

Harborough District Council



Report to Cabinet Meeting of 27 November 2023

Title:	New Local Plan – Issues and Options Consultation
Status:	Public
Key Decision:	Yes
Report Author:	Tess Nelson, Head of Strategic and Local Planning
Portfolio Holder:	Planning Portfolio, Cllr Simon Galton
Appendices:	A. Issues and Options Consultation document

Summary

- i. The report seeks a recommendation from Cabinet to Council for approval for the Issues and Options document (Appendix A) to be published for public consultation.
- ii. Approval is also sought for delegation to be given to the Director of Planning in consultation with the Portfolio Holder for Planning for factual updates, minor changes and the insertion of additional diagrams and other visual aids to enable the finalisation of the document and its publications for consultation purposes.
- iii. The planning system is plan-led. This means that planning applications must be considered and determined in accordance with the development plan unless material considerations indicate otherwise. This means the development plan must be kept up to date.
- iv. The current Harborough Local Plan was adopted in 2019, and although it remains up to date, a new local plan is being prepared to ensure the development plan remains up to date, in line with Government guidance.
- v. Issues and Options is the first public consultation in the preparation of the new local plan. Its purpose is to start a public conversation about the future of the district and about what the new local plan should contain.
- vi. The consultation document focuses on a number of key planning issues, including homes, jobs, heritage, town centres, climate change, biodiversity and protection of important open spaces. Each issue is introduced, explained, and feedback sought via a number of consultation questions.
- vii. It is intended for the consultation to run during January 2024 – February 2024. A dedicated webpage will be set up to host the consultation document and enable comment through a consultation portal. Responses received will be used to inform the next stage of preparing the new local plan.

Recommendations

It is recommended that:

- 1. A recommendation is made to Council to approve the New Local Plan Issues and Options Consultation document (Appendix A) for public consultation.**
- 2. Authority to make any factual corrections and minor changes to finalise the consultation document and facilitate the requirements of setting up consultation material as well as to make any changes agreed at Cabinet and Council be delegated to the Director of Planning, in consultation with the Portfolio Holder with responsibility for Planning.**

Reasons for Recommendations

- i. A new local plan is beneficial to provide long term certainty, allocate development in sustainable locations and protect important natural spaces and built heritage. Whilst the current local plan is up to date, it is important for work on the new plan to progress in line with the local plan timetable (set out in the Local Development Scheme, elsewhere on this agenda) in order to guide the development of the district in accordance with the Council's policy and priorities.
- ii. The Levelling-up and Regeneration Act 2023 introduced a revised statutory framework for the 'making of local plans. The legislation provides for a period of transition and the transition period is currently expected to end by 30 June 2025. Plans must be submitted by this date or await the introduction of the new planning system, which is expected to place a considerable delay on progress being made on the new local plan for the Harborough District. As such it is important that progress is made on the new local plan, to support achieving the deadline of submission by 30 June 2025.
- iii. The Issues and Options consultation is an important first public stage in preparing the new local plan. It seeks feedback on significant issues, which will inform future stages of preparation of the local plan. Approval from Council is required in order to begin the public consultation. As such, a recommendation from Cabinet for publication of the Issues and Options document for public consultation is sought.
- iv. Approval is also sought for factual and other minor incidental changes to be made to the Issues and Options document prior to consultation. This includes the additional of graphical and other visual material to aid understanding and encourage engagement. This delegated authority will enable such changes to be made and the document to be published with any necessary corrections / updates.

1. Purpose of Report

- 1.1. This report seeks a recommendation to Council for approval for public consultation to be undertaken on the new Local Plan "Issues and Options" document. The proposed document for consultation is appended to this report (Appendix A).

- 1.2. This report seeks approval for delegation to be given for factual corrections and minor changes to be made to finalise the consultation document, where those changes do not alter the intent of the consultation document, by the Director of Planning in consultation with the Portfolio Holder with responsibility for Planning.

