



CABINET – 29 MARCH 2022

**RESPONSE TO THE HINCKLEY AND BOSWORTH BOROUGH
COUNCIL PRE-SUBMISSION LOCAL PLAN (2020-2039)
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 content of Hinckley and Bosworth Borough Council's Pre-submission Regulation 19 Local Plan consultation and set out the response submitted to the Borough Council as the views of the County Council.
2. The detailed comments are set out in the Appendix to this report, whilst key comments are highlighted in paragraphs 36 to 67 below.

Recommendations

3. It is recommended that:
 - (a) The County Council's response to the Hinckley and Bosworth Borough Council (H&BBC) Pre-submission Regulation 19 Local Plan consultation, set out in paragraphs 36 to 67 inclusive, and the Appendix to the report be noted;
 - (b) The County Council at this stage considers 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 strongly discourages H&BBC from submitting its Local Plan while relevant significant issues are still to be resolved;
 - (c) Should H&BBC proceed with the submission of its Local Plan to the Planning Inspectorate at this stage without addressing the concerns raised by the County Council, the County Council will object at H&BBC's Local Plan Examination;
 - (d) The County Council continues to work with H&BBC to resolve issues to help develop a Local Plan that is sound (in planning terms) and deliverable.

Reasons for Recommendation

4. H&BBC's Regulation 19 consultation took place from 9 February to 23 March 2022. The Chief Executive was authorised by the Cabinet at its meeting on 11 February 2022 to submit comments on behalf of the County Council to enable a response to be submitted within the statutory timeframe. 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).
5. The planning system requires that a local planning authority may only submit its Local Plan for examination if it is confident it will meet the tests of soundness. H&BBC has indicated that the Local Plan will be submitted without an accompanying up-to-date Sustainability Appraisal on the Pre-Submission Regulation 19 Local Plan, without proper consideration of the transport impacts of the intended growth strategy and without setting out how the impacts of the strategy will be mitigated. The County Council has raised concerns at both Regulation 18 and 19 stage about how the growth strategy impacts upon school places and how new and extended schools will be delivered (and any associated transport impacts). There are also concerns about the lack of information about the viability of the Local Plan.
6. The County Council is therefore concerned that submission of the Local Plan for examination by H&BBC at this stage conflicts with the requirement to only submit a plan that the council believes is sound. This places significant burden on the County Council to try to resolve these issues in an unreasonable timescale before the matter is considered at Local Plan Examination. The approach being taken means that the County Council reluctantly has to advise the Inspector that it believes that the Local Plan is not sound.
7. For the County Council in its role as a key infrastructure provider for transport and education the lack of evidence and certainty (in terms of understanding mitigation, viability and deliverability), presents significant risk to the County Council. The focus needs to be on resolving these issues where possible and minimising this risk through closer partnership working to prepare a sound Local Plan for Hinckley and Bosworth Borough.

Timetable for Decisions (including Scrutiny)

8. The County Council's consultation response was submitted to H&BBC by 23 March 2022 deadline. Any additions or amendments arising from consideration by the Cabinet will be submitted to H&BBC following the Cabinet meeting.

Policy Framework and Previous Decisions

9. In 2018, the County Council, Leicester City Council, the seven district councils in Leicestershire, and the Leicester and Leicestershire Enterprise Partnership, approved the Leicester and Leicestershire Strategic Growth Plan (SGP) which provides the long-term vision for planned growth for the area up to 2050.

