

## **Harborough Local Plan - Leicester and Leicestershire Statement of Common Ground relating to housing and employment land needs.**

At the meeting on 18<sup>th</sup> September 2023 the Council resolved to defer consideration of the Item pending a public meeting to which local MP's expressing concerns about the process would be invited. The expected timescale of the further consideration of the matter is understood to be November 2023.

Attached to this note is the report which was taken to the council meeting and the associated supplementary agenda.

# Harborough District Council

## Report to Council

### Meeting of 18 September 2023



|                          |   |
|--------------------------|---|
| <b>Title:</b>            | Harborough Local Plan - Leicester and Leicestershire Statement of Common Ground relating to housing and employment land needs   |
| <b>Report Author:</b>    | Tess Nelson, Head of Strategic and Local Planning   |
| <b>Portfolio Holder:</b> | Cllr Knowles, Strategic Planning Portfolio<br>Cllr Galton, Planning Portfolio Holder  |
| <b>Appendices:</b>       | <p>A. Leicester and Leicestershire Statement of Common Ground relating to housing and employment needs, June 2022</p> <p>B. Leicester and Leicestershire Housing and Economic Needs Assessment, June 2022</p> <p>C. Leicester and Leicestershire Housing and Economic Needs Assessment: Executive Summary, June 2022</p> <p>D. Leicester and Leicestershire Housing and Economic Needs Assessment: Housing Distribution Paper, June 2022</p> <p>E. Leicester and Leicestershire Housing and Economic Needs Assessment: Employment Distribution Paper, June 2022</p> <p>F. Leicester and Leicestershire Statement of Common Ground: Sustainability Appraisal Report, June 2022</p> <p>G. Leicester and Leicestershire Statement of Common Ground: Sustainability Appraisal: Non-Technical Summary, June 2022</p> <p>H. Frequently Asked Question regarding housing and employment needs September 2023</p> <p>I. Communities Scrutiny Panel Minutes: 13 October 2022</p> |

## Summary

- i. It is proposed that the Council enters into an agreement in relation to housing and employment needs, entitled “the Statement of Common Ground (“SoCG”)” with the other planning authorities in Leicestershire. This is a formal stage in the preparation of the council’s next local plan.
- ii. The local plan is at the heart of the planning system because planning decisions must be taken in line with it, other than in exceptional circumstances. If there is no up to date local plan in place, every planning application received by the Council must be considered in isolation, which can make it harder for the Council to actively manage development within

the district. As these plans are complex and vitally important, local authorities spend a substantial amount of time, and money, ensuring that they are kept up to date and relevant.

- iii. The current Harborough Local Plan was adopted in April 2019. It has been reviewed and a new plan is required to allocate development in sustainable locations and protect important natural spaces and built heritage. Further, the implementation, monitoring and review provision of the existing plan have been triggered, which means that the Council will be in breach of its own planning policy (IMR1) if it does not update its local plan.
- iv. Councils can however only adopt a new plan after completing a number of statutory processes, meeting policy tests and satisfying an independent planning inspector that the proposed local development plan is sound.
- v. The Localism Act 2011 imposed on the Council a duty to work collaboratively with partner authorities on strategic cross boundary issues. This is known as the Duty to Cooperate (“the Duty”). It therefore applies to the preparation of development plan documents and other activities in relation to the sustainable development and use of land. Evidencing that this requirement has been met is one of the steps that must be complied with before the Council can progress the draft local plan to adoption.
- vi. This report summarises the local development plan process and focuses in particular upon the steps taken by the Council to evidence that it has discharged its duty to co-operate with partner authorities over housing and employment needs in the region.

## Recommendation

- 1. That Council agrees to progress the preparation of the local plan by signing the Leicester and Leicestershire Statement of Common Ground relating to housing and employment needs, June 2022.**

## Reasons for Recommendations

Agreeing to the Leicester and Leicestershire Statement of Common Ground will demonstrate ongoing constructive engagement with partner authorities across Leicester and Leicestershire. It will provide evidence of the Council’s fulfilment of its statutory Duty to Cooperate and meeting the Tests of Soundness; both of which are a statutory requirement in order to adopt the next Local Plan. The Statement of Common Ground is fair and reasonable for Harborough District and has previously been signed by 7 of the 9 authorities in Leicester and Leicestershire. The evidence underpinning it is clear, transparent and robust.

Whilst the Government has indicated that future planning reforms will repeal the Duty to Cooperate, this is not expected to come into force until September 2024 at the earliest. The Duty to Cooperate remains a legal requirement for the foreseeable future and must be complied with. Signing the Statement of Common Ground will provide greater certainty as to the housing and employment requirements of the district to inform the next Local Plan.

Working collaboratively with partner authorities across Leicester and Leicestershire maintains positive relationships with neighbouring and other partner authorities, assisting in the preparation of the Local Plan, for example through joint working on evidence preparation.

Not signing the Statement of Common Ground would place the Council at risk of being unable to adopt the next Local Plan. This would be harmful to Harborough District in the long term.

## Purpose of Report

1. To seek Council's agreement to signing the Leicester and Leicestershire Statement of Common Ground relating to housing and employment needs.

## Background

### Local plans

2. In England there is a 'plan-led' approach to the regulation of land and development which places local plans at the heart of the town and country planning system. A local plan forms part of the statutory 'development plan' for an area and is the starting point for the determination of all planning applications in the area, unless material considerations indicate otherwise.
3. The 2004 Planning and Compulsory Purchase Act places a duty on local authorities to carry out plan-making with the "objective of contributing to the achievement of sustainable development" while the Planning Act 2008 puts an additional obligation on plan-making authorities to ensure their development plan documents (taken as a whole) include policies that are "...designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change."
4. Chapter 3 of the National Planning Policy Framework ('NPPF') sets out the requirements that planning authorities are expected to comply with when preparing a local plan, stating at paragraph 16 specifically that plans should:
  - a. be prepared with the objective of contributing to the achievement of sustainable development;
  - b. be prepared positively, in a way that is aspirational but deliverable;
  - c. be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
  - d. contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
  - e. be accessible through the use of digital tools to assist public involvement and policy presentation; and
  - f. serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
5. The Harborough Local Plan was prepared and subsequently adopted in April 2019. It replaced the previous Harborough District Core Strategy adopted in 2011. The adopted plan provides at Section 12 that:

- “2. A full or partial update of the Local Plan will be commenced (defined as the publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) within 6 months of the following:
    - a. the adoption by the Council of a Memorandum of Understanding (MOU) or Statement of Common Ground (SoCG) which proposes a quantity of housing or employment development to 2031 that is significantly greater than the housing requirement or employment need identified in this Local Plan; or
    - b. in the absence of an adopted MOU or SoCG, 12 months from the date of publication of a Local Plan for Leicester City (defined as publication of an invitation to make representations in accordance with Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012) (‘a Regulation 19’) that includes satisfactory evidence of an unmet local housing need; or
    - c. conclusion of a review in response to specific trigger points as set out in the monitoring framework, including identification of significant and persistent shortfalls in the delivery or supply of housing against the housing requirement.
  3. Any full or partial update of the Local Plan triggered by 2. above will be submitted for examination within 30 months from the date it commenced.”
6. Whilst the current local plan remains up to date, the trigger set out at 2(b) above has been activated as a consequence of Leicester City Council publishing a Regulation 19 on 16 January 2023. This means that the Council must commence a full or partial update of its local plan in accordance with the Regulation 18 provisions. A new local plan is beneficial to provide long term certainty, allocate development in sustainable locations and protect important natural spaces and built heritage. When proposing a new plan, councils must demonstrate that legal requirements have been met, as well as policy tests known as the Tests of Soundness, before a new local plan can be adopted.
7. The proposed plan is tested by an independent planning inspector during the local plan Examination. Examinations are a lengthy and forensic process of examining and testing both the draft plan itself and the evidence underpinning it. The inspector will determine whether the draft plan is:
  - a. Sound – meaning it can be adopted;
  - b. Sound with modifications – meaning it will be capable of adoption provided the Council incorporates the modifications identified by the inspector; or
  - c. Not Sound – this judgement means that the Council will effectively have to restart the whole local development plan process.
8. Local Planning Authorities are required, as part of the preparation of local plans, to identify sufficient sites within their area to meet future housing and employment development needs. Where an authority is not able to accommodate all of its needs then national policy requires that any unmet need be accommodated elsewhere within the respective Housing Market Area (HMA) or Functional Economic Market Area (FEMA).

9. Harborough District Council sits within the Leicester and Leicestershire HMA / FEMA. The local plan examination will therefore test that the proposed local plan makes adequate provision for local housing and employment needs and helps to ensure that any unmet needs from neighbouring areas are also met.

### Duty to Cooperate

10. Local authorities have a duty to work together to address issues which extend across local authority boundaries. One such issue is housing needs. This is because the need for homes is not limited or defined by local authority boundaries. Whilst need may arise in one local authority area, in reality people will often move between areas to live and work. This is particularly common in localities which provide access to multiple opportunities, particularly when they are well served by transport links, such as the Harborough District.
11. Whilst in the past these cross boundary (or 'strategic') issues were dealt with through dedicated strategic planning documents (structure plans, then more latterly regional plans, such as the East Midlands Regional Plan), since 2011, this has been dealt with by local authorities through the Duty to Cooperate ('the Duty'). This is a legal requirement on local authorities to work together to ensure strategic issues are tackled, including within local plans. This Duty, in respect of local plans, requires ongoing constructive engagement on the preparation of the plan documents and other activities in relation to the sustainable development and use of land.
12. Statements of Common Ground ("SoCG") are prepared in order to demonstrate that the Duty to Cooperate has been met and to record the outcome of collaboration. The statement can be used as evidence of the effective ongoing collaboration and engagement between partner authorities and is of particular importance when the Council's local plan is being examined by a planning inspector. A SoCG is a written record of the progress made by strategic plan-making authorities during the process of planning for strategic cross-boundary matters and:
  - a. documents where effective co-operation is and is not happening through the plan-making process;
  - b. demonstrates at plan examination in public that plans are deliverable and based on effective joint working across local authority boundaries;
  - c. forms part of the evidence required to demonstrate that councils have complied with the duty to cooperate;
  - d. is a living document.

There may therefore be multiple SoCGs on a variety of subjects prepared for each local plan.

### Unmet needs

13. Leicester City Council identified that they have insufficient land within their administrative area to meet their needs for future homes and jobs in February 2017. It is not uncommon for cities like Leicester to have unmet needs as they develop land right up to their boundaries and run out of land to develop.
14. In December 2020 the Government published a new method for calculating housing need, which is now the starting point for determining how much housing land is to be met through a Council's local plan. The new method required the 20 largest cities and urban

centres to add an additional 35% to their local housing need. Leicester was included upon this list, resulting in their housing need increasing by 35% despite already having insufficient land available for housing needs.

### Statement of Common Ground

15. The Leicestershire planning authorities have been working together to address the unmet need within the HMA. Where there is an unmet housing need, the Duty to Cooperate and Tests of Soundness require neighbouring authorities to demonstrate that:
  - a. they have engaged constructively, actively and on an ongoing basis in relation to the unmet need;
  - b. the new plan is informed by agreements (such as the Statement of Common Ground for housing and employment needs), so unmet need is accommodated where practical and sustainable to do so; and
  - c. the new plan is based on effective joint working on cross-boundary matters as evidenced by a statement of common ground.
16. The Leicester and Leicestershire SoCG (Appendix A) is the outcome of collaboration between the Leicester and Leicestershire authorities. It resolves the issue of Leicester's unmet needs and in so doing, can be used by each authority in preparing their next plan as evidence to fulfil their legislative and policy tests.
17. The SoCG sets out the apportionment of Leicester's unmet housing and employment needs in the period to 2036. It has been prepared by the eight local planning authorities responsible for plan making (below) together with Leicestershire County Council:
  - a. Blaby District Council;
  - b. Charnwood Borough Council;
  - c. Harborough District Council;
  - d. Hinckley & Bosworth Borough Council;
  - e. Leicester City Council
  - f. Melton Borough Council;
  - g. North West Leicestershire District Council;
  - h. Oadby & Wigston Borough Council.
18. The SoCG is based upon a suite of evidence documents (Appendices B to G), as follows:
  - a. Leicester and Leicestershire Housing and Economic Needs Assessment (Appendix B) and Executive Summary (Appendix C),
  - b. Leicester and Leicestershire Housing and Economic Needs Assessment: Distribution of Leicester's unmet Housing (Appendix D)
  - c. Leicester and Leicestershire Housing and Economic Needs Assessment: Distribution of Employment Needs (Appendix E)
  - d. Sustainability Appraisal (Appendix F) and Non-technical summary (Appendix G)
19. The SoCG in relation to housing and employment needs has now been considered and agreed by each of the planning authorities as follows:

- a. Charnwood Borough Council (June 2022);
- b. Oadby and Wigston Borough Council; (July 2022)
- c. Melton Borough Council (July 2022);
- d. Blaby District Council (July 2022);
- e. Leicester City Council (August 2022);
- f. North West Leicestershire District Council (September 2022);
- g. Leicestershire County Council (September 2022).

## Details

### Need for the Statement of Common Ground

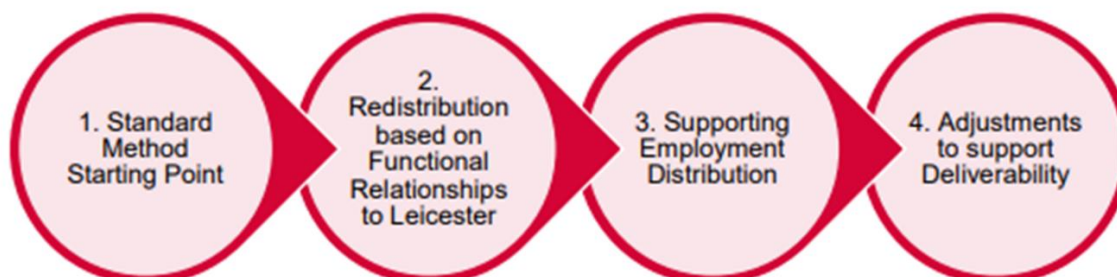
20. The new method for calculating housing need published by the government in December 2020 resulted in the housing need for Leicester increasing by 35%. In reality, it means that Leicester City Council needs to develop a further 9,712 homes over and above the current planned provision by 2036. This works out as an additional 607 homes per year.
21. The City's housing need now stands at 39,424 homes between 2020 and 2036. Although the City is heavily constrained, their local plan plans for around 21,000 homes across the plan period to 2036 by:
  - a. building on Brownfield sites;
  - b. building at high density (including building up where they can);
  - c. developing greenfield sites.
22. This leaves an unmet need of approximately 18,700 homes and 23 hectares of employment land to be accommodated in the wider Leicestershire HMA and FEMA.
23. Evidence associated with Leicester's local plan has been carefully assessed by officers and is considered to be comprehensive and robust. It provides confidence that every effort has been made to ensure their local plan accommodates as much growth as possible. Leicester City Council is expected to submit its local plan for independent examination shortly and it is expected that the examination will determine that the unmet need figures for housing and employment will be confirmed. However, should the unmet need change significantly through their Local Plan Examination, the Statement of Common Ground will be updated to reflect this, as set out in the Statement of Common Ground itself.
24. Whatever the outcome of the examination of Leicester City Council's proposed plan, Harborough District Council continues to be obliged to demonstrate that it is meeting its Duty to Cooperate.

