



27/09/2024

Dear Planning Policy team,

Hinckley and Bosworth Local Plan further Reg 18 consultation Sept 2024

1. Thank you for consulting the Home Builders Federation (HBF) on the further Reg 18 consultation for the Hinckley and Bosworth Local Plan.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs.
4. HBF notes a consultation on the NPPF and the standard method for calculating housing need has commenced part way through this consultation and that this is likely to have implications for the production of the Plan and the policies it contains.
5. It is clear that change to the planning system is needed if the Government's commitment to deliver 1.5 million homes during this parliament is to be achieved.

Duty to Co-operate and Statements of Common Ground

6. HBF agree that it is very important for Hinckley and Bosworth to play, and continue to play, its role in the longstanding and ongoing Leicester and Leicestershire joint-working on meeting the housing needs of the Leicester HMA. It will be essential for Hinckley and Bosworth to make its contribution to meeting Leicester's unmet need, and disappointing that the Council are unable to sign up to the agreed figures in the SoCG with the other Leicestershire authorities.
7. However, HBF note that in para 4.30 of this consultation 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)."

8. HBF are therefore unclear on the Council's current position in relation to its view on what the exact number requirement is that it should be including within the current standard method calculations. How many homes is it planning specifically to help to meet the unmet needs of Leicester City.
9. HBF have been unable to find a signed statement of common ground between Leicester City and Hinckley and Bosworth Council within either the supporting documentation of the Leicester City Local Plan Examination, or the information supporting this Reg 18 consultation. We are therefore 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.
10. It is therefore difficult to reach view at this time as to whether the Council is fully complying with its requirements with regards to the Duty to Cooperate. Has the Council chosen to adopt the higher figure of 660 dwellings per annum because it accepts the methodology for distribution of Leicester's unmet need agreed amongst the other Leicestershire authorities, or only because the standard method calculations for Hinckley and Bosworth result in a higher figure. If the second reasoning is the case the issue of Leicester unmet needs remains unaddressed and this could be both a Duty to Cooperate and a housing numbers issue
11. HBF are 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.
12. However, HBF also note the 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.

13. Hinckley and Bosworth Council signed up the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) in Jan 2023. Section 4 of the SocG sets out the Councils support for an annual contribution of 102 dwellings per annum towards meeting Leicester's unmet need, but do not agree their contribution should be 187 per annum, the figure agreed by the other LPAs.
14. HBF would remind the Council that as set out in the NPPF, the determination of the minimum number of homes needed in Hinckley and Bosworth should begin with the Government's standard methodology unless exceptional circumstances justify an alternative approach. We agree that as there is a known unmet need Leicester, the standard method calculations for Hinckley and Bosworth should include an element of additional housing to meet unmet need for Leicester, and HBF welcome the Council's acknowledgement of the principle of this.
15. HBF does not believe there are any exceptional circumstances in Hinckley and Bosworth that justify departing from the standard method, and as such the determination of the housing requirement for Hinckley and Bosworth should start with the standard method calculations. However, once this has been established the Council should then consider whether it needs adjusting for other planning reasons, not just any unmet need for Leicester.
16. HBF suggest higher housing numbers are needed in Hinckley and Bosworth for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Hinckley and Bosworth, and the Council should consider planning for an additional amount of housing to address each reason in turn.
17. As 1000 homes within the plan period are to be delivered via new settlement at Lindley Meadows. HBF suggest that the Council could say more within the plan about their longer-term vision for development in the District.

Plan Period

18. The NPPF states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments 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 in account the likely timescale for delivery. In recognition of the time it can take to progress a new Local Plan through all its required stages, HBF therefore suggests that the Council should consider extending the Plan period to ensure that a 15-year period is provided post adoption of the Plan. It will also be important for the evidence base to be consistent with the Plan Period.