2. Background

- 2.1 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.
- 2.2 The Planning and Compulsory Purchase Act 2004 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."
- 2.3 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).
- 2.4 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 Policy IMR1 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.”

- 2.5 Whilst the current local plan remains up to date, the trigger set out at paragraph 2.4, 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. This accords with a decision by Cabinet in July 2021 to begin the preparation of a new local plan. A new local plan is beneficial to provide long term certainty, allocate development in sustainable locations and protect important natural spaces and built heritage.

3. Details

- 3.1 The Issues and Options consultation is the first formal public consultation on the new local plan. Its purpose is to begin a public conversation about what the local plan should contain and the kind of place we want Harborough to be in the future. The consultation will be aimed at residents of Harborough, as well as visitors, people who work and do business in the district, as well as wider stakeholders including Parish Councils, resident groups, interest groups, infrastructure and utility providers, developers and those with an interest in the district and neighbouring authorities and other public bodies.
- 3.2 With a wide audience, it is important that the consultation document is accessible and as easy to engage with as possible. At the same time, the consultation needs to provide enough context and detail to enable responses to inform future, more technical stages of the Local Plan.
- 3.3 The consultation document is being designed to be as visually engaging as possible, with diagrams and flowcharts to explain key processes and information. Further diagrams will be added to aid understanding prior to publication. The document will be available online through a dedicated consultation portal and a summary leaflet of its content will be available to act as a guide and to sign post to further sources of help, should that be necessary to enable access.
- 3.4 The Issues and Options consultation document seeks views on a number of planning issues and proposed options for the future development of the district. Each key planning issue is introduced with relevant background information and policy explained before a

proposed approach or set of proposed options outlined. Comments and feedback is sought through a number of detailed questions relating to each key issue. The issues for inclusion have been identified through engagement with the Local Plan Member Advisory Panel, through a review of national planning policy and also address the key objectives of the Council and include:

- Homes (including affordable homes and specialist homes and accommodation types);
- Jobs;
- Protection of green spaces;
- Good design;
- Climate change;
- Flood risk;
- Water supply and waste management;
- Biodiversity and geodiversity;
- Heritage;
- Healthy communities;
- Natural spaces;
- Open spaces, sport and recreation;
- Town centres
- Tourism.

3.5 This is an important stage in preparing the new local plan and the consultation document seeks feedback on the broad policy areas outlined above, as well as more technical aspects of plan preparation, including:

- The overarching vision for the district, based on the Council's Corporate Plan;
- Objectives for the new local plan;
- Strategic matters;
- The scale and location of housing growth;
- The plan period;
- The settlement hierarchy
- The scale and location of employment growth; and
- The proposed methodology for assessing potential sites for allocation for specific uses (such as for housing or employment use).

3.6 The new local Plan is proposed to cover the period from 2020 to 2041. This is to ensure the local plan meets the requirement of national planning policy to cover a period of at least 15 years from the time the plan is adopted (currently scheduled for 2026) to the end of the plan period. Comments and feedback are welcomed as part of the consultation.

3.7 Accompanying the consultation will be an invitation to submit sites for consideration for allocation for housing, employment and other uses through the local plan. A similar exercise was undertaken in 2021 and generated c250 sites. A further invitation (known as a 'Call for Sites' will be issued alongside the consultation. This serves to ensure that all potential sites are fully considered through the local plan preparation process.

3.8 A number of additional documents will be published alongside the consultation document. These include: a summary and glossary to aid understanding and engagement and to signpost readers to sources of further information and support; evidence documents; an emerging Duty to Cooperate Statement; an emerging Sustainability Appraisal, and an emerging Equality Impact Assessment.

- 3.9 Consultation responses will inform the next version of the local plan, which will include more detail, including draft policies and proposals relating to specific areas of land. The draft local plan will be the subject of further public consultation before being submitted to the Secretary of State for public examination by the Planning Inspectorate. The examination stage will test whether the plan has been prepared in accordance with the relevant legislation and whether it meets the Tests of Soundness. One of the legal tests it must pass, is that the plan has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, which require public consultation; the first of which is the current consultation, in accordance with Regulation 18.