### Evidence informing the Statement of Common Ground

25. The Leicester and Leicestershire Housing and Economic Needs Assessment (the "HEDNA") prepared in 2017 informed the housing and employment land provision of the current Harborough Local Plan. An updated assessment has been undertaken (June 2022) and therefore the HEDNA has been replaced by the new Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) (Appendix B). It is the first comprehensive Leicester and Leicestershire study since 2017 and is summarised at Appendix C.



26. The HENA includes specific sections addressing the distribution of housing (Appendix D) and employment (Appendix E) needs. This provides the evidence base for the proposed redistribution of unmet need from the Leicester City Council administrative area to the other planning authorities.
27. The HENA Housing Distribution Paper (Appendix D) identifies the following steps in assessing the distribution of homes / unmet housing need across Leicester and Leicestershire:



28. Each of these steps is considered below along with commentary as to what this means for Harborough District.

1. The government's standard method for calculating local housing need for each of the Leicestershire Districts / Boroughs has been adopted to determine the minimum level of housing provision required (in line with the NPPF).

The standard method results in a local housing need figure for Harborough district of 534 dwellings per annum (2022 based) – this figure will fluctuate as data is updated and used in the standard method calculation.

2. The functional relationship of each council with no unmet need is compared with that of the city of Leicester (being the only authority with unmet need), including migration and commuting relationships between the authorities. This generates an initial indication of the potential distribution of unmet need.

For Harborough, this sees an upwards adjustment of 123 dwellings per annum reflecting the fact that Harborough shares a boundary with Leicester City Council and has a relatively strong relationship with it in terms of commuting and migrating flows both in and out of the city.

3. The potential distribution of housing need is then adjusted to take account of the spatial distribution of future employment growth over the period to 2036. This promotes a balance in the delivery of jobs and homes at a local level and limits the need to travel by locating houses close to where job opportunities arise to provide additional labour where it is needed.

This results in no further change for Harborough since the additional minor increase is covered by the second step.

4. The final consideration relates to the deliverability of the distribution of development.

No change for Harborough.

29. Application of the redistribution process set out within the HENA across the HMA gives a proposed distribution of unmet housing need across Leicestershire as set out in Table 1 below:

**Table 1: Distribution of Unmet Local Housing Need 2020 to 2036**

| <b>Local Planning Authority</b>            | <b>Average Annual unmet housing need contribution 2020 to 2036 (dwellings)</b> |
|--|--|
| Blaby District Council                     | 346  |
| Charnwood Borough Council                  | 78   |
| <b>Harborough District Council</b>         | <b>123</b>   |
| Hinckley & Bosworth Borough Council        | 187  |
| Melton Borough Council                     | 69   |
| North-West Leicestershire District Council | 314  |
| Oadby & Wigston Borough Council            | 52   |
| <b>Total</b>                               | <b>1,169</b>   |

30. The distribution of unmet housing need across the HMA as set out in the SoCG is therefore based upon a robust and transparent methodology. The outcome is considered to be fair, reasonable and achievable for Harborough District.
31. In terms of employment, the HENA concludes that Charnwood Borough Council is best able to suitably meet the unmet employment need of 23 Hectares to 2036 identified across the FEMA. This reflects the existing over-supply of employment land compared to the Borough's own needs and the availability of sites close to the city which can service the needs of Leicester-based companies to 2036.

### **Implications for Harborough**

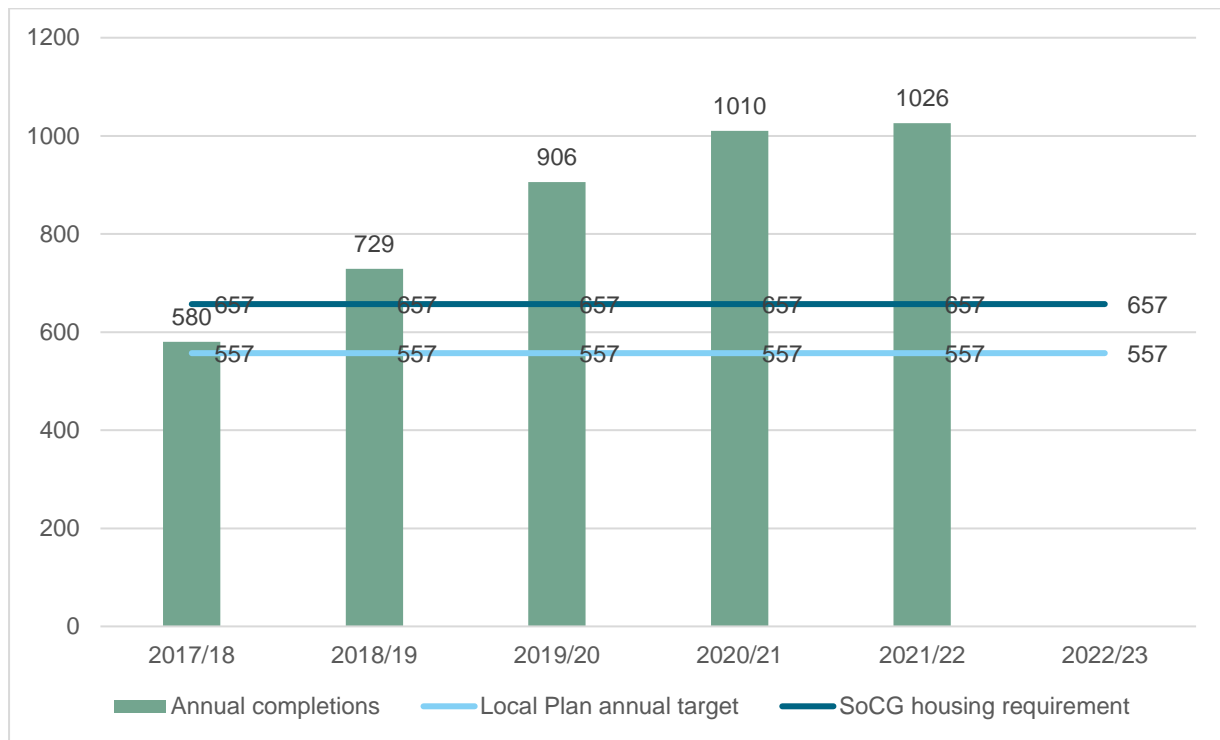
32. Government policy, as set out in the NPPF, requires local planning authorities to meet their own local housing need and in addition any needs that cannot be met within neighbouring areas. These two figures added together give the housing requirement, which is the amount of housing planned for through the local plan.
33. Harborough's local housing need is 534 dwellings per annum (2022 figure), calculated using the Government's standard method for calculating local housing need. The addition of 123 dwellings as Harborough's contribution to meeting unmet housing need results in a total housing requirement for Harborough of 657 dwellings per annum. The current Harborough Local Plan sets the target at 557 dwellings per annum.
34. The following table, Table 2, sets out the local housing need for each local planning authority (Column B), together with the proposed housing provision for each authority (Column D). The difference (Column E) shows each authority's contribution to meeting the unmet need.

**Table 2: Leicester and Leicestershire Local Housing Need and Proposed Redistribution (Per Year)**

| <b>A</b>                                    | <b>B</b>                                 | <b>C</b>          | <b>D</b>  | <b>E</b>                  |
|---|--|-------------------|---|---------------------------|
| <b>Local Planning Authority</b>             | <b>Local Housing Need (2022 figures)</b> | <b>Unmet need</b> | <b>Proposed redistributed Housing Provision</b> | <b>Difference (D - B)</b> |
| Leicester City Council                      | 2,464                                    | 1,169             | 1,295   | 0                         |
| Blaby District Council                      | 341                                      |                   | 687   | 346                       |
| Charnwood Borough Council                   | 1,111                                    |                   | 1,189   | 78                        |
| <b>Harborough District Council</b>          | <b>534</b>                               |                   | <b>657</b>                                      | <b>123</b>                |
| Hinckley & Bosworth Borough Council         | 472                                      |                   | 659   | 187                       |
| Melton Borough Council                      | 231                                      |                   | 300   | 69                        |
| North-West Leicestershire District Council  | 372                                      |                   | 686   | 314                       |
| Oadby & Wigston Borough Council             | 188                                      |                   | 240   | 52                        |
| <b>Leicester &amp; Leicestershire Total</b> | <b>5,713</b>                             |                   | <b>5,713</b>                                    | <b>1,169</b>              |

35. Within the Harborough District, significantly higher numbers of dwellings have been delivered in the district in 4 of the previous 5 years (over 700 in 2018/19, over 900 in 2019/20 and over 1,000 dwellings in both 2020/21 and 2021/22), compared to the new housing requirement of 657 dwellings, as shown in Table 3 below:

**Table 3: Annual housing completions in Harborough District from 2017/8 to 2021/22**



36. Approving the SoCG would therefore commit the Council to testing whether it can realistically deliver an additional 123 dwellings per year above the current local plan target of 557 for the period of the next local plan. Testing this target will involve gathering evidence as to whether consistent delivery of this scale of housing growth can be maintained within the District. This will examine issues including;
- site availability and sustainability;
  - infrastructure capacity and the ability of development to fund necessary infrastructure improvements;
  - the ability of the market to deliver and absorb housing growth.
37. The identification of sites to meet this requirement will be considered through preparation of the local plan. The recently published Strategic Housing and Economic Land Availability Assessment ('SHELAA') indicates there is sufficient suitable, available and achievable potential housing land to meet this requirement. The SoCG explains that the apportionment of unmet need is subject to review. In the event that an authority's local plan process demonstrates that it cannot meet the figures set out in the Statement, then the distribution of unmet need will be jointly reviewed and updated as necessary.
38. The Council is required to demonstrate as part of preparing the local plan that it has complied with the Duty to Cooperate, which is best evidenced by agreeing the statement of common ground for housing and employment needs. It is for this reason that officers advise that the SoCG is signed without further delay – see further the comments of the statutory officers in the 'Implications' section of this report.
39. If the Council rejects the SoCG, or delays signature of it, the timely delivery of the next local plan will be jeopardised as set out within the risk section of this report. This is because whilst the Council could demonstrate that it has cooperated on preparing the Statement, it would be unable to evidence that it had discharged its Duty to Co-operate with the other local planning authorities within the HMA and the FEMA.

40. In May 2022 the Government published the Levelling up and Regeneration Bill ('LURB'), setting out its proposed planning reforms. This Bill is currently passing through Parliament and is expected to receive Royal Assent in September. It proposes a number of reforms to the planning system, including repealing the legal requirements of the Duty to Cooperate in respect of planning matters. However, no details have yet been published in relation to the replacement policy test of 'alignment' between local authorities. Whatever the mechanism for dealing with unmet need, the issue of large tightly constrained urban authorities being physically unable to accommodate their future needs will remain and will therefore have to be addressed on a local basis.
41. Recent Government consultations concerning the implementation of the LURB suggest that it will not come into effect until at least Autumn 2024. As such, the Duty to Cooperate will remain in force until then and will continue to apply to plans being prepared under the current planning system. There will also be a transitional period for authorities who have progressed their local plans but are unable to adopt them in time, however the details of the transition arrangements are also as yet unknown.
42. In any event, Government consultation on changes to the NPPF (December 2022) did not suggest the removal of the requirement for local plans to account for their own local housing need and any unmet need arising from neighbouring authorities. A new version of the NPPF published in September 2023 alongside the LURB retains at paragraph 11(b) the need for local plans to provide for "...any needs that cannot be met within neighbouring areas...", and specifically references statements of common ground in the footnote. This is reiterated at paragraphs 24 – 27 of the NPPF, with the latter paragraph referring to statements of common ground documenting cross-boundary matters and cooperation to address such issues. Paragraph 27 also reinforces the expectation that statements of common ground should be produced in accordance with the approach set out in national planning guidance.
43. There has been historic disquiet within the district over recent years in relation to the issue of unmet housing and employment, including suggestions that:
1. Leicester City Council is not doing all it can to reduce its unmet housing and employment needs;
  2. the Council is being "forced" to accept additional houses;
  3. that there is no longer a requirement to evidence the Duty to Co-operate;
- The Council has therefore written to the Secretary of State seeking clarification on the government's position. Any response received will be shared with members as soon as it is received.
44. Officers' advice in respect of the progression of the proposed Harborough Local Plan remains that agreeing to the SoCG is one essential step in the complex local plan process which can and should be taken by the Council at this point to address the issue of unmet housing and employment need in the HMA and FEMA.

## **Consultation**

**Cabinet on 4 September 2023**

45. The Cabinet considered the Leicester and Leicestershire Statement of Common Ground in relation to housing and employment needs on 4 September 2023 and decided to recommend that Council sign the SoCG.

### **Communities Scrutiny Panel on 13 October 2022**

46. The Communities Scrutiny Panel considered the evidence and background to the Statement of Common Ground on 13 October 2022, the minutes of which are attached as Appendix I. The Panel concluded that the policy background to the Statement of Common Ground was sufficiently clear and that there is unmet housing need in the Housing Market Area, which the district needs to play a role in helping to meet.
47. The Panel was clear that the risks to the Council of not proceeding to support and sign the SoCG are too great, with some members explaining their experience of operating without the support of a Local Plan, which they said they would not wish to repeat.
48. The Panel recognised the difficulty of the situation for the Council and for partners across Leicester and Leicestershire. However, it considered that not supporting and signing the SoCG would potentially put the Council in an isolated and weak position and could risk delivery of a sound new local plan for the district. Therefore, in the light of this the Panel recommended to Cabinet that it recommend to Council that the SoCG should be supported and signed by Harborough District Council.

