



**CABINET – 8 SEPTEMBER 2026**

**RESPONSE TO THE HINCKLEY AND BOSWORTH BOROUGH  
COUNCIL REGULATION 19 LOCAL PLAN CONSULTATION**

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

**PART A**

**Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of the progress of Hinckley and Bosworth Borough Council's Local Plan and to set out the County Council's proposed response to its Regulation 19 consultation.

**Recommendations**

2. It is recommended that:
  - a) The proposed timetable for the progression of the Hinckley and Bosworth Borough Council (H&BBC) Local Plan be noted;
  - b) The County Council's formal response to H&BBC's Local Plan Regulation 19 consultation, set out in paragraphs 46 to 79 and the Appendix to this report be approved, noting in particular that the County Council:
    - i. Recognises the significant challenges and pressures that Plan Making Authorities, such as H&BBC, are facing.
    - ii. Does not raise any fundamental issue with the Plan's spatial strategy, subject to a suitable delivery and contributions strategy, and consideration of viability implications over the plan period being set out with necessary modifications to plan policies.
    - iii. Will work with H&BBC to ensure that the Local Plan clearly demonstrates a response to the transport evidence produced, and that it will proactively consider and embed Community Infrastructure Levy (CIL) within the Local Plan and seek to bring forward a CIL charging schedule at pace alongside the adoption of the Local Plan.
  - c) The Director of Growth, Environment and Transport, following consultation with the relevant Cabinet Lead Members, be authorised to make amendments to the detailed Regulation 19 response, noting that:

- i. Amendments will take into account officer views of the published Whole Plan Viability Assessment and Infrastructure Delivery Plan.
- ii. The formal response (comprising this Cabinet report and updated Appendix) will be submitted to H&BBC ahead of the consultation period closing on 21 September 2026.

### **Reasons for Recommendation**

- 3. The Local Plan process is the main opportunity available to planning authorities and statutory consultees to influence places on a strategic level and ensure the cumulative impacts of growth are planned for.
- 4. The County Council is therefore seeking to influence the content of the Hinckley and Bosworth Local Plan in the interests of local communities. Authorisation to the Director to make amendments to the detailed Regulation 19 response will allow for officer views on additional Local Plan evidence to be submitted ahead of the consultation period closing. This will ensure that the Local Plan provides an as robust as possible policy platform for securing the provision of the infrastructure and services that are required to support its successful delivery.
- 5. On 25 March 2026, new regulations came into force, which meant that the Duty to Co-operate would no longer apply to new, or emerging Local Plans. Notwithstanding this change, the National Planning Policy Framework (NPPF) (December 2024) under which this Plan is expected to be examined against still requires “maintaining effective co-operation” across administrative boundaries (paragraphs 26–29 of the NPPF). Inspectors are expected to continue to examine plans in line with these policies.

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

- 6. H&BBC has outlined a timetable for the submission of its Local Plan. It is anticipated that following the Regulation 19 Pre-Submission consultation and subject to approval of H&BBC, the Local Plan would be submitted to the Secretary of State for examination by the end of 2026.

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

- 7. In 2018, the County Council, Leicester City Council, the seven district councils in Leicestershire, and the Leicester and Leicestershire Enterprise Partnership (LLEP), approved the Leicester and Leicestershire Strategic Growth Plan (SGP) which provides the long-term vision for planned growth for the area up to 2050. The SGP identifies Hinckley as an “area of managed growth” and of the five key growth areas, most pertinent to the Borough of Hinckley and Bosworth is the identification of the A5 as an Improvement Corridor.
- 8. In March 2019, the County Council responded to H&BBC’s Local Plan Review: New Directions for Growth. A number of concerns were raised, including the lack of consultation with the (as then referenced) County Highway Authority and insufficient reference to the policy framework provided by the agreed SGP.

