

REPORT TO THE EXECUTIVE MEETING OF 4th September 2017

Meeting: Executive
Date: 4th September 2017
Subject: Harborough Local Plan: Proposed Submission
Report of: Interim Strategic and Local Planning Manager
Portfolio Holders: Cllr. Jo Brodrick and Cllr. Michael Rickman
Status: For Recommendation
Relevant Ward(s): All

1. Purpose of the Report

- 1.1 For the Executive to recommend to Council that the Proposed Submission Draft Local Plan be approved for publication in order that the public and interested parties can make representations on its soundness.

2. Recommendations

2.1 The Executive is advised to recommend to Council:

1. That the Proposed Submission Local Plan document and associated Policies Maps be recommended to Council for publication in order that the public and interested parties can make representations on their soundness.

2. That any further minor and inconsequential changes to the documents be delegated to the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration or the Portfolio Holder for Wellbeing and Localities as appropriate.

3. Summary of Reasons for Recommendations

- 3.1 The Proposed Submission Local Plan is the result of work undertaken to replace the current Core Strategy and the 2001 Local Plan with a comprehensive up to date Local Plan to 2031. This is in order to take account of the National Planning Policy Framework (NPPF) and the latest evidence, including the Housing and Economic Needs Assessment (HEDNA) and the work that has been undertaken on the potential Strategic Development Areas (SDAs).

- 3.2 It is considered that the Proposed Submission Local Plan is sound when considered against the tests set out in the NPPF, namely that it is:

- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including any unmet requirements from neighbouring authorities;
- **Justified** – the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – deliverable over its period and based on effective joint working relating to cross-boundary strategic priorities; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies and principles set out in the NPPF.

4. **Key Facts**

Background

- 4.1 The National Planning Policy Framework and Planning Practice Guidance advise that a local planning authority's housing provision and housing requirement do not necessarily need to be the same as their objectively assessed need for housing (OAN). As a result a Local Plan can contain three levels of housing development:
- (a) **Objectively Assessed Need (OAN):** this is the demographically or economically-led projection of the amount of housing needed in the housing market area (HMA) over a plan period. It is a 'policy off' figure.
 - (b) **Housing requirement:** this is the amount of housing required in a local plan area to meet the OAN for the HMA, taking account of other planning factors. This will usually either equal or exceed the OAN. It is a 'policy on' figure. The housing requirement will be the figure against which the 5 year housing land supply is measured.
 - (c) **Housing land provision:** this is the amount of land actually allocated or allowed for in the plan. It may provide more land than is needed to meet the housing requirement. This is to allow some flexibility for unforeseen circumstances such as slow delivery on sites and a contribution towards delivery of unspecified unmet need from other authorities - see below. This maximises the likelihood of full delivery of the housing requirement whilst providing flexibility. This is also a 'policy on' figure.
- 4.2 Each of these levels of housing development is deployed within the Proposed Submission Local Plan, as follows:

Objectively Assessed Need (OAN)

- 4.3 The Council's Executive at its meeting on 15th May 2017 noted that the Objectively Assessed Need (OAN) in the period 2011 to 2031 is 532 dwellings per annum (10,640 dwellings in the plan period). This figure was identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA), 2017.

Housing requirement

- 4.4 At its meeting on 24th July 2017, the Local Plan Executive Advisory Panel considered the emerging results of the Magna Park Employment Sensitivity Study. It noted that up to 700,000 sq. m. of strategic distribution uses at Magna Park would not increase the OAN for Harborough District, but identifies a housing requirement which is slightly higher than the OAN. This is essentially to accommodate additional housing required by employees over and above that allowed for in the HEDNA. This would indicate a housing requirement of the OAN of 532 plus an increase of 25 dwellings per annum to 557dpa. As a result of the study, a revised Policy BE2 Strategic Distribution was suggested.

