



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Finance and Performance Scrutiny 16 December 2024

Wards Affected: All Wards

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### Planning Service Review

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Report of the Head of Planning

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

1.1 To update members on the performance of the planning service.

#### **2. Recommendation**

2.1 That the report be noted.

2.2 That Members acknowledge the increase in planning performance, the improvement in retention and recruitment across the service and the current and forthcoming challenges with regards to planning appeals.

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

3.1 The Planning Service forms part of the Community Services Directorate. It includes the work areas development management, planning enforcement, regeneration/economic development, conservation/heritage and planning policy. This report sets out the key activities carried out by the service, how it is performing against defined indicators and the budget position.

#### **4. Service overview**

4.1 The service is structured to work as three teams reporting to the Head of Planning and Director of Community Services.

#### Development Management

- 4.2 Development Management continues to receive a good mix of application types. In 2023/24 the service received 1473 (up from 1421 in 2022/23, down from 1587 in 2021/22) applications of all types. This included 36 (down from 44 in 2022/23) applications for major developments, including 20 applications for major residential development, reflecting the Council's previous lack of a 5 year housing land supply.
- 4.3 In June 2024, Planning Committee resolved to grant permission for up to 1,500 dwellings across two planning applications that form the majority of the Earl Shilton Sustainable Urban Extension (SUE). The S106 agreement is ongoing and expecting to be signed by the end of December 2024.
- 4.4 Planning enforcement continues its proactive approach to enforcement. Complaints about the service have continued to reduce with a more focused timely response on making a decision as to whether to take enforcement action. The enforcement team is operating with a Team Leader part time from another authority, one member of agency staff and one permanent full time staff together with one vacant post that is due to be filled with a new full time permanent recruit in January 2025.

#### Regeneration and Economic Development

- 4.5 The Council's Major Project Team supports regeneration and economic regeneration in the borough.
- 4.6 The Hinckley Public Realm Masterplan includes proposals for a Wayfinding Strategy and we are working on the implementation of the strategy, with installation of wayfinding items (signage) using funds available through the UK Shared Prosperity Fund (UKSPF), Hinckley Area Committee and Section 106 monies. A Hinckley Town Centre Masterplan, to identify key sites within the town centre and determine their feasibility for regeneration has been actioned through consultants, including a refresh of the Town Centre Vision. Work is ongoing with the Masterplan and it is due for completion in early 2025. The Masterplan will be reported to Members for endorsement.
- 4.7 The Economic Development Team promotes economic well-being for all local businesses and residents across the whole of the borough by delivering against the aims and objectives of the Council's Economic Regeneration Strategy 2021-2025. Delivery is done by working in partnership with local businesses, education establishments and forums to encourage networking, joint initiatives and to explore funding and training opportunities. The Council has supported employment and skills initiatives and events such as the Career Speed Networking and TeenTech events at Mira Technology Institute (MTI). Communication to businesses includes monthly emails to our business email database, through a flyer that went into the business rates demands promoting business support available from the Leicestershire Business Advice Service and encouraging sign up to the Council's monthly business newsletter. A new welcome letter setting out key information is sent to businesses newly liable to paying business rates and the inaugural Hinckley & Bosworth business networking event was held at MTI in October 2024.

4.8 The Hinckley and Bosworth Business Climate Change Forum is a sub-group of the Councils Employment and Skills Taskforce aiming to work with local businesses to bring best practice together and share knowledge on how businesses are reducing their carbon footprint and limiting the impacts of climate change. The forum organised a community litter pick event with local businesses and schools in October 2024 collecting over 25 bags of litter in an hour.

4.9 The UKSPF has an allocation of £2,600,011 for the borough. This provides new funding for local investment by March 2025. The fund has three 3 key themes:

- Communities and place
- Local business
- People & skills

To support these 3 national themes, within Hinckley and Bosworth we have identified 5 key local priorities:

1. Cost of Living challenges
2. Climate Change impacts
3. Town Centre enhancements
4. Employment & Skills
5. Health & Well Being

Delivery is underway on the 34 year 3 projects with monitoring returns submitted to government on time. The Council also received a capital allocation of £400,000 spread over 2023/24 and 2024/25 under the Rural England Prosperity Fund aimed at boosting the rural economy in the borough. The fund has fully allocated the available funds to 32 projects, many of which have an energy efficiency theme.

