



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 16 July 2024

Wards affected: All Wards

Further Regulation 18 Draft Local Plan Consultation

Report of Director (Community Services, Environment & Planning)

1. Purpose of report

1.1 This report seeks to gain Members consideration and endorsement of a further stage of consultation aimed at developing a new Local Plan (the Plan) for the borough. This further Regulation 18 draft of the Plan firstly seeks to revisit the spatial strategy for the borough and secondly mainly focuses on strategic planning issues and matters. The Plan contains proposed strategic and nonstrategic but major residential allocations, proposed strategic employment allocations and a suite of policies related to key strategic issues. Although this consultation will be a non-statutory stage of the new Plan process, it will complement and add to the plan-making work already undertaken and pave the way for the later Regulation 19 submission version of the Plan to be consulted on late 2024/early 2025.

2. Recommendation

2.1 That Members:

- (i) Agree the Regulation 18 draft Local Plan for a period of formal public consultation (8 weeks) during July/August/September 2024 (exact dates to be confirmed)
- (ii) Delegate responsibility to the Head of Planning in liaison with the relevant Executive Member to make minor drafting/presentational changes to the consultation documents.

3. Background to the report

3.1 The current adopted development plan for Hinckley and Bosworth Borough Council consists of the: Hinckley and Bosworth Core Strategy (December 2009)

- Site Allocations and Development Management Policies (July 2016)
- Hinckley Town Centre Area Action Plan (March 2011)
- Earl Shilton and Barwell Area Action Plan (September 2014)

3.2 Since the current development plan is nearing the end of its plan period of 2026, and the housing policies contained within it are now generally considered out of date, the borough council have been working to produce a new Local Plan to cover the period 2020 – 2041. It is common practice for Councils to backdate the plan period to reflect the base date for the plan and its evidence base (particularly with regard to housing evidence), so it is essentially the statistical period on which the plan is founded. The start date of housing evidence is a common reference point. It helps to ensure that objectively assessed housing needs relating to the period when the borough's housing policies were deemed out of date are not lost. Having the start of the plan period beginning before the expiration of the previous Plan (2026) also allows for us to demonstrate 'seamless provision'. Again, this overlap is common and acceptable practice.

3.3 To date there have been four previous rounds of public consultation to develop the new Plan, these being:

- Regulation 18 – Scope Issues and Options (2018)
- Regulation 18 – New Directions for Growth (2019)
- Regulation 18 – Local Plan Consultation (2021); and
- Regulation 19 – Pre-submission consultation (2022).

3.4 The Regulation 19 version of the Plan is normally the last version produced prior to being submitted to the Secretary of State for Examination in Public by a Planning Inspector. However, following conclusion of the Regulation 19 consultation, a series of significant issues became apparent that would make submission of a sound plan in line with the published Local Development Scheme impossible at that time. These issues were as follows:

- The Office for National Statistics (ONS) released a data update for 'Housing Affordability in England and Wales: 2021', referred to as the 'affordability ratios'. This meant that under the Standard Methodology calculation the Council's annual housing figure to be provided for in the Local Plan rose from 444 dwellings per annum (dpa) to 472 dpa. This meant that the council needed to identify additional sites to meet this increase in our own local housing requirement.
- The quantum of unmet need from Leicester City was finalised and would need to be taken account of in the Plan. Although the matter was understood in principle at the Regulation 19 consultation stage, there had been no finalised distribution across the districts. This

proposed distribution was based on the Leicestershire-wide Housing and Economic Needs Assessment (HENA) study which was jointly commissioned by all the Leicestershire districts, Leicester City and Leicestershire County Council.

- In April 2022 the borough council became one of 42 councils advised by Natural England that it would be affected by nutrient neutrality requirements. This is where new development that may increase wastewater run off must achieve 'nutrient neutrality,' and this is achieved when the nutrient load created through additional wastewater (including surface water) is mitigated within the development. This new requirement required relevant policies to be included in our Plan and the area subject to nutrient neutrality requirements illustrated on the Proposals map. Nutrient neutrality must also be factored into the preparation of the Local Plan through the Sustainability Appraisal and Habitats Regulation Assessment.
- The implications for local plan making following the passing of the Levelling Up and Regeneration Act 2023.
- The introduction of mandatory Biodiversity Net Gain (BNG) requirements.

3.5 Due to these issues, it was necessary for officers to re-visit the Plan to take account of the implications in order to move the Plan forward. In addition, the evidence produced thus far underpinning the Plan was also revisited to ensure that it remained relevant and appropriate to inform the Plan content and plan period to 2041. From this review, some pieces of evidence needed to be updated such as the housing and employment studies and playing pitch assessment and some new evidence gathering was required due to changes to national guidance namely a Habitat Survey.

3.6 Other evidence work that was in progress such as the highways modelling work, infrastructure capacity study and viability work were also still not complete although were progressing well. These key studies are critical to the success of the plan and would need to be finalised and reflected in the final Regulation 19 version of a Plan to aid its soundness at Examination.

