

## **Statement of Compliance with the Duty to Cooperate November 2022**

### **1. Introduction**

- 1.1 Section 110 of the Localism Act 2011 introduced the legal 'Duty to Cooperate, into Section 33A of the Planning and Compulsory Purchase Act 2004 which requires local planning authorities to work with other neighbouring authorities and other prescribed bodies in preparing development plan documents.
  - 1.2 Relevant planning issues identified for consideration under the duty include the development or use of land that would have a significant impact on at least two planning areas (and in particular on strategic infrastructure). A local planning authority should 'engage constructively, actively and on an ongoing basis', in respect of the activities that are subject to the duty.
  - 1.3 The list of 'other prescribed bodies' is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and those which apply to Leicester are:
    - The Environment Agency
    - Historic England
    - Natural England
    - Homes England
    - Leicester, Leicestershire and Rutland Clinical Commissioning Groups, Leicestershire Partnership NHS Trust and University Hospitals of Leicester NHS Trust.
    - National Health Service (NHS) England
    - Network Rail
    - Highway authorities within the meaning of section 1 of the Highways Act 1980 including the Secretary of State, i.e. Highways England (now National Highways)
    - Sport England
  - 1.4 The Regulations also make clear that when preparing plans, local authorities should also have regard to Local Enterprise Partnerships (LEP) and Local Nature Partnerships (LNP). The relevant LEP is Leicester and Leicestershire LEP and the relevant LNP is Leicestershire Local Nature Partnership.
  - 1.5 The National Planning Policy Framework sets out that authorities should prepare Statements of Common Ground throughout the plan-making process to evidence effective joint working on cross-boundary strategic matters. National Planning Practice Guidance (NPPG) defines a Statement of Common Ground as a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective cooperation is and is not, happening throughout the plan-making process. It also provides evidence to demonstrate that the duty to cooperate has been complied with.
- ### **2. Cooperation on Strategic Planning Matters across Leicester and Leicestershire**
- 2.1 Effective cooperation with other local authorities across Leicester and Leicestershire has been well established over many years and was strengthened by the joint work to prepare and agree the Leicester and Leicestershire Strategic Growth Plan (SGP). This is a non-statutory plan to shape the future of the Leicester and Leicestershire Housing Market Area (HMA) and Functional Economic Market Area (FEMA) in the