9. The Leicester and Leicestershire Strategic Transport Priorities (LLTSTP) was approved by the Cabinet on 20 November 2020. This document has a plan period to 2050 and it was developed by the County Council and City Council alongside the SGP to ensure that the long-term development needs and associated transportation requirements are co-ordinated.
10. In 2021, the Council and its partners (Leicester City Council, the seven district councils and the LLEP), commissioned the Leicester and Leicestershire Housing and Economic Needs Assessment (HENA). The HENA, published in June 2022, provides evidence that across Leicester and Leicestershire, the projected housing need from 2020 to 2036 is 91,400 dwellings and employment land need from 2021 to 2036 is 344 hectares.
11. In September 2021, the County Council responded to H&BBC's draft Local Plan (Regulation 18) consultation and expressed the need for closer partnership working with H&BBC across key disciplines and at a senior officer level in recognition of:
  - a) The challenges presented by the Strategic Road Network (SRN) in the Borough and wider area;
  - b) The lack of capacity on the Local Road Network;
  - c) The need to take a strategic approach to education and other infrastructure provision;
  - d) The need to secure deliverable planned growth supported by infrastructure rather than 'unplanned' speculative development.
12. The response 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's view was 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.
13. 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 H&BBC 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 consultation process, and at the Examination in Public.
14. In December 2021, the County Council and H&BBC became signatories to a Statement of Common Ground (SoCG) relating to South Leicestershire Local Plan Making (November 2021), aligning the gathering of evidence and activity in the development of new local plans for three districts in the south of the County (Blaby, Harborough and Oadby and Wigston).
15. In February 2022, the Cabinet authorised the Chief Executive, following consultation with the Cabinet Lead 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 met the tests of soundness as set out in the NPPF and as a result, this was likely to form the basis of the County Council's response.

16. In March 2022, the response to the Hinckley and Bosworth Borough Council Pre Submission Local Plan (2020 – 2039) Regulation 19 Consultation was set out to the Cabinet, highlighting that the County Council considered that insufficient evidence had been provided to demonstrate that the Local Plan meets the tests of soundness as set out in paragraph 35 of the NPPF and that it strongly discouraged H&BBC from submitting its Local Plan while relevant significant issues were still to be resolved.
17. In September 2022, the Cabinet approved the County Council becoming a signatory to a SoCG relating to Housing and Employment Land Needs (June 2022), setting out how the City Council's identified unmet needs would be accommodated in the County. H&BBC approved the SoCG at its Council meeting in January 2024.
18. In November 2022, the Cabinet received a paper setting out the financial implications for the County Council of delivering sustainable and inclusive growth and the approach and principles that it is proposed the Council would adopt to address and manage these risks.
19. In September 2024, the Cabinet approved the response to the H&BBC Regulation 18 Draft Local Plan consultation (July 2024). The comments referenced some concerns over the development of transport evidence and wider unknowns and uncertainties including the Government's proposed planning reforms, the decision on the Hinckley National Rail Freight Interchange Development Consent Order and the unclear position regarding future investment in the SRN.
20. In October 2024, the Cabinet received a paper on the Strategic Planning Issues associated with the emerging Charnwood Local Plan. This included principles for future engagement of the Local Highways Authority in other local plan processes in light of the County Council's experience of the Local Plan for Charnwood Borough.
21. In December 2024, the Cabinet report on the Provisional Medium Term Financial Strategy 2025/26 – 2028/29 referred to the importance of Local Plans being prepared with sufficient evidence to secure contributions and delivery for critical infrastructure and that it is necessary for the district councils to work with the County Council to ensure that their Local Plans include policies that balance the need to support delivery of growth with the financial risk to the County Council.
22. In September 2025, the Cabinet considered a paper and gave approval to start consultation and exploratory work on a potential road link to connect the A5 and

the A47 in Hinckley, alleviating pressure, providing travel choice and unlocking development land.

23. In November 2025, the Cabinet approved the response to the H&BBC Regulation 18 Local Plan Consultation. The response set out some significant concerns about the scale of housing and employment growth and associated infrastructure in the A5 corridor and that the Local Plan's transport evidence base needed to be sufficiently developed by the time that the Plan was ready to be submitted for Examination in Public.
24. In December 2025, the Cabinet received a report on Strategic Spatial and Transport Planning. This outlined proposals for the preparation of a Spatial Development Strategy and secured approval for the County Council to share initial evidence work, to undertake initial scheme feasibility and development work, outlined how this would be used by the Local Transport Authority (LTA) to input into strategic planning, including to assist the evolution of Local Plans to the submission stage and in bringing forward strategic sites allocated in those Local Plans.
25. In February 2026, the Cabinet approved the County Council becoming a signatory to a SoCG produced by the Leicester and Leicestershire local authorities relating to housing distribution following the NPPF and new Standard Method published in December 2024. H&BBC became signatories to this SoCG in March 2026.