3.7 In addition to the above it became evident from the emerging evidence work and other considerations that the current development strategy consulted on to date (70/30% urban/rural split for new growth) may no longer be achievable. In order to consider an alternative development strategy, a further Regulation 18 consultation would need to be conducted. This is the subject of this report.

Content of this Regulation 18 Document

3.8 The key changes from previous consultations in this Regulation 18 version of the Plan, is a revised spatial strategy and a streamlined Vision for Hinckley

and Bosworth borough. This Plan also sets out the proposed approach to dealing with strategic planning matters, namely those key large-scale allocations that will be needed to deliver the bulk of the borough's identified residential and employment development needs. The Plan provides details of those allocations in the form of a site plan and brief description of what the site aims to deliver. There is also a suite of Plan policies that provide support for these allocations and guidance on a range of strategic issues for the borough such as climate change adaptation, health and well-being, renewable energy and infrastructure and delivery.

- 3.9 What this Regulation 18 version of the Plan does not contain is any smaller-scale non-strategic sites proposed for development, for example residential sites below 100 dwelling and employment sites below 1 hectare. This is because it is anticipated that the bulk of the borough's identified housing and employment needs can be met on strategic allocations. It also does not include any non-strategic policies such as those related to development management guidance. This was because many of these were previously consulted on in the Regulation 19 version of the Plan and are still relevant. Also, it is the ambition of the government to produce a set of national development management policies rather than local planning authorities producing their own with the aim of creating greater consistency and help to speed up plan making.
- 3.10 Members are asked to please note that the Regulation 18 draft Plan before them at this meeting may require further minor editing prior to being published for consultation. Therefore, Members are asked to agree delegated responsibility to the Head of Planning in liaison with the Executive Lead, for the correction of any drafting errors, such as typos/spelling errors/other presentational issues.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 None

5. Financial implications [CS]

- 5.1 The cost of this consultation can be met from existing Local Plan budgets. Any changes to the plan that result in additional costs would require a supplementary budget request.

6. Legal implications [SN]

- 6.1 Local Authorities are legally required to have a Local Plan which follows the relevant legal requirements. The main aim of this stage of the current Local Plan preparation is to ensure that the '*consultation accords with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 by notifying residents, community groups, businesses and other interested parties of the subject of the Local Plan and inviting comments on what the Local Plan ought to contain.*'. It is a requirement of the Local

Planning Authority to ensure that the time period given for the consultation is appropriate, it has been determined in this case that 8 weeks is appropriate.

7. Corporate Plan implications

People

2. Maximise people's potential through employment and skills support

Place

2. Keep our town centres vibrant and viable
4. Improve the quality of existing homes and enable the delivery of affordable housing

Prosperity

1. Boost economic growth and regeneration by encouraging investment that will provide new jobs and places to live and work all over the borough
2. Support the regeneration of our town centres and villages
3. Support our rural communities
4. Work with partners to raise aspirations and boost opportunities for training, employment, and housing
6. Ensure businesses are supported to safeguard and maintain local employment opportunities
7. Provide direct investment in economic opportunities where opportunities arise and subject to the business case

8. Consultation

- 8.1 None at this stage

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.

Management of significant (Net Red) risks

Risk Description	Mitigating actions	Owner
DLS 37 Consult with customers and stakeholders	Consultation and engagement is carried out in line with the council's published Statement of Community Involvement	Head of Planning
DLS.39 Develop partnership working	Work with neighbouring authorities within the HMA to prepare and agree	Head of Planning

	a Statement of Common Ground on housing distribution and unmet need.	
DLS.50 Compliance and regulation	Preparation of Local Plan must be in accordance with the relevant legislation and guidance.	Head of Planning
Speculative applications, continued lack of 5-year housing land supply and planning by appeal	Maintain progress on the Local Plan in line with the LDS to ensure the council can demonstrate a sufficient supply of suitable housing land. Having an up to date Local Plan in place protects communities from unsustainable and/or unacceptable speculative development.	Head of Planning
New development being determined on appeal.	Make planning decisions in line with the development plan and/or national planning policy and guidance to deliver better place making outcomes.	Head of Planning
Failure to meet Government's expected deadline for submission.	Maintain progress on the Local Plan in line with the LDS and ensure close monitoring of the timetable and respond to and report on issues arising quickly.	Head of Planning
Lack of clarity about emerging secondary legislation following enactment of Levelling Up and Regeneration Act 2023.	Maintain progress on the Local Plan in line with the LDS whilst keeping a watching brief on emerging guidance to ensure there is sufficient ability to respond and adapt to any changes required.	Head of Planning

10. Knowing your community – equality and rural implications

10.1 The Local Plan is relevant to all communities within Hinckley and Bosworth Borough.

11. Climate implications

11.1 Relevant actions from the borough's Climate Change Strategy:

- Minimise the carbon usage in new development through our local plan policies and development management decisions, ensuring new builds are in accordance with building regulation requirements and planning conditions
- Encourage active environments within new housing developments, leading to increased cycling and walking
- Work with businesses to increase the use of solar PV and install other low carbon measures to increase their energy efficiency

12. Corporate implications

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

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers: Regulation 18 draft Local Plan

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