Housing land provision

- 4.6 The Council's Executive at its meeting on 15th May 2017 also recommended to Council that the Local Plan should provide land for an uplift of 20% over OAN, bringing the total housing land provision to 12,800 dwellings. This would allow for a contingency to meet unforeseen circumstances and flexibility to make a contribution towards any unmet needs from other Councils that arise across the Housing Market Area (HMA).
- 4.7 The recommended housing land provision in the Local Plan (ie 12,800 in total) is therefore sufficient to cover the housing requirement identified in the Magna Park Employment Sensitivity Study resulting from 700,000 sq. m. of strategic distribution uses at Magna Park.
- 4.8 If in the future, an agreement is reached through the Duty to Cooperate, for Harborough to meet some of Leicester's or Oadby and Wigston's unmet needs, then this would further increase the housing requirement, however there is capacity within the current housing land provision (12800 dwellings) to accommodate such an increase. As such it would not lead to an increase in housing land provision, but would become the basis for the 5 Year Housing Supply.
- 4.9 The Council's Executive at its meeting on 15th May 2017 also recommended to Council that the Local Plan includes a hybrid strategic spatial option, involving Strategic Development Areas (SDAs) East of Lutterworth and at Scraftoft North, for meeting Harborough District's housing and employment needs, including additional flexibility, over the plan period to 2031.
- 4.10 The Proposed Submission Local Plan reflects all of the above. The Plan also takes into account amendments to policies and written explanation made since the first draft document was made available to members in January 2017 in the light of the developing evidence base and other information, including discussions with other relevant local planning authorities under the Duty to Cooperate. Further revisions have also been made to the Policies Maps.

Proposed Submission Harborough Local Plan

- 4.11 The Proposed Submission Local Plan document is attached as Appendix A. The Policies Maps are available to view [here](#), as well as being placed in members' rooms. It is possible that further minor and inconsequential changes, such as typographical and consistency amendments and written description and explanation which does not affect the policies, will be needed. It is therefore recommended that these changes be delegated to the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration or the Portfolio Holder for Wellbeing and Localities as appropriate.
- 4.12 The Local Plan is split into three parts, plus Appendices, and a total of 17 chapters (containing 54 policies), as follows:
- Part A: Strategy and General Policies:
 - Introduction
 - Vision and Objectives
 - Sustainable Settlements – The Spatial Strategy
 - General Development Policies
 - Part B: Key Topics:
 - Housing
 - Business and Employment
 - Retail, Town Centres and Tourism
 - Heritage and Community Assets
 - Green Infrastructure
 - Climate Change
 - Infrastructure
 - Implementation, Monitoring and Review
 - Part C: Places and Sites.
 - Scraftoft, Thurnby and Bushby
 - Market Harborough
 - Lutterworth
 - Fleckney
 - The Kibworths
- 4.13 Policies have been positively drafted and the plan should be read as a whole, so cross-references between policies have generally been avoided, except in relation to the policies concerning the SDAs. The policies of the Plan will mostly be implemented through the development management system and so relate primarily to whether or not development will be approved, taking into account various criteria. Where there is an intention to proactively pursue certain objectives more 'aspirational' policies have been included. Policies which merely 'encourage' or 'support' have been avoided unless there is a clear programme of action which the Council and/or its partners are intending to implement.
- 4.14 While all policies are important depending on the nature and circumstances of the development proposed, the following are identified as likely to be particularly crucial and/or frequently used:

- **SS1 The spatial strategy** - sets out the settlement hierarchy, how residential, business and retail uses will be provided for and distributed, and the envisaged role of each level in the settlement hierarchy in meeting development needs;
- **GD2 Settlement development** - sets out criteria against which proposed development within or adjoining main settlements (down to and including Selected Rural Village level) will be judged, given that there will no longer be overarching and general 'limits to development' in the Local Plan;
- **GD3 Development in the countryside** and **GD4 New housing in the countryside** - describe what categories of development will be permitted outside the main settlements and land adjoining them;
- **GD8 Good design in development** - provides a full but non-exclusive list of criteria against which a required high standard of design will be judged;
- **H1 Provision of new housing** - sets out the proposed provision of housing development by site/settlement during the plan period, including 1,200 at Scraftoft North SDA, 1,140 in Market Harborough (mostly on three sites), 1,500 at East of Lutterworth SDA (within the current plan period to 2031), 295 in Fleckney, 110 in other Rural Centres and 415 in Selected Rural Villages;
- **H2 Affordable housing** - requires 40% affordable housing in major development (including the two SDAs), 75% of which is to be for affordable or social rent, subject to variations justified by updated assessments and/or viability evidence;
- **BE1 Provision of new business development** - allocates a minimum of 55 hectares of business uses (excluding strategic distribution) of which 25.5 hectares is in Market Harborough, 26.5 hectares in Lutterworth and 3 hectares in Fleckney;
- **BE2 Strategic distribution** - protects existing uses at Magna Park and sets out positively framed criteria for managing the development of additional land for strategic distribution at Magna Park up to an upper limit of 700,000 sq.m.;
- **RT1 Provision of new retail uses** - identifies a need for 11,100 sq.m. (of which 28% is for convenience and 72% is for comparison shopping) in Market Harborough and 2,500 sq.m. (split 40% / 60%) in Lutterworth; it allocates two sites in prime town centre locations in Market Harborough;
- **HC1 Built heritage** - sets out: how development affecting heritage assets and Conservation Areas will be managed, including buildings at risk and enabling development; actions in relation to the review and development of Conservation Area Statements; and the policy for Foxton Locks.
- **GI2 Open space, sport and recreation** - safeguards existing open space and provides for the provision of new or enhanced open space in order to rectify deficiencies arising as a result of the delivery of major development;
- **IN1 Infrastructure Provision** - requires all major development to provide, or meet the costs of, infrastructure required by it;