4. Implications of Decisions

Corporate Priorities

- 4.1. Publication and consultation on the Issues and Options consultation document is an important stage in preparation of the new local plan. This will aid delivery of the following corporate priorities:
- CO1: There will be an adequate supply of housing to meet local needs across all tenures and price ranges, and reducing the potential for homelessness
 - CO2: Our local plan will ensure growth in the area is balanced with employment opportunities and transport and infrastructure needs are met
 - CO3: The rural nature of the district will be recognised, and our heritage and cultural assets are preserved
 - CO4: Our local communities, the voluntary and charitable sector are more engaged and actively managing their own localities and shaping their own places
 - CO5: The district will be shaped through good design, that addresses local needs and promotes healthier life choices.

Consultation

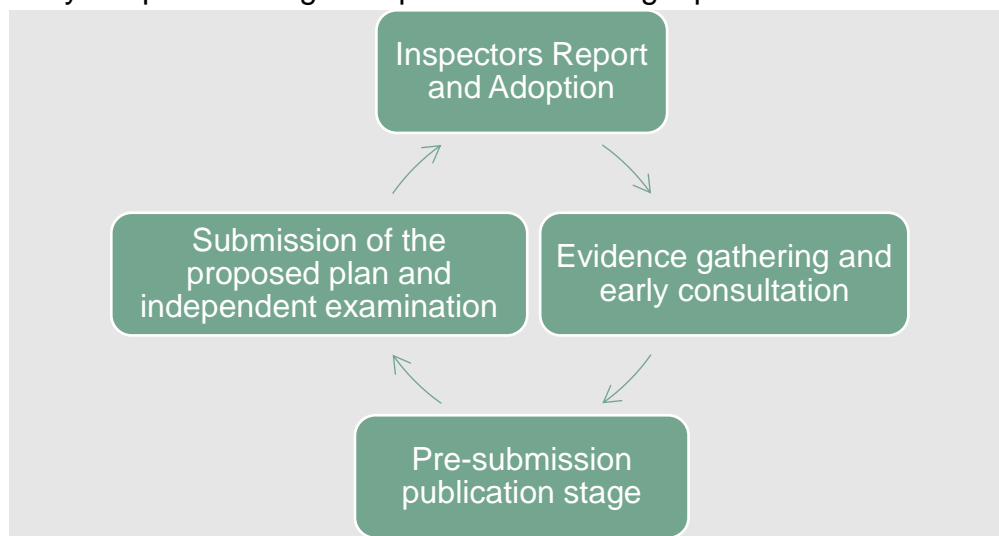
- 4.2. Consultation is expected to be undertaken during January 2024 to February 2024. A dedicated web page will be established to host the consultation document and to encourage and enable feedback via a specialist planning consultation portal.
- 4.3. Consultation will be undertaken in accordance with the relevant regulations and in accordance with the consultation principles established through the Statement of Community Involvement (SCI).
- 4.4. Stakeholders will be notified of the start of the consultation and provided with details of where the consultation document can be accessed, how responses can be made and where further support and advice is available, should it be required, in order to engage with the consultation and provide their feedback.
- 4.5. Parish Councils will be provided an additional 4 weeks' notice of the start of the consultation, to enable further time for consideration of the consultation material and the establishment of further meetings, as required.
- 4.6. A dedicated telephone number and email address will be provided to enable support and advice to be provided to anyone who requires support to engage with the consultation.

Financial

- 4.7. No additional resources are required to enable the publication of the Issues and Options document for consultation. Elsewhere on the agenda Cabinet will receive a report which sets out the details of additional resources needed in order to progress preparation of the local plan and submission by 30 June 2025.