4.10 The service provides a holistic and joined up approach to the management of the borough's heritage often working in collaboration with other council departments and local stakeholders. The Heritage Strategy 2018-2023 provides the vision and key aims and objectives to guide conservation and heritage activities in the borough. Work has commenced on reviewing the Strategy to ensure the vision, aims and objectives are applicable. The High Street Heritage Action Zone finished at the end of March 2024. This was a c.£1.6m programme that delivered various projects during the 4-year period 2020-2024 including a Building Improvement Scheme where grants were offered for works of repair and restoration of significant historic features including shop fronts, the Church Walk public realm scheme with new surfaces, trees, tubs and planting, enhancements to Lilley's Yard and signage to Hinckley's other historic town centre jitties, a vacant space feasibility study, a Guide to Building Maintenance, and a programme of community and cultural engagement including town centre events, shopfront artwork and heritage interpretation.

## Strategic Development

- 4.11 The council continue to work in partnership with all the neighbouring authorities across Leicester and Leicestershire, including partners such as Homes England and Leicester and Leicestershire Business and Skills Partnership (LLBSP). through the Strategic Planning Group and Member Advisory Group. A key focus of the partnership continues to be on delivering key priorities within the current Strategic Growth Plan and preparing strategic evidence to support these priorities alongside considering the next steps in strategic cross-boundary planning moving forward. As part of the partnership working, a Statement of Common Ground (SoCG) relating to a proposed housing and employment distribution regarding Leicester City's declared unmet need was prepared. The SoCG provided a mechanism to divide the declared unmet need between partner authorities and also aid compliance with the statutory Duty to Cooperate. Compliance with the Duty to Cooperate is required to be demonstrated at a Local Plan examination to ensure a plan can be found sound. Hinckley and Bosworth signed up the SoCG at the Council meeting in January 2024.
- 4.12 Following a period of uncertainty in relation to national and cross-boundary planning matters in 2023, a new Local Development Scheme (LDS) was agreed and published in February 2024. This set out a new timetable for preparation of the Local Plan with a further Regulation 18 stage of consultation between June and July 2024 and then a Regulation 19 submission version of the plan being consulted on in early 2025 followed by submission of the plan for Examination by 30 June 2025 which was a nationally prescribed deadline. However, the Regulation 18 consultation needed to be pushed back but extended to between 31 July and 27 September 2024 due to the calling of the general election on 22 May 2024 which was to take place on 4 July 2024. This was to comply with the pre-election period.
- 4.13 Following the general election in July 2024 the new Labour Government outlined that changes to the national planning system would be announced shortly. On 30 July 2024 Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government Angela Rayner announced a consultation on sweeping changes to the NPPF and a proposed new Standard Housing Method for calculating housing need. The consultation on proposed changes to the planning system run from 30 July until 24 September 2024. Due to these proposed changes, the timetable set out in the LDS will need to be reviewed and updated again. To do this effectively we will need to await the outcomes of the government's consultation and the publication of the new NPPF. No defined dates has been given for this but it will likely be before the end of 2024 or early 2025. However, work still continues on the Local Plan in relation to evidence gathering.
- 4.14 Development of Neighbourhood Development Plans (NDPs) in the borough continues to be a significant area of work within the Policy team. In terms of specific NDP activity, Market Bosworth's review NDP is currently at

Examination and Thornton, Bagworth and Stanton under Bardon have formally submitted their plan for consideration prior to Examination.