### **Summary of Consultation and Outcome**

49. Consultation on the scale and distribution of growth will be undertaken in accordance with the Regulations through the preparation of the next Local Plan. This will form an important element of testing the additional housing requirement arising from Leicester's unmet need and set out within the SoCG.
50. In addition to the consideration by Cabinet on 4 September 2023 and Scrutiny Communities Panel on 13th October 2022, five separate briefings for Members have taken place between October 2022 and September 2023 involving Council officers, officers from Leicester City Council and independent professional experts.

## **Options**

51. As the duty to cooperate remains statutory and Government planning policy is clear on the need accommodate unmet housing needs from neighbouring areas, there are no reasonable alternative positions for the Council to consider other than signing the SoCG. Approving the SoCG will accord with the approach taken by 7 of the 8 partner authorities in Leicester and Leicestershire and will support the preparation of the next local plan.
52. Rejecting the SoCG would put the Council at odds with most partner authorities across Leicester and Leicestershire. Not signing would also place the Council at risk of being unable to demonstrate the Duty to Cooperate and meet the Tests of Soundness, which would prevent the Council from adopting the next Local Plan. This could, in time result in a shortage of suitable housing land, with a less than five-year supply ultimately placing the Council and Harborough District at considerable risk from speculative unplanned housing development, a loss of planning control and risk damage to the

high-quality environment Harborough District residents currently enjoy. It is not a recommended course of action.

53. All information required to determine whether to sign the SoCG has now been collected and presented. Accordingly, there is no additional information which can be obtained, and therefore no reason to defer the decision.
54. If Members are minded to approve the SoCG with caveats, Members will be expected to provide robust evidential justification for the rationale of the same. The SoCG has already been approved by most other authorities. Adding in further wording would require that process to be repeated in those authorities, creating risk to the good will of the partnership.

## **Implications of Decisions**

### Corporate Priorities

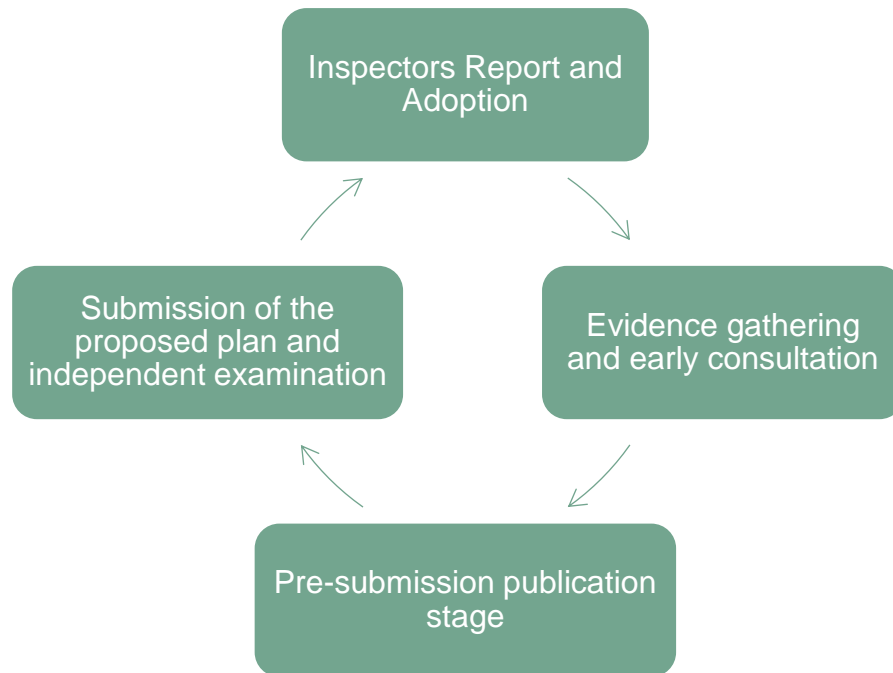
55. Approving the SoCG will support the preparation of the new local plan by providing evidence of the Council's compliance with the Duty to Cooperate and will provide certainty over the district's housing and employment requirement to 2036. It will contribute particularly to the "Place and Community" and "Economy" corporate priorities by delivering necessary housing and economic opportunities for the district.

### Financial

56. No financial implications directly arise from this report. However, not signing the Statement of Common Ground could result in significant indirect costs for the Council by undermining the Council's ability to demonstrate compliance with the Duty to Cooperate and meet the Tests of Soundness. This raises the potential for significant abortive costs being incurred should a local plan be prepared and then unable to be adopted due to a Duty to Cooperate or Tests of Soundness failure.
57. Currently, the council is anticipating the cost of a local plan to be circa £1.1m. If the process is aborted and the Council was required restart preparation of the local plan, this could be very costly. It is difficult to estimate with a high degree of certainty what these costs would be as much depends on how much work is required to be repeated, but it is likely to be in the region of £500k to the full budget of £1.1m. In fact, it could be higher if, in the meantime, government guidance changes which attracts different, or stricter, preparation costs.
58. Not signing would also significantly undermine collaborative partnership working with other local authorities across Leicester and Leicestershire. This is likely to make joint evidence collection more difficult, removing the financial benefits of joint working through economies of scale, as well as the planning benefits of planning over a wider cross boundary area.

### Legal

59. The Planning and Compulsory Purchase Act 2004 places a duty on local authorities to carry out plan-making. The process of making a plan involves four main stages:



60. Council adopted the Implementation, Monitoring and Review arrangements set out in policy IMR 1 at Chapter 12 of the local plan. This sets the conditions under which the Council must commence a full or partial update of the Local Plan. Failing to comply with these timescales will place the Council in breach of its own policy IMR1, and therefore increase the prospect that the Council's position will be subject to successful legal challenge.
61. Approving the SoCG provides evidence of the Council's ongoing constructive engagement with partner authorities across Leicester and Leicestershire in respect of Leicester's unmet housing and employment needs, as required by the Duty to Cooperate. It also discharges the Council's obligations to demonstrate cross boundary co-operation under the Localism Act 2011.
62. Failing to approve the SoCG will cause substantial disruption to the Council's aspirations for the district as it could hinder the adoption of the Council's local plan and tarnish the Council's reputation with its neighbouring authorities.

### Policy

63. Approving the SoCG commits the Council to testing an additional 123 dwellings per annum 2020 to 2036 through the next Local Plan. This is in addition to the district's local housing need, calculated through the Government's standard method calculation, which currently results in a figure of 534 dwellings per annum, creating a total housing requirement of 657 dwellings per annum. This compares to the housing requirement in the current Local Plan (2011-2031) of 557 dwellings per annum.

### Environmental Implications including contributions to achieving a net zero carbon Council by 2030

64. A Sustainability Appraisal has been undertaken in relation to the distribution of Leicester's unmet housing and employment needs (Appendix F and Non-technical summary at Appendix G). Sustainability Appraisal (SA) is a process for helping to ensure that plans, policies, and programmes achieve an appropriate balance between



environmental, economic and social objectives. The process that is followed incorporates the requirements of a Strategic Environmental Assessment (SEA).

65. The SA concluded that a distribution of housing and employment needs based on the recommendations of the HENA (and the associated housing and employment distribution papers) would be appropriate. Further assessment will be required alongside Local Plan preparation to test the effects of the scale and distribution of growth on environmental, economic and social objectives.

### Risk Management

66. Approval of the SoCG will place the Council in a significantly stronger position to demonstrate compliance with the Duty to Cooperate and Tests of Soundness through the Examination of the next Local Plan. It will also ensure that the Council is not in breach of IMR 1 of the Local Plan.
67. Not signing the SoCG would result in the following significant risks to the Council:
- A breach of the requirements of IMR 1, which would expose the Council to increased risk of successful legal challenge as to its plan making process.
  - Potential inability to demonstrate the Duty to Cooperate has been met. This would result in a failure of the legal test and would prevent the next Local Plan being adopted.
  - Potential failure of the Tests of Soundness, resulting in the need to amend or re-do significant portions of the preparation of the next local plan, or potentially an inability to adopt the next local plan.
  - Significant financial costs in needing to redo abortive work to prepare a new local plan.
  - The delay in having an up-to-date local plan in place could affect the Council's ability to demonstrate a five-year supply of housing land, as currently required by Government policy. This could eventually result in a lack of five-year supply, in which case the presumption in favour of sustainable development would apply and the Council could find itself unable to resist speculative housing planning applications. This is likely to result in housing developments in areas of the district not considered the most appropriate locations for housing growth.
  - Potential reputational damage and loss of support amongst partner authorities across Leicester and Leicestershire.

### Equalities Impact

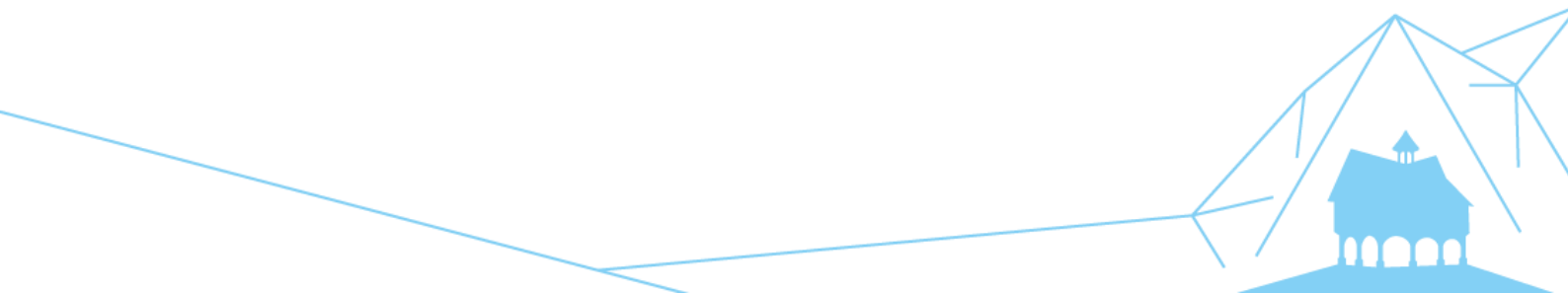
68. An Equalities Impact Assessment will be undertaken in conjunction with the preparation of the next Local Plan.

### Data Protection

69. No issues arise given the lack of personal data within this report.

## **Background papers**

Report to The Communities Scrutiny Panel 13 October 2022: Leicester and Leicestershire  
Statement of Common Ground (SoCG) Relating to Housing and Employment Needs (2022).



# Harborough District Council



## Supplementary Agenda for a meeting of Council

on 18 September 2023 at 18.30

at The Council Chamber, The Symington Building, Adam and Eve  
Street, Market Harborough, Leicestershire LE16 7AG

### **Item 6 – Questions from the public**

A valid question has been received and accepted by the Head  
of Paid Service in accordance with the Council Procedure Rules.

pages 1-5

### **Item 8 – Questions from Members**

Responses to questions from Members

pages 6 - 12

### **Item 13 – Appointment of the Chief Executive**

Addendum Report and Appendix A

pages 13 - 17

### **Item 14 – Harborough Local Plan – Leicester and Leicestershire Statement of Common Ground relating to housing and employment land needs**

Addendum report and supporting documentation

pages 18 - 50

## ITEM 6

No agenda pack pages reference

### Question

Mr Campbell-Kelly submitted a substantial narrative with his question which made it difficult to distinguish statements, questions and rhetorical questions. Mr Campbell-Kelly was therefore contacted to clarify what question was being asked. He helpfully confirmed that his question is:

**Why [will the Council] not defer instead of approve [the Statement of Common Ground]?**

### Written response to question submitted

The Question focuses on whether a decision on the Leicester and Leicestershire Statement of Common Ground should be deferred. The narrative suggests that the decision could firstly be deferred to await publication of the Leicester and Leicestershire Strategic Transport Assessment and Leicester and Leicestershire Strategic Growth Opportunities and Constraints Mapping studies. The second reason identified for deferring was to wait for the Leicester City Local Plan to be progressed and determine the level of unmet need.

The Statement of Common Ground is to be considered later in the agenda. While Cabinet has recommended that the Council agree it, no decision has yet been made – Council will make a decision when consideration of that report is reached and can either agree it, refuse it or defer it.

The detailed report provided to Members sets out the background to this issue. It includes an assessment of risk for the Council in respect of each possible outcome, and contains a recommendation from officers that the Council join the other local planning authorities in the area who have signed the Statement of Common Ground in respect of housing and employment land need. The basis for officers making that recommendation is also set out in detail within the report.

Given that no decision has yet been taken by the Council, it is inappropriate for me to say anything else on this matter at this point.

I do however assure Mr Campbell-Kelly that if Council agrees the statement of common ground in relation to housing and employment land needs, the Council's reasons for that decision will be set out in detail in the minutes of the meeting.

# Willoughby Waterleys Residents' Association

## **Question to the Council Meeting on 18<sup>th</sup> September 2023 of Harborough DC regarding the approval of the Statement of Common Ground relating to Housing and Employment Land Needs (April 2022). (SoCG)- Agenda item 14.**

My name is David Campbell-Kelly, a resident for more than 30 years of Willoughby Waterleys, located in Dunton Ward. I am Chair of the Willoughby Waterleys Residents' Association (WWRA) and this question is submitted by WWRA on behalf of its members, who remain to be the vast majority of the residents of the Village.

Members will see from the minutes of Scrutiny Panel of 13th October 2022 included with the agenda papers, that I attempted to ask a question remotely on this subject, but the technology was not assisting at the time. A very brief summary of my question was included in the minutes and I will refer later to the officer comments contained in those minutes.

The residents of Willoughby Waterleys have been monitoring the progression of strategic planning in the County since the approval of the Leicestershire Strategic Growth Plan and formed the WWRA in 2018 as a result. In particular, WWRA is concerned that unsustainable development is being progressed by the Authorities in the County and it has positively engaged in all relevant consultations. It has also made substantive and credible suggestions for an alternative solution to the problem of future strategic development in the County. Despite frequent and even recent requests, we have never received any feedback about why the alternative Spatial Strategy we proposed, has been dismissed or that it has even been considered by officers or any of the Authorities in the County.

WWRA has two major concerns over the 2022 SoCG. The first relates to the current position of The Leicester City Local Plan. The Regulation 19 Local Plan consultation took place earlier this year and WWRA submitted a full and professionally informed response. This can be viewed by Members at :-  
<https://www.dropbox.com/scl/fo/por38ffsv7x6ggixyoz1j/h?rlkey=mlndrcrivnmcpjxd327cms4h&dl=0>. In essence it is our sincere view that The Leicester City draft Plan cannot be considered as "sound".