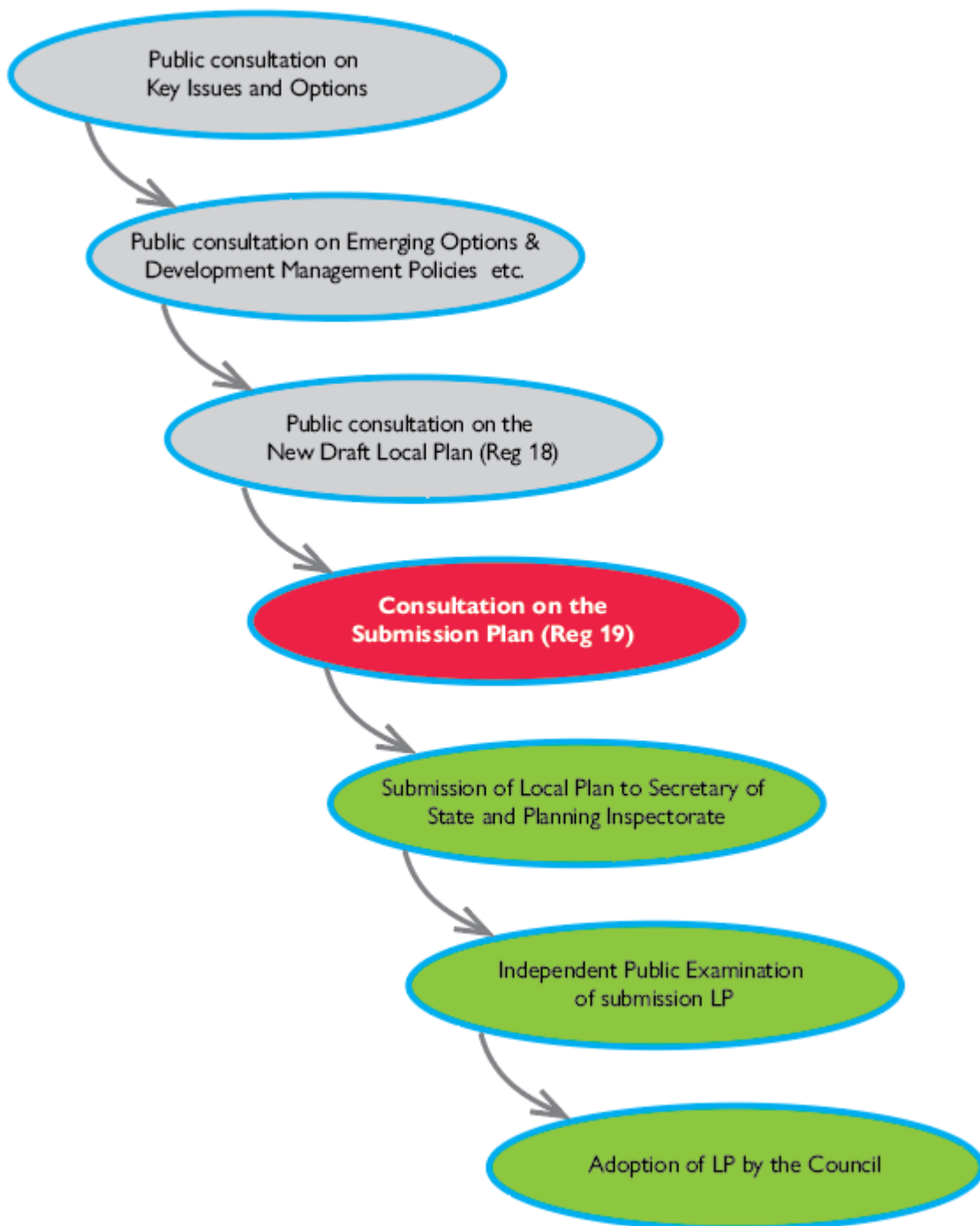
period to 2050. It provides a long-term vision and a jointly agreed framework on cross boundary matters that partners can use to inform their individual statutory local plans. It was approved in 2018 by all the Leicester and Leicestershire local authorities and the Leicester and Leicestershire Local Enterprise Partnership (LLEP). The Strategic Growth Plan focuses on delivering new housing, supporting the economy, identifying essential infrastructure, and protecting the environment and built heritage. Leicestershire local authorities and the LLEP work collaboratively to address these strategic issues and implement the vision.

- 2.2 Joint strategic planning work is overseen by the Members' Advisory Group (MAG). The MAG comprises a councillor from each of the authorities, plus an observer from the Leicester and Leicestershire Local Enterprise Partnership (LLEP) and it meets on a regular basis, currently every two months. Any proposals or recommendations of the MAG pertaining to key strategic planning issues are subject to ratification by individual local authorities.
- 2.3 MAG is supported by a Strategic Planning Group (SPG) made up of senior officer representatives responsible for overseeing strategic planning in each of the constituent authorities. SPG meets on a regular basis, currently monthly. The SPG is itself supported by further officer groups; including the Planning Officers' Forum (POF), which is a formal meeting of Chief Officers responsible for planning and transport services across Leicester and Leicestershire. The Forum provides professional advice to the SPG and is supported by joint officer level meetings, which includes managers responsible for planning and transportation policy within Leicester and Leicestershire.
- 2.4 The POF is also supported by the Task & Finish Group (T&F) which comprises senior officers that meet every week to work together on the strategic matters including housing, employment, transport and associated evidence studies. The T&F group supports and advises both POF and SPG.
- 2.5 The key strategic matter for Leicester and Leicestershire relates to housing and employment and involves a number of work streams to address the issue of unmet housing and employment arising in Leicester. This has involved collaborative working on the following studies:
  - Housing and Economic Needs Assessment (HENA) - a study to better understand the need for housing and employment land including the type and mix needed within Leicester and Leicestershire
  - Sustainability Appraisal (SA) – to appraise and inform the distribution options and scenarios considered in the Statement of Common Ground.
  - Strategic Transport Assessment (STA) - to develop a series of growth scenarios to understand the impacts of growth on the transport network
  - Strategic Growth Options and Constraints Mapping (SGO) – to assess the potential of strategic sites in Leicestershire and understand the opportunities and constraints at a strategic scale
  - Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change – assesses the need for Large Warehousing and Logistics 2020 – 2041
- 2.6 Following completion of this evidence excluding the Transport Assessment and the Strategic Growth Options, Leicestershire local authorities have agreed options for accommodating the unmet need. A Statement of Common Ground on the apportionment of Leicester's unmet need has been agreed and is going through individual governance process across areas. Transport Assessment and Strategic

