

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE EXECUTIVE MEETING OF 25th April 2019

Report Title	Adoption of the Harborough Local Plan 2011 - 2031
KEY DECISION	No
Report Author	Strategic & Local Planning Manager
Purpose of Report	To consider whether to adopt the Harborough Local Plan 2011 - 2031
Reason for Decision	To ensure the Council has an up-to-date Local Plan to deliver sustainable development and provide a robust framework against which planning applications can be determined.
Portfolio (holder)	Councillor P. King
Corporate Priorities	The Local Plan has a key role in delivering the Councils Corporate Priority on 'Place'.
Financial Implications	See paragraph 4.1 to 4.3 below.
Risk Management Implications	See paragraph 6.1 below.
Environmental Implications	Environmental matters have been considered throughout preparation of the plan. The Local Plan has been subject to Sustainability Appraisal, Strategic Environment Assessment and Habitat Regulations Assessment at appropriate stages.
Legal Implications	See paragraph 3.1 to 3.3 below.
Equality Implications	See paragraph 5.1 and 5.2. No negative effects identified.
Data Protection Implications	GDPR regulations have been followed throughout the preparation of the Local Plan and during the Examination.
Consultation	See paragraph 7.1 and 7.2 below.
Options	See paragraph 8.1 to 8.4 below. There are not considered to be any appropriate options other than to adopt the Local Plan at this time.

Background Papers	See section 9 below.
Recommendation	<p>The Executive is advised to recommend to Council:</p> <ol style="list-style-type: none"> 1. That the Harborough Local Plan 2011 – 2031 (Appendix A) and associated Policies Map (Appendix D) are adopted. 2. That it delegates authority to the Head of Planning and Regeneration, in consultation where necessary and expedient with the Portfolio Holder for Planning, to fulfil all relevant legislative duties after the Harborough Local Plan 2011 – 2031 has been adopted and correct any minor or typographical errors.

1. Introduction

1.1 The Harborough Local Plan 2011 - 2031 was submitted to Government in March 2018. The Government appointed an independent Planning Inspector to examine the plan which has taken place over the last 13 months and is now complete.

1.2 The Inspector has concluded that the Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications are made to it – it is normal for Local Plans to require modification before adoption.

1.3 The Council is now able to adopt the Local Plan as part of the Development Plan, and adopt the associated Policies Map, providing an up-to-date framework against which planning applications can be considered. Once adopted the Harborough Local Plan 2011 - 2031 will replace the Harborough District Local Plan (2001) and the Harborough District Local Development Framework Core Strategy (2011).

2. Key Facts

Examination Process

2.1 Members will be aware the Council agreed to submit the Local Plan to Government for examination on 5 March 2018 (The Executive Report considered by Council is available on the Council website [here](#)). The examination process included the opportunity for people and organisations (who had made representations on the submission version of the Local Plan) to make further written statements to the Inspector and participate in public hearing sessions held over 2 weeks in October 2018 as appropriate. At the end of the hearings the Inspector indicated that the Local Plan was sound, subject to a number of Main Modifications (without prejudice to his final report). To this end, a Schedule of Proposed Main Modifications was prepared at the Inspector's request and subject to 6 week public consultation closing on 26th February 2019.

2.2 Alongside the Main Modifications consultation, additional modifications were published for information only. These are minor changes including typographical and factual corrections that do not materially alter the plan. Associated documents including the updated Policies Map (showing amendments as a result of the modifications), and an addendum to the Sustainability Appraisal and Habitats Regulations Assessment, were also published. All documents associated with the examination are on the Council's website (www.harborough.gov.uk/local-plan-examination).

2.3 All responses to the consultation were considered by the Inspector (not this Council) before publishing his final report because the consultation was on the Main Modifications he required to make the plan sound and/or legally compliant. Responses to the Main Modifications consultation are available on the Council's website [here](#).

The Inspectors Report and Modifications

2.4 The Inspectors Report is attached at Appendix B accompanied by a Schedule of Main Modifications which contains the changes he requires to make the Local Plan 'sound' and/or legally compliant. The Report explains why the modifications are necessary and the Council is only able to adopt the Local Plan with these changes made to it.

