues with fly tipping and unauthorised grazing.

### **Environmental Implications**

45. As this is a Council-led development, the scheme will ensure the Council's ambitions for a sustainable scheme are met where possible. This will involve



ensuring the chosen construction strategy incorporates sustainable construction methods. This will involve the use of photovoltaic panels, electric car charging points, insulation and the use of best practice construction methods.

### **Risk Assessment**

46. This is a medium-sized project that requires upfront investment in order to generate future financial returns. The risks relate to the size of the financial obligations which the Council could potentially commit to. These will include consultancy fees, infrastructure design costs, funding, timing commitments and construction costs. Inevitably all of these bring a degree of risk.
47. So that financial risk can be mitigated, and best value obtained, advice has been provided by external consultants. The scheme will be tendered and if the cost of tender returns is unacceptable, the proposed scheme may be redesigned to reduce cost.

### **Appendix**

Indicative Masterplan

### **Background Papers**

Corporate Asset Investment Strategy 2021 – 2025

<http://politics.leics.gov.uk/documents/s159769/Appendix%20H%20-%20CAIF%20Strategic%20Report%202021-25.pdf>

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SCHEDULE OF AREAS:

PLOT H	3,283m <sup>2</sup>	35,287ft <sup>2</sup>
PLOT A	1,426m <sup>2</sup>	15,344ft <sup>2</sup>
PLOT 1	804m <sup>2</sup>	8,654ft <sup>2</sup>
PLOT 2	1,618m <sup>2</sup>	17,415ft <sup>2</sup>
PLOT 3	1,860m <sup>2</sup>	20,020ft <sup>2</sup>

APPENDIX

SCALE 1:1000 at A1

PROJECT:

LEICESTERSHIRE COUNTY COUNCIL  
PROPOSED EMPLOYMENT DEVELOPMENT  
AIRFIELD BUSINESS PARK MARKET HARBOROUGH

STATUS:

MASTERPLAN

DRAWING  
TITLE:

MASTERPLAN 23

DATE:

20/01/2021

DRAWN BY:

BH

SCALE:

AS NOTED AT A1

CHECKED BY:

BH

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REVISION:

A



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**CABINET – 23<sup>RD</sup> MARCH 2021****STRATEGIC PROPERTY ENERGY STRATEGY****REPORT OF THE DIRECTOR OF CORPORATE RESOURCES****PART A****Purpose of the Report**

1. The purpose of this report is to present the revised Strategic Property Energy Strategy (appended to this report) for 2020 – 2030 and accompanying action plan for approval.

**Recommendations**

2. It is recommended that the Cabinet approves the Strategic Property Energy Strategy and accompanying action plan attached to this report.

**Reasons for Recommendation**

3. The County Council's Medium-Term Financial Strategy (2021/22 – 2024/25) was approved by Full Council on 17 February 2021 and identifies savings requirements relating to improvements in the energy and water performance of the County Council's property estate of £350,000 by 2024/25.
4. The Strategic Property Energy Strategy will help deliver those savings and work towards the Council's 2030 Net Zero Carbon target.

**Timetable for Decisions**

5. The Environment and Transport Overview and Scrutiny Committee and the Scrutiny Commission considered the Strategy on 4<sup>th</sup> March and 15<sup>th</sup> March respectively. Their comments will be reported to the meeting.

**Policy Framework and Previous Decisions**

6. The previous Property Energy Strategy was considered by the Scrutiny Commission on 11 July 2014 and was subsequently approved by the Cabinet on 15 July 2014.
7. In 2018 the Council signed up to the UK100 pledge; a commitment to switch to 100% Clean Energy by 2050.

8. In May 2019 the Council declared a 'Climate Emergency' and set a 'Net Zero Carbon' target for Council operations to be achieved by 2030.
9. The Strategic Property Energy Strategy is a sub strategy of the Council's Environment Strategy which was updated and approved by Full Council in July 2020.

### **Resource Implications**

10. The County Council's Medium Term Financial Strategy (2021/22 – 2024/25) was approved by full Council on 17 February 2021 and identifies savings requirements relating to improvements in the energy and water performance of the County Council's property estate of £350,000 by 2024/25.
11. In the current Strategic Property Services service structure, there is a vacant Energy Officer post. Approval has recently been granted to recruit to this post to support the delivery of the Energy Strategy.
12. It is anticipated that in the future there will be the potential to draw in private investment and/or external grant funding to support the implementation of some of the actions in the Energy Strategy Action Plan and these will be explored as opportunities arise.

### **Circulation under the Local Issues Alert Procedure**

13. None.

### **Officers to Contact**

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0116 3056961, [Hannah.mosss@leics.gov.uk](mailto:Hannah.mosss@leics.gov.uk)

## **PART B**

### **Background**

14. In 2012/13 the County Council's gas and electricity costs amounted to £1.64m. With utility prices forecasted to significantly increase, the first Property Energy Strategy was adopted to proactively take steps to reduce the organisation's related energy consumption.
15. By October 2016 all targets in the original Property Energy Strategy had been exceeded. This included 25% reduction in annual energy consumption (24% target), £420,000 annual energy cost savings (£395,000 target) and generating 4.5% of energy from renewable sources (target 3%). Had energy consumption not been reduced, the annual bill would have increased by £680,000 due to energy price rises.
16. Key projects which helped to achieve these targets included the installation of a 1MW biomass boiler at County Hall, installing solar panels at 11 key Council sites and many small-scale energy upgrades such as LED lighting, boiler replacements and heating control enhancements across the corporate estate.
17. In addition to financial and energy savings there have been significant carbon savings made too. Since the Council's first carbon targets were set in 2008, the Council's carbon emissions (this includes greenhouse gases as outlined in the Kyoto Protocol<sup>1</sup>) - due to energy use in buildings - have reduced by 64.5%. This is a combination of reducing energy consumption from buildings, decarbonisation of buildings energy consumption and national grid decarbonisation.
18. To build on this achievement further targets were then set in the 2017 Energy and Water Strategy.

### **Performance/achievements to date**

19. The Council has a strong history of reducing carbon emissions across all of its operations. The 2019-20 Environmental Performance Report states that:
  - a. The Council's total net carbon dioxide equivalent (CO<sub>2</sub>e) emissions in 2019-20 were 11,633 tonnes. This was 67.4% below the baseline year of 2008-09 and 5.7% less than 2018-19.
  - b. Since 2008-2009 there has been a 64.5% reduction in emissions (GHG) from Council buildings.

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<sup>1</sup> Greenhouse gases: The Kyoto Protocol covers seven main gases; carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), hydrofluorocarbons (HFCs), nitrous oxide (N<sub>2</sub>O), perfluorocarbons (PFCs), sulphur hexafluoride (SF<sub>6</sub>) and Nitrogen Trifluoride NF<sub>3</sub>. Government emissions factors focus on carbon, methane and nitrous oxide – there are some LCC uses that involve others e.g. air conditioning

20. Performance against the targets in the 2017 Energy and Water Strategy is as follows:
- i. The amount of renewable energy generated from Council properties as a percentage of total energy consumed by Council properties was 15.6% at the end of 2019-20, above the 14% target.
  - ii. Avoided energy costs of £402,000 during the financial year 2019/20, against a target of £320,000. During this period electricity and gas consumption reduced by 10% and 9% respectively whereas the price rose by 13% and 19% respectively in this time.
21. Key projects in respect of the Council's own property portfolio which have helped deliver these targets include:
- 153kW of Solar PV installed at Beaumanor Hall, The Trees Respite Centre, Bosworth Battlefield Heritage Centre, Enderby Adult Learning Centre, Melton Short Breaks Centre, Loughborough Family and Wellbeing Centre.
  - LED lighting upgrades delivered at Beaumanor Hall, Enderby Adult Learning Centre, Bosworth Battlefield Heritage Centre and more.
  - 25 Electric Vehicle (EV) chargers installed at County Hall, Croft Highways Depot, Mountsorrel Highways Depot, Coalville Business Centre and Loughborough Technology Centre.

### **Strategic Property Energy Strategy 2020 – 2030**

22. The new Strategic Property Energy Strategy sets out how the Council will work towards achieving its Net Zero Carbon target by 2030 in respect of its own property portfolio. The Council's 2019 CO<sub>2</sub>e declaration for direct greenhouse gas emissions identified that 36% (4,596 tCO<sub>2</sub>e) originate from Council premises. The Council's target is to get to net zero carbon by 2030. The main sources of carbon emissions from properties is the emission associated with heating and cooling buildings.
23. Covid 19 has presented an unexpected opportunity to save energy. At County Hall alone there has been a 19% reduction in electricity (kwh) since April 2020. The revised Strategy will support a green Covid recovery through collaboration with the Ways of Working programme to prioritise buildings for retention or to vacate and tailoring energy upgrades with new digital ways of working in mind.
24. The Strategic Property Energy Strategy also supports the key principles of Invest to Save and Carbon Reduction outlined in the MTFS.
25. The three main aims of the Strategy are:
- (i) Saving energy and generating renewable energy to work towards the Council's 2030 Net Zero Carbon target.



- (ii) Ensure energy conservation is embedded into property processes and construction projects to further support the Council's 2030 Net Zero Carbon target.
- (iii) To foster a carbon conscious culture at the Council and support projects saving carbon across the County.

26. The key targets in the Strategy are:

- (i) 30%-50% Reduction in annual energy consumption from Council buildings compared to 2019/2020 usage. The higher target of 50% is dependent upon increased investment by the Council or external funding.
- (ii) 50% increase in on-site renewable or zero-carbon energy generation on Corporate Council Buildings as percentage of annual consumption by Corporate Council buildings.

27. Ongoing performance against these targets will be presented quarterly in the Corporate Environmental Dashboards. As the Property Energy Strategy is a sub strategy of the Environment Strategy, annual performance will be included in the Annual Environmental Performance Report. These dashboards and reports are produced by the Strategic Environment Team assisted by the Energy Team in Property Services.

28. Some of the key projects identified in the supporting action plan included within the Strategy are:

- Increase solar PV and LED lighting at County Hall by the end of 2021/22.
- Solar PV and Electric vehicle chargers at Snibston Country Park; by the end of 2021/22.
- Investigate low carbon heating solutions at Council properties including heat pumps and district heating.
- Achieve ISO 50001 certification for Energy Management by end of 2021/22.
- Increase electric vehicle charging provision across the Corporate Estate and County.
- Influencing key stakeholders e.g. schools, academies, tenants, developers to implement low carbon solutions.
- Deliver large scale energy generation schemes such as Solar Farms on Council-owned land. The first installation is expected onsite in 2022, subject to planning.

### **Equality and Human Rights Implications**

29. An EHRIA scoping assessment has been completed. There are no negative impacts or consequences arising from the recommended Property Energy Strategy and therefore a full EHRIA is not required.

### **Environmental Implications**

30. The Environmental Implications Tool has been used to assess the Strategies impact on the environment. No areas of concern were identified. The Strategy

will have a positive impact on the environment as it supports the reduction of carbon emissions.

### **Background Papers**

Report to the Cabinet on 15 July 2014 – Property Energy Strategy

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3992>

Report to the County Council on 8 July 2020 – Revised Environment Strategy and Action Plan

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3992>

Report to the Environment and Transport Overview and Scrutiny Committee on 14 January 2021 - Environmental Performance Report 2019-20 and Greenhouse Gas Report 2019-20

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=6392>

### **Appendix**

Strategic Property Energy Strategy and Action Plan

## Strategic Property Energy Strategy 2020-2030



***“Over the next 10 years, the Strategic Property Team will influence decision makers, empower staff and support communities working towards a cleaner, greener, low energy future for Leicestershire County Council”***

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## PURPOSE AND SCOPE OF THE STRATEGY

This strategy outlines the progress Leicestershire County Council (the Council) has achieved in property energy management. It sets new aims and targets for the Strategic Property Energy Team to save energy at Council properties and support County-wide carbon saving projects contributing towards the Council's 2030 Net Zero Carbon target. The report ends with an action plan detailing how these aims and targets will be achieved. This document sits as a sub-strategy of the Council's Environment Strategy 2018-2030. The scope of the strategy is Council buildings and land although the aims and action plan set out steps for expanding this scope and supporting County wide projects over the next 10 years.

## BACKGROUND AND WHERE WE ARE NOW

The Council has a strong history of investing-to-save and a key area for this investment has focused on reducing energy consumption across the estate. Since the Council's first carbon targets were set in 2008, the Council's carbon emissions (this includes greenhouse gases as outlined in the Kyoto Protocol<sup>1</sup>) - due to energy use in buildings - have reduced by 64.5%. This is a combination of reducing energy consumption from buildings, decarbonisation of buildings energy consumption and national grid decarbonisation.

The Council's building stock currently varies in terms of building size, age and efficiency. There are a few heritage buildings within the stock posing challenges for energy enhancements – namely Beaumanor Hall – as well as new builds and recently refurbished properties that are amongst the Council's most efficient. Display Energy Certificates (DECs) are a useful indicator of building efficiency as they measure building performance against benchmarks. They take energy usage into account as well as building fabric and infrastructure and currently the Council has no A rated buildings. The DEC ratings are listed in Table 1 below:

DEC Rating	Percentage of Buildings with Rating
<b>B</b>	6%
<b>C</b>	31%
<b>D</b>	25%
<b>E</b>	22%
<b>F</b>	5%
<b>G</b>	11%

**Table 1: DEC Ratings 2020**

Listed below is a brief history of Property Energy Management at the Council:

**2014** - The Property Energy Master Report was adopted, identifying a number of opportunities for the Council to save energy and money across the property portfolio. By October 2016 all targets had been exceeded.

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<sup>1</sup> Greenhouse gases: The Kyoto Protocol covers seven main gases; carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), hydrofluorocarbons (HFCs), nitrous oxide (N<sub>2</sub>O), perfluorocarbons (PFCs), sulphur hexafluoride (SF<sub>6</sub>) and Nitrogen Trifluoride NF<sub>3</sub>. Government emissions factors focus on carbon, methane and nitrous oxide – there are some LCC uses that involve others e.g. air conditioning

**2017** – The Energy and Water Strategy was well received as a follow up to the 2014 Property Energy Master Report. Progress against targets are set out in Table 2 below:

Carbon Savings	Energy and Water Objectives to Achieve by April 2021 <sup>2</sup>	Progress as of April 2020	Narrative
<b>Saving carbon for the Council</b>	Annual Energy and Water savings of £320,000	Avoided Costs of £402,000	The Council would have spent an additional £402k during financial year 2019/20 if energy consumption had not reduced. This figure includes £93k energy bill savings, £179k income from FITs and RHI <sup>3</sup> for renewable energy as well as a saving of £130k from the end of the CRC <sup>4</sup> scheme. CCL <sup>5</sup> is automatically included in energy bills now and despite this, the Council's overall bill is still lower. Electricity and gas consumption reduced by 10% and 9% respectively whereas the price rose by 13% and 19% respectively in this time. This equates to 1,335 tonnes Co2e saved since 2017/18.
	Continue to increase provision of renewable energy by 1% year on year <sup>6</sup>	Now generating 15.6% which is ahead of the current 14% target.	This equates to 2,980 MWh generated from renewable sources, an offset of 582 tonnes Co2e. More efficient use of the biomass boiler at County Hall as well as additional solar PV has contributed towards this success.
	Increase provision of recycled and self-sourced water by 1% year on year	Not currently achieved.	Considering the climate emergency declaration and 2030 zero carbon target it was agreed to focus on electricity and gas reduction, as this has the potential to save more carbon than water, since water has lower levels of associated carbon emissions.

<sup>2</sup> Baseline data 2017/18 financial year.

<sup>3</sup> Feed in Tariff (FIT) for electricity generation and Renewable Heat Incentive (RHI) for heat generation.

<sup>4</sup> Carbon Reduction Commitment; a scheme for large energy users where required to submit and pay for annual carbon emissions; scheme ended in 2019.

<sup>5</sup> Climate Change Levy which is the replacement scheme for CRC and automatically adds the levy to all bills.

<sup>6</sup> Calculated as per Environment Strategy KPI C17 as percentage of annual building energy consumption generated by renewables on Council land and buildings. This KPI has since been updated and the new format will be used moving forward to report on new energy targets.

			However, projects are still being considered for water saving and recycling and water efficiency is a key part of the new Zero Carbon Construction Guidelines.
	Reduce annual water consumption by 10%	Not currently achieved.	As above.
<b>Saving carbon for the County</b>	Increase energy efficiency of schools and Academies and generate income	The Council has supported 4 schools and Academies to date.	Projects at Bosworth Academy, Winstanley College, Countesthorpe College and Hinckley Parks Primary School have contributed towards savings of 500 CO <sup>2</sup> tonnes per year.
	Generate Income	Since we began selling solar electricity to farm and industrial tenants in 2016, we have cumulatively earned £27k to this date.	More tenants have recently signed up to Power Purchase Agreements (PPAs) including the new tenants at the LUSEP building which could earn up to £60k per year.

**Table 2: Progress against previous Energy Targets**

**2018** – The Council signed up to the UK100 pledge; a commitment to switch to 100% Clean Energy<sup>7</sup> by 2050.

**2019** – In May the Council declared a ‘Climate Emergency’ and set a ‘Net Zero Carbon’ target for Council operations to achieve by 2030.

**2020** - Zero Carbon Policy and Construction Guidelines agreed by the Chief Officer. The policy and guidelines set out targets and measurable conditions to be met for all new build and refurbishment projects. The guidelines specify key targets for operational energy performance, overheating, renewable energy generation, EV charging provision, BMS, metering, water saving, biodiversity, seasonal commissioning and handover processes.

### Key Projects to date:

Since 2017, Property has delivered:

- ✓ 153kW of Solar PV installed at Beaumanor Hall, The Trees Respite Centre, Bosworth Battlefield Heritage Centre, Enderby Adult Learning Centre, Melton Short Breaks Centre, Loughborough Family and Wellbeing Centre.
- ✓ LED lighting upgrades delivered at Beaumanor Hall, Enderby Adult Learning Centre, Bosworth Battlefield Heritage Centre and more.
- ✓ Secured the grid connection and submitted the planning application for a 10MW solar farm near Quorn.

<sup>7</sup> Energy purchased from renewable, zero-emission sources.



- ✓ 25 Electric Vehicle (EV) chargers installed at County Hall, Croft Highways Depot, Mountsorrel Highways Depot, Coalville Business Centre and Loughborough Technology Centre.
- ✓ In 2019, the Council switched to purchasing 100% clean electricity.
- ✓ SCORE+ (Schools Collaboration on Reducing Energy) - The SCORE+ service is an energy performance partnership for Leicestershire secondary schools and academies. By providing access to the Council's Energy Performance Contract secondary schools can install energy conservation measures to upgrade their assets, improve building conditions and reduce running costs. Table 3 below details the SCORE+ projects to date:

	Annual Energy savings guaranteed (kWh)	Annual Anticipate financial savings (Avoided costs)	CO2 savings /annum (tCo2)
<b>Bosworth Academy</b>	970,205	£53,740	253
<b>The Winstanley College</b>	411,767	£20,014	105
<b>Countesthorpe Community College</b>	215,511	£31,421	54
<b>Hinckley Parks Primary School</b>	20,902	£24,300	90

Table 3: Score+ Projects

## Political Commitments and Legislation

The Property Energy Strategy also supports Government Policy and International commitments.

At **COP 21** (Conference of the Parties) in Paris, on 12 December 2015, Parties to the United Nations Framework Convention on Climate Change (UNFCCC) reached a landmark agreement to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low carbon future. The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. All Parties report regularly on their emissions and on their implementation efforts.

In **2017**, the **UK Clean Growth Strategy** set out proposals for decarbonising the UK economy through the 2020s.

The **2018 UK 25 Year Environment Plan** sets out a plan to improve the environment within a generation and leave it in a better state than it was found.

The **UK Climate Change Act 2008** originally set out a target to reduce carbon emissions by 80% by 2050 from a 1990 baseline. In 2019, this target was revised and now sets a 100% reduction.

The **Future Homes Standard** will require new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency; it will be introduced by **2025**. It is expected that non-Domestic building standards will follow a similar course.

There are many other **construction guidelines** for buildings setting out ways to minimise impacts on the environment and reduce carbon emissions. These include BREEAM, Code for Sustainable Homes and Passivhaus. However, the only mandatory standards currently are Part L of the Building Regulations.

## COVID GREEN RECOVERY

Covid-19 has presented an unexpected and accelerated change in the way that people work, live and travel and this inevitably changes the way the energy is used, and carbon is emitted. The Strategic Property Energy Team will work with Environment and Transport (E&T) and the Transformation Unit (TU) to adapt its energy reduction programme to changing needs. The Government has pledged funding for a 'Green Recovery' from the pandemic and the Council has set out its outline vision for driving a green recovery below:

### Short term<sup>8</sup>

- ✓ Property will continue to collaborate with the Ways of Working programme to provide energy input to prioritise buildings to retain and buildings to vacate. The Strategy will inform future energy upgrade programmes.
- ✓ Tailor energy upgrades to new ways of working across sites through the use of ICT to support digital meetings and to make the workplace as efficient as possible to drive down the County Hall baseload. Examples include 'smarter' technologies such as smart office metering and online monitoring platforms to compliment desk booking systems reducing the need for large amounts of ICT equipment to be left on standby when not required.
- ✓ Continue to support switch to EV for Council fleet, staff and County residents by installing chargers at Council and public locations.
- ✓ Support energy efficiency for staff working from home.
- ✓ Apply for Public Sector Decarbonisation Scheme funding to realise projects delivering carbon savings.

### Medium term

- ✓ Continue to identify energy generation schemes with the increasing likelihood of powering more homes through the grid.
- ✓ County Hall campus likely to continue expanding and developing therefore we will continue to pursue renewable heating methods on site.
- ✓ Research embedded carbon and build mitigation measures into Construction guidelines to reduce the impacts of the construction process and build this into strategic property reviews comparing renovation projects to new build projects.

### Long term

- ✓ Work more on reducing County Carbon emissions in addition to Council buildings. This will include more work with Schools, Academies, District and Borough Councils,

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<sup>8</sup> Short Term - 1-2 years. Medium Term - 3-5 years, Long Term - 6-10 years.

Businesses, Residents and Communities to support the reduction in carbon across the County.

## 2020-2030 AIMS

The Strategic Property Energy Team has set out 3 main aims to work towards Net Zero Carbon by 2030:

### Aim 1

Saving energy and generating renewable energy to work towards the Council's 2030 Net Zero Carbon target.

### Aim 2

Ensure energy conservation is embedded into property processes and construction projects to further support the Council's 2030 Net Zero Carbon target.

### Aim 3

To foster a carbon conscious culture at the Council and support projects saving carbon across the County.

## AIM 1 - SAVING ENERGY AND GENERATING RENEWABLE ENERGY TO WORK TOWARDS THE COUNCIL'S 2030 NET ZERO CARBON TARGET

### Targets

Council buildings accounted for 34% of the Council's direct measured Carbon Dioxide equivalent (CO<sub>2</sub>e)<sup>9</sup> emissions during 2019/20. Property therefore plays a key role in supporting the Council's Net Zero Carbon target and has set out new targets. Lower and higher targets have been set demonstrating the differing impact the Council could make by increasing investment in zero-carbon technology. The targets focus on reducing energy consumption and increasing the generation of renewable energy on Council buildings and land. To achieve Net Zero Carbon without off-setting or off-site renewable energy generation, the Council would need to build an entirely new portfolio of buildings built to zero carbon standards and generating renewable energy on site and being heated by renewable energy.

Measure	Lower Target April 2030	Higher Target April 2030
<b>Reduce annual energy<sup>10</sup> consumption from Council buildings compared to 2019/20<sup>11</sup> usage</b>	30%	50%
<b>On-site renewable or zero-carbon energy generation on Corporate Council Buildings as percentage of annual consumption by Corporate Council buildings.<sup>12</sup></b>		50%
<b>Potential Annual Energy Savings</b>	5,708 MWh	9,514 MWh
<b>Potential Annual Carbon Savings<sup>13</sup></b>	2,431 tCO <sub>2</sub> e	2,730 tCO <sub>2</sub> e
<b>Potential Annual Financial Savings<sup>14</sup></b>	£675k	£1.1m

<sup>9</sup> Carbon Trust CO<sub>2</sub>e definition: "A carbon footprint is measured in tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e). The carbon dioxide equivalent (CO<sub>2</sub>e) allows the different greenhouse gases to be compared on a like-for-like basis relative to one unit of CO<sub>2</sub>". [Accessed online at: <https://www.carbontrust.com/resources/guides/carbon-footprinting-and-reporting/carbon-footprinting/>].

<sup>10</sup> % reduction based on 2019/20 gas, biomass, and electricity baseline.

<sup>11</sup> 2019/20 Energy consumption, generation and cost data is included in Appendix 1.

<sup>12</sup> Calculated as per Environment Strategy KPI C17a updated 2020.