10. For the south west parts of Leicestershire, which includes Hinckley and Bosworth Borough, the foci for growth set out in SGP are:
 - Managed growth for Hinckley, further sustainable development consistent with the need to support local growth (in particular, aspirations for continued town centre regeneration and better services) and;
 - the A5 improvement corridor
11. The essential infrastructure to support the delivery of growth shown on the SGP strategy diagram for south west parts of Leicestershire are:
 - M1 Leicester Western Access and M1 North Leicestershire extra capacity;
 - A46 Priority Growth Corridor;
 - A5 improvement corridor
 - Rail improvements.
12. In March 2019 the Cabinet agreed a response to H&BBC relating to an early stage consultation as part of its Local Plan Review. The County Council raised a number of concerns, including 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.
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 affected by H&BBC's emerging Local Plan.
14. The Council's updated Strategic Plan (covering the period 2022-2026) is being presented to the Cabinet for approval at its meeting on 29 March 2022. The proposed strategic outcomes include 'Strong Economy, Transport and Infrastructure' and a 'Clean, Green Future' to ensure Leicestershire has the infrastructure to meet the demands of a growing population, whilst looking to tackle climate change, biodiversity loss and unsustainable resource usage.
15. 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.
16. 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.
17. In September 2021 the Cabinet agreed a response to consultation from H&BBC relating to its Regulation 18 Local Plan. That report expressed the need for

closer partnership working with H&BBC 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.

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 (and agreed with relevant stakeholders) to build in time for appropriate dialogue and to share and consider technical evidence.

18. In October 2021 the Cabinet considered a further report regarding H&BBC'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 H&BBC 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.
19. On 11 February 2022 the Cabinet authorised the Chief Executive, following consultation with the Lead Cabinet Member, to submit comments on behalf of the County Council, prior to the end of the H&BBC Regulation 19 Local Plan consultation period. The report reiterated that to date, insufficient evidence had 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 was likely to form the basis of the County Council's response.

Resource Implications

20. 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.

21. 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 were the County Council wishing to do so. And, if this were to be the case, even if such significant assurance could be secured, decisions would need to be taken against the backdrop of the wider pressures on the Council's finances, including those from other local plans, rather than each being considered in isolation. The H&BBC 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

22. This report will be circulated to all Members.

Officers to Contact

Tom Purnell
Assistant Chief Executive
Tel: 0116 305 7019 Email: tom.purnell@leics.gov.uk

Simon Lawrence
Growth Service and Major Programmes Manager
Tel: 0116 305 7243 Email: simon.lawrence@leics.gov.uk

Sharon Wiggins
Strategic Planning Manager, Chief Executive's Dept.
Tel: 0116 305 8234 Email: sharon.wiggins@leics.gov.uk

Tim Smith
Strategic Planning and Policy Officer, Chief Executive's Dept
Tel: 0116 305 7219 Email: tim.smith@leics.gov.uk

PART B

Background

23. H&BBC's new Local Plan seeks to set out the Borough Council's development strategy to 2039, and covers the protection and enhancement of environmental assets as well as guiding the locations for new development. The preparation of Local Plans involves various stages and this consultation from H&BBC is known as a Regulation 19 consultation on the Pre-Submission Local Plan (2020 to 2039). The focus is on whether the plan has been prepared in accordance with all legal and procedural requirements, and whether the plan meets the prescribed tests of soundness. H&BBC's Local Development Scheme outlines the intention to submit the Local Plan to the Secretary of State in March 2022, with the Examination (part of the statutory process) expected to be held in August 2022, prior to adoption in March 2023. 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'; however, specific details of any reform and when they might be introduced remains uncertain. The Levelling Up White Paper (February 2022) does however, suggest that local plans will be made simpler and shorter and that improved data will ensure that they are increasingly transparent and understandable, with more of a focus on housing delivery on brownfield sites and the ability for communities to have a meaningful say on individual planning applications being retained.
24. In December 2020 the 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 Leicester and Leicestershire Housing Market Area 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). The Government has however, indicated it may make further changes to its methodology for calculating local housing need requirements. Against this uncertain context, H&BBC have chosen to proceed with its Pre-Submission Local Plan (2020 to 2039) due to the need to put in place an up-to-date Local Plan, reduce speculative development and help rectify its five-year housing land supply shortfall.

Duty to Cooperate

25. It is recognised that should a Housing Market Area (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.
26. Whilst it is acknowledged that Government intends to reform the planning system and consulted on a White Paper – Planning for the Future, there is as yet 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 the consequent high risk of inadequate highway and education infrastructure. To avoid this, ongoing commitment from all the local authorities to the SGP 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.

