

**Frequently Asked Questions about:**  
**The Local Plan and the Statement of Common Ground**

**Summary: Should we sign the Statement of Common Ground now?**

Yes. There is no reason not to sign or to delay. We need it now:

- To avoid losing control of development and missing our own policy deadlines for the new local plan;
- We can't adopt a new plan without it;
- The content and timing of future planning reform is uncertain and that is no reason to delay;
- The evidence underpinning the distribution of unmet need is considered robust and has been independently tested;
- 7 of the 9 L&L Authority's have already signed it;
- The City's capacity is considered robust and would need to change substantially to have any significant impact;
- Not signing it harms Harborough District far more than the City or any of the other Authorities;
- It's not set in stone and if unmet need changes significantly it will be updated;
- More houses are already being built each year across Harborough District than the Statement of Common Ground requires

**1. What is a 'Local Plan'?**

The development plan is at the heart of the planning system with a requirement in law that planning decisions must be taken in line with it other than in exceptional circumstances. As such it is essential that plans are in place and kept up to date.

The development plan for Harborough District comprises:

- The Harborough Local Plan 2011-2031 (adopted 30<sup>th</sup> April 2019);
- The Leicestershire Minerals and Waste Local Plan to 2031 (adopted September 2019);
- made Neighbourhood Plans.

**2. Who uses a Local Plan?**

A local plan has multiple audiences including:

- council services;
- communities;
- developers;
- agents;
- infrastructure and service providers.

It is a technical document for the purposes of decision making but also needs to be more than that. This creates unique challenges in producing plans that are clear, effective and that reflect community aspirations – and requires a focus on problem solving both in the process of preparing the plan – and within the plan itself.

### **3. Why do we need to make a decision on the Statement of Common Ground now?**

The sooner we sign the Statement of Common Ground, the sooner we can make progress on preparing the next local plan and the earlier we will have the next plan in place to provide certainty and control over future development.

In January 2023 Policy IMR1 of our Local Plan was triggered by the publication of Leicester City's draft Local Plan for public consultation. Local Plan policy IMR1 relates to the monitoring and review of the Local Plan itself. It sets out that we must publish a public consultation on the next Local Plan within 6 months of either:

- signing the Statement of Common Ground; or
- if there is no signed Statement of Common Ground, within 12 months of Leicester City publishing their draft Local Plan, provided any unmet need is appropriately evidenced.

The latter trigger has now been met as Leicester City consulted on their draft Local Plan in January 2023 and identified an unmet housing need which must be planned for in neighbouring authorities' plans. Allowing for up to 18 months (as set out in Policy IMR1) means that we must publish a consultation on our Local Plan update by July 2024. As our plan now has a very limited shelf-life, we have to meet the deadlines for producing a new plan set out in our policy to avoid losing control of development.

Our Policy IMR1 requires us to publish a new Local Plan consultation by July 2024 but we are aiming for January 2024 in order to make progress with Local Plan preparation. Local Plan submission to Government for Examination would need to be within 30 months of the date of publication of our consultation. These deadlines are tight and we need an approved Statement of Common Ground now to meet them.

Not approving the Statement of Common Ground now, carries a genuine risk to our ability to meet the deadlines set out in policy IMR1 and get a new local plan in place. There is no flexibility in the deadlines and changing them can only be done through a Local Plan review.

### **4. Why can't we just review Local Plan policy IMR1 and change our own deadlines?**

Policies can be amended but still require an evidence base for the decision. Given how far through our current plan we are, and the substantial work undertaken to date on the next plan, it would be inappropriate to do a focused local plan review simply to amend this policy. It would be a very expensive and long process and prevent progress being made on preparing the complete new Local Plan. This would not be in the interests of the District.

### **5. Why do we have to have a Statement of Common Ground?**

Government requires us to meet certain legislative and policy rules to get a Local Plan in place. We have to demonstrate that we've met the Duty to Cooperate **and** the Tests of Soundness.

Where there's an unmet housing need like the situation we have in the City, this means we have to demonstrate to an independent Inspector that:

- We have engaged constructively, actively and on an ongoing basis in relation to the unmet need and therefore met our duty to cooperate;

- That our new plan is informed by agreements (such as the Statement of Common Ground), so unmet need is accommodated where practical and sustainable to do so; and
- That our new plan is based on effective joint working on cross-boundary matters (like Leicester's unmet need) that have been dealt with rather than deferred, as evidenced by a statement of common ground.

Our new plan therefore needs to deal with Leicester's unmet need, we can't defer dealing with it. This is why we need the Statement of Common Ground now. Not approving it carries substantial risk to Harborough's ability to get a new local plan in place with all the reputational, financial, economic, social and environmental impacts that losing control of development comes with.

