



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Scrutiny Commission                    20 May 2021

Wards affected:                        All Wards

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### **Housing Delivery Test Action Plan 2021**

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Report of Director (Environment & Planning)

#### **1. Purpose of report**

- 1.1 This report is to notify Members that the Government's (MHCLG) 2020 Housing Delivery Test (HDT) results were published on 19<sup>th</sup> January 2021 which calculated that the Council had delivered 92% of its required housing target over the last 3 years. This means that HBBC is required to publish an action plan by 19<sup>th</sup> July 2021.

#### **2. Recommendation**

- 2.1 That Members endorse the Housing Delivery Action Plan to aid in the delivery of dwellings within Hinckley and Bosworth Borough.

#### **3. Background to the report**

##### **National Policy Requirements**

- 3.1 Paragraph 75 of the National Planning Policy Framework (2019)<sup>1</sup> states that where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance to assess the causes of under delivery and identify actions to increase delivery in future years.

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<sup>1</sup> [National Planning Policy Framework \(2019\)](#)

3.2 The Planning Practice Guidance (housing supply and delivery)<sup>2</sup> recommends that the following could be reviewed within the action plan (Paragraph: 050 Ref ID: 68-050-20190722):

- barriers to early commencement after planning permission is granted and whether such sites are delivered within permitted timescales;
- barriers to delivery on sites identified as part of the 5 year land supply (such as land banking, scheme viability, affordable housing requirements, pre-commencement conditions, lengthy section 106 negotiations, infrastructure and utilities provision, involvement of statutory consultees etc.);
- whether sufficient planning permissions are being granted and whether they are determined within statutory time limits;
- whether the mix of sites identified is proving effective in delivering at the anticipated rate.
- whether proactive pre-planning application discussions are taking place to speed up determination periods;
- the level of ongoing engagement with key stakeholders (for example, landowners, developers, utility providers and statutory consultees), to identify more land and encourage an increased pace of delivery;
- whether particular issues, such as infrastructure or transport, could be addressed at a strategic level - within the authority, but also with neighbouring and upper tier authorities where applicable.

3.3 Paragraph 51 of the Planning Practice Guidance (housing supply and delivery) (Ref ID: 68-051-20190722) goes on to recommend what actions local authorities could consider as part of the action plan in order to boost delivery. These are:

- revisiting the Strategic Housing Land Availability Assessment (SHLAA) / Housing and Economic Land Availability Assessment (HELAA) to identify sites potentially suitable and available for housing development that could increase delivery rates, including public sector land and brownfield land;
- working with developers on the phasing of sites, including whether sites can be subdivided;
- offering more pre-application discussions to ensure issues are addressed early;
- considering the use of Planning Performance Agreements;
- carrying out a new Call for Sites, as part of plan revision, to help identify deliverable sites;
- revising site allocation policies in the development plan, where they may act as a barrier to delivery, setting out new policies aimed at increasing delivery, or accelerating production of an emerging plan incorporating such policies;
- reviewing the impact of any existing Article 4 directions for change of use from non-residential uses to residential use;

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<sup>2</sup> [PPG: housing supply and delivery \(2019\)](#)

- engaging regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed;
- establishing whether certain applications can be prioritised, conditions simplified or their discharge phased on approved sites, and standardised conditions reviewed;
- ensuring evidence on a particular site is informed by an understanding of viability;
- considering compulsory purchase powers to unlock suitable housing sites;
- using Brownfield Registers to grant permission in principle to previously developed land; and
- encouraging the development of small and medium-sized sites.

### **Housing Delivery Test (HDT) result<sup>3</sup>**

- 3.4 The 2020 result is calculated by dividing the total number of homes delivered over the past 3 years by the number of homes required over the 3 years.

Table 1: Breakdown of homes required and delivered per year

| <b>Year</b>  | <b>Number of homes required</b> | <b>Number of homes delivered</b> |
|--------------|---------------------------------|----------------------------------|
| 2017/18      | 391                             | 423                              |
| 2018/19      | 468                             | 464                              |
| 2019/20      | 418                             | 285                              |
| <b>Total</b> | <b>1,277</b>                    | <b>1,172</b>                     |

- 3.5 Therefore 1,172 dwellings divided by 1,277 gives a 92% delivery rate.
- 3.6 It should be noted that for the 2020 measurement, the Government imposed a reduction in the 2019/20 period for the total homes required figure. The number of homes required used is only the requirement for 11 months rather than 12 months. Therefore 418 is used within the calculation rather than 457 dwellings. This is to account for disruption to housing delivery and monitoring caused by restrictions announced on 23 March 2020, in response to the COVID-19 pandemic. The full extent of COVID-19 on the development industry will not be fully understood until the next HDT result is published in January 2022 as that will take account of the monitoring year April 2020 - March 2021, where the country has seen three lockdown periods.
- 3.7 Early indications for next year's measurement (2021) show that it is likely that the Council will fall below the 85% delivery threshold which will trigger the requirement to impose a 20% on our five year housing land supply.