27. All ten partners to the SGP also agreed to a Joint Position Statement relating to Leicester's Housing and Employment Land Needs in September 2020. This sets out how the local authorities and the Leicester & Leicestershire Enterprise Partnership (LLEP) will continue to work together to accommodate unmet need for housing and employment land identified in the draft City of Leicester Local Plan.
28. In April 2021, the County Council became a signatory to a Statement of Common Ground (SoCG) prepared by the Leicester and Leicestershire local planning authorities and the County Council, guided by the Strategic Planning Group and Members' Advisory Group to support the Charnwood Local Plan process. In becoming a signatory to the SoCG, the County Council was not necessarily giving support to the content of the emerging Charnwood Local Plan. The key strategic matters covered in the SoCG under the Duty to Cooperate are; Leicester and Leicestershire Housing and Employment Needs to 2036; Unmet Need to 2036; and the process of apportioning unmet need to 2036. Signatories have subsequently agreed that the SoCG produced for the Charnwood Local Plan remains the most up to date position on unmet need (in the absence of any published evidence) and so also applies to Hinckley and Bosworth Borough Council's emerging Local Plan. H&BBC has included a trigger policy for an early review of its Local Plan in its Pre-Submission Regulation 19 Local Plan.
29. A future SoCG for Leicester and Leicestershire dealing with the apportionment of unmet need from the City to the district councils will be informed by strategic evidence work currently 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 affecting the environment and quality of place. It is expected this will be available mid-2022 and will be the subject of a report to the Cabinet.
30. In November 2021, the County Council became a signatory to a separate Statement of Common Ground relating to Strategic Warehousing and Logistics Need. This builds on the Strategic Warehousing and Logistics Need Study (April 2021) and helps to inform an approach to meeting the Leicester and Leicestershire need and to maintain an appropriate supply across the area. This includes an Area of Opportunity in and around Hinckley and Bosworth Borough.

Overview of content of H&BBC Pre-Submission Local Plan document

31. H&BBC's new Local Plan sets out the Borough Council's development strategy to 2039. It outlines 55 Strategic Policies and 16 Non-Strategic Policies, with policy areas covering Spatial Strategy, Climate Change, Place Making and

Design, Housing Economic Prosperity, Town Centres, Communities, Leisure and Tourism, Heritage and Conservation, Natural Environment, Transport, and Infrastructure.

32. The Plan's Vision and Objectives are at the core of the Local Plan and are shaped by H&BBC's Corporate Plan 2017-2021, Community Plan 2018-2022 and Rural Strategy 2020-2023. The Vision describes Hinckley and Bosworth Borough as a place supporting sustainable growth and maximising opportunities from new infrastructure, with development primarily focused in the urban area, closest to key services, transport links and facilities. The Vision has been amended since the Regulation 18 consultation considered by the Cabinet in September 2021 to make much stronger references to the natural environment, particularly around improving biodiversity, increasing natural capital and being resilient to climate change. The Vision now highlights direct H&BBC emissions becoming carbon neutral by 2030 and overall Borough emissions becoming net zero by 2050, however it is seen as a missed opportunity to not bring this forward to 2045 to align with the County target.
33. The Plan highlights a total supply of around 9,124 homes in the Borough during the plan period of 2020 to 2039, above the need identified of 8,436 which has been established through the standard method for assessing local housing need as set out in the National Planning Practice Guidance. The Plan outlines new housing allocations of 3,852 homes across 23 sites, with 2,770 directed to the urban area (of which 1,990 is directed to the two strategic Sustainable Urban Extension sites at Barwell and Earl Shilton), 738 to key rural centres and 344 to rural villages.
34. There is a provision for a minimum supply of 105.97 hectares of employment land over the Plan period, with 43.1 hectares of employment land allocations across Barwell and Earl Shilton Sustainable Urban Extensions, the Hinckley Sewage Treatment Works at Burbage and a small allocation South of Station Road, Market Bosworth.
35. There are specific policies seeking to protect and enhance the vitality and viability of town centres, whilst the historic environment and heritage assets in the Borough are sought to be conserved and enhanced. Policies are included to ensure that the future infrastructure needs of the Borough's new and existing communities are appropriately met, however the details of this are still to be borne out through an Infrastructure Delivery Plan which will need to identify the infrastructure required to support the proposed level of growth, including indicative costs and potential funding streams.