Legal

- 4.8. Consultation will take place in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.9 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:



- 4.10 The Issues and Options consultation forms an important part of the 'Evidence gathering and early consultation' stage of preparing a local plan.

Environmental Implications

- 4.11 Publication of the Issues and Options document for consultation will support delivery of the Local Plan. The new Local Plan will have implications in relation to the spatial planning of the district. The wider environmental implications of the scale and distribution of development and associated supporting infrastructure will be assessed through the Sustainability Appraisal of the Local Plan, which incorporates the requirements of the SEA Directive.

Risk Management

- 4.12 Publication of the Issues and Options document for consultation will support delivery of the Local Plan in accordance with the timetable set out in the draft Local Development Scheme (elsewhere on this agenda). In so doing, this serves to ensure the local plan remains up to date and manage risks associated with not having an up-to-date local plan.
- 4.13 Failure to approve the Issues and Options document for public consultation risks a delay to the start of the consultation period. This is an important and statutory part of plan making. Any delay would have a knock-on effect on the work programme for preparation of the local plan and would make achieving the 30 June 2025 deadline impossible. Due to the incredibly tight deadline imposed by Government, there is no room for delay. Any delay to this or subsequent stages will prevent the deadline being achieved.
- 4.14 Not meeting the Government deadline to submit the new local plan by 30 June 2025 would mean that preparation of the new local plan would suffer a hiatus whilst the Government

introduces the new planning system. This would impose a significant delay on plan making. It is anticipated that under the new planning system, work on the new local plan would be delayed until a start in 2027, resulting in a very significant delay in adoption until 2030. This would result in the district not having an up-to-date local plan for a number of years and place the district at considerable risk of speculative, unplanned development.

- 4.15 The Government is proposing transitional arrangements to enable up to date plans which become more than five years old during the first 30 months of the new system to be protected from speculative development. This will not protect the Council's current local plan which was adopted on 30 April 2019 and will become five years old before new arrangements are expected to be in place. The current local plan will therefore remain out of date until replaced by a new local plan. If the 30 June 2025 deadline is not met, this could potentially be as late as 2029 or 2030. That would place the District at considerable risk of speculative development over a period of several years and is not recommended.

Equalities Impact

- 4.16 An Equalities Impact Assessment (EIA) for the Local Plan will be prepared and regularly reviewed as part of the Local Plan making process. In addition, an EIA will be prepared for each public consultation stage.

Data Protection

- 4.17 Any consultation on the Local Plan will be carried out in compliance with the provisions of the UK GDPR and the Data Protection Act 2018.

5. Alternative Options Considered

- 5.1 Option 1: Cabinet agree to recommend to Council publication of the Issues and Options document for consultation. This is recommended.
- 5.2 Option 2: Cabinet does not agree to recommend to Council publication of the Issues and options document for consultation. This is not recommended since it will delay the start of the Issues and Options consultation and will significantly increase the risk of the Council being unable to achieve submission of the new local plan by the Government-imposed deadline of 30 June 2025. The consequence of missing this deadline is needing to await the establishment of the new planning system and the likely delays that will incur. Due to the proposed way in which the new planning system is being introduced, local plan preparation is likely to be significantly delayed, with the start of plan preparation expected in 2027, meaning adoption not until, at least, 2030.

6. Recommendation

- 6.1 It is recommended that:
1. A recommendation is made to Council to approve the New Local Plan Issues and Options Consultation document (Appendix A) for public consultation.
 2. Authority to make any factual corrections and minor changes to finalise the consultation document and facilitate the requirements of setting up consultation material as well as to make any changes agreed at Cabinet and Council be delegated to the Director of Planning, in consultation with the Portfolio Holder with responsibility for Planning.

7. Background papers

[Statement of Community Involvement \(SCI\)](#)

Cabinet decision to prepare a new Local Plan June 2021 available at the following link:

[Meetings and Events \(harborough.gov.uk\)](https://www.harborough.gov.uk)