



Harborough Local Plan

Draft Submission Stage

(Regulation 19)

DUTY TO COOPERATE STATEMENT

September 2017

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Duty to Cooperate Statement

1 Introduction

- 1.1 This statement demonstrates how Harborough District Council has complied with the 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.
- 1.2 Under the Localism Act 2011¹ 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.
- 1.3 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.
- 1.4 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.

2 The Duty to Cooperate

- 2.1 The Duty to Cooperate was introduced in the Local Act 2011 and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils and other public bodies (often referred to as 'prescribed bodies') to work together to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. More specifically the Duty to Cooperate:
 - relates to a 'strategic matter' defined as sustainable development or use of land that would have a significant impact on at least two local planning areas or on a matter that falls within the remit of a county council;
 - requires that councils set out planning policies to address such issues;

¹ [Localism Act 2011](#)

- requires that councils and other bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies; and
- requires councils to consider joint approaches to plan making.

2.2 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 this document is to present clear outcomes of the cooperation process to date.

2.3 The relevant prescribed local planning authorities and county councils for Harborough District are:

Leicestershire authorities:

- Blaby District Council;
- Charnwood Borough Council;
- Hinckley and Bosworth Borough Council;
- Leicester City Council;
- Leicestershire County Council;
- Melton Borough Council;
- North West Leicestershire District Council; and
- Oadby and Wigston Borough Council.

Non-Leicestershire authorities which adjoin:

- Corby Council;
- Kettering Borough Council;
- Northamptonshire County Council;
- Rugby Borough Council;
- Rutland County Council;
- Warwickshire County Council; and
- Daventry District Council.
- There are joint planning arrangements in North Northamptonshire (the North Northamptonshire JPDU reports to the North Northamptonshire Joint Committee).

Other relevant authorities (see paragraph 2.5):

- Coventry;
- Nuneaton & Bedworth; and
- North Warwickshire District Council

2.4 Harborough District Council has developed a particularly strong relationship with the Leicester and Leicestershire authorities. The recently completed Housing and Economic Needs Assessment (HEDNA) 2017² confirmed Leicester and Leicestershire as the Housing Market Area (HMA) and the Functional Economic Market Area (FEMA). There is a long history of cooperation and working on joint evidence documents.

2.5 It is important to note however that some strategic planning issues have the potential to impact beyond HMA and FEMA involving neighbouring local authority areas. One such issue is strategic storage and distribution (large B8 uses in units in excess of 9,000 sq. m.). This has required the Council to cooperate with additional local authorities which do not adjoin the District boundary but have a spatial relationship with the District. These are identified as other relevant authorities in paragraph 2.3.

2.6 As well as applying to local authorities, the Duty also applies to a number of other “prescribed” bodies. Regulation 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012 sets out who those “prescribed” bodies are. Those bodies which are relevant to the preparation of the Local Plan are as follows.

- The Environment Agency;
- Historic England;
- Natural England;
- The Civil Aviation Authority;
- The Homes and Communities Agency;
- Clinical Commissioning Groups;
- The Office for Rail Regulation;
- Highways England;
- Leicestershire County Council (Highway Authority);
- The Leicester and Leicestershire Enterprise Partnership; and
- The Leicestershire Local Nature Partnership.

² [Housing and Economic Needs Assessment 2017](#)

- 2.7 The bodies also include utilities providers such as Anglian water who are actively engaged with on flood risk management issues within Harborough District.
- 2.8 These bodies or their predecessors have been consulted as part of the ongoing continual engagement in the preparation of the Local Plan, as well as in the formal stages of consultation.
- 2.9 The Local Plan examination will test whether the Council has complied with the Duty. If not addressed properly the Inspector will recommend that the Local Plan is not adopted and the examination will not proceed any further.

3 Strategic priorities

- 3.1 Paragraph 156 of the NPPF identifies the strategic priorities that the Local Plan should deliver and where co-operation might be appropriate:
- the homes and jobs needed in the area;
 - the provision of retail, leisure and other commercial development;
 - the provision of infrastructure for transport, telecommunication, waste management, water supply, wastewater, flood risk and costal change management, and the provision of minerals and energy (including heat);
 - the provision of health, security, community and cultural infrastructure and other local facilities: and
 - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
- 3.2 Paragraph 162 of the NPPF makes it clear that the Council should work with other local planning authorities and providers to assess the quality and capacity of a range of infrastructure types (including transport, energy, telecommunications, utilities, waste, health, social care, education and flood risk) and its ability to meet forecast demands. It also highlights the need for the Council to take into account the need for strategic infrastructure including nationally significant infrastructure.
- 3.3 Paragraphs 178 to 181 of the NPPF identify that public bodies have a Duty to Cooperate on planning issues that cross administrative boundaries, particularly those related to strategic priorities, and joint working should enable local planning authorities to work together to meet development requirements which cannot be wholly met within their areas. It also identifies that co-operation should be a continuous process of engagement to ensure that plans are in place to provide the infrastructure necessary to support current and projected future levels of development. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their local plans are submitted for examination.