Response to the H&BBC Pre-Submission Local Plan document

36. At this stage of local plan making the comments of the County Council need to focus on compliance and tests of soundness. Paragraph 35 of the National Planning Policy Framework sets out that for a Local Plan to be found 'sound' it needs to be Positively Prepared, Justified, Effective, and Consistent with National Policy. An overview of the conclusions reached is provided prior to

reference being made to the difficulties of identifying key modifications at this stage given the concerns of the County Council.

37. The County Council's full response and further comments are provided in the Appendix to this report. It is hoped that this report and appendix will provide useful and constructive information for H&BBC, the Planning Inspectorate and other interested parties and individuals in working towards a sound plan.

Overarching response: Legal Compliance and 'Tests of Soundness'

38. Although many of the County Council's previous comments at Regulation 18 stage have been taken on board, some of the more fundamental concerns have not been addressed; and it is these outstanding fundamental concerns plus the omission of the latest sustainability appraisal which have informed the County Council's consideration of compliance and tests of soundness.

Legal Compliance

39. The Planning and Compulsory Purchase Act (2004) requires a local planning authority to carry out a sustainability appraisal (SA) for the documents that form part of a local plan (including core strategies, site allocation documents and area action plans). SAs incorporate the requirements of the Strategic Environmental Assessment Regulations 2004. A Habitats Regulation Assessment (HRA) may also be required.
40. An SA can be used to test the evidence underpinning the local plan and help to demonstrate how the tests of soundness have been met. SAs should be applied as an iterative process informing the development of the Local Plan.
41. Given that the SA should be submitted with the Local Plan for examination and it should help to integrate different areas of evidence and demonstrate why the proposals in the local plan are the most appropriate, it would be expected for a SA on the current iteration of the local plan to be the subject of consultation at the same time. This would enable a clearer understanding of the impact of the preferred strategy and the likely impacts on the provision of infrastructure and services.
42. Unfortunately, this is not the case and the Sustainability Appraisal is still awaited. The most recent SA on the local plan was published in September 2020. A Site Assessment Methodology was published in October 2020 on the methodology for how potential land allocations will be assessed through the preparation of the SA and Local Plan but the actual appraisal of proposed site allocations through the SA process has not yet been published.
43. As a consequence, it is considered that in the absence of an up-to-date SA on the preferred spatial strategy and proposals set out in the draft Local Plan, the draft local plan is not legally compliant.

Tests of Soundness

44. For Local Plans to be 'justified' they need to be based on an appropriate strategy, taking into account reasonable alternatives and based on proportionate evidence. Given the Plan has no underpinning transport evidence base (the preferred housing strategy has not been modelled in transport terms), the present transport policies are generic and no Infrastructure Delivery Plan has been prepared at this time. It is therefore not possible for the Local Highway Authority (LHA) to be able to determine the nature of highways and transport measures and the infrastructure required to enable the Local Plan's delivery, nor to understand whether the costs of such can be funded or to what extent a funding gap might exist. As such the Local Plan cannot be described as being justified.
45. Work to develop a transport evidence base to underpin the Plan, identify required mitigation measures and infrastructure is likely to involve not just Leicestershire County Council as the Local Highway Authority (LHA) for roads in the Borough, but also Warwickshire County Council as the LHA for the adjoining Boroughs of Rugby, and Nuneaton and Bedworth, and National Highways as the Highway Authority for the A5. At present there is no defined position between these parties, such as a Statement of Common Ground, to provide a platform for taking the required work forward.
46. In the development of the transport evidence base, it is necessary to include the testing of the preferred housing strategy; identification and assessment of mitigation measures and infrastructure, not just site specific but also, as necessary, to address cumulative impacts; assessment of broad costings; inclusion of appropriate policies in the Local Plan to link development proposals to the required mitigation measures/infrastructure, including to provide robust basis for securing developer contributions; and development of an Infrastructure Delivery Plan. It is extremely questionable as to whether there is sufficient time available now to conclude the required actions ahead of the date in the Local Development Scheme for the Local Plan Examination (August 2022), and assumes that the evidence will conclude the Local Plan is deliverable.
47. Assessing site specific and cumulative impacts at a later date runs risks that opportunities could be missed or lost to ensure that the submitted Plan's overall highways and transport impacts are appropriately mitigated (e.g. because when judged at a later time, in isolation and without an appropriate, evidenced-based Plan policy(ies) it would be unreasonable in planning terms to seek the developer of a site to contribute towards or to deliver a piece of cumulative impact mitigation).
48. The Regulation 19 submission draft does not introduce any material changes in relation to education compared with the Regulation 18 version of the Plan. Reference to schools, SEND and early years provision remains extremely limited, including those sections referencing education and skills development. In this respect the importance of good education provision, whether through schools, early years or other specialist settings appears to have not been