Growth Options are currently being prepared and will inform the longer term growth through the SGP.

### 3. Leicester's Local Plan

- 3.1 Relevant bodies have been consulted, both formally and informally, throughout the stages of the preparation of the Leicester Local Plan. The stages of this consultation are shown in the diagram below.



3.2 The table below provides a summary of all the relevant duty to cooperate bodies engaged with, the strategic matters which we have worked with partner bodies on and how the issues have been resolved.

3.3 There will continue to be engagement with all partners, as necessary, to finalise and implement the Local Plan. This will include engagement through the established structure for strategic planning in Leicester and Leicestershire to address issues arising from the objectively assessed housing and employment needs that cannot be met wholly within Leicester.

#### **3.4 Summary of cooperation**



Body	Strategic Matters	Nature of Cooperation	Outcomes of Cooperation	Evidence
<b>Strategic Sites</b>				
<b>Blaby District Council and Development Partners</b>	Strategic Sites  SL02	Policy SL02. Strategic Site 1: Western Park Golf Course (LCC owned)	<p>Charnwood and Blaby District Councils. This includes housing, employment, consideration of education and other infrastructure and the approach to development in the Green Wedge.</p> <p>This cooperation has informed the wording of housing allocation policy SL02 which requires that development proposals are supported by a Masterplan and Green Infrastructure Strategy to demonstrate how the Green Wedge function of this site will be maintained.</p>	Ongoing Statement of Common Ground between Leicester and Blaby District Council
<b>Charnwood Borough Council Development Partners</b>	Strategic Site  SL03	<p><b>Policy SL03. Strategic Site 2: Land to the east of Ashton Green</b></p> <p>Meetings have taken place under DtC with Charnwood Borough Council to have ongoing discussions about this site and the adjoining piece of land to ensure that development within both boundaries complement each other.</p>	<p>This site comprises two sites</p> <ul style="list-style-type: none"> <li>i) (land to east of Leicester Road adjacent Ashton Green – 48.10 hectares; and</li> <li>ii) land north of Birstall Golf Course – 4.73 hectares.</li> </ul> <p>This includes housing, employment, education and other infrastructure and the approach to development in the Green Wedge.</p> <p>Leicester City Council as landowner, will continue to work jointly with the promoters and development partners, to ensure the timely delivery of the site, establishing the mechanisms for securing the infrastructure needed, to enable the development of this site.</p> <p>The site will be brought forward for development through joint working with agents, builders, developers, and the infrastructure providers.</p>	Ongoing Statement of Common Ground between Leicester and Charnwood Borough Council