### **Resource Implications**

26. The County Council has committed significant resources to engaging in, and supporting, a collaborative approach to strategic planning in order to facilitate the delivery of growth within the County and to mitigate the negative impacts of development, to the extent that it is reasonably possible to do.
27. As set out in the report to the Cabinet in December 2025 on Strategic Spatial and Transport Planning, securing the delivery of infrastructure, transport or otherwise (such as education, waste and health), to support the needs of Leicester and Leicestershire's growing population is becoming ever more challenging, particularly where strategic transport and education infrastructure is required to seek to mitigate the cumulative impacts of development sites across a relatively wide area of the County. The County Council seeks to achieve a more coordinated approach to locations for growth and prioritisation of its delivery relative to the prioritisation of investment in the infrastructure and services necessary to support it.
28. As part of seeking to provide necessary infrastructure to support new and existing communities appropriately, the County Council recognises that having up to date, effective Local Plans in place underpinned by appropriate policies and delivery strategies is the most effective way to fund and deliver infrastructure, maximising the contribution from the development industry and minimising potential negative impacts of unplanned growth. However, there are now a significant number of local plans progressing in overlapping timeframes.

The County Council has limited resources to support the planning authorities with Local Plan development and associated examination attendance. It may become necessary to prioritise work in this area as it may not be possible to meet all relevant requests within preferred timescales.

29. The Director of Corporate Resources have been consulted on this report.

### **Legal Implications**

30. The preparation and examination of Local Plans is governed by a statutory framework, associated regulations, and national policy and guidance, including the NPPF. In determining whether a Local Plan is “sound”, the appointed Inspector(s) will consider, amongst other matters, whether the Plan has been positively prepared, is justified, effective and consistent with national policy.
31. The County Council’s proposed response to H&BBC’s Regulation 19 Local Plan consultation has been prepared having regard to this legislative and policy framework and reflects the County Council’s role as the LTA and its wider statutory responsibilities, including in respect of education and infrastructure planning.
32. The County Council must ensure that its representations are robust, evidence-based and consistent with the statutory tests and relevant national policy, noting that it will ultimately be for the Inspector(s) at Examination in Public (EiP) to determine the soundness of the Plan.
33. There is a risk that, if the Local Plan is found unsound at EiP, this may have implications for the delivery of development and associated infrastructure within the area. The County Council’s response is intended to ensure that its statutory responsibilities and interests are appropriately represented in that process.
34. The Chief Legal Officer and Monitoring Officer has been consulted on this report.

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

35. This report will be circulated to all Members.

### **Officers to Contact**

Ann Carruthers  
 Director of Growth, Environment and Transport  
 Tel: 0116 305 7000  
 Email: [ann.carruthers@leics.gov.uk](mailto:ann.carruthers@leics.gov.uk)

Janna Walker  
 Assistant Director, Development and Growth  
 Tel: 0116 305 0785  
 Email: [janna.walker@leics.gov.uk](mailto:janna.walker@leics.gov.uk)

## **PART B**

### **Background**

36. The adopted development plan for Hinckley and Bosworth covers the period 2006-2026 and consists of:
  - a) The Hinckley and Bosworth Core Strategy (December 2009);
  - b) Hinckley Town Centre Area Action Plan (March 2011);
  - c) Earl Shilton and Barwell Area Action Plan (September 2014); and
  - d) Site Allocations and Development Management Policies (July 2016).
37. A Local Authority seeks to keep its Local Plan up to date, otherwise it is at risk of unsustainable and un-planned development.
38. The preparation of new Local Plans involves various stages of consultation. This consultation from H&BBC is known as a 'Regulation 19' consultation. It commenced on 7 August 2026 and will close on 21 September 2026.
39. This consultation builds on six previous rounds of publication over a number of years to develop the new Local Plan, in which the Council has responded to, these being:
  - a) Regulation 18 – Scope, Issues and Options Consultation (2018);
  - b) Regulation 18 – New Directions for Growth Consultation (2019);
  - c) Regulation 18 – Draft Local Plan Consultation (2021);
  - d) Regulation 19 – Pre-Submission Consultation (2022);
  - e) Regulation 18 – Draft Local Plan Consultation (2024);
  - f) Regulation 18 – Draft Local Plan Consultation (2025).
40. In the County Council's response to the most recent Regulation 18 consultation in November 2025, it set out some significant concerns about the scale of housing and employment growth and associated infrastructure in the A5 corridor and that the Local Plan's transport evidence base needed to be sufficiently developed by the time the Plan was ready to be submitted for Examination in Public.

