

**URGENT REPORT TO THE EXECUTIVE MEETING OF 4<sup>TH</sup> SEPTEMBER 2017**

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**Meeting:** Executive  
**Date:** 4<sup>th</sup> September 2017  
**Subject:** Harborough District Local Plan: Draft Duty to Cooperate  
**Report of:** Interim Strategic and Local Planning Manager  
**Portfolio Holder:** Cllr. Jo Brodrick  
**Status:** For Advice to Executive  
**Relevant Ward(s):** All

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**1. Purpose of the Report**

- 1.1 To advise the Executive in relation to the legal requirement of the Duty to Cooperate in preparing the Local Plan and consider the Harborough Local Plan Proposed Submission Stage (Regulation 19) Duty to Cooperate.

**2. Advice to the Executive**

- 2.1 **To recommend to Council that the Duty to Cooperate Statement be published alongside the Proposed Submission Local Plan in September 2017.**

**3. Reasons for Advice**

- 3.1 The Duty to Cooperate statement demonstrates how Harborough District Council has complied with the statutory Duty to Cooperate (the Duty) to date in preparing the Local Plan 2011- 2031. It has been prepared to accompany the consultation on the Proposed Submission Harborough Local Plan and sets out the ways in which the Council has collaborated and cooperated with other public bodies, stakeholders and organisations in preparing the Local Plan.
- 3.2 Under the Localism Act 2011<sup>1</sup> and the National Planning Policy Framework (NPPF) local authorities have a duty to address strategic planning matters in their local plans. The Duty to Cooperate 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. Local planning authorities must demonstrate how they have complied with the Duty at the independent

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<sup>1</sup> [Localism Act 2011](#)

examination of their local plan. If a local planning authority cannot demonstrate that it has complied with the Duty then the local plan will not be able to proceed further in the examination process.

- 3.3 Local planning authorities need to satisfy the examination inspector that they have complied with the Duty. In preparing local plans, local planning authorities have to bear in mind that cooperation should produce effective and deliverable policies on strategic cross boundary matters.
- 3.4 The Duty to Cooperate is not a duty to agree. However, Planning Practice Guidance (PPG) makes it clear that local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their local plans for examination.
- 3.5 The focus of the Duty to Cooperate Statement is to present clear outcomes of the cooperation process to date.

#### 4. **Key Facts**

- 4.1 The Proposed Submission Local Plan contains the following strategic objectives:
  - SP1: Meeting the housing and employment needs of the housing and economic market areas.
  - SP2: Assisting other local authorities to meet their unmet housing need.
  - SP3: Meeting regional and national demand for strategic distribution (logistics) development.
  - SP4: Meeting the accommodation needs of Gypsy and Travelers.
  - SP5: Providing transport and other infrastructure to support new development.
  - SP6: Providing for strategic green infrastructure (i.e. Green Wedges).
  - SP7: Protecting and enhancing biodiversity and geodiversity.
  - SP8: Providing for retail needs.
  - SP9: Minimising Flood-risk.
  - SP10: Safeguarding land needed for minerals and waste.
- 4.2 Early in 2016 following the Local Plan Options Consultation, the Council consulted the prescribed bodies in order to confirm the District's strategic planning issues on which to base future dialogue.
- 4.3 The Duty to Cooperate Statement is provided. Appendix A to the statement provides a summary matrix identifying the following strategic priorities which have been subject to recent discussion are considered to be a Duty to Cooperate matter:
  - ***SP1: Meeting the housing and employment needs of the housing and economic market areas.*** The identified impacts on housing for Daventry (6 dwellings per annum) and Oadby and Wigston (4 dwellings per annum) based on conclusions of the Magna Park Employment Sensitivity Study are considered within the margins of error of modelling work. No objections have been raised and this issue been addressed.
  - ***SP2: Assisting other local authorities to meet their unmet housing need.*** Local Plan Policy SS1 provides flexibility in response to the potential requirement to contribute to meeting unmet needs for housing from other Council areas across the Leicester and Leicestershire Housing Market Area (HMA) that may arise from the Objectively Assessed

Housing Need Study, January 2017 (OAN). The Harborough District is seeking to ensure that this strategic priority is being positively managed in collaboration with HMA authorities through a Memorandum of Understanding (MoU) between the partner Councils of the HMA.