- **IN2 Sustainable Transport** - sets out the requirement to mitigate impacts of development on the transport network and specifies other transport provision to be made in relation to the delivery of development;
- **IMR1 Monitoring and review of the Local Plan** - establishes the monitoring process and states that an early review of the local plan may take place in the absence of sufficient existing flexibility if monitoring trigger points are reached, new needs figures are agreed, or the emerging Leicester and Leicestershire Strategic Growth Plan requires it;
- **SC1 Scaptoft North Strategic Development Area (SDA)** - sets out: detailed policies for the development of this SDA in accordance with an approved masterplan; requirements for affordable housing, housing type and mix, community facilities, highways and transportation, and environment; and criteria concerning a replacement golf course which is to be relocated to a site at Houghton on the Hill;
- **L1 East of Lutterworth SDA** - sets out: detailed policies for the development of this SDA in accordance with an approved masterplan; requirements for affordable housing, housing type and mix, community facilities, highways and transportation, and environment; also safeguards land for the northern access and motorway crossing and sets a policy for traffic management and air quality in Lutterworth town centre. This may require use of the Council's Compulsory Purchase Powers and it is anticipated that a separate report will be taken to the Executive on this matter on 6th November 2017.

Supporting Documents

- 4.15 At this stage of the process the following pieces of supporting information are vital to ensure that the Proposed Submission Local Plan is sound:
- **Sustainability Appraisal (SA):** is a statutory requirement to ensure all reasonable alternatives have been assessed. The SA document will need to be consulted on alongside the Proposed Submission Local Plan. It is included in a separate report on this agenda.
 - **Habitat Regulations Assessment (HRA) Screening Report:** is a statutory requirement in order to assess whether a HRA is required in order to assess impacts on national and internationally important habitats.
 - **Equalities Impact Assessment:** see Section 7 of this report below.
 - **Infrastructure Delivery Plan (IDP):** is a comprehensive analysis of the infrastructure requirements arising from the policies and proposals contained in the Plan and of the ways in which they can be funded and provided. This is an important piece of evidence relating to the deliverability of the Plan and will be tested at examination, but is not in itself subject to consultation.
 - **Economic Viability Assessment:** is an assessment of the viability of the Local Plan based on the market value of the developments proposed, the costs of development with supporting infrastructure, and the resultant land values, based on actual figures for the two proposed SDAs and typical figures for other housing development. This is also an important piece of evidence relating to the deliverability of the Plan that will be tested at

examination but is not in itself subject to consultation. It demonstrates that the plan, taken as a whole, including the SDAs, is viable.

Conclusions

- 4.16 The Proposed Submission Local Plan is considered to comprise a comprehensive but succinct, positively prepared and deliverable planning framework for the Harborough District. This will enable the positive management of the development needed across the District in the period to 2031. The Plan is supported by a thorough and proportionate evidence base which accords with the policies and principles of the NPPF. It also provides up to date policies for approving sustainable development and for protecting the environment, resources and assets of the Harborough District. It is considered to be a sound plan which can be presented to the Secretary of State for examination. It is therefore recommended that Executive recommend to Council that the Proposed Submission Draft Local Plan be approved for publication in order that the public and interested parties can comment on its soundness.

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. The published plan should focus on critical issues and the strategies to address them, paying careful attention to deliverability and viability. It is the Plan that the Council wishes to submit for examination. A statement of procedural and legal compliance, as well as a self-assessment of soundness and legal compliance and a Duty to Cooperate Statement, are to be submitted to the Secretary of State in advance of the Examination.
- 5.2 If, following publication of the Plan for public representations, the Council wishes to make any changes to the Plan (apart from minor matters such as for correctness and clarity), these should be included in an Addendum which must be published for a further period for public representation of not less than 6 weeks. It is therefore important that all matters relating to the plan are finalised now in order to ensure the preparation of the Local Plan stays on time.