### **Cross-boundary Cooperation**

41. On 25 March 2026, new regulations came into force which meant that the 'Duty to Co-operate' would no longer apply to new, or emerging, Local Plans. Notwithstanding this change, the NPPF (December 2024) under which this Plan is expected to be examined against still requires "maintaining effective co-operation" across administrative boundaries (paragraphs 26–29 of the NPPF). Inspectors are expected to continue to examine plans in line with these policies. In this context, SoCGs remain an appropriate method to document cross-boundary strategic matters, record areas of agreement and disagreement, and set out next steps, demonstrating that effective and on-going joint working has taken place. This is particularly important for the County Council due to its

responsibilities for highway and education matters, given the scale and criticality of the associated infrastructure dependencies.

### **Overview of Content of Hinckley and Bosworth Borough Council's Pre-Submission Draft Local Plan**

42. The Local Plan sets out a strategy covering the period 2024 to 2045.
43. The strategy highlights the delivery of 15,892 new homes which includes those already committed. This is a surplus of 205 homes against the plan period requirement of 15,687 homes.
44. Less those already committed, a total of 11,487 homes are required for allocation over the plan period. This includes seven strategic sites, nine non-strategic major development sites and six small non-strategic development sites. The strategic sites are listed as follows:
  - a) Earl Shilton Sustainable Urban Extension, 1,581 homes.
  - b) Barwell Sustainable Urban Extension, 2,500 homes.
  - c) Land at Lindley Meadows, minimum of 3,000 homes.
  - d) Land North of Normandy Way, Hinckley, minimum of 1,320 homes.
  - e) Land West of Hollycroft Grange, Hinckley, 530 homes.
  - f) Land South of the A47, Earl Shilton, 2,513 homes.
  - g) Land South of Desford, Desford, 550 homes.
45. The total employment land plan provision for general employment and non-strategic B8 is 177.63 hectares (with allocations of 40.24 hectares), whilst the strategic B8 provision is 803,019 square metres (comprising allocations of 628,239 square metres).

### **Overarching Response to the Submission Draft Local Plan Document**

46. The County Council recognises the importance of a Plan-led approach. It represents the best opportunity to seek to meet the needs of Leicester's and Leicestershire's growing and changing population in a managed way. It therefore continues to commit significant resources to support district and borough councils in the successful development and adoption of Local Plans, including to seek to ensure that sustainable growth is delivered in reality and that there is a robust policy basis for it to seek to secure developer contributions and Government funding towards transport and other infrastructure (such as educational) interventions required to enable growth.
47. The County Council supports the approach taken by H&BBC to seek to make provision for a housing requirement of 747 dwellings a year which incorporates a redistribution of part of the unmet housing need arising from Leicester City. This was set out in the Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing Distribution, agreed by the County Council's Cabinet on 3 February 2026, which was informed by an Updated Housing Distribution Paper undertaken on behalf of the Leicester and Leicestershire Authorities by Icen.

48. The spatial distribution reflects the pivot in Leicester and Leicestershire expressed in the SGP (December 2018) towards a focus for growth in the Leicestershire International Gateway in addition to Leicester City and the ring of market towns. In particular for Hinckley and Bosworth, the SGP designates the A5 as an Improvement Corridor, recognising its importance to reducing congestion in the borough, to deliver housing and employment growth.
49. The County Council also recognises the strategic importance of this Plan for future spatial planning on a strategic scale through Spatial Development Strategies. In that regard, the Plan has a focus of growth in and around Hinckley and on the A5 corridor. But it also needs to provide the policy foundation that enables the future delivery of transport interventions that will be critical to enabling that growth to come forward and to the unlocking of growth more widely across south Leicestershire. Failure to achieve this will see poorly connected piecemeal development of unrelated developments across large areas as well as prejudicing future sustainable growth in Leicester Leicestershire and Rutland.
50. With regards to a CIL it is noted 'Policy IU01: Infrastructure and Delivery' includes reference that "the Borough Council will use planning obligations and other developer contributions (including where applicable infrastructure levy or successor mechanisms) to secure the infrastructure". It is understood that the Government does not intend to implement the Infrastructure Levy as introduced in the Levelling-up and Regeneration Act 2023 and instead intend to focus on strengthening the existing system of developer contributions. The County Council requests wording which positively and actively considers CIL within the context of this Local Plan, to help ensure sufficient funding is secured for infrastructure to support the growth proposed.
51. The County Council further recognises the significant challenges and pressures that Plan Making Authorities, such as H&BBC, face. This given the Government's planning reforms, its ambitions for Local Plan coverage, and its intention/mission that 1.5 million new homes should be delivered within the lifetime of this Parliament (that is by 2029). However, such pressures and challenges should not be taken as reasons for supporting any Local Plan regardless.
52. Public Health have worked closely with colleagues at H&BBC and supports policies seeking to improve health and wellbeing and reduce health inequalities in the Borough, particularly Policy HPD05 – Health and Wellbeing and Policy HPD06 – Hot Food Takeaways and Fast-Food Outlets.
53. From an education perspective, the County Council is satisfied that the Proposed Submission Draft Local Plan (Regulation 19) adequately reflects current educational requirements and accommodates potential future variations in school organisation.

