



## **CABINET – 11 FEBRUARY 2022**

### **HINCKLEY AND BOSWORTH BOROUGH COUNCIL'S NEW LOCAL PLAN - RESPONSE TO REGULATION 19 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 County Council's position regarding Hinckley and Bosworth Borough Council's (HBBC) emerging Local Plan, and to seek approval for the formal response to the latest (Regulation 19) consultation to be submitted by officers.

##### **Recommendations**

2. It is recommended that:
  - (a) The Chief Executive, following consultation with the Cabinet lead member, be authorised to submit the County Council's formal response to Hinckley and Bosworth Borough Council's consultation on its Local Plan 2020 to 2039 Submission version;
  - (b) It be noted that at this stage insufficient evidence has been provided to demonstrate that the Local Plan meets the tests of soundness as set out in Paragraph 35 of the National Planning Policy Framework and as a result, this is likely to form the basis of the County Council's response.

##### **Reasons for Recommendation**

3. HBBC's consultation exercise is due to take place from 2 February to 16 March 2022. As the Cabinet is not due to meet again until 29 March 2022, authorising the Chief Executive to submit comments on behalf of the County Council will enable a response to be prepared within the statutory timeframe.
4. The planning system requires that a local planning authority may only submit its Local Plan for examination if it is confident that it will meet the tests of soundness. The HBBC Local Plan has been presented as a submission version without properly considering the transport impacts of the intended growth strategy and without setting out how the impacts of the strategy will be mitigated. The County Council is therefore concerned that if the Local Plan is submitted for examination at this stage, it will not be possible to demonstrate that the Plan is capable of being found sound and may be rejected.

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

5. HBBC was due to publish its Regulation 19 Local Plan consultation on 2 February 2022 and has indicated that the Local Plan will be submitted to the Secretary of State by the end of March 2022.
6. It is intended that the Cabinet will receive a further report at its meeting on 29 March, setting out the comments submitted to HBBC as the views of the County Council and any response.

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

7. In March 2019 the Cabinet agreed a response to HBBC relating to an early stage consultation as part of its Local Plan Review. This included concern about the lack of consultation with the County Highway Authority and insufficient reference to the policy framework provided by the agreed Strategic Growth Plan (SGP) which provides the long-term vision for planned growth for Leicester and Leicestershire up to 2050.
8. The Leicester and Leicestershire Strategic Transport Priorities were approved by the Cabinet in November 2020. They were developed jointly by the County and Leicester City Councils alongside the SGP to ensure the long-term development needs and associated transportation requirements were coordinated.
9. In June 2021 the Cabinet received a report regarding the Leicester and Leicestershire Statement of Common Ground Relating to Housing and Employment Land Needs. The Statement was prepared to accompany the Charnwood Local Plan process and also provides context for the Hinckley and Bosworth Local Plan.
10. 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.
11. The report noted 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.

12. In October 2021 the Cabinet considered a further report regarding HBBC's emerging Local Plan. The Cabinet agreed that the County Council would continue to work with the Borough Council to develop a Local Plan that was sound and deliverable but that if HBBC decided to publish a Regulation 19 Local Plan that did not satisfactorily address the County Council's concerns, it would raise a formal objection as part of the statutory Regulation 19 consultation process, and at Examination in Public.

### Resource Implications

13. Local plans inevitably come with significant infrastructure requirements for the County Council with highways and education being the key concerns. A Local Plan in an individual district can typically have a public sector infrastructure investment requirement exceeding £100 million. A good Local Plan is essential if the associated financial risks are to be managed:

- Cost can be minimised through the co-ordination of infrastructure design and development across individual developments.
- Opportunities for Government funding can be maximised through clear justification.
- The risk of not securing the right amount of funding from developers is reduced.
- Sound modelling ensures developments are viable and can fund their share of infrastructure costs.

14. When a Local Plan is in place, the County Council remains heavily dependent on district councils, as the local planning authority, to secure the section 106 developer contributions needed to deliver the capital investment. Without significant assurance in this regard the risk of entering into forward funding arrangements, which allow infrastructure to be developed in advance of housing, would not be feasible.