3.4 The NPPF also sets out the tests of soundness which will be used in the examination of local plans. In order to be 'sound' the plan must be positively prepared, justified, effective and consistent with national policy. Two of these tests relate specifically to the Duty to Cooperate. The plan must be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development; and
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategy priorities.

3.5 Whilst the NPPF sets out examples of strategic planning issues where cooperation might be appropriate, it is up to individual local authorities to compile their own list to reflect local circumstances. 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. The strategic planning issues were confirmed as:

- SP1: Meeting the housing and employment needs of the housing and economic market areas;
- SP2: Assisting other local authorities to meet their unmet housing need;
- SP3: Meeting regional and national demand for strategic distribution (logistics) development;
- SP4: Meeting the accommodation needs of Gypsy and Travellers;
- SP5: Providing transport and other infrastructure to support new development;
- SP6: Providing for strategic green infrastructure (i.e Green Wedges);
- SP7: Protecting and enhancing biodiversity and geodiversity;
- SP8: Providing for retail needs;
- SP9: Minimising Floodrisk; and
- SP10: Safeguarding land needed for minerals and waste.

4 Joint working across the Housing Market Area

4.1 Across the Leicester and Leicestershire Housing Market Area (HMA) there has been wide ranging co-operation, particularly in respect of joint evidence gathering, and some that pre-dates the Duty to Cooperate requirement. The Summary Matrix provided in Appendix A lists all relevant joint evidence by strategic priority.

4.2 There are a number of officer forums within the Leicester and Leicestershire Housing Market Area (HMA) which aim to promote joint work and to address key strategic priorities such as delivery of housing, employment and key infrastructure by local planning authorities, the County Council and the Leicester and Leicestershire Enterprise Partnership. These are as follows:

- Leicester and Leicestershire Strategic Planning Group (formerly known as the Housing, Planning and Infrastructure Group (HPIG));
 - Planning Officers' Forum (POF);
 - Development Control Forum; and
 - Development Plans Forum (DPF).
- 4.3 The role of Strategic Planning Group (SPG) is to oversee policy development for spatial planning, housing and infrastructure amongst Leicestershire local authorities. The Group meets regularly and is attended by senior management team representatives from all authorities across the HMA (including Leicestershire County Council).
- 4.4 SPG has overseen the commissioning and running of joint evidence, (including the Leicester and Leicestershire Housing and Economic Development Needs Assessment 2017 (HEDNA) Leicester and Leicestershire Gypsy and Traveller Needs Assessment Update 2017, and Leicester and Leicestershire Strategic Flood Risk Assessment 2017) and provides a forum at a high level for discussing common issues and developing understanding. It provides a direct link to the work of the LLEP and is currently leading on, at officer level, the preparation of a Combined Authority bid and the development of a Strategic Growth Plan for the HMA.
- 4.5 The Planning Officers' Forum (POF) is a formal meeting of Chief Officers (or their nominee) responsible for planning and transport services within the HMA. The Forum provides professional advice to the Strategic Planning Group, which supports its overall direction and work programme, and the Chair of POF represents the views of the wider Forum at meetings of SPG. POF meets regularly in synergy with SPG. The Development Plans Forum (DPF) is a formal meeting of the managers responsible for planning and transport policy within the HMA. It reports to POF with the Chair attending POF as required.
- 4.6 The work of SPG and the subsidiary officer groups is overseen by a Member Advisory Group (MAG) which comprises one representative from each local authority, plus an observer from the LLEP. The MAG meets on a regular basis and its role is advisory. Any proposals or recommendations of MAG are not binding on the constituent member authorities. Any decisions regarding proposals for the development and/or implementation of any statutory or non-statutory Strategic Growth Plan remain the responsibility of each individual member authority.
- 4.7 In addition to the Strategic Growth Plan, SPG have also overseen work on the Memorandum of Understanding (MoU). A MoU was produced primarily to support Charnwood Borough Council during the Examination in Public of its Core Strategy in 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) 2017 produced new housing numbers (to 2031 and

2036) updates this position and similar mechanisms now being put in place to support local planning authorities within the HMA in developing new Local Plans as described below.