There are two main reasons for this. Firstly, that the Duty to Cooperate (DtC) has not been satisfied. We are aware that The Leader has written to Central Government on the current relevance of the DtC but at the time of writing this question, we are unaware of any response. It is our understanding that it is still stands.

It is important to note that at the time of Leicester City's Local Plan consultation earlier this year, The Evidence Base document issued by The City supporting the DtC, stated that all Councils (including HDC!) had already approved the 2022 SoCG (ie. you had done so by Dec 22). Following the closure of that consultation, it appears that this document has subsequently been amended by the City, but it does still suggest that ALL Authorities have approved the SoCG, as contained in the Summary of Co-operation section of the DtC report

still shown on Leicester City's Local Plan web site. This shows a breach of the DtC by Leicester City!

**Members should understand that the City Council assumed 9 months ago that HDC had approved the SoCG and that it will take the allocated additional housing up to 2036!!**

The second concern on The City Local Plan, revolves around Leicester's lack of attempt to comply with its own obligations to provide for its own housing needs. In 2020 the standard method of calculating housing need was amended, so that the 20 largest cities (including Leicester) would have to increase housing numbers by a further 35% and that those cities were EXPECTED to meet those needs themselves. Following this change in policy, the City's stated unmet need increased from 7,742 to 18,694. This increase of 10,952 is 36.6% of the City's 2020-36 housing need.

**Members should appreciate that this emphatically demonstrates that no attempt has been made by The City to comply with its OWN obligations to meet that further need itself again breaching the DtC. This together with the proposed Planning Policy changes, has prompted The City to rush out its latest draft Local Plan, as these changes will force The City to work harder to provide for its own needs. This further enforces the view that the Plan is not "sound".**

The second major concern we have relates to the evidence upon which the SoCG is based and question why it is being approved at this time. Paragraph 3.3 of the 2022 SoCG , refers to the prior Statement of Common Ground relating to Housing and Employment Land Needs (March 2021) and approved by the Full Council at the meeting of 21<sup>st</sup> June 2021. The 2021 SoCG at paragraph 3.21, makes it absolutely clear that four elements of work were necessary and required, to inform the apportionment of unmet need from Leicester, to the County's Districts and Boroughs (as noted in para 3.3 of the 2022 SoCG). Indeed, Hinckley and Bosworth Council have maintained this position throughout, as noted in the 2022 SoCG.

Two of the reports are still outstanding, The Strategic Growth Options and Constraints Mapping Report and the Strategic Transport Assessment. The officers report before you today is striking, in that it does NOT refer to these two reports and which were deemed essential at the time HDC approved the 2021 SoCG.

**Members should consider, how is it possible to strategically allocate unmet need, before full consideration of ALL the Options and BEFORE Assessing the Strategic Transport requirements?**

As noted in the October Scrutiny Panel minutes, officers stated that the outstanding reports only affected later periods. This cannot be right. Given the considerable time needed for strategic sites to come forward, consideration is already being given to strategic locations for large scale (in our view) unsustainable developments. For instance, consideration by Blaby DC of Whetstone Pastures Garden Village. Pre-judgement has, therefore already begun on major strategic development without the Strategic Transport Assessment and without all Options being considered, as the reports are not issued, let alone considered!

The Scrutiny Panel minutes on p4 para 7, suggest that 123 pa is a good result. That share of unmet need covers the years 2020 to 2036, so 5 years will have passed before any effect is felt. In reality, an adjusted annual requirement of 175 pa will be required for 2026-36, which is an additional third of HDC's annual requirement of 534 pa. This is significant and can hardly be described as a "good deal"!

The SoCG before Council today states at para 3.5 that all the reports will inform the strategic evidence for Local Plans. Plainly, as they are not available yet, they **HAVE NOT** informed the Leicester City Local Plan, which is driving the unmet need requirement allocated in the SoCG.

According to the 2021 SoCG, all of the four required reports were expected to have been completed by early 2022 and even in the 2022 SoCG, they were expected by the end of that year (para 3.5). The Transport Assessment and Mapping Options reports are still not issued, heading towards two years later than originally expected! Surely, they must be available soon.

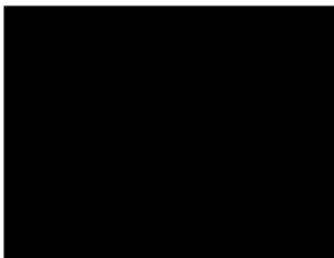
The Council having approved the 2021 SoCG on the basis of four pieces of work being prepared to inform the unmet need's allocation, why is HDC (as well as all of the other Authorities in the HMA) being asked to change this position? How can it be an appropriate allocation without consideration of these two absolutely fundamental outstanding pieces of evidence?

**WWRA acknowledges, subject to the confirmation from Central Government, that HDC has a "Duty to Cooperate" with adjoining Authorities, but that does not preclude the need for HDC and all other Councils in the HMA, to ensure that any SoCG is based on sound and COMPLETE evidence. We therefore ask that Members consider all the points raised here and ask them to defer the decision to approve the 2022 SoCG, given the immediate publication of the unfinished reports, wait for their issue and then consider their impact on the allocations of the unmet housing need?**

**Also, deferral should be considered until the Leicester City Local Plan is further progressed in determining the actual level of unmet need, following its Planning Inquiry?**

**A deferral to sign as opposed to a refusal to sign, does NOT breach the Authority's DtC obligation.**

David Campbell-Kelly



Chair, WWRA

11<sup>th</sup> September 2023



## ITEM 8

Agenda pack pages 19 – 22

### Written responses to questions submitted

#### 1. Question from Councillor Hallam to the Leader

I would like the Leader to clarify a comment made at the last full council by Cllr Sarfas. He said that the Conservative administration had left the Council in a right mess. Would the Leader like to find out from him what he meant, and if there is no truth in his statement, would the Leader please ask him to retract what he said, and apologise to the previous Conservative administration.

As portfolio holder for Finance and Assets for the last 7 years, I am confused as to what he is talking about.

At the Budget in March 2023, we had delivered further savings of £950k/annum over and above the £3.1m annual savings previously included following the Budget Challenge 2025 programme. We froze Council tax for 2023/24 to support our communities in the current hard times caused by the cost-of-living increases, due to the pandemic Ukrainian war and increased inflation caused, in part, by the unions being unrealistic with their pay demands. Furthermore, we set aside £3.9m to manage future service risks and £2.8m to meet priorities within the Corporate Plan. Council tax for a Band D house had only increased by £9.94 in 12 years, which is less than 83p/year.

Reserves during the MTFs peaked at over £15m, dropping back to £13.6m in 2026/7, 4 times more than in 2007 when the last Lib Dem administration handed over power to the Conservatives.

The Capital Programme totalled £27.9m over the MTFs period, £9.8m being new projects including an extra £5m towards a new waste depot, £540k for capital grants to support environmental enhancement, £9.5m to refurbish our 2 leisure centers, and a housing fund grant of £1.7m with Platform Housing to provide affordable housing.

At the time of the budget, the 151 Officer stated that the proposed budget should not give members any significant concerns over the Council's financial position. With that I would again ask what has happened since March 2023 if as Cllr Sarfas says, and I quote, "the Council was left in a right mess by the Conservative administration".

I look forward to your detailed reply.

#### Answer from Councillor Knowles

Firstly, can I thank Cllr Hallam for his question.

This administration, and I trust the whole Council, has confidence in the Council's Chief Financial Officer, otherwise known as the s.151 Officer, and the budget that was reported to, and agreed by, Council in February 2023, along with the assurances included in the s.25 report that accompanied the budget.

I have spoken with Cllr Sarfas, who has clarified that what he meant was that the now opposition had chosen not to address several significant budget related issues that required financial commitment. For example, the delay in redeveloping 4 Roman Way into much needed temporary accommodation and the future use of The Symington Building as, like many public bodies, agile working means the building is underutilised.

With respect to the last point raised by Cllr Hallam and what has happened since March 2023, the administration continues to actively manage the Council in accordance with the adopted budget.

## **2. Question from Councillor Page to the Leader**

I understand this Council for some time, has been working with the NHS ICB for Leicestershire, Leicester, and Rutland (LLR) to secure the best possible healthcare services for the Lutterworth locality following the closure of the Fielding Palmer Hospital, partly in response to the covid19 pandemic.

I note from the Coalition Leader's recent media statement that a similar process is now underway for the Market Harborough locality based around the St Luke's site.

I understand that officers from this council have been regularly invited to attend stakeholder meetings as part of the consultation process, but that few if any reports from those meetings have been circulated to all members nor scrutinized by this Council.

Data from Census 2021 shows that significant population growth of over 14% has occurred across the district since 2011, which is double the national average, along with even higher growth of an aging population (was the 2nd highest in England as a percentage change).

I am concerned about whether this Council has had all the relevant information from the NHS Integrated Care Board, Leicester, Leicestershire, and Rutland (ICB LLR) to secure the best possible healthcare provision for their residents of Lutterworth .

I am concerned about what provisions have been or are going to be put in place to reduce the carbon footprint as stipulated by NHS England.

I am concerned about whether these emerging plans will have appropriate mitigation measures in place to deal with the lack of public transport, which will be required in order for residents to access some services.

I am concerned about what assurances have been provided to the NHS (ICB LLR) in order to secure the necessary additional resources to provide additional services at source.

My question to the Coalition Leader is; I and many residents in my ward share these concerns, how does he intend to satisfy himself and defacto this Council, that the proposed future healthcare provision for the area of Lutterworth is sufficient and take's account of the concerns that I have expressed?

### **Answer from Councillor Knowles**

Thank you for your comments in relation to the Council's involvement in the provision of healthcare services in the district.

You are of course aware that health is primarily a function for the NHS however the Council has been involved in the health and wellbeing planning for Lutterworth and Market Harborough via the Lutterworth Plan Steering Group. The Steering Group comprises of NHS organisations, the district and county councils, local GPs and GP practice staff, members of the local community and other stakeholders.

As a County Councillor you will no doubt be aware that the County Council hosts the Health Overview and Scrutiny Committee, which primarily receives reports on healthcare issues of relevance to local government in our area. The information reported by this Council is proportionate to our involvement in those groups and I am surprised that, as the former Chair of the Scrutiny Commission and a member of the previous administration, you are criticising the information and activity undertaken by the Council on this issue.

I can confirm that the Steering Group has developed a plan for Lutterworth to respond to the significant housing growth expected in the area over the coming years, and associated impact upon the population and local services. It proposes that space is used more effectively in Feilding Palmer Hospital. Inpatient beds will be permanently removed and replaced by care at home, in local care homes or in other community hospitals. The space will be re-purposed to significantly increase appointments for diagnosis or treatment. This is expected to reduce the travel burden for people receiving services and save an estimated 200,000 miles of travel a year for residents. Car parking and access will be much easier.

The Lutterworth plan has been through two important checkpoints recently. The first is the East Midlands Clinical Senate, comprising of clinicians and other specialist from across England. The Senate provides independent and objective clinical advice and guidance to help the NHS make the best decisions about local health services. After reviewing a range of key documents and spending time visiting Lutterworth and Feilding Palmer Hospital, and meeting with colleagues locally, the panel were impressed and assured by the plans, making 5 recommendations for further consideration.

The second checkpoint was the NHS England Strategic Service Change Regional Assurance Panel. The initial feedback from the Panel, which comprises of a range of subject specialists, was positive and they provided confirmation in principle of progression towards public consultation, subject to approval by NHS England's regional board at the end of September 2023.

Once formal approval to consult is secured from NHS England, the Steering Group will submit to a meeting of Leicester, Leicestershire and Rutland Integrated Care Board on Thursday 12 October 2023 a request to commence public consultation. If everything goes according to plan, a 12-week public consultation on improvements to Feilding Palmer Hospital will commence on Monday 23 October 2023. This is a little later than anticipated but reflects the desire to make the plans the best they can be for people living in and around Lutterworth.

In relation to Harborough District's Health & Wellbeing Plan, this piece of work is still emerging however a working group for this project has been established and the following outcomes have been agreed

- To improve the health and wellbeing of the people in Harborough District, and to reduce the inequalities in health experienced by some social groups or people living in geographical areas of greater social need.
- To introduce an effective approach to partnership working within Harborough District both strategically and operationally.
- To inform and influence strategic decisions that need to be made by respective organisations/groups.

A number of aims have also been identified and the group is working towards identifying and agreeing priority outcomes for health and wellbeing in Harborough District. It is hoped that the plan will then inform the Leicestershire Joint Health and Wellbeing Strategy (JHWS) through identification of local need and respond to JHWS priorities at a neighbourhood level where appropriate.

The working group will link in with the NHS Harborough Integrated Neighbourhood Team and other working groups in terms of leading the delivery of priority health and well-being outcomes. It is envisaged that encouraging this collaborative working across partners will ensure optimal health and wellbeing outcomes for the residents of Harborough district.

### **3. Question from Councillor King to the Leader**

On Wednesday 30th August 2023, the Tax Payers' Alliance wrote to all council leaders asking them to sign a pledge ruling out implementing a four-day working week in their Town Hall. By signing this pledge, council leaders will be able to show their commitment to delivering value for money for local taxpayers.

My question to Cllr Knowles, is if you haven't done so already, will you now make this commitment and sign this pledge on behalf of Harborough District Council and local taxpayers?

#### **Answer from Councillor Knowles**

As leader of the council, I am committed to doing what is in the best interests of the residents and taxpayers.

There has been a pilot scheme running in South Cambridge District Council since September 2022. The initial findings, which were independently assessed, were positive and the trial extended. The premise of this trial is to do 100% of the work in 80% of the time. It is the increased productivity to deliver services for residents that is needed to make this work, not about doing less work but doing it differently. The trial is due to end in December 2023. It will again be independently assessed.

Until such time as the results of the trial are known, and whether it would be a benefit to our council I cannot commit to signing a pledge that might limit the council's ability to better deliver services for residents and have benefits for our workforce. Any changes to the delivery of services on this scale would be subject to a robust business case and scrutiny to ensure it is the best option for the council.

#### **4. Question from Councillor Whelband to the Portfolio Holder for Environmental and Climate Change**

Since the May 2023 election, no Harborough District Council representative has attended Leicester, Leicestershire and Rutland Police and Crime Panel meetings or training sessions.