## Key Transport Comments

54. **The Plan's spatial strategy:** The LTA is not raising any fundamental issue with the Plan's spatial strategy. This given the strategic importance of this Plan for future spatial planning on a strategic scale and also that growth is significantly focused in and around the 'Hinckley' area, giving best chances to maximise active and sustainable travel opportunities (see next section of this report), in comparison to a more scattered/dispersed growth pattern.
55. **Position with regard to the development of transport evidence:** The Plan's spatial strategy has, in general terms, been tested as part of wider work looking at the transport impacts of growth across south Leicestershire. For clarity, this refers to the South Leicestershire Joint Transport Evidence (JTE). The JTE has its genesis in the completion of the South Leicestershire Local Plan Making Statement of Common Ground, which the Cabinet agreed the County Council to become a signatory to in December 2021. It covers the districts and boroughs of Harborough, Oadby and Wigston, Blaby and Hinckley and Bosworth. That work has been beneficial in terms of enabling an understanding of the strategic transport infrastructure that will be required to enable growth in the borough (and more widely) to come forward (see next section of this report). But on its own, this work was never intended to be sufficiently granular to form the basis of a 'transport strategy' to underpin the effective delivery of a Local Plan.
56. In that respect, it is welcomed that H&BBC commissioned its own transport modelling evidence work, albeit to a timescale that meant it was not possible to complete it prior to finalising the Plan for publication (see further on this matter in paragraph 64). As it would normally expect to be, the LTA has been closely involved throughout the development of the evidence, and it is satisfied that:
  - a) The work has been undertaken independently (from the role of the LTA) and impartially.
  - b) It is proportionate and suitable for this advanced stage of the Plan's development.
  - c) It provides the type of analysis that the LTA would normally expect to see.
  - d) A vision-led, active and sustainable travel first approach has been taken.
57. Some parties might suggest that the evidence represents a worst-case scenario, should developers come forward with particular visions for their sites that are predicated on 'on-site living and working'. But, that is not a tenet of the Plan, so the LTA is content that the evidence presents a reasonable forecast of the Plan's transport impacts.
58. The Borough Council has published a comprehensive 'Forecasting Report' as part of the evidence base that sits alongside the Plan, which sets out the outcomes of the modelling work. From this, in summary the transport evidence appears to show:

**(Note:** The comments in this report are those of the Leicestershire LTA. As an adjoining LTA Warwickshire County Council might have comments on areas for which it is responsible, including Nuneaton.)

- a) That traffic conditions on the borough's road network (and more widely) are forecast to deteriorate regardless, i.e. in the absence of the growth proposals set out in the Plan. This due to increasing travel demand from areas beyond the borough.
  - b) That the Plan's primary transport impacts are largely:
    - i. In and around the 'Hinckley' area, including on the A5 corridor, which is not unsurprising given that this is the main focus of growth (housing and employment) for the Plan's spatial strategy;
    - ii. Along the A47 corridor, which again is not too surprising given a focus of growth in places such as Earl Shilton and Barwell.
  - c) Patterns of movement (travel) across the 'Hinckley' area indicate that there is significant potential to increase levels of walking and cycling, including for cross-boundary trips to settlements in Warwickshire. It also highlights some key corridors for possible future passenger transport enhancements, which are largely focused on links to surrounding larger conurbations, such as the cities of Leicester and Coventry.
  - d) Impacts relating to the poor performance of the Strategic Road Network (the SRN, which is managed and maintained by National Highways (NH) on behalf of the Department for Transport), particularly the A5. That is traffic being displaced from the A5 on to lower order roads; the most notable impacts appear to be on communities in Warwickshire but could also include traffic that is choosing to route via places such as Sutton Cheney, Kirkby Mallory and Peckleton, rather than via the A5 and A47.
59. The general patterns of impacts are consistent with other pieces of evidence, including the South Leicestershire Joint Transport Evidence work.
60. Without mitigation, these impacts would have implications for the health and wellbeing of affected communities. Additionally, from an asset management perspective the impacts will increase levels of damage to routes that were never designed to be used by such volumes of traffic.
61. **Position with regard to mitigating the Plan's transport impacts. including with regard to a funding mechanism to deliver the necessary transport interventions:** The evidence shows that *in principle* through a multi-modal approach to mitigation (that is focusing first on active and sustainable modes of travel, before moving on to consider highway measures to address cumulative residual impacts), the impacts of the Plan are capable of being mitigated to an acceptable degree. It shows that the performance of the road network is only marginally worse within the borough than a (hypothetical) scenario where there is no emerging growth (that is excluding the Plan's proposed site allocations).