- 4.8 MoU Working Group was set up in 2016 with the remit of establishing the form of 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.
- 4.9 The Working Group contains 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; and 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.
- 4.10 There is a three-stage process to achieving a new MoU for the Leicester and Leicestershire HMA comprising the preparation of the following documents:
1. A 'joint statement on collaborative working' for use by those authorities whose plans have been/will be submitted to the Planning Inspectorate in 2017 i.e. North West Leicestershire District Council (Examination Hearings undertaken in January and March 2017) 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 interim statement was agreed by Harborough District Council Executive Panel in January 2017.
 2. The preparation of an 'interim MoU', agreed in February 2017 at the same time as the HEDNA was agreed. The interim MoU set out the OAN for each authority in the HMA based on the HEDNA; 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.
- 4.11 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 as part of the development of the Strategic Growth Plan. It is recognised that a final version of this 'final MoU' cannot be produced until there has been an assessment of the capacity of all authorities to accommodate their OAN and of spatial options across the HMA as a whole. This is expected to be in place by January 2018.
- 4.12 The first and second stages of the three stage process set out above are now complete 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. The agreed documents are provided in Appendix B and Appendix C of this statement.

- 4.13 The final stage of the MoU is expected to be in place prior to the submission of the Local Plan. The Duty to Cooperate Statement will be amended to refer to the updated MoU prior to Submission of the Local Plan in January 2018.

5 Compliance with the Duty to Cooperate – on going proactive stakeholder engagement

- 5.1 Work commenced on the Harborough Local Plan in 2012. Throughout the preparation process collaborative working and engagement has been undertaken with stakeholders in ensuring strategic and cross boundary planning issues are addressed in line with the duty.

- 5.2 In addition to ongoing and proactive stakeholder engagement the following public consultations have been undertaken:

- **Scoping consultation March – April 2013:** This first consultation sought to gather the views of interested parties on the proposed contents of the new Local Plan. These views were used to finalise the scope of the Plan to inform the identification of any further evidence base requirements. The report and responses can be found following the link: http://www.harborough.gov.uk/directory_record/462/new_local_plan_scoping_consultation
- **Options consultation September – October 2015:** The consultation sought views on nine alternative options for locating housing and employment, together with other proposed policy approaches. The alternative options report and responses can be found following the link: http://www.harborough.gov.uk/downloads/file/1595/new_local_plan_options_consultation_paper

- 5.3 The final Duty to Cooperate Statement will include an overview of the Harborough Local Plan Proposed Submission Stage (Regulation 19) responses and an appendix of the key issues raised by the prescribed bodies. An addendum to the final Duty to Cooperate Statement will also capture the resulting outcomes within the Local Plan as to how these responses have been dealt and resolved. This document will be published as part of the Local Plan submission documents January 2018.

- 5.4 In addition to the public consultations mentioned in paragraph 5.2, a number of Duty to Cooperate Workshops have been coordinated by the Council to discuss key matters with relevant officers of neighbouring authorities and prescribed bodies.

- 5.5 A Duty to Cooperate engagement exercise was undertaken in November 2015 on options for Strategic Distribution and a further consultation was undertaken between February and March 2016.
- 5.6 The consultation was on a Sustainability Appraisal Report technical report which specifically appraised the alternative options that are being considered by the Council to provide for strategic distribution at or adjoining the Magna Park site. In addition, the report outlined the broad implications of each option for Leicester and Leicestershire as well as the wider area.
- 5.7 The consultation outcomes informed the development of Policy E2 (now re named and referred to as BE2) which was included within a working draft of the Proposed Submission Local Plan Second Draft.
- 5.8 During May 2017 of an informal consultation on the emerging Local Plan (Proposed Submission Local Plan Second Draft) was undertaken with Duty to Cooperate partners. In addition to the comments sought on the working draft Local Plan, a Duty to Cooperate workshop was arranged by the Council to discuss the emerging Local Plan policies in detail with officers. The main concerns raised during this consultation and at this workshop, related to the draft policy BE2 Strategic distribution, and are summarised below:
- *'HDC should form a clear policy basis for Magna Park and the approach to strategic B8. The working draft version of the Local Plan did not propose an indication of the scale of growth during the plan period at Magna Park.'*
 - *'Substantive growth is proposed along the A5 corridor around Magna Park and Lutterworth. Any substantial growth needs to seek improvements with all related local authorities.'*
 - *'Further clarification was sought in terms of the employment land situation. It is not clear whether the proposed level of housing numbers reflect the proposed growth at Magna Park. The employment allocations do not consider the pending planning applications at Magna Park.'*
 - *'In relation to the housing target the Local Plan seeks to positively address unmet need from the HMA. Without viewing the MoU we are unable to comment on the soundness of the proposed housing target without knowing the level of unmet need across the HMA and the distribution method utilised'*
 - *'In terms of employment land provision, whilst not allocated in the Plan, the impact of Magna Park proposal could have on the housing and employment alignment is unclear ... clarity is therefore sought in terms of employment allocations that are being planned for within the draft Local Plan and the wider FEMA and how this related to the evidence within the HEDNA'*
 - *'Further to this it would be useful to know what impact strategic distribution development at Magna Park would have on commuting ratios particularly in relation to Coventry and Warwickshire authorities, in particular the A5/A426 corridors'*
 - *'the allocation or approval of the Magna Park schemes will also have an impact on the distribution of housing need/provision within the HMA through the Duty to Cooperate as highlighted in para 12.74 of the HEDNA, therefore this could have implications on the housing target contained within the draft plan'*
- 5.9 In response to the discussion at the May 2017 officer workshop, further evidence was commissioned by the Council to assess the impact of employment growth