- **SP3: Meeting regional and national demand for strategic distribution (logistics) development.** Local Plan policy BE2 proposes an maximum limit of 700,000 sq. m of strategic scale B8, Strategic Distribution, floor space. There are emerging impacts due to the potential overall need being met at Magna Park. This is an identified cross boundary issue. No objections have been raised and this issue been addressed.
- **SP6: Providing for strategic green infrastructure (i.e Green Wedges).** There is a need to amend the boundary of the Leicester/Scraptoft Green Wedge as part of the Strategic Development Area and a substantial provision of new green wedge is also provided to mitigate the loss.

4.4 Strategic Priorities, SP1, SP2 and SP3 have been the basis of the Duty to Cooperate discussions have been undertaken the summer 2017. No formal objections have been raised and the Duty has been met.

4.5 The Duty to Cooperate Statement will be published alongside the Proposed Submission Harborough Local Plan as part of the six week period that is going to be allowed for representations starting in late September 2017.

4.6 A further final Duty to Cooperate Statement will also be prepared following the consultation. The final statement will include an appendix of the key issues raised by the prescribed bodies the Local Plan and how responses have been addressed throughout the plan making process.

4.7 Furthermore, it will be necessary to consider the final stage of the Memorandum of Understanding (MoU), which is expected to be in place prior to the submission of the Local Plan for Examination. The Duty to Cooperate Statement will be amended to refer to the updated MoU prior to Submission of the Local Plan, which is programmed to be in January 2018.

4.8 All final outcomes and actions will be captured in an amended Duty to Cooperate Statement to support Submission of the Local Plan in January 2018.

## **5. Legal Issues**

5.1 The Proposed Submission Local Plan is to be published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is the Plan that the Council wishes to submit for examination. A statement of procedural and legal compliance, a self-assessment of soundness and legal compliance and a Duty to Cooperate Statement are all to be submitted to the Secretary of State in advance of the Examination of the Local Plan.

## **6. Resource Issues**

6.1 Preparation of the new Local Plan is expected to be undertaken within existing staff resource levels, including additional agency staff and specialist consultants as required.

## **7. Equality Analysis Implications/ Outcomes**

- 7.1 The Local Plan will support the sustainable provision of new homes and jobs and assist the Council in meeting its duties under the Equality Act 2010 and Housing Act 2004.

## **8. Risk Management Implications**

- 8.1 A timely decision on approving the Proposed Submission Local Plan for publication for a period of public representation will help avoid delay to the Local Plan submission / examination / adoption process with consequent beneficial effect on the following Corporate Risks:

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.

## **9. Consultation**

- 9.1 Consultation has taken place with Duty to Cooperate partners on an ongoing basis. Further engagement will take place before the Duty to Cooperate Statement is finalised in time for the submission of the Local Plan for Examination. Liaison with statutory consultees and Duty to Cooperate partners is also ongoing. Any matters arising will be brought back to Panel and Executive prior to submission.

## **10. Options**

- 10.1 The option of not publishing the Draft Duty to Cooperate Statement alongside the Proposed Submission Harborough Local Plan would lead to the plan being found unsound, leaving the Council unable to ensure a planned strategy is in place to positively manage the delivery of future development in a sustainable way that is also in the public interest.

## **11. Background Papers**

### **Previous report(s):**

No previous reports relate to the Duty to Cooperate Statement.

**Consultation undertaken with Planning Portfolio Holder: Y**

**Information Issued Under Sensitive Issue Procedure: N**

**Ward Members Notified: N**

## **APPENDIX**

### **A. Harborough Local Plan Draft Submission Stage (Regulation 19) Duty to Cooperate.**