15. The HBBC Local Plan needs to be seen in the context of established and emerging plans across Leicestershire which is compounding the risks that the County Council and ultimately the taxpayer bears.

### Circulation under the Local Issues Alert Procedure

16. This report will be circulated to all Members.

### Officers to Contact

John Sinnott  
 Chief Executive  
 Tel: 0116 305 6000  
 Email: john.sinnott@leics.gov.uk

## **PART B**

### **Background**

17. 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.
18. The following comments represent the County Council's high-level position to date. Subject to the Cabinet authorising the Chief Executive to submit comments on behalf of the County Council, it is intended that more detailed comments will be submitted by officers to HBBC by the end of the consultation period, expected to be on 16 March 2022.

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

19. Since submission of the County Council's response to HBBC's Regulation 18 consultation in August 2021, officers, including those representing the Local Highway Authority have held numerous 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.
20. Following receipt of draft Regulation 19 versions (which represent proposed policies) of the Submission Draft Local Plan in December 2021, officers submitted informal comments and a covering report to HBBC on 11 January 2022, including feedback on highways and education concerns.
21. Highways and transport issues are a significant consideration in the development of a new Local Plan. They are normally a key influence on the overall spatial strategy for a Plan and the costs of mitigating impacts are generally amongst the most significant in terms of the infrastructure and services required to enable the delivery of a Local Plan in practice.
22. Highways and transport considerations are wide ranging, including:
- a. allocation site specific, e.g. can a safe site access be formed and is the proposed site located where it is possible to access a range of services or is well-served by passenger transport (i.e. is it a 'sustainable location')?
  - b. what are the localised impacts of a particular site allocation and can they be mitigated? and
  - c. ever increasingly, what are the cumulative impacts of the proposed Local Plan site allocations, and can they be mitigated?
23. In respect of the first consideration, as a result of officer comments, it is understood several sites have latterly been removed from the Regulation 19 draft Plan as approved for submission. However, whilst this might overcome site specific concerns, it does now leave a requirement for the Borough Council to undertake transport modelling of the allocated sites within its now confirmed Regulation 19 draft Plan. In the absence of this modelling, it is not possible for

the Local Highway Authority (LHA) to confirm what are either the localised or cumulative impacts of the Borough Council's now preferred strategy.

24. Once the allocated site modelling work has been completed, it will then be possible to begin work to identify a potential highways and transport mitigation strategy (as per the second and third considerations above). Modelling of the potential mitigation strategy can then be undertaken; this will inform the wider infrastructure schedule for the Local Plan and the Infrastructure Delivery Plan which should specify the key elements of infrastructure necessary to underpin the delivery of the Local Plan together with anticipated timings and estimated costs. At this time it is not possible for the LHA to confirm that the Local Plan's highways and transport impacts can be suitably and affordably mitigated.
25. At present, the Local Plan says very little about the importance of education facilities (schools, early years and other settings) and how they contribute to a strong economy and sustainable communities. Early discussions with HBBC officers have identified that there could be a number of significant delivery challenges regarding the expansion of schools or the development of new schools, and which will require more consideration to make the Local Plan deliverable.
26. In particular, HBBC has been informed that it should consider including within the Local Plan a policy setting out expectations specifically in relation to the funding of additional school places and other education infrastructure, such that this mitigates financial risk to the County Council.
27. It is not in the best interests of local communities or the County Council for the HBBC's Local Plan to be found unsound and 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. Nevertheless, it is important to reiterate that it has been made clear to HBBC of the potential consequences of submitting a Local Plan prematurely without reaching agreement on what infrastructure is needed, how this will be funded and whether this impacts on the proposed delivery strategy.

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

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

### **Environmental Implications**

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

30. The County Council works closely with the Leicester and Leicestershire Strategic Planning Partnership, which includes HBBC. A strengthening of partnership working is sought to deal with the transport challenges which require a strategy-led approach with multiple partners in the borough and wider area.

### **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>

Report to the Cabinet on 26 October 2021, 'Development of Hinckley and Bosworth Borough Council's New Local Plan – Latest Position'  
<https://bit.ly/3FTTQti>