

**PAPER NO. 3**

**REPORT TO THE EXECUTIVE MEETING OF 9 JANUARY 2017**

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**Meeting:** Executive

**Date:** 9 January 2016

**Subject:** Joint Statement by the Leicester and Leicestershire Authorities on Collaborative Planning

**Report of:** Stephen Pointer

**Portfolio Holder:** Councillor Jo Brodrick

**Status:** For Decision

**Relevant Ward(s):** None

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1 Purpose of the Report

1.1 To consider a joint statement prepared by the Leicester and Leicestershire Authorities on Collaborative Planning.

2 Recommendations:

2.1 To authorise the Corporate Director (NP) to sign the Joint Statement as attached at Appendix A.

2.2 To delegate to the Corporate Director (NP) (in consultation with the Portfolio Holder for Planning) authority to sign any similar statement which may be required to support other Local Plans prior to a final Memorandum of Understanding being created.

3 Summary of Reasons for the Recommendations

3.1 To seek approval for the Joint Statement to be signed on behalf of the Authority as a 'joint statement on collaborative working' for use by North West Leicestershire District Council in its Local Plan Examination.

3.3 To delegate authority to the Corporate Director (NP) to sign any similar statements which may be required to support other authorities in their Local Plan examination, where these are statements of fact relating to current, past and future actions which have already been agreed between the authorities.

## 4 Key Facts

- 4.1 A Memorandum of Understanding (MoU) was produced primarily to support Charnwood Borough Council during the Examination in Public of its Core Strategy in winter 2014. It was based on the results of the 2014 Strategic Housing Market Assessment and extends only to 2028. The Housing and Economic Development Needs Assessment (HEDNA) is in the process of producing new housing numbers (to 2031 and 2036) and it is important that similar mechanisms are put in place to support local planning authorities when this is published; potentially there are implications in terms of providing a five-year land supply and for emerging Local Plans.
- 4.2 It is recognised that the production of a new MoU might be a more complicated process than previously. In 2014, the process was fairly straightforward in that the SHMA was produced and, in the light of a decision having been made to use the framework of the previous Regional Spatial Strategy (RSS), each authority committed to meeting the level of 'objectively assessed need' (OAN) identified within the SHMA for its area.
- 4.3 The expectation is that the new process, without the RSS, will be more complicated. For example, one or more authorities within the Leicester and Leicestershire Strategic Housing Market Area (HMA) may be unable to accommodate the level of OAN identified in the HEDNA while others may be interested in exploring whether a higher level of provision for a variety of authority specific reasons. In order to manage this matter an MoU Working Group was set up with the remit of establishing what form a new and up to date MoU that, when finished will provide an agreed mechanism in the light of which the delivery of growth will be managed across the HMA in the years ahead. The Working Group contained representatives of all nine planning authorities in the HMA and considered:
- the possible nature, form and timing of a new MoU which will replace the 2014 document;
  - the potential for an interim joint statement which would set out the arrangements for collaborative working between the HMA authorities ahead of the final, full MoU being available.
- 4.4 The Group concluded at the end of September 2016 that it is was possible to move straight to the production of a new, full scale, MoU for the following reasons:
- The outputs of the HEDNA will not be published until January 2017, at the earliest;

- the capacity of each authority to accommodate its OAN arising from the HEDNA cannot be established with certainty until some Local Plans across the HMA are significantly further progressed; and
- no specific decisions on strategic scale spatial distribution can be made until all reasonable options have been devised and tested across the HMA as a whole.

4.5 A three stage process to achieving a new MoU for the Leicester and Leicestershire HMA comprising the preparation of the following documents are therefore proposed:

- a 'joint statement on collaborative working' for use by those authorities whose plans have been/will be submitted to the Planning Inspectorate in the near future i.e. North West Leicestershire District Council (who have already submitted their plan for Examination) and potentially Melton Borough Council. Much of this is a statement of fact relating to current, past and future actions which have already been agreed between the authorities.
- the preparation of an 'interim MoU', to be published at the same time as the HEDNA results are released, setting out the OAN for each authority in the HMA; the 'known' housing capacity of each authority based on planning permissions/formal allocations, etc.; and on the results of strategic housing land availability assessments undertaken by each authority, and the ability of each of the HMA authorities to accommodate each of their OANs.
- a 'final MoU' which sets out the OAN and the agreed strategic scale spatial distribution agreed as a result of an HMA-wide consideration of spatial options. It is recognised that a final version of this 'final MoU' cannot be produced until the HEDNA has been finalised, the scale of the unmet need is known; and there has been an assessment of spatial options across the HMA as a whole.

4.6 The first stage of the three stage process set out in paragraph 4.5 above has now been completed and the resulting 'joint statement on collaborative working' has been agreed between officers representing each of the nine authorities making up the Leicester and Leicestershire HMA is attached at Appendix A. This document was approved by the Member Advisory Group (MAG) at its meeting in November for approval through the relevant governance process of each Council across HMA. It is recommended that the document is approved. The Examination of the North West Leicestershire

Local Plan has commenced and Public Hearings are due to start on January 5<sup>th</sup> 2017.

- 4.7 Work on the 'interim MoU' (the second stage of the three stage process outlined in paragraph 4.5) above is currently being progressed. The final Memorandum of Understanding will benefit from legal input on both the overall strategic approach to the delivery of development across the HMA and the content of the 'interim MoU' document itself. It is expected that the 'interim MoU' will be brought to the February meeting of the Executive for consideration. This document will have implications in the way that the District Council carries out its development planning function in future
- 4.8 It is likely that other joint local authority statements will be needed in future to support individual local plan examinations in Leicester and Leicestershire. These will not bind or fetter this authority and simply reflect what is already agreed. It is therefore being recommended that approval to signing such Joint Statements is delegated to the Corporate Director (NP) (in consultation with the Portfolio Holder).

## 5 Legal Issues

- 5.1 Legal advice is being sought on the developing Memorandum of Understanding which is being prepared by the joint authorities.

## 6 Resource Issues

- 6.1 There are no resource implications as a result of this report

## 7 Equality Analysis Implications/Outcomes

- 7.1 There are no equality implications as a result of this report.

## 8. Risk Management Implications

- 8.1 There is a risk in not supporting the collaborative statement as when Harborough District Council is progressing its Local Plan it will be seeking support from local authorities, in the same way that North West Leicestershire Council is seeking the Council's support. Should any local authority be seen not to collaborate there may be a risk to that local authority when seeking the support of the others.

## 9 Consultation

- 9.1 The matter has been discussed with the Portfolio Holder, the Council's representative on the Members Steering Group (MAG) and they have indicated that they support signing the Joint Statement.

10. Options

10.1 Not to sign the statement. This would simply mean that the authority is not seen to support the North West Leicestershire Plan in regard to housing. There is no reason not to sign to support the Plan. Not signing may have implications for the willingness of others to reciprocate when Harborough needs similar support from other Councils.

11 Background Papers

11.1 None

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**Previous report(s): None**

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

**Ward Members Notified: Y**

**Appendices:**

**A Joint Statement by the Leicester and Leicestershire Authorities on Collaborative Planning**