

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE EXECUTIVE MEETING

held in the Council Chamber, The Symington Building, Adam and Eve Street,
Market Harborough

held on 13 November 2018

commencing at 5.33pm

Present:

Cllr Bannister (Chair),

Councillors: Mrs Ackerley, Bateman, Hadkiss, Hallam, King and Rickman.

Officers: D. Atkinson, M. Perris, N. Proudfoot, S. Riley, P. Storey and V. Wenham.

LEADER'S ANNOUNCEMENTS

The Leader stated that he had received a request from Mrs Shiela Carlton to address the Executive on report 1: Local Plan Modification. The request had been agreed and Mrs Carlton would be invited to address the Executive when this item was considered during the meeting. Executive members had also received an email from Cllr Mrs Page on this item, which the Leader would read out before the report was discussed.

INFORMATION EXCHANGE FROM PORTFOLIO HOLDER

Finance and Assets

Councillor Hallam stated that the really important news in his portfolio in recent weeks was the receipt of LLEP and ERDF funding for the Grow on Space project. Work has started on soil removal and is progressing quickly. Cllr Hallam stated that he is immensely proud of the progress on the project and he thanked all of the officers concerned for their hard work on the project and hoped that the project would be as successful as the Innovation Centre has been.

The Leader echoed Cllr Hallam's comments and thanked the LLEP and ERDF for their contributions. The Grow On Space will make a significant contribution to the economy of the district. It is anticipated that the work will be completed by the end of 2019.

Community Safety

Councillor Rickman reported that he had attended several meetings since the last meeting of the Executive which included:

- (i) a workshop at Police HQ on Modern Slavery on 20th October;
- (ii) a UAVA workshop for Victims of Domestic Violence in the LGBT community on 25th October;
- (iii) a two day workshop with the LGA on Prevent on 30th October;
- (iv) a UAVA Male Victims of Domestic Violence workshop on 8th November;
- (v) the Police and Crime Panel Annual Conference on 12th November in Coventry.

Cllr Rickman reported that Community Safety Partnership had purchased three body cameras to issue on a rotational basis with advice from the police as to their location. One was issued to Palmers Garden Centre in Lutterworth, where there had been several incidents of anti-social behaviour and shoplifting, and was so successful they had purchased their own. The others are at Sainsbury's and

Mountain Warehouse at the moment. With the increase in shoplifting Cllr Rickman has asked officers to investigate the possibility of purchasing further body cameras to help with the problem

Wellbeing and Localities

Councillor Mrs Ackerley reported the following activities:

- (i) the Executive Sub-Committee – Grants had met recently and allocated a considerable amount of S106 grants across the district. Two projects had been held in abeyance pending further information and would be considered by the Sub-Committee in January and two had been agreed in principle and were awaiting triggers points to release S106 funding. An extraordinary meeting of the Sub-Committee has been arranged to consider an application from Broughton Astley Parish Council as the funding is time limited and the necessary information has been completed by the applicant;
- (ii) she had attended the Harborough Tourism meeting at Bruntingthorpe and the Comedy Festival where the dates of events in Market Harborough had been announced and the Leicestershire and Rutland Sports Conference where Denice Mallard, the BBC's Unsung Hero of 2017, had been interviewed about encouraging people to become more active;
- (iii) a very successful Annual Parish Liaison meeting has just been held. A huge amount of work had been involved by many officers Cllr Mrs Ackerley offered her grateful thanks to them;
- (iv) she encouraged people to attend the Annual Sports Awards on Thursday 15th November at 6pm at Leicester Grammar School to celebrate the sporting talent across the district. Cllr Mrs Ackerley attended the event in 2017 and was stunned at how many people from the district were representing the in national teams.

Planning, Housing and Regeneration

Councillor King stated that:

- (i) he had attended several Remembrance Services at the weekend with other members, including one at Kibworth Beauchamp on Sunday 11th November;
- (ii) he had attended the Built Community Network and the HS2 Economic Growth Conference about the national and regional impact HSRT could potentially have, even including in this district;
- (iii) he had also had a meeting with the Planning Advisory Service who have been conducting a review of the Council's planning service;
- (iv) he had attended a meeting on the Playing Pitch Strategy, which has been bearing fruit over the last couple of years, particularly in relation to Harborough Town Football Club. HSC had granted a long lease to the Club which had allowed them to unlock substantial funding. The Football Association Secretary is holding up the Club as an example and model to be pursued by community football clubs throughout the country. Cllr King congratulated all involved with the Club.

Leader

The Leader congratulated Harborough Town Football club on their achievements. He also thanked members for attending the many Remembrance Services held throughout the district at the weekend.

