

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 1 – DUTY TO CO-OPERATE AND LEGAL COMPLIANCE

Issue 1a: Duty to Co-operate

Has the Council complied with the Duty to Co-operate (DtC) in preparing the Leicester Local Plan (the Plan)?

1. Does the Plan give rise to any strategic cross-boundary issues for which there is a Duty to Cooperate (DtC)?

2. If so, has the Council engaged constructively, actively and on an ongoing basis with all of the relevant authorities and prescribed bodies on the ‘strategic matters’ applicable to the Plan and have they been resolved?

3. Is this adequately evidenced by the Statement of Compliance with the DtC2 and any supporting Statements of Common Ground (SsoCG)? Has the Leicester & Leicestershire SoCG been signed by Hinckley and Bosworth Borough Council yet?

4. Does the evidence contained in the Statement of Compliance with the DtC and the associated SsoCG adequately demonstrate that the City Council has met the DtC in accommodating unmet needs?

5. Are there any ‘strategic matters’ on which the DtC has not been met? If so, what is the evidence to support this?

As explained in our Reg 19 response HBF’s concerns about how Leicester’s unmet need is going to be met is, in our view, are a matter of soundness rather an issue to do with the Duty to Cooperate. We note that Hinckley and Bosworth contest the final manual adjustment of their figures, and did not sign up to the July 2022 SocG for this reason.

However, we note that para 4.30 of the Hinckley and Bosworth current Reg 18 Local Plan consultation states

“Using the most up to date standard method calculation (based on the 2023 affordability ratio), the annual housing requirement is 433 dpa (or 9093 dwellings over the plan period) compared to the standard method figure set out in the HENA of 472 dpa (or 9912 dwellings over the plan period). This is slightly less than the standard method identified in the HENA, however, uses the most up to date information as required by planning practice guidance. The Borough Council has accepted in the SoCG the apportionment of 102 dpa from Leicester City’s unmet need, based on the standard method in the HENA, this would result in a housing requirement of 574 dpa (or 12,054 dwellings over the plan period). Should the Borough Council be required to accept the final step in the apportionment as set out in the SoCG, the housing requirement for the borough would result in 659 dpa (or 13,839 over the plan period). Despite the 433 dpa being the most up to date housing figure for the borough, there is little justification from the evidence to be providing a lower housing figure as set out in the most recent standard method. For this reason, the Borough Council has decided to adopt the housing figures contained in the agreed SoCG as a basis for the housing requirement in the Local Plan. Provision is made in Policy SP02 for 13,862 dwellings over the plan period (660 dpa).”

https://www.hinckley-bosworth.gov.uk/downloads/file/8307/local_plan_reg_18_24_consultation_document

We have however been unable to find a signed statement of common ground within the Hinckley and Bosworth Reg 18 consultation paperwork, and are unclear if and when Hinckley and Bosworth have/will sign up to the July 2022 statement of common ground. Section 4.1 of the SoCG on Housing and Employment Needs (July 2022) still includes details of this outstanding disagreement.

HBF were disappointed that the Leicestershire Councils took so long to reach agreement on exactly how the unmet needs are to be re-distributed, however we welcome the fact that the Councils have committed to work together on this issue, have acknowledged that Leicester has an unmet need, and acknowledge their role in helping to meet that need through increases to their own individual housing requirements. Sadly, this is not the case in many other areas of the country.

However, HBF also note the proposed changes to the NPPF which are currently out for consultation. For the unmet need of Leicester to be addressed in a timely manner, it is essential that any agreement to contribute to meeting the unmet needs is progressed through the Local Plans of neighbouring authorities. As housing targets are a minimum number of homes not a maximum, increasing the housing requirement of a neighbouring authority to include additional housing to meet an existing commitment to contributing to meeting Leicester's unmet needs would seem to be reasonable, but must be delivered in practice.

Climate Change Policies

12. Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land in Leicester contributes to the mitigation of, and adaptation to, climate change in accordance with the Act?

As detailed in our Reg 19 response HBF have concerns about the soundness and deliverability of some of the elements and wording of the proposed climate change policies, which are not repeated here. These concerns do however demonstrate that the Council has considered the impact of climate change in their plan.

Superseded Policies

13. Does the Plan make clear which policies of the adopted development plan it would supersede, as required by paragraph 8(5) of the Regulations? Should the Plan contain a list of current saved policies to be replaced?

HBF note that such a list would be helpful.