62. To be clear however, that is not to say that conditions on the borough's transport system will be no worse in the future than they are today; as has been noted in various previous reports to the Cabinet given the forecast scale of growth in Leicestershire's population (circa 25% by 2043) there is a limit on the extent to which the impacts of growth can be mitigated.
63. However, giving reality to the in-principle mitigation position is contingent on the following conditions being satisfactorily fulfilled:
64. **Condition 1:** *The identification and agreement with the Borough Council of Proposed Main Modifications (PMMs) to the Plan.* For the reason noted in paragraph 56 the Plan as published has not been able to demonstrate a response to the transport evidence. PMMs are required to reflect the evidential findings and in particular to ensure that the Plan captures the approach (the 'transport strategy') to mitigating its transport impacts. Similarly, PMMs may be required to the Plan's Infrastructure Delivery Plan and supporting Infrastructure Schedule. The LTA has reflected on whether a separate 'transport strategy' document is required to support the Plan, as it has suggested in the case of other Plans (such as the Oadby and Wigston Local Plan). But, given:
- a) The relatively focused nature of the Plan's forecast transport impacts and that much of those impacts fall on the Hinckley area and on the A5 corridor (for which the LTA is not the responsible authority, NH is);
  - b) That work is already in hand to develop a Hinckley Multi-Modal Area Investment Plan, which will involve, amongst other things, consideration of active and sustainable transport measures that would be of assistance in helping to support the delivery of growth in the area;
  - c) As per paragraph 63 c) the Plan already includes reference to the A5 Concept Link; and
  - d) The development of schemes for the A47 corridor, such as Desford Crossroads is already in hand,

The LTA has concluded that, on balance, a separate 'transport strategy' is not an appropriate expectation/requirement in this particular instance. Instead, it will seek to work with H&BBC to identify PMMs to ensure that the Plan itself sets out clearly the approach to mitigating its transport impacts.

65. **Condition 2:** *The agreement of the approach to seeking to secure developer contributions towards the delivery of the measures required to mitigate the Plan's transport impacts, including to address cumulative and/or cross-boundary impacts.* Experiences with the Charnwood Local Plan have demonstrated the legality issues involved with seeking to collect Section 106 contributions towards transport measures required to deal with cumulative impacts, even where there is a clear strategy approach supported by clearly worded Plan policies. Essentially such contributions have to be considered against the 'CIL tests' and to be lawful it must be possible to demonstrate that they are:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and

- c) Fairly and reasonably related in scale and kind to the development.
66. The meeting of these tests can be difficult to evidence, especially where a location of cumulative transport impact is remote from the sites that are contributing to that impact (or in this case, possibly over the border in a different County). Whilst in comparison to experiences with the Charnwood Local Plan, the cumulative impacts arising from this Plan are relatively more focused and primarily on the A5 and A47 corridor, nevertheless it is unclear to the County Council that a pooled approach to Section 106 contributions would be appropriate and lawful in this case; it may be necessary for H&BBC to pursue the implementation of a CIL. In any event the County Council will expect H&BBC to provide greater clarity on its intended approach to securing developer contributions to address cumulative and/or cross-boundary, including through PMMs to the Plan as might be necessary.
67. **Condition 3: Delivery of the A5 Concept Link (or 'Hinckley Western Relief Road' – HWRR as referred to in the Plan) to an appropriate standard as part of an overall package.** The inclusion of a specific HWRR Policy (PS02) and other aspects of the Plan that seek to safeguard the HWRR's future delivery are welcomed and supported in principle. The transport evidence underpinning the Plan demonstrates that the HWRR, if delivered to an appropriate standard, has significant benefits in terms of enabling the Plan's delivery (that is to a standard that will achieve the delivery of the forecast benefits in reality). However, on its own the HWRR is not the longer-term solution to addressing the issues on the A5 corridor at the Dodwells to Longshoot junctions. In reality, such a solution is likely to require a hybrid approach, one where the delivery of the HWRR is delivered as part of an overall package of measures, including a strategic scheme delivered by NH through the Road Investment Strategy process. The LTA commits to working with NH to be proactive in the identification and development of an overall hybrid solution, that is one that:
- a) Enables the delivery of new homes and jobs as set out in the Plan.
  - b) Addresses current issues on the A5 corridor in this area, including by the implementation of active and sustainable measures to remove shorter distance trips from the corridor/crossing the corridor.
  - c) Provides the ability to unlock growth in the corridor in the longer-term beyond the Plan's timeframe.
  - e) *NH being proactive in coordinating work to identify and support the bringing forward of privately and publicly funded improvements to the A5 corridor.* Like the LTA, NH will need to consider the Plan and the transport evidence and come to its formal position on them.
68. However, on the basis of the evidence, it is clear to the LTA that critical to mitigating the Plan's transport impacts will be investment in the A5 corridor. It is welcomed that the Road Investment Strategy (RIS) 3 contains pipeline Projects for A5 Dodwells to Longshoot; A5 Gibbet Hill and A5/M42 Junction 10 (in Warwickshire), but there is no commitment for funding to deliver. The RIS process is the process by which funding is awarded by the Government to NH for the development and delivery of SRN projects; the process works in blocks of 5 years. The recently published RIS3 runs between 2026 and 2031.