<sup>13</sup> Energy savings assumes same split between gas and electricity as 19/20. Of the remaining consumption a 50:50 split between gas and electricity has been assumed for the carbon savings from renewable energy.

<sup>14</sup> Based on 3.7% annual increase ONS data.

**Table 4: Energy Targets**

The lower end (30% reduction in energy consumption) target is ambitious but realistic when considering the Council's existing building stock. Without significant shifts in funding or feasible and cost-effective low carbon energy sources and on-site generation; the Council will need to consider options such as off-setting to reach Net Zero Carbon. This is because current retrofit and new build technologies - that are currently feasible and cost effective - will not alone deliver enough carbon savings to achieve Net Zero Carbon by 2030.

The higher end (50% reduction in energy consumption) target demonstrates the more carbon and significantly more money could be saved by investing in energy saving technologies across the Council over the next 10 years. Reaching this target will require the Council to pursue newer and more innovative projects such as battery storage, renewable technologies, heat pumps and district heating.

The Strategic Property Energy Team will continue to pursue off-site renewable energy generation over the next 10 years. This will be reported through the Environment Strategy KPI C17b (updated 2020) which will monitor energy generated on Council land and properties that are not corporate, such as County Farms, Industrial Units and Schools. This will support the decarbonisation of the grid.

To support the reduction in CO<sub>2</sub><sup>e</sup> emissions by 2030, the Council is likely to become more reliant on electricity rather than gas for heating - such as through heat pumps - as electricity has a lower carbon footprint than gas since it can be generated from clean and renewable sources. Where possible, the Strategic Property Energy Team will continue to pursue district heating and the use of biomass boilers as other forms of low-carbon heating.

Performance indicators such as kWh/m<sup>2</sup> will be used to benchmark and identify issues with energy performance. Day to day management including optimising heating control settings, visiting remote Council buildings and monitoring energy data to identify and mitigate changes in consumption are effective, low-cost ways of managing energy consumption and the team will continue to manage energy in this way.

No targets have been set for the reduction of water usage as the Council's usage is low and the carbon emissions from water are much lower than from gas or electricity. Property will however still install and upgrade water facilities to more efficient ones where possible as well as looking to source and recycle water.

### Key Projects –

There are several key projects identified to work towards these targets:

✓ Increased solar PV at County Hall
✓ LED lighting upgrade at County Hall
✓ Solar PV and EV chargers at Snibston Colliery Park
✓ Collaborate with the Ways of Working programme to ensure that the most efficient properties are retained
✓ Produce Decarbonisation Plan

✓	Work with ICT to support energy efficient ways of working in light of changing work patterns following Covid 19
✓	Investigate low carbon heating solutions at Council Properties including heat pumps and district heating
✓	Applying for available funding for energy projects including the current Public Sector Decarbonisation Scheme
✓	Strengthening operational energy management and commission low-cost initiatives at buildings by optimising heating controls, increasing building insulation, identifying changes in energy use patterns and training staff involved in building management in energy conservation
✓	Participate in trials for innovative technologies such as battery storage and hydrogen fuel cells.
✓	Purchase clean energy.

## AIM 2 - ENSURE ENERGY CONSERVATION IS EMBEDDED INTO PROPERTY PROCESSES AND CONSTRUCTION PROJECTS TO FURTHER SUPPORT THE COUNCIL'S 2030 NET ZERO CARBON TARGET

### Processes

The Council has several processes in place to ensure that energy is a key part of day to day decision making. The decisions have an impact on the Council's energy consumption and it is therefore crucial that energy does not operate as a silo but rather a key aspect of decision making. Over the duration of this strategy, the Strategic Property Energy Team will re-enforce and build on these processes by pursuing the following key areas:

- ✓ Achieve ISO 50001 certification for Energy Management to establish international standards for energy management. This will complement the ISO 14001 certification for Environmental management that the Council already upholds.
- ✓ Monitor and continually review the construction standards set out in the Council's 2020 Zero Carbon Construction Guidelines for Council Property and Construction Projects
- ✓ Ensure energy is factored into planned and reactive maintenance work
- ✓ Provide training for staff involved in property projects and building management
- ✓ Continue to integrate energy and carbon objectives into strategic decisions around building acquisitions, disposals and reviews
- ✓ Supporting the school and academy investment that the Council makes through supporting greater s106 claims.

## AIM 3 - TO FOSTER A CARBON CONSCIOUS CULTURE AT THE COUNCIL AND SUPPORT PROJECTS SAVING CARBON ACROSS THE COUNTY

### Collaborative Working

The Strategic Property Energy Team has historically focused on the delivery of Corporate projects delivering savings and/or income for the County Council. The team will still be focusing on the delivery of projects benefitting the County Council, however it recognises the importance of the environment for residents, communities and businesses in Leicestershire. Therefore, the team will begin to support schemes benefiting the County's carbon emissions and working in collaboration with departments including Communities, Policy and Resilience, E&T, the TU and the Growth Unit. It must be acknowledged that it will only be possible to achieve Aim 3 with additional resource in the Strategic Property Energy Team.

There are several ways the Property Department will support carbon emission reductions across the County:

- ✓ Increase EV charging provision across Corporate Estate supporting the switch to electric fleet
- ✓ Deliver 10MW solar farm in Quorn
- ✓ Support EV charger delivery across the County working with partners
- ✓ Generating low-carbon energy in the County through building additional solar farms or other energy generation schemes feeding energy into the grid or directly to neighbouring properties
- ✓ Improving energy standards and generating renewable energy through the Corporate Asset Investment Fund (CAIF), Social Care Investment Programme (SCIP) and at industrial units, offices and County Farms.
- ✓ Specifying contractually obliging energy targets when selling land to developers for housing and other developers subject to market conditions
- ✓ Providing requirements and specifications for developers building new Schools and Academies
- ✓ Explore viable ways to support partner organisations including existing Schools and Academies by utilising government funding or identifying gaps in government funding required to finance retro-fit energy upgrades such as through the existing Score+ scheme
- ✓ Building relationships with key stakeholders including local authorities, the Midlands Energy Hub, APSE Energy, Western Power Distribution, the LLEP and many others



## FINAL COMMENTS

***“Over the next 10 years, the Strategic Property Team will influence decision makers, empower staff and support communities working towards a cleaner, greener, low energy future for Leicestershire County Council”***

This strategy has set out the Strategic Property Energy Team’s achievements to date and has set key aims and targets for 2030. The strategy will continually be reviewed, and work undertaken by the team will always be prioritised in the best interests of Leicestershire and the County Council. Net Zero Carbon is a very ambitious target but a hugely rewarding and important one too. Achieving this will take commitment and investment from Council decision makers.

## ACTION PLAN - HOW WE WILL ACHIEVE OUR AIMS<sup>15</sup>

Aim	Project	Timescale <sup>16</sup>
<b>Aim 1</b> <b>Saving energy and generating renewable energy to work towards the Council's 2030 Net Zero Carbon target</b>	Increased solar PV at County Hall	Short Term
	LED lighting upgrade at County Hall	Short Term
	Solar PV and EV chargers at Snibston Colliery Park	Short Term
	Collaborate with the Ways of Working programme to ensure that the most efficient properties are retained	Short Term
	Produce Decarbonisation Plan	Short Term
	Work with ICT to support energy efficient ways of working in light of changing work patterns following Covid 19	Short Term
	Investigate low carbon heating solutions at Council Properties including heat pumps and district heating	Medium Term
	Applying for available funding for energy projects including the current Public Sector Decarbonisation Scheme	On-going
	Strengthening operational energy management and commission low-cost initiatives at buildings by optimising heating controls, increasing building insulation, identifying changes in energy use patterns and training staff involved in building management in energy conservation	On-going
	Participate in trials for innovative technologies such as battery storage and hydrogen fuel cells.	On-going
<b>Aim 2</b> <b>Ensure energy conservation is embedded into property processes and construction projects to further support</b>	Purchase clean energy.	On-going
	Achieve ISO 50001 certification for Energy Management to establish international standards for energy management. This will complement the ISO 14001 certification for Environmental management that the Council already upholds.	Short Term
	Monitor and continually review the construction standards set out in the Council's 2020 Zero Carbon Construction Guidelines for Council Property and Construction Projects. The guidelines also set key requirements for biodiversity, water usage and recycling	On-going

<sup>15</sup> This action plan will be driven and managed by the Strategic Property Energy Team.

<sup>16</sup> Short Term - 1-2 years. Medium Term - 3-5 years, Long Term - 6-10 years.

<b>the Council's 2030 Net Zero Carbon target.</b>	Ensure energy is factored into planned and reactive maintenance work	On-going
	Provide training for staff involved in property projects and building management	On-going
	Continue to integrate energy and carbon objectives into strategic decisions around building acquisitions, disposals and reviews	On-going
	Supporting the school and academy investment that the Council makes through supporting greater s106 claims.	On-going
<b>Aim 3 To foster a carbon conscious culture at the Council and supporting projects saving carbon across the County</b>	Increase EV charging provision across Corporate Estate supporting the switch to electric fleet	Short Term
	Deliver 10MW solar farm in Quorn	Medium Term
	Support EV charger delivery across the County working with partners	Long Term
	Generating low-carbon energy in the County through building additional solar farms or other energy generation schemes feeding energy into the grid or directly to neighbouring properties	Long Term
	Improving energy standards and generating renewable energy through the Corporate Asset Investment Fund (CAIF), Social Care Investment Programme (SCIP) and at industrial units, offices and County Farms.	On-going
	Specifying contractually obliging energy targets when selling land to developers for housing and other developers subject to market conditions	On-going
	Providing requirements and specifications for developers building new Schools and Academies	On-going
	Explore viable ways to support partner organisations including existing Schools and Academies by utilising government funding or identifying gaps in government funding required to finance retro-fit energy upgrades such as through the existing Score+ scheme	On-going
	Building relationships with key stakeholders including local authorities, the Midlands Energy Hub, APSE Energy, Western Power Distribution, the LLEP and many others	On-going

Table 5: Action Plan

## APPENDIX 1 – 2019/20 ENERGY DATA

Energy Consumption 2019/20		Renewable Energy Generation 2019/20		Energy Costs 2019/20 (Net, including CCL)	
Electricity (kWh)	7,936,468	Solar Generation (kWh)	99,931	Electricity	£1,034,934
Gas consumption (non-weather corrected) (kWh)	8,839,312	Heat Generation (kWh)	987,820	Gas	£251,464
Biomass (kWh)	2,254,090	Generation (% of annual consumption)	15.6%	Biomass	£105,760
Water (m3)	49,100			Water	£172,370
				Total	£ 1,564,528
				Renewable Income	£178,668

Table 6: 2019/20 Energy Data

**CABINET – 23 MARCH 2021****LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN REPORT  
REGARDING PROVISION OF SUITABLE FULL TIME EDUCATION****REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE AND  
DIRECTOR OF CHILDREN AND FAMILY SERVICES****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of a report of the Local Government and Social Care Ombudsman (LGO) in relation to the investigation of a complaint against the County Council as required by the relevant legislation where the LGO intends to issue his findings in a public report.
2. The complaint relates to the Council's duties to ensure children have access to suitable full-time education provision (Education Act 1996 and [School Admission Code, 2014; Annex A; and The Education \(Pupil Registration\) \(England\) Regulations 2006](#)). The LGO found fault by the Council which caused injustice to the complainant in the case. The LGO report is attached to this paper as Appendix A.

**Recommendations**

3. It is recommended that the Cabinet –
  - a) Notes the public report of the Local Government and Social Care Ombudsman (LGO);
  - b) Requires the Director of Children and Family Services to implement the recommendations of the LGO as set out in paragraph 20 (a)-(e) of this report;

**Reasons for Recommendations**

4. To bring to the attention of members of the Cabinet the facts of the case and to explain the various actions which the Council is taking in light of the Ombudsman's findings.

5. When a public report is issued by the LGO there is a statutory requirement that it is 'laid before the authority concerned' and there is an obligation for the Council to report back to the LGO to confirm this action has been taken.

### **Timetable for Decisions (including Scrutiny)**

6. A report on complaints, including complaints to the LGO, and outcomes is made to the Corporate Governance Committee annually and the outcome of this report will form part of the next annual report to that Committee. The LGO requires the actions to be undertaken within three months of the date of the report. It should be noted that all but one of the actions have already been completed and it is anticipated that the final action will have been completed by the end of March 2021.

### **Policy Framework and Previous Decisions**

7. The Department for Education issues statutory guidance about School Admissions in the School Admissions Code. Local Authorities have a duty to comply with the Code.
8. The Code says that each Authority must have a Fair Access Protocol agreed with the majority of schools in its area and to ensure that children and young people who do not have a school place are offered a place at a suitable school as quickly as possible.
9. Local Authorities have a duty to identify children of compulsory school age who are not registered at a school or receiving suitable education otherwise than at school. Local Authorities are expected to have robust mechanisms for tracking and enabling children not in education to be quickly returned to full time education either in a School or through alternative provision.

### **Resource Implications**

10. The Ombudsman exercised his legal powers to scrutinise all Fair Access applications received by the Council since January 2019 and was satisfied that this was an isolated case. A payment of £7,500 in recognition of the missed education has been recommended.
11. Although the Council is confident that there are no other similar cases, significant steps within the Admissions and Inclusion Services have already been taken to further mitigate delay as experienced in this case.
12. The Director of Corporate Resources has been consulted on this report.

### **Circulation under the Local Issues Alert Procedure**

13. None.

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## **PART B**

### **Background**

#### **The Complaint**

14. The LGO has investigated a complaint made by a parent that the Council failed to arrange appropriate full-time education for her daughter following a house move.
15. The Council's duties in respect of administering school admissions are set out primarily in the Education Act 1996 and the statutory School Admissions Code. Any parent can apply to their local authority outside of the normal round of Admissions as a mid-term transfer.
16. The complainant first made such an application in October 2018 in advance of an expected move in January 2019. The child was removed from a school roll on 18 January 2019.
17. The Ombudsman found the Council at fault for failing to ensure any education provision was in place until February 2020 when independent provision of 27.5 hours per week was commissioned. A school place was not secured until June 2020.
18. The LGO concluded:
  - (a) The parent's application for a school place suffered from significant 'drift' and the Council failed in its duty to provide education during a key stage of education (Years 10 and 11).
  - (b) That there was a lack of co-ordination between different teams and a number of opportunities were missed to take action which might have resolved things earlier.
  - (c) That the Council has limited powers to exercise over academies to ensure the admission of pupils into those schools but that in this case the Council failed to progress a referral to the Education and Skills Funding Agency (ESFA), where academies resisted admission, to seek a direction on its behalf.
19. The LGO welcomed in his report the Council's willingness to accept the above faults and that the Council had already taken pro-active remedial action in response.

#### **The LGO Recommendations**

20. The LGO's main recommendations are that the Council:
  - (a) Apologises to the complainant for the faults identified;



- (b) Makes a financial payment of £7,200 to the complainant for the child's educational benefit. This comprises £600 for each month that she was out of school running from January 2019 to February 2020. An additional payment of £300 should be made in recognition of the time, trouble and distress pursuing the complaint;
- (c) Reminds all Schools and Academies in its area of their duties under Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006. This relates to removing children from a School roll;
- (d) Provide an update on the progress made on the Council's action plan which set out a number of required improvements;
- (e) Arranges specific training with School Admissions / Fair Access and Children Missing Education Teams.

### The Council's Response

- 21. The Council has accepted the recommendations set out in paragraph 20 (a) to (e) above and has either already carried out or is progressing all the actions. These will all be completed within the three months as stipulated. All of the actions have been captured in an action plan that is being overseen by the Assistant Director for Education and Special Educational Needs and Disabilities and is attached to this report as Appendix B. The action plan, which contains links to all of the evidence of implementation, will be shared with the LGO.

### Legal Implications

- 22. Section 31(2) of the Local Government Act 1974 requires the Council to lay the LGO report before elected members for consideration.
- 23. It is expected and usual practice for the Council to comply with all recommendations of the LGO. In this instance, the Council fully accepted the findings and considers the recommendations to be fair and reasonable.
- 24. If the LGO is not content with the approach that the Council has adopted he may issue a further report setting out that he is not satisfied with the action of the Council and he may make further recommendations.
- 25. Following the issuing of a public report there are also various requirements in relation to publicity and as with most LGO reports these are publicly available documents. The LGO requires that the Council publish a notice in the local press on two consecutive occasions (this is now completed) and also shares the final report with the Cabinet, both of which were required to be confirmed by 16<sup>th</sup> March.

**Equality and Human Rights Implications**

26. This report relates to the provision of school education. To this extent, Article 2 of the Human Rights Act 1998 is relevant which says that no person should be deprived of Education.

**Background Papers**

Report of the LGO Investigation into a complaint against Leicestershire County Council (reference number: 19 017 034) - <https://bit.ly/3dZOkuJ> (and appended to this report)

**Appendices**

Appendix A Report of the Local Government and Social Care Ombudsman  
Appendix B Improvement Action Plan

## **Report by the Local Government and Social Care Ombudsman**

**Investigation into a complaint against  
Leicestershire County Council  
(reference number: 19 017 034)**

**16 February 2021**

## The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Miss Y	The complainant
W	Her daughter

## Report summary

### Education & Children's Services – alternative provision

Miss Y complained the Council failed in its duty to provide suitable full-time education to her daughter, W, when they moved to a new house.

### Finding

Fault found causing injustice and recommendations made.

### Agreed actions

To remedy the injustice identified in this report, the Council will, within one month of the date of this report:

- apologise and pay £7,200 to Miss Y for W's educational benefit. This comprises £600 for each month W remained out of school and without any educational provision. The Council's duty began on 7 January 2019 and ended on 24 February 2020; and
- pay £300 to Miss Y for the avoidable time and trouble caused by the Council's inability to resolve her complaint locally, and for any distress and confusion caused by the incorrect conclusions it reached in its complaint response.

Within three months of the date of this report, the Council will:

- provide us with evidence that it has reminded all Schools and Academies in its area regarding their duties under Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006;
- update us, with evidence, to show the progress made in completing the action plan which it shared with us in September 2020. If all actions have not been completed, the Council will provide an explanation of the status and an anticipated completion date; and
- in addition to the action plan already produced, arrange internal training with its officers in the Admissions/Fair Access Protocol/Children Missing in Education teams to go over the service improvements in the plan. The Council will also use the training to refresh officers' knowledge around the Fair Access Protocol and the requirement to escalate applications without delay if a pupil is off-roll and not receiving any education.

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

## The complaint

1. The complainant, whom we will call Miss Y, says her daughter, whom we will call W, has been out of school since January 2019. She complained the Council has failed in its duty to provide a school place and delayed in arranging suitable alternative provision.
2. Miss Y says this caused injustice to W because she has missed important education which she was entitled to. Miss Y says the Council's failures have affected W both academically and mentally because she lost the opportunity to form new friendships when she moved to a new house.

## What we have investigated

3. We have investigated the actions of the Council to establish whether it failed in its duty to provide suitable education for W. We will not investigate the actions of W's previous school for the reasons explained at the end of this report.

## Legal and administrative background

### The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)

### Applying to change schools

5. Any parent can apply for a place for their child at any time to any school outside the normal admissions round. They can do this by applying directly to admission authorities, or to the council if they coordinate all in-year admissions. (*The School Admissions Code 2014, paragraph 2.21*)
6. The Council's 'Co-ordinated Admission Scheme for Mid-Term Transfers' outlines the process for those wanting to change schools, "Leicestershire LA's [Local Authority] common mid-term co-ordinated admission application form invites those parents resident in Leicestershire wishing to transfer part way through an academic year to name up to three preferred school(s). The preferences parents make must name the schools in ranked order and regardless of whether they are Community, VA, Academy, Studio, Free, Trust or Foundation schools".
7. It goes on to say, "Leicestershire will aim to process all applications within 15 working or school days (depending on school holidays) from the date the application has been received by the LA".

### Fair Access in School Admissions

8. The Department for Education issues statutory guidance about school admissions in The School Admissions Code. Admission authorities have a statutory duty to comply with the Code. Where the Code imposes compulsory requirements, or refer to requirements in legislation, they use the words "must" or "must not".
9. The Code says, "Each local authority must have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered

a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority must ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol must include how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.” (*The School Admissions Code 2014, paragraph 3.9*)

10. For a young person to be considered under the protocol, they will need to fall into one of the categories set out in the council’s own policy.
11. The Council’s Fair Access Protocol (FAP) contains the following key principles.
  - The Council, schools and academies will act together with a sense of urgency to identify a suitable placement.
  - Schools and academies will respond to requests from the Council to admit a person under FAP without delay and normally within seven calendar days.
  - The Council will carefully consider any response before deciding whether to seek a direction from government for the admission of a young person into school.
12. The FAP says, “If an academy has not agreed a start date for the child within 15 calendar days, the local authority can apply for a direction from the Secretary of State via the Education and Skills Funding Agency, who acts on his behalf in these cases. (Where a secondary academy has refused an admission following a decision by the local SEIP [Secondary Education Inclusion Partnership] to allocate a child the LA expects that the academy will agree a starting date for the child or set out its reasons for refusal in writing to the local authority and the Chair of the SEIP within 15 calendar days. The LA must not make a direction until the 15 days have passed since the decision to allocate the child to the school has been made by the local SEIP.)”

### **Children ‘Missing in Education’**

13. Councils have a duty to identify, as far as it is possible to do so, children of compulsory school age who are not registered at a school or receiving suitable education otherwise than at school. (*s436A of the Education Act 1996*)
14. All schools must notify their local council when they intend to remove a pupil’s name from their register. The school must only remove a pupil from their register (or ‘roll’) when one of the 15 grounds set out in law are met. It must notify the council of the reason for the removal. (*Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006*)
15. The Department for Education guidance “Children Missing Education Statutory Guidance for Local Authorities” September 2016 states that councils should have robust policies and procedures and to ensure there are, “effective tracking and enquiry systems in place and appoint a named person to whom schools and other agencies can make referrals about children who are missing education”. This is to enable children identified as not receiving education to be promptly returned to full time education, either at school or alternative provision.

### **How we considered this complaint**

16. We produced a draft report after making enquiries of the Council and examining relevant documents, law and guidance. We also discussed the complaint with Miss Y.

17. We gave Miss Y and the Council a confidential draft of this report and invited their comments. We considered any comments received before issuing this final report.

## What we found

### What happened

18. W was 15 years old and in school year 10 at the time of the matters complained about. She had attended a local school in the neighbouring Leicester City Council area until her family moved to a new house on 5 January 2019 in Leicestershire County Council's ('the Council') area. Before moving to their new house, Miss Y applied directly to some schools seeking a place for W. She also applied to the Council using its 'mid-term application' on 24 October 2018.
19. Despite having applied before her house move, Miss Y did not receive any contact from the Council about the application she submitted. On 14 January 2019 Miss Y emailed the School Admissions department to query the status of W's application. The Council responded to say it needed proof of Miss Y's tenancy so that her application could be processed using the new address. The Council also told Miss Y the school she had applied for ('School A') was already full in W's year group. School A is an academy school. The Council explained that School A could admit pupils over its Published Admission Number (PAN), but only if the pupil had moved into catchment within the past 90 days.
20. Miss Y submitted a copy of her tenancy agreement to the Council on 15 January 2019. The Council notified School A two days later that W was now considered to be within its catchment area and could be admitted over its PAN.
21. The school W had attended in Leicester City Council's area ('School B') removed W from its roll on 18 January 2019. From this point, W was without a school place and therefore missing in education.
22. The Council received notification of W's removal from School B's roll on 30 January 2019.
23. W remained without a school place. So, Miss Y applied to the Council again on 5 February 2019. This time she applied for a different school ('School C'). The Council responded on the same day to advise that School C had already reached its PAN in year 10 and so could not offer a place to W. The Council gave Miss Y the right to appeal the refusal. Miss Y chose not to appeal.
24. Miss Y contacted School A in March 2019 to ask whether she could visit the school with W. The school refused on the basis it remained full in W's year group.
25. Over half of the academic year had now passed. Miss Y contacted the Council's Children Missing in Education (CME) team on 14 April 2019 to seek advice about provision for W. The CME officer spoke to the Admissions team, who agreed to pass W's case to management.
26. The Council's files do not show any progress on W's application between April and August 2019.
27. Miss Y tried to enrol W into a local college on 21 August 2019 to study Maths and English for one day each week. The Council received notification of the enrolment. It called Miss Y to say that W could only enrol onto that course if she was receiving elective home education. Miss Y said she did not intend to home



- educate W. Miss Y also told the Council that School A would not allow a visit due to being over PAN.
28. On 27 September 2019, the Council referred W's application to its 'South Leicestershire Inclusion Partnership' (SLIP) for consideration under the Fair Access Protocol (FAP). W met the Council's FAP criteria because she was in year 11 and had missed more than two months of school.
  29. The Council discussed W's case at the SLIP panel on 11 October 2019. SLIP agreed to visit Miss Y and W at home and to contact School A.
  30. Throughout November, officers in the SLIP contacted School A to pursue a school place for W. The school reiterated that it would not admit W. The Council then suggested a 'managed move' whereby W would attend School A and sit her exams but would not appear on its school roll.
  31. School A agreed to this proposal and confirmed that W could start school on 2 December 2019.
  32. Shortly before W's start date, School A changed its mind. The school contacted Miss Y and the Council to rescind W's offer. School A said it had been informed of a 'serious' incident between W and one of its pupils which happened last year. School A said, "Our student is now settled in Year 11 and doing well. I believe that introducing [W] into our school would be a major safeguarding concern."
  33. W denied the allegation. The Council asked School A for proof of the alleged attack. School A did not corroborate the allegation.
  34. Miss Y complained to the Council on 14 January 2020. The Council did not uphold the complaint, and instead said that Miss Y had refused an offer of a school place.
  35. The Council's FAP panel met on 27 January 2020 to discuss W's application. It nominated School A for W's admission due to her living within catchment. The panel decided:
    - for School A to put W on its roll, in name only, as soon as possible;
    - SLIP will manage W's programme of work, involving school tuition and work experience;
    - SLIP to monitor W's attendance and progress, manage her GCSE examinations and support with post-16 provision;
    - SLIP to visit W in her provision at least once a term;
    - School A to register W for GCSE examinations; and
    - SLIP to arrange examinations to take place at another school site.
  36. The Council contacted School A to relay the panel's decision on 30 January 2020. School A responded on 4 February 2020 and again reiterated its refusal to place W on its roll. The Council referred W's case to a senior officer.
  37. From 24 February 2020, the Council arranged for W to receive 27.5 hours of education a week from two independent providers to study Maths, English, Creative Art, Photography and Sport. W attended until May half-term, at which point the providers temporarily closed due to the national COVID-19 lockdown.
  38. The Council discussed W's case on 28 May 2020. It decided to contact School A again to instruct the admission of W.