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<sup>3</sup> [2020 Test measurement](#)

## **Action Plan**

- 3.8 Officers have worked on the root cause analysis which has identified the current barriers to delivery and which areas (from planning permission to completions) need to be improved. A Developer Panel<sup>4</sup> was held with key stakeholders on 22<sup>nd</sup> March and this confirmed assumptions officers had made from the data presented in the Action Plan.
- 3.9 Areas that have been identified as barriers to housing delivery are:
- Lack of a new Local Plan with a new portfolio of housing allocations;
  - Enhanced engagement with Neighbourhood Development Planning Groups;
  - Delays to the delivery of the SUEs;
  - Planning application determination timeframes;
  - Section 106 timeframes; and
  - Statutory stakeholder engagement (particularly LCC Highway Authority).
- 3.10 Actions that could be taken to increase delivery were discussed with the Developer Panel. These actions will build upon the actions that the Council have already started to implement in the last two years. The barriers and proposed actions are set out in the table below.

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<sup>4</sup> All invitees and attendees are shown in Appendix 1 of the Action Plan.

## Action Plan and Expected Outcomes

| Barrier/Issue identified  | Action Required   | Expected Outcomes   | Timescale (short/medium/long/ongoing) | Responsible Teams  |
|---|---|---|---------------------------------------|--|
| Lack of a new Local Plan with a new portfolio of housing allocations. | Firm progress on Local Plan to bring forward new allocations.   | A new Local Plan  | Medium (in accordance with the LDS)   | Planning Policy  |
| Enhanced engagement with NDP Groups.                                  | Continue to advise and support NDP groups on the requirements to meet housing need through robust planning practices. Advise them to engage through the production of the NDP with site promoters/developers. | Allocation of reserved sites in NDPs  | Ongoing                               | Planning Policy  |
| Delays to the delivery of the SUEs.                                   | Continue to push forward with parties involved to unlock issues surrounding their current delays.   | Planning application for Earl Shilton SUE                                     | Medium                                | Major Projects, Development Management and Planning Policy |
|   |   | The issuance of a decision notice for the Barwell SUE                         | Medium                                |  |
| Planning application timeframes.                                      | No specific action for this issue as this will be influenced by reducing the length of S106 agreement drafting as well as improving statutory stakeholder engagement.   |   | Long                                  | Development Management                                     |
| Section 106 agreement timeframes.                                     | Standard templates and instructions to legal to be reviewed for section 106 agreements.   | Reduction in Section 106 timeframes and therefore overall application process | Short                                 | Development Management                                     |
|   | Imposing time limits on drafting of S106 agreements before returning to planning committee and monitoring their success.  |   | Long                                  |  |
| Infrastructure – Statutory Stakeholder engagement                     | Set up a project board for development sites, including providing feedback from   | Regular engagement would keep track of  | Short                                 | Major Projects   |

| <b>Barrier/Issue identified</b> | <b>Action Required</b>  | <b>Expected Outcomes</b>   | <b>Timescale<br/>(short/medium/<br/>long/ongoing)</b> | <b>Responsible<br/>Teams</b>                              |
|---------------------------------|---|--|---|---|
|                                 | the Developer Panel on issues being encountered.  | major applications and unlock potential barriers   |   |   |
| Developer engagement            | Form an SME panel to support SME delivery in the Borough.   | Support SMEs to retain delivery in the Borough   | Short   | Major Projects  |
|                                 | Ensure effective and proactive engagement with landowners and developers of sites within the Borough. | The aim of ongoing engagement is to ensure all parties are adequately informed of each other's position regarding their development sites as well as helping to unlock any barriers that may be present. | Ongoing   | Major Projects / Development Management / Planning Policy |

- 3.10 It was anticipated that there could be a point in time where the Council would fail the Housing Delivery Test measurement (not building 100% of the Borough's housing need) and so as mentioned above in paragraph 3.9, the Council has worked to implement strategies to help push forward development. This includes working with developers to bring forward sites, particularly where there is community support such as Markfield where the emerging Neighbourhood Plan identified a site off London Road for development that has recently benefitted from a resolution to grant for 283 homes.
- 3.11 Also, sites equating to 185 homes were granted outline permission late 2019 subject to the reserved matters application being submitted within 18 months. These sites are:
- Land opposite Bosworth College, Desford – 80 dwellings (site under construction)
  - Land off Peckleton Lane, Desford – 80 dwellings (reserved matters granted)
  - Land at Crabtree Farm, Hinckley Road, Barwell – 25 dwellings (reserved matters pending consideration)
- 3.13 The strategies above have provided positive results so far by bringing forward development in the absence of a new Local Plan as well as speeding up delivery once approved and therefore these actions have been taken forward within the Action Plan. The Action Plan has also expanded upon these measures using the root cause analysis and the feedback from the key stakeholders from the Developer Panel. The timeline for the production of the Action Plan is as follows to ensure it meets MHCLG's deadline of 19<sup>th</sup> July 2021:

|   | <b>Date</b>                 |
|---|-----------------------------|
| <b>Developer Panel with Key Stakeholders</b>                        | 22 <sup>nd</sup> March 2021 |
| <b>Member Briefing on Action Plan work at members working group</b> | 19 <sup>th</sup> May 2021   |
| <b>Scrutiny</b>   | 20 <sup>th</sup> May 2021   |
| <b>Member working group to endorse Action Plan</b>                  | June/July 2021 (date tbc)   |
| <b>Publication of Action Plan</b>                                   | 19 <sup>th</sup> July 2021  |

- 4. Exemptions in accordance with the Access to Information procedure rules**
- 4.1 This report will be taken in open session.

## **5. Financial implications [CS]**

- 5.1 Although there are no direct implications, any future schemes affecting the Council will require approval in accordance with the Council's financial procedure rules

## **6. Legal implications [MR]**

- 6.1 Comments made by Legal Services have been incorporated into the Action Plan, where applicable. S106 Agreements and the internalised process has been discussed between Development Management and Legal Services and this will be monitored as part of the Action Plan.

## **7. Corporate Plan implications**

- 7.1 The Action Plan will contribute to the delivery of the following Corporate Plan priorities:

### People

- Help people to stay healthy, be active and feel well
- Take measures to reduce crime and antisocial behaviour and protect people from harm
- Give children and young people the best start in life and offer them the opportunity to thrive in their communities

### Places

- Make our neighbourhoods safer
- Improve the quality of existing homes and enable the delivery of affordable housing
- Inspire standards of urban design that create attractive places to live

### Prosperity

- Boost economic growth and regeneration...places to work and live all over the borough.
- Support the regeneration of our town centres and villages
- Support our rural communities

## **8. Consultation**

- 8.1 A Developer Panel was held on 22<sup>nd</sup> March 2021 to present key stakeholders with the results of the root cause analysis and to discuss barriers to delivery and any actions that could be taken.

8.2 Stakeholders who took part in this meeting included<sup>5</sup>:

- Utilities companies (i.e. Severn Trent and Western Power)
- Leicestershire County Council (including Highways)
- Developers
- Land Promoters
- Land Agents
- Affordable Housing Registered Providers

## 9. Risk implications

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

| Management of significant (Net Red) Risks  |  |                 |
|--|--|-----------------|
| Risk Description   | Mitigating actions   | Owner           |
| DLC 37 Consult with customers and stakeholders: failure to do so leads to non-compliance of Local Authority's Statement of Community Involvement | Key stakeholders will be consulted through a Developer Panel and member endorsement for the plan will also be sought.  | Kirstie Rea     |
| DLS. 51 Housing Delivery Test. Failure leads to lack of housing requirements   | The production of the Action Plan will fulfil the statutory duty within the NPPF. Also the actions should boost delivery so that future failures can be avoided. | Stephen Meynell |

## 10. Knowing your community – equality and rural implications

- 10.1 The Housing Delivery Test Action Plan is a document required by MHCLG for local authorities to demonstrate how they propose to boost housing delivery, given there has been a reduction in the number of houses that are required to be built. The HDT Action Plan, draws on the current barriers in meeting the housing needs identified by MHCLG with the end result being to encourage more housing development in the borough.

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<sup>5</sup> A full list is provided in Appendix 1 of the Action Plan

10.2 Engagement with relevant stakeholders and other local authorities is an integral part of plan making and the planning application process and such engagement is carried out in accordance with the Council's Statement of Community Involvement 2019 which has regard to the Equality Framework for Local Government.

## **11. Climate implications**

11.1 The climate implications will be assessed through future planning applications that arise from the actions set out within the Plan.

## **12. Corporate implications**

12.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications – none directly as a result of this report
- Environmental implications – will be assessed through future planning applications that arise due to the actions taken within the action plan. This includes green space provision, net gain for on-site biodiversity, sustainable drainage systems (SUDS) and services, etc.
- ICT implications - none directly as a result of this report
- Asset Management implications – none directly as a result of this report.
- Procurement implications - none directly as a result of this report
- Human Resources implications - none directly as a result of this report
- Planning implications – The housing delivery test has a direct impact upon housing land supply which has to be taken into account in the decision making process.
- Data Protection implications - none directly as a result of this report
- Voluntary Sector – none directly as a result of this report.

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Background papers:National Planning Policy Framework (2019)  
Planning Practice Guidance (2019)  
Housing Delivery Test Measurement 2020

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