



**Hinckley & Bosworth
Borough Council**

**Response to Charnwood Borough Council's Local Plan (2021 – 2037)
Examination in Public**

Matter 1

Duty to Co-operate and other legal requirements

7th February 2023

This document sets out Hinckley & Bosworth Borough Council's (HBBC) response to Charnwood Borough Council's Local Plan (2021 – 2037) Examination in Public, Matter 1, Duty to Co-operate and other legal requirements, scheduled for 7 February 2023.

HBBC have provided answers (in [blue text](#)) below to the questions asked by the appointed inspectors for this matter.

Matter 1 Duty to Cooperate and other legal requirements

Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan.

[HBBC consider that Charnwood BC have complied with the Duty to Co-operate \(DtC\) over time to address strategic cross boundary matters. We acknowledge it's not a duty to agree, in particular given HBBC's view on the distribution of the unmet housing need which has previously been raised in our representations. Despite this stance, HBBC believe that the DtC has been met.](#)

QUESTION 1.8 WILL BE COVERED UNDER MATTER 2 – THE DEVELOPMENT STRATEGY:

1.8 If the Statement of Common Ground concludes that more housing is needed in Charnwood to meet Leicester's unmet need, does the development strategy set out in Policy DS1 represent a robust and appropriate approach for the distribution of further housing, employment and other development in the longer term?

[HBBC have not confirmed attendance at Matter 2, but, in relation to the issue of unmet need, wish to confirm that the position as set out in Exam 43 remains unchanged in respect of the distribution of housing from Leicester City Council \(LCC\) and that HBBC do not agree to the final step in the methodology. With regards to employment, HBBC and neighbouring local planning authorities have commissioned an updated warehousing and logistics study.](#)

[HBBC notes the post hearing letter from the Inspectors \(Exam 55\) and notes the identified minimum local housing need of 1,189 dwellings per annum for Charnwood. HBBC also notes that an increase in housing supply is necessary and considers that further discussion through Matters 4, 6 and 7 is the most appropriate route for testing an increase to housing supply.](#)

[Should it be concluded that further housing is required in Charnwood, either as a result of the unmet need and/ or as a result of any changes to extend the plan period, then changes to Policy DS1 may be required to reflect this. It is suggested that CBC are best placed to make any potential wording changes to the policy as the EiP progresses.](#)

QUESTIONS 1.9 & 1.10 WILL BE DISCUSSED UNDER MATTER 9 –

VIABILITY AND MONITORING:

1.9 Are there any other issues that could trigger the need for a Plan review apart from Leicester's unmet need?

Again, HBBC have not confirmed attendance for Matter 9 but wish to set out that we do not consider there to be any other issues which could trigger the need for a local plan review at this stage.

The current proposed changes to the NPPF consultation are at too early a stage to hold any material weight in the deliberations of this EiP and, it is suggested, that subject to robust and fully justified monitoring indicators, that the Authority Monitoring Report (AMR) will adequately deal with any issues in relation to other circumstantial and / or evidential changes that may arise that could trigger a plan review in due course.

1.10 Will Policy DS2 be effective in its submitted form and are any main modifications necessary to improve its clarity in relation to timescales and its effectiveness? Should the policy include a reference to strategic warehousing and distribution needs?

HBBC consider that this question is best answered by Charnwood BC and dealt with via any necessary Main Modifications.

Issue 3 – Whether the Plan has been prepared in compliance with other legal requirements

HBBC consider, that despite not agreeing to the distribution of unmet housing need set out in the Statement of Common Ground (SoCG), the Charnwood Local Plan (2021 – 2037) has been prepared in compliance with other legal requirements and offers no further comment on this issue.

Supplementary Questions

1. Are any adjustments to the Plan period (2021 – 2037) necessary to accord with NPPF paragraph 22 which states that strategic policies should look ahead for a minimum 15 year period from adoption, having regard to the delays in the Examination process?

(Note: Whilst not a legal requirement, this question is necessary to follow up on question 1.21 from the previous version of the MIQs).

HBBC consider that this is a matter for the discretion of the Inspectors.

2. Is an update to the latest Local Development Scheme (Exam 34) necessary to provide an updated timescale for Plan adoption?

HBBC consider that this question is best answered by Charnwood BC.