39. After a discussion with senior officers, School A offered a place to W on 3 June 2020.

## Conclusions

### Academisation of schools

40. Not only does this report illustrate how drift and inaction can cause significant personal injustice and long-term disadvantage for a young person like W, it also highlights wider problems which many parents and councils now face following the widespread academisation of schools. Many secondary schools, both in the Council's area and throughout England, are now academy schools. Academies are their own admissions authority, and the Academy Trust is responsible for consulting and determining the school's admission arrangements. Councils have limited powers to ensure the admission of pupils into those schools.
41. Although the Council was not the admission authority for School A, and could not direct the admission of W, it did have the power to contact the government's Education and Skills Funding Agency (ESFA) to pursue a direction on its behalf. The Council did not utilise this power. Instead, W's application for a school place was subject to significant drift.
42. This is an important topical issue because many parents like Miss Y face unnecessary complexity and confusion when trying to secure in-year school places for their children. We recognise the Council is not responsible for the academisation of schools in its area and cannot be found at fault for any complexities in the wider system. However, this case illustrates why it is critical for councils to use the full force of their limited powers to ensure that pupils, like W, do not remain out of school for longer than absolutely necessary.
43. Following our concerns that other families may be affected by delays in the FAP application process, we exercised our powers under Section 26D of the Local Government Act to ask the Council to provide a breakdown showing all FAP applications sent to academy schools in the Council's area since January 2019. We asked the Council to show how many of those applications lapsed the 15 calendar day deadline for the agreement of a start date, and how many have been outright refused. Of those refused, we asked the Council to confirm how many were justified refusals and how many the Council referred to the ESFA.
44. With the exception of one application, which was subject to an ongoing appeal, the information provided by the Council showed that it had progressed all other applications within 15 calendar days. The information did not show any refusals by academy schools. We are therefore satisfied, based on the information seen, that there is no requirement to use our powers under Section 26D of the Local Government Act to request a remedy for other members of the public, who have not complained to us, but may have suffered an injustice.
45. However, the information provided by the Council did not show for all applications the date on which the child formally went onto the school roll. The Council said, "The Council faces some challenges when supplying full data because a number of secondary academies no longer exchange on-roll registration level data with us. It is accepted that this is an issue, and the Council is taking steps to improve particularly in relation to the quality of information returned from Academies."
46. We welcome the Council's proposal to make improvements in this area, which it has included as part of its wider action plan.

### Loss of education

47. The Council acknowledges in response to our enquiries that it is responsible for “excessive” and “unacceptable” delay in arranging suitable full-time provision for W at a critical point in her education. We agree with the Council’s conclusions that it failed considerably in its legal duty to provide education for W during year 10 and 11. This caused W significant injustice, with possible long-term consequences arising from her academic disadvantage.
48. The fault identified in W’s case is multiple and shows a concerning lack of coordination between key Council services.
  - The Council’s Admissions team delayed in responding to Miss Y’s initial application and failed to give appeal rights when School A refused to admit W because of being over its PAN. The team did not make an alternative school offer, despite W having moved into the Council’s area and being without a school place.
  - The Admissions team failed to promptly identify that W’s application met FAP criteria once she had been out of school for two months and delayed in referring it to the Fair Access Partnership.
  - When eventually accepted under the FAP, the Council did not follow government guidance or its own policy which says the Council will act with a “sense of urgency”.
  - The Council did not consider using its powers to apply for a direction from the Secretary of State via ESFA when School A failed to agree a start date within 15 calendar days. The FAP says, “if the LA do not accept the reasons [for refusal], or no response is received within 15 days, a formal letter directing the academy/school to admit will be issued. The letter will explain the LA’s reasons for rejecting the school’s case.... If the Academy/School does not admit, the LA will consider applying for a direction from the Education and Skills Funding Agency (ESFA) in the case of Academies or the Secretary of State in the case of Schools”.
  - The Council missed an opportunity to ensure that W was placed back on the roll of School B. The Council’s CME guidelines state that, if the previous school’s reasons for ‘off-rolling’ are not appropriate, the CME Coordinator will request for the pupil to be added back on roll. If the matter is not resolved, the case is discussed by senior officers with a possible referral to the ESFA.
  - The Council did not appear to have due regard for its duties under Schedule 1, First Protocol, Article 2 of the Human Rights Act 1998 which says that no person shall be denied the right to education.
49. The Council failed to co-ordinate its services and take timely, appropriate action to ensure W received education which she was entitled to. In line with its published scheme, the Council should have processed W’s application within 15 working days of receipt. As a direct result, W missed almost four whole terms (or 12 months) of education in years 10 and 11.
50. We do not agree with the Council’s conclusion that its duty to make provision for W only began 15 working days after being removed from School B’s roll. This is because it was not feasible for W to continue attending School B after she moved house in January. School B was nine miles away from the family’s new house. If the Council felt this was an appropriate arrangement in the interim period, we would expect the files to show some discussion between the Council and Miss Y

about facilitating W's continued attendance, for example, with the support of school transport. There is no evidence of any such discussions.

51. We therefore find the Council's duty to arrange provision for W began from Monday 7 January 2019 and ended when it offered full-time alternative provision via an independent provider on 24 February 2020.
52. In response to our enquiries, the Council accepted that its fault caused injustice to Miss Y and W and proposed to undertake the following remedial action.
  - Immediately remind all schools and academies that exclusion for non-disciplinary reasons is illegal, and that compliance with Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 is necessary.
  - Prepare a detailed action plan to identify other improvements which the Council needs to make, and to review any changes already made to establish why the Council failed to achieve a positive result for W.
  - Formally apologise to Miss Y and W and pay a total of £6,600 to the family. This is made up of:
    - £400 for each month that W remained out of school because of Council fault. The Council says its Inclusion Team should have picked up W's case within 15 working days of her being 'off-rolled' (2 February 2019) until W received full-time provision (24 February 2020);
    - £200 for each month that W remained in alternative provision (March – May 2020);
    - £500 in recognition of W's inability to form new friendships and the distress this caused; and
    - £300 in recognition of the failed opportunity for the Council to resolve this complaint locally, therefore causing unnecessary time and trouble
53. We welcome the Council's early acceptance of fault and its proposal to remedy the injustice to Miss Y and W. However, we consider the Council should go further in remedying the family's injustice, in line with our published '[Guidance on Remedies](#)', which suggests the following approach:
 

"Where fault has resulted in a loss of educational provision, we will usually recommend a remedy payment of between £200 and £600 a month to acknowledge the impact of that loss. The figure should be based on the impact on the child and take account of factors such as:

  - the child's Special Educational Needs (SEN);
  - any educational provision – full-time or part-time, without some or all of the specified support – that was made during the period;
  - whether additional provision now can remedy some or all of the loss;
  - whether the period affected was a significant one in a child's school career – for example, the first year of compulsory education, the transfer to secondary school, or the period preparing for public exams."
54. Instead of the remedy proposed by the Council in paragraph 52, we recommended the actions listed in the paragraph below. The Council has agreed to implement these actions.

## Agreed actions

55. To remedy the injustice identified in this report, the Council will, within one month of the date of this report:

- apologise and pay £7,200 to Miss Y for W's educational benefit. This comprises of £600 for each month during which W remained out of school and without any educational provision. The Council's duty began on 7 January 2019 and ended on 24 February 2020;
- pay £300 to Miss Y for the avoidable time and trouble caused by the Council's inability to resolve her complaint locally, and for any distress and confusion caused by the incorrect conclusions it reached in its complaint response.

Within three months of the date of this report, the Council will:

- provide us with evidence that it has reminded all Schools and Academies in its area regarding their duties under Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006;
  - update us, with evidence, to show the progress made in completing the action plan which it shared with us in September 2020. If all actions have not been completed, the Council will provide an explanation of the status and an anticipated completion date; and
  - in addition to the action plan already produced, arrange internal training with its officers in the Admissions/Fair Access Protocol/Children Missing in Education teams to go over the service improvements in the plan. The Council will also use the training to refresh officers' knowledge around the Fair Access Protocol and the requirement to escalate applications without delay if a pupil is off-roll and not receiving any education.
56. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

## Parts of the complaint that we did not investigate

57. Miss Y raises concerns that W's previous school (School B) removed her from roll without having valid grounds to do so, as set out in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006. We do not have jurisdiction to investigate complaints about schools. Instead we can only consider how the Council acted once it became aware that W was not receiving education. For this reason, we cannot consider Miss Y's complaint that School B wrongly removed W from its roll.

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Admissions and Inclusion Team LGSCO Action Plan 2020

APPENDIX B

Case ID - 19017034

Action	Service Ownership	Time Frame	Action Taken	Current Status	Risk Rating
Adaption required to CAPITA to ensure that a vulnerability flag can be added by the appeals officers when a school application is made	Admissions/ Inclusion	Aug-20	Capita has been updated to enable a risk assessment to be completed on capita for vulnerabilities. All staff will now add an alert and complete the risk assessment for ‘vulnerable students’.	Complete	
Further define vulnerability characteristics to enable clear statement of these that will be shared across officers in teams	Admissions/Inclusion	Aug-20	These include: Numbers of Exclusions; School History; Rapid multiple house; Low Attendance; Social Care involvement; Youth Offending involvement; Risks Around County Lines; and Children who have SEN/EHCP status	Complete	
List to be developed so that children who are vulnerable on application for a school place can be checked off once the school place has been confirmed by the application officer.	Admissions	Sep-20	Tableau data report is in development for service managers to confirm the status of applying students. This will be shared with relevant team managers/members as required.	Complete (Stated in Fair Access Protocol - awaiting Leicestershire Heads sign off March 2021	
Process to be developed between Admissions and Inclusion when pupils have not been checked off within the designated time frames as above and checked by admissions officer to confirm intent to take/attend with the parent/school. This will include training for all Admissions and Inclusion Staff to raise awareness of LGSCO findings	Admissions/Inclusion	Sep-20	Children identified as vulnerable are to be followed up by the admissions officer to see if they have taken up the school place and attended (see below). If they have not the admissions officer will refer to the Inclusions Service as a Child Missing Education. All service training completed on 3rd February 2021	Complete	
Standard email to be developed to request a child to be put on the roll of a school with clear time scales of when the school needs to notify the Admissions Team if this has been done or not	Admissions	Sep-20	Actions that need to be completed by Admissions officers or what has been done to mitigate this.	Complete Stated in Fair Access Protocol - awaiting Leicestershire Heads sign off March 2021	
Time scale to be identified around schools notifying the Admissions that a child has been put on roll following an application – this will be in line with the new admissions code	Admission	Sep-20	Timeline for the school to notify Admissions is 10 days. If they haven’t responded the admissions officer is to follow this up with the school.	Complete Stated in Fair Access Protocol - awaiting Leicestershire Heads sign off March 2021	
Comms to be sent out to all schools stating that all pupils who are removed from roll with no destination must notify the LA immediately via the inclusionpupilsupport@leics.gov.uk and where possible prior to removal from roll.	Inclusion	Aug-20	This has been completed through the Heads Briefing, New Head Induction Session and School Group. This has also been updated on the LCC website.	Complete	
Clearer process to be developed for Inclusion Service to challenge school to put back on roll when removal from roll has been done illegally. This needs to include escalation process when needed.	Inclusion	Dec-20	Clear escalation process has been developed. Page 6 of the CME work process protocol.	Complete	
Current tracking process for CME to be extended to include children without a roll and waiting for school place	Inclusion	Mar-21	Monthly report has been developed for children with unknown destinations and annual report for deferred school places which are checked and responded to. Report for waiting school places is currently with the CME team.	In progress - completion due end of March 2021	
Review of fair access policy and protocol to take place and to include escalation process with time scales when school do not admit following process	Admissions/SEIPs	Ssep 20	Fair Access Protocol has been reviewed additional categories of vulnerable groups have been added, flow charts have reviewed and escalations are clear marked out.	Complete Stated in Fair Access Protocol - awaiting Leicestershire Heads sign off March 2021	
Review and redevelopment of CME policy and protocol to be developed across Leicester, Leicestershire and Rutland across Admissions, Inclusion, SEIPs Schools, Social Care and Police to enable clear paraments and process for children missing education	Inclusion	Oct-20	CME Work Process Protocol has been developed signed off through DMT. This has been shared with Service Managers across CYPs and the Inclusion Service Staff	Complete Stated in Fair Access Protocol - awaiting Leicestershire Heads sign off March 2021	
Quarterly reports to identify the numbers of children and young people missing education to CYPs scrutiny committee; monthly reporting to CSE/CCE multi agency hub to inform strategic profiling of for missing children, and exceptions reporting to Assistant Director Education and SEND/DMT for specific cases	Admissions/Inclusion	Completed prior to action plan	Reports are sent to DMT on a monthly - termly basis (dependant on meeting requirements) to DMT, Lead Members and the LCSB	Complete	

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**CABINET – 23 MARCH 2021**

**RESPONSE TO THE BLABY DISTRICT COUNCIL NEW LOCAL  
PLAN OPTIONS CONSULTATION**

**REPORT OF THE CHIEF EXECUTIVE**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to advise the Cabinet on the content of Blaby District Council's 'New Local Plan Options' document and set out a proposed response for submission to Blaby District Council (Blaby DC).
2. The key comments are set out in this report and the detailed comments are set out in Appendices A and B to this report.
3. As Blaby DC's consultation period on the New Local Plan Options ends on 12 March 2021 this report and appendices will be submitted by this date to Blaby DC as the Council's views. Any additions or amendments arising from consideration by the Cabinet will be submitted to Blaby DC following the Cabinet meeting.

**Recommendations**

4. It is recommended that:
  - (a) The County Council's response to the Blaby District Council (DC) New Local Plan Options document, set out in paragraphs 56 to 73 inclusive and the appendices to this report be approved;
  - (b) The County Council seeks to formalise partnership working arrangements with Blaby DC and other partners, including Highways England (in line with the County Council's emerging Infrastructure Policy);
  - (c) It be noted that the County Council will need to secure funds with Blaby DC (and other partners) to meet the cost of the work required to identify the infrastructure which will be needed to enable the Blaby District Local Plan to proceed to the preferred option stage.

### **Reasons for Recommendation**

5. The emerging locational strategy for the district of Blaby will inform the next stage of local plan making in the district up to 2038 beyond the adopted Local Plan which extends to 2029. Given the location of the district of Blaby close to the City of Leicester and close functional connectivity to communities living and working in Hinckley and Bosworth Borough, Harborough District and Oadby and Wigston Borough, the content of the emerging Local Plan is particularly important to this area and the wider Leicester and Leicestershire Housing Market Area (L&L HMA).
6. The proposed response sets out key comments for consideration by Blaby DC in preparing its new Local Plan and seeks to ensure alignment with the strategic outcomes of the County Council's Strategic Plan, the Leicester and Leicestershire Strategic Growth Plan (SGP), and to influence the content of the Local Plan in the interests of local communities.
7. The Council wishes to formalise partnership working arrangements with Blaby DC in recognition of the significant, complex nature of the preparatory work which needs to be undertaken to support the identification and delivery of the emerging new Local Plan and the commitment required by all key partners.
8. For the County Council to prioritise undertaking significant and complex preparatory work in the current financial climate the financial risk to the County Council needs to be minimised. Therefore, a commitment to joint funding with Blaby DC (and other partners) will be sought, in line with the County Council's emerging Infrastructure Policy.

### **Timetable for Decisions (including Scrutiny)**

9. Consultation responses are required to be submitted to Blaby DC by 12 March 2021.

### **Policy Framework and Previous Decisions**

10. Blaby DC previously consulted on "New Local Plan Issues and Options" in late 2019 and the Cabinet considered its response on 22 October 2019. In brief, the response welcomed that issues and options were identified in relation to the overall scale of growth and the locational strategy, as well as for specific themes such as housing, employment, strategic green designations, health and well-being, open space, sport and recreation, natural environment, climate change and transport.
11. The Government's Planning White Paper, considered by the Cabinet on 18 September 2020, proposes 'end to end' reform of the current planning system in England. Local Plans are proposed for retention but with a greater role and tighter timeframe. Once the consultation responses have been considered by Government legislative change and revision to national planning policy will take

place and will impact on plan making processes. The timescale for these changes is not known.

12. In December 2020 Government announced a new Standard Method for the calculation of local housing need, which included a 35% uplift for the 20 largest cities and urban areas in England, including Leicester. For the L&L HMA this gives an indicative housing need figure of 5,520 per year 2020-2036. Whilst the figures in the districts remain largely the same, the need in Leicester has increased by about 10,000 homes (600 homes per year).
13. The Council's Strategic Plan (2018 to 2022) "Working together for the benefit of everyone" was approved by the County Council in July 2020 (having been revised in light of the Council's declaration on climate change). It has five strategic outcomes, with the delivery of 'Affordable and Quality Homes' and 'Strong Economy' most directly impacted by the emerging Local Plan.
14. The SGP for Leicester and Leicestershire, approved by the Council in November 2018 (and by the other nine partners in late 2018), provides the long-term vision for planned growth to 2050. It recognises the pivotal role of the city of Leicester in the area and its 'central city' role, supporting the market towns and rural area around it through more jobs, leisure, arts, culture and entertainment. The SGP recognises that Leicester needs to grow in such a way that enables full use to be made of its existing services and infrastructure and notes that by providing more homes close to jobs in the city centre and other employment centres this will relieve development pressures in the County.
15. For the wider south/ south west part of Leicestershire, which includes Blaby District, the foci for growth set out in SGP are:
  1. The A46 Priority Growth Corridor;
  2. The A5 Improvement Corridor; and
  3. Managed growth for Lutterworth, Hinckley and Market Harborough.
16. The essential infrastructure to support the delivery of growth shown on the SGP strategy diagram for the wider southern part of Leicestershire are:
  1. M1 Leicester Western Access and M1 North Leicestershire extra capacity;
  2. a new Junction 20a on the M1;
  3. A46 Priority Growth Corridor;
  4. A5 Expressway; and
  5. rail improvements.
17. A strategic transport priorities document for Leicester and Leicestershire is being developed alongside the SGP to ensure the long-term development needs and associated transportation requirements are co-ordinated.
18. Midlands Connect published the A46 Phase 2 Study in November 2020. Taking into account the SGP, the study showed a road of 'Expressway' standard is not needed around the South and East of Leicester to serve people making long distance trips but confirmed a lower standard of road is still required to support

new housing and economic development delivered in accordance with the spatial distribution of housing set out in the SGP.

### **Resource Implications**

19. At £457m, the capital programme approved by the County Council on the 17 February 2021 is the biggest ever planned.
20. Within the programme, a significant list of schemes and activities linked to supporting both housing and economic growth are included. However, the proposals from the emerging and updated district local plans will lead to a demand for further schemes to be delivered, and as such further substantial pressures on the County Council's financial resources.
21. As it stands, only £314m of the programme is funded (through grants, capital receipts, revenue contributions and other earmarked funds). The balance of £143m is currently unfunded.
22. It is anticipated that this can be financed through internal cash balances (earmarked reserves, the working capital of the Council and minimum revenue provision set aside) on a temporary basis. However it will be tight and as such, scope for finding match funding for further grant bids, or forward funding at risk in advance of developer monies being available, is very limited.
23. Further schemes can only be accommodated when sufficient confidence can be obtained that developer funding will be forthcoming to repay the County Council's investment.
24. Close working between the county and district councils, and other partners, is of paramount importance in the delivery of infrastructure and related proposals. Formalising partnership arrangements to minimise risk for all partners involved will be helpful.
25. The Government's ambitions in the Planning White Paper (August 2020) will also need to be factored into the delivery of emerging Local Plans, necessitating adjustment and perhaps major changes to the mechanisms used to secure and deliver infrastructure.
26. It is crucial there is flexibility wherever possible around timing of spend and what money is spent on. Flexibility is important as some schemes will need to subsidise the costs of others. Early identification of cross-boundary issues with regard to infrastructure funding will be essential and the emerging Blaby Local Plan can enable this to happen, as well as ensuring developer contributions to local infrastructure costs can be secured in a co-ordinated and equitable manner.
27. All this strengthens further the need for formalised partnerships which are likely to place all partners in the best position to minimise the risks linked to addressing and managing the major changes to the English planning system.

28. Also on the agenda for this Cabinet meeting is a report concerning the Highways and Transportation Works Programme. This states that there is little opportunity for the Department to take on other commitments, such as those emerging from district councils' local plans as these continue to be developed, without affecting its ability to deliver the actions and schemes set out in the 2021/22 Highways and Transportation Capital Programme and Works Programme.
29. Members have previously been advised that housing and economic growth around the County will put increasing pressure on the Council's finances. As district councils develop and refine local plans, significant infrastructure requirements, especially around roads and schools, are emerging. The County Council will only be able to consider taking on forward funding of new road provision and securing school place provision where appropriate measures are put in place to mitigate the risks associated with forward funding these infrastructure schemes.
30. As such, the County Council is developing an infrastructure policy which will articulate its approach to seeking these mitigations. It will set out the County Council's approach to collaborative working with partners including the district councils, the NHS and developers, including early engagement and appropriate consultation. Local plans and appropriate supplementary planning policy guidance needs to be developed in ways which acknowledge these significant risks to the County Council so they can be minimised. In instances where this is not the case and/or given the amount of forward funding the County Council is being required to provide, then as appropriate, agreements will be sought with the district council in question. Such agreements will seek to use district council statutory responsibilities to mitigate the risk of developers not paying their share of the required infrastructure provision.

### **Executive Summary of main report**

31. The County Council welcomes engagement with Blaby District Council on its 'New Local Plan Options' document and the County Council broadly supports the identified proposals at this stage, noting that it looks to include infrastructure beyond that required for the Local Plan itself, in support of the Strategic Growth Plan. The County Council's wider comments are included in main the body of the report and appendices.
32. Without the steadfast commitment to the SGP from all partners through a clear and aligned approach to delivery, the potential consequence for Leicester and Leicestershire is unplanned and indiscriminate housing and economic growth without the adequate and necessary highway and education infrastructure, attracting unfavourable local reaction. The County Council recognises the Duty to Co-operate is imperative to the ongoing realisation of the SGP and hopes that Blaby DC will be clear in its position regarding the unmet need arising from Leicester City and support for the wider Housing Market Area.
33. The new emerging Local Plan for Blaby District will require significant infrastructure investment and the County Council, through its proposed

Infrastructure Policy recognises that successful development and sustainable communities require the right infrastructure, however there is a significant financial challenge to the County Council in its ability to meet the cost of providing this.

34. The County Council will continue to engage with Blaby DC and seek to formalise working arrangements to enable stronger collaborative working in such a way to secure positive outcomes whilst minimising financial risk to the County Council and other partners. It is intended that this will be achieved through a funding agreement covering associated costs to include transport modelling, stakeholder management, feasibility and scheme design funding strategy.
35. Likewise, the County Council recognises the importance of education and good quality schools being at the heart of vibrant and sustainable communities, and therefore the County Council has to receive sufficient financial contributions to ensure their provision. The financial commitment will be required to enable the Blaby District Local Plan to proceed to the Preferred Option stage and the County Council would wish to see inclusion of an over-arching policy in the emerging new Local Plan that prioritises developer contributions towards essential infrastructure.
36. It is recognised that there is a significant amount of work for Blaby DC to undertake in order to progress through the to the Submission Draft Local Plan (Regulation 19) stage. The County Council wishes to engage in meaningful collaboration at every stage to ensure that the Regulation 19 Plan is fit for purpose and in the interests of local communities.