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			Delivery of the site must be based on a master plan, with an associated delivery and a phasing plan.	
<b>Charnwood Borough Council</b>  <b>Development Partners</b>	Strategic Site  SL04	<p><b>Policy SL04. Strategic Site 3: Land north of the A46 Bypass</b></p> <p>Meetings have taken place under DtC with Charnwood Borough Council to have ongoing discussions about this site and the adjoining piece of land to ensure that development within both boundaries complement each other.</p> <p>Meeting with County education to check the need for a primary of secondary school on this site.</p>	<p>Leicester City Council as landowner, will work jointly with the promoters and development partners, to ensure the timely delivery of the site, establishing the mechanisms for securing the infrastructure needed, to enable the development of this site.</p> <p>Delivery of the site must be based on a master plan, with an associated delivery and a phasing plan.</p> <p>Based on current capacities and schools and the planned number of homes, unlikely that a new school will be required within the city. Any capacity will need to be accommodated in nearby Schools e.g. expansion of nearby primary schools. So long as Ashton Green secondary school goes ahead no need to change have further provision for a secondary school.</p>	Ongoing Statement of Common Ground between Leicester and Charnwood Borough Council
<b>Charnwood Borough Council</b>  <b>Blaby District Council</b>  <b>Development Partners</b>	Strategic Site  SL05	<p><b>Policy SL05. Strategic Site 4: Land west of Anstey Lane</b></p> <p>Ongoing Planning Performance Agreement (PPA) set up with neighbouring authorities to ensure a coordinated masterplan.</p> <p>Discussions for the PPA have been led by Charnwood BC due to the developer of land being in Charnwood boundary. PPA confirmation dependent on a number of different parties.</p>	<p>Leicester City Council as landowner, will work jointly with the promoters and development partners, to ensure the timely delivery of the site, establishing the mechanisms for securing the infrastructure needed, to enable the development of this site.</p> <p>This cooperation has informed the wording of housing allocation policy SL05 which requires that development proposals are supported by a Masterplan, with associated delivery and a phasing plan, and Green Infrastructure Strategy to demonstrate how the Green Wedge function of this site will be maintained.</p>	Ongoing Statement of Common Ground between Leicester City Council, Blaby District Council and Charnwood Borough Council

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		Recent meeting with County Education to check the need for a primary of secondary school on this site.	Recommendation that part of site is safeguarded for a school. Changes to the policy to acknowledge this.	
<b>Non-strategic sites</b>				
Oadby & Wigston Borough Council	Site 715 – Land north of Gartree Road	Housing allocation, Green Wedge, Transport issues	Duty to Cooperate meetings apart from statutory consultations. Agreed to continue to work jointly on the Green Wedge Review, transport options with County, and any other cross boundary issues. Ongoing conversations around the Green Wedge Review.	Ongoing
<b>Transport</b>				
<b>County &amp; Adjoining Authorities</b>  <b>Leicestershire County Council</b>  <b>National Highways</b>  Charnwood  Blaby  Harborough  O & W	Highways and Transport	On-going and regular engagement with Leicestershire County Council in its role as Local Highways Authority focused around transport modelling of options and preferred option, with regular constructive meetings also involving Charnwood Borough Council and Blaby District Council Highways Authority and National Highways.	<p>A common understanding of the existing network constraints and the transport impacts of local plan growth upon the strategic and local highway network.</p> <p>Agreed methodology and findings from the modelling work undertaken to date which are being used to inform further work, to enhance our joint understanding of the package of measures and scale of investment required, to effectively mitigate the impacts of transport growth upon the highway network, with a strong focus upon sustainable transport.</p> <p>Work completed includes SELTS (South-East Leicester Transport Study) a very high level strategic study, considering the highway/transport impacts on the south east of Leicester Urban Area.</p> <p>It is agreed this work will be used to inform transport strategy development.</p> <p>The cooperation and agreed evidence have informed</p>	SELTS (South-East Leicester Transport Study)



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			<p>the development strategy, site selection, infrastructure delivery plan and preparation of the local plan policies.</p> <p>Further work is required to address the cumulative and cross boundary impacts to develop a more refined mitigation package, which will provide more details of the costs and phasing require.</p> <p>The next stage of work includes an area-based transport strategy. The first of these will cover the North-West Leicester Area.</p> <p>Strategic Planning Group is currently undertaking Leicestershire undertaking a Strategic Transport Assessment of HMA, considering the potential highway/transport impacts of Leicester's unmet housing need.</p>	L&L Strategic Transport Assessment (STA) (ongoing)
<b>Climate Change</b>				
<p><b>All authorities in the Leicester Urban Area</b></p> <p>Environment Agency</p>	Climate Change	<p>Engagement with Environment Agency on climate change issues and draft policies took place throughout the Local Plan preparation process.</p> <p>Leicester City Council declared a climate emergency in 2019 and it has since developed a climate change action plan to play its part in tackling climate change. The city council's ambition is for</p>	<p>Climate change is not just a city problem, it also affects the wider Leicester Urban Area with rainfall events and drier summers predicted across the region. A growing population will also put pressure on the environment.</p> <p>The city council is working strategically with authorities in the Leicester Urban Area on new Climate Emergency Action Plan, which will come into effect in 2024 and this is reflected in the emerging Local Plan.</p>	Climate Change Action Plan