6. Resource Issues

- 6.1 The preparation of the Local Plan, its evidence base and the forthcoming costs of Public Examination are all budgeted for and these costs are met by a combination of mainstream funding and reserves. Further provision of funding from the Earmarked Reserve Fund has been approved by the Executive to manage the complexities of delivering the Council's preferred option of two SDAs and to enable the Plan to be prepared within the timescales laid down in the Council's Local Development Scheme (July 2017).

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.

7.2 An Equalities Impact Assessment on an earlier version of the Local Plan was undertaken and amendments made to meet the suggestions made for changes to policies. An updated equality report has now being prepared relating to the Proposed Submission Local Plan. The Equalities Impact Assessment will be updated as necessary as the draft Plan evolves through the remaining stages of the document's preparation.

8. Risk Management Implications

8.1 The risks associated with each of the three potential SDAs, that have been considered as part of the recent selected options exercise, were previously described in the reports to the Local Plan Executive Advisory Panel on 3rd April 2017 and to the Executive on 15th May 2017. Further information has subsequently been submitted to mitigate the risks to delivery associated with the East of Lutterworth SDA and further mitigation has been provided concerning proceeding with two SDAs together with the uplift of 20% in housing provision.

8.2 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 the Local Plan Executive Advisory Panel on earlier versions of the emerging Local Plan and on its constituent policies. At its meeting on 23rd August 2017, the Panel considered the Proposed Submission Local Plan and its draft advice to Executive appears elsewhere on this agenda.

9.2 Consultation has also taken place with other Council services, including detailed discussion with Development Management. The Council's retained lead Counsel has also been consulted. There has been liaison with statutory consultees and Duty to Cooperate partners. This has resulted in the inclusion of two new policies: GD 9: Minerals Safeguarding Areas and RT 4: Tourism and Leisure, as well as changes to Policy BE2 Strategic Distribution. Ongoing coordination has taken place with the promoters of the two proposed SDAs leading to the policies for them now proposed.

9.3 If approved by Council, the Proposed Submission Local Plan is to be published in September 2017 to enable the public and interested parties to comment on its soundness under Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Representations made will be submitted alongside the Plan to the Secretary of State together

with a statement relating to them in order to enable the Examination to be undertaken.

10. Options

- 10.1 The option of not publishing the Local Plan at this stage would result in further delays and risks as outlined in paragraphs 8.1 and 8.2 above. The option of not publishing a Local Plan at all would risk 'planning by appeal'. This would be likely to result in a scenario whereby the Council continue to not have sufficient control over where development takes place across the District and thereby would leave it 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

[A New Local Plan for Harborough: Options Consultation Paper- September 2015](#)

[Leicester and Leicestershire Housing and Economic Development Needs Assessment \(HEDNA\) - January 2017](#)

[Evidence documents - see Appendix B of the Local Plan](#)

Previous report(s):

[Report to Executive 9th May 2016: Local Plan Options Assessment and Selection](#)

[Report to Local Plan Executive Advisory Panel 18th July 2016: Selected Options Assessment Methodology](#)

[Report to Local Plan Executive Advisory Panel 22nd August 2016: Draft Local Plan Policies](#)

[Report to Local Plan Executive Advisory Panel 19th September 2016: Assessment of Selected Spatial Options](#)

[Report to Local Plan Executive Advisory Panel 17th October 2016: Assessment of Selected Spatial Options: Update](#)

[Report to Local Plan Executive Advisory Panel 14th November 2016: Draft Local Plan Policies](#)

[Report to Executive 14th February 2017: Leicester and Leicestershire Housing and Economic Needs Assessment \(HEDNA\) and the emerging Local Plan](#)

[Report to Executive 15th May 2017: Selected Spatial Options: Reassessment and Preferred Option for Draft Submission Local Plan](#)

[Report to Local Plan Executive Advisory Panel 19th June 2017: Harborough District Local Plan: Draft Proposed Submission](#)

[Report to Local Plan Executive Advisory Panel 24th July 2017: Draft Proposed Submission, Further Changes to Policies](#)

[Report to Local Plan Executive Advisory Panel 24th July 2017: Harborough District Local Plan: Draft Proposed Submission –Employment Sensitivity](#)

[Report to Local Plan Executive Advisory Panel 23rd August 2017: Harborough District Local Plan: Proposed Submission](#)

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

APPENDICES

A. Proposed Submission Local Plan