



## **CABINET – 26 OCTOBER 2021**

### **DEVELOPMENT OF HINCKLEY AND BOSWORTH BOROUGH COUNCIL'S NEW LOCAL PLAN – LATEST POSITION**

#### **REPORT OF THE CHIEF EXECUTIVE**

#### **PART A**

##### **Purpose of the Report**

1. The purpose of this report is to provide an update on the County Council's position regarding Hinckley and Bosworth Borough Council's (HBBC) emerging Local Plan, further to the Cabinet's approval of the Authority's Regulation 18 consultation response at its meeting on 17 September 2021.

##### **Recommendations**

2. It is recommended that:
  - a) The County Council continues to work with Hinckley and Bosworth Borough Council (HBBC) to develop a Local Plan that is sound (in planning terms) and deliverable; but
  - b) HBBC be advised that if it decides to publish a Regulation 19 Local Plan that does not satisfactorily address the County Council's concerns, the County Council will raise a formal objection as part of the statutory Regulation 19 consultation process, and at Examination in Public.

##### **Reason for Recommendations**

3. HBBC's new Local Plan will set out the Borough Council's development strategy to 2039. Given its location close to Leicester and close functional connectivity to communities living and working in Blaby, Charnwood, and North West Leicestershire, 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).
4. HBBC has advised that it intends to submit its Regulation 19 Local Plan to its full Council meeting in November 2021 for approval to consult. As set out in Part B of this report, there are significant concerns and reasons why this would be premature. In the event that HBBC proceeds on that basis, there are concerns that a Planning Inspector is likely to find the Plan unsound at Examination in Public.

5. It is not in the best interests of the County Council (nor indeed of the L&L HMA more widely) for the HBBC's Local Plan to be found unsound. This could lead to greater levels of 'unplanned' speculative development, which is far more challenging to address the impacts of, particularly cumulatively (for example, in respect of cumulative impacts on the transport system and on education provision). Thus, it is important that the County Council supports the development plan process. A plan-led approach offers the greatest opportunities to address the challenges of growth delivery as compared to seeking to deal with the impacts of ad-hoc, 'unplanned' growth.
6. Notwithstanding the County Council's normal, supportive approach to plan making, in the current circumstances it is important to ensure that HBBC is clear of the potential consequences should it proceed to publish a Regulation 19 Plan without addressing the County Council's concerns set out in this report.

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

7. The County Council has been advised by HBBC that it intends to publish a Regulation 19 Local Plan in November 2021. This would be in preparation for consultation during December 2021 or January 2022 (subject to approval being given by HBBC's full Council at a meeting currently scheduled for the 30 November 2021). The County Council's proposed formal response to the Regulation 19 consultation would be submitted to the Cabinet for approval to meet statutory timescales.

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

8. The report to the Cabinet on 17 September 2021 set out the overall policy context.
9. In September 2021 the Cabinet agreed a response to consultation from HBBC relating to its Regulation 18 Local Plan. That report expressed the need for closer partnership working with HBBC across key disciplines and at a senior officer level in recognition of:
  - the challenges presented by the Strategic Road Network (SRN) in the Borough and wider area;
  - the lack of capacity on the Local Road Network;
  - the need to take a strategic approach to education and other infrastructure provision; and
  - the need to secure deliverable planned growth supported by infrastructure rather than 'unplanned' speculative development.
10. The September 2021 report went on to state that, at that time, the level of partnership working needed to understand the strategy of the proposed Local Plan, how it would be delivered and how the impacts would be mitigated, had not been achieved. It further set out that the County Council was of the view that in order to achieve the required level of partnership working, a revised timetable would be needed (agreed with relevant stakeholders) to build in time for appropriate dialogue and to share and consider technical evidence.

**Resource Implications**

11. There are no resource implications arising directly from the recommendations in this report. The report to the Cabinet on 17 September 2021 set out the resource implications of proposals from the emerging growth agenda, and recognised costs at £539m with an unfunded gap of £166m. This gap is likely to be exacerbated should an unplanned approach to development be adopted, putting further pressure on the County Council's cashflow and overall financial resources.