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		<p>Leicester to become carbon neutral by 2030 or sooner.</p> <p>It is anticipated that policies will be assessed and strengthened at the next plan review, to consider progressively increased levels of carbon dioxide reduction, culminating in a net zero emissions requirement, as soon as possible and in alignment with national regulation.</p>		
<b>Flooding</b>				
<p><b>Environment Agency</b></p> <p><b>Other LA reps Reg 18</b></p>	<p>Flooding</p>	<p><u>SFRA</u> Meeting with the EA in April 2022 to discuss refresh to SFRA.</p> <p>Follow up meeting with the EA in September 2022 when new legislation was released.</p> <p>Assessments commissioned to assess flood risk. Along with the Environment Agency, the City Council drew on their expertise to help inform the evidence base. Establishment of an effective on-going partnership to work together through the development management system to address and mitigate flood risk.</p>	<p>EA agreed the approach to refresh the SFRA would be sufficient to support the plan, including updating relevant flood risk data.</p> <p>EA confirmed in follow up meeting that updated guidance from the government re 1 in 30 flood risk, instead of 1 in 20. Due to the advanced stage of local plan preparation, it was agreed that we will use the previous guidance (1 in 20) in this version and update the SFRA in the future.</p> <p>We have been developing an action plan for the city of Leicester to combat climate change. Our latest local flood risk management action plan (2020) now forms part of the climate emergency action plan (2020).</p> <p>In terms of local flood risk management, the Climate emergency action plan now forms the framework, which we will use to engage local communities in developing local flood risk management decisions and explains how we</p>	<p>SFRA, Climate Change Action Plan.</p>

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		<p><u>Water cycle study</u> Consultations with the Environment Agency via consultants commissioned to undertake the update to the Water Cycle Study (2022).</p> <p>Meetings with the Environment Agency in July 2018 and July</p>	<p>support them to become better informed about flood risk issues.</p> <p>Working with the environment Agency has provided a joint understanding of the levels of historic, current, and forecast fluvial, surface water and groundwater flooding and risk across Leicester.</p> <p>An agreed methodology for assessing flood risk which was used to inform the development strategy and site selection process as well as the local plan policies regarding flooding in Leicester.</p> <p>Joint understanding of the flood risk in the City and how that has informed the site selection process. Joint working to implement a flood risk management scheme to address flood risk in Leicester. This provides climate resilience through enhanced flood protection and the creation of multipurpose green space.</p> <p>EA welcomed the Study's recommendation that the Local Plan require a higher level of water efficiency measures to be built-in to new residential development.</p>	<p>Water Cycle Study (ongoing)</p>

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		<p>2020 on the Water Cycle Study (2020).</p> <p>Consultations with the Environment Agency during drafting of the Water Cycle Study (2020)</p>	<p>It was notified to all parties concerned that capacity upgrades at Wanlip Wastewater Treatment Works (WwTW) need to be worked through by Severn Trent Water and the Environment Agency to ensure water quality objectives met.</p> <p>The Water Cycle Study makes clear that any modelled water quality deterioration would not occur in practice because the Environment Agency would not permit breaches under Water Framework Directive rules</p>	
<b>Historic Environment</b>				
<b>Historic England</b>	<b>Historic Environment</b>	<p>Engagement through correspondence and meetings, to ensure that the plan sets out a positive strategy for the conservation and enjoyment of the historic environment, and that any harm to heritage assets is appropriately assessed.</p> <p>This has included discussions to inform revisions to the policy wording relating to the historic environment.</p>	<p>It is agreed that the plan takes a positive approach to the historic environment and the evidence base for the assessment of sites is appropriate and sufficient to justify the selection of sites.</p>	Policies HE01 & 02
<b>Environment and Biodiversity</b>				
<b>Natural England</b>	<b>Environment and Biodiversity</b>	<p>Meetings held to ensure that the plan's policies enhance the natural environment by protecting valued landscapes, sites of biodiversity and geological value and soils, recognising the intrinsic</p>	<p>The two parties agreed to support the preparation of a Biodiversity Strategy or Guidance and to maintain a dialogue on matters arising which are likely to have significant impacts and implications for the delivery of local plan policy on biodiversity, habitat protection and green infrastructure.</p>	

