

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE EXECUTIVE MEETING

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

held on 4 September 2017

commencing at 5.00p.m.

Present:

Cllr Pain (Chair),  
Councillors: Bannister, Brodrick, Hallam, King and Rickman

Officers: D. Atkinson, J. Dewar, S. Hamilton, B. Jolly, G. Keeping, T. Nelson, N. Proudfoot and S. Riley

INFORMATION EXCHANGE

Cllrs King and Rickman and Corporate Director (BJ) reported that they had recently met with representatives from Broughton Astley Parish Council.

MINUTES

RESOLVED that the minutes of the meeting of the Executive held on the 24<sup>th</sup> July 2017 be approved as a correct record.

DECLARATION OF MEMBERS' INTERESTS

Cllr Brodrick declared an interest in the item on the Harborough Local Plan: Proposed Submission. The nature of the interest was that Cllr Brodrick is a Non-Executive Director on a number of Boards of Waterloo Housing Group. Cllr Brodrick stated that she would leave the room if Affordable Housing or Affordable Housing Allocations were discussed.

Cllr Pain declared a personal interest in the item on the Harborough Local Plan: Proposed Submission. The nature of the interest was that he is a County Councillor and there will be parts of the Local Plan which relate to County Council owned land, however Councillor Pain didn't consider himself to have a prejudicial interest.

NOTES AND ADVICE OF THE LOCAL PLANNING EXECUTIVE ADVISORY PANEL

The Executive were advised on the work and recommendations of the Local Planning Executive Advisory Panel and acknowledged the tremendous amount of work that had been undertaken.

RESOLVED that:

- i) the notes of the Local Planning Executive Advisory Panel (LPEAP): 19<sup>th</sup> June 2017 and Extraordinary LPEAP's on 24<sup>th</sup> July and 23<sup>rd</sup> August (draft notes) be noted.
- ii) the advice of the Panel be considered.

## Summary of Reasons

The arrangements for the Executive Advisory Panels require that they report to the Executive at the next available meeting with notes of the Panel's meetings.

## HARBOROUGH LOCAL PLAN: PROPOSED SUBMISSION

The Executive considered the Proposed Submission Draft Local Plan report, Addendum & associated Draft Local Plan.

The National Planning Policy Framework and Planning Practice Guidance advises 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.

Each of these levels of housing development is deployed within the Proposed Submission Local Plan, as follows:

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.

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.

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).

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.

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.

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.

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.

The Local Plan is split into three parts, Strategy and General Policies; Key Topics and Places and Sites.

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): this 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.
- Habitat Regulations Assessment (HRA) Screening Report: this 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.
- Infrastructure Delivery Plan: this 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: this 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.

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.

Consultation has taken place with the Local Plan Executive Advisory Panel on earlier versions of the emerging Local Plan and on its constituent policies. 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.

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.

The Executive asked for thanks to be placed on record to the various Officers involved in working on the Local Plan for the very considerable amount of man-hours and work undertaken.

**RECOMMENDED to Council that:**

**1. the Proposed Submission Local Plan document, to include the advice of the Local Plan Executive Advisory Panel of 23<sup>rd</sup> August as set out in the Addendum to the report and associated Policies Maps be published in order that the public and interested parties can make representation on their soundness.**

**2. 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 Wellness and Localities as appropriate.**

Summary of Reasons

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).

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.

QUESTIONS SUBMITTED BY THE PUBLIC

1. A number of questions to the Executive had been received from Mr Hunt as detailed below, and the responses to these questions was provided as detailed in italics immediately following the question :-

Submitted by Edmund Hunt, Maggie Pankhurst, Shiela Carlton, Tim Ottevanger and Chris Faircliffe on behalf of Magna Park is Big Enough.

1. What conclusions were drawn from responses of the previous consultations on Plan Options, particularly employment and housing land? How many responses were received and how were they analysed?

- a. Where are the conclusions from the previous consultation on the local plan options?
- b. How have these conclusions been incorporated into the latest local plan draft?
- c. If the evidence has not been included, why not?

The Options Consultation Report on the previous consultation went to the Advisory Panel meeting on the 13<sup>th</sup> April 2016.