69. Notwithstanding the above the evidence suggests that there will need to be a coordinated approach to investment in the A5 corridor (as opposed to an ad-hoc approach). This will include the need for wider interventions than those presently under development/investigation (as noted above), including active and sustainable modes of travel that will help to remove more local traffic using or crossing the A5 corridor, and also including as to be delivered by developers. In the absence of such an approach the corridor's poor performance is likely to act as a blocker to the delivery of new homes and jobs. That is, there appears to be a real risk of rendering individual development sites as being financially unviable in respect of bearing alone the costs of transport infrastructure required to avoid there being a severe residual cumulative highways impact, as per paragraph 116 of the NPPF December 2024.
70. The LTA will consider NH's response to the Plan's consultation. It will be particularly important to understand NH's position in respect of the Plan's soundness with regard to its effective delivery, as this position should directly underpin and inform its future consideration of planning applications and the advice and the directions it provides on such to H&BBC as the Local Planning Authority.
71. The LTA commits to working with NH to agree how the two bodies can work together (along with H&BBC and the other relevant bodies, such as Warwickshire County Council), to be proactive in ensuring that the issue of the A5's performance does not undermine the Plan's effective delivery (soundness) and more widely is not a blocker to the delivery of the Government's ambitions/missions in respect of Local Plan coverage and the delivery of new homes and economic growth.
72. Currently the LTA would expect a SoCG to be entered into between (at the least) it, NH and H&BBC to set out the approach to coordinating investment in the A5 corridor going forward.
73. The LTA considers that an absence of satisfactorily fulfilling the above conditions brings a material risk to the Plan's effective delivery and thus to its soundness from a transport perspective.
74. **Position with regard to the Plan's support for the delivery of the Leicestershire Local Transport Plan (LTP4):** Overall the LTA is satisfied in the way the Plan refers to LTP4, and in particular welcomes policy HPDO3 'Enabling Active Design and Sustainable Travel Choice' and the way that it reflects the emerging Enabling Travel Choice Strategy.

### **LTA Concluding Comments**

75. The LTA has no fundamental issue with the Plan's spatial strategy and on the basis of the underpinning transport evidence it is satisfied that *in principle* its transport impacts are capable of being mitigated to an acceptable degree/to the extent reasonably possible. Given the level of growth (new homes and jobs) required to meet the needs of Leicester's and Leicestershire's growing

population and based on the current approach to local plan-making in the County it is unlikely that there would be any 'better' spatial strategy for the Plan from a transport perspective.

76. The issue is, however, that whilst the LTA is entirely satisfied with the transport evidence, the timing of its commissioning by H&BBC has meant that the Plan was finalised before its completion, meaning that it has not been possible for the Plan as published to be able to demonstrate a response to the evidence. Neither yet have other key parties, in particular NH in respect of the A5 corridor, had an opportunity to review the evidence and provide their comments on it.
77. From the LTA's perspective this means at the present time it does not have sufficient confidence that the transport impacts of the Plan will be mitigated in reality. A risk of failure to mitigate the Plan's impacts presents a material risk to the Plan's effective delivery and thus to its soundness from a transport perspective.
78. However, this situation is capable of resolution subject to the satisfactory fulfilling of the conditions set out in paragraphs 64 - 67 of this report.
79. The LTA commits to working with H&BBC, NH, and other parties as necessary (such as Warwickshire County Council) to agree a way forward to fulfilling the conditions with a view to reaching a common position through the Plan's EiP, as codified through a SoCG.