The Leader also reported on the following activities:

- (i) he had attended a District Council Network Autumn Conference on 1st November which had received a briefing on the budget announcement made on 29th October to assist local authorities;
- (ii) he had chaired The Future of Tourism event on 2nd November. There had been good presentations and engagement with those who attended;
- (iii) Cllr Bannister had met with District and Borough Council Leaders on 5th November to discuss the LCC's proposals for a unitary authority. The Leaders will collaborate on functional reform but as Parliamentary support is lacking it is not constructive to pursue structural reform;
- (iv) the District and Borough Council Leaders would be meeting the Leader of the County Council on 3rd December regarding unitary proposals and looked forward to receiving a positive response from him.

The Leader thanked Cllr Mrs Ackerley and officers for organising the recent Annual Parish Liaison meeting. There had been very good engagement, with at least 34 parish councils represented. The event is in its tenth year and becomes more and more successful.

APOLOGIES FOR ABSENCE

None.

MINUTES

RESOLVED that the minutes of the meeting of the Executive, held on 15 October 2018, be approved as a correct record.

DECLARATIONS OF MEMBERS' INTERESTS

There were none.

HARBOROUGH LOCAL PLAN 2011-2031: PROPOSED MODIFICATIONS

The Executive considered potential modifications to Policy BE2 – Strategic Distribution of the Harborough Local Plan (submission version) 2011-31 following the public examination hearings held from 2nd to 11th October 2018. The Inspector expressed his preliminary views (without prejudice to his final report) that the plan is sound subject to certain modifications – it is normal for plans to require modifications. Whilst most of the modifications do not require additional work the Inspector has asked the Council to do some more work related to Policy BE2: Strategic Distribution (as attached at Appendix to the officer's report) to assist him in his consideration of the soundness of the Local Plan. Policy BE2 allows development of up to 700,000 square metres of Strategic Distribution floor space adjoining Magna Park subject to certain criteria, but does not allocate a specific site (or sites) to meet this limit. It is a 'criteria based' policy. The Local Plan Inspector expressed some concern about managing such a significant matter through a 'criteria based' policy.

The Inspector has asked the Council to decide what it wants to do concerning Policy BE2 and there are three reasonable options suggested by the officers:

1. Remove Policy BE2 from the Plan;
2. A "*sub-optimal option*" (as described by the Inspector) of providing further evidence to fully justify a 'criteria based' approach in the existing policy;
3. Allocate a specific site (or sites) to positively manage any growth of Strategic Distribution in the plan period.

The officers recommended the third option for the reasons set out in the officer's report.

It was noted that approximately 380,000 sq m of the 700,000 sq m referred to in Policy BE2 already had planning permission.

Following the presentation of the report by the Portfolio Holder Mrs Shiela Carlton addressed the Executive on behalf of the Magna Park Is Big Enough group, with the consent of the Chairman as set out above.

The Leader read out an email from Cllr Mrs Page, dated 10th November 2018, which had been sent to all members of the Executive. Cllr Mrs Page strongly objected to a decision being made before an evidence base had been presented and due process followed regarding the allocation of land adjacent to Magna Park to meet the limit of 700,000 sq m in Policy BE2.

The Head of Planning and Regeneration stated that the evidence was being collated and commissioned and would be required by the Council in order to make any decision.

The Executive considered that the evidence base needed to be available to enable Council to make a decision on the options in respect of Policy BE2. As paragraph 4.7 of the officer's report stated

that this evidence would not be available for the Council meeting on 26th November it was considered that paragraph 4.7 should be amended to remove that date and the officer's recommendation be amended to refer to the "amended paragraph 4.7."

The Executive agreed that the officer report to Council include the amended paragraph 4.7 and that the draft minutes of this meeting and the amendments made to paragraph 4.7 also be presented to Council for background information

The Head of Planning and Regeneration informed the Executive that the additional work required by the Inspector on the impact of any extension of Magna Park on local and regional facilities (contract HDC 286 BE2 Additional evidence) had been procured as an exemption from the Statement of Required Practice for Procurement (SORP) because of the time constraints required to produce the work.

RECOMMENDED TO COUNCIL

That Policy BE2 of the Harborough Local Plan 2011-31 (submission version September 2017) is modified to allocate land adjoining Magna Park to meet the limit of 700,000 square metres in Policy BE2 (as contained at Appendix A to the officer's report), subject to the amended paragraph 4.7 of that report (as attached at Appendix 1 to these minutes).

