

## **Examination of the Leicester Local Plan 2020-2036**

### **MATTERS, ISSUES AND QUESTIONS FOR THE EXAMINATION (MIQs)**

#### **Response from HBF, September 2024**

Please note, these comments are in addition to our Regulation 19 comments, which we have not repeated here. We have referred to our Reg 19 comments where we have expanded our comments or provided additional comments, but only where we believe this is helpful.

We have not responded to all of the questions only those where we have further comments to make. Our original Reg 19 comments still stand.

## **MATTER 2 – VISION AND STRATEGY**

**Issue 2: Is the Plan's overall vision and strategy positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?**

### ***Vision and Strategy***

***15. Should the Vision for strong sustainable growth in Leicester set out in Chapter 3 of the Plan be balanced against the need to combat climate change and enhance the natural environment and biodiversity?***

It is important for the Local Plan to clearly set out the vision for new development in Leicester. In coming to a view on where new development will be acceptable the plan-making process has already considered the various factors and considerations affecting where new development should be located. HBF do not believe there is a need to repeat this in the Vision, especially as the Local Plan should be read as whole and the development management process will refer to all relevant policies in the Local Plan when making a decision on a planning application.

***17. Is the Plan justified in identifying in Diagram 2 the proposed growth for 'Leicester Urban Area', including Strategic Growth Areas beyond the administrative boundary of the City in adjoining Districts and Boroughs?***

HBF believes Diagram 2 reflects the reality of development in the Leicester area, and as such is not misleading, but an accurate reflection of how and where the housing need of Leicester City will actually be addressed. What matters is a clear commitment from the neighbouring authorities that they will contribute to meeting Leicester's unmet, so that the needs are met in full. In the absence of mandatory strategic planning, something HBF have called for over many years, the collaborative approach adopted by the Leicestershire authorities in trying to address this matter is one of the better ones, but it must deliver in practice.

As we have mentioned in our response to questions around monitoring and delivery it is essential that Leicester City Council monitors the delivery of their housing need when it is being met elsewhere. It is important that the Council know where and when the housing to meet its needs it is being planned for outside of its boundary. Any failure of the neighbouring authorities to plan for and deliver their part of the unmet need requirement will result in Leicester's unmet housing needs remaining unmet, and remedial action of some kind will be needed.

HBF understand that some of the area shown as 'strategic growth areas' already have planning permission, and in some cases are under construction. We would suggest a differentiation on the status of sites/growth areas could usefully be shown in the Plan.

### ***Plan Period***

***19. In the light of the Council's response to the Inspectors' initial question 5 about the Plan period, would the Plan be positively prepared, justified and consistent with national policy in running only to 2036?***

HBF note that the Council's response to question 5 does not answer the question of how a plan period of less than 15 years on adoption complies with the NPPF requirements for effective plan making.

HBF note that Charnwood Local Plan (currently at EIP) and the recent Local Plan consultation from other Leicestershire LPAs are all looking to plan for a plan period beyond 2036, despite the

end date of the Strategic Growth Plan. The existence of the voluntary Strategic Growth Plan for Leicester does nothing to exempt Leicester City Council, or any of the Leicestershire LPAs, from complying with the requirement for the Plan to cover a 15 year period, and include a 30 year vision where there are longer term allocations and/or areas of growth.

HBF notes that the Council says “in terms of considering wider longer term spatial development options across Leicestershire, active work is currently being progressed by the Leicester and Leicestershire Councils to in the form of a Strategic Growth Options Study and a Strategic Transport Assessments which are expected to be published early in 2024. Any long-term requirements of Leicester and cross-boundary allocations beyond 2036, will be the subject of the next plan review, in the context of the existing Strategic Growth Plan, but also in the context of changing housing policy requirements, as set out in the NPPF and Levelling Up and Regeneration Act (2023).” However, HBF are not persuaded this approach complies with the requirements for the plan to be positively prepared, justified and consistent with national policy. If the approach suggested is pursued the known housing need of Leicester City are not being addressed in a timely fashion.

HBF also notes that the proposed changes to the NPPF may impact on the plans of neighbouring authorities. As the consultation is currently live, it is too early to be clear what the implications of the drive to increase house-building will have on plan-making in Leicestershire. We would expect the Government intention with regards national policy become clearer as the EIP progresses, and as such consultation on this specific matter may be needed.

We would welcome the opportunity to understand how the Council and the neighbouring authorities think the potential changes to the NPPF may impact on the certainty of delivery of the unmet need of Leicester. This may be a matter that need revisiting at the end of the EIP process and/or through the Mian Modifications consultation process. There may be further issues with the soundness of the plan and its approach if the City Council can no longer be certain its unmet needs will be addressed by its neighbours.

**20. Given the reliance on neighbouring Local Authorities to provide housing and employment land as well as infrastructure to ensure that the Leicester Local Plan is delivered, would an early review of the Plan be required to ensure that the Plan is effective?**

Although in their response to the Inspectors initial question number 1, the Council commits to an immediate review of their Local Plan, this will do nothing to help to address the unmet housing need in the short, or possibly even medium term. An early plan review will not address the constrained and tightly bound nature of the City Council areas and the fact the geography of the functional Leicester City Urban area already extended beyond its boundaries.