The Panel is an important statutory body that scrutinises the performance of the Police and Crime Commissioner and agrees Leicestershire Police's annual budget. It is also the place where policing issues in our District can be raised directly with the PCC.

Considering the above, does the Portfolio Holder for Community Safety think it is acceptable that the residents and taxpayers of the Harborough District had no voice at these important meetings where policing, crime and community safety issues impacting our District are considered?

#### **Answer from Councillor Woodiwiss**

The role of the Police and Crime Panel is to scrutinise the actions and decisions of the Police and Crime Commissioner (PCC) and make sure that information is available for the public. The panel supports and challenges the PCC in carrying out

their functions and focuses on important strategic actions and decisions made by the PCC, including whether they have:

- achieved the aims set out in their police and crime plan and annual report
- considered the priorities of community safety partners
- consulted appropriately with the public and victims

The panel must be politically balanced and, having made a nomination to the host authority for the panel – Leicester City Council – the Council was asked to change its nomination to help better reflect political balance across the Leicestershire Constabulary area. This was necessary due to the outcome of the local elections in many authorities in May 2023. As a consequence of the efforts required to achieve political balance on the panel, its membership was not confirmed until early July.

Unfortunately, due to diary commitments which pre-dated my appointment as the Council's representative on the Police and Crime Panel, I was unable to attend the meeting on 26 July 23 or the additional meeting on 10 August 23, which was an additional meeting for a single issue – confirmation of the proposed Chief Executive for the Office of the Police and Crime Commissioner. I will continue to meet my Harborough District Council commitments in my role as a ward councillor and a cabinet member.

Since my election and appointment to the Cabinet, I have attended many meetings locally to ensure that the local issues on community safety that are directly impacting on our residents have been addressed, demonstrating my commitment to the issue of community safety and my portfolio as a whole. These include;

Community Safety Partnership Strategy Group – 27 June

Community Safety Partnership Delivery Group 27 July

Community Safety Partnership Strategy Group 17 August

Community Safety Partnership Stakeholders event 22 June.

Evening patch walk on 17 August.

## **5. Question from Councillor Bannister to the Portfolio Holder for Environment and Climate Change**

Can Cllr Woodiwiss (Cabinet Member for Environmental and Climate Change) please confirm the number of recycling bins available for shoppers and residents to use across the District together with their locations?

**Answer from Councillor Woodiwiss**

Each residential property has at least one recycling receptacle. As we have xxx of residential properties, this means there are at least xxx recycling receptacles, with each residential property having access to at least one kerbside collection a fortnight.

In terms of recycling bins available for shoppers in the district, there is one set of public recycling bins situated at in Market Harborough Town Centre, as well as “bring” sites for items such as books and textiles at various locations.

Residents and shoppers are however encouraged to reduce their waste production and reuse or re-purpose items in preference to recycling them as recycling is the last resort in the waste hierarchy. For example, many charities seek donations of items, large and small, which they can then make available for purchase for a fraction of the original price while other organisations offer clinics to repair items.

## **Supplementary Report – Appointment of Chief Executive**

At the point of dispatch of the agenda pack for Council, the minutes of the Member Appointment Panel meeting on 8 September 2023 had not been prepared and the Panel was unable to publicly confirm the identity of Candidate A.

The Panel now confirms that Candidate A is John Richardson, who is currently employed by Blaby District Council as an Executive Director. Mr Richardson has indicated his willingness to accept the position as Harborough District Council's Chief Executive and the Panel therefore formally recommends that Council offer the post of Chief Executive to Mr John Richardson, subject to satisfactory completion of pre-employment checks.

If Council confirm Mr Richardson's appointment, pre-employment checks, including the obtaining of satisfactory references, will be undertaken and a start date agreed with Mr Richardson. This will be confirmed to Council once completed.

Given that candidates taking up new posts do not usually resign from their post until such time as an unconditional offer of employment is made, and Mr Richardson has confirmed that his current post has a notice period of 3 months, it is possible that the commencement of Mr Richardson's employment may be later than 1 January 2024.

Members may be aware that the interim Chief Executive and interim Deputy Chief Executive are officers who are 'acting up' from their substantive posts. The acting up arrangements were extended by Council in February 2023 until 31 December 2023. It would therefore appear prudent for Council to confirm that the appointment of Liz Elliott as Interim Chief Executive, and Clive Mason as Interim Deputy Chief Executive, should be extended until the commencement of employment of a substantive Chief Executive. In the event that the commencement date precedes 31 December 2023, the interim arrangements will cease upon that earlier date in accordance with the February 2023 resolution of Council, with both officers reverting to their substantive roles.

It is therefore recommended that Council:

1. Confirm that an offer of appointment to the post of Chief Executive of Harborough District Council be made to Mr John Richardson, subject to the satisfactory completion of pre-employment checks;
2. The appointments of Ms Liz Elliott as Interim Chief Executive, and Mr Clive Mason as Interim Deputy Chief Executive are extended until the



commencement of employment of a substantive Chief Executive in the event that the commencement date of the Chief Executive is after 1 January 2024.

## **Appendix A**

### **HARBOROUGH DISTRICT COUNCIL**

MINUTES OF A MEETING OF THE MEMBER APPOINTMENT PANEL on

8 September 2023 commencing at 4.30 pm

Held at **The Council Chamber, The Symington Building**, Adam & Eve Street,  
Market Harborough, LE16 7AG

Present: Councillor Knowles (Chairman)

Councillors: Woodiwiss and Bateman

Officers: R. Jenner and K. Parsons

#### **ELECTION OF CHAIRMAN**

Kathryn Parsons opened the meeting and presided over the election of the Chairman of the panel.

Councillor Woodiwiss proposed Councillor Knowles for the position of Chairman. Councillor Bateman seconded the proposal. There were no further nominations.

Councillor Knowles was elected as Chairman and assumed conduct of the meeting.

#### **APOLOGIES FOR ABSENCE**

There were none.

#### **MINUTES OF A MEETING OF THE CHIEF OFFICER APPOINTMENT PANEL HELD ON 22 JANUARY 2021**

Prior to May 2023, the Council constituted a “Chief Officer Appointment Panel” for the purposes of managing appointments to Chief Officer posts. Post the May 2023 elections, the new administration for the Council created a “Member Appointment Panel” in relation to the selection of a Chief Executive. The bodies therefore perform similar functions on behalf of Council and it is considered appropriate that the Member Appointment Panel receive the minutes of the Chief Officer Appointment Panel.

In respect of the meeting of the Chief Officer Appointment Panel from 22 January 2021, Councillors Knowles and Bateman were both present at that meeting and confirmed that the minutes were an accurate reflection of the same.

Councillor Knowles proposed that the minutes be accepted, which was seconded by Councillor Bateman.

Councillor Woodiwiss abstained.

**RESOLVED:** that the minutes of the meeting of the Chief Officer Appointment Panel held on 22 January 2021 be received and adopted.

#### **DECLARATIONS OF MEMBERS’ INTERESTS**

There were none.

#### **EXCLUSION OF THE PUBLIC**

The Panel was invited to consider excluding the public from the meeting during consideration of the next item on the agenda. The basis for the proposed exclusion was that the Panel would be considering information which is exempt from publication under section 100A of the Local Government Act 1972, as defined by paragraphs 1 and 2 of Part 1 of Schedule 12A of that Act.

The Panel was informed that the public interest in maintaining the exemption from publication outweighed the public interest in disclosing the information and the Panel was in unanimous agreement that it be

**RESOLVED:** that the public and press be excluded from the meeting while the Panel receive and consider the next item on the agenda as this would involve consideration of personal data about individual which could lead to their identification and the public interest in disclosing that

information does not outweigh the public interest in maintaining the exemption from publication.

### **APPOINTMENT OF CHIEF EXECUTIVE (and Head of Paid Service)**

The Panel reviewed the recruitment process undertaken to identify a suitable candidate to recommend to Council for appointment to the role of Chief Executive and Head of Paid Service, noting it was carried out in accordance with the Council's Constitution and its Recruitment and Selection Policy.

The recruitment campaign was supported by Starfish Search, who have expertise in Local Government Chief Executive recruitment. It attracted 19 candidates in total, all of a high standard. The applications were reviewed and ranked with 10 applicants being longlisted and invited to attend a technical interview panel in August 2023.

Following the technical interview, the technical interview panel recommended that 4 candidates be progressed to the final recruitment stage. This was a difficult decision due to the high calibre of all of those interviewed by the technical panel.

The 4 candidates all attended a two-day Assessment Centre, culminating in a final interview on 8 September 2023 by the Member Appointment Panel.

The Panel considered all of the information available to it, including the feedback and observations from the technical interview panel and the Assessment Centre in addition to the performance of the candidates in their final interview with the Member Appointment Panel. The Panel determined that Candidate A and B were appointable and unanimously

- RESOLVED:**
- (i) Candidate A be offered the position of the Chief Executive & Head of Paid Service, subject to satisfactory completion of any pre-employment requirements;
  - (ii) If Candidate A declines the offer or does not satisfy the pre-employment requirements, Candidate B be offered the position of the Chief Executive & Head of Paid Service, subject to satisfactory completion of any pre-employment requirements;
  - (iii) If neither candidate accepts the position, or accepts but does not satisfy the Council's pre-employment requirements, that the Member Appointment Panel reconvene.

### **URGENT ITEMS**

There were no urgent items.

The Meeting closed at 4:50 pm

DRAFT

## **Supplementary Report – Harborough Local Plan – Leicester and Leicestershire Statement of Common Ground relating to housing and employment needs**

At the point of dispatch of the agenda pack for Council, the Council was awaiting a reply to correspondence sent by the Leader to the Minister of State for the Environment in respect of the potential impact of the Levelling Up and Regeneration Bill 2022 ('the LURB').

A copy of the minister's response, dated 8 September 2023, has now been received and is attached to this supplementary report, as indicated within the main report, marked as Appendix AA.

Members also indicated a desire to be provided with the comments of the consultant who presented a briefing session on 7 September 2023 in advance of the Council meeting. The opinion of Mr Stebbing, dated 31 August 2023, is attached marked Appendix AB.

However, further relevant documentation has been received by the Council since the agenda was issued as follows:

- Appendix AC - a letter dated 12 September 2023 from the Mayor of Leicester City Council regarding the steps taken to address the housing and employment land needs of the city;
- Appendix AD - a letter dated 14 September 2023 from the constituency MPs calling on the Council to not approve the Statement of Common Ground in relation to housing and employment land needs;
- Appendix AE - an addendum opinion of Mr Stebbings in relation to the letter from the minister (Appendix AA) dated 15 September 2023.

In addition, a question has been submitted by a member of the public in relation to the statement of common ground for housing and employment land needs, which has been circulated in the supplementary agenda under Item 6.

The contents of this supplementary report do not impact the recommendations contained within the substantive report.

DRAFT



Department for Levelling Up,  
Housing & Communities

Rachel Maclean MP

Our reference: 30689454

Cllr Phil Knowles  
Harborough District Council  
The Symington Building  
Adam and Eve Street  
Market Harborough  
Leicestershire  
LE16 7AG

8 September 2023

Dear Phil,

Thank you for your letter of 18 August to the Rt Hon Michael Gove MP. I have been asked to reply as the Minister of State for Housing and Planning.

Due to the Secretary of State's quasi-judicial functions in the planning system, I am unable to provide advice on the production of a specific local plan. However, I am happy to provide more general comments on the duty to cooperate and on the proposed legislative and policy changes to the planning system.

The duty to cooperate will be formally abolished after the Levelling Up and Regeneration Bill receives royal assent. However, the Government has confirmed that plan makers will have until 30 June 2025 to submit their local plans for independent examination under the existing legal framework. This will mean that existing legal requirements and duties, including the duty to cooperate, will still apply. An authority that submits its plan after 30 June 2025 would not have to meet the requirements of the duty to cooperate.

Plan-makers are expected to provide for the objectively assessed needs for housing in their area unless the policy constraints of doing so or the adverse impacts of doing so would outweigh the benefits. There is no formula imposed by the Government through which housing need for an area or unmet need must be transferred from one area to another. This is a matter for local planning authorities to agree to, through the duty to cooperate and the production of statements of common ground.

Authorities which are seeking to have their unmet need met by other local planning authorities will have to satisfy an inspector that they have met as much of their need as they can through the process of producing their local plan.

Thank you again for your letter.

Yours sincerely,

**RACHEL MACLEAN MP**

Minister of State for Housing and Planning



**Intelligent Plans**  
and examinations

## **Advisory Note for Harborough District Council**

# **The Duty to Co-operate and the Statement of Common Ground between Leicester City Council, the seven Leicestershire Local Planning Authorities and Leicestershire County Council relating to Housing and Employment Land Needs**

**An Advisory Note prepared for Harborough District Council by:  
Derek Stebbing BA (Hons) DipEP MRTPI**

Date: 31 August 2023



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## Executive Summary

- This Advisory Note has been prepared for the Officers and Councillors of Harborough District Council (the Council) and provides an independent assessment of the current situation regarding:
  - the Duty to Co-operate (and related national policy and guidance);
  - a draft Statement of Common Ground between the Leicester & Leicestershire Authorities dated June 2022 (the L&L SoCG); and
  - the emerging Review of the current adopted Harborough Local Plan 2011-2031.
- It sets out at Section 2 the relevant statutory requirements and national policy guidance concerning the Duty to Co-operate, including the clear expectation that it will include work with other authorities in the Housing Market Area on how housing need will be met by the authorities concerned. It emphasises that, at the present time, the Council continues to be subject to the legal requirement to comply with the Duty to Co-operate.
- The Advisory Note describes the Government's current proposed planning reforms relating to the replacement of the Duty to Co-operate with an Alignment Policy and the intended transitional arrangements for the preparation of new Local Plans from 2025 onwards. Under this new system, it notes that there will be a possible delay to the Council being able to commence work on a new Local Plan until probably 2026, or possibly even 2027, under the proposed reforms for the preparation of Local Plans.
- Section 3 of the Note provides a brief overview of the L&L SoCG, and its related technical evidence. It demonstrates that the Council has undertaken significant Duty to Co-operate work on the key strategic matters of meeting housing and employment needs within the Housing Market Area (HMA) since 2017.
- Section 4 of the Note sets out our assessment of the potential risks to the Council, and particularly to the preparation of the new Local Plan, that would follow a decision not to sign the L&L SoCG. It then sets out the potential benefits that would arise from a decision to sign the L&L SoCG.
- Section 5 sets out the principal **Conclusions**, arising from the assessment set out above, which are:
  - The L&L SoCG represents a clear outcome of the Council's Duty to Co-operate work with the authorities in the L&L HMA on the key strategic cross-boundary matters of meeting housing and employment needs.