The link to the papers (Covering report and Consultation Report) of that Advisory Panel can be found here :-

<http://cmispublic.harborough.gov.uk/cmis5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/4148/Committee/810/SelectedTab/Documents/Default.aspx>

The table showing the number of respondents and the number of representations by question is on pages 6 and 7 of the Options Consultation Report. The Options have informed the development of the Local Plan. A consultation statement outlining the approach to consultation in detail will be submitted with the Local Plan in January 2018.

2. It is proposed to approve up to 700,000 sq.m. of new warehousing. The demand forecast in the 2014 LLEP report, reviewed and confirmed in 2016, is for 244,000 sq.m. (table 4.3) in the whole of Leicestershire by 2036. What justifies committing the authority to approve almost three times the forecast need, especially as, since 2014, many other projects have been approved across the county, in outline or in full, totalling at least 900,000 sq.m. What account has been taken of this growth?

The demand forecast in the Leicester and Leicestershire Strategic Distribution Sector Study (SDSS)(Table 4.3, Part B Interim report, 2014), reviewed and confirmed in 2016 (Table 2.1, Scope B report, 2016) is for 1,445,000 sq.m / 361ha in the whole of Leicestershire to 2036, as below;

**Table 2.1: Total Gross New-Build Floor Space and Associated Land Requirements to 2036 (high replacement scenario)**

Year	000s sq m			
	2021	2026	2031	2036
<b>Leicestershire</b>				
Replacement build	675	900	1,260	1,643
Growth Build	87	136	185	244
<b>Total</b>	<b>762</b>	<b>1,036</b>	<b>1,445</b>	<b>1,886</b>
<b>Land required (ha)</b>	<b>191</b>	<b>259</b>	<b>361</b>	<b>472</b>

Source: MDS Transmodal forecasts from Leicester and Leicestershire SDS 2014

Land required - floor space is 40% of plot footprint

The evidence clarifies that the forecast figures should be viewed as minimum requirements going forward, in order that a geographical spread of commercially attractive sites is always available across the county, it is not a maximum cap or target to be exceeded.

Meeting the forecast figure, which is not disaggregated by district, is a component part of the Housing Economic Development Needs Assessment (HEDNA) for the Leicester and Leicestershire Housing Market Area (HMA) / Functional Economic Market Area (FEMA). Evidence indicates that completions and commitments in the district (at March 2017) and across the HMA (to June 2016) are sufficient to meet the minimum requirement for non rail-served sites without further allocation, however market demand for sites in this district remains high.

In the absence of an upper limit to forecast demand, the Council has tested a number of reasonable options for different scales and locations of growth, using market evidence from applications and site submissions as a basis. The evidence, and success of Magna Park, suggests that there is a case for Harborough district to continue contributing towards meeting the future needs of the sector. In the context of the National Planning Policy Framework (NPPF) a criteria based policy is proposed, which allows for a level of growth which has considered the interrelationship with housing needs, and plans positively for a growing sector.

3. In line with the duty to cooperate, which other authorities have been consulted on their employment land developments, such as NW Leicestershire; Derbyshire; Nottingham; North Coventry; Rugby Borough; Daventry and where is the evidence of any consultation with them?

*Authorities within the Leicester and Leicestershire HMA have been consulted in addition to other adjoining authorities including; Rugby District Council, Daventry District Council, Coventry City Council, Kettering District Council; Corby District Council; North Northants Joint Planning Unit (JPU) and West Northants JPU.*

4. The draft Local Plan identifies an issue with existing employment profiles, specifying that more opportunities should exist for Harborough's higher-skilled residents. Objective 2 and Appendix D outlines the goal to reduce out-commuting of these higher-skilled workers and reducing the in-flow of lower-skilled workers. Policy BE2, with its strategic distribution allocation, suggests to support this Objective. However, over 70% of employment at Magna Park is lower-skilled workforce (according to IDI Gazeley applications for 15/00919 and 15/01531), therefore resulting in an increased in-flow of lower-skilled jobs. Where is the evidence therefore that Objective 2 will be achieved?