Summary of Reasons

1. The Council submitted the Harborough Local Plan 2011-2031 to Government for examination in March 2018. The examination hearings were held from 2nd to 11th October 2018. At the end of the hearings the Inspector expressed his preliminary views (without prejudice to his final report) that the plan is sound subject to certain modifications – it is normal for plans to require modifications.
3. Most of these modifications do not require additional work. However, following the submissions at the hearings, the Inspector has asked the Council to do some more work related to Policy BE2: Strategic Distribution (see Appendix A for the full Policy wording), to assist him in his consideration of the soundness of the Local Plan.
3. Policy BE2 allows development of up to 700,000 square metres of Strategic Distribution floor space adjoining Magna Park subject to certain criteria, but does not allocate a specific site (or sites) to meet this limit. It is a 'criteria based' policy. The Local Plan Inspector expressed some concern about managing such a significant matter through a 'criteria based' policy.

SOUTH KILWORTH NEIGHBOURHOOD PLAN

The Executive considered the recommendations of the Examiner on the South Kilworth Neighbourhood Plan ('the Plan'). The South Kilworth Neighbourhood Plan ('the Plan') has been produced by the South Kilworth Neighbourhood Plan Advisory Committee and South Kilworth Parish Council, as the Qualifying Body, in conjunction with the local community. The examination version Plan does not seek to allocate sites for housing but has polices to allow development to come forward within the defined Limits to Development.

The final Examiner's Report into the Plan was received by the Council on 17th September 2018 and was made available to the public on the Council's website shortly after. The report recommended to the Council that, subject to the modifications proposed, the Plan should proceed to a Referendum.

South Kilworth Parish Council have given the Examiner's Report due consideration and resolved via email that it is in agreement with the recommended modifications of the Examiner to the Neighbourhood Plan. Officers are also in agreement with the recommendations of the Examiner.

The Examiner is also tasked with considering whether the Referendum Area should be extended beyond the designated Neighbourhood Area. The Examiner concludes that a Referendum based on

the South Kilworth Neighbourhood Area is appropriate. Officers agree with this recommendation.

The date for the referendum is provisionally set for 10th January 2019 and will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the Referendum. Local residents will receive a ballot paper with the question; 'Do you want Harborough District Council to use the neighbourhood plan for South Kilworth to help it decide planning applications in the neighbourhood area?'

Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (adopt the Plan, with the Plan becoming the Development Plan for South Kilworth alongside the Core Strategy). Under the approved Neighbourhood Planning Scheme of Delegation 'making' the Plan will be done by officers of the Harborough District Council as soon as possible after a favourable Referendum result. If the result of the Referendum is "no", then nothing further happens. The Parish Council will then have to decide how it wishes to proceed.

The Executive thanked all those who had been involved in the production of the Neighbourhood Plan for their hard work. It was also noted that the work that had been undertaken in the district in the production of so many neighbourhood plans had come to the attention of the Government's Neighbourhood Plans Champion.

RESOLVED:

- (i) That the Independent Examiner's recommended changes to the South Kilworth Neighbourhood Plan be accepted in full as set out in the schedule at Appendix A and notes the recommendation that the amended South Kilworth Neighbourhood Plan should proceed to a referendum of voters within the Parish of South Kilworth to establish whether the Plan should form part of the Development Plan for the Harborough District
- (ii) That the holding of a referendum relating to the South Kilworth Neighbourhood Plan on 10th January 2019 that will include all of the registered electors in South Kilworth Parish be approved.

Summary of Reasons

1. The final Examiner's report into the South Kilworth Neighbourhood Plan was received on 17th September 2018. The Examiner considered the Plan along with the representations received when the Plan was published by the Council. The report recommends to the Council that, subject to the modifications proposed (see Appendix A), the Plan should proceed to a referendum.
2. The Neighbourhood Planning (General) Regulations 2012, (Regulation 18) sets out the matters that the District Council should consider at this stage in the Neighbourhood Plan making process. The District Council must consider each of the recommendations made by the Examiner in their report, including the reasons for them, and decide what action to take in response to each recommendation (see Appendix A).
3. It is considered that the recommended modifications should be incorporated into the plan and noted by the Executive in order to ensure that the plan is robust, sound, meets the Basic Conditions and comprises a user-friendly and efficient document. Liaison with South Kilworth Parish Council confirms that they are happy to accept these recommendations. On this basis, the Plan should then proceed to a referendum in South Kilworth Parish (the South Kilworth Neighbourhood Area) to determine if local people support it.
4. The Neighbourhood Plan has been prepared by South Kilworth Neighbourhood Plan Advisory Committee and South Kilworth Parish Council as the Qualifying Body.
5. The evidence provided to the Examiner within the Consultation Statement gave assurance to him that the consultation process was robust. The Examiner was therefore satisfied that the Plan met the Basic Conditions with regard to consultation.
6. In proceeding to a referendum with a plan that meets the prescribed Basic Conditions, the whole community will be afforded the opportunity to vote on the future development of the village and wider parish of South Kilworth.

