



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 13 December 2022

Wards affected: All wards

HINCKLEY AND BOSWORTH LOCAL PLAN – LOCAL DEVELOPMENT SCHEME 2020 to 2025

Report of Director (Community Services)

1. Purpose of report

1.1 To set out the requirements for and seek approval from Council to an extension to the Local Plan plan period from 2039 to 2041 and a revised Local Development Scheme for production of the Local Plan.

2. Recommendation

2.1 That Council:

- Notes the requirements for a review of the exiting Local Development Scheme;
- Approves the extension of the Local Plan period from 2039 to 2041;
- Approves for publication the revised Local Development Scheme 2020 to 2025

2.2 That delegated approval be granted to the Director (Community Services) in consultation with the Executive Member for Planning to make any further necessary amendments to the Local Development Scheme.

3. Background to the report

3.1 Local planning authorities are required to prepare, maintain, and publish a Local Development Scheme (LDS) in accordance with the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS sets out the timetable for the preparation of the Local Plan and any associated documents such as supplementary planning guidance.

- 3.2 The previous LDS was published in February 2022 prior to the Local Plan Regulation 19 consultation. The timetable at that stage indicated that the Borough Council intended to submit its Local Plan to the Planning Inspectorate by the end of March 2022 for Examination. However, several significant issues became apparent that would make submission of a sound plan at that stage impossible. The attached LDS sets out that timetable.

Issues leading to the revision of the LDS

- 3.3 In March 2022, following conclusion of the Regulation 19 consultation, 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 has risen from 444 dwellings per annum (dpa) to 472 dpa. This meant that the council needs to identify additional sites to meet an increase in its own local housing requirement.
- 3.4 In addition to the affordability uplift (see para 3.3 above), the quantum of unmet need from Leicester City has now been finalised. 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.
- 3.5 The proposed share of the unmet need apportioned to Hinckley and Bosworth was an additional 187 dpa to be added to the council's annual housing figure of 472 dpa equating to 659 dpa. Although the Council accepts that as a member of the Leicester and Leicestershire housing market area (HMA) it has a duty to help address any unmet need, the figure of 187 dpa is disputed due to the final manual adjustment that is made to the formula behind the distribution based on historic stock growth.
- 3.6 The HENA attributes an initial 102 dpa to the borough as part of the overall redistribution. However, due to a manual cap applied to Charnwood Borough Council's share (they have had their compound annual stock growth figure manually reduced from 1.7% to 1.4%), the borough council objects to the additional 85 dpa this would result in Hinckley and Bosworth being required to accommodate on top of the proposed additional 102dpa.
- 3.7 This objection is an '*area of disagreement*' contained within an updated Statement of Common Ground (SoCG) between all the Leicestershire districts together with the City and County Council. The SoCG has not yet been formally agreed by this council as of November 2022. The HENA and the proposed distribution will be examined as part of a specific hearing session at the Charnwood Local Plan Examination being held in October 2022.
- 3.8 Although the council do not agree with the full proposed allocation of unmet need, it will still need to find additional sites to accommodate an element of

unmet need and will need to ensure that the evidence base including the transport modelling, infrastructure delivery plan, viability modelling and the sustainability appraisal all reflect and support additional sites.

- 3.9 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 will require relevant policies in the 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.
- 3.10 Changes to the housing need the Council has to plan for has a consequential impact on the evidence which needs to be gathered and tested to ensure that sites are capable of delivering the future land requirements to meet the identified need. Officers have been working with County colleagues on a programme of work to deliver the necessary evidence and it is estimated that the transport modelling of potential sites will take around 12 to 15 months to complete. This timeframe will also include evidence around key infrastructure such as education requirements etc. The Infrastructure Delivery Plan and viability modelling work can only be prepared once the transport modelling is near completion (draft report stage), and it is anticipated that it will take around 18 months before all these parts of the evidence base could be completed prior to submission of the Plan for a further Reg 19 consultation before being submitted for examination. Having the evidence complete/close to completion before submission of the plan will reduce the risk of the plan being found unsound. The Council should only submit a Plan for examination that it considers to be legally compliant and 'sound'.
- 3.11 A further Reg 19 consultation will be required once this work has been completed before the Plan can be submitted. This is the point at which the Council will decide which sites it intends to submit to examination to meet the identified need. If the quantum of additional housing sites can't be found within the current overall strategy (70% in the urban area and 30% in the rural key settlements and villages), then it may mean a further Reg 18 consultation needs to take place to agree a new strategy. If this is the case the LDS will need to be reviewed again to set this out at the appropriate time.
- 3.12 Since the Regulation 19 consultation in early 2022, there has been further uncertainty about the direction that local planning will be going following the launch in May 2022 of the Levelling Up and Regeneration Bill (LURB) which includes the idea of abolishing the legal Duty to Cooperate and replacing it with an alignment test which seeks to ensure planning parity between neighbouring districts.
- 3.13 Further, there has recently been much speculation and supposition at national government level about changes to how housing targets will be arrived at,

including the abolishment of top-down housing targets and possibly reforms such as scrapping the Government's target of building 300,000 homes per year. Such dramatic changes to how the planning system currently operates will need to be enacted through primary legislation such as the LURB. This is still being progressed through the necessary parliamentary stages but has slowed down in response to the recent changes in leadership. Until the LURB becomes an Act of Parliament it is difficult to have clarity about the amount of housing the borough council needs to plan for.