*The Leicester and Leicestershire Strategic Distribution Study explored employment and skills within the sector, and examined misconceptions. Although operatives and elementary positions account for a higher proportion of jobs across the sector, compared to the whole economy, the sector does provide jobs across all occupational groupings appropriate to skill levels across the qualification spectrum.*

*Harborough residents are relatively highly skilled within the wider Functional Economic Market Area (FEMA). Growth at Magna Park is only part of the provisions of the local plan for business and employment and will create jobs across the skill range.*

*Policy BE1 and associated place based policies make allocations for a further 59ha of general employment land across the breadth of B class uses (office, industrial, non-strategic B8) and policy BE3 seeks to safeguard existing employment areas which in combination provide a substantial number of jobs.*

5. The increased traffic, both HGV and commuting workforce by private small vehicles, will be to the detriment of local residents in their everyday work and lives. Policy BE2 states additional strategic distribution land allocation should "not lead to excessive traffic congestion anywhere on the nearby strategy and local road network..." and Objective 10 aims to reduce car use and the impact of traffic on communities. Where is the evidence that this will not occur and that there is a committed investment plan to ensure infrastructure improvements to mitigate the above?

*The transport impacts of the local plan have been assessed, including policy BE2. The predicted effects of development in terms of Resource Use (including greenhouse gas emissions) are considered by the accompanying Sustainability Appraisal (SA) report.*

*Policy BE2.2 criterion d and e. set out requirements in respect of traffic congestion and access from within the District. The Local Plan, read as a whole, also contains general development and infrastructure policies to guide development, against which development proposals will be considered. The SA assesses the effects of the plan as a whole on resource use, which includes consideration of energy efficiency and carbon emissions, predicting a significant / moderate positive effect.*

*Policy BE2.2 criterion e. specifically covers the nearby strategic and local road network, particularly the A5, whether within Harborough district or outside. The development management process assesses transport issues including the cumulative impact and, where required, will suggest mitigation measures.*

*The wider infrastructure policies of the local plan encourage major development proposals to provide sufficient infrastructure capacity to support and meet all the requirements arising from it, including servicing and parking arrangements. The development management process assesses transport and air quality issues including the cumulative impact and, where required, will suggest mitigation measures.*

6. How is the Plan sustainable and how does it adhere to the NPPF guidelines when it does not substantiate the impact it is having on the local landscape and character of the region, infrastructure, and noise and air pollution? This is also related specifically to objectives 3 (Location of development); 6 (Natural Environment) and 7 (Historic Environment) that are designed to protect local environment and heritage, yet Policy BE2, that will enable Europe's largest road-based Logistics hub, does not support any of these objectives. How can Policy BE2 be put forward considering these objectives?

*The objectives of the Local Plan are the guiding principles for the policies set out in the plan. The policies of the Local Plan should be read as a whole and in combination they represent a reasonable and sustainable spatial strategy for development to 2031, which is considered sound.*

*The accompanying Proposed Submission Sustainability Appraisal (SA) report identifies, describes and evaluates the sustainability effects of the plan in accordance with the statutory SA/SEA regulations. It considers those issues 'scoped in' at the initial scoping stage of the SA process, under 6 sustainability topics; Natural Environment, Built and Natural Heritage, Health and Wellbeing, Resilience (to Climate Change), Housing and Economy, and Resource Use.*

*A summary of the cumulative effects of the plan are presented in section 21 of the SA report, which will be published alongside the proposed submission Local Plan.*

7. Where is the evidence for the assumption made within Policy BE2 that it "...sets a limit on the amount of development to be permitted which balances the strategic distribution floorspace with the capacity of the housing provision in this Local Plan (including its 20% flexibility)". Where is the evidence to demonstrate that housing allocation is linked to employment land allocation, particularly when the current out-commuting profile (Part D, Appendix D) demonstrates people live in Harborough but work outside it.

*Not all employees will commute into the area. Real world factors affect individuals' employment choices and patterns of commuting for work. The local plan approach includes additional housing needed to support growth at Magna Park in aligning the housing and economic strategy therein. This is sufficient to allow for a potential improvement in the level of self-containment (from 19% to 25%). Self-containment can be altered by changes to the number of people travelling both into and out of the district for work.*

*Providing more jobs and housing, including in locations accessible to Magna Park, cannot in itself prevent commuting but over time it provides housing choices which may enable workers at Magna Park to become district residents and to enable residents who currently commute out to Rugby, Daventry or Leicester to have access to more job opportunities within the district.*

*Policy BE2.2 criteria c. and d. state the requirement for proposals to increase employment for local residents and to include measures to increase the proportion of the workforce commuting from locations within Harborough.*

2. A comment addressed to the Executive had been received from Dr Feltham as detailed below:-

I will be responding to the consultation starting later this month but I felt it important to make one very key point.