**Circulation under the Local Issues Alert Procedure**

12. This report has been circulated to all Members of the County Council.

**Officers to Contact**

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## **PART B**

### **Background**

13. The report to the Cabinet on 17 September 2021 set out the background to this matter. The new HBBC Local Plan will set out the vision and objectives for the growth of the Borough up to 2039.
14. The national standard method for assessing local housing need identifies an annual housing need figure for the Borough of Hinckley and Bosworth of 444 dwellings per year (8,436 dwellings over the period 2020-2039). HBBC proposes planning for this scale of new housing growth with an additional 10% buffer, which it has indicated will allow for flexibility. It is understood that the emerging Local Plan will allocate land for 9,280 new dwellings.
15. HBBC's preferred *strategy* (as opposed to sites) for growth seeks to direct 70% of housing and economic growth to the urban areas of the Borough, with 30% to key rural settlements. Out of the total identified supply of new dwellings, approximately 4,000 are through existing commitments. The remaining 5,000 (approximately) are through allocated sites comprising:
  - Earl Shilton Sustainable Urban Extension (SUE) – 1,000 dwellings
  - Barwell SUE – 990 dwellings
  - Remainder of Urban Area – 1,596 dwellings
  - Rural Area – 1,607 dwellings
16. Two SUEs are currently planned at Barwell and Earl Shilton. HBBC expects that the Barwell SUE will provide 2,500 new homes and Earl Shilton 1,600, although it acknowledges that this is unlikely to be delivered in its entirety prior to the end of the Plan period in 2039.

### **Update on Local Plan Development Work by HBBC**

17. Since submission of the County Council's Regulation 18 response, officers representing the Local Highway Authority have held several meetings with HBBC officers and have sought to provide advice and assistance with the intention of supporting the development of a sound (in planning terms) and deliverable new Local Plan.
18. Despite this, HBBC has still yet to:
  - confirm the definitive set of housing and employment sites that it intends to include in the Regulation 19 Plan;
  - undertake any evidence work to assess the impacts of the definitive set of sites on strategic and local infrastructure and services. (Whilst some transport evidence work has been undertaken, the focus of this was to assess potential the impacts of spatial options, not to test the preferred strategy and the definitive set of sites.);

- undertake any evidence work to assess requirements for supporting and mitigating infrastructure and measures and consequently has not yet been able to assess their cost and deliverability implications.
19. In the absence of such evidence, officers are concerned that HBBC will not be able to demonstrate that the new Local Plan is viable and deliverable in practice. In other words, it will be unable to demonstrate that the costs of the required infrastructure and measures would not be so great and/or be of such extended deliverability timescales so as to prohibit sites coming forward for delivery in practice. If HBBC is unable to demonstrate such, then the Plan would be very likely to be found unsound by an Inspector.
  20. The March 2021 Procedure Guide for Local Plan Examinations requires that a Local Plan should only be published under Regulation 19 if the Local Planning Authority is confident that it is sound and meets all the necessary legal requirements. It states that the plan needs to identify all the matters which need to be planned for and provide policies to address them, paying careful attention to deliverability and viability.
  21. HBBC has yet to share, informally or formally, any draft content of the Regulation 19 Plan, particularly (in the context of this report) in respect of policies that set out supporting service and infrastructure requirements and align those to the delivery of specific sites.
  22. The approach being taken by HBBC in respect of its Plan, to not share its draft plan (or policies relevant to County Council services); to not share evidence underpinning proposed policies, alongside proposed mitigation; and to not enter into constructive dialogue over a reasonable period of time with relevant County Council services before Regulation 19 stage, is unique in Leicestershire. Normally the Leicestershire authorities have constructive dialogue and work together to understand the complexities of the planning strategy and the implications for strategic infrastructure and County Council services so that appropriate mitigation measures can be put in place. If HBBC decides to publish its Regulation 19 Plan in November 2021, as intended, this will mean that the County Council will be forced to defend its position so that it is not left exposed to poor site allocations, poorly worded policies or inappropriate mitigation.
  23. To summarise the County Council's concerns, HBBC has failed to demonstrate:
    - The potential impacts on County Council services and infrastructure;
    - Whether and if such impacts can be mitigated;
    - Whether the delivery of required mitigation can be afforded and is deliverable over the Plan period;
    - That the Plan will provide a robust policy basis for securing the delivery of the required mitigation, including (but not exclusively) in respect of securing developer funding.

24. Given the concerns and reasons set out above, the County Council believes that there is little prospect of the above matters being resolved before the intended date of publication of the Local Plan. HBBC is strongly advised to delay publication of the Regulation 19 Local Plan until such time as it has had the opportunity to work with the County Council to ensure that:
- all necessary evidential work and plan viability and deliverability assessment work has been completed; and
  - the contents of the Regulation 19 Plan provide a sufficiently robust policy basis to enable delivery of the required mitigation.

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

25. There are no equality and human rights implications arising from the recommendations in this report.

### **Environmental Implications**

26. The County Council will continue to work closely with HBBC and other partners to minimise the impact of the planned growth on the environmental assets of Leicester and Leicestershire.
27. 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.

### **Background Papers**

Report to the Cabinet on 17 September 2021, 'Response to the Hinckley and Bosworth Borough Council's Draft Local Plan (Regulation 18) Consultation'  
<https://bit.ly/3pAliXw>