Planning Policy Team

City Hall

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SENT BY EMAIL

 31/7/25

Dear Local Plans Team,

**HBF RESPONSE TO LECIESTER MAIN MODIFICATIONS CONSULTATION**

1. Please find below the HBF response to the Leicester Local Plan Main Modification Consultation. We have not responded to all of the proposed Modifications, only those of relevance to our members, focusing particularly on reflecting the discussions at the EIP sessions.
2. 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.

**Monitoring Policy**

1. As you know we have welcomed the Council’s efforts to try and ensure that Leicester has an up to date Local Plan. Full nationwide local plan coverage is an essential part of the planning system and an objective HBF strongly supports. We understand the challenging path that Leicester Local Plan has been on, as we said at the Examination, we would normally have concerns about the NPPF requirement that that 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).
2. We understand the challenge in developing the Leicester Local Plan and welcome the ongoing and positive engagement in Leicester and Leicestershire to try and address the unmet housing need of Leicester. As we said at the EIP this is a unique sets of circumstances that sadly has not been replicated in other places. As such we recognise that these factors have significantly impacted the Plan’s timetable and result in the plan that will have a shorter timeframe than would be ideal. This increases the importance of the need for a robust review policy in the Leicester Plan.
3. We welcome the inclusion of the New Policy on Monitoring and the inclusion of a Monitoring Framework within the Plan. We would however request that the Method/Action that would occur if monitoring showed under-delivery of housing, should be more than just a review of the Plan. There are other actions that the Council could seek to take to address under-delivery including for example working with developers, seeking external funding, flexibility in policy asks to support viability and deliverability and permitting additional planning permissions.
4. We also note that the Council prepared a new Local Development Schemes in Feb 2025 which includes key milestones for the next Local Plan. HBF would continue to suggest that these milestones should be included within the Monitoring Policy and explicit reference should be made to the Plan being out of date, if the new Local Plan is not prepared in line with the timeframe set out. Such an approach would be consistent with monitoring policies in other Local Plans.

**Biodiversity Gain**

1. Firstly this section heading at from 15.9 and Policy NE02 should be called Biodiversity Net Gain. HBF have observed the significant potential for confusion around biodiversity/environmental hierarchy in other proposed Local Plan policies. Particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy.   There is a clear need for LPAs, developers and other partners to be absolutely clear about the difference between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits).  The proposed modifications to this Plan do not make this distinction clear enough and create confusion impacting the deliverability of the Plan.
2. HBF suggest it would then be helpful to explain the introduction of Biodiversity Net Gain and the implementation dates for larger and smaller sites, which as you know was 12 February 2024 for major sites and 2 April 2024 for small sites. During the lifetime of this Plan reserved matters applications will be determined that are not required to deliver mandatory BNG when the outline was granted pre-mandatory BNG. Also, unlike many policies the Plan the provision of the mandatory BNG is non-negotiable, and the working of the Plan is not clear about this. Indeed para 15.10 suggests the Council I looking to deliver higher than 10% and proposals doing so will be supported. This does not clearly explain that the 10% is required, and other policies may need to be compromised to secure delivery of a schemes where 10% BNG impacts on viability.
3. HBF would also question the Council’s interpretation of the interface between the Local Nature Recovery Strategy and the BNG hierarchy. It is perfectly legitimate for developers to purchase off-site units and statutory credits if required to deliver their BNG as long as they have explored other options first. Delivering BNG further from the development site is already penalised by the metric calculations and this should not be caveated further by Local Plan policies.
4. As you will be aware the Government has recently been consulting on possible changes to the BNG. However, any Plan has to be prepared on the basis on the policy environment at the time as many policies will change over time. If national policy were to change, then usual practice would be for the most recent one to be applied if there was a conflict. It does not seem appropriate for a change in national policy to change the wording (or a %) of an adopted policy in a Local Plan. That said the Plan should be as up to date as possible on adoption.

**Definition of Local Nature Recovery Strategy**

1. HBF would question the definition of LNRSs and suggest reference should be made to the relevant LNRS for Leicester. As Leicestershire, Leicester and Rutland LNRS has now been completed and submitted to the Secretary of State for approval to publish. The final strategy (along with local habitat maps) is anticipated to be published on 1 August 2025, and as such it would be helpful for the Plan to reference this and ensure that the most up to date reference is included in the Plan that is adopted. <https://www.leicestershire.gov.uk/environment-and-planning/local-nature-recovery-strategy/leicestershire-leicester-and-rutland-local-nature-recovery-strategy>
2. I trust that the Council will find these comments useful as it continues to progress its Local Plan. Please use the contact details provided below for future correspondence.

Yours faithfully



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