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		<p>character and beauty of the countryside and providing net gains for biodiversity. This has included requesting feedback to inform revisions to the policy wording relating to design, sustainable construction, land quality, biodiversity, and green infrastructure.</p> <p>In terms of the work itself, there has been regular meetings with the lead flooding consultant. The council works closely with its internal flooding and SUDS specialists.</p> <p>Communication with Natural England about the Habitat Regulations Assessment, confirmation that the document adequately addresses issues within Leicester.</p>	<p>It is agreed that no national or locally designated sites of importance for biodiversity were found to be at risk of harm.</p>	
<b>Other Infrastructure</b>				
<b>Homes England</b>	<b>Housing Growth</b>	<p>Consultation with Homes England to discuss understand any non-site specific and strategic issues as they have no active land interests within Leicester. Engagement also takes place through the partnership arrangements across Leicester</p>	<p>Homes England and the City Council are working together on delivery within the Central Development Area (CDA).</p>	<p>Ongoing discussions</p>

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		and Leicestershire through the Strategic Planning Group		
<b>NHS Clinical Commissioning Groups</b>	Health Service Planning	<p>Engagement through regular meetings to discuss the local plan preparation and site selection process and to gain an understanding of the current and future challenge.</p> <p>CCGs engaged as part of statutory Local Plan consultations</p>	<p>The city council has worked with the CCG as the Local Plan has progressed to inform them of the expected level and location of housing growth in the city as well as other key policies that may be of interest to them. This is to increase their understanding of the planning process and the development that is planned development in Leicester over the plan period. The CCG can then make appropriate representations during Local Plan consultations and more effectively plan their own strategies to address the level of growth within the city and how they deliver their services.</p> <p>The CCG were invited to and participated in a workshop that was held to inform the preparation of the Infrastructure Study, which supports the Local Plan.</p> <p>The CCG also make the council aware of key strategies and programmes that are relevant to us and the preparation of the Local Plan. For instance, as part of review of their assets the Leicester General Hospital was considered for disposal. This site was submitted to the council for inclusion in the Reg 18 Local Plan as a potential strategic housing site. However, the CCG have since withdrawn this site from the Local Plan process and it is not now being taken forward as part of this Local Plan.</p>	Ongoing discussions & representations
<b>Other National Health Service Partners - National Health Service Property Service</b>	Health Services	<p>Consultation also undertaken with other health partners such as the National Health Service Property Service.</p> <p>Partners consulted as part of statutory Local Plan consultations.</p>		Representation.

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- Leicester Royal Infirmary property dept				
Charnwood Borough Council	Burial Space	On-going discussions with Charnwood Borough Council over proposed allocations for burial space including in Charnwood's Green Wedge areas to address need for additional burial space arising from the city.	Agreed text with Charnwood and Leicester for each authorities Local Plan.	Local Plan and Charnwood Examination
Sport England	Specific Site related comments	Regular meetings with Sports/Parks colleagues to discuss the sites and refresh of the PPS. This included meeting with Sport England to discuss comments made at Reg 18 with discussion about the mitigation measures for the sites. Approach to the PPS was also discussed.	Agreement that PPS refresh should be sufficient for the next stage of the local plan. Sites agreed on as part of the meetings after discussion with colleagues as well as a reassessment of the sites based on consultee comments. Responses re mitigation noted within the site documents.	PPS review
<b>Utility Providers</b> <ul style="list-style-type: none"> <li>- Severn Trent</li> <li>- Western Power</li> <li>- Cadaent</li> <li>- National Grid</li> <li>- Water Resources West</li> <li>- EON</li> <li>- Openreach</li> </ul>		As part of the infrastructure Assessment prepared to support the Local Plan, all the statutory infrastructure providers were consulted by Civix (infrastructure consultants). Their comments have been included. They were consulted at Reg 18 and previous consultations.	Their comments have been included within the final infrastructure assessment and also the Local Plan.	Local Plan and Infrastructure Assessment