### Staff Recruitment and Retention

- 4.15 Following the high staff turnover in 2021/22, with all nine members of the Development Management Team leaving the Council between July and November 2021, recruitment and retention has been significantly more stable in 2022/23 and in 2023/24. Of the previous vacant posts, the Planning Manager, 2.5 Planning Officer and 2x Planning Assistant posts were filled with permanent staff and subsequently in early 2023/24 a Team Leader post was filled with a permanent member of staff. In 2023/24 two Planning Officers (1.5FTE) left the Council for other opportunities, with 1FTE subsequently filled through external recruitment. Internal recruitment has also filled 1FTE Planning Officer post and backfilled 0.8FTE Planning Assistant post. In November 2024, the Planning Manager – Development Management post was filled. The remaining posts (Team Leader x1 and Senior Planning Officer) are vacant and currently occupied by agency staff and with use of external consultants.
- 4.16 In Planning Policy and Major Projects the Major Projects Manager retired in June 2024, with this role backfilled with existing staff (x2) acting up to cover these responsibilities, with a new Economic Regeneration and Projects Officer post created and due to be filled in early 2025. In Planning Policy a Planning Policy Assistant post was recruited to through a national graduate scheme in June 2024. The Principal Planning Policy Officer leaves the Council in November 2024 and will be externally advertised in early 2025. The Planning Policy Team currently have one member of staff on maternity leave, with this backfilled with agency staff.
- 4.17 The majority of roles in the planning service are filled with permanent members of staff, including successful recent recruitment, as above. Existing vacant roles across the planning service are currently being covered by interim members of staff, support from a neighbouring local authority and a private firm. This does bring with it cost implications over and above any salary savings from the vacant posts. Recruitment to planning teams is a national issue, not just an issue affecting Hinckley & Bosworth Borough Council. Elsewhere in Leicestershire other Local Planning Authorities are having to use agency interim staff to fill vacancies, particular for higher level senior and team leader posts.

## **5. Performance**

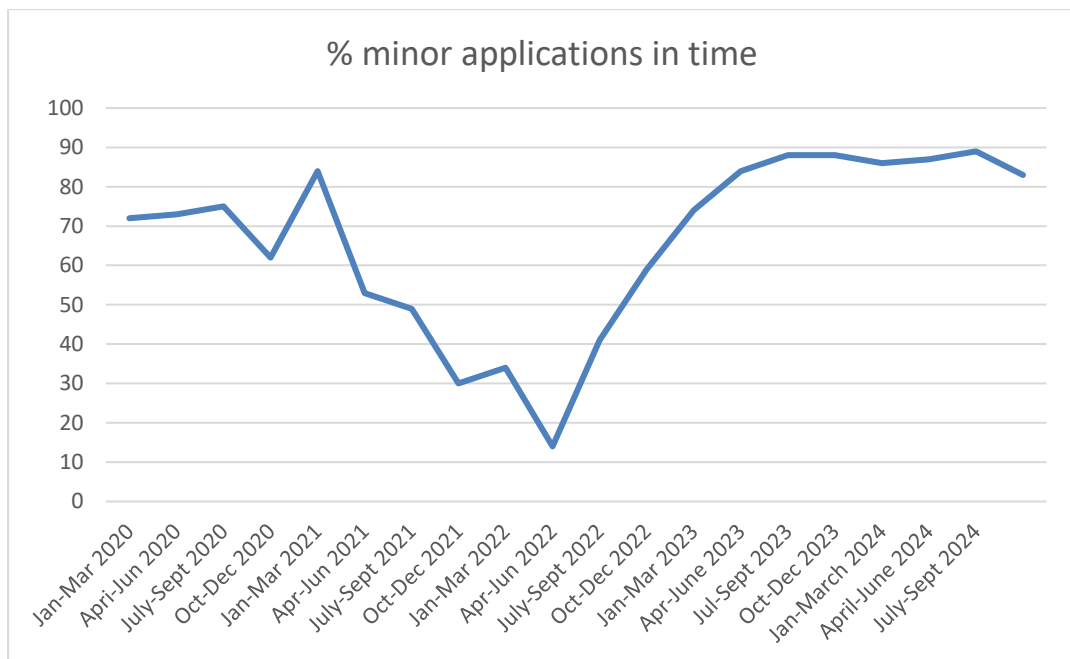
### Planning Applications

- 5.1 In 2023/24 1366 applications of all types were determined, up from 272 in 2022/23 and 856 in 2021/22. Planning Committee made decisions on 45 applications. Of these 33 were determined in accordance with the officer recommendation.

5.2 The speed of determining planning application continues to be a key performance indicator for the service. Under-performance can lead to government intervention by removing decision-making powers from local planning authorities. The speed measure is monitored on a quarterly basis for a rolling two year period. Performance for the previous two financial years to March 2024 is 70% (76% as of September 2024) for major applications (against a target of 60%) and 76% (85% as of September 2024) for minor applications (against a target of 70%). As recently as March 2023, the performance for minor applications was as low as 48% on a rolling two-year basis.