- 3.14 Due to the current uncertainty and confusion around how to effectively plan for housing needs and whether there will be a continuing obligation to accept some of Leicester City's unmet need it became apparent that the production of the Local Plan needs to be re-timetabled in order to better understand and respond to the current uncertainty and thus avoid abortive work and the risk of submitting an unsound plan.
- 3.15 This revised position being put to Members also reflects advice given by officials at the Department of Housing, Levelling Up and Communities (DHLUC). At a recent meeting between them and officers including colleagues from County, DHLUC's Head of Local Plan Delivery advised the council to have in mind a realistic delivery plan behind the LDS and not to employ '*speed for speeds sake, no haste, have realistic timescales.*
- 3.16 Although the Government wants to have plans in place as quickly as possible, they would prefer to see well-reasoned and collaborative timescales (ie agreed with key supporters for plan production like County and National Highways) that will deliver a sound plan rather than the need to revise LDS' constantly. From the advice given it does not seem likely that the Government would intercede should local planning authorities not meet the December 2023 deadline for an adopted Local Plan where it can be demonstrated they are making good progress based on realistic deadlines and strong partnership working.
- 3.17 Attached to this report is the proposed new timetable for progressing the Local Plan in the face of the uncertainty referenced above. The revised timetable sees the production of the plan, submission for Examination and eventual adoption extending into 2025. The longer timescale is considered necessary to allow the council to identify additional housing sites to meet our increased housing need figure due to the affordability ration uplift and complete critical pieces of evidence such as highways and infrastructure. It will also afford time for primary legislation to progress to provide clarity around how the new planning system will operate and what the council's obligations will be to meet our own and unmet housing need going forward.
- 3.18 The revised timetable will have an effect on the determination of planning applications, in that the Council will have an increasingly out of date local plan against which decisions will be made. This will mean that there is an increased risk of a longer period during which the Council will be susceptible to NPPF paragraph 11d decisions, especially in the absence of a 5 year land supply.

- 3.19 The proposed new timescale is underpinned on the estimate of 12-18 months to complete the required outstanding evidence. Having a complete evidence base at time of submission reduces risk such as prolonged hearing sessions or being deemed unsound before Examination. A longer timescale also allows the council to reconsider aspects of the emerging plan to ensure the vision and objectives of the plan are still appropriate and will deliver.
- 3.20 The key milestones set out in the revised LDS would see a further Regulation 19 submission version of the Local Plan be subject to public consultation during summer 2024 with consequent submission to the Planning Inspectorate in late summer 2024. The estimated date for Examination is considered late 2024 to early 2025 with adoption of the plan following in late summer 2025.

Effect of the revised LDS timescales on the Local Plan plan period

- 3.21 Paragraph 22 of the National Planning Policy Framework (NPPF) states: “*Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure*”. The emerging Local Plan has been using the plan period 2020 to 2039. However, under the proposed revised timescales as set out in the previous paragraphs if the new Local Plan is adopted later in 2025, we would only have 14 years of the plan period left. Although local planning authorities are required to review their Local Plans every 5 years, a 14-year timescale for an adopted plan is not likely to be acceptable by a Planning Inspector through Examination of the plan.
- 3.22 The solution would be to extend the plan end date at this time from 2039 to 2041. This will ensure we will have more than the minimum 15-year time horizon for our strategic policies. It also means that we have to plan for a further two years of housing and employment land needs. However, it is anticipated that there are sufficient existing sites in consideration for inclusion to be able to respond to this additional need.
- 3.23 Extending the planning period end date will also provide the council with a further opportunity to re-evaluate the plan’s current vision and consider whether to look much more longer-term. NPPF para. 22 further states – “*Where larger-scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery*”. The current vision could be revised to provide a stronger commitment to bring forward a new settlement(s) and what that would mean for the borough.

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

- 4.1 None

5. Financial implications [IB]

- 5.1 Any potential financial impact arising from the extension will require approval in accordance with finance procedure rules.

6. Legal implications [MR]

- 6.1 Full Council is the decision-making body for the preparation of and amendments to the local plan
- 6.2 Council will need to think carefully whether future decisions on/proposed amendments to, the local plan are matters to be delegated, given the significance of the local plan to the future development of the borough, and the potentially significant decisions yet to be made, resulting from the further issues identified in this report and still to be resolved.

7. Corporate Plan implications

7.1

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.

9.3 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 a Statement of Common Ground on housing distribution and unmet need.	Head of Planning
DLS.50 Compliance and regulation	Preparation of Local Plan must be in accordance with the relevant legislation and guidance.	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
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Background papers: Local Plan – Local Development Scheme 2020 - 2025

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