### **Circulation under the Local Issues Alert Procedure**

37. This report will be circulated to all Members.

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## **PART B**

### **Background**

38. The new Blaby Local Plan is likely to form the first in the 'new' cycle of Local Plans in Leicestershire. As such it will be the first district Local Plan to be prepared following agreement being reached on the apportionment of the increased unmet need from the City to the districts in the L&L HMA.
39. This consultation forms a further "Regulation 18" consultation, which means that Blaby DC will consider the comments received during the consultation period to inform the preparation of a preferred option/publication stage (Regulation 19) Local Plan which is expected in February/March 2022. There will be further consultation held on the preferred option Local Plan. Blaby DC expects the Examination in Public later in 2022, with adoption of the new Local Plan in 2023.

### **Overview of content of Blaby DC New Local Plan Options document**

40. The New Local Plan Options document (hereafter called the Options document) seeks views on three issues:
  - Options for the spatial strategy and location of future development
  - Reasonable site areas
  - Initial information on other strategic policies Blaby DC expect to include in the Local Plan.
41. Blaby DC emphasises that the Options document is not a draft Local Plan and that it will prepare and consult on a draft Local Plan at a later stage. Thirty-two questions are posed and proposed responses to these questions are set out in Appendix B to this report.
42. Three scale of growth options have been tested in terms of assessing different locational strategies. The standard methodology housing provision figure has been tested as a baseline (Option 1) with two higher scale of growth options tested to recognise the need to plan for some of Leicester's unmet need (Options 2 and 3). The annual rate of housing provision proposed for Blaby in the SGP falls within the scale of growth covered by Option 3. The increased unmet need arising from the 35% uplift in the new standard methodology for Leicester has not been tested. It is noted that further work is planned in 2021 that will recommend a reapportionment of the City's unmet need.
43. With regard to employment growth further work is identified prior to the identification of sites in the emerging Local Plan, which will include continuing to work with Leicester and Leicestershire local authorities to determine the distribution of Leicester's unmet need for employment land. Reference is made to the Hinckley National Rail Freight Interchange (HNRFI) proposal close to Junction 2 of the M69 which forms a National Significant Infrastructure Project (NSIP) and is at the start of the process with the National Infrastructure Planning Unit; and the need to assess the employment implications arising from this.

44. With regard to the locational strategy, some initial Sustainability Appraisal (SA) work has been undertaken to assess five locational strategy options at the three different scales of growth:
  1. Option A: Principal Urban Area (PUA) focus;
  2. Option B: Extended PUA focus;
  3. Option C: Spread the distribution;
  4. Option D: Strategic sites/Garden Villages;
  5. Option E: Single new settlement.
45. This initial work has concluded that for the lowest level of growth it is not possible to form alternative locational strategies to the existing PUA focused strategy.
46. A settlement hierarchy has been identified for the purpose of testing the options, this includes an extended PUA which includes Blaby, Countesthorpe, Enderby, Narborough and Whetstone.
47. The SA has shown that no single option tested is wholly better than the others. In brief:
  - The lower the scale of growth the more difficult it is to move away from a PUA focused approach;
  - Careful consideration needs to be given to market capacity of the PUA to allow for existing key commitments to continue to deliver (e.g. Lubbethorpe SUE);
  - Concerns about creeping growth of smaller settlements (medium villages and in particular smaller villages) without sufficient improvements to local infrastructure.
48. Given the deliverability issues in the PUA and sustainability issues of the Medium and Smaller villages, Extended PUA settlements and Strategic sites are considered as alternative locations to deliver the higher scale of growth. It is acknowledged that the locational strategy will include a number of elements:
  - Some growth at the PUA level is preferable as PUA settlements are identified as a sustainable location for growth;
  - Well-located, well-designed and well-connected sustainable Strategic sites that include supporting infrastructure and a wide range of local services. Four Strategic site options (over 1,000 dwellings) are being considered including:-
    - a) Whetstone Pastures (approx. 3,500 to 6,000 dwellings)
    - b) Land west of Stoney Stanton (approx. 5,000 dwellings)
    - c) Land at Hospital Lane, Blaby (approx. 1,000 dwellings)
    - d) Land north of railway line, Elmesthorpe (approx. 1,100 dwellings)
49. It is noted that whilst Strategic sites are capable of delivering local infrastructure they will also have to provide strategic infrastructure, such as transport improvements, to support the development proposed. A range of medium and smaller sites at different locations is proposed to ensure delivery of housing in the shorter term. In summary, the work so far concludes that if planning for a higher level of growth the locational strategy should consider:



- Strategic sites;
  - A settlement hierarchy approach that directs growth to a range of smaller and medium sites located at:
    - PUA settlements;
    - Extended PUA settlements;
    - Medium Villages;
    - Limited growth at Smaller Villages and Hamlets.
50. The final decision on the locational strategy and the proportion of growth to each settlement in the hierarchy and Strategic sites will depend on the scale of growth that the district council will need to plan for.
51. A review of strategic greenfield designations is proposed and priorities on urban design quality and place making are set out. The remainder of the Options document seeks views on proposed policy approaches to:
- Environment and Sustainability policies;
  - Health and Well-being policies;
  - Housing Needs policies;
  - Economy, Retail and Leisure policies; and
  - Transport, Local Services and Infrastructure policies, which include a policy approach on infrastructure, services and facilities to support growth and Planning Obligations and Developer Contributions.
52. A summary of Sites Assessments is attached as an appendix to the Options document.

### **Duty to Cooperate**

53. It is recognised that should an HMA authority identify, quantify and provide robust evidence to demonstrate an unmet need, it is incumbent upon the HMA authorities to jointly resolve any cross-boundary matters with HMA partners under the Duty to Co-operate. Whilst it is acknowledged that Government intend to reform the planning system and recently consulted on a White Paper – Planning for the Future, there is no timetable for such reforms. The Duty to Cooperate is a key to the ongoing success of the SGP. Without the SGP and without a clear aligned approach to delivery, Leicestershire faces high levels of speculative/indiscriminate development with inadequate highway and education infrastructure. To avoid this, ongoing commitment from all the local authorities to this non-statutory plan is therefore crucial, as is their support for a collaborative and coordinated approach to the defining and allocating of infrastructure funding requirements of local plans.
54. All ten partners most recently signed up to a Joint Position Statement relating to Leicester's Housing and Employment Land Needs in September 2020. This sets out how authorities will continue to work together to accommodate unmet need for housing and employment land identified in the draft City of Leicester Local Plan.
55. A Statement of Common Ground for Leicester and Leicestershire dealing with the apportionment of unmet need from the City to the districts will be prepared

by the eight local planning authorities and the County Council as an additional signatory given its statutory responsibilities. This will be informed by strategic evidence work being undertaken by partners in Leicester and Leicestershire to inform future infrastructure and growth, and work the City Council is undertaking to maximise the growth it is able to accommodate without adversely impacting the environment and quality of place. It is anticipated this will be available in late 2021.

### **Response to the New Local Plan Options consultation**

#### *Overarching response*

56. The County Council broadly supports the proposals at this stage but recognises that there is a significant amount of work to progress through to the next stage of consultation on the preferred option which will form the Submission Draft Local Plan (Regulation 19). This is largely due to the role which Blaby plays in delivering the SGP strategy, the strength of the functional connectivity in this geographical area with the City and other neighbouring districts, and potential strategic proposals currently being promoted by developers in the area, such as the Hinckley National Rail Freight Interchange (HNRFI) proposal and the proposal for a Garden Village at Whetstone Pastures.
57. The new emerging Local Plan for Blaby District will require significant infrastructure. With regard to transport infrastructure the following key points need to be considered:
  - Potential interactions with the Strategic Road Network, in particular M69 J2 and impact on M1 J21;
  - When, and if, a proposed M1 J20a comes forward;
  - The need to protect a potential new southern route around Leicester to open up and enable housing growth as set out in the SGP;
  - Cross boundary development and implications;
  - The need to understand how much growth can be delivered before some of the new strategic infrastructure needs to be in place.
58. If the new Local Plan is to be the mechanism by which the first stage of SGP 'A46 Priority Growth Corridor' (PGC) is to be delivered, it will need to be supported by robust transport evidence, infrastructure and policies that take account of longer-term growth both within and without Blaby District and, as necessary, provide appropriate future proofing/protections for key transport (and other) infrastructure required to support this growth. This includes potential options for a new M1 J20a. Evidence will be required to make the strategic case for the new junction, and that will have to be presented in the context of the overall PGC over the lifetime of the SGP, and not just the elements relating specifically to Blaby District's emerging Local Plan.
59. The new Local Plan cannot be developed in isolation from the wider SGP. To address the challenges faced, a collaborative and coordinated approach is required to the development of common evidence that in turn provides the basis for Plan policies and an accompanying agreed narrative as to how parties will continue to work beyond the Local Plan's adoption to provide the necessary

infrastructure to support wider growth. Buy-in from all key partners will be critical to achieving this, including Highways England at a strategic level.

60. In considering the locational strategy in the Options document, in particular the identified four strategic site options and the strategic and local infrastructure likely to be required, the County Council is of the view that a project group approach is put in place at a senior level for all partners (including Highways England) to explore and advise on the evolution of the locational strategy, covering critical dependencies for infrastructure delivery, suitable settlement thresholds, phasing requirements, funding, S106 planning obligations etc.
61. This is due to the higher scale of growth proposed, the key strategic infrastructure indicated in the SGP in this area (part of the A46 Priority Growth Corridor, proposed M1 J20A), the major gateway into Leicester at J21 of the M1, access at J21A of the M1, J2 of the M69 and the strong functional connectivity with Leicester and settlements in Hinckley and Bosworth borough and Harborough district.
62. This partnership proposal would enable a collective approach to be taken to working through the most appropriate locations for strategic sites linked to strategic infrastructure, all informed by evidential work which would include that being undertaken by Leicester and Leicestershire partners..
63. The emerging new Local Plan needs to recognise this, and to provide a robust policy framework that:
  - Recognises cross-boundary and cumulative impacts
  - Links growth to the delivery of elements of infrastructure as appropriate
  - Provides the platform for securing developer contributions, either financial or in kind, towards transport and other infrastructure (including to address cumulative impacts)
  - Provides the policy framework for agreed future ways of working beyond the Plan's adoption to develop and deliver the transport (and other) infrastructure necessary to enable growth in the district and more widely
  - Future proofs infrastructure and/or safeguards land as necessary to facilitate the delivery of infrastructure required to support longer-term growth in accordance with the SGP (for example in respect of the 'Priority Growth Corridor').

#### *Planning Obligations and Developer Contributions*

64. The County Council wishes to see inclusion of an over-arching policy in the emerging new Local Plan that prioritises developer contributions towards essential infrastructure, most notably education and transport, above others. Reference needs to be made to the County Council's Planning Obligations Policy (2019) and any updated version to make sure that the emerging plan cross-references and supports the County Council's requests.
65. The County Council wishes to ensure policies relating to individual site allocations are based on robust viability evidence to make sure that infrastructure and housing is affordable and deliverable. These policies need to

make explicit reference to the need to secure funding, and where appropriate, land to deliver infrastructure.

66. The emerging new Local Plan needs to provide appropriate development frameworks for delivering strategic allocations (e.g. Area Action Plan, masterplan etc.) and these frameworks need to be brought forward in conjunction with the County Council as well as other stakeholders. The County Council wishes to see clear and explicit wording that frameworks must be produced to Supplementary Planning Document standard, need to be subject to formal consultation processes and that planning applications should not come forward until frameworks are in place.
67. The County Council wants to reinforce the importance of viability. How Blaby DC deals with viability should be clearly identified in the emerging new Local Plan. The Blaby DC Planning obligations policy document should be updated to reflect existing policy and that contained in the County Council's Planning Obligations guidance document.
68. In undertaking the proposed Local Plan viability assessment (i.e. to what extent can development afford to pay for the necessary infrastructure required to enable the district's growth) it will be important for Blaby DC to ensure that it has as complete an understanding as is proportionate and possible about the potential costs of enabling growth across its area.
69. From a transport perspective, it will be particularly important to understand any costs associated with dealing with cumulative impacts of growth, including those arising from cross-boundary inter-actions. (This operates both ways, i.e. cross-boundary impacts of growth in Blaby district impacting on a neighbouring area and/or growth in a neighbouring area impacting on Blaby district). Potential impacts on the Strategic Road Network will also need to be considered.
70. Education and good quality schools need to be at the heart of vibrant and sustainable communities, and, as a consequence, it is important that the County Council receives sufficient contributions so this can be achieved. A more dispersed locational strategy may mean secondary schools are located some distance away from homes, and by implication impact transport and revenue budgets (if over statutory distances).

*County Council's proposed Infrastructure Policy*

71. The County Council is currently consulting district councils, developers and key stakeholders, including the NHS, on a draft Infrastructure Policy, which recognises that successful development and sustainable communities require the right infrastructure. This will help enable stronger collaborative working and secure outcomes of attractive and sustainable communities, which in their development also minimise risk to the County Council and other partners. The County Council may look to enter an agreement with a district council to that end.

72. The emerging new Local Plan for Blaby needs to recognise the above, and also provide a robust policy framework that, amongst other things, provides the platform for securing developer contributions, either financial or in kind, towards transport and other infrastructure (including to address cumulative impacts).
73. Through closer partnership working the County Council wishes to be fully involved in identification of infrastructure, services and facilities required to support growth in the emerging Local Plan.

### **Equality and Human Rights Implications**

74. There are no equality and human rights implications arising from the recommendations in this report. The Options document indicates the significant further work to be undertaken in progressing the emerging new Local Plan. Blaby DC is working with the County Council and with other partners in the L&L HMA to provide for the homes and jobs required in the future.

### **Environmental Implications**

75. The County Council will continue to work closely with Blaby District Council and other partners to minimise the impact planned growth has on the environmental assets of Leicester and Leicestershire.
76. The impact upon the environment is a key consideration in all planning decisions made within the context of an approved or emerging Local Plan, and the County Council will seek to ensure that opportunities are taken to enhance the environment through biodiversity net gain and sustainable forms of development.

### **Partnership Working and Associated Issues**

77. The County Council works closely with the Leicester and Leicestershire Strategic Planning Partnership, which includes Blaby District Council, the County Council, Leicester City Council, the other six district councils in Leicestershire and the Leicester and Leicestershire Enterprise Partnership.

### **Background Papers**

Report to full Council on 6 December 2017: Strategic Plan and Single Outcomes Framework

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=5104&Ver=4>

Report to the Cabinet on 23 November 2018: Leicester and Leicestershire Strategic Growth Plan – Consideration of Revised Plan for Approval

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4603&Ver=4>

Minutes of the County Council meeting held on 15 May 2019 (10 (a) Climate Emergency) <http://cexmodgov1/ieListDocuments.aspx?CId=134&MId=5112>

Report to the Cabinet on 22 October 2019: Response to Blaby District Council's New Local Plan Issues and Options Consultation

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MID=5606>

### **Appendices**

Appendix A: Leicestershire County Council Additional Officer Comments on Blaby District Council's New Local Plan Options Consultation

Appendix B: Leicestershire County Council Response to Blaby District Council's *New Local Plan Options* Consultation

## **Appendix A**

### **Leicestershire County Council Additional Officer Comments on Blaby District Council's New Local Plan Options Consultation**

#### **Other key thematic responses**

##### *Locational Strategy response*

1. The Council notes Blaby DC's recognition that the scale of housing growth to be planned for has an important influence on the locational strategy which shapes where new development.
2. The three scale of growth options tested are considered to be reasonable and appropriate; however, it is noted they do not include the 35% uplift in the standard method figure for Leicester, announced December 2020 nor the most recent 2018 based population and household projections. Through taking a holistic and joined up approach to planning for growth it will enable the County Council, Blaby DC and other partners to minimise financial risk.
3. It is crucial that the next stage of the Local Plan factors in decisions made in relation to the apportionment of the City's unmet need.
4. Given that this Local Plan is pivotal to the transition of L&L HMA wide housing spatial distribution from the former Regional Growth Plan's emphasis to one now driven by the Leicester and Leicestershire SGP, it is disappointing that there is no Strategic Objective relating to achieving this transition and what that entails. The Strategic Objectives relate in the main to district issues, with little consideration of the wider HMA considerations.
5. Furthermore, a new or expanded social strategic objective should be included which seeks new key infrastructure to come forward to support the delivery of housing to meet need within the district or wider L&L HMA. Currently the focus of the social objectives is on housing without crucial reference to the infrastructure essential to underpin the delivery of housing.
6. Also, given issues around the (recently much increased in scale) unmet housing need of the City of Leicester, the role that the Plan might have in meeting this should justify its own Strategic Objective.
7. Additionally, the Plan's objectives should be much stronger in respect of environmental issues in particular by making direct reference to needing to act on recent 'climate emergency' declarations and meet decarbonisation/ 'net zero' targets.
8. The spatial distribution/site options section of the document does not explore/ articulate the potential for key strategic site options within the district to form part of wider cross-boundary growth opportunities. This is particularly the case for Whetstone Pastures, where the cross-boundary element is potentially key to

give the site the critical mass needed to create a self-contained new settlement (as opposed to a dormitory settlement), but also the mass needed to justify additions required to the Strategic Road Network (for example, an M1 Junction 20a).

9. With regard to employment growth it is noted that an assessment of employment implications from the HNRFI proposal will be undertaken. If granted development consent this proposal will have a significant influence on the locational strategy for the district and the neighbouring borough of Hinckley and Bosworth. The County Council also require factors such as ensuring local communities are able to access jobs at the HNRFI (as the facility will require a ready supply of labour in relatively close proximity), being taken into account in the locational strategy. The impact of increases in vehicular movements to nearby existing and proposed communities will also need to be addressed.
10. Through the new Local Plan, a holistic approach should be taken to planning for the delivery of the SGP; dealing with housing and employment needs in silos will not assist with the efficient planning of infrastructure (transport, education etc) and service provision. By extension, the Local Plan should also explain the functional relationships Blaby District currently has, and is envisaged to have through the SGP, with the City of Leicester and neighbouring districts.
11. The County Council supports the move towards the SGP strategy as it is recognised that it should remove development pressure from existing communities close to the PUA. The SGP strategy seeks to shift growth towards strategic sites where Garden Communities can be developed embracing walkable, health and well-being and environmental aspirations. This approach does not come without risk as new strategic infrastructure will be required and consequently the County Council in continuing close collaborative working with Blaby DC and other partners will look to minimise risk by ensuring where possible external funding from Government and its agencies is secured as well as S106 planning obligations from developers.
12. There appears to be no alignment of the proposed settlement hierarchy with the SGP (A46) Priority Growth Corridor (PGC). Reference to the Extended PUA, from a geographical relationship perspective is noted, but from an economic and wider functional perspective it could be 'misleading' as to the nature of the developments proposed in the PGC, for example seemingly conflicting with the concept that Garden Villages should largely be self-contained entities.
13. Whilst supporting the concept of the Extended PUA as part of the new settlement hierarchy, the County Council would prefer the settlements included to be limited to those that have an economic growth role on radial routes from the City, enabling ease of access to and from the City by public transport. This would focus on the A5460/B4114 out of the City to Enderby and Narborough which is also accessible by rail, and the A426 to Blaby and Whetstone; removing Countesthorpe from this tier of the hierarchy.



14. The County Council supports the locational strategy containing a number of elements to provide planned growth for existing and future communities; recognising the need for development to be delivered throughout the plan period and the long lead in time which strategic sites often entail due to their more complex nature. However; this does need to clearly reflect the SGP vision and provide a robust policy framework that deals with the cumulative impacts of growth across the District and also cross-boundary and provides for developer contributions towards addressing such cumulative impacts. In respect of strategic sites, this is likely to be particularly the case, including impacts on the Strategic Road Network, including the M1 and A46 corridors.

### *Design*

15. The County Council supports the emphasis on urban design quality and place-making, as it recognises that design of places directly impacts on health and well-being, climate change, pollution, resource consumption and strength of bio-diversity. Design codes within masterplans for strategic and larger sites should be required to give an early indication of design aspirations and to enable design to be costed at the outset. Quality design will greatly help new development to more acceptable to existing communities.
16. The principle of achieving quality design is supported and the sentiments expressed in the proposed policy around layouts that invite people to walk and cycle, and in respect of accessibility to facilities and services are welcomed; this will help in the drive to decarbonise travel and to promote healthier lifestyles.
17. Quality should not just be about day one, but last throughout the lifetime of the development. Like many local highway authorities, Leicestershire County Council has insufficient funding available to it to maintain even the County's highest categories of roads, let alone residential estate roads. Thought therefore needs to be given in framing the policy in respect of how quality will be maintained in the long term (e.g. through the developer payment of commuted sums).
18. As hubs of communities, schools can help to transform markets, policy, education, and behaviour, increase community resilience, mitigate climate change, and prepare citizens to think and act in new and creative ways. Schools have an unparalleled importance to sustainable communities and are the social hub to the communities they serve, therefore thought needs to be given to where schools are located in developments / garden villages.
19. The County Council would welcome 'whole life' and 'whole community' development models with an emphasis on a strong commitment to being dementia friendly. The Council would like to see a commitment to the highest standards of dementia friendly town planning and property design particularly as there is transferability to other vulnerable adult populations.

### *Climate Change*

20. There should be encouragement for avoidance and reduction of climate change not just emphasis on the need to mitigate and adapt. The adaption to climate change may not be possible if we do not try to avoid and reduce the causes of climate change and biodiversity loss.
21. If there is to be a reliance in the emerging new Local Plan in the usage of passenger transport to help in respect of climate change/carbon reduction, then the Local Plan should also seek to focus the bulk of new development in large scale settlements or new strategic sites, well located to existing commercial bus corridors, and to rail corridor also. An approach that embodies the delivery of smaller scale developments scattered across a wide geographic area will be far more challenging to the establishment of commercial, long term sustainable passenger transport services.
22. The policy approach should also be more explicit on the need to consider infrastructure required to support decarbonisation of the transport system, most notably domestic and commercial electric vehicle charging facilities. Given the recent direction of industry and government policy, this is now an essential component that needs to be built in from the start.

#### *Transport*

23. The District Council's commitment to an evidenced-based approach for its Local Plan is welcomed as is its stated support for evidence gathering in Leicester and Leicestershire that considers the implications of strategic scale growth.
24. It is important to stress, however, that these two strands of evidence cannot be considered in isolation. Growth in the City of Leicester, in Charnwood, in Harborough and in Hinckley and Bosworth will have over-lapping impacts on the transport system in Blaby District (and the same is true of growth in Blaby impacting on those areas), potentially most acutely on the Strategic Road Network – SRN – (including the M1 and A46) but also in respect of the continuation of the Strategic Growth Plan (SGP) 'Priority Growth Corridor'. Such cross-boundary, cumulative transport impacts are very likely to have a material impact on the district's ability to grow in future, unless ways can be found to mitigate those impacts.
25. Whilst it is welcomed that the District Council has commissioned a study by Sustrans that seeks to examine the potential for new development in Blaby District to maximise the potential for walking and cycling, such linkages should not be considered in isolation either from the future development of Local Cycling and Walking Infrastructure Plans nor from the wider perspective of the 'Priority Growth Corridor'. The Health Impact Assessment can accompany the Cycling and Walking Strategy to add strength around evidence of need to developers.
26. Conditions on the Strategic Road Network, particularly on the M1 and A46, are such that they are likely to have a material impact on the district's ability to grow in the future, unless appropriately addressed (even before existing conditions

are compounded by cumulative cross-boundary impacts of growth in the City of Leicester, Charnwood and Hinckley and Bosworth).

27. With regard to cycling and walking, in summer 2020 Government made a dramatic shift in policy on cycling in particular and the emerging new Local Plan should reflect this.
28. The Local Plan should include a policy that builds electric vehicle charging infrastructure etc into new properties where this does not impede the safe and effective functioning of the highway.
29. Public transport links are very important to vulnerable adult populations as driving for many is not an option. The commitment to walk ways and cycle routes to town centre facilities is encouraged.
30. It is noted that in Appendix A entitled 'Summary of Site Assessments' the list of sites that are considered "reasonable" includes a small number of sites on which the Local Highway / Transport Authority, has not commented on previously (through the Strategic Housing and Economic Land Availability Assessment (SHELAA) or other processes). It is also noted that the list includes various sites on which the County Council has previously raised significant in-principle highways/transport concerns. These may, or may not, prove to be resolvable on further investigation. In relation to these sites, the County Council would welcome further discussions to explore key transport issues in more detail before any decision is taken on their inclusion in any transport assessments or selection as draft site allocations within the emerging new Local Plan.