Minor application performance

5.3 Performance had decreased, particularly for minor applications, since January 2021 to March 2022. However, since April 2022 performance for minor applications has increased significantly. This is reflected in continuing improving performance on a rolling two year basis and has increased further since March 2024. The performance increase since early 2022 is demonstrated on the graph below:



**Figure 1: planning application performance – minor applications (October 2019 to September 2024)**

5.4 There was a risk that the Council could have been designated due to performance on minor applications. The service has worked positively with the Planning Advisory Service (part of The Local Government Association) to explain the measures in place to improve performance and the unprecedented difficulties the service faced around recruitment. The Council received a letter from the Department for Levelling Up, Housing and Communities (DLUHC) in January 2023 asking for the reasons for poor performance for minor applications for the two years to September 2022. The

Council responded in February 2023 and again in July 2023 and due to the upturn in performance has not been designated.

- 5.5 The upturn in performance has meant that whilst a further letter was received in January 2024 requesting an explanation of performance below Government targets, due to the upturn in performance at the time and subsequently, as a result the Council has not been designated. Further, rolling two year performance is currently at 85% for minors and 76% for majors, both significantly above Government thresholds. The Council is therefore no longer at risk for designation based on planning performance for speed of processing planning applications.

### Planning Appeals

- 5.6 Planning appeal performance remains a key requirement of government. Under-performance can lead to government intervention by removing decision-making powers from local planning authorities. The government measures performance at appeal against all decisions over a rolling 2 year period. No more than 10% of all decisions should be overturned at appeal. It should be noted that at the end of the 2 year period there is a further 9 months to take account of an applications still in the appeal system which for each rolling period is up to the 31<sup>st</sup> December. The figures set out below in Table 3 therefore have the ability to increase between now and December 2024.

Application Type	National Indicator	Performance
Major Applications	10%	12.1%
Non Major Applications	10%	0.7%

**Table 2: Quality of decision making (1 April 2021 to 31 March 2023)**

- 5.7 Performance on Majors of 12.1% (up from 5.7%) was on the basis that of the 91 major applications determined between April 2021 and March 2023, 16 were appealed and of these 11 were allowed.
- 5.8 Performance on minors was 0.7% (down from 1.1%) on the basis that of the 1355 minor applications determined, 41 were appealed and of these only 9 were allowed. The Council is therefore significantly below the 10% which is the level at which the government would intervene in relation to minor and other applications.
- 5.9 The Council received a letter from DLUHC in February 2024 requesting information as to why performance on quality of decision making for major applications (appeals performance) was above the 10% threshold. The Council responded in March 2024, outlining the reasons for and raising queries for a number of appeals allowed to justify the performance figure being below 10%, proposing that a more accurate figure instead should be 6.6% when taking into account exceptional circumstances around four of the allowed appeals. The Council was not designated at the time.

- 5.10 A separate report on planning appeals is being presented to Scrutiny Commission on 12<sup>th</sup> December 2024.

### Enforcement

- 5.11 Last year (to 31 March 2024), 270 (up from 222 in 2022/23) planning enforcement cases were received. During the year the enforcement team closed 286 (up from 244 in 2022/23) cases.
- 5.12 Where a breach of planning control is identified officer's work to remedy the breach. The serving of an enforcement notice is always the last resort. During 2022/23, 10 (up from 5) notices (all types) were served.

Target Description	Target	Performance %	Performance Nos
Acknowledge complaint within 3 days	90%	94%	125/117
Close case within 21 days if there is a breach but it is not expedient to take action	80%	72%	18/13
Identify there is a breach and its expedient to take actions within 21 days	80%	19%	52/10

**Table 3: Speed of decision making in Enforcement (Year to 31 March 2024)**

### Strategic Planning

- 5.13 The Council continues to work with other Leicestershire authorities through the Strategic Planning Group and Members Advisory Group on strategic planning matters. It also works with authorities in Warwickshire on planning matters of relevance and with key statutory consultees such as Leicestershire County Council and homes England on specific schemes and planning applications.