Several sections of the Local Plan base their policies on the existing wards, yet by the time this plan is adopted and over its expected lifetime to 2031 and beyond, the new wards will be in place now that the Local Government Boundary Commission for England have issued their final report. This now only needs parliamentary ratification, so the new wards are not going to change now. If the Local Plan fails to use the new wards, then throughout all of the Plan's lifetime, the current wards will be a distant memory and in most cases have minimal relevance to the new policies. I don't know how much work would be necessary to update the Plan in line with the new wards, but I do request that this is considered before it goes to public consultation. I'm sure the inspector at the public inquiry will raise this as a serious issue if the wards are not amended.

3. Cllr Page raised a number of concerns in relation to the Minutes of the Local Planning Executive Advisory Panel (LPEAP) and the Magna Park Employment Sensitivity Study. Cllr Page also highlighted email correspondence she had received from concerned residents. Responses to the points made were clarified by the Interim Strategic and Local Planning Manager, Jessica Dewar, and the timescales confirmed for receipt of documentation by the LPEAP.

### HARBOROUGH LOCAL PLAN PROPOSED SUBMISSION – SUSTAINABILITY APPRAISAL (AUGUST 2017) AND HABITAT REGULATIONS ASSESSMENT (AUGUST 2017)

The Executive considered the latest sustainability appraisal report and habitat regulations assessment, which provided guidance on the proposed Submission Local Plan.

Sustainability Appraisal (SA) is a process for determining the sustainability implications of a plan or strategy (including any reasonable alternatives) and forms an important part of plan-making. It's also a tool for communicating the likely effects (social, environmental, economic) of a plan, and explaining the decisions taken with regard to the approach decided upon.

SA is a legal requirement, but more importantly its findings can help to inform the development of a more sustainable Local Plan. It does this by highlighting the constraints and opportunities of the proposed Local Plan policies (and any reasonable alternatives) to avoid or mitigate adverse effects and maximize positives.

Habitat Regulations Assessment (HRA) is a process to identify any aspects of the Local Plan that would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites).

The report documents the SA process, which has run in parallel with the preparation of the Proposed Submission Local Plan. It explains how the various stages of the SA have influenced the development of the emerging Local Plan. It combines a number of reports and each report captures the results of the SA undertaken at that time, based on information available at that time.

It follows the methodology and format previously used to systematically test the effects of the Plan against the Sustainability Framework. The framework consists of 9 sustainability objectives grouped under 6 topics. Each policy has been appraised, against the framework, individually and in combination with all other policies in the Plan. The appraisal essentially sets out a discussion of the significant effects associated with the spatial strategy (Local Plan Policy SS1) taking into account all the other supporting Plan policies.

The Habitat Regulations Report follows best practice guidance to set out the scope of the assessment, and undertake a Likely Significant Effect (LSE) test. Essentially the LSE is a risk assessment to decide whether the full subsequent stage of HRA, known as an Appropriate Assessment, is required.

The HRA concludes that there are no European sites that lie within Harborough. The nearest European site being Rutland Water SPA and Ramsar site, which is located 7km to the north-east of the district boundary. This site is discussed in the analysis for completeness and the likely effects of the Local Plan upon it assessed.

The HRA concludes that development in the Proposed Submission Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. An Appropriate Assessment is therefore not recommended as being necessary.

**RECOMMENDED to Council that the Sustainability Appraisal Report and Habitat Regulations Assessment be noted and recommended to Council for publication for public representation alongside the Proposed Submission Local Plan.**



## Summary of Reasons

Throughout the process of preparing the Local Plan the Local Plan Executive Advisory Panel (LPEAP) has been kept informed of its likely sustainability effects. The Sustainability Appraisal (SA) report documents the process, captures how the SA process has influenced the development of the emerging plan and sets out an appraisal of the sustainability implications of the Proposed Submission Local Plan. It is necessary to undertake SA to ensure the Local Plan is capable of being found sound at Examination.

The preparation of a Habitat Regulations Assessment is a legal requirement for all Local Plans.

## HARBOROUGH DISTRICT LOCAL PLAN: DRAFT DUTY TO COOPERATE

The Executive considered the Harborough Local Plan Proposed Submission Stage (Regulation 19) Duty to Cooperate.

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.

Appendix A to the Duty to Cooperate Statement provides a summary matrix identifying a number of strategic priorities including :

- 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.
- SP6: Providing for strategic green infrastructure (i.e Green Wedges).

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.

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.