2.5 Appendix C contains a Schedule of Additional Modifications. These are minor changes that do not materially alter the plan. Most of these additional modifications were published alongside the consultation on the Main Modifications in January 2019, with the exception of AM138 onwards which were picked up after the schedule was published (through further Officer proof reading exercises).

2.6 The Harborough Local Plan 2011 – 2031 in Appendix A and the updated Policies Map in Appendix D, contain all of the changes set out in the Main Modifications (Appendix B) and Additional Modifications (Appendix C). It is therefore advised that the Executive recommends the Council adopts the Harborough Local Plan 2011 – 2031 (Appendix A) and the associated Policies Map (Appendix D).

2.7 Members will be aware that at the Hearings in October 2018, the Inspector expressed concern about the approach to Strategic Distribution in the submitted plan. This resulted in the Council agreeing to allocate land adjoining Magna Park to meet the limit of 700,000 square metres in Policy BE2 (The Executive report considered at Council on 18 December 2018 is available on the Council website [here](#)). The Inspector has concluded that the Magna Park allocation is appropriate and that subject to the mitigation measures set out in the plan, the effects of the allocation would be outweighed by the public benefits.

2.8 The Inspector also considered the amount of housing and employment land, and its location across the District to be appropriate. This means that other than factual updates to reflect changes resulting from planning applications, there are no fundamental changes to the overall amount or location of development in the plan as a whole.

Delegated Authority – Legislative Duties

2.9 Should Council agree to adopt the Harborough Local Plan 2011 – 2031 and associated Policies Map, its decision will take immediate effect. However, the Council will need to ensure that all appropriate 'post adoption' duties are fulfilled in a timely manner. These are technical duties necessary to meet relevant legislative requirements, including those set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, and the Environmental Assessment of Plans and Programmes Regulations 2004.

2.10 In order to ensure all relevant duties are completed quickly the Executive is advised to recommend the Council delegated authority to the Head of Planning and Regeneration (in consultation with the Portfolio Holder for Planning) to fulfil all relevant legislative duties after the Harborough Local Plan 2011 – 2031 has been adopted.

2.11 They include the following:

- Publication of an Adoption Statement setting out the Plan's adoption and where it can be viewed.
- Notifying those that have requested to be notified of the Plan's adoption.
- Publication of the Sustainability Appraisal Report.
- Publication of a Sustainability Appraisal Post Adoption Statement.

Delegated Authority - Corrections

2.12 The Local Plan has been subject to extensive scrutiny by both Officers and other Parties during the examination. However, given the gap between publication of this report to the Executive and the Council decision, there is an opportunity for a final proof read of the Local Plan by Officers. The Executive is therefore advised to recommend to Council that it delegates authority to the Head of Planning and Regeneration (in consultation with the Portfolio Holder for Planning) to correct any minor or typographical errors. This will help ensure that the Local Plan is as correct and accurate as reasonably possible.

Local Plan Executive Advisory Panel (LPEAP)

2.13 On 20 February 2019 the LPEAP considered and advised the Executive on the progress made and the importance of adopting the Local Plan as soon as reasonably possible. LPEAP advice to the Executive was as follows (the full report is available on the Council website [here](#)):

- That Executive notes the progress made towards the adoption of the Local Plan so far; and
- That Executive notes the importance of adopting the Local Plan as soon as reasonably practicable.

3. Legal Issues

3.1 The preparation of the Harborough Local Plan 2011 - 2031 has been governed by legislation, including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

3.2 Once adopted, the Local Plan will become part of the Development Plan for the District. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3 Once the Local Plan has been adopted there is legal challenge period of 6 weeks.

4. Resource Issues

4.1 The remaining technical matters required after the Local Plan has been adopted do not require additional resources.

4.2 There are no specific costs incurred by adopting the Harborough Local Plan 2011 – 2031. Adoption of the Local Plan will bring local planning policies up to date, and improve clarity on where and / or what type of development in this District would be considered acceptable or otherwise. This could result in reduced planning appeals, and the associated costs of these to the authority.