### Housing Tests

- 5.14 The Government requires that Councils maintain a 5 year supply of housing sites. At present the Council can demonstrate a 5.60 years' supply of deliverable housing sites. This is a significant material consideration in all residential planning applications and appeals.
- 5.15 The Housing Delivery Test (HDT) is an annual measurement of housing delivery in the area and is published by the Ministry of Housing, Communities and Local Government (MHCLG). The HDT is a calculation of the number of houses delivered in an area over the past three years divided by the target number of houses over that same period, expressed as a percentage.



- 5.17 As of March 2022 the Government assessed that the Council had a delivery rate of 89% which was below the Government's requirement of 95%, thereby failing the Housing Delivery Test. Having an 89% delivery test result (up from 86% for 2021) required the Council to produce an Action Plan which was published July 2021 and updated in July 2022 and again in July 2024 detailing how HBBC intends to address the issues surrounding housing delivery.

## **6. Future Challenges**

- Delivering our major schemes and site allocations particularly the SUEs
- Maintaining a 5-year housing land supply
- Meeting the Housing Delivery Tests
- Progressing the Local Plan through examination and adoption
- Retention and recruitment of staff
- Continue to improve planning application and significantly improve appeal performance to avoid intervention from government.
- Maintain an efficient and proactive enforcement service.

## **7. Exemptions in accordance with the Access to Information procedure rules**

- 7.1 Open

## **8. Financial implications - CS**

- 8.1 In 2023/24, the total planning application income was £1,038,546 compared to a budget of £1,008,000 which resulted in additional income of £30,546. This compares to the previous year when there was a budgeted income target of £1,008,000 and the actual amount received was £1,098,298.
- 8.2 In 2023/24, the Council also received additional sources of income through its pre-application advice service. A total of £55,347 was received against a target of £56,820. In addition to pre-application advice, the Council has also introduced Planning Performance Agreements (PPAs) for very large and complex applications. This generated a further £78,223 against a budget of £34,000.
- 8.3 Legal cost arising from planning appeals in 2023/24 totalled £217,224 with a budget of £93,000 resulting in an overspend of £124,224.
- 8.4 In 2023/24, Development control spent £749,606 on agency staff which made a staffing overspend of £210,566. Compared to 2022/23, this is additional expenditure of £11,440 as £738,166 was spent on agency and consultants in 2022/23.
- 8.5 The use of agency interim staff and recruitment to planning teams is still an issue although some posts have now been filled. Financial Implications arising

from this have been reflected in the corporate monitoring which is presented to this committee on a quarterly basis.

## **9. Legal implications**

9.1 Set out in the report.

## **10. Corporate Plan implications**

10.1 The planning service contributes to all three priorities of the Corporate Plan, helping People stay healthy and reducing crime; improving Places through improved quality of homes, affordable housing, urban design and heritage facilities; and by delivering Prosperity by supporting town centre regeneration, tourism and economic growth.

## **11. Consultation**

11.1 None

## **12. Risk implications**

12.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

12.2 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.

12.3 The following significant risks associated with these report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
<p>DLS.19 - Recruitment &amp; retention of staff</p> <p>Failure to recruit &amp; retain staff leads to failure to maintain staffing levels within Development Services to deal with works required and increases use of agency staff with associated higher costs</p>	<p>Appointment of recruitment consultants</p> <p>Supporting Officers Careers through training and modern apprenticeships</p> <p>Benchmarking against surrounding authorities to ensure competitiveness.</p>	Chris Brown
<p>DLS.44 - Five year housing land supply</p> <p>Failure leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process</p>	<p>The council to maintain a 5YHLS. All Members have received training and further briefing to this effect. SLT and officers are working closely with Members to plan a positive way forward to address this.</p>	Chris Brown
<p>DLS.51 Housing Delivery Test</p>	<p>DLUHC published the Housing Delivery Test results in January 2021 and the Council has delivered 86% of it's housing requirement HBBC will continue to work on delivering new homes to ensure it does not continue to fail the HDT</p>	Chris Brown

#### 14. **Knowing your community – equality and rural implications**

- 14.1 The planning services takes account of equality and rural issues as part of all the decisions taken.

#### 15. **Climate implications**

- 15.1 The planning service considers the climate impact of all decisions it takes in accordance with the Council's strategy and Government Policy and Guidance.

## **16. Corporate implications**

16.1 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

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Background papers: None

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