and to clearly align employment growth for strategic B8 and housing within the Local Plan

- 5.10 A draft version of this Duty to Cooperate Statement and draft findings of the Magna Park Employment Growth Sensitivity Study, 2017; were circulated for comment to Duty to Cooperate Partners in July 2017 and discussed at a further Duty to Cooperate officer workshop on 26th July 2017. The main points raised during this consultation and workshop and are summarised below

Draft Duty to Cooperate Statement

- 5.11 Only minor comments were made regarding factual omissions and have been addressed in this version as appropriate.

Draft Magna Park Employment Growth Sensitivity Study, 2017

- 5.12 A number of clarification comments were made which have been addressed in the Final Magna Park Employment Growth Sensitivity Study.

Draft Policy BE2 (previously E2) Strategic distribution

- 5.13 A number of detailed comments were received on draft policy BE2 as summarised on the overleaf:

Organisation name	Comments	Harborough District Council Response
Kettering Borough Council	<i>Criteria should be covered in more detail and be less ambiguous defining what new proposals would be required to demonstrate in order to be considered acceptable. For example, using such terms as “nearby” and “include measures” are not clear and require further clarification. The policy, therefore, needs to be accompanied with a set of reasoned justification.</i>	Policy will be amended to reflect comments.
Kettering Borough Council	<i>Policy also does not seek the preparation of a master plan to guide new development, nor seek to ensure that any such proposals include appropriate sustainable credentials. For example, use of public transport, walking and cycling; high standards of design and environmental performance; ensuring sufficient infrastructure; reducing impacts on the landscape etc.</i>	These matters are dealt with in revised criteria f as well as other Local Plan policies
Daventry DC	<i>Part a) It is not clear how the term ‘well—related to Magna Park’ is intended to operate- in strategic freight terms this could cover a relatively wide geographical area if served by the same Highway network.</i>	Policy wording amended to ‘adjoining’ to clearly limit geographic location.
Daventry DC	<i>Clarity on the relationship with Part 2 a) and b) with c) and d) is needed – currently it is not clear whether these are ‘and’ or ‘or’</i>	Policy wording amended to clarify a) ‘and’ b) ‘or’ in response to comments received.

Daventry DC	<i>Has an assessment been carried out to inform whether 700,000 sqm can meet the policy objectives of parts 2b and 2d of the policy – if this hasn't taken place and there would be adverse impacts then it could have implications for the deliverability of the policy. A clearer approach would be to first assess what scale of development at Magna Park could be accommodated in relation to these tests and then identify that scale as the amount of development to be accommodated in the policy itself. Testing the quantum of development at Magna Park in this way could also have wider implications for the plan and the outcomes for additional housing identified in the GL Hearn Study.</i>	No assessment has been made as to whether the proposed maximum floorspace limit would have an impact on existing and proposed strategic rail freight interchanges (SFRI) (2b) as it is considered that the scope and scale of such a study would not be proportionate or conclusive. It is considered that the existing requirement set out in criteria 2b provides sufficient protection and consideration of SFRIs.
Daventry DC	<i>Some reference to wider environmental and sustainability constraints would be helpful.</i>	Policy amended to include reference to adverse environmental, community or landscape impacts on immediate or wider surrounding