#### *Education*

31. Details are provided in the appendix (in response to Q31) of specific school sites and their ability or inability to expand. This information is for primary and secondary schools, and reference is also made to the formula for Early Learning Provision. It is provided to inform consideration by Blaby DC, the County Council and other partners of future spatial distributions of growth and connectivity to other areas for communities in Blaby District such as access to secondary school provision in Hinckley and Bosworth Borough.

#### *Flood risk*

32. There should be consideration of the cumulative impact of flood risk issues and these issues also need to be considered in the context of the wider area beyond the district.
33. While the approach is sound, there is concern with specific sites where they are within a catchment upstream of an existing flood risk area. Extra mitigation beyond the requirements of national policy may be required in these instances.

#### *Biodiversity*

34. Whilst the Biodiversity section of the Options document is acceptable, it is not considered to go far enough.
35. As part of the County Council's Local Nature Recovery Strategy, opportunities for biodiversity recovery by improving climate change resilience and addressing habitat fragmentation through creation of a linked and connected ecological network need to be identified, which will include areas that have no intrinsic current value.

### *Heritage Assets*

36. In identifying assets worthy of protection for heritage reasons, it is essential to recognise that the known resource represents only those assets that have as yet been identified, and in some cases designated (listed, scheduled, etc). It does not reflect the entirety of the resource. It is also important to recognise that our current understanding of the character and significance of the resource will evolve over time as more information comes to light. Consequently, policies proposed should allow for both the protection and enhancement of both known and as yet unrecorded heritage assets, their setting and context.
37. Blaby District has a number of heritage assets of value to the local community, as well as tourists, that all help to add to the district's distinctiveness; for example the Victorian Ice House and the buildings in the Cosby Conservation area (the Tithe Barn and Parish Church). As well as preserving the structures, it is important to provide some local interpretation to ensure they are valued and visible (heritage trails, site based interpretation boards etc).

### *Healthy Communities*

38. Health Impact Assessments are considered to be an effective tool together with ongoing engagement at a strategic level and on a site level. The County Council supports the continued engagement of Public Health and Leicestershire and Rutland Sport (LRS) to inform the creation of new communities through effective Local Plan policies relating to health.
39. The Local Plan can make a holistic impact on health and wellbeing for its residents and visitors to the area, addressing many of the wider determinants of health. The Options document already covers a wide range of health-related areas and it is positive to see such a focus on health and links to so many health-related stakeholders and partners.
40. The Plan should contain policies that locate development in places that are already well served by suitable walking and cycling networks or that are realistically capable of being made so. In the Summer of 2020 Government made a significant shift in its overall policy towards cycling. There is now a strong emphasis on cyclists being treated as equals with motorists and on their segregation from pedestrians. It is to be expected that Local Plan policies should reflect this significant shift in Government policy, both in respect of the master-planning and design of development layouts, but also in respect of securing developer contributions.

### *Green Infrastructure and Space*

41. Green infrastructure is crucially important for existing and new communities and has been highlighted during the Covid-19 pandemic. It is suggested a further environmental objective specifically on the provision of green infrastructure is included.
42. Work around protecting and creating open spaces is welcomed, particularly in the present situation with increased interest and demand in access to these facilities. There are opportunities, with enough access in the right places, to create a legacy which has links to improved physical and mental health.
43. The suggested devolution for local Green Spaces to Neighbourhood Plans is noted and generally welcomed. However; there needs to be scope for a strong link to be made with local green spaces and the identification of future strategic green space, an important component of future allocations and wider place making. Any local designation should complement any strategic open space and green infrastructure policies. The County Council would not wish for a disconnect between the two to occur.
44. It will be important to ensure that the designation of Local Green Spaces through Neighbourhood Plans is not seen as a potential opportunity to frustrate the delivery of strategic transport (or other) infrastructure required to support the Local Plan's and SGP's delivery. It will be important that such strategic infrastructure requirements are identified during the development of the Local Plan and robust policies are included in it to protect their delivery, alignments etc.
45. The County Council supports continued joint work on Strategic Green Space such as the review of Green Wedges.
46. The inclusion of allotments would be very much welcomed as it brings communities together, provides access to green space and horticulture is celebrated for its benefits to health and wellbeing.

### *Affordable housing*

47. In undertaking the proposed Local Plan viability assessment to ensure the affordable housing policy is viable, it will be important for Blaby DC to ensure that it has as complete an understanding as is proportionate and possible about the potential costs of enabling growth across its area.

### *Older persons and specialist housing*

48. The County Council encourages and will commit to a partnership approach to the identification of need/demand for specialist housing requirements for older people and adult populations with vulnerabilities.

49. There are vulnerable populations whose numbers do not indicate the need for each district council to develop its own response i.e Transforming Care. It would be beneficial for the district councils to commit to collaborate on meeting the housing needs of these populations.
50. A specific commitment to specialist housing offers to older people and vulnerable adults i.e. Extra Care Housing schemes, bungalows including wheelchair accessible developments, small developments of single person flats including wheelchair accessibility which could be aimed at supported living is to be promoted. It is recognised bungalows are land inefficient; however, they do offer 'life time home' opportunities.
51. Extra Care Housing and Supported Living would benefit from being located within walking distance of facilities such as leisure, health, retail and employment. Locating specialist developments within walking distance of green space and leisure would be welcomed as the benefits this has on physical, mental health and wider population wellbeing are considerable.

*Employment land and premises*

52. As previously noted, given that this emerging new Local Plan is pivotal to the transition of L&L HMA wide housing spatial distribution to one now driven by the Leicester and Leicestershire SGP, employment land provision should be considered in that context (regardless of whether it is to meet solely the district's needs or to meet wider HMA needs).
53. There should be acknowledgement that the COVID-19 pandemic has led to uncertainty and change and the full effects of the pandemic have yet to be realised. There is a big emphasis on strategic warehousing with little mention of office space, for example at Grove Park. The shift to home working may remain in the longer term and if that is the case and we are looking at sustainable living and working then there will be a need for smaller business parks and smaller units in existing locations. People working from home may require meeting room space which could be accommodated in new community buildings planned as part of a new development. Existing settlements could utilise libraries and village halls as community hubs rather than single purpose buildings as many are currently.
54. High skilled work considerations are welcomed especially considering space, engineering and sports science due to the Joint Strategic Needs Assessment/Growth Plan identification of skills being lost to outside of the county.

*Retail, Leisure and Town Centre uses*

55. The Covid-19 pandemic has significantly accelerated change in the retail sector and as a consequence core retail areas need to continue to be protected with the opportunity for leisure, employment and residential uses to occupy more

peripheral retail areas. Opportunities may arise for the re-use of retail buildings for click and collect hubs.

56. A section of the SGP 'Priority Growth Corridor' falls within the district. From a transport connectivity and infrastructure perspective, it will be important to understand the aspirations for levels of self-containment for the new communities planned in the Corridor. Notwithstanding the 'declining high street trend' and the impacts of the pandemic on that, those new communities are still likely to look outwards to some degree. Whilst the Local Highway / Transport Authority has no particular view on where that should be to, it will be important for it to understand whether this outward look is envisaged to be largely towards the centre of the City of Leicester or perhaps a more poly centric pattern will need to emerge in the light of the scale of HMA housing growth and its future distribution.
57. Regarding the Fosse Park area, it is noted ongoing developments in the Fosse Park/M1 J21 area are likely to further enhance its status as a major retail, leisure and employment destination. The area as a whole remains very 'car oriented' and conversely unappealing for walking and cycling. Tackling this issue could help to increase uptake of active modes of travel and unlock further economic potential for the area.

### *Tourism*

58. The Local Plan should make reference to the Blaby Tourism Growth Plan (2019) which adopts a strategic approach to developing the visitor economy. Its actions align with the ambitions and strategic priorities of the county wide Tourism Growth Plan to maximise impact.
59. Green infrastructure sites and waterways support the visitor economy and should therefore be recognised within the plan.
60. The new leisure facilities at Everards Meadows brings new opportunities for integrating built leisure facilities and connecting to outdoor leisure pursuits, our natural assets and greater connectivity by sustainable forms of transport. This new leisure concept will hopefully pave the way for further innovative leisure attractions.

### *Strategic Property considerations*

61. The purpose of the Strategic Growth Plan is to establish an overall strategic approach to inform the preparation of new Local Plans. The good physical and functional relationships of key settlements in Blaby District means that it is logical that a significant proportion of Blaby's overall housing needs, including an allowance for Leicester's unmet needs, is directed to the more sustainable locations in the district where through the delivery of infrastructure led, well designed, self-sustaining new strategic settlements can be located, such as that proposed on land to the west of Stoney Stanton. The proposed Strategic Site is well connected to the strategic transport network, accessible to

employment and capable of supporting the delivery of a full range of services and social benefits.

62. The County Council has interests in land at Countesthorpe, Blaby, Sapcote, Kilby and Croft. These offer sustainable opportunities to accommodate housing and employment development and should be included as allocations in the Local Plan. Comments, where necessary, on Blaby DC's Site Assessments are included in the appendix.
63. As a landowner, the County Council would be willing to consider the sub-division of sites where this would help to support small and medium housebuilders, subject to ensuring that this approach does not negatively affect deliverability of sites or the ability to achieve best value.
64. The issue of self-build can be more problematic. The Inspector for the Local Plan Part 2 specifically removed a requirement to provide 5% self-build on the proposed allocation north of Hinckley Road as it was not justified by available evidence, would not be viable and would have negative consequences for the provision of affordable housing. It is more likely that opportunities for self-build will be provided in relation to smaller sites of less than 10 dwellings and the plan should positively support self-build on these smaller sites.
65. Any policy to include self-build on larger sites should be subject to the proviso that only a small proportion (say 5%) is earmarked for custom/self-build with a mechanism for these units to be provided by the principal developer in the event that no demand is forthcoming for custom/self-build units within a limited period of say 12 months.
66. With regard to employment land, the County Council has interests in land at Glebe Farm, Lutterworth Road, Blaby (ref EBLA002) that has been identified in the Council's assessment as a reasonable development option. This assessment is supported and the site can provide for a suitable extension to the existing employment area in this location to accommodate the expansion needs of existing businesses and provide new employment opportunities.



**Leicestershire County Council Officer Response to Blaby District Council's  
New Local Plan Options Consultation (Regulation 18)**

<p>Q1. Do you think that the Strategic Objectives are suitable aims for the future of the District?</p>	<p>The Options Consultation sets out 15 strategic objectives covering social, environmental and economic themes. Objectives 1 and 3 refer to the aim to direct new growth to the most sustainable locations and to provide a suitable level of housing to meet overall need within the district and the wider Housing Market Area (HMA), and to provide a range of housing types, sizes and tenures to meet the needs of different groups. In terms of environmental objectives, Objective 4 refers to the support for a low carbon future and embedding considerations of climate change into the Plan. Objective 11 sets out the aim to provide an appropriate quantity, quality and mix of land for employment uses to support a diverse range of business needs, whilst Objective 14 seeks to prioritise the use of sustainable modes of transport and to plan strategically for transport and Objective 15 specifically references the need to support the sustainability of Blaby.</p> <p>The strategic objectives are broadly supported by the County Council as appropriate aims for the future of the District. In terms of overall housing needs within the district and wider HMA, it is important that the Council continues to work with the HMA authorities to agree an approach to the distribution of unmet needs from Leicester City. It is suggested that a new strategic objective (or expansion to objective 3) under social is formed to give prominence to new key infrastructure needing to come forward to support delivering housing to meet need within the district or the wider Housing Market Area, crucial to the delivery of housing and jobs and creating sustainable communities.</p> <p>Given that this Local Plan is pivotal to the transition of Housing Market Area (HMA) wide housing spatial distribution from the former Regional Growth Plan emphasis to one now driven by the Leicester and Leicestershire Strategic Growth Plan, it is surprising that there is no Strategic Objective relating to achieving this transition and what that entails. The Strategic Objectives relate in the main to District issues, with little real embracement of the wider HMA considerations.</p> <p>Also, given issues around the (recently much increased in scale) unmet housing need of the City of</p>
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	<p>Leicester, the role that the Plan might have in meeting this should justify its own Strategic Objective.</p> <p>Additionally, the Plan's objectives should be much stronger in respect of environmental issues in particular by making direct reference to needing to act on recent 'climate emergency' declarations and meet decarbonisation/ 'net zero' targets.</p> <p>(Whilst not a question specifically asked, presume that much of the content of the Plan will need to be revisited in terms of the increased scale of the City's unmet need?)</p> <p>The Strategic Objectives are suitable from an Education perspective whilst the social objectives fit with many of the aims of public health to improve health and reduce health inequality, along with environmental and economic considerations around air quality and safety. Objectives to provide training and job opportunities for current and future populations also fit within the wider determinants of health. These strategic objectives, if delivered well, provide potential for a healthy future for the District and its residents.</p>
Q2. Do you consider that Blaby District meet only its own employment needs or contribute to meeting the needs of other areas in Leicester and Leicestershire?	<p>Given that this Local Plan is pivotal to the transition of Housing Market Area (HMA) wide housing spatial distribution from the former Regional Growth Plan emphasis to one now driven by the Leicester and Leicestershire Strategic Growth Plan (SGP), it is surprising that the document makes little reference as to how this will be considered in planning for employment provision in the District. Through the new Plan, a holistic approach should be taken to planning for the delivery of the SGP – dealing with housing and employment needs in silos will not assist with the efficient planning of infrastructure (transport or otherwise) and service provision. By extension, the Local Plan should also explain the functional relationships Blaby District currently has, and is envisaged to have through the SGP, with the City of Leicester and neighbouring districts.</p> <p>Paragraphs 4.1.1 to 4.2.7 deal with both housing and employment land needs. It is clearly relevant to consider both in the context of Leicester City's unmet need.</p> <p>In terms of housing need, reference is made to Leicester City Council's declared unmet need of some 7,800 dwellings and the uplift of 35% for the City required by the new standard method for local housing need; having the effect of lifting the unmet need figure to in excess of 18,000 dwellings. Paragraph 4.1.5 refers to three scales of growth tested in assessing alternative locational strategies. Table 1 of the Options</p>

	<p>Consultation sets out these scale of growth options, ranging from 339 dwellings a year from the standard method to 632 dwellings a year on a standard method with unmet need high growth option. As outlined above, it is important that the Council continues to work collaboratively with the HMA authorities to agree the distribution of any identified unmet need and to publish a Statement of Common Ground. It is critical for the progression of new Local Plans across the HMA that these figures are confirmed at the earliest opportunity.</p> <p>Paragraph 4.1.3 refers to the work on the Leicester and Leicestershire Strategic Growth Plan suggesting that a significant proportion of Leicester's unmet needs should be directed to Blaby. The purpose of the Strategic Growth Plan was to establish an overall strategic approach to inform the preparation of new Local Plans. The good physical and functional relationships of key settlements in Blaby district means that it is logical that a proportion of Leicester's unmet needs is directed to the more sustainable locations in the district. It is therefore considered that the Council should be planning for the higher levels of housing need to help meet Leicester's unmet needs.</p> <p>It is also important for the plan to build in sufficient flexibility to deal with changing circumstances. The Local Plans Expert Group report advised that to ensure a more effective supply of developable land for the medium to long term, plans should make provision for a mechanism for the release of developable reserve sites equivalent to 20% of their housing requirement.</p> <p>For employment development, if Blaby accommodates further housing growth, it is important that future employment development in the district matches this scale of growth to provide locally accessible employment opportunities that also accommodate wider strategic growth opportunities.</p>
<p>Q3. Do you agree with the proposed Settlement Hierarchy?</p>	<p>Given that this Local Plan is pivotal to the transition of Housing Market Area (HMA) wide housing spatial distribution from the former Regional Growth Plan emphasis to one now driven by the Leicester and Leicestershire Strategic Growth Plan, it is surprising that there appears to be no alignment of the proposed hierarchy with the Strategic Growth Plan (A46) Priority Growth Corridor (PGC). Reference to the 'Extended Principle Urban Area' is perhaps understandable from a geographical relationship perspective, but from an economic and wider functional perspective it could be 'misleading' as to the nature of the developments proposed in the PGC, for example seemingly conflicting with the concept that Garden Villages should largely be self-contained entities.</p>

	<p>The classification of 'Medium Villages' is, again, understandable in the context of current circumstances. But, would that still be the case, say, in the case of Stoney Stanton and Sapcote in transitioning to delivery of the PGC. The document feels too static.</p> <p>From a transport infrastructure/service provision and connectivity perspective, the understanding of economic and wider relationships is critical from a planning point of view as is the understanding as to how the roles of settlements might transition throughout the lifetime of the Plan.</p> <p>Whilst supporting the concept of the Extended PUA as part of the new settlement hierarchy, the County Council would prefer the settlements included to be limited to those that have an economic growth role on radial routes from the City, enabling ease of access to and from the City by public transport. This would focus on the A5460/B4114 out of the City to Enderby and Narborough which is also accessible by rail, and the A426 to Blaby and Whetstone; removing Countesthorpe from this tier of the hierarchy.</p> <p>A proposed settlement hierarchy is set out at Table 3 to the Options Consultation document. Compared with the adopted Core Strategy, this introduces a new tier – the Extended Principal Urban Area covering Blaby, Countesthorpe, Enderby, Narborough and Whetstone, with Medium Villages identified as Stoney Stanton, Cosby, Croft, Huncote, Littlethorpe and Sapcote. This represents a more simplified and appropriate settlement hierarchy than that set out in the Core Strategy.</p> <p>Within Blaby there are a number of settlements, both well connected to Leicester or more free-standing which are sustainable locations capable of supporting further growth. The inclusion of an Extended Principal Urban Area category recognises that the larger settlements such as Blaby are as well related to the Leicester Urban Area as the previously defined Principal Urban Area. The identified Medium Central Villages offer a good range of services and facilities, and, for Stoney Stanton, Croft and Sapcote, their proximity to the urban centre of Hinckley provides further sustainability benefits.</p>
Q4. Do you consider that the Locational Strategy should	The County Council supports the locational strategy containing a number of elements to provide planned growth for existing and future communities; recognising the need for development to be delivered throughout the plan period and the long lead in time which strategic sites often entail due to their more complex nature. The inclusion of Strategic Sites within the Locational Strategy is strongly supported being

<p>include Strategic Sites where there are higher levels of growth?</p>	<p>aligned with both the Strategic Growth Plan and the Blaby District Growth Plan.</p> <p>The need for a mix of scales of sites is acknowledged, not least because as the document acknowledges strategic sites can take some considerable time to initiate actual growth on the ground; from an infrastructure (transport or otherwise) and service provision it is far more preferable to have a pro-actively ‘planned-for’ and ‘planned’ approach to development to allow for pre-strategic site initiation, as opposed to ad-hoc ‘unplanned’ growth to fill the vacuum.</p> <p>Having said that, whatever the scale of site, the Local Plan needs to provide a robust policy framework that deals with the cumulative impacts of growth across the District and also cross-boundary and provides for developer contributions towards addressing such cumulative impacts. In respect of strategic sites, this is likely to be particularly the case, including impacts on the Strategic Road Network, including the M1 and A46 corridors.</p> <p>The purpose of the Strategic Growth Plan was to establish an overall strategic approach to inform the preparation of new Local Plans. The good physical and functional relationships of key settlements in Blaby district means that it is logical that a significant proportion of Blaby’s overall housing needs, including an allowance for Leicester’s unmet needs, is directed to the more sustainable locations in the district where through the delivery of infrastructure led, well designed, self-sustaining new strategic settlements, such as that proposed on land to the west of Stoney Stanton. The proposed Strategic Site is well connected to the strategic transport network, accessible to employment and capable of supporting the delivery of a full range of services and social benefits.</p> <p>In considering the locational strategy in the Options document, in particular the identified four strategic site options and the strategic and local infrastructure likely to be required, the County Council is of the view that a project group approach is put in place at a senior level for all partners (including Highways England) to explore and advise on how the evolution of the locational strategy, covering critical dependencies for infrastructure delivery, suitable settlement thresholds, phasing requirements, funding, S106 planning obligations etc. This is due to the higher scale of growth likely to be required, the key strategic infrastructure indicated in the SGP in this area (part of the A46 Priority Growth Corridor, proposed M1 J20A), the major gateway into Leicester at J21 of the M1, access at J21A of the M1, and the strong functional connectivity with Leicester and settlements in Hinckley and Bosworth Borough and Harborough District.</p>
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	<p>This would enable a collective approach to be taken to working through the most appropriate locations for strategic sites linked to strategic infrastructure, all informed by evidential work being undertaken by L&amp;L partners as part of the strategic planning work programme.</p> <p>It is recognised that there is no mention of links to existing settlements if new settlements go ahead and this will need to be worked through once the locational strategy is decided upon.</p>
<p>Q5. Do you consider that a range of smaller and medium sites located across a settlement hierarchy will also be needed to ensure the delivery of the total housing requirement?</p>	<p><i>See also Response to Question 4.</i></p> <p>Paragraph 4.3.15 of the Options consultation document advises that in order to plan for higher housing numbers, the location strategy should consider including strategic sites, smaller and medium sites in the Principal Urban Area settlements, extended Principal Urban Area settlements and Medium villages, with limited growth at Smaller Villages and Hamlets.</p> <p>As above, The County Council supports the locational strategy containing a number of elements to provide planned growth for existing and future communities; recognising the need for development to be delivered throughout the plan period and the long lead in time which strategic sites often entail due to their more complex nature.</p> <p>Whilst strategic sites are a logical component of a strategy to deliver higher housing numbers, it is important that a range of sizes of sites in a range of locations are also provided to ensure delivery of housing in the early part of the plan period and to provide flexibility in the plan to deal with changing circumstances. Experience across the Leicestershire HMA is that lead-in times for larger strategic sites are inevitably lengthy and somewhat unpredictable and as a result can lead to problems for housing land supply unless a range of sites is provided and flexibility is built in to a plan's strategy. It is also important to allow for smaller scale opportunities in the smaller settlements to support their continued sustainability.</p> <p>Leicestershire County Council has interests in land at Countesthorpe, Blaby, Sapcote, Kilby and Croft. These offer sustainable opportunities to accommodate housing and employment development and should be considered for inclusion as allocations in the Local Plan. Comment, where necessary, on the Council's Site Assessments is made below.</p>

<p>Q6: How should we diversify the housing market in the District to meet the requirement to provide more housing on smaller sites (less than one hectare in size)?</p>	<p>Further to the response in Q5, in terms of smaller sites, it has usually been the approach for local authorities to include a windfall allowance for smaller sites and not to allocate sites of less than 10 dwellings. In order to ensure the provision of smaller sites to meet the NPPF requirement, the Plan should look to specifically allocate smaller sites to give some certainty on their delivery.</p> <p>The impacts of larger numbers of smaller scale sites scattered across a wider geographic area can be difficult to provide for from an infrastructure (transport or otherwise) and service provision perspective. If the Plan is going to be predicated, even if in part, on such an approach, then this will need to be underpinned by a robust policy framework that deals with the cumulative impacts of growth across the District and also cross-boundary, and provides for developer contributions towards addressing such. Additionally, such an approach is also likely to rely more heavily on public sector (district/borough, county, national government) coordination and delivery of the required transport and other infrastructure.</p> <p>There should be reference to Neighbourhood Planning as a means of identifying sites that are acceptable.</p> <p>The County Council would support the subdivision of larger sites if strong, clear, agreed robust masterplans are in place. This would ensure that smaller parcels of land on larger sites come forward and financially contribute towards infrastructure in a proportionate way.</p>
<p>Q7: If you have promoted a site for development and it is considered a reasonable option in the Council's site assessment work, would you consider sub-dividing the site to allow small and medium house-</p>	<p>As a landowner, the County Council would be willing to consider the sub-division of sites where this would help to support small and medium housebuilders, subject to ensuring that this approach does not negatively affect deliverability of sites or the ability to achieve best value.</p> <p>The issue of self-build can be more problematic. The Inspector for the Local Plan Part 2 specifically removed a requirement to provide 5% self-build on the proposed allocation north of Hinckley Road as it was not justified by available evidence, would not be viable and would have negative consequences for the provision of affordable housing. It is more likely that opportunities for self-build will be provided in relation to smaller sites of less than 10 dwellings and the plan should positively support self-build on these smaller sites.</p> <p>Any policy to include self-build on larger sites should be subject to the proviso that only a small proportion</p>

builders or selfbuilders to enter the housing market?	(say 5%) is earmarked for custom/self-build with a mechanism for these units to be provided by the principal developer in the event that no demand is forthcoming for custom/self-build units within a limited period of say 12 months.
Q8. What do you think about the proposed policy approach to urban design quality and place-making?	<p>The County Council support the emphasis on urban design quality and place-making, as it recognises that design of places directly impacts on health and well-being, climate change, pollution, resource consumption and strength of bio-diversity.</p> <p>Design codes within masterplans for strategic and larger sites should be required to give an early indication of design aspirations and to enable design to be costed at the outset. Quality design will greatly help new development to more acceptable to existing communities.</p> <p>The principle of achieving quality design is supported and the sentiments expressed in the proposed policy around layouts that invite people to walk and cycle, and in respect of accessibility to facilities and services are welcomed; this will help in the drive to decarbonise travel and to promote healthier lifestyles.</p> <p>But, quality should not just be about day one, but last throughout the lifetime of the development. In preparing the final version of the policy, the District Council should understand that like many local highway authorities, Leicestershire County council has insufficient funding available to it to maintain even the County's highest categories of roads, let alone residential estate roads. Thought therefore needs to be given in framing the policy in respect of how quality will be maintained in the long term (e.g. through the developer payment of commuted sums).</p> <p>As hubs of communities, schools can help to transform markets, policy, education, and behaviour, increase community resilience, mitigate climate change, and prepare citizens to think and act in new and creative ways. Schools have an unparalleled importance to sustainable communities and are the social hub to the communities they serve, therefore thought needs to be made on where schools are placed in developments / garden villages.</p> <p>Good design is crucial to health and wellbeing, this being identified is positive. The statement "Residential developments shall be considered against the Building for a Healthy Life considerations; with the considerations used to structure preapplication discussions" is particularly welcomed as is considerations of place attachment rather than just being active (which in itself is still important). Being active and air</p>