4.3 There could be additional cost incurred should the Local Plan be subject to legal challenge.

5. Equality Implications

5.1 An Equalities Impact Assessment (EIA) has been completed for the Harborough Local Plan 2011 – 2031. This is available on the Councils website [here](#). No negative effects were identified.

5.2 The Inspector has had due regard to the aims expressed in S149(1) of the Equality Act 2010. The Plan takes these aims into account, notably in respect of its policies to meet the housing needs of all sectors in the community.

6. Risk Management Implications

6.1 A decision to adopt the Harborough Local Plan 2011 – 2031 will have a beneficial effect on Corporate Risks, including:

- CR 08 Risk of challengeable planning decisions being taken relating to planning applications for residential development / Risk of planning appeals being upheld relating to residential planning applications.
- CR 10 Local Plan Risks: lack of a sound Local Plan may lead to sporadic development and the inability to defend appeals.

7. Consultation

7.1 Consultation has taken place with the Local Plan Executive Advisory Panel on earlier versions of the emerging Local Plan and on its constituent policies. Consultation has also taken place with other Council services, including detailed discussion with Development Management. There has also been liaison with statutory consultees and Duty to Cooperate partners.

7.2 The Examination Process has also allowed for interested parties to make written and/or verbal comments to the Inspector where appropriate, and the Main Modifications were subject to a 6 week public consultation.

8. Options

Not to adopt a Local Plan

8.1 The production of a Local Plan is required by legislation and national policy, and is critical to enabling the Council to guide and shape sustainable development in this District. Adoption of the Harborough Local Plan 2011 – 2031 will provide the Council with an up-to-date and comprehensive Development Plan Document against which to determine planning applications.

8.2 Not adopting the Local Plan leaves the Council reliant on the increasingly dated policies in the Local Plan 2001 and the Harborough District Core Strategy 2011, increasing the risk of the Council being unable to successfully defend the refusal of what it considers to be inappropriate development. Replacing these policies with up-to-date policies in the Local Plan 2011 - 2031 will strengthen the Council's position.

8.3 The Council has done a significant amount of work in preparing the Harborough Local Plan 2011 – 2031 and taking it through an Examination in Public to this very advanced stage of production. To choose not to adopt the Local Plan now would result in a large amount of abortive work undertaken to date.

8.4 Not adopting the plan would also result in a significant financial loss to the Council concerning the costs that have been incurred in the preparation of the local plan. Should the plan not be adopted it would also be likely that the Council would incur potentially significant costs relating to the preparation of a new local plan together with potential costs concerning managing planning applications submitted to the Council outside the plan-led system.

8.5 There are not considered to be any appropriate, alternative options to adopting the Local Plan at this time.

9. Background Papers

[Report to Executive 15th February 2018: Harborough Local Plan: Submission](#)

[Report to Executive 13th November 2018 \(as amended at the meeting\): Local Plan Modification](#)

[Report to Local Plan Executive Advisory Panel 20th February 2019: Harborough Local Plan Examination Progress](#)

Documents Associated with the Local Plan Examination – available on the website:
www.harborough.gov.uk/local-plan-examination

Responses to the Main Modifications Consultation – available on the Council website:
https://www.harborough.gov.uk/downloads/download/1366/harborough_local_plan_2011-2031_main_modifications_consultation_responses.

Consultation undertaken with Planning Portfolio Holder: Y
Information Issued Under Sensitive Issue Procedure: N
Ward Members Notified: N

APPENDICES

Appendix A: Harborough Local Plan 2011 – 2031

Appendix B: Inspectors Report on the Examination of the Harborough Local Plan 2011 to 2031, and Schedule of Main Modifications

Appendix C: Schedule of Additional Modifications

Appendix D: Policies Map – available at:

<http://harborough.opus4.co.uk/planning/localplan/maps/harboroughpoliciesmap#>

(Hard copies of Appendix D are available in group rooms for Council Members and at the Harborough District Council Offices concierge for members of the public).