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.

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.

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.

**RECOMMENDED to Council that the Duty to Cooperate Statement be published alongside the Proposed Submission Local Plan in September 2017.**

## Summary of Reasons

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.

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 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.

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.

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.

The focus of the Duty to Cooperate Statement is to present clear outcomes of the cooperation process to date.

### HARBOROUGH DISTRICT COUNCIL LEISURE FACILITIES

The Executive were updated on the public engagement regarding the future of the two Harborough District Council owned leisure facilities together with the outcome of the soft market testing. The Executive expressed their gratitude to the 2,300 people who had responded to the survey.

As part of the public engagement, a number of concerns were raised concerning the existing facilities and the Corporate Director (BJ) confirmed that these issues had been raised with both the Harborough District Leisure Trust and SERCO.

It was noted that a considerable amount of dialogue had taken place between Harborough District Council and Broughton Astley Parish Council and it was confirmed that Harborough District Council will work closely with Broughton Astley Parish Council on a relevant business case for sports provision in the Broughton Astley area.

The current contract with Harborough District Leisure Trust (HDLT) ends on the 31<sup>st</sup> March 2019. The Council pay an annual subsidy of c £135K to HDLT for the operation of the two leisure centres.

At the end of the current contract, 31<sup>st</sup> March 2019, the Council will have two leisure centres to offer to a new contractor to deliver leisure services on behalf of the Council. Although the Council has served dilapidation notices on the Trust, and these repairs have been carried out during the current contract, there will be further investment required in the future. Initial estimates indicate that there is £2 million of condition survey investment that would be required over the initial 10 year period, even if there was to be no refurbishment or changes in use within the Leisure Centres.

The Council has commissioned building surveys to assess the current condition, with a view to ascertaining the likely expenditure from lease expiry for a further 10 years. This has identified a significant requirement for Harborough Leisure Centre due to the age of the building. In summary; the majority of the condition survey investment is in the Harborough Leisure Centre which is viewed as being more time expired than Lutterworth Sports Centre and being less well suited to providing 21<sup>st</sup> Century Leisure Facilities.

The Leisure Market is now much more competitive than when the original Leisure Centres were built. Usage has declined as a result of competition and the 'attractiveness' of the leisure centre offer within the District and newer facilities being built in neighbouring councils. As such, there is a need for Harborough District Council to continue to invest in its assets not only to ensure they are fully

---

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

maintained but also in order to meet customer expectations and maximise income from the facilities, whilst supporting the Council's vision of a 'Healthy Harborough'.

The consultation supports the consultant's advice that the Core Facilities for a new centre at Market Harborough are; Swimming Pool; Sports Hall, uses, for example; Badminton, Table Tennis, Netball, Basketball, Trampolining, Gymnastics, Dance/Keep Fit, Children's Activities etc.; Gymnasium with associated studios and Associated changing facilities and car parking.

The core facilities identified in the consultation are already provided in Lutterworth.

There are a number of other facilities which have been identified through the consultation, and these will be included on a list of Desirable Facilities for both Market Harborough & Lutterworth. These include, for example, but not limited to; Bowls Hall, Café, Health Suite, Physiotherapist facilities, Hydrotherapy facilities, Crèche, Online Booking Facilities, Tennis, Squash Courts, Clip 'n' Climb, Soft Play Area, Provision of Outreach activities and any facilities identified through the procurement process, which the council and/or bidders deem appropriate.

The procurement process will identify whether the inclusion of these facilities will generate an income, be cost neutral or incur a cost. It is important that the Council is not prescriptive about the desirable facilities to be included in order for bidders to be free to propose innovative and integrated solutions including the potential for commercial leisure opportunities to be provided alongside the Council's core leisure requirements. These aspects will be the subject of a future Executive report at an appropriate stage through the procurement process to agree the facilities to be provided. This will include the new build at Harborough as well as improvements at Lutterworth.

**RECOMMENDED to Council that a Capital Scheme (Investment in Core Leisure Assets) and financing as detailed in paragraph 5.4 to the report, be approved and included in the 2018/19 Capital Programme.**

RESOLVED that:

- (i) the results of the consultation be considered and the proposals for essential facilities to be included in the procurement process be agreed.
- (ii) the results of the consultation be considered and proposals for core facilities (as outlined in paragraph 4.12 to the report) and desirable facilities (as outlined in paragraph 4.14 to the report) be included in the procurement process.
- (iii) subject to Council approving the recommendation above, and following the outcome of the soft market testing, confirm that Design, Build, Operate and Manage (DBOM) be the preferred option for the procurement.
- (iv) authority be delegated to the Corporate Director (BJ) to approve the final specification and procurement documents, in consultation with the relevant Portfolio Holders.