SHEARSBY NEIGHBOURHOOD PLAN

The Executive considered the recommendations of the Examiner on the Shearsby Neighbourhood Plan ('the Plan'). The Shearsby Neighbourhood Plan ('the Plan') has been produced by the South Kilworth Neighbourhood Plan Advisory Committee and Shearsby Parish Council, as the Qualifying Body, in conjunction with the local community. The examination version Plan does not seek to allocate sites for housing but has polices to allow development to come forward within the defined Limits to Development.

It was noted that the Examiner, when finalising his report, had picked up an earlier version of the neighbourhood plan which included a policy (Policy S1) which had already been deleted. The Inspector has confirmed that he considered the correct plan, which does not contain Policy S1, and that the version being considered at this meeting is the correct version.

The final Examiner's Report into the Plan was received by the Council on 25th September 2018 and was made available to the public on the Council's website shortly after. The report recommended to the Council that, subject to the modifications proposed, the Plan should proceed to a Referendum.

Shearsby Parish Council have given the Examiner's Report due consideration and resolved via email that it is in agreement with the recommended modifications of the Examiner to the Neighbourhood Plan. Officers are also in agreement with the recommendations of the Examiner.

The Examiner is also tasked with considering whether the Referendum Area should be extended beyond the designated Neighbourhood Area. The Examiner concludes that a Referendum based on the Shearsby Neighbourhood Area is appropriate. Officers agree with this recommendation.

The date for the referendum is provisionally set for 10th January 2019 and will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the Referendum. Local residents will receive a ballot paper with the question; 'Do you want Harborough District Council to use the neighbourhood plan for Shearsby to help it decide planning applications in the neighbourhood area?'

Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (adopt the Plan, with the Plan becoming the Development Plan for Shearsby alongside the Core Strategy). Under the approved Neighbourhood Planning Scheme of Delegation 'making' the Plan will be done by officers of the Harborough District Council as soon as possible after a favourable Referendum result. If the result of the Referendum is "no", then nothing further happens. T

The Executive thanked all those who had been involved in the production of the Neighbourhood Plan for their hard work

It was noted that this is the nineteenth neighbourhood plan to be made in the district, forming a very important part of the planning and decision making process.

RESOLVED that:

- (i) The Independent Examiner's recommended changes to the Shearsby Neighbourhood Plan be accepted in full, with the exception of Policy S1 (Presumption in Favour of Sustainable Development) which had been included in error within the Examiner's report dated 25th September 2018 and should therefore be disregarded, as set out in the schedule at Appendix A to the report and the recommendation that the amended Shearsby Neighbourhood Plan should proceed to a referendum of voters within the

- Parish of Shearsby to establish whether the Plan should form part of the Development Plan for the Harborough District be noted;
- (ii) The holding of a referendum relating to the Shearsby Neighbourhood Plan on 10th January 2019 that will include all of the registered electors in Shearsby Parish be approved.

Summary of Reasons

1. The final Examiner's report into the Shearsby Neighbourhood Plan was received on 25th September 2018. The Examiner considered the Plan along with the representations received when the Plan was published by the Council. The report recommends to the Council that, subject to the modifications proposed (see Appendix A), the Plan should proceed to a referendum.
2. The Neighbourhood Planning (General) Regulations 2012, (Regulation 18) sets out the matters that the District Council should consider at this stage in the Neighbourhood Plan making process. The District Council must consider each of the recommendations made by the Examiner in their report, including the reasons for them, and decide what action to take in response to each recommendation (see Appendix A).
3. It is considered that the recommended modifications should be incorporated into the plan and noted by the Executive in order to ensure that the plan is robust, sound, meets the Basic Conditions and comprises a user-friendly and efficient document. Liaison with Shearsby Parish Council confirms that they are happy to accept these recommendations. On this basis, the Plan should then proceed to a referendum in Shearsby Parish (the Shearsby Neighbourhood Area) to determine if local people support it..
4. The Neighbourhood Plan has been prepared by Shearsby Neighbourhood Plan Advisory Committee and Shearsby Parish Council as the Qualifying Body.
5. The evidence provided to the Examiner within the Consultation Statement gave assurance to him that the consultation process was robust. The Examiner was therefore satisfied that the Plan met the Basic Conditions with regard to consultation.
6. In proceeding to a referendum with a plan that meets the prescribed Basic Conditions, the whole community will be afforded the opportunity to vote on the future development of the village and wider parish of Shearsby.