- The L&L SoCG, if signed by the Council, provides much greater certainty for the preparation of the Council's new Local Plan and its future examination.
- It will support the Council in seeking to submit the new Local Plan for examination by 30 June 2025 and, therefore, will allow the Plan to be examined under the present planning legislation and guidance. This should mean that the Council will have a new Local Plan in place by the end of 2026.
- If the L&L SoCG is not signed by the Council, a statement supporting that decision will need to set out the reasons why the Council is not in agreement with the contents of that SoCG and will need to demonstrate the exceptional circumstances that justify Harborough as being a district which is not able to accept the outcomes of the SoCG.
- It is likely that the Council will need to commission new or updated evidence to support its position, if it chooses not to sign the L&L SoCG, and then undertake a new round of Duty to Co-operate work to seek agreement with other authorities in the HMA. It is unlikely that such agreement will be forthcoming, and the Council's position at a future Local Plan examination may be weakened.
- The Government's proposed planning reforms, whilst including a commitment to replace the Duty to Co-operate with an Alignment Policy, are not yet agreed by Parliament, and on the basis of the current available information will lead to a delay in preparing the new Local Plan until 2026 or possibly even 2027.
- A significant delay in preparing the new Local Plan will increase the risk of speculative planning applications for residential development, and particularly if the Council's five-year supply of housing land is reduced in the intervening period.
- The overarching advice is that the benefits of signing the L&L SoCG at this time very significantly outweigh the potential risks that would arise from a decision not to sign the L&L SoCG.

## 1. Introduction

- 1.1 This Advisory Note has been prepared for the Officers and Councillors of Harborough District Council (the Council) and provides an independent assessment of the current situation (at August/September 2023) regarding:
- the statutory Duty to Co-operate (and related national policy and guidance);
  - a draft Statement of Common Ground between the Leicester & Leicestershire Authorities dated June 2022 (the L&L SoCG); and
  - the emerging Review of the current adopted Harborough Local Plan 2011-2031 (adopted April 2019).
- 1.2 This Note has been prepared by Derek Stebbing, a consultant employed by Intelligent Plans and Examinations (IPE) Ltd. He is a chartered town planner, with over 45 years of experience in planning. He has worked in both the public and private sectors, including as a Planning Inspector for the Planning Inspectorate. He has substantial experience of examining both local plans and neighbourhood plans. He was also appointed to serve on a Government working group (the Local Plan Expert Group - LPEG) considering measures to improve the local plan system, and has undertaken peer reviews on behalf of the Planning Advisory Service. He therefore has the appropriate qualifications and experience to undertake this commission.
- 1.3 It is emphasised that he is independent of the District Council and does not have an interest in any of the matters discussed in this Note.
- 1.4 He will be attending a Briefing for Councillors to be held on Thursday, 7 September at 6.30 pm and will be able to answer any questions that Officers or Councillors may have on this Note.

## 2. The Duty to Co-operate

### Statutory Requirements and National Policy Guidance

- 2.1 The Duty to Co-operate (DtC/the Duty) is covered by the following legislative requirements, together with the related national policy and guidance:
- i. **The Localism Act 2011** - introduced the DtC.
  - ii. **Section 33A of the Planning and Compulsory Purchase Act 2004<sup>1</sup>** - establishes the DtC in Planning law.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2004/5/section/33A/2011-11-15>

**iii. National Planning Policy Framework (NPPF) (July 2021),**  
including:

- Paragraph 11(b) sets out the requirement to meet the objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas via Statements of Common Ground (SoCGs).
- Paragraphs 24-27 of the NPPF set out the requirements of '*Maintaining Effective Cooperation*'.

**iv. Planning Practice Guidance (PPG),** including:

- there is a legal duty on local planning authorities (LPAs)<sup>2</sup> to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters.<sup>3</sup>
- the PPG<sup>4</sup> provides guidance on how effective cooperation in relation to plan making should be undertaken. A SoCG is anticipated which should represent a written record of the progress made by a strategic policy making authority on strategic cross boundary matters. For local planning authorities it is part of the evidence required to demonstrate compliance with the Duty.
- the PPG makes clear that a local plan examination will first assess whether a LPA has complied with the DtC and other legal requirements. The Inspector will use all available evidence in this regard, including SoCGs and any Authority Monitoring Report (AMR). Failures in relation to DtC cannot be rectified post-submission. The level of co-operation is expected to be proportionate to the tasks and should not unduly delay any plan review.
- the PPG indicates that Local Enterprise Partnerships (LEPS) and Local Nature Partnerships (LNPs) are not subject to the requirements of the Duty, but regard must be had to their activities where relevant to plan making.<sup>5</sup>

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<sup>2</sup> See also Regulation 4 [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#)

<sup>3</sup> See PPG Reference ID: 61-029-20190315.

<sup>4</sup> PPG [Plan Making](#)

<sup>5</sup> PPG Reference ID: 61-030-20190315.

**v. The Planning Inspectorate’s Procedure Guide for Local Plan Examinations<sup>6</sup>:**

- emphasises that ‘*particular attention should be given to the duty to co-operate*’ and that a statement of compliance should be prepared with applicable SoCGs.
- the Inspectorate’s internal guidance affirms that it is the purpose of the examination to determine whether or not the local planning authority complied with the DtC in preparing the plan and that there is no requirement to determine whether any other body met the duty.

2.2 The PPG emphasises the following points which are of relevance to the District Council’s current considerations:

*“Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.”*

*“The National Planning Policy Framework sets out that these authorities should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process.”*<sup>7</sup>

SoCGs are a key output of the DtC process, and the PPG states that:

*“A statement of common ground is 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 co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.”*<sup>8</sup>

*“A statement of common ground is expected to contain the following:*

- a) short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);*
- b) the key strategic matters being addressed by the statement, for*

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<sup>6</sup> <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations#introduction>

<sup>7</sup> PPG Reference ID: 61-009-20190315.

<sup>8</sup> PPG Reference ID: 61-010-20190315.

*example meeting the housing need for the area, air quality etc.;*

- c) the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);*
- d) governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;*
- e) if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;*
- f) distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;...”<sup>9</sup>*

2.3 The DtC is the first matter that the Planning Inspectorate (PINS) will look at before considering whether a local plan is ‘sound’.<sup>10</sup> PINS will need to see sufficient evidence to demonstrate that the DtC has been undertaken appropriately for the plan being examined. Whilst there is no fixed format for how this evidence should be presented, nor what it should comprise, the most effective method of presenting the necessary evidence is through a DtC Compliance Statement, which will comprise one of the supporting documents at the submission of the plan for examination. This should:

- set out the issues that have been addressed jointly, with a very clear expectation that this will include how housing need will be met across the relevant Housing Market Area (HMA);
- highlight the practical policy outcomes that have resulted from the joint work, including SoCGs and other jointly prepared policy statements for example on cross-boundary infrastructure requirements; and
- be succinct, using weblinks to the evidence where possible.

If it is found that the DtC has not been undertaken satisfactorily, it is usually the case that a recommendation will be made to the LPA to withdraw the plan, as DtC work cannot be addressed retrospectively. This has occurred on 14 occasions since the introduction of the DtC, for example at Wealden District Council, Sevenoaks District Council and St. Albans City & District Council (twice).

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<sup>9</sup> PPG Reference ID: 61-011-20190315.

<sup>10</sup> NPPF, paragraph 35, sets out the requirements of a ‘sound’ plan, which are that it is Positively prepared; Justified; Effective; and is Consistent with national policy.

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## Proposed Planning Reforms

- 2.4 Reforms to the planning system are underway<sup>11</sup> and include the removal of the statutory DtC requirement in plan making. Details of alternative arrangements are currently unclear albeit reference is made to the need for Councils to ensure alignment in their strategic policies, which is particularly relevant to those areas subject to the urban uplift for housing, which include Leicester City:

*"The Bill will remove the Duty to Co-operate, although it will remain in place until those provisions come into effect. To secure appropriate engagement between authorities where strategic planning considerations cut across boundaries, we propose to introduce an "alignment policy" as part of a future revised Framework. Further consultation on what should constitute the alignment policy will be undertaken."<sup>12</sup> (Note: this consultation is yet to emerge and its timing is presently unknown).*

The current position is set out very clearly in the following letter, dated 20 June 2023, from the Minister of State for Housing and Planning to the Chair of the Levelling Up, Housing & Communities Select Committee.

*[See next page]*

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<sup>11</sup> <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy> et al.

<sup>12</sup> Ibid (Chapter 4 Paragraph 15).





Department for Levelling Up,  
Housing & Communities

**RACHEL MACLEAN MP**  
Minister of State for Housing and Planning  
2 Marsham Street  
London  
SW1P 4DF

[www.gov.uk/dluhc](http://www.gov.uk/dluhc)

Our reference: 28186968

Clive Betts MP  
Chair, Levelling Up, Housing & Communities  
Committee  
House of Commons  
London  
SW1A 0AA

20 June 2023

Dear Clive,

Thank you for your letter of 12 June 2023, seeking clarification of the Government's position with regard to the proposed "Alignment Policy".

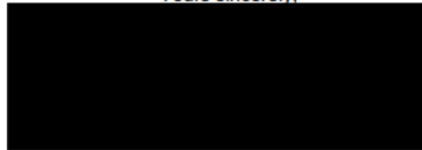
We will be carrying out a consultation on the Alignment Policy as part of future changes to the National Planning Policy Framework (NPPF). That consultation is still being developed and Ministers have not taken final decisions on the content.

The Duty to Co-operate will continue to apply to plans brought forward under the current system. Local Plans brought forward under the new system will not be subject to the Duty to Cooperate but will be covered by the alignment policy.

We will make any further announcements in the usual way in due course.

Thank you again for your letter.

Yours sincerely,



**RACHEL MACLEAN MP**  
Minister of State for Housing and Planning

- 2.5 The Government has indicated that there will be a deadline of **30 June 2025** for plan makers to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework. All independent examinations of local plans, minerals and waste plans and spatial development strategies will need to be concluded, with plans adopted by **31 December 2026**, in order to be examined under existing legislation.
- 2.6 There will be a requirement for local authorities to start work on new plans within five years following the adoption of their previous plan, and to adopt the new plan within 30 months. Where local authorities fail to meet the 30 June 2025 submission deadline for 'old-style' plans (as referenced above) they will need to prepare plans under the new plan-making system. Plans that become five years old or more during the first 30 months of the new system will continue to be considered 'up-to-date' for decision-making purposes for a period of 30 months from the date the new system starts. The transition arrangements for LPAs to commence work on new plans are likely to be phased with authorities with the oldest

plans in place at 30 June 2025 being advised to commence work on a new plan initially, followed by further tranches of LPAs over the subsequent two years. This is to avoid potential 'congestion' of ongoing local plan examinations for PINS. In that scenario, with the current Harborough Local Plan 2011-2031 having been adopted in April 2019, this is likely to mean that Harborough District Council would be part of one of the later tranches probably during 2026, and possibly not until 2027.

- 2.7 On the basis of the Council's intention to submit the new Local Plan for examination by 30 June 2025, it is absolutely clear that the Council continues to be subject to the legal requirement to comply with the DtC as part of its preparation of the new Local Plan.

### 3. Leicester and Leicestershire Statement of Common Ground relating to Housing and Employment Land Needs (June 2022)

- 3.1 As part of the work undertaken to prepare this Advisory Note, we have reviewed the Leicester and Leicestershire SoCG. The SoCG is the outcome of work undertaken since the agreement of a Joint Statement of Cooperation in November 2017 between the eight Leicestershire LPAs and the two Highways authorities (Leicester City Council and Leicestershire County Council) relating to the Objectively Assessed Need for Housing (OAHN). The Joint Statement states that "*it is intended to provide evidence of effective co-operation on planning for issues with cross-boundary impacts.*"
- 3.2 Three Joint Position Statements were agreed in November 2017, March 2018 and September 2020, addressing OAHN for the period 2011-2036, Housing and Employment Land Supply 2011-2031 and Leicester's Housing and Employment Land Needs respectively, which serve to demonstrate the Council's DtC work and involvement on joint strategic planning issues over the past six years.
- 3.3 The L&L SoCG is underpinned by a substantial body of technical evidence, which is up to date, and which is contained at Appendices B-G to the forthcoming report to the Council's Cabinet on 4 September 2023. Key documents are the Leicestershire and Leicestershire Housing and Economic Needs Assessment (HENA) (Appendix B) and the Housing and Employment Distribution Papers (Appendices D and E) all dated June 2022.
- 3.4 The principal impact upon Harborough District Council of the proposed L&L SoCG housing distribution for the period 2020-2036 is an increase of 123 dwellings per annum above the assessed Local Housing Need for the district of 534 dwellings (i.e. to 657 dwellings) over that period. The 123 dwellings constitutes that part of the unmet need for the Leicester City Council area proposed to be re-distributed to Harborough, amounting to 10.5% of that unmet need. The employment land needs for Harborough

are assessed to be 46.1 hectares over the period 2021-2036, and does not include any unmet need from other authorities.

- 3.5 For the matters which are the subject of this SoCG, it is, in our assessment, a clear and comprehensive statement reflecting the outcome of some significant DtC work between the Leicestershire authorities on the key strategic planning topics of housing and employment needs. Importantly, it is based upon up to date and robust evidence in the form of the HENA and an accompanying Sustainability Appraisal (which is at Appendices F and G to the above-mentioned report to the Council's Cabinet).
- 3.6 It is our understanding that, at the present time, seven of the L&L authorities have signed the SoCG, and that Harborough District Council and Hinckley & Bosworth Borough Council have not yet signed the document. Of the seven completed signatories to the SoCG, Charnwood Borough Council's '*Charnwood Local Plan 2021-2037*' is presently now being examined by PINS with the L&L SoCG and its supporting evidence forming part of the Council's suite of examination documents. In a letter to the Borough Council dated 18 November 2022, the Inspectors undertaking the Examination commented that "*the factors that have informed the proposed distribution of the unmet need set out in the Housing Distribution Paper appear to be a logical and reasonable starting point for the apportionment of Leicester City's unmet housing need between the HMA authorities.*"
- 3.7 The next section of this Note sets out our assessment of the potential risks to the Council that would arise from a decision not to sign the SoCG. This is followed by an assessment of the benefits likely to be secured by signing the SoCG.