### Summary of Reasons

The consultation process finished on 15<sup>th</sup> August 2017. It has comprised of public consultation via an online survey, face to face drop in sessions for users of the existing facilities, consultation with the public in a session in the market hall, face to face meeting with parish councils and also with groups which use the facilities, including a meeting with representatives of the Bowls Club. A summary of the consultation responses is attached at Appendix A to the report.

At the Executive meeting on 15<sup>th</sup> May 2017 it was resolved to undertake soft market testing to establish the markets interest in the procurement model the Council is intending to use for the contract for the two leisure centres. Following this soft market testing the Council's consultant for this project has advised that the Council can be confident it has received a good response from the market, with the majority of leading operators responding. This does not guarantee that all of these operators will bid when the contract comes to market but does give confidence in the approach which is being taken.

The presentation at the all member workshop on 1<sup>st</sup> February 2017 and the Executive report of 15<sup>th</sup> May 2017 provided details on why a new build at Market Harborough Leisure Centre and a refurbishment of the Lutterworth Sports Centre is the most cost effective option. This summarised in Appendix B to the report.

At this stage the capital approvals effectively provide the framework for the procurement and investment in the Council's two core leisure centres to proceed. The Capital costs will be quantified and refined through the procurement process prior to commencement on site.

## 2017/18 REVENUE AND CAPITAL MONITORING – QUARTER 1

The Executive was provided with high level budget monitoring information for the period 1<sup>st</sup> April 2017 to 30<sup>th</sup> June 2017. It was reported that the financial position at the first quarter to 30<sup>th</sup> June 2017 is forecasting a projected underspend of £294k (2.5%) of the approved budget at the end of the year. The Council is currently forecasting an overspend on the net cost of services of £167k based on the spend and income forecasts by budget managers at the end of June 2017.

RESOLVED that:

- (i) the net expenditure against the budget for the quarter to 30<sup>th</sup> June 2017 as detailed in Appendix A to the report, be noted.
- (ii) the Capital Programme expenditure for the quarter to 30<sup>th</sup> June 2017, as detailed in Appendix D to the report, be noted.
- (iii) the Slippage of Capital Expenditure and Financing as detailed in paragraph 4.3.2 and Appendix D to the report be approved.

## Summary of Reasons

The Council's financial performance up to 30<sup>th</sup> June 2017, together with known commitments for the remainder of the financial year, indicates that the General Fund Revenue Account is likely to outturn approximately £294K under the approved budget of £11.664m.

## PERFORMANCE: QUARTER 1, 2017/18 YEAR

The Executive was presented with details of the performance of the Council against the Corporate Delivery Plan for Quarter 1 of the 2017/18 year. The report consisted of:

- Appendix A: Key Activities in Detail - a performance summary of each of the Key Activities identified in the Corporate Delivery Plan for the 2016/17 year including a status, progress comment and next steps.
- Appendix B: Strategic Performance Dashboard - the Council's key performance indicators for each priority. The Dashboard is designed to provide an overview of how the Council is performing. The Council's Performance Management database contains information on a wider range of performance indicators including further indicators from the Corporate Delivery Plan and operational indicators. Exceptions are being addressed through one-to-one Portfolio Holder meetings and the Performance Improvement Board. The status of these items is categorised as either 'Green' (on or better than the set target), 'Amber' (within a tolerance of 5% below the target) or 'Red' (5% or more below target). The Direction of Travel column indicates whether the indicator has changed status since the previous month. Direction of Travel is stated as either 'Better', 'Same' or 'Worse'.
- Appendix C: Performance Management Framework.

It was reported that at the end of Quarter 1, 3 Key activities were completed, 52 Green Key activities, 7 Amber and zero Red activities.

RESOLVED that:

- (i) the performance of the Council at the end of the Quarter 1 of the 2017/18 year be received and considered.
- (ii) the frequency of performance reports to the Executive be changed from quarterly to half-yearly.
- (iii) the Performance Management Framework (attached at Appendix C to the report) be amended to take account of the change of reporting frequency set out in (ii) above.