## **6. When has the Council had briefings and meetings on the Statement of Common Ground?**

- 25 May 2022 - Informal Cabinet Briefing
- 6 October 2022 - All Member Briefing
- 13 October 2022 - Communities Scrutiny Panel
- 8 December 2022 - All Member Briefing on Leicester City Council's work to identify housing supply The recording can be found at:  
[The Intranet - All Member Briefings - All Documents \(sharepoint.com\)](#) (3<sup>rd</sup> link down)
- 5 June 2023 - Informal Cabinet Briefing
- 21 June 2023 - All Member Briefing

## **7. Can we delay the decision?**

**The decision must be taken in September 2023 at the absolute latest if the Council wants to preserve long term control over housing development in Harborough district.**

Not approving the Statement of Common Ground at the earliest opportunity will add unnecessary uncertainty and delay to already an already challenging Local Plan preparation timescale. Even a delay from July to September increases risk to the five year supply of housing land, means that Local Plan preparation is done 'at risk' and means we can not meet our published timescales. These risks can be managed, but any further delay would be extremely high risk to the current Local Plan and must be avoided.

Delaying the decision past September 2023 means we won't meet our deadlines for producing a new plan set out in our Local Plan Policy IMR1. This is a key policy which helps protect our current plan from becoming out-of-date, provided we do a new plan dealing with Leicester's unmet need to the deadlines it sets. If we don't there is a genuine risk our current plan becomes out-of-date and we lose control of development.

The Issues and Options consultation public consultation on the Local Plan must be published by July 2024 at the latest. This will ensure we meet our deadlines and protect the current Local Plan. Hitting this deadline relies on a decision on the Statement of Common Ground being taken by September 2023 at the absolute latest.

The Issues and Options consultation must clearly set out the number of new homes to be planned for in the next local plan. It will seek views on where best to provide those homes, together with the jobs, open space and shops etc which go with new homes. Being able to start

planning for all these needs relies upon a Council decision on the Statement of Common Ground.

Delaying a decision on the Statement of Common Ground beyond September 2023 will delay the local plan. This risks the local plan becoming out-of-date, which in turn will affect planning decision making and ultimately our control over development. These effects are cumulative and ultimately result in significant harm to the district from speculative unplanned housing growth.

## **8. What are the risks of not approving the Statement of Common Ground?**

There is no technical or legal reason to delay or not approve the Statement of Common Ground. It's underpinned by joint evidence commissioned by all Leicester & Leicestershire authorities. It has been independently tested at Charnwood's Local Plan Examination ([EXAM 55 - Inspectors' Letter Unmet Need Post Hearing Session November 2022.pdf \(charnwood.gov.uk\)](#)) and approved by 7 of the 9 Leicester & Leicestershire authorities (including those making much bigger contributions to Leicester's unmet need than Harborough).

Not approving the Statement of Common Ground at all carries the same risks as delaying (i.e. not having an up-to-date plan in place and therefore losing control over development), but also includes substantial reputational and financial risks.

The reputation of the Council would be significantly harmed by not signing the Statement of Common Ground. It could be interpreted as an inability to engage in constructive partnership working for the benefit of Harborough and wider Leicestershire residents.

Government sets the rules we have to follow to get a new plan in place and we can't meet the rules without a Statement of Common Ground. Not approving the Statement of Common Ground means we will be spending many hundreds of thousands of pounds preparing a new plan and doing many years of work, only to be told we've got to go back and start again. While we go back and start again, we will not have an up-to-date plan and will find it a lot harder to resist planning applications for new homes in unsuitable places.

Not approving the Statement of Common Ground does not impact other Authorities' ability to get their local plans in place, including the City. It will however, have a substantial and direct impact on our ability to prepare a new plan and retain control of development.

## **9. Should we wait for Planning Reform?**

No. We don't know exactly what the Government will put in place to replace the Duty to Cooperate or when or what the transitional arrangements may be. Any changes are not expected until at least Autumn 2024. Until then, the Duty to Cooperate must be met if we want to give ourselves the best chance of having our plan approved by the inspector.

We can only work within the system as it currently stands and our own Policy IMR1 requires us to do a new plan now regardless of any changes at the national level. Planning reforms are therefore not a reason to delay the Statement of Common Ground.

If there are significant changes in future, the Statement of Common Ground will be updated to reflect them or may be used as evidence to support any new requirement.

## **10. What about Infrastructure?**

The only way to answer the question of what infrastructure we need is to do a new Local Plan. This is what plans are for (i.e. to plan for the amount homes required **and** the infrastructure needed to support them).

It is important to keep a sense of perspective on the scale of Harborough's unmet need contribution which is 123 homes per year. Our current Local Plan made provision for a total of 557 homes per year. Our housing need is now slightly lower than when the plan was prepared which is why the evidence unpinning the Statement of Common Ground shows we should plan for 657 homes per year in total (this includes our contribution to Leicester's unmet need) – i.e. we need to plan for 100 more than our current plan. The overwhelming majority of development that we need to deliver is therefore Harborough's own need, not the City's.