## 4. Potential Risks and Benefits to the Council

- 4.1 A decision by the Council not to sign the L&L SoCG will generate a series of potential risks for the Council's ongoing preparation and future submission and examination of its new Local Plan. These risks are assessed on the basis that the Council would still intend to prepare its new Local Plan for the period up to 2036 and beyond on the basis of a timetable which seeks to enable the submission of the Plan for examination by 30 June 2025 (c.f. paragraphs 2.5 and 2.6 above).

### Potential Risks

- 4.2 A decision not to sign the L&L SoCG will lead to the following issues:
- The decision would need to be supported by a statement setting out why that decision has been taken. Having clearly worked collaboratively under the DtC since 2017 on the strategic cross-boundary issues of meeting Housing and Employment Needs, it

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would seem that the Council's decision will need to be based on factors concerning the most recent evidence on these matters, which comprises the HENA and its accompanying Housing and Employment Distribution Papers (at Appendices B, D and E to the report to the Council's Cabinet on 4 September 2023).

- A decision to challenge or disagree with parts of that supporting evidence would then generate a need to prepare updated or new evidence that underpins the Council's new position, and which would then replace or partly replace the HENA within the Council's own evidence base. The difficulty here is that Harborough is one part of the wider Leicester & Leicestershire HMA, and the updated or new evidence relating to Harborough would then need to be the subject of renewed DtC work in order to seek agreement with the other L&L authorities. In our assessment, that agreement is most unlikely to be secured. It is probably the case that further external consultancy work will be required, which would need to be sourced as a matter of urgency. This has both budgetary and timetable consequences for the Council. In terms of timetable, the production of new or updated evidence and the necessary DtC work will add in the region of 6-9 months to the current Local Plan programme. (This element alone is likely to mean that the Council will not be able to meet its planned submission of the new Local Plan for examination by 30 June 2025).
- The afore-mentioned statement will likely need to set out the exceptional circumstances that exist in Harborough to justify departing from the outcomes of the current HENA evidence. In our assessment, this can only be based on the proposed uplift to Harborough's housing requirement arising from the apportionment of an additional 123 dwellings per annum to meet Leicester City Council's unmet housing need and how that creates such exceptional circumstances in Harborough. (The 'base' housing requirement of 534 dwellings per annum is established by the Standard Method for calculating housing need, and a strategy of seeking to justify a housing requirement below that figure would require very clear and substantial evidence of the exceptional circumstances that exist in Harborough in order for a local plan to be 'sound').
- Although the Council can presently demonstrate a five-year supply of housing land (5YHLS), that position may be eroded relatively quickly should there be a delay in the preparation of the new Local Plan. This may result in speculative planning applications for residential development, leading to further pressures for the Council in seeking to defend its position at any subsequent planning appeals.

4.3 Each of the above issues constitutes a potential risk to the progress of the new Local Plan in accordance with the Council's published

timetable for its preparation. However, there is also a wider risk that potentially affects the emerging new Local Plan as a whole. That concerns a changing position of 'certainty' moving towards 'less certainty'. Unless the Council can demonstrate robust and cogent reasons for now seeking to depart from the L&L SoCG and its outcomes, and with agreement that presently extends over most of Leicestershire, the Council's new Local Plan, and in particular its housing strategy, will be exposed to far more intensive scrutiny (and potentially significant challenges from the development industry) at a forthcoming Local Plan examination. The risk of an Inspector finding that key element of the Local Plan to be 'unsound' is undoubtedly increased.

## Potential Benefits

4.4 A decision in the coming weeks to sign the L&L SoCG will have some significant benefits for the Council. These can be summarised as below:

- It will support the Council in seeking to submit the new Local Plan for examination by 30 June 2025 and, therefore, will allow the Plan to be examined under the present planning legislation and guidance. This should mean that the Council will have a new Local Plan in place by the end of 2026. Conversely, if the Council now awaits the implementation of the Government's proposed planning reforms, it is possible that the Council will not be able to commence work on a new Local Plan until 2026 or even possibly 2027. Furthermore, at the present time, none of the proposed planning reforms are yet finally agreed by Parliament, and some, e.g. details of the new Alignment Policy which will replace the DtC, have yet to be the subject of consultation (c.f. paragraph 2.4 above). The outcome of the next General Election, which could be held during 2024, may also affect the Government's current programme.
- The L&L SoCG provides a position of certainty on the key strategic matters of meeting Housing and Employment Needs in Harborough and will enable Officers to prepare a Draft Local Plan and the accompanying consultation material without the need to commission any new or updated evidence on those matters.
- Any risk that the Council cannot demonstrate that it has complied with the DtC is removed, in so far as it relates to the matters covered by the SoCG. Indeed, the SoCG demonstrates a strong track record of the Council's work in that area since 2017.
- The threat of speculative planning applications, whilst not being totally removed, will be reduced as the Council will be able to demonstrate that it is preparing a new Local Plan to meet the district's future housing and employment needs up to 2036 and beyond.

## 5. Conclusions and Advice

5.1 This Note is based upon an independent review of the Council's current position with regard to the DtC and the draft L&L SoCG, and the implications for the Council's emerging new Local Plan. This section sets out our conclusions and advice to the Council.

### Conclusions

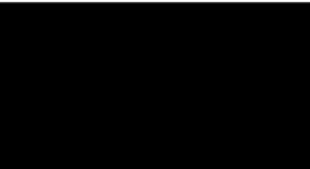
5.2 The key conclusions are as follows:

- a) The L&L SoCG represents a clear outcome of the Council's DtC work with the authorities in the L&L HMA on the key strategic cross-boundary matters of meeting housing and employment needs.
- b) The SoCG, if signed by the Council, provides much greater certainty for the preparation of the Council's new Local Plan and its future examination.
- c) It will support the Council in seeking to submit the new Local Plan for examination by 30 June 2025 and, therefore, will allow the Plan to be examined under the present planning legislation and guidance. This should mean that the Council will have a new Local Plan in place by the end of 2026.
- d) If the SoCG is not signed by the Council, a statement supporting that decision will need to set out the reasons why the Council is not in agreement with the contents of that SoCG and will need to demonstrate the exceptional circumstances that justify Harborough as being a district which is not able to accept the outcomes of the SoCG.
- e) It is likely that the Council will need to commission new or updated evidence to support its position, if it chooses not to sign the SoCG, and then undertake a new round of DtC work to seek agreement with other authorities in the HMA. It is unlikely that such agreement will be forthcoming, and the Council's position at a future Local Plan examination may be weakened.
- f) The Government's proposed planning reforms, whilst including a commitment to replace the DtC with an Alignment Policy, are not yet agreed by Parliament, and on the basis of the current available information will lead to a delay in preparing the new Local Plan until 2026 or possibly even 2027.
- g) A significant delay in preparing the new Local Plan will increase the risk of speculative planning applications for residential development, and particularly if the Council's 5YHLS is reduced in the intervening period.



## Advice

- 5.3 Our advice to the Council, based on the assessments contained in this Advisory Note, is that the benefits of signing the L&L SoCG at this time very significantly outweigh the potential risks that would arise from a decision not to sign the SoCG. It will provide the Council with much greater certainty in the short-term for the ongoing preparation of its new Local Plan. A decision not to sign the SoCG will likely make the Council's position increasingly fragile, with regard to its new Local Plan and the threat of speculative planning applications.



Intelligent Plans and Examinations (IPE) Ltd.  
31 August 2023

Please ask for:  
Direct Line:  
Our Ref:  
Date:

[REDACTED]  
12th September 2023



**Via email:** [REDACTED]

Cllr Phil Knowles  
Leader  
Harborough District Council  
The Symington Building  
Adam and Eve Street  
Market Harborough  
Leicestershire  
LE16 7AG

Dear Phil,

**Leicester Local Plan Submission – Leicester and Leicestershire Statement of Common Ground Housing and Employment Need.**

Thank you for you inviting me to your offices recently to discuss the Housing and Employment Statement of Common Ground (SoCG). It was very good to meet you and colleagues.

As discussed, the city intends to submit its Local Plan to Government by mid-September. This follows many years of preparation, supported by excellent work with yourselves and other council partners to establish and maintain a ground-breaking, robust, strategic planning framework for Leicester and Leicestershire through very challenging political territory. It would of course be very helpful if there were a full set of SOCGs on submission of our Local Plan to help inform the appointed inspector/s of our agreed position, and to this end I was very pleased to note your Cabinet support of the report recommending approval of the SoCG to your Council meeting on the 18<sup>th</sup> September.

I agreed to provide you with more details as to how we have looked at all our options for maximising housing growth within the city's very tightly drawn boundaries.

**Leading Delivery**

We see housing delivery as a top priority for the council and share the desire to prioritise Brownfield land delivery as far as possible. Last November our Council declared a Housing Crisis [City council declares housing crisis \(leicester.gov.uk\)](https://www.leicester.gov.uk/city-council-declares-housing-crisis/) We also see new and denser housing development on brownfield land in and around our city

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**OFFICE OF THE CITY MAYOR**

Leicester City Council  
115 Charles Street, Leicester, LE1 1FZ

[REDACTED] [www.leicester.gov.uk](https://www.leicester.gov.uk)



centre as an absolutely key component of our plans to strengthen the centre in the face of ongoing challenges seen by all centres across the country. The Local Plan provides a critical plank upon which many further sites will be unlocked for us to promote delivery.

I am particularly proud of our positive and proactive intervention in the delivery of good quality development, particularly the extensive Waterside regeneration programme delivering a combination of student flats, apartments to buy and rent and family homes.

This area required diligent intervention and we pursued an extremely extensive (and expensive) Compulsory Purchase Order to acquire dozens of underused land interests and to secure a complex regeneration funding pack which I am pleased to say is well on the way to successful completion. More details on this exemplar project can be found via these links - [Transforming the Waterside \(leicester.gov.uk\)](#)  
[Waterside | New Build Homes Near Leicester | Keepmoat](#)

I would very much welcome the opportunity to show you and your members around the area and share lessons learnt in the 10 years or so we have been promoting the scheme with our partner developer Keepmoat.

Ashton Green is another area where the Council is successfully acting as master developer and promoter. We are into the third phase of this very substantial scheme and our experience in development promotion allows us fully to understand the costs and challenges of delivery.

These areas have required proactive support and funding from the Government, Homes England, the LLEP and other sources. We continue to meet Homes England, in particular, to seek such funding opportunities and to explore further regeneration and CPO possibilities.

This has shown us how important is an ambitious local plan to unlocking further development opportunities to deliver much needed housing and I remain committed to pushing the scope for both council led and private sector delivery through the current Local Plan.

## **Local Plan**

Officers have given two previous presentations to your members in November 2020 and December 2022, both of which went into some detail about the keys issues we faced and the process we followed in formulating our plan. However, I appreciate that these were given prior to the local elections in May. I have attached a copy of these presentations so that they can be read in conjunction with this letter. We would be very pleased to meet with them again on any occasion when you think it would be useful.

As part of the process of adopting a new plan in Leicester, four consultation exercises have been carried out. At each consultation stage we ran a 'Call for Sites' seeking submission of deliverable sites for inclusion in the plan. Due to the built-up nature of the City, few unconstrained sites are available, and these exhaustive exercises have not resulted in a significant number of new site submissions. This situation is not

uncommon in tightly bounded city contexts and contrasts strongly with rural district contexts where very many developers will be competing to promote allocations on land where they own or hold options for development. It also contrasts with the situation of those urban areas that, as metropolitan districts, saw significant boundary extensions in the early 1970s.

Initial options were consulted on in 2014, before a further consultation in 2017 looked at possible sites in the city that could be allocated for future development. A consultation in 2020 set out draft policies and recommended sites that could be developed to seek to meet Government targets, which have increased considerably over the course of preparing for a new Local Plan. That exercise showed us that an unmet need of almost 8,000 houses was unavoidable in the context of our evidence base and analysis.

As you are aware, whilst we have been developing the Plan, through the 'Urban Uplift' the Government increased our housing need by 35%, adding a further 9,712 homes to our need between 2020 and 2036. In March 2022, it then published more new data which increased housing need in the city by a further 2,800 homes. This has been very challenging indeed.

It means that the overall 'housing need' for Leicester between 2021 and 2036 is 39,424 homes in total. Our supply includes existing planning permissions and other commitments. Of the new local plan allocations, 6,668 (71%) homes are proposed on brownfield sites in the city, with 2,686 (29%) planned on greenfield sites.

Having been designated in 1972/3 as a non-metropolitan district, Leicester is a city with very tight boundaries, so there is simply not enough space for the amount of homes and employment land the Government says we must provide. Despite this, we have left no stone unturned to make best use of the land we do have – for example by utilising brownfield sites where we can, providing more homes in the central development area and revisiting our policy on tall buildings and densities.

We have an excellent record of housing delivery in the city, having delivered an average of 1168 homes per year over the last 10 years. We have worked to strike a balance between providing the homes and jobs needed for Leicester to continue to thrive, and protecting our important heritage, biodiversity and green spaces.

The Urban Uplift expects us to deliver almost 2,500 homes very year. In the context of the above track record of actual delivery, we believe this to be plainly impossible to achieve – even if the sites were available and being promoted as deliverable.

Graphics in the attached presentations confirm we are not starting from a blank piece of paper. The city centre residential population has grown by 45% between 2011 and 2021 – this has been secured through successful development of easier and less constrained sites and building conversions. Our Local Plan supply already includes unimplemented permissions on most of the currently vacant sites. Those few remaining substantial brownfield sites are highly constrained, especially by flood risk, contamination and viability. We have and will continue to pursue active dialogue with

Homes England and the Environment Agency on these sites, but no easy options are available to overcome the constraints.

## **Central Development Area**

Substantial investment (over £100 million) in the Central Development Area (CDA) through the 'Connecting Leicester' project has also contributed to making the city centre area more attractive for housing. In addition, there has also been significant investment in the Highcross shopping centre, the Curve & Phoenix Arts Centre and St Margaret's Bus station, with further planned investment around the Railway Station and Market areas. We plan to continue investment in the central area, particularly in the face of the challenges facing city centre retailing following the impact of Covid – the acceleration of on-line shopping trends and less office workers in the city centre due to increased home working. Housing delivery is a fundamental component to bring footfall and activity to help address these challenges.