Layout and Formatting

19. HBF suggest that Council should look again at the layout and formatting of the policies, particularly the longer one such as SP24 and SP25. We suggest the addition of paragraph number or another way of identifying the different paragraphs within the policy is needed to make the policies more usable.
20. HBF would also note that the layout of the Council's website for downloading the relevant documentation. The earlier (Feb 2022) Regulation 19 documents are at the top of the document section of the website, with the 2024 Reg 18 consultations located lower down below. We strongly suggest that these sections are separated out from each other with the status of the Feb 2022 documents being clearly set out, possibly as an archive. There is already significant potential for confusing as the Council is 'going backwards' from the Feb 2022 Reg 19 document to a new additional Reg 18 document consultation.
21. As there have already been three Reg 18 consultations before this one- Issues and Options (Jan 2018), 'New Directions for Growth' (Jan 2019). In June and August of 2021, and Draft Local Plan (June-Aug 2021), it would also be helpful to avoid confusion if all of the Annexes to this 2024 Reg 18 consultation were titled and dated 'additional Reg 18 consultation, 2024'.

Our Place - Vision and Objectives

22. HBF suggest that the Vision for Hinckley and Bosworth should include reference to the need to meet the current and future housing needs of the whole community, including for market and affordable housing. The Local Plan should also recognise the connection between housing and the future aspirations for the local economy.
23. HBF request that the Council identify housing, and in particular the maintenance of the five-year supply as an objective for the Plan.

Housing Growth

24. Para 4.9 of states that the Council "do not anticipate that there are specific economic circumstances present in the borough that would require increasing the supply of new homes at this stage." However, para 4.14 and 4.15 say that the Council is currently updating their employment studies which the need to identified land to meet local employment needs and to consider the needs of strategic distribution. These issues are to be considered in the next iteration of the Local Plan, as the conclusions of this could result in the need for additional housing. For example, the current Harborough Local includes additional housing numbers within their housing requirement to help address housing need arising from Magna Park. HBF would suggest the Council should consider if MIRA and/or other employment development require a similar approach.
25. HBF strongly support the need for more housing in the Hinckley and Bosworth Local Plan for a variety of reasons including addressing the current housing crisis, meeting

housing need, providing affordable housing, to support small and medium house builders and to support employment growth. These reasons are in addition to making a contribution to meeting Leicester's unmet need which is part of the housing need calculations.

26. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. The viability of affordable housing delivery will need to be tested through the whole plan viability study.

Policy SP02 Development Strategy

Spatial Strategy

27. HBF would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination. The Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full.
28. HBF note that the delays in bringing forward the current Earl Shilton and Barwell SUEs is a significant factor in why the Council has been unable to demonstrate a 5YHLS for several years now. As Section 2, of the July 2024 Spatial Option for Housing Strategy Report by Lambert Smith Hampton report highlights the Earl Shilton SUE and 2,500 at the Barwell SUE were allocated through the Earl Shilton and Barwell Area Action Plan (AAP), which was adopted in September 2014. However, outline consent, subject to S106 and planning conditions for 1,000 and 500 homes (applications 21/01511/OUT and 23/00330/OUT) at Planning Committee meeting in June 2024.
29. It is important to avoid repeating these delays in housing delivery in the new Local Plan. Therefore, HBF has some concerns that the Council is intending to rely quite so heavily on the delivery of large strategic sites in this new Plan and suggest the allocation of additional sites would provide a wider range of sites could help mitigate some of this risk.
30. The Plan is also seeking to 1000 homes within the Plan period which will be delivered as part of a 3000 homes new settlement at Lindsay Meadows. Similarly, the Council will need to demonstrate that the reliance on the delivery of new homes within the new settlement, within the plan period, is achievable and deliverable.

31. Although HBF agree that new housing development should be located sustainable locations, HBF suggest that the spatial strategy should recognise that there may be clusters of villages that provide a range of services for that area within reasonable travelling distance of each other, so villages may need to be grouped together. These areas might be able to sustainably support a substantial level of development but may not have all the services within one particular village.
32. Similarly, the Local Plan should recognise that settlements that currently do not have services could expand to include those services if new development is allocated in those areas. The current range of village services should not be used as a basis for only locating development close to existing services. It could in fact also identify where services could be improved through new development. Allocating housing sites in rural areas can also provide opportunities for small sites which are particularly helpful for SME builders.