SECTION 100(A)4 LOCAL GOVERNMENT ACT 1972

RESOLVED that the public and press be excluded from the following item on the grounds that the matter yet to be discussed involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A to the Local Government Act 1972.

EXEMPT: LAND AT DE VERDON ROAD, LUTTERWORTH: FUTURE OPTIONS

The Executive considered a report on land at De Verdon Road Lutterworth.

RESOLVED:

- (i) That the land be formally declared surplus to requirements and that the land shown in Appendix A of the officer's report, edged red, is no longer required for the purpose of which it was originally held under Housing powers and approves the appropriation of the land for planning purposes under s. 122 of the Local Government Act 1972.
- (ii) That the Council will progress delivery option 2a as set out in the officer's report and that the Outline Business Case be approved.
- (iii) That authority be delegated to the Joint Chief Executive (BJ) in consultation with the Head of Legal and Democratic Services, s. 151 Officer and the Portfolio Holder Finance & Assets, to implement the recommendation outlined above and allow a Final Business Case to be finalised, including, but not restricted to:
 - Complete the contractual arrangements under the SCAPE national framework with the contractor in the appropriate project value band to allow design development and submission of a full planning application;

- Submit a Planning Application for the development;
 - Finalise and complete a s.106 Agreement;
 - Appoint a suitable residential estate agent;
 - Ensure any VAT implications are resolved
- (iv) That paragraph 4.13.7 of the officer's report be noted regarding a future separate report to be submitted for consideration.
- (v) That subject to the approval of the recommendations to Council below and resolution (iv) above, to delegate authority to the Joint Chief Executive (BJ) in consultation with the Head of Legal and Democratic Services, s. 151 Officer and the Portfolio Holder Finance & Assets and subject to the Final Business Case being within the agreed funding, as set out in recommendation (iii) above, to implement the project outlined, including, but not restricted to:
- Complete the contractual arrangements under the SCAPE national framework to appoint the contractor in the appropriate project value band for a design and build construction contract for the Project including the pricing option under the NEC contract.
 - Complete an application to the Help to Buy Scheme for this project, if the scheme remains available;
 - To agree the appropriate funding arrangements for the project.

RECOMMENDED TO COUNCIL

- (i) **That the capital programme is revised in line with the Outline Business Case, as set out below:**

Expenditure	£000	Capital Receipts	£000
	11,050		15,920

- (ii) **That, subject to the approval of recommendation (i) above, Council be recommended to delegate authority to the Joint Chief Executive (BJ) in consultation with the Head of Legal and Democratic Services to take any necessary actions to complete the sales of the residential houses at the figure outlined in the Final Business Case or Market Value at the point of sale.**

Summary of Reasons

1. To satisfy Corporate Delivery Plan 2018/19 Critical Outcome 3: Quality Homes for all, KA.03.01 Achieve delivery of an appropriate mix and type of housing that meets local need throughout the District, across all tenures.
2. To seek to deliver the right homes for first time buyers and improved quality affordable homes in conjunction with an agreed Register Provider.
3. In addition to the primary objective in 3.1 and 3.2 above, to satisfy Corporate Delivery Plan 2018/19 Critical Outcome 10: Deliver Financial Sustainability for the future, KA 10.01 To develop business cases to deliver cost savings and income generation proposals (including capital investment options).
4. To seek to realise the maximum benefits from the Council's assets.

MATTERS OF SPECIAL URGENCY

There were none.

The meeting closed at 6.45 pm.

Report 1: Local Plan Modification

Paragraph 4.7 of the officer's report, as amended (showing changes)

- 4.7 If the Council chooses to allocate up to the 700,000sq m limit then the evidence submitted with the planning application adjoining Magna Park (15/01531/OUT) could be used to help justify allocating a site with minimal delays to the examination process. This evidence is already published as part of the planning application and will be added to the Local Plan evidence base. Some additional work may also be required to ensure the evidence is up-to-date and appropriate, including that there is sufficient headroom in demand to accommodate this amount of development at Magna Park without undermining other plans/programmes in the wider area. This additional work will **not** be available **until-after** for the Council meeting **on 26th November at which the matter is considered**. Should any additional work required demonstrate that allocating up to the 700,000sq m limit would not be appropriate, it will be brought to Council for it to decide an appropriate way forward for Policy BE2.