properly thought through. Such educational settings have an important role to play in the development of thriving and sustainable communities.

49. The Local Plan does not set out a clear strategy or any objective assessments to clarify how the education needs arising from new housing will be delivered. For example, there is no explanation of expected housing trajectories, how land will be secured, or how new school developments or school expansions will be funded, particularly where dependent on several developers to contribute to a specific solution.
50. Neither does the Local Plan recognise or consider the delivery challenges that may exist for the development of new schools or school expansions, for example where these might be placed in conservation areas or rural settlements where small schools may have limited space or other restrictions on expansion.
51. The discussions so far on education matters with HBBC officers have not addressed these concerns.
52. Furthermore, in the absence of the latest Sustainability Appraisal it is challenging to come to the view whether the residential and employment allocations in the Local Plan represent the most sustainable locations in the Borough for future development.
53. Without the detailed transport evidence on the preferred strategy, the Infrastructure Delivery Plan and Viability Assessment it is challenging to come a view as to whether the Local Plan contains policies that positively propose ways of securing and delivering infrastructure.
54. For a Local Plan to be 'effective' it needs to be deliverable over the Plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by a Statement of Common Ground. The extent to which the lack of evidence base to identify measures and infrastructure to enable delivery of the Plan might hamper (or even thwart) the progress of sites moving forward at the planning application stage is unclear. This may be due to lack of earlier evidential understanding of the sites' impacts at the Local Plan stage or viability issues that only become apparent at the time of the application. Similarly, it is unclear to what extent this could affect 5 year housing land supply during the lifetime of the Plan.
55. In the absence of the Local Plan not setting out a clear strategy or any objective assessments to clarify how the education needs arising from new housing will be delivered (no housing trajectories, how land will be secured, or how new school developments or school expansions will be funded, particularly where dependent on several developers to contribute to a specific solution) it is not possible to say if the proposals and ambitions set out in the Local Plan are deliverable over the Plan period.

56. Neither is it possible to say if the infrastructure needed to satisfy the County Council's statutory duty for the planning of school places will be affordable by developers/promoters and in this context the question of viability may arise.
57. To have confidence in the Local Plan there should have been a stronger emphasis on joint working to address the strategic and operational delivery matters and this should have been considered at an early stage. It would also have been helpful if agreed principles could have been set out in a Statement(s) of Common Ground and/or strategic delivery document for the various developments.
58. The Local Plan has not been supported by a viability appraisal, which makes it difficult to understand how decisions can have been reached about the deliverability of site allocations. This is likely to be due to the underpinning evidence having not been undertaken yet to inform the viability appraisal. As such, it is difficult to demonstrate compliance with the NPPF (paragraph 68) which advises that planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. It is extremely difficult to know whether developer contributions will be able to fund school places (including early years and SEND) without understanding the viability implications of what is proposed.
59. Most of the Local Highway Authority's previous comments at the Regulation 18 stage have not been addressed in the draft Plan, which amongst other things still appears weak in reflecting the Government's decarbonising transport policies and in some cases uses phraseology that is inconsistent with that used in national policy.
60. Paragraph 11 of the National Planning Policy Framework (NPPF) on the presumption in favour of sustainable development sets out the expectations for plan-making; this includes Local Plans promoting a sustainable pattern of development that seeks to meet the development needs of the area, align growth and infrastructure, improve the environment, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.
61. The Local Plan sets out a scale of development which seeks to meet the development needs of the Borough area (as the Leicester and Leicestershire SoCG dealing with the distribution of unmet need from the City has not yet been published the additional amount to be directed to Hinckley and Bosworth Borough cannot yet be planned for); however, the County Council cannot yet come to a view as to whether growth and infrastructure are aligned in the absence of several pieces of evidence (detailed transport modelling work, mitigation measures, mitigation strategy, Infrastructure Delivery Plan and whole plan Viability Assessment).