We are in the midst of a housing crisis, and the government remains committed to delivering 300,000 homes a year (as a minimum, as current NPPF consultation seeks to increase this number). It will therefore be essential for Leicester City and the Leicestershire Councils to continue to work in partnership to ensure the City’s needs are met. The emerging plans of the neighbouring authorities must include the unmet need within their requirements and plan for it to be met.

***Policy SL01 – Location of Development***

**21. Is the spatial strategy for the location of development contained in Policy SL01 justified and effective in respect of its reliance on the Central Development Area (CDA) for around 30% of the Plan's housing provision in Leicester City?**

HBF do not comment on individual sites. However, our concerns about the Council's reliance on housing delivery within the CDA, despite obvious issue around viability and deliverability, as set out in our Reg 19 response, remain.

HBF remain concerned that the deliverability of high and super high density residential development in Leicester will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Grenfell and post Covid-19. It is important that delivery of the housing requirement in Leicester does not rely overly ambitious and un-realistic intensification of dwellings within the City, that results in any under-provision and/or under delivery of housing numbers.

**22. Is the evidence set out in the CDA Residential Capacity Study, 2022 [EB/CD/10] sufficiently robust and reliable to show that a further 6,286 dwellings will come forward within the CDA over the Plan period? To ensure the Plan is effective in delivering the required capacity, should sites within the CDA be allocated for minimum numbers of dwellings?**

Our concerns about the robustness of the Residential Capacity Study as set out in our Reg 19 responses remain.

**23. Does the overall distribution of housing growth across the City, as proposed in Policy SL01, maximise the opportunities to viably address the need for affordable housing?**

HBF remains concerned that viability has shown the delivering of affordable housing in Leicester City at the levels required to meet their affordable housing need will continue to be challenging. Additional open market housing should be considered to help deliver more affordable homes in line with the PPG.

HBF remain of the view that the Council should consider if a higher housing requirement is needed to help deliver the amount of affordable housing the Council is seeking to provide. The issue is one of viability, as there is a finite amount of developer contributions that can be provided per scheme. Rising costs, including for example the costs of delivering the new Regulations and the Future Homes Standards, combined with increasing requests for section 106 contributions for other community benefits, such as transport, education and mandatory BNG will all impact of viability, and may reduce the amount of affordable housing than can be delivered on a site by site basis. Therefore, more sites will be needed to deliver the same quantum of affordable housing.

Success of the CDA approach will be dependent on maximising housing, however there is interaction between density and the size and type of housing units that will results that needs to be recognised. For example, there will be a policy interaction with the new mandatory national requirement for 10% BNG which will impact on densities, as under the BNG hierarchy on-site BNG is preferred where possible. HBF question whether optimum densities and high-density development are always synonymous. There will clearly be a trade-off to be made between what land is used for new green space and what land is used for new built forms.

We are also aware that some the delivery of housing on some urban brownfield sites has been proving particularly challenging in relation to BNG. The assumption that brownfield sites have

little BNG value, and this can more easily and cheaply secure BNG gains, is not supported by evidence from our members, albeit this is anecdotal evidence at this stage.

Development of the density envisaged in the CDA will result in the predominance of a particular type of housing within the new housing supply- mainly multi-storey blocks of apartments. HBF would therefore question if the full range of housing types and tenures can and will be delivered at the high and super high densities being sought in the Plan, for example, family housing is usually at much lower densities than even than the minimum 50 dph. HBF contend that reliance on such high amount of high-density developments are unlikely to meet all of the range of housing need and demand in Leicester, and this contrary to national guidance and led to a plan that is unsound.

HBF would therefore question if the density policy is appropriate in all cases, and suggest further flexibility is needed.

HBF is also aware of the tension between new policies that seek to increase densities and are therefore likely to require tall buildings and design advice and aspiration for the city which encourage mid-height development.

***24. Should Policy SL01 also support residential development on windfall sites given the reliance on this source of supply to meet the Plan's housing requirement?***

HFB concerns about the windfall allowance in the plan are expressed in Reg 19 response. As such we would not support the need to the reliance on windfall within this policy, because we question the reliance on windfall in principle.

***28. Overall, does the spatial strategy in Policy SL01 provide sufficient flexibility over the Plan period to ensure the needs of the City will be met?***

As set out in our Reg 19 response, HBF would support additional flexibility in terms of a higher housing requirement for Leicester. The housing requirement should be established before consideration is given to the options for housing land supply consider the requirements deliverability. HBF would also support further flexibility in the plan making. It is important that the housing needs of Leicester are met in full, and as such the requirement for its unmet need to be addressed.

Although we welcome the efforts of the neighbouring authorities to work together to try and create a plan to meet the unmet needs of Leicester, this has clearly been a difficult exercise and there is as yet not full agreement on the distribution of the housing numbers. It is important that collectively the neighbouring authorities do in fact plan to meet the unmet needs of Leicester in full.

For example, the type and tenure of housing unmet need in Leicester should inform the type and tenure of housing being delivered outside of the City boundary in the plans of neighbouring authorities, so if for example if the need is for family housing, the provision of apartments and student flats would not meet this need.

HBF have already made comments in our Reg 19 response on why the housing requirement should be higher and the importance of establishing the housing requirement before considering of that requirement can be met with the City boundary. These are not repeated here. It should also be remembered that the housing requirement for Leicester is a minimum requirement.