#### Summary of Reasons

Performance is monitored and reported on to Officers and Members on a quarterly basis as part of the Council's Performance Management Framework. Performance Reports are currently submitted to both Scrutiny and the Executive via quarterly reports.

#### CORPORATE RISK AND OPPORTUNITY REGISTER: QUARTER 1, 2017/18

The Executive considered the Corporate Risk and Opportunity Register at the end of Quarter 1 of the 2017/18 year, which was set out at Appendix A to the report; the Register sets out the Council's Corporate Risks and Opportunities. Corporate Risks and Opportunities are defined as issues that may have a significant impact on the delivery of the Council's vision and priorities. They are identified, monitored and managed via the Council's Risk and Opportunity Strategy Board which meets on a quarterly basis.

The Corporate Risk and Opportunity Register is managed by the Officer Risk and Opportunity Strategy Board. The Board amends the Register to reflect progress on actions which have been identified to:

- reduce the likelihood of risks occurring, the impact the risk would have if it were to occur, or both; and
- monitor opportunities.
- add and/or remove risks and opportunities

At the end of Quarter 1 of the 2017/18 year there were thirteen risks and four opportunities on the Corporate Risk Register. Full details of the Risks and Opportunities, including scores and mitigating actions, were attached at Appendix A to the report.

RESOLVED that:

- (i) the items contained within the Council's Corporate Risk and Opportunity Register (attached at Appendix A to the report) be noted.
- (ii) the frequency of Risk and Opportunity reports to the Executive be changed from quarterly to half-yearly.
- (iii) the Risk and Opportunity Management Framework (attached at Appendix D to the report) be amended to take account of the change of reporting frequency set out in (ii) above.

#### Summary of Reasons

Monitoring of the Council's Corporate Risks and Opportunities is prescribed by the Council's Risk and Opportunity Management Framework.

#### GREAT GLEN NEIGHBOURHOOD PLAN

RESOLVED that the report be deferred to the October Executive meeting.

## SECTION 100A LOCAL GOVERNMENT ACT 1972

RESOLVED that the public and press be excluded from the following items on the grounds that the matters yet to be discussed involve the likely disclosure of exempt information as defined in Paragraphs 3 of Part I of Schedule 12A to the Local Government Act 1972.

## HARBOROUGH INNOVATION CENTRE; CAFÉ, DRAUGHT LOBBY AND PLANNED PREVENTATIVE MAINTENANCE WORKS

**RECOMMENDED to Council an increase in the Capital Programme of £82,836 to allow all the works to proceed as identified in Appendix B to the report. The increase is due to the proposed change from an internal to an external draught lobby.**

RESOLVED that:

- (i) the Café, Draught Lobby, Planned Preventative Maintenance and associated works as identified in Appendix A to the report be approved;
- (ii) subject to Council approval of the increase in the Capital Programme outlined in section 6.2 to the report and of the planning application, the award of a contract for Café, Draught Lobby, Planned Preventative Maintenance and associated works to Contractor 3 identified through the recent tender process as identified in Appendix B to the report be approved.
- (iii) subject to the above Recommendation and (i) and (ii) above, authority be delegated to the Corporate Director (BJ), in consultation with the Portfolio Holder - Finance and Assets, Head of Finance and Corporate Services and the Head of Legal and Democratic Services to agree the necessary amendments to the Oxford Innovation contract and finalise the variation to the contract;
- (iv) subject to the above Recommendation and (i) above and receipt of planning approval, authority be delegated to the Corporate Director (BJ), in consultation with the Portfolio Holder - Financial and Assets and the Head of Legal and Democratic Services to award, negotiate and finalise the contract and make any necessary arrangements to facilitate the works; and
- (v) subject to the above Recommendation and (i) and (ii) above, the Café be let on the terms outlined in Appendix E and F to the report and authority be delegated to the Corporate Director (BJ), in consultation with the Portfolio Holder - Financial and Commercialisation and the Head of Legal and Democratic Services to award, negotiate and finalise the lease.

### Summary of Reasons

To improve facilities at the Innovation Centre and to ensure that the Council appoints a suitable contractor to undertake the Café, Draught Lobby, Planned Preventative Maintenance and associated works contract within the project timescales. To ensure the necessary funding is in place for the works, and suitable new and varied contracts are agreed to maximise the financial benefits of the works.

The meeting closed at 7.45 pm