### **Next Steps**

80. The County Council will continue to work with H&BBC and partners to ensure that the Local Plan achieves the resolutions as outlined above, including the drafting of appropriate PMMs for H&BBC to put forward at submission of their Local Plan.

### **Equality Implications**

81. There are no equality implications arising directly from the recommendations in this report.

### **Human Rights Implications**

82. There are no human rights implications arising directly from the recommendations in this report.

### **Environmental Implications**

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

## **Partnership Working and Associated Issues**

84. The County Council works closely with the Leicester and Leicestershire Strategic Planning Partnership, which includes H&BBC, the other six district councils in Leicestershire, Leicester City Council and the Leicester and Leicestershire Business and Skills Partnership.
85. On 16 July 2026, the Government announced its decision on local government reorganisation for Leicester, Leicestershire and Rutland. The decision provides for the establishment, from 1 April 2028, of two unitary councils for the area. Whilst the existing councils will continue to operate until implementation of the new arrangements, significant transition and implementation work will now be required. The County Council recognises the importance of maintaining constructive and collaborative working with Leicester City Council, Rutland County Council and the district and borough councils during this period to support effective planning and continuity of services for local communities.

## **Background Papers**

Report to the Cabinet on 23 November 2018: Leicester and Leicestershire Strategic Growth Plan – Consideration of Revised Plan for Approval - <http://bit.ly/4pYS95R>

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 - <http://bit.ly/46ll8DJ>

Report to the Cabinet on 20 November 2020: Leicester and Leicestershire Strategic Transport Priorities 2020 to 2050 - <http://bit.ly/46SD7G9>

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) - <http://bit.ly/476nX0m>

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

Report to the Cabinet on 26 October 2021: Development of Hinckley and Bosworth Borough Council's New Local Plan – Latest Position - <http://bit.ly/4nJPN9E>

Report to the Cabinet on 14 December 2021: South Leicestershire Local Plan Making Statement of Common Ground (November 2021) - <http://bit.ly/3KG2tjm>

Report to the Cabinet on 11 February 2022: Hinckley and Bosworth Borough Council's New Local Plan - Response to Regulation 19 Consultation - <http://bit.ly/3Wq2l4u>

Report to the Cabinet on 29 March 2022: Response to the Hinckley and Bosworth Borough Council Pre Submission Local Plan (2020 – 2039) Regulation 19 Consultation - <https://bit.ly/4qEOB9z>

Report to the Cabinet on 23 September 2022: Leicester and Leicestershire Authorities – Statement of Common Ground relating to Housing and Employment Land Needs - <http://bit.ly/4nEF7Zl>

Report to the Cabinet on 25 November 2022: Managing the Risk Relating to the Delivery of Infrastructure to Support Growth - <https://bit.ly/4ogjjnr>

Report to the Cabinet on 13 September 2024: Response to the Hinckley and Bosworth Regulation 18 Draft Local Plan Consultation (July 2024) - <https://bit.ly/4o2vWCm>

Report to the Cabinet on 22 October 2024: Strategic Transport Planning Issues Associated with the Emerging Charnwood Local Plan - <https://bit.ly/4h6lZR3>

Report to the Cabinet on 22 November 2024: Strategic Transport Planning Issues Associated with the Emerging Charnwood Local Plan - <https://bit.ly/47YMKoq>

Report to the Cabinet on 12 September 2025: A5 Concept Link - <https://bit.ly/4nOSbw0>

Report to the Cabinet on 28 October 2025: Delivering the Local Transport Plan (LTP4) 2025-2040: Next Steps - <http://bit.ly/4qxBXsV>

Report to the Cabinet on 18 November 2025: Response to the Hinckley & Bosworth Council Regulation 18 Local Plan Consultation - <https://bit.ly/43eaVMM>

Report to the Cabinet on 16 December 2025: Strategic Spatial and Transport Planning - <https://bit.ly/4s1h1Lj>

Report to the Cabinet on 3 February 2026: Leicester and Leicestershire Authorities – Statement of Common Ground Relating to Housing Distribution - <https://bit.ly/4rASsob>

## **Appendix**

Response to the Hinckley and Bosworth Borough Council Regulation 19 Pre-Submission Consultation Draft Local Plan

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