	<p>pollution are mentioned, we wonder if there is anything about design quality improving actual and perceived safety to improve health and wellbeing?</p> <p>Worth noting somewhere that <i>where practical</i>, opportunity to retain existing features should be considered; protected and incorporated into the layout of the site. Also, the subsequent maintenance and management of developments including public open spaces/ hard and soft materials needs to be factored in. This section should reference the opportunity mapping produced in the GI &amp; Landscape Sensitivity Study produced for the Strategic Growth Plan.</p> <p>There is agreement that opportunities to create habitat but existing habitats should be protected such as veteran trees, mature hedges, species rich grassland and semi-natural grassland, wetland. The demarcation of public and private space should not compromise ecological connectivity for species and habitats.</p> <p>From a waste perspective, there is a strong policy approach drawn from multiple sources. We would strongly suggest aspects such as sustainable construction and energy efficient design are carried forward and incorporated.</p> <p>The policy approach to these areas needs to conform with the NPPF and relevant topic specific national guidance.</p>
<p>Q9. What do you think about the proposed policy approach to mitigating and adapting to climate change?</p>	<p>There should be encouragement for avoidance and reduction of climate change not just emphasise on the need to mitigate and adapt. The adaption to climate change may not be possible if we do not try to avoid and reduce the causes of climate change and biodiversity loss.</p> <p>Local authority budgets for providing support to non-commercial passenger transport services were under significant pressures even pre-pandemic – as was the case in Leicestershire – and the pandemic has had profound impact on passenger transport usage impacting on what had hitherto been commercially operated services. It is too early to say what the prognoses for the passenger transport network in Leicestershire might be even in the medium term.</p> <p>In this regard, if there is to be a reliance on the Plan in the usage of passenger transport to help in respect</p>

	<p>of climate change/carbon reduction, then the Local Plan should also seek to focus the bulk of new development in large scale settlements or new strategic sites, well located to existing commercial bus corridors, and to rail corridor also. An approach that embodies the delivery of smaller scale developments scattered across a wide geographic area will be far more challenging to the establishment of commercial, long term sustainable passenger transport services.</p> <p>The policy approach should also be more explicit on the need to consider infrastructure required to support decarbonisation of the transport system, most notably domestic and commercial electric vehicle charging facilities. Given the recent direction of industry and government policy, this is now an essential component that needs to be built in from the start.</p> <p>Strongly suggest that this policy incorporates the requirement for adequate space for appropriate recycling provision. We would strongly suggest this reflects both on-street recycling provision and recycling provision concerning dwellings or businesses as appropriate. Recycling is an important factor in mitigating the effects of climate change.</p> <p>Regarding 6.1.1 “<i>Locating and design of development to minimise flood risk</i>”, we would welcome mention of the creative use of water and SUDs also “<i>Incorporate green infrastructure and biodiversity into the development</i>” – should refer to biodiversity net gain (its mentioned in 4.6.3)</p>
<p>Q10. What do you think about the proposed policy approach to flood risk?</p>	<p>There should be consideration of the cumulative impact of flood risk issues and these issues also need to be considered in the context of the wider area beyond the district.</p> <p>While the approach is sound, there is concern with specific sites where they are within a catchment upstream of an existing flood risk area. Extra mitigation beyond the requirements of national policy may be required in these instances.</p> <p>Sites such as these need to be fully assessed within the proposed Level 2 SFRA and specific policy/guidance considered to ensure development will not exacerbate existing flood risk. Furthermore, the district should consider how development of such sites may offer opportunities to provide betterment to the downstream catchments.</p>

	<p>Concerns that the planting of woodland should be balanced to ensure that mosaic habitats are retained and other habitats that have the opportunity to retain water and enhance the habitat and species diversity of Leicestershire such as Heathland, Grassland and wetland.</p> <p>Plans should take into consideration LCC emerging Strategic Approach to Biodiversity and the policy approach to these areas needs to conform with the NPPF and relevant topic specific national guidance.</p>
Q11. What do you think about the proposed policy approach to biodiversity and geodiversity?	<p>Whilst the Biodiversity section of the New Local Plan Options paper is acceptable, it is not considered to go far enough. Reference to biodiversity net-gain, a biodiversity study and the need to work with partners, etc is partly in accordance with the County Council's recommendation in 2019 to the Issues and Options consultation which was: "Natural Environment Option B, which entails mapping all components of local wildlife-rich and wider ecological networks, is supported. Key natural assets and the wildlife corridors between them need to be understood so that opportunities to enhance the natural environment and create new links can be taken in the strategic master planning of growth."</p> <p>As part of our Local Nature Recovery Strategy, we need to identify opportunities for biodiversity recovery by improving climate change resilience and addressing habitat fragmentation through creation of a linked and connected ecological network – i.e. not just to identify existing assets but also places where recovery can be targeted through habitat creation, re-wilding and conservation management, etc – which will include areas that have no intrinsic current value.</p> <p>Biodiversity opportunity mapping and local nature recovery strategy would address the strategic biodiversity needs, but we need also to ensure that none of the allocated sites has significant biodiversity value – as we also need to conserve existing assets as these will be the key parts of the biodiversity network. The hierarchic principle of Avoidance-Mitigation-Compensation still needs to be adhered to; in the first instance, sites of existing value should be protected and development should avoid impacts to them; if this isn't possible, mitigation is needed, and only as a last resort should compensation of offsetting of impacts takes place. The Biodiversity net-gain principles are not a charter that allows us to leap straight towards compensation for loss.</p> <p>Assessment of biodiversity impacts on each allocation can't be done as a desk exercise. The Scoping Report Sustainability Appraisal (AECOM 2019) is very brief as regards biodiversity, and appears to be</p>

purely a desk exercise - although it is noted that there is no mention of my SH/EDLAA comments in this document. We do not have comprehensive ecological information across the whole area, and the Sustainability Appraisal is based on partial information that is not up to date. Field habitat survey of at least some of the sites is needed. This tends to be all sites that are not clearly on arable land or improved grasslands. In many instances sites require further surveys before making decisions. It is risky to allocate sites without this information; Blaby should be commissioning field surveys of the sites.

Agree with the need for a County wide policy that each District can deliver on at a local level. This would be strongly linked or integral to a Nature Recovery strategy in rural areas as well as the areas considered in the SCHLAA. Concern that the Biodiversity policy is weighted to other sectors such as construction (house building and economic sites such as those centred around logistics). Emerging LEP Natural Capital Evidence base to be considered. Agreement on the type of evidence to be used is required by internal and external stakeholders before this study can commence. How will Biodiversity Net gain be achieved off-site where on site avoidance, mitigation and compensation cannot be met? Acceptance of development on poorer soils could prevent the farming sector from taking advantage of Nature Recovery opportunities. Many areas of Semi-natural grassland are in areas of higher land value and sites where development is proposed. Ecological Network and Permeability mapping data to be considered in planning.

Need to maintain a linear corridors, stepping stones and buffer zones around core sites biological sites.

Consideration of brownfield sites in the interests of providing open mosaic habitat for a wide range of specialist species (e.g. invertebrates). This could be combined with a community space for nature, health & well-being (e.g. walked trails, forest schools, cycling etc). These sites are also important to the landscape character of an area and local heritage and should be given consideration for biodiversity. Brownfield sites are not always afforded the best protection when they can have some unique flora and fauna & are key assets to the landscape

Comprehensive baseline data of species & habitats prior to all sites for development? This should give consideration to 'condition assessments' to prioritise sites in need of suitable management and monitoring schemes instated. Phase 1 habitat surveys and more up to date ecological data of habitat distribution where data is absent or minimal. In order to identify sites of significance and opportunities for biodiversity gain and enhancement, as well as wider ecological connectivity & networks.

	<p>Housing and neighbourhood design looking at biodiversity opportunities &amp; enhancements. For example, bat and swift boxes in housing design (including individual homes and smaller housing sites), maintaining linear connectivity via hedgerows, verges and tree lines in the interests of greater ecological connectivity. Potential of reedbeds where viable for filtering water and contaminants whilst providing key wetland habitat. This may not just be SUDS but enhancing water courses to allow natural flood management on flood plains.</p> <p>Urban green design, such as rain harvesting, living walls/roofs, wider recycling facilities, community compost schemes &amp; local allotments. Perhaps extra consideration for some 'verges' in the interests of pollinators and the Parish Council Urban Verge project and any future rural verge opportunities.</p> <p>Ties to the National and Local Biodiversity Action Plans, with regards to key species and habitats of interest and decline.</p> <p>Suitability of tree planting sites prior to planting. In relation to displacing any existing habitats or species of significance. Consideration to suitable tree species and wider opportunity mapping of ecological networks to target planting schemes across the district, joining up fragmented habitats working with landowners.</p> <p>Management of off-road walking and cycling routes that are not necessarily in the management or ownership of the public sector but are beneficial from an access to nature, allow healthier routes away from areas of poor air quality such as busy roads and shorten commuting routes.</p> <p>Management of the non-native species as part of pre and post-development sites should be planning into the investment of green infrastructure and development.</p> <p>Geological and Geomorphological ensuring that land reclamation is considered as a risk to human health. Not all sites are appropriate for SUDs because of high water table, infiltration capacity. The plan should identify regional geological sites of significance and their condition.</p> <p>Consideration to Planted Ancient Woodland Sites and Ancient Woodland Sites, as well as wider tree planting schemes with sympathetic management approaches where necessary</p>
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	<p>Access to nature via Green &amp; Blue Infrastructure can provide well-being that can support social prescribing activities such as nature walks but in turn deepen participation with conservation.</p> <p>Monitoring progress on the Government's Environment Bill which establishes the legislation for Biodiversity Net Gain is supported however more detail needs to be provided on this policy approach. There are links between wellbeing and biodiversity (access to nature/growing spaces etc) and health can be embedded within this area, along with sustainability in planning processes.</p> <p>Biodiversity needs to be considered at not just the local level but at the wider County level to ensure any corridors created don't stop at District boundaries – this includes a greater profile for the River Soar.</p> <p>The policy approach to these areas needs to conform with the NPPF and relevant topic specific national guidance.</p>
Q12. What do you think about the proposed policy approach to heritage assets?	<p>Blaby District has a number of heritage assets of value to the local community, as well as tourists, that all help to add to the district's distinctiveness; for example the Victorian Ice House and the buildings in the Cosby Conservation area (the Tithe Barn and Parish Church). As well as preserving the structures, it is important to provide some local interpretation to ensure they are valued and visible (heritage trails, site based interpretation boards etc).</p> <p>In identifying assets worthy of protection for heritage reasons, it is essential to recognise that the known resource represent only those assets that have as yet been identified, and in some cases designated (listed, scheduled, etc), it does not reflect the entirety of the resource. It is also important to recognise that our current understanding of the character and significance of the resource will evolve over time as more information comes to light. Consequently policies proposed should allow for both the protection and enhancement of both known and as yet unrecorded heritage assets, their setting and context.</p> <p>In developing tools for the conservation and enhancement of the historic environment, consideration should be given to establishing what is locally distinctive and significant, this could usefully be addressed through the designation and adoption of Local Lists and the development of Neighbourhood Plans. Critical to both, and to the wider management of the borough's historic environment, is the maintenance and continued</p>

development of the Historic Environment Record (HER), maintained by Leicestershire County Council, Historic & Natural Environment Team.

The historic landscapes of Blaby and the wider county of Leicestershire, were the subject of an LCC study, *Leicestershire, Leicester & Rutland Historical Landscape Characterisation Project* ([https://archaeologydataservice.ac.uk/archives/view/leicester\\_he\\_2019/index.cfm](https://archaeologydataservice.ac.uk/archives/view/leicester_he_2019/index.cfm)).

We welcome a commitment to recognise the contribution the historic environment makes to Blaby's local character and distinctiveness. Local listing, neighbourhood planning and the Historic Environment Record represent key resources and tools to contribute to this process, as a complement to national designations (Scheduling and listing, etc.). Consideration should be given to reviewing the existing conservation area designations (<https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/>). This should include better integration of the buried archaeological resource, and recognition of urban and rural landscape context.

We welcome the intention to protect and enhance heritage assets in line with the approach in the NPPF and the approach currently set out in the Delivery DPD. However, it is also essential that policy recognises that a significant proportion of the built and buried historic environment remains as yet to be identified and where necessary designated. Consequently it essential that as development and other land use works come forward, their impact upon the historic environment is thoroughly investigated.

As necessary, the approach will need to take appropriate of 'Well-managed Highway Infrastructure: A code of Practice Recommendation 36 – Authorities should identify a schedule of listed structures, ancient monuments and other relevant assets and work with relevant organisations to ensure that maintenance reflects planning requirements.'

There is a link between ancient and historic farmland and semi-natural grassland. Development should significantly protect these sites rather destroy them and should also replace with high-quality species rich grassland. Species rich grassland and semi-natural grassland is in decline in Leicestershire. There should be consideration of; Heritage audit of listed (National and Local) buildings and assets across the district, the heritage of Planted Ancient Woodland Sites and Ancient Woodland Sites as heritage of the landscape and

	<p>the role of cemeteries as natural heritage asset and consider buffers, corridors and step stones around these biological diversity assets.</p> <p>There is agreement that historic landscape can be a cross border consideration.</p> <p>The policy approach to these areas needs to conform with the NPPF and relevant topic specific national guidance.</p>
Q13. What do you think about the proposed policy approach to environmental quality?	<p>There is broad agreement that this policy approach seems robust.</p> <p>With regards Para. 6.5.2, <i>“Development proposals will need to demonstrate that unacceptable adverse effects can be mitigated for the following environmental quality issues”</i> this would ideally go on to suggest Health Impact Assessments as a tool to do this, especially regarding air quality. It is also not just about mitigation, but improvement through development, and would like to see more around positive engagement and strategies with developers around prompting reductions in residents and employers impacts on air quality.</p> <p>Public Health have contributed to the Blaby Air Quality Action Plan as a key partner, and Blaby are key attendees to the County Health and Air Quality steering group, so to see this partnership commitment represented more widely in the local plan would be positive.</p> <p>The policy approach to these areas needs to conform with the NPPF and relevant topic specific national guidance.</p>
Q14. How can the Local Plan best assist in the delivery of healthy communities?	<p>Health Impact Assessments are considered to be an effective tool together with ongoing engagement at a strategic level and on a site level. The County Council supports the continued engagement of Public Health and Leicestershire and Rutland Sport (LRS) to inform the creation of new communities through effective Local Plan policies relating to health.</p> <p>The Plan should contain policies that locate development in places that are already well served by suitable walking and cycling networks or that are realistically capable of being made so. In this respect, it is important to note that in the Summer of 2020, the Government made a significant shift in its overall policy</p>



	<p>towards cycling, with the publication of its Gear Change document and associated new design standards. There is now a strong emphasis on cyclists being treated as equals with motorist and on their segregation from pedestrians. It is to be expected that Local Plan policies should reflect this significant shift in Government policy, both in respect of the master-planning and design of development layouts, but also in respect of securing developer contributions (either financial or direct delivery) towards the upgrade of cycling and walking routes between the site and key local destinations and services that do not comply with the Government's latest design guidance.</p> <p>The Local Plan can make a holistic impact on health and wellbeing for its residents and visitors to the area, addressing many of the wider determinants of health. The Options document already covers a wide range of health-related areas and it is positive to see such a focus on health and links to so many health-related stakeholders and partners.</p> <p>The Health Impact Assessment accompanying the Local Plan policies and proposals will strengthen its impact, and hopefully allow local communities the opportunity to feed into the process through community engagement around their views on health, barriers and motivators and health needs first-hand.</p> <p>The Local Plan can best assist with the delivery of healthy communities by embedding health considerations throughout the policies associated with the plan. Health considerations do not always need specific standalone policies and can work best when embedded into others as part of a 'Health in all Policies' approach.</p> <p>To support with education, the right infrastructure and positioning of each primary school in a development can create tailor made travel plans to ensure environmentally friendly movement of pupils and parents.</p> <p>Applicable as a response to Question 14-17, by meeting agreed national and local standards for the delivery of open space and opportunities for sport and recreation linked to a Green Infrastructure policy that facilitates opportunities for walking, cycling and countryside access a significant contribution can be made to the health and well-being of the local community. In the allocation of future development sites priority should be given to those sites with the ability to deliver open space and green infrastructure capable of providing a positive contribution to the wellbeing of the wider community, for example the County Council's land north of Hospital Lane, Blaby.</p>
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<p>Q15. What specific health-related requirements would you wish to incorporate in the Local Plan and its policies?</p>	<p>Although the consultation identifies 'differing views' so far expressed around the requirement for Health Impact Assessments, we see these as pivotal tools to make structured, evidence-based planning decisions based on need and to reduce health inequality. If we are able to keep people in good health (increasing healthy life years) this is beneficial to the residents and the local area, its economy and demand on local healthcare services.</p> <p>The plan covers physical activity and restrictions on unhealthy foods, but the plan can assist in delivering healthy communities by considering increased access to sustainable, healthy food options.</p> <p>Access to green space not only improves physical health, but also mental and emotional health.</p>
<p>Q16. What do you think about the proposed policy approach to Green Infrastructure?</p>	<p>The County Council is pleased with the inclusion of this since the 2019 issues and options consultation.</p> <p>Green infrastructure is crucially important for existing and new communities and has been highlighted during the Covid-19 pandemic. It is suggested a further environmental objective specifically on the provision of green infrastructure is included.</p> <p>Public Health would be pleased to help contribute to the further evidence required in terms of the wider aspects of Green Infrastructure and its links to health and wellbeing such as air pollution and access to green space.</p> <p>It is not just about retaining existing green infrastructure but about how new development can create biodiversity corridors and the linkages between new and existing. Further evidence on Green Infrastructure should be considered, including the LLEP's commissioning of a Natural capital evidence base which could led to the production of a Natural Capital Investment Plan.</p> <p>This section should reference the opportunity mapping produced in the GI &amp; Landscape Sensitivity Study produced for the Strategic Growth Plan (see response to Q8).</p> <p>It is also worth noting that green spaces are beneficial if varied in habitat types and proximity to development; may include gardens, community spaces, street trees, verges. Again, consideration of</p>

	<p>maintenance/ long term management needs to be considered and factored into proposals (see response to Q17). Green Infrastructure may well have cross boundary implications.</p>
<p>Q17. What do you think about the proposed policy approach to open space, sport and recreation?</p>	<p>The County Council supports the continued engagement of Public Health and Leicestershire and Rutland Sport (LRS) to inform the creation of new communities through effective Local Plan policies relating to sport and recreation.</p> <p>Work around protecting and creating open spaces is welcomed, particularly in the present situation with increased interest and demand in access to these facilities. There are opportunities, with enough access in the right places, to create a legacy which has links to improved physical and mental health.</p> <p>Green spaces are beneficial if varied in habitat types and proximity to development; may include gardens, community spaces, street trees, verges. Again, consideration of maintenance/ long term management needs to be considered and factored into proposals (See response to Q16).</p> <p>It should be noted that if a school is the centre of a village, sport and recreation facilities should be close by.</p>
<p>Q18. What do you think about the proposed approach for the designation of Local Green Spaces being undertaken through Neighbourhood Plans?</p>	<p>The suggested devolution for local Green Spaces to Neighbourhood Plans is noted and generally welcomed. Supporting local people to gather suitable evidence to present the value of local green space would be welcomed as part of the planning policy.</p> <p>It will be important to ensure that if this approach is adopted, any risk is mitigated that the designation of Local Green Spaces through Neighbourhood Plans is seen as a potential opportunity to frustrate the delivery of strategic transport (or other) infrastructure required to support the Local Plan's and SGP's delivery. As per responses to other questions, it will be important that such strategic transport infrastructure requirements are identified during the development of the Local Plan and robust policies are included in it to protect their delivery, alignments etc. There has been little take up of the Neighbourhood Planning process across Blaby District and BDC could seek to adopt this approach even in areas where no Neighbourhood Plan groups exist. The Local Plan should include narrative on BDC's support and encouragement for more Neighbourhood Plans to come forward within the district.</p>

	<p>The designation of Local Green Spaces within Neighbourhood Plan should have due regard to the guidance of the NPPF and, in particular, not be extensive in area. Further, any designation should complement (and not seek to overrule) any strategic open space and green infrastructure policies adopted as part of the Local Plan. There needs to be scope for a strong link to be made with local green spaces and the identification of future strategic green space, an important component of future allocations and wider place making. The County Council would not wish for a disconnect between the two to occur.</p> <p>The waste team consider this is a positive step as aligns with the NPPF which encourages local communities to identify Local Green Spaces as locally driven designations; therefore, it makes sense that they are the ones designating them through Neighbourhood Plans.</p> <p>Community involvement and ownership in identifying suitable spaces for designation as Local Green Space seems to support this approach.</p>
Q19. What do you think about the proposed policy approach to affordable housing?	<p>In undertaking the proposed Local Plan viability assessment it will be important for the District Council to ensure that it has as complete an understanding as is proportionate and possible about the potential costs of enabling growth across its area.</p> <p>From a transport perspective, it will be particularly important to understand any costs associated with dealing with cumulative impacts of growth, including those arising from cross-boundary inter-actions. (This operates both ways, i.e. cross-boundary impacts of growth in Blaby District impacting on a neighbouring area and/or growth in a neighbouring area impacting on Blaby District.). Potential impacts on the Strategic Road network will also need to be considered.</p> <p>The proposal to refresh the HEDNA to provide up to date evidence of the required level, mix and tenure split of affordable housing is supported especially in the light of the need to provide additional affordable housing to meet Leicester City's unmet need. Similarly, the undertaking of a Local Plan Viability Assessment to ensure the affordable housing policy is viable is also supported. However, the emerging policy should provide for a mechanism whereby the level of affordable housing can be determined on the basis of site-specific viability considerations in order not to constrain housing delivery.</p> <p>The Local Plan viability assessment should include the cost for community facilities such as schools as well</p>

	<p>as affordable housing. It is hoped that the Housing and Economic Needs Assessment would include community/stakeholder engagement around affordability to gain a real-life perspective. Healthy, safe housing is a basic need for people's health to flourish. This also needs to be placed in the right area for employment access and social connectivity.</p> <p>Regarding Section 8.1.1, the mention of rural exception sites is welcomed as it supports a Leicestershire Rural Partnership priority and BDC have the good example of Cosby.</p>
Q20. What do you think about the proposed policy approach to the mix of housing?	<p>The County Council is supportive of using the most recent evidence to demonstrate need in terms of housing type, tenure and size as this best fits the housing needs of the local communities. As such, the approach of basing housing mix on an updated HEDNA assessment is supported. A needs-based rather than market led approach needs to be adopted to meet health needs around housing and economic inequality.</p>
Q21. What do you think about the proposed policy approach to older persons and specialist housing?	<p>Housing for an ageing population and specialist needs requires strong policy requirements and specific allocations. There is agreement that the location of such provision will need to be carefully considered in terms of accessibility to key services; bearing in mind specialist needs, mobility issues etc. It is noted that there is the intent to undertake a Local Plan viability assessment to assess the viability of the older persons and other specialist needs policy and other policies that result in financial burdens affecting a development and request involvement with adults and communities and the Section 106 team at the County Council in undertaking this work. Continued engagement with Adults and Communities is supported.</p> <p>The approach of basing housing mix on an updated HEDNA assessment is supported as is the need for such provision to be subject to a viability assessment. Further, it is recognised that the provision of older person and specialist housing can be most effectively provided as part of a Strategic Development where it can be easily co-located with and have easy access to local services and facilities.</p> <p>We would want to follow the evidence base around needs from the Housing and Economic Needs Assessment to ensure that older persons needs and needs around specialist housing were properly considered.</p> <p>Adults &amp; Communities would encourage and commit to a partnership approach to the identification of</p>