Conclusion

62. In conclusion the Local Plan is not considered to be 'justified', 'effective' or 'consistent with national policy', and given the concerns identified under these

tests of soundness it is difficult to substantiate that it has been 'positively prepared'. As a consequence, the County Council reluctantly has to advise the Inspector that it considers the Local Plan is not sound.

63. For the County Council in its role as a key infrastructure provider for transport and education the lack of evidence and certainty (in terms of understanding mitigation, viability and deliverability), presents significant risk to the County Council. The focus needs to be on resolving where possible and minimising this risk through closer partnership working to prepare a robust sound Local Plan for Hinckley and Bosworth Borough.
64. Owing to the lack of suitable evidence and engagement, it is extremely difficult for the County Council to set out the range of modifications to the Plan that are needed to make the Plan sound. Until the evidence has been completed and is available to inform consideration of the changes needed to the Local Plan it is difficult to suggest key modifications.
65. One key modification the County Council is able to request at this time is for H&BBC to consider the introduction of a policy within the Local Plan on the provision and placement of new schools and acquisition/reservation of land for either new schools or the significant expansion of existing schools. Education will work with H&BBC to advise on specific content.
66. Furthermore, H&BBC should consider moving early years provision from a category of 'essential' infrastructure to one of 'critical' (Policy INF 01), and develop a sub-category for Post-16 provision as a discrete requirement (reference is currently only made to Secondary or Further Education).
67. A potential benefit of a delay for evidence to be completed and inform the Local Plan is that the SoCG setting out the distribution of unmet need to the Leicestershire districts is likely to have been published and the opportunity can be taken to consider the additional scale and likely distribution of growth.

Equality and Human Rights Implications

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

Environmental Implications

69. The County Council will continue to work closely with H&BBC and other partners to minimise the impact planned growth has on the environmental assets of Leicester and Leicestershire.
70. 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.

71. The lack of a Sustainability Appraisal to accompany the draft Local Plan at this Regulation 19 stage is a strong concern.

Partnership Working and Associated Issues

72. The County Council works closely with the Leicester and Leicestershire Strategic Planning Partnership, which includes NWLDC, the County Council, Leicester City Council, the other six district councils in Leicestershire and the Leicester and Leicestershire Enterprise Partnership. 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 29 March 2019: Response to Consultation on Hinckley and Bosworth Borough Council's Local Plan Review: New Directions for Growth

<https://bit.ly/36aXXF2>

Report to the Cabinet on 20 November 2020: Leicester and Leicestershire Strategic Transport Priorities 2020 to 2050

<https://bit.ly/3Bvimk0>

Report to the Cabinet on 22 June 2021: Urgent action taken by the Chief Executive in relation to the Leicester and Leicestershire Statement of Common Ground relating to housing and employment land needs (March 2021)

<https://bit.ly/3JDQRaL>

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>

Report to the Cabinet on 11 February 2022: Hinckley and Bosworth Borough Council's New Local Plan - Response to Regulation 19 Consultation

<https://bit.ly/3uXjrG>

Appendix

Leicestershire County Council Officer Comments on Hinckley and Bosworth Borough Council Pre-Submission Local Plan (2020-2039) Regulation 19 Consultation