The aim of Central Development Area is to enable the city council to direct, optimise and encourage investment whilst managing development appropriately within a local context. High quality design will be used to help create certainty and developer confidence whilst maximising development on brownfield land. It will be the focus of major housing development and has been informed by detailed assessments which provide realistic future patterns of development and predicted housing numbers. These assessments looked at maximising the amount of residential development, and as a result we have increased minimum density targets within this area from 50 dwellings per hectare to 75 dwellings per hectare.

The detailed supporting evidence for the CDA has been checked and validated by independent planning consultants PlanIT IE. These studies have looked at sites, (as per requirements in the NPPF) that have a reasonable chance of coming forward during the plan period noting that the housing targets for the CDA are only minimums not maximums. The council therefore expects that additional sites will come forward now and in future local plans which have yet to be identified but these are accounted for in our proposed windfall calculations. This could include additional city centre brownfield sites which are not currently available for development or additional conversions i.e. above city centre shops. However, the council needs to balance this with ensuring that the city centre has a wide range of uses such as shops, offices, and leisure activities to protect its vitality as well as make sure projections for windfall are evidenced appropriately.

The plan also allows for tall development, although we do have significant constraints where harm will be caused to the city's important historical character. This will be subject of future supplementary planning guidance following the adoption of the plan which will be consulted on separately.

We have increased the projected supply in the CDA from 4,905 to over 6,280 on the latest plan (this is over and above existing planning consents in the supply). We would like to pursue more but it is important to recognise that this element of the plan supply is not backed up by individual promoters and therefore those seeking to undermine our



plan (and with an intention to increase pressure on requirements to be met by districts) will closely scrutinise and challenge us on the evidence of viability/deliverability of this supply. It is therefore in all our interests not to over-estimate the potential of the city centre on the basis of assertions about delivery of development not backed up by evidence.

## **Wider City allocations**

Outside the Central Development Area, the Plan site allocations have been allocated for development across the city following a rigorous analysis of around 1056 sites in Leicester. The identification of these were sourced from both internal and external sources, including extensive 'call for sites' exercises since 2014; responses to local plan consultations; and land identified as potentially suitable from our own Estates Department.

These sites however include many which were subject to significant constraints.

The starting point of our site analysis utilised the Leicester and Leicestershire joint SHELAA methodology to assess the suitability, availability, and achievability of all 1056 sites.

A smaller pool of 433 sites were then identified as potentially suitable following this exercise, before more extensive work followed with internal and external specialists to further explore the potential of each site and provide a range of constraints impacting on these sites. Our final site allocation decisions have been made taking into account the identified constraints, all consultation comments (including those representations from Harborough) at each stage of plan preparation and the overall strategic housing need.

This selection process has maximised the available land in the city, including both brownfield and greenfield land, including a range of parks and open spaces. Our approach has ensured that we have optimised housing development whilst also maintaining a fair and proportionate approach across the city.

The council has had to make some difficult decisions to arrive at the final list of around 60 site allocations. These are predominantly located on council owned land with a small handful of sites being promoted through private ownership due to the lack of available third party owned site despite the repeated Call for Sites exercises. Our planning, development and specialist officers have worked closely together to ensure that the sites can be delivered within the timeframe of the plan, an approach which has equally been applied to the relatively few external landowners promoting sites.

The inclusion of a number these sites has led to considerable criticism and opposition.

More details of the process that we have gone through to allocate sites are contained in a housing topic paper and site allocation documents that will be published alongside the local plan when it is submitted later this month.

## Other Matters

In terms of other cross boundary issues you mentioned, it is acknowledged that there will be significant pressures from new growth in Leicestershire on roads and other important infrastructure such as schools and open spaces, green wedges and sports facilities.

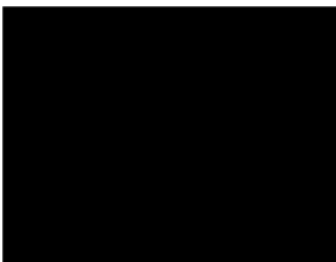
Our plan acknowledges this and commits the council to collaborate with our neighbouring authorities on the provision of required cross boundary infrastructure needed to support future growth. Obviously the as yet undefined 'Alignment Policy' which may eventually replace the Duty to Co-operate could be an important mechanism for us to work through in our ongoing Leicester and Leicestershire Partnership and I fully recognise the City will need to recognise that the unmet need taken across the County will need to receive its fair share of this funding through a properly undertaken strategic planning process – we are best placed to do this together.

I hope this provides more clarity as requested. I note that we have a Members Advisory Group meeting on 14<sup>th</sup> September where we will be updating on progress in respect of the proposed submission of the Local Plan and on SOCGs.

I sincerely welcome your ongoing support in this matter and look forward to working in constructive partnership with Harborough. If you would like to discuss this further, now, or at any time, please do not hesitate to contact me.

As I have said, we are also more than happy to discuss issues again and answer further questions for your members more generally.

Yours sincerely,



Peter Soulsby  
**City Mayor**



HOUSE OF COMMONS  
LONDON SW1A 0AA

Cllr Phil Knowles  
Leader  
Harborough District Council

Sent via email.

14<sup>th</sup> September 2023

Dear Cllr Knowles,

As the three Members of Parliament representing the Harborough District, we call on you to abandon plans to sign up to the Statement of Common Ground next Monday 18th September.

If you decide to sign up to this huge, one-quarter increase in the number of homes to be built here, it will not be possible to reverse this decision later, and Harborough will be locked into higher housebuilding for years to come.

This decision is being rushed through with minimal debate and no proper consultation with local people.

It is not necessary to sign up to this increase. As made clear in a letter from the housing minister; "There is no formula imposed by the government through which housing need for an area or unmet need must be transferred from one area to another."

You claim you are required to sign up because of the duty to cooperate. But this has never created any obligation on Harborough to take any amount of Leicester's overspill housing. The Housing Minister has also explicitly pointed out to you that the Duty is being abolished anyway.

Harborough's current local plan was recently adopted in 2019 and runs until 2031. According to the House of Commons Library only around 40% of local authorities have an up-to-date local plan and are in as good a position. Looking at the review criteria set out in the current local plan, there is no reason why Harborough's next local plan must be submitted by June 2025 at which point the Duty will no longer exist.

Your proposed increase is not fair. Under the plan Harborough would be building about twice as many homes per person as Leicester. You have never explained why you regard this specific increase as fair.

It is bad for the environment. Shifting this overspill housing from the city to Harborough means more commuting, more pollution, higher energy use and more traffic jams.



We think you are rushing through a mistaken decision which will have negative consequences for the District for years to come.

When a housing development of 2,000 homes was mooted in 2021 you said it would be “catastrophic” because our infrastructure is “bursting at the seams”. Yet you are now proposing to voluntarily sign up to take around 2,000 extra homes.

When the population statistics came out last summer you stated that “the entire Harborough district is close to breaking point” because “we’ve got so many new housing developments going ahead”. You complained that “our own District Council have got to think of the needs of the people who already live here as well as the people moving here.”

You are now the Leader of the Council – it is your direct responsibility to put forward proposals that benefit all of Harborough’s residents. As the MPs for our local area, we strongly urge you to listen to our constituents. As this is a local authority planning matter, MPs do not have any role in this decision-making process. It is your decision and that of your councillor colleagues now running Harborough District.

We call on you not to sign up to this unfair, unnecessary, un-green statement.

Yours sincerely,

**Alberto Costa MP,**

**Alicia Kearns MP,**

**Neil O’Brien MP**



**Intelligent Plans**  
and examinations

## **Advisory Note for Harborough District Council**

### **Further Advice following letter from the Minister of State for Housing and Planning**

**An Advisory Note prepared for Harborough District Council by:  
Derek Stebbing BA (Hons) DipEP MRTPI**

Date: 15 September 2023



## Summary

- This Advisory Note provides Further Advice to the Officers and Councillors of Harborough District Council (the Council) and provides an assessment of the letter dated 8 September 2023 from the Minister of State for Housing and Planning (Rachel Maclean MP) to the Leader of the Council.
- The letter confirms that plan makers (which includes the Leicestershire authorities) will have until 30 June 2025 to submit their local plans for independent examination under the existing legal framework, and that existing legal requirements and duties including the Duty to Co-operate (DtC) will still apply.
- The letter states correctly that there is no formula imposed by the Government through which housing need for an area or unmet need must be transferred from one area to another and that this is a matter for local planning authorities to agree, through the DtC and the production of Statements of Common Ground (SoCG).
- The Leicester & Leicestershire Authorities SoCG (L&L SoCG) represents, in our view, a clear and comprehensive example of authorities working together under the DtC to address the key strategic issue of meeting Leicester City Council's unmet housing and employment land needs, in order to be able to progress their respective Local Plans with the certainty of their housing and employment land requirements up to 2036.
- Nothing in the Minister of State's letter changes any of our previous advice to the Council, as set out in the Advisory Note dated 31 August 2023.
- The letter serves to reinforce our overarching advice to the Council that the benefits of signing the L&L SoCG at this time very significantly outweigh the potential risks that would arise from a decision not to sign it.

## 1. Introduction

- 1.1 This Further Advice Note has been prepared for the Officers and Councillors of Harborough District Council (the Council) following receipt of the letter dated 8 September 2023 from the Minister of State for Housing and Planning (Rachel Maclean MP) to the Leader of the Council.
- 1.2 The letter is reproduced below, for ease of reference.



- 1.3 This Further Advice Note has been prepared by Derek Stebbing, a Consultant employed by Intelligent Plans and Examinations (IPE) Ltd, and follows the preparation of the previous Advisory Note to the Council dated 31 August 2023.
- 1.4 This Note assesses whether the letter from the Minister of State has any additional or revised implications for the Council's present consideration of the draft Statement of Common Ground between the Leicester & Leicestershire Authorities (L&L SoCG) dated June 2022, beyond those set out in the previous Advisory Note and discussed at the Members' Briefing held on 7 September 2023.

## 2. The Duty to Co-operate

### Proposed Abolition of the Duty to Co-operate

- 2.1 The first point to note is that the letter confirms that the Duty to Co-operate (DtC) will be abolished after the Levelling Up and Regeneration Bill receives Royal Assent. It goes on to state that plan makers (which includes the Leicestershire authorities) will have until 30 June 2025 to submit their local plans for independent examination under the existing legal framework, and that existing legal requirements and duties including the DtC will still apply.
- 2.2 This is entirely consistent with the advice previously given to the Council as it affects the preparation of the Council's new Local Plan for the period up to 2036 and beyond.

## 3. Meeting Housing Need

- 3.1 The National Planning Policy Framework (NPPF) sets out how Local Planning Authorities (LPAs) in England should create their Local Plans and includes a Standard Method to assess housing need. LPAs must follow the Standard Method when developing their Local Plan, unless 'exceptional circumstances' apply. The housing need figure generated by the Standard Method should be a starting point in the planning process, rather than a housing target. LPAs are also expected to factor in constraints such as how much land is available, when preparing Local Plans. (The Standard Method is sometimes described as a formula, but for clarification it is not the 'formula' or absence thereof being described in the fourth paragraph of the Minister of State's letter).
- 3.2 The L&L SoCG confirms that the housing requirement for each of the Leicestershire authorities has been calculated for the period up to 2036 using the Standard Method. The principal factor that leads to 'unmet need' for Leicester City Council during that period has been the 35% uplift for the twenty major cities in England, including Leicester, and known as the 'cities and urban centre uplift', that was introduced by the

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Government in 2020. It formed part of the measures to boost housing supply towards an annual target of 300,000 new homes per annum. The 35% uplift is simply applied as an addition to the housing need figure generated by the Standard Method.

- 3.3 Clearly, the LPAs subject to the 35% uplift are expected, as far as they can, to meet their full housing requirement (i.e. 100% + 35%) within their boundaries, and to that end the LPAs involved undertake rigorous and exhaustive urban capacity studies to maximise the housing potential of previously developed or 'brownfield' land, vacant sites, redundant buildings, etc. However, in most cases, and Leicester is no exception, there is a level of unmet need which cannot be met within the LPA's boundaries simply because suitable sites cannot be identified. The L&L SoCG is based upon a calculated assessment of an unmet need of 18,700 dwellings and 23 hectares of employment land that cannot be met within the Leicester City Council area during 2021-2036. There is no unmet housing or employment need for any of the other Leicestershire LPAs.
- 3.4 It has been reported (at the Members Briefing held on 7 September 2023) that Leicester City Council consider that they have undertaken the most exhaustive studies of potential housing and employment sites within the City's boundaries during the past six years in order to seek to reduce their level of unmet need. This has been set out in further detail in a letter of 12 September 2023 from Leicester City Mayor, Sir Peter Soulsby, to the Leader of Harborough District Council, Cllr. Phil Knowles. It is also understood that their new Local Plan will be submitted for independent examination shortly on the basis of the housing and employment needs distribution set out in the L&L SoCG and, as also noted in the previous Advisory Note, the Charnwood Local Plan is already being examined on the same basis.
- 3.5 The Minister of State is correct in stating that "*There is no formula imposed by the Government through which housing need for an area or unmet need must be transferred from one area to another*". Notwithstanding this, and critically, she then goes on to reinforce that "*This is a matter for local planning authorities to agree to, through the duty to co-operate and the production of statements of common ground*". In other words, there is no national policy requirement (or formula), apart from the DtC, for determining how authorities will work together to address unmet housing and employment needs.
- 3.6 The L&L SoCG therefore represents a good example of authorities working together under the DtC for the past six years to address the key strategic issue of meeting Leicester City Council's unmet housing and employment land needs, in order to be able to progress their respective Local Plans with the certainty of their housing and employment land requirements up to 2036.
- 3.7 As outlined in the earlier Advisory Note, on the basis of the Council's intention to submit its new Local Plan for examination by 30 June 2025, it

is clear that the Council continues to be subject to the legal requirement to comply with the DtC as part of its preparation of the new Local Plan. The L&L SoCG is a key outcome of the Council's DtC.

## 4. Conclusion and Advice

- 4.1 There is nothing contained within the Minister of State's letter that serves to change any of our earlier advice to the Council. Indeed, in our assessment, it reinforces that advice, the key element of which is that the benefits of progressing the Council's new Local Plan under current planning legislation, prior to 30 June 2025, very significantly outweigh the risks and disadvantages of awaiting new legislation, which may well serve to stall work on the new Local Plan until early 2027. Any delay is likely to expose Harborough to the highly increased risk of speculative developments across the district. A decision by the Council to sign the L&L SoCG remains the next key step in being able to progress the new Local Plan.



Consultant  
Intelligent Plans and Examinations (IPE) Ltd  
15 September 2023