Housing Land Supply

33. To ensure that the housing requirement in Hinckley and Bosworth is met it will be important that the housing supply is deliverable and viable. It will be important for the Council to have confidence that the sites that currently have permission will be brought forward, if they are to form part of the housing land supply.
34. Similarly, it will be important that any reliance on housing sites to be allocation in Neighbourhood Plans is realistic and deliverable especially due to the non-mandatory nature of such plans.
35. It will be important to demonstrate the housing land supply in plan, from all sources, is viable and deliverable. There are many factors affecting the viability of housing delivery, and a whole plan viability study will form an essential part of the evidence base for this Local Plan. One has yet to be undertaken.

Affordable Housing

36. HBF would question the Council's view as set out in para 4.10 consider that because affordable housing need is already accounted for in local housing need there is no need to increase the housing requirement to take account of the need for affordable housing. It is argues that because the Housing Needs Assessment measures local housing need via the number of new households that will form, including those in need of affordable housing, there is no additional affordable housing need above and beyond the already identified local housing need.
37. The document continues that "in addition, many households with a need for affordable housing will already be living in housing; therefore, providing an affordable housing option will release another home, meaning there is no overall net increase in need". HBF would question this assertion. We have also been unable to locate the revised housing needs assessment, within the consultation documents for this Reg 18.

38. 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.

The Need for Small Sites

39. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.
40. The Council should set out in the Plan's policies and evidence base to set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. Indeed, the HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.
41. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of a range of sites including non-strategic allocations could be used to expand the range of choice in the market and be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.
42. HFB therefore welcome the statement in para 4.34 that the Council is looking to allocate 10% of all allocations on small sites, this provides much greater certainty for developers than merely relying on windfalls to deliver the small sites requirement.

Policy SP20 Green Infrastructure

Policy SP21 Green Wedges

Policy SP24 Protecting Biodiversity

Policy SP25 Enhancing Biodiversity and Habitat Connectivity
Policy SP28 Blue Infrastructure

43. HBF suggest that the suite on 'nature' policies should be revisited to ensure it is completely clear how they all work together, particularly the delivery of mandatory BNG. For example, it would be helpful for Policy SP21 to include reference to the use of land for delivering BNG off-site units schemes as being acceptable within a Green Wedge.
44. The last sentence of Policy 25 seems to be misplaced and relates to policy SP24. Biodiversity Net Gain is not intended to be a reason for refusal, as the system is set up so mandatory BNG is dealt with by condition as a post permission issue. The mandatory BNG system has been established so a way of securing 10% BNG whether that be on-site, off-site or by using statutory credits should always be possible (although the costs may be prohibitive).

SP29 Transport Movement and Access

45. HBF agree that contributions can only be sought to mitigate impacts from development and not wider longer standing issues and/or historical underinvestment.
46. There is also for need for planning policy to require electric vehicle charging points to be provided on new residential development as this matter has already been addressed in Building Regulations.

Policy SP 31 Infrastructure and Delivery

47. HBF agree that contributions can only be sought to mitigate impacts from development and not wider longer standing issues and/or historical underinvestment.

SP32 Water Supply and Wastewater Management

48. The policy seeks to require development to ensure an estimated water consumption of no more than 110 litres/person/day. HBF do not believe such a policy is needed in the Local Plan because current Part G Building Regulations require 125 litres per day, and house builders are frequently delivering 115-110 litres per day which means the house building industry is already improving upon the regulations. There is no need for Local Plan policies to repeat Building Regulations and it is in fact unhelpful to do so as Building Regulations may change during the course of the plan period.
49. HBF opposes any requirement for applicants to assess or demonstrate the capacity of the water company to connect a development with water services (e.g. the supply of fresh water and the treatment of wastewater) and the requirement for applicants to demonstrate water neutrality, as the legal responsibility for the supply of water services falls to the water company.
50. These are not land use planning matters. They are matters managed under a separate statutory regime. Matters relating to water and sewerage infrastructure and its availability and/or network capacity are both controlled by separate, dedicated legislation, i.e., s37 (water) and s94 (sewerage) of the Water Industry Act 1991. Second,

the planning process should not be used as a route to subjugate established primary legislation.

51. I trust that the Council will find these comments useful. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
52. Please let me know if you have any further questions.

Yours faithfully

A handwritten signature in blue ink that reads "R. H. Danemann". The signature is written in a cursive style and is centered on the page.

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