Given the scale of our contribution towards Leicester's unmet need, it is unlikely there will be 'showstopping' infrastructure constraints preventing the District from delivering this amount of growth. We have been delivering around 1,000 homes per year over the last 3 years which is significantly higher than the 657 we need to plan for under the Statement of Common Ground.

### **11. What is the situation with Leicester's unmet need?**

Leicester City have a substantial unmet housing need caused by the fact they have built up to their boundary. This situation is exacerbated by government changes to the standard method for calculating housing need which gave them a further 35% uplift. In reality the built-up area of Leicester goes well beyond their boundaries into neighbouring Districts. It is not uncommon for cities like Leicester to have unmet needs as they run out of land to develop.

Although the City is heavily constrained, they are still planning to build 21,000 homes to 2036, which is significantly more than any of the Districts including Harborough. They are doing this by:

- Building on Brownfield sites
- Building at high density (including building-up where they can)
- Developing greenfield sites, including some of their public open space

Their evidence shows they have done everything they can to accommodate as much growth as possible. It is important to bear in mind that Leicester will be submitting their Local plan for independent examination soon. Examinations are a lengthy and very forensic process. To pass the examination they have to demonstrate they have left no stone unturned when it comes to finding sites for development. The City know this and have therefore done a substantial amount of evidence over many years. Whatever the outcome of the examination, Harborough District Council retains responsibility under the Duty to Cooperate and through the Tests of Soundness to contribute towards meeting unmet need.

We are therefore as confident as we can be that Leicester's unmet need figure is correct and there is no reason to delay or not approve the Statement of Common Ground on this basis.

### **12. What if Leicester's unmet need changes?**

A small change to Leicester's unmet is unlikely to significantly change the position for Harborough. For example, if Leicester's unmet need dropped by 1,600 homes, it would reduce Harborough's unmet need contribution by some 10 homes per year. Any change in the City's capacity would therefore have to be substantial for it to significantly impact the amount of homes we have to accommodate.

If the City's unmet need changed significantly through their Local Plan Examination, the Statement of Common Ground will simply be updated to reflect this, as set out in the Statement of Common Ground itself.

Officers consider the work done by the City to be as robust as it can be and unevidenced speculation about the scale of the City's unmet need is not a reason to delay the Statement of Common Ground.

**13. Why is the City building Student Accommodation instead of homes for other people?**

All types of homes are being built in the City. However, there has been a strong market for purpose-built student accommodation in recent years. This accommodation tends to be built to high density in multistorey blocks and therefore makes a significant contribution towards meeting Leicester's housing target. This is because it frees up homes previously occupied by students for families and other people to use.

**14. Does the Statement of Common Ground relate to the Strategic Growth Plan?**

No. It is based on the methodology set out the HENA Housing Distribution Paper which is not in any way based on the Strategic Growth Plan.

**15. What are the financial impacts on the Council if the Statement of Common Ground is not signed?**

The Council would suffer the financial cost of abortive work to prepare the local plan. This is likely to be in the multiple hundreds of thousands of pounds. This is because preparing a local plan relies on expensive specialist consultancy work over a number of years. Without the Statement of Common Ground, the next local plan is likely to fail the Duty to Cooperate and therefore could not be adopted. In this scenario, the Council would need to restart the work and prepare a new local plan and given the passage of time, would likely need to re-do significant amounts of the expensive consultative evidence gathering, resulting in very significant additional expenditure.

## **Glossary:**

### **Duty to Cooperate:**

Local authorities have a duty to collaborate to address strategic planning matters. The Duty to Cooperate (“the Duty”) is the mechanism for ensuring that this happens. The Duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to the sustainable development and use of land.

### **Statements of Common Ground:**

Statements of Common Ground are a means of demonstrating the Duty to Cooperate is met, as evidence of effective ongoing collaboration and engagement between partner authorities. 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:

- documents where effective co-operation is and is not happening through the plan-making process;
- demonstrates at plan examination in public that plans are deliverable and based on effective joint working across local authority boundaries;
- forms part of the evidence required to demonstrate that councils have complied with the duty to cooperate;
- is a living document.

### **Tests of Soundness:**

Once the Local Planning Authority has finished preparing and consulting on a local plan it must be submitted to the Secretary of State who will appoint an Inspector to carry out an independent examination. This process is dealt with by the Planning Inspectorate.

The examination will assess whether the plan has been prepared in accordance with legal and procedural requirements and if it is sound. The four tests of soundness are set out in the [National Planning Policy Framework \(NPPF\)](#). Plans are ‘sound’ if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.