	<p>need/demand for specialist housing requirements for older people and adult populations with vulnerabilities.</p> <p>There are vulnerable populations whose numbers do not indicate the need for each Borough and District to develop their own response i.e Transforming Care. It would be beneficial for individual Borough and District partners to commit to collaborate on meeting the housing needs of these populations.</p> <p>Adults &amp; Communities would welcome 'whole life' and 'whole community' development models with an emphasis on a strong commitment to being dementia friendly. The County Council would wish to see a commitment to the highest standards of dementia friendly town planning and property design particularly as there is transferability to other vulnerable adult populations.</p> <p>The inclusion of a specific commitment to specialist housing offers to older people and vulnerable adults i.e. Extra Care Housing schemes, bungalows including wheelchair accessible developments, small developments of single person flats including wheelchair accessibility which could be aimed at supported living. It is recognised bungalows are land inefficient but they do offer 'life time home' opportunities.</p> <p>Extra Care Housing and Supported Living would benefit from being located within walking distance of the facilities such as leisure, health, retail, employment. Locating specialist developments within walking distance of green space and leisure would be welcomed as we know the benefits this has on physical, mental health and wider population wellbeing.</p> <p>The inclusion of allotments would be very much welcomed as it brings communities together, provides access to green space and horticulture is celebrated for its benefits to health and wellbeing. Public transport links are very important to vulnerable adult populations as driving for many is not an option. The commitment to walk ways and cycle routes to town centre facilities is encouraged.</p>
Q22. What do you think about the proposed policy approach to accommodating Gypsies and	<p>The overall approach makes sense especially as it will be evidence lead as far as need, what we would like to see is some detail or commitment as to how that need may be met and especially how any social provision may be met in the future. The statement '<i>State the approach to identifying new accommodation where an outstanding need is identified</i>' is a little general, Blaby District currently has a healthy mix of socially rented Gypsy and Traveller pitches but further pitches may need to be provided in the future along with the already identified need for Local Authority run Transit pitches for which delivery may be shared</p>

Travellers?	<p>with the other authorities in Leicestershire due to the practicality of building sites and the relatively small individual need for them.</p> <p>We welcome the results of the Gypsy and Traveller Accommodation Assessment and the health needs of this group and how the Local Plan can contribute to reducing health inequalities. We would also welcome any future update that is required and that this is considered across Leicester and Leicestershire, not just at a local level.</p>
Q23. How can the Local Plan best deliver the necessary employment land and premises required to meet identified needs?	<p>Given that this Local Plan is pivotal to the transition of Housing Market Area (HMA) wide housing spatial distribution from the former Regional Plan emphasis to one now driven by the Leicester and Leicestershire Strategic Growth Plan, employment land provision should be considered in that context (regardless of whether it is to meet solely the district's needs or to meet wider HMA needs).</p> <p>There should be acknowledgement that the COVID-19 pandemic has led to uncertainty and change and the full effects of the pandemic have yet to be realised. There is a big emphasis on strategic warehousing with little mention of office space, for example at Grove Park. The shift to home working may remain in the longer term and if that is the case and we are looking at sustainable living and working then there will be a need for smaller business parks and smaller units in existing locations. People working from home may require meeting room space which could be accommodated in any new public building that is planned as part of a new development. Existing settlements could utilise libraries and village halls as community hubs rather than single purpose buildings as they are currently.</p> <p><u>As a response to Question 23-25</u> and as noted in response to previous questions, it is important that the plan provides a balanced strategy that delivers sufficient employment land to support higher levels of housing growth. It is important therefore that in working with the HMA authorities, the Council agrees an appropriate distribution of both housing and employment land to meet Leicester's unmet needs and deliver the growth requirements across the HMA.</p> <p>Employment uses should, wherever practical be co-located with or easily accessible to residential areas/development with specific employment allocations made within all Strategic Developments.</p> <p>The County Council has interests in land at Glebe Farm, Lutterworth Road, Blaby (ref EBLA002) that has</p>

	<p>been identified in the Council's assessment as a reasonable development option. This assessment is supported and the site can provide for a suitable extension to the existing employment area in this location to accommodate the expansion needs of existing businesses and provide new employment opportunities.</p>
<p>Q24. Are there any specific sites that you consider are suitable to deliver the employment land required?</p>	<p><i>See also response to Q23</i></p> <p>With regards to employment growth it is noted that an assessment of employment implications from the HNRFI proposal will be undertaken. If granted development consent this proposal will have a significant influence on the locational strategy for the district and the neighbouring borough of Hinckley and Bosworth. The County Council would wish to see factors such as ensuring local communities are able to access jobs at the HNRFI (as the facility will require a ready supply of labour in relatively close proximity), being taken into account in the locational strategy. The impact of increases in vehicular movements to nearby existing and proposed communities will also need to be considered.</p>
<p>Q25. Are there any employment related requirements you would like to see incorporated in the Local Plan and its policies?</p>	<p><i>See also response to Q23</i></p> <p>Specific work space for 'Grow-on' employment use beyond starter units is understood to be required and will assist small and medium enterprises (SMEs) to evolve further.</p> <p>High skilled work considerations are welcomed especially considering space, engineering and sports science due to the JSNA/Growth Plan identification of skills being lost to outside of the county. See Q28 for considerations of sustainable travel for work and employers' contributions and engagement around this needs to be considered.</p>
<p>Q26. What do you think about the proposed policy approach to retail, leisure and town centre uses?</p>	<p>The Covid-19 pandemic has significantly accelerated change in the retail sector and as a consequence, core retail areas need to continue to be protected with the opportunity for leisure, employment and residential uses to occupy more peripheral retail areas. The consideration of changing employment patterns such as increasing levels of home working is welcomed.</p> <p>In particular, a section of the SGP 'Priority Growth Corridor' falls within the district. From a transport connectivity and infrastructure perspective, it will be important to understand the aspirations for levels of self-containment for the new communities planned in the Corridor. Notwithstanding the 'declining high</p>



	<p>street trend' and the impacts of the pandemic on that, those new communities are still likely to look outwards to some degree. Whilst the Local Highway / Transport Authority has no particular view on where that should be to, it will be important for it to understand whether this outward look is envisaged to be largely towards the centre of the City of Leicester or perhaps a more poly centric pattern will need to emerge in the light of the scale of HMA housing growth and its future distribution.</p> <p>In considering retail and town centres, considerations needs to be given to the hospitality centre and it's recovery from the pandemic. Opportunities may arise for the re-use of retail buildings for click and collect hubs if they are not already doing so to adapt to the changes in on-line shopping habits. Provision should be made in existing and new communities that are poorly served (e.g. retail stores).</p> <p>In the light of recent changes in consumer habits and the significant increase in internet shopping the re-assessment of retail needs is supported. However, future policy needs to protect existing retail and town centres through the allocation of sufficient development to maintain sustainability.</p> <p>There is no significant mention of accessibility via walking and cycling to required shops and retail areas. Convenience retail if the only accessible option can sometimes present financial barriers to accessing healthy choices.</p> <p>It is supported that a policy will be developed to include the Fosse Park area and this should include its role in the retail hierarchy and links to Leicester City and how any future growth will be considered, given the limits on the capacity of the road network that cannot cope currently without a future expansion.</p> <p>Noting ongoing developments in the Fosse Park/M1 J21 area, which are likely to further enhance its status as a major retail, leisure and employment destination within the District, the area as a whole remains very 'car oriented' and conversely unappealing for walking and cycling. Tackling this issue could help to increase uptake of active modes of travel and unlock further economic potential for the area.</p>
Q27. Are there any tourism related requirements you would like to see	<p>Green infrastructure sites and waterways support the visitor economy and should therefore be recognised within the plan.</p> <p>The new leisure facilities at Everards Meadows brings new opportunities for integrating built leisure facilities</p>

<p>included in the Local Plan and its policies?</p>	<p>and connecting to outdoor leisure pursuits, our natural assets and greater connectivity by sustainable forms of transport. This new leisure concept will hopefully pave the way for further innovative leisure attractions.</p> <p>Tourism should be encouraged, especially in Town Centres to increase their chances of being sustainable.</p> <p>The LHA would be supportive of a policy which seeks to focus new leisure and tourism developments in locations which are accessible via walking, cycling and public transport.</p>
<p>Q28. What do you think about the proposed policy approach to transport issues?</p>	<p>The District Council's commitment to an evidenced-based approach for its Local Plan is welcomed as is its stated support for evidence gathering in Leicester and Leicestershire that considers the implications of strategic scale growth.</p> <p>It is important to stress, however, that these two strands of evidence cannot be considered in isolation. Growth in the City of Leicester, in Charnwood, in Harborough and in Hinckley and Bosworth will have overlapping impacts on the transport system in Blaby District (and the same is true of growth in Blaby impacting on those areas), potentially most acutely on the Strategic Road Network – SRN – (including the M1 and A46) but also in respect of the continuation of the Strategic Growth Plan (SGP) 'Priority Growth Corridor'. Such cross-boundary, cumulative transport impacts are very likely to have a material impact on the district's ability to grow in future, unless ways can be found to mitigate those impacts.</p> <p>More widely, if the new Local Plan is to be the mechanism by which the first stage of SGP 'Priority Growth Corridor' is to be delivered, it will need to be supported by robust transport evidence, infrastructure and policies that take account of longer-term growth both within and without Blaby District and, as necessary, provide appropriate future proofing/protections for key transport (and other) infrastructure required to support this growth. This includes potential options for a new M1 J20a; evidence will be required to make the strategic case for the new junction, and that will have to be presented in the context of the overall Priority Growth Corridor over the lifetime of the SGP, and not just the elements relating specifically to Blaby District's emerging Local Plan.</p> <p>Given the link between delivery of the 'Priority Growth Corridor' and Blaby's Local Plan, it is recommended that Blaby DC give some consideration to a joint delivery strategy for the corridor, with authorities across the HMA, as part of their local plan preparations. This would help to ensure that Blaby's Local Plan is</p>

	<p>deliverable and viable in its own right as well as contributing to the wider Strategic Growth Plan.</p> <p>Additionally, whilst it is welcomed that the District Council has commissioned a study by Sustrans that seeks to examine the potential for new development in Blaby District to maximise the potential for walking and cycling, such linkages should not be considered in isolation either from the future development of Local Cycling and Walking Infrastructure Plans (that Government has made clear will be the main vehicle by which it will award future funding for cycling and walking infrastructure improvements) nor from the wider perspective of the 'Priority Growth Corridor'.</p> <p>Thus, it is very difficult to see how the new Local Plan can be developed in isolation from a transport perspective. To address the challenges faced, a collaborative and coordinated approach is required to the development of common evidence that in turn provides the basis for Plan policies and an accompanying agreed narrative as to how parties will continue to work beyond the Local Plan's (hopeful) adoption to provide the necessary infrastructure to support growth. Buy-in from all key partners will be critical to achieving this, including Highways England at a strategic level.</p> <p>Regarding clean air and active travel, any potential for cycling and walking also needs to be linked to local employers as well as for exercise and enjoyment. The Health Impact Assessment can accompany the Cycling and Walking Strategy to add strength around evidence of need to developers.</p> <p>The Local Plan should make reference to the Blaby Tourism Growth Plan (2019) which adopts a strategic approach to developing the visitor economy. Its actions align with the ambitions and strategic priorities of the county wide Tourism Growth Plan to maximise impact.</p> <p>The Everards Meadows development, incorporating the new Everards brewery site, Rutland Cycling and a range of leisure, food and drink opportunities, provides excellent tourism opportunities that can attract, and then disperse, visitors to other attractions in the area. Its proximity to Fosse Park (one of the busiest out of town retail centres in the country with £150m expansion plans), the Marriott and Hilton Hotels, help to create a strong visitor hub in the district that can help extend visitor stays and increase visitor spend. The area has many leisure based attractions including Stoney Cove Dive Centre, Blaby Golf Centre, cycling and the National Sustrans route, the waterways, Huncote BMX Track etc that should be promoted for activity-based short breaks. The retail offer is also varied with independent garden centres, farm shops and a large</p>
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	<p>antiques centre which all complement the offer at Fosse Park.</p> <p>There is an opportunity for further development of Business Tourism in the area through the Marriott and Hilton Hotels that are well placed to take advantage of good motorway connections and close proximity to the city of Leicester.</p>
Q29. Are there any specific transport issues that the Local Plan should address?	<p><i>See also response to Q28</i></p> <p>To a large extent, the response to Q28 highlights probably what is one of the most significant transport issues. Conditions on the Strategic Road Network, particularly on the M1 and A46, are such that they are likely to have a material impact on the district's ability to grow in the future, unless appropriately addressed (even before existing conditions are compounded by cumulative cross-boundary impacts of growth in the City of Leicester, Charnwood and Hinckley and Bosworth).</p> <p>The response to Q9 highlights issues regarding the provision of passenger transport services and how that might affect the scale and spatial distribution of housing growth.</p> <p>Responses to Qs 23 and 24 highlight possible issues arising from the decarbonisation of transport and increased fleet electrification and how that might impact on existing and potential future employment sites.</p> <p>With regard to cycling and walking, in summer 2020 Government marked a dramatic shift in policy on cycling in particular, with the publication of its '<a href="#">Gear Change</a>' document and associated new cycle infrastructure design guidance. The new Local Plan should reflect this.</p> <p>The Options paper makes no reference to the provision of electric vehicles in line with latest national policy and guidance. The Local Plan should include a policy that builds electric vehicle charging infrastructure etc into new properties where this does not impede the safe and effective functioning of the highway.</p>
Q30. What do you think about the proposed policy approach to	<p>To enable stronger collaborative working, the County Council will look to enter an agreement with the district council if considered necessary. This will be covered in the County Council's Infrastructure Policy which will be taken through Cabinet in May 2021.</p>

<p>provision of infrastructure and services and facilities to support growth?</p>	<p>Whilst it is to be welcomed that the District Council intends to engage with infrastructure providers, a noticeable absence from the document is reference to transport infrastructure.</p> <p>As highlighted in responses to other questions, current transport infrastructure issues, most particularly on the Strategic Road Network, are likely to represent a material restriction on the district's ability to grow, unless appropriately addressed.</p> <p>A collaborative, coordinated, approach will be required to address such challenges, critically requiring the buy-in of Highways England. The new Local Plan needs to recognise this, and to provide a robust policy framework that:</p> <ul style="list-style-type: none"> <li>• Recognises cross-boundary and cumulative impacts</li> <li>• Links growth to the delivery of elements of infrastructure as appropriate</li> <li>• Provides the platform for securing developer contributions, either financial or in kind, towards transport infrastructure (including to address cumulative impacts)</li> <li>• Provides the policy framework for agreed (between the key partners) future ways of working beyond the Plan's (hopeful) adoption to develop and deliver the transport (and other) infrastructure necessary to enable growth in the district and more widely</li> <li>• Future proofs infrastructure and/or safeguards land as necessary to facilitate the delivery of infrastructure required to support longer-term growth in accordance with the SGP (for example in respect of the 'Priority Growth Corridor'.</li> </ul> <p>If new growth is adjacent to existing settlements, then use of existing facilities needs to be encouraged rather than new facilities provided, to encourage their survival.</p> <p>Capacity restraints are not just limited to health facilities and schools. New development will have an impact on other types of infrastructure such as green infrastructure and the wider waste transfer network, including Household Waste Recycling Sites</p> <p><u>As a response to Q30-Q31</u>, strategic developments have the potential advantage of delivering a full range of social infrastructure necessary to support the new community and can provide benefits to the wider area by the enhancement of essential services including public transport.</p>
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<p>Q31. Are there any specific infrastructure issues that the Local Plan should address?</p>	<p>Please also refer to responses to previous questions, particularly including Qs 23, 24, 28 and 30.</p> <p>The local plan should consider where school places can be delivered. Some schools may be on constrained sites with no chance of increasing in size. In this case we would be looking either to new school sites where cumulative numbers of dwellings warrant this (with the cost of the new school and site being split between the developer's contribution to it), or in cases of single large developments e.g. 750 dwellings a new school on that site.</p> <p>The County Council would welcome the opportunity to discuss specific school sites and their ability / inability to expand.</p> <p><b>Primary schools</b> Please find below, based on information received to date, details of each village / town with regard to what <b>primary educational</b> places would be required.</p> <p>Blaby</p> <ul style="list-style-type: none"> <li>• Depending on which developments were built we would look to provide places at a new primary school.</li> </ul> <p>Cosby</p> <ul style="list-style-type: none"> <li>• Constrained site with limited capacity to expand at local primary school. We would need a new school to be built if the two largest developments were built.</li> </ul> <p>Countesthorpe</p> <ul style="list-style-type: none"> <li>• COU022/23 is close to Blaby BLA034 Hospital lane. We would look to provide places at a new school.</li> <li>• Developments south of Countesthorpe. There is no capacity at the local primary school (630 places). We would need all developments to be built to enable a new school to be built.</li> </ul> <p>Croft</p> <ul style="list-style-type: none"> <li>• Local primary school could expand to accommodate pupils from the development.</li> </ul> <p>Elmesthorpe</p> <ul style="list-style-type: none"> <li>• No current school in the village proposed numbers of dwellings would justify the provision of a new school.</li> </ul>
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	<p>Enderby</p> <ul style="list-style-type: none"> <li>• School on a constrained site and full with no capacity to expand.</li> </ul> <p>Glenfield</p> <ul style="list-style-type: none"> <li>• GLE030 – Possible joint venture with city for this development</li> <li>• GLE031 – Expand local school to accommodate county pupils from development</li> <li>• GLE032 – New school required</li> </ul> <p>Huncote</p> <ul style="list-style-type: none"> <li>• Local school could expand by 70 places. Could not accommodate all developments</li> </ul> <p>Kirby Muxloe</p> <ul style="list-style-type: none"> <li>• As an overview there are too many scenarios with the number of proposed developments around Kirby Muxloe and LFE to give a full response in what primary places would be required.</li> <li>• A new 210 primary is due to be built in the next few years. LCC would welcome discussions on these developments to ensure the correct size school is built.</li> </ul> <p>Littlethorpe</p> <ul style="list-style-type: none"> <li>• Depending on much further analysis, there may be an opportunity to build a new school for the village if all developments go ahead as well as those in Narborough.</li> </ul> <p>Lubbesthorpe</p> <ul style="list-style-type: none"> <li>• New school would be required.</li> </ul> <p>Narborough</p> <ul style="list-style-type: none"> <li>• Expand the Pastures and Red Hill primary schools or create the space by building a new primary at Littlethorpe.</li> </ul> <p>Sapcote</p> <ul style="list-style-type: none"> <li>• M69 J2 development. – We have consulted on this and produced forecast pupil numbers and number of schools required.</li> <li>• Other developments. – All Saints primary has expanded to 420 pupils and is now constrained by the site size to expand further. Individual sites could put a strain on education places but if all developments were agreed a new school would need to be built. This could be tied in with Stoney Stanton developments.</li> </ul> <p>Stoney Stanton</p> <ul style="list-style-type: none"> <li>• As above Individual sites could put a strain on education places in the village but if all developments</li> </ul>
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were agreed a new school would need to be built. This could be tied in with Sapcote developments.

Thurlaston

- School on a restricted site and currently full.

Whetstone

- Whetstone Pastures. - We have consulted on this and produced forecast pupil numbers and number of schools required.
- South of Whetstone. – WHE031 we would look to provide places at a new primary school.

### **Secondary Schools**

Blaby district is served by three secondary schools, Braunstone Winstanley, Enderby Brockington and Countesthorpe Leysland. Most students from Stoney Stanton and Sapcote attend Hinckley secondary schools. There is also a planned new secondary school to serve the new Lubbesthorpe development.

Previous consultations for Whetstone Pastures and M69 JS / Land west of Stoney Stanton have identified that these two new developments would require their own secondary schools.

Whilst there is some capacity in the system for secondary places, the number of dwellings in the proposed smaller schemes would require either expansion (if possible) of current and future secondary schools or / and a possibility to create a further new secondary school.

### **Early Learning Provision**

The Childcare Act 2006 places a duty on the County Council for the provision of sufficient childcare places and early education. Leicestershire's Planning Obligations Policy requests, where a need is shown, that developers pay for 8.5 places per 100 dwellings on developments with 100 dwellings or above. If a new school is required, additional land will also need to be made available free of charge.

High speed broadband is critical for businesses and for access to services, many of which are now online by default. Having a fast broadband connection is no longer merely desirable but is an essential requirement in ordinary daily life.

### **Fibre Broadband**



	<p>All new developments (including community facilities) should have access to ultrafast broadband (of at least 100Mbps) and allow mechanisms for securing a full fibre broadband provision for each premise and business from at least one network operator, provided on an open access basis. Such provider must deploy a Fibre to the Premise (FTTP) access network structure in which optical fibre runs from a local exchange to each premise.</p> <p>Developers should take active steps to incorporate adequate broadband provision at the pre-planning phase and should engage with telecoms providers to ensure fibre broadband is available as soon as build on the development is complete. Where practical, developers should consider engaging several telecoms providers to encourage competition and consumer choice.</p> <p>The Council supports a 'dig once' approach for the deployment of communications infrastructure and a build which is sympathetic to the character and appearance of the surrounding area. The Council encourages telecommunications build which does not significantly impact on the appearance of any building or space on which equipment is located and which minimises street clutter.</p> <p><b><u>Waste</u></b></p> <p>As mentioned in the proposed policy approach (and above in Q30), engagement and consultation with infrastructure providers is key. The Local Plan should ensure waste facilities (such as Household Waste Recycling Centres) are accounted for in the Infrastructure Delivery Plan (IDP) as growth will impact the capacity of these sites. Additionally, ensuring there is specific and appropriate space and access provision for the storage of bins and access of waste vehicles is essential for any new development.</p>
Q32. Are there any specific issues that the Local Plan should address in relation to planning obligations and developer contributions?	<p>In undertaking the proposed Local Plan viability assessment (i.e. to what extent can development afford to pay for the necessary infrastructure – transport or otherwise – required to enable the district's growth) it will be important for the District Council to ensure that it has as complete an understanding as is proportionate and possible about the potential costs of enabling growth across its area. From a transport perspective, it will be particularly important to understand any costs associated with dealing with cumulative impacts of growth, including those arising from cross-boundary inter-actions. (This operates both ways, i.e. cross-boundary impacts of growth in Blaby District impacting on a neighbouring area and/or growth in a neighbouring area impacting on Blaby District.). Potential impacts on the Strategic Road network will also</p>

need to be considered.

As set out in response to Q30, the new Local Plan needs to recognise the above, and also to provide a robust policy framework that, amongst other things, provides the platform for securing developer contributions, either financial or in kind, towards transport infrastructure (including to address cumulative impacts).

As above in Q31, the Local Plan should ensure waste facilities (such as Household Waste Recycling Centres) are accounted for in the Infrastructure Delivery Plan (IDP) as growth will impact the capacity of these sites.

This also links to wider determinants of health and health inequalities within the district and should be underpinned by the Health Impact Assessment - what does the evidence show us is needed? Improved physical activity opportunities especially for adults and older people.

Reference needs to be made to the LCC Planning Obligations Policy (2019) and any updated version to make sure that the emerging plan cross-references and supports our requests.

The County Council wishes to see inclusion of an over-arching policy in the emerging new Local Plan that prioritises developer contributions towards essential infrastructure, most notably education and transport above others.

The County Council wishes to ensure policies relating to individual site allocations are based on robust viability evidence to make sure that infrastructure and housing is affordable and deliverable. These policies need to make explicit reference to the need to secure funding, and where appropriate, land to deliver infrastructure.

The emerging new Local Plan needs to provide appropriate development frameworks for delivering strategic allocations (e.g. AAP, masterplan etc.) and these frameworks need to be brought forward in conjunction with the County Council as well as other stakeholders. The County Council wishes to see clear and explicit wording that frameworks must be produced to SPD standard, need to be subject to formal consultation processes and that planning applications must not come forward until frameworks are in place.

	<p>The County Council wants to reinforce the fact that viability and how Blaby DC deals with viability is clearly identified in their emerging new Local Plan and that the Blaby DC Planning obligations policy document is updated to reflect existing policy and that contained in the County Planning Obligations guidance document.</p>
Any other comments	<p>The County Council, as Minerals and Waste Planning Authority, would like to see that any large new allocations on greenfield land in the replacement plan do not result in intrusion or sterilisation of any areas which are identified as minerals safeguarding areas. Using such areas for large scale development can impact on the ability of the Minerals and Waste Planning Authority to ensure the long term delivery of strategic mineral resources.</p> <p>The Local Highway / Transport Authority welcomes this further, formal opportunity to input into the development of the new Local Plan. The comments that it has provided in this response are intended to be constructive and helpful in aiding the successful development and (more importantly) delivery a new Blaby Local Plan, a Plan that provides not just for the needs of its residents and businesses, but that is the first step towards delivery of the Leicester and Leicestershire Strategic Growth Plan (SGP). The SGP provides a platform on which the area's transport (and other infrastructure) needs can be identified and planned for and provides the best opportunity to secure the delivery of the infrastructure necessary to meet the area's future population and economic needs out towards 2050. It will continue to seek to work with Blaby District Council and with Housing Market Area colleagues more widely to achieve the successful development of the new Local Plan and its delivery and that of the SGP.</p> <p>In the light of the above, it is important that the new Local Plan recognises the pivotal role that it has to play in transitioning to the Strategic Growth Plan (SGP) spatial distribution of Housing Market Area housing requirements, and to provide the necessary narrative context and policy framework to enable that transition. In this respect currently:</p> <p>The spatial distribution/site options section of the document does little to explore/ articulate the potential for key strategic site options within the district to form part of wider cross-boundary growth opportunities. This is particularly the case for Whetstone Pastures, where the cross-boundary element is potentially key to give the site the critical mass needed to create a self-contained new settlement (as opposed to a dormitory</p>

settlement), but also the mass needed to justify additions required to the Strategic Road Network (for example, an M1 Junction 20a).

The transport challenges faced in providing for further growth in Blaby district are already considerable, not least in respect of the current issues on the Strategic Road Network; these challenges will be compounded should the new Plan fail to recognise its key role in the delivery of the SGP.

In a similar vein to the response to Q18, it is important in framing Local Plan policies on green wedges and areas of separation that application of such policies takes account of/does not constrain delivery of potential off-site strategic transport (and other) infrastructure required to support growth proposed through this Local Plan, other emerging Local Plans and longer-term through the SGP.

The Local Highway / Transport Authority remains committed to working with Plan making authorities to secure the successful adoption and delivery of Local Plans, recognising that it is relatively 'easier' to deal with the impacts of 'planned' growth from an infrastructure and service provision perspective vs. dealing with the impacts of 'unplanned' growth.

#### Comment on Appendix A – Summary of Site Assessments

It is noted that in Appendix A entitled 'Summary of Site Assessments' the list of sites that are considered "reasonable" includes a small number of sites on which the Local Highway / Transport Authority, has not commented on previously (through the SHELAA or other processes). It is also noted that the list includes various sites on which the County Council has previously raised significant in-principle highways/transport concerns. These may, or may not, prove to be resolvable on further investigation. In relation to these sites, the County Council would welcome further discussions to explore key transport issues in more detail before any decision is taken on their inclusion in any transport assessments or selection as draft site allocations within the emerging new Local Plan.

#### **NEW LOCAL PLAN SUSTAINABILITY ASSESSMENT**

Alongside the Consultation document, the Council has published the Interim Sustainability Appraisal (SA) Report prepared by AECOM. The SA considers alternative approaches to housing growth and distribution and also provides an appraisal of specific site options.

## **SITE APPRAISAL PROFORMAS**

Appendix E to the SA set out individual site appraisal proformas for sites. It is noted that the following sites being promoted by the County Council for residential development are included in the appraisal:-

**Land North of Hospital Lane, Blaby (BLA 031)**  
**Land west of Leicester Road, Countesthorpe (COU022)**  
**Land at Poplars Farm, Croft (CRO006)**  
**Steeplechase Farm, Kilby (KIL002)**  
**Land at Bloods Hill, Kirby Muxloe (Part of KMU 021)**  
**Land at London Leys Farm, Sapcote (SAP029)**

The assessment notes that all of the sites are achievable and available with the potential to deliver housing development during the plan period; the site at Kilby being the only achievable option in the village. Whilst some sites are projected to be brought forward in years 6 – 10 and beyond, if allocated, all the sites can be brought forward within the first five years of the plan.

In terms of impacts on biodiversity, through sensitive masterplanning there is scope to incorporate existing trees and hedgerows as part of all developments. Most sites are well related to the existing build form of the settlement and thus, with sensitive masterplanning, development can be accommodated on each site without unacceptable impact on the wider landscape, and therefore unlikely to have any significant effects. Similarly, any potential heritage impacts can be mitigated. In particular, the potential to provide open space, sports pitches and appropriate green infrastructure for the benefit of local communities will be maximised.

The assessment notes the individual constraints relating to each site. In developing detailed proposals all constraints will be addressed and any adverse impacts of development mitigated to the satisfaction of the LPA.

The County Council also owns **Land at Boundary Farm, Sapcote (STO 028 [part of Strategic Site STO 026])**.

The overall site represents a major opportunity to bring forward an infrastructure led sustainable Strategic Site, in a priority economic growth area, capable of delivering up to 5000 new dwellings with associated employment, community facilities and green infrastructure.

In addition, the following potential employment site has also been assessed:-

**Land off Lutterworth Road, Blaby (EBLA002)**

The site at Lutterworth Road represents the only reasonable site for employment development assessed and provides a suitable extension to the existing employment area in this location.

Accordingly it is considered that all of the above sites represent suitable and sustainable options that should be considered for allocation in the Local Plan. Further, all of the sites are both available, with a willing landowner, and deliverable.

Note; Separate site specific responses will be submitted in respect of the County Council's site north of Hospital Lane, Blaby, the land at Blood's Hill, Kirby Muxloe and the proposed Strategic Development Area on land to the west of Stoney Stanton being promoted by a landowner consortium including land at Boundary Farm, Sapcote

**CABINET - 23 MARCH 2021****EXCEPTION TO CONTRACT PROCEDURE RULES - URGENT  
ACTION TAKEN BY THE CHIEF EXECUTIVE IN RELATION TO THE  
GREEN HOMES GRANT LOCAL AUTHORITY DELIVERY SCHEME****REPORT OF THE DIRECTOR OF PUBLIC HEALTH****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of urgent action taken by the Chief Executive to agree an exception to the Council's Contract Procedure Rules which will enable the direct appointment of E.ON as the Council's partner in the delivery of Phase 1B Green Homes Grant Local Authority Delivery Scheme.
2. The Council currently works with E.ON to deliver the Warm Homes Fund project. The Council has been successful in an application to the Department for Business, Energy and Industrial Strategy (BEIS) for £2.9m funding from the Green Homes Grant Local Authority Delivery Scheme and this will complement existing activity.

**Recommendations**

3. It is recommended that the Cabinet notes the urgent action taken by the Chief Executive to agree an exception to the Contract Procedure Rules to enable the appointment of E.ON to deliver the Phase 1B Green Homes Grant Local Authority Delivery Scheme.

**Reasons for Recommendation**

4. The Council's Constitution (Contract Procedure Rule 6 (b)) provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to this being reported to the next meeting of the Cabinet.
5. The direct award of a contract to E.ON was required to enable the project to progress and for Leicestershire to benefit from the £2.9m funding.

**Timetable for Decisions (including Scrutiny)**

6. The Chief Executive agreed the exception on 25 February in order for the necessary documentation to be submitted to the Department for Business, Energy and Industrial Strategy by its deadline of 26 February.
7. The Council intends to use existing structures to deliver the Green Homes Grant Local Authority Delivery Scheme by September 2021.

### **Policy Framework and Previous Decisions**

8. The Cabinet in December 2019 agreed an exception to Contract Procedure Rules to enable the Council to enter into a contract with E.ON to deliver the Warm Homes Fund project.

### **Resource Implications**

9. There are no resources implications arising from the recommendation in this report.
10. No funding from the Council is required towards the costs of the work to be carried out under the BEIS grant.
11. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

### **Circulation under the Local Issues Alert Procedure**

12. None.

### **Officers to Contact**

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## **PART B**

### **Background**

13. The Council made an application to the Department for Business, Energy and Industrial Strategy (BEIS) in December 2020 for funding to improve the energy efficiency of low-income households in Leicestershire.
14. Due to the tight deadlines to assemble the bid and with the aim that the funding would add to the existing projects, it was intended that an exception to Contract Procedure Rules would be requested to make a direct award to the Council's existing Warm Homes Fund delivery partner E.ON. Alternative procurement routes were deemed unviable given the timescales, service capacity, and the level of information required to make a sufficiently detailed and compelling bid.
15. The BEIS confirmed the award of £2.9m grant funding at the end of January subject to the necessary documentation being submitted by 26 February. As the Cabinet was not due to meet until 23 March it was necessary to request the Chief Executive to take urgent action to agree the exception to Contract Procedure Rules to secure the funding.
16. The Council currently acts as accountable body for the delivery of the Warm Homes Fund in partnership with E.ON and the project is overseen by the Council and a partnership including the district councils, E.ON, and Age UK Leicester, Shire and Rutland.
17. The BEIS grant funding will complement existing activity and extend the Warm Homes Fund offer, providing significant improvements for low-income households through physical improvements to the home as well as financial and behavioural advice.
18. It is intended that E.ON and the Council will oversee the delivery of the BEIS funding. Detailed arrangements will be subject to further discussions to finalise the terms of E.ON's appointment.

### **Equality and Human Rights Implications**

19. There are no equality or human rights implications arising from the recommendations in this report

### **Background Papers**

None.

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**CABINET – 23 MARCH 2021****REGULATION OF INVESTIGATORY POWERS ACT 2000 AND THE  
INVESTIGATORY POWERS ACT 2016 - REVIEW OF POLICY  
STATEMENT****REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet on the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) for the period from 1 October 2019 to 31 December 2020 and the fact that there have been no changes to legislation relating to the acquisition of communications data by local authorities. In light of this, this report also seeks agreement that the existing Policy Statement remains fit for purpose.

**Recommendations**

2. It is recommended that:
  - (a) The Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period 1 October 2019 to 31 December 2020 be noted;
  - (b) The Council's existing Covert Surveillance and the Acquisition of Communications Data Policy Statement on the use of RIPA powers (appended to this report) is agreed as fit for purpose.

**Reasons for Recommendations**

3. The Codes of Practice made under RIPA require elected members of a local authority to review the Authority's use of RIPA and to set the Policy at least once a year. They should also consider internal reports on the use of surveillance to ensure that it is being applied consistently with the local authority's Policy and that the Policy remains fit for purpose. Elected members should not, however, be involved in making decisions on specific authorisations.
4. The Council's current Policy Statement was approved by the Cabinet on 24 May 2019. There have been no legislative changes since that date, therefore the Policy Statement remains fit for purpose.

### **Timetable for Decisions (including Scrutiny)**

5. The Corporate Governance Committee considered a report on the Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 at its meeting on 29 January 2021 and agreed to recommend to the Cabinet that the current Covert Surveillance and the Acquisition of “Communications Data” Policy Statement on the use of RIPA remained fit for purpose.

### **Policy Framework and Previous Decisions**

6. On 10 May 2019, the Corporate Governance Committee considered proposed changes to the Council’s RIPA Policy Statement made to reflect legislative changes and best practice. The Cabinet subsequently approved the revised Policy Statement at its meeting on 24 May 2019.
7. On 29 January 2021, the Corporate Governance Committee reviewed the existing Policy Statement and agreed to recommend to the Cabinet that it remained fit for purpose.

### **Resources Implications**

8. There are no resources implications arising from this report.

### **Circulation under the Local Issues Alert Procedure**

9. None.

### **Officers to Contact**

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## **PART B**

### **Background**

10. RIPA provides a framework to ensure investigatory and surveillance techniques are used in a way that is compatible with Article 8 (right to respect for private and family life) of the European Convention on Human Rights. RIPA ensures that these techniques are used in a regulated way and it includes safeguards to prevent abuse of such methods. Use of these covert techniques will only be authorised if considered legal, necessary and proportionate.
11. The Trading Standards Service is the primary user of RIPA and IPA within the County Council and it mainly undertakes the following three activities:
  - i. Directed Surveillance – the pre-planned covert surveillance of individuals, sometimes involving the use of hidden visual and audio equipment.
  - ii. Covert Human Intelligence Sources – the use of County Council officers, who act as consumers to purchase goods and services, e.g. in person, by telephone or via the internet.
  - iii. Communications data – the acquisition of communications data, for example, subscriber details relating to an internet account, a mobile phone or fixed line numbers, but not the contents of the communication itself.
12. In September 2017 the Investigatory Powers Commissioner's Office (IPCO) took over responsibility for oversight of investigatory powers from the Interception of Communications Commissioner's Office (IOCCO), the Office of Surveillance Commissioners SC and the Intelligence Services Commissioner (ISComm). IPCO is now responsible for the audit functions of these former bodies and has oversight of Office of Communications Data Authorisations as detailed below.
13. The Codes of Practice made under RIPA require elected members of a local authority to review the Authority's use of RIPA and to set the Policy at least once a year. The timing of this review has been delayed due to the Covid-19 pandemic.
14. The Covert Surveillance and the Acquisition of Communications Data Policy Statement was approved by the Cabinet on 24 May 2019. There have been no changes to the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 since that date, so the Council's current Policy Statement remains fit for purpose.

### **Surveillance Activities**

15. Activities under Direct Surveillance and Covert Human Intelligence Sources must be authorised by the Magistrates' Court.

16. For the period of 1 October 2019 –31 December 2020 the following authorisations were approved:
  - Three relating to Covert Human Intelligence Sources (CHIS)
  - Three applications to obtain communications data.
17. All authorisations granted within this period were associated with criminal investigations undertaken by the Trading Standards Service.
18. The County Council Intranet continues to be the primary source of information to ensure all County Council managers are aware of the authorisation, necessity and proportionality requirements when deploying covert surveillance. The Policy Statement is also referenced with the requirement for managers to liaise with an authorising officer before deploying any covert activity, which may include systematically accessing open source social media material.

#### Communications Data

19. The Data Retention and Acquisition Regulations (SI 2018/1123) amended both the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 (IPA) and provided an authorisation process for public bodies that seek to obtain communications data for a specific criminal investigation.
20. Judicial oversight of local authorities seeking covertly to obtain communications transferred from the Magistrates' Court to the Office of Communications Data Authorisations (OCDA).
21. The legislation requires local authorities to enter into a formal collaboration agreement with the National Anti-Fraud Network (NAFN), an organisation hosted by Tameside Metropolitan Borough Council which specialises in providing data and intelligence services to enforcement agencies. NAFN act as the single point of contact between any communications service provider and the Council and prepare on the Council's behalf any applications to the OCDA.
22. An application to obtain communications data must first receive senior internal approval by the designated person before it can be submitted to the OCDA for consideration. An application will therefore only be referred to the OCDA if it first meets the Council's own necessity and proportionality test.
23. Local authorities will be permitted to acquire the less intrusive types of communications data, now referred to as '*entity*' data (e.g. the identity of the person to whom services are provided) and '*events*' data (e.g. the date and type of communications, time sent, and duration, frequency of communications). However, it will remain the case that under no circumstances will it be permitted to obtain or intercept the content of any communications.
24. To obtain either type of data, in addition to satisfying the necessity and proportionality test, an authority previously had to show that the purpose for the application was for the prevention and detection of a crime. This remains the

same for ‘*entity*’ data. However, for ‘*events*’ data, the threshold has been raised and the purpose must now be for the prevention or detection of a ‘*serious*’ crime. This is an offence for which an individual could be sentenced to imprisonment for a term of 12 months or more, or offences which involve, as an integral part, the sending of a communication or a breach of a person’s privacy.

25. Any application to the OCDA will be guided by the Council’s Policy Statement, appended to this report, current best practice and the Communications Data Code.

### **Equality and Human Rights Implications**

26. There are no Equality and Human Rights Implications arising from this report.

### **Background Papers**

Report to the Cabinet 24 May 2019 - Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 - Review of Policy Statement  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5603&Ver=4>

Report to the Corporate Governance Committee 29 January 2021 - Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=6492&Ver=4>

### **Appendix**

Covert Surveillance and the Acquisition of Communications Data Policy Statement.

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## **Covert Surveillance and the Acquisition of “Communications Data” Policy Statement**

1. This policy sets out how Leicestershire County Council (the Council) will comply with the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA), the Human Rights Act 1998 and the European Convention on Human Rights (ECHR) - Article 8, when carrying out any covert investigatory techniques. If such covert investigatory techniques are conducted by the Council, RIPA and the IPA regulates them in a manner that is compatible with ECHR, particularly the right to respect for private and family life (Article 8). The use of covert investigatory techniques is an interference with the rights protected by the ECHR (Article 8) and there may be a potential violation of those rights, unless the interference is in accordance with the law and is necessary in a democratic society in the interests of:
  - national security;
  - public safety;
  - economic well-being of the country;
  - the prevention of disorder or crime;
  - protecting of health or morals; or
  - the protection of the rights and freedoms of others.

Any such interference must be proportionate requiring a balancing of the seriousness of the intrusion against the seriousness of the offence and consideration of whether there are other means to obtain the required information.

The Council has several specific core functions requiring it to investigate the activities of private individuals, groups and organisations within its jurisdiction, for the benefit and protection of the greater public. Such investigations may require the Council to undertake covert investigatory techniques.

2. In accordance with RIPA and the IPA the Council will only use three covert investigatory techniques for its core functions (details set out below).
  - ” Directed Surveillance” will only be used for the purposes of the Council’s investigations. This is covert non-intrusive surveillance, which is carried out in such a way that the persons subject to the surveillance are unaware that it is or may be taking place. It is undertaken for the purposes of a specific investigation or operation and is conducted in such a manner, that it is likely to result in the obtaining of private information about a person and in circumstances other than by way of an immediate response to events, where it would not be reasonably practicable to seek authorisation for the surveillance. The Council will not undertake surveillance in residential properties or private vehicles.

“Covert Human Intelligence Source” (CHIS) will only be used for the purposes of the Council’s investigations. This is an individual, who may or may not reveal their identity, establishes or maintains a personal or other relationship with another person(s), for the covert purpose of obtaining information and disclosing the information to the Council. It is immaterial whether information provided by the source is given voluntarily or the source is tasked by a public authority to obtain the information. A CHIS activity is determined by the manner in which the information was covertly obtained and then subsequently passed on to the Council.

“Communications Data” (CD) includes the ‘who’, ‘when’, ‘where’, and ‘how’ of a communication, but not the content i.e. what was said or written. The Council may only acquire less intrusive types of CD; “Entity data” (e.g. the identity of the person to whom services are provided) or “Events Data” (e.g. the date and time sent, duration, frequency of communications). The location of the entity or events data at the time the communication is sent or received may also be obtained in appropriate cases.

The Council is prohibited from obtaining “Content Data”, the meaning of the communication, (e.g. what the communication says or contains).

3. Applications for CD are subject to independent examination, scrutiny and approval by the Investigatory Powers Commissioner (IPC) through the “Office of Communications Data Authorisations” (OCDA)
4. The Council will continue to maintain a collaboration agreement with the National Anti-Fraud Network (NAFN), to comply with IPA and to ensure any investigation follows best practice. The Council will consult and work with NAFN throughout the application process to ensure the legal basis for all applications are met. NAFN will act as a single point of contact between both the communications service providers and the Council concerning the request and provision of CD
5. The Council will not acquire CD unless an application for authorisation is approved both internally, by designated senior officers and externally, by the Office for Communications Data Authorisations (OCDA).
6. An authorisation to acquire CD will remain in force for 1 month, unless a further application is made by the Council through NAFN and approved by OCDA. The authorisation may be cancelled at any time, by either OCDA or the Council.
7. In respect to applications for communications data made under the IPA, the “applicable crime purpose” must be met concerning all applications for both Entity Data and Events Data. The applicable crime purpose is defined differently in relation to each of these data types. Where the CD sought is

Entity Data, the applicable crime purpose is the prevention or detection of crime or the prevention of disorder. Where the CD is wholly or partly Events Data, the applicable crime purpose is defined as preventing or detecting serious crime (the serious crime threshold). Data relating to Events has the potential to be more intrusive than data relating to Entities.

8. The Council will not utilise a RIPA “Directed Surveillance” or “Covert Human Intelligence Source” authorisation, until an order approving the grant or renewal of an authorisation and/or notice(s) has been granted by a Magistrates’ Court.
9. Digital investigation, in particular, the review of ‘open source’ material which has been placed in the public domain without the expectation of privacy, will not normally require a RIPA authorisation. However, the Council will seek an authorisation to undertake repeated or systematic examinations of open source sites, if such examination is undertaken to build up a picture of a person’s activities or lifestyle. The Council will seek a CHIS authorisation if there is to be any interaction with the site host, for example, sending messages and/or making covert enquiries of any kind.
10. Before an authorisation is submitted to a Magistrates’ Court it must be internally authorised by an “Authorising Officer” or a “Designated Person” of the Council. Such covert investigatory techniques will only be used where it is considered necessary (e.g. to investigate a suspected crime) and proportionate (e.g. balancing the seriousness of the intrusion into privacy against the seriousness of the offence and whether the information can be obtained by other means). The Council will follow the relevant Codes of Practice on the scope of powers, necessity and proportionality.

In accordance with the Protection of Freedoms Act 2012 the Council will only submit a “Directed Surveillance” authorisation to the Magistrates’ Court for authorisation, for the purpose of preventing crime, where a criminal offence(s) is punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months’ imprisonment, is suspected, or if the offence relates to the underage sale of alcohol tobacco or nicotine inhaling products and where the necessity and proportionality tests are met. The Council will ensure that any authorisations and/or notices, which are granted and/or renewed by the Magistrates’ Court or by the Council’s Authorising Officers, are not utilised beyond the statutory time limits prescribed.

11. The Council will maintain a list of senior officers, who are designated to oversee the covert investigatory techniques specified in paragraph 2, in respect of the Council’s internal procedures for authorisations under RIPA and IPA, prior to the authorisations and/or notice(s) being approved by a Magistrates’ Court or the IPC/ OCDA, and to oversee the process following such approvals until cancellation. A record of approved authorisations and notices will be kept by the Council. The Council’s Monitoring Officer, being the Senior Responsible Officer under RIPA, will ensure that the senior officers with responsibility for overseeing any covert investigatory

techniques are at Director, Head of Service, Service Manager or equivalent level of seniority and are aware of the Council's obligations to comply with RIPA and with this policy. Furthermore, all officers who are required to undertake covert techniques will receive appropriate training or be appropriately supervised.

12. The Council may undertake any of the covert investigatory techniques specified in paragraph 2 above, in respect to the prevention and detection of illegal sales of the following age restricted products: Butane, Knives and Fireworks, even though these products do not meet the criteria specified in the Protection of Freedoms Act 2012 and therefore do not attract the protections of RIPA, in respect to these covert investigatory techniques. The Council believes that it is important that the Council's Trading Standards Service is authorised to use any of the aforementioned covert investigatory techniques, in order to undertake enforcement activities in respect of the aforementioned products, even though the Council will not be afforded the protection of RIPA. The Council will ensure that it continues to comply with its obligations under the ECHR (Article 8), by requiring its Trading Standards Service to adhere to the same authorisation procedures for RIPA authorisations and/or notices, except for the requirement to seek the approval of a Magistrates' Court.
13. The Council will ensure that any other covert investigatory techniques, not requiring the approval of a Magistrates' Court, will be subject to the same internal authorisation processes as referred to above.
14. This policy and the procedures for the proper approval of authorisations and/or notice(s), the recording of covert investigatory techniques, will be reviewed when it is considered appropriate to do so.

Reviewed April 2019.

Approved:                      Cabinet [insert new date]

**CABINET – 23 MARCH 2021****DATES OF COUNCIL MEETINGS 2021/22 AND 2022/23****REPORT OF THE CHIEF EXECUTIVE****Purpose of the Report**

1. The purpose of this report is to ask the Cabinet to recommend the County Council at its meeting on 19 May 2021 agrees dates for Council meetings for the next two municipal years.

**Recommendation**

2. That the County Council be recommended to hold meetings on the following dates during the next two municipal years:-

Wednesday 7 July 2021

Wednesday 29 September 2021

Wednesday 1 December 2021

Wednesday 23 February 2022 (to consider the budget)

Wednesday 18 May 2022 (Annual meeting)

Wednesday 6 July 2022

Wednesday 28 September 2022

Wednesday 7 December 2022

Wednesday 22 February 2023 (to consider the budget)

Wednesday 17 May 2023 (Annual Meeting)

**Reason for Recommendation**

3. To comply with the Local Government Act 1972 and the County Council's Standing Orders.

**Timetable for Decisions (including Scrutiny)**

4. Subject to agreement by the Cabinet, the County Council will be asked to agree the dates on 19 May 2021.

**Background**

5. Standing Order 1(2) requires that in addition to the Annual Meeting of the Council and any meetings convened by the Chairman or members of the Council, meetings of the Council for the transaction of general business shall be held on such days as may be determined by the Council on the recommendation of the Cabinet. Dates for the 2022/23 municipal year have been included in order to provide members with advance notice of future meetings.

**Equality and Human Rights Implications**

6. There are no equality and human rights implications arising from this report.

**Background Papers**

7. None.

**Circulation under the Local Issues Alert Procedure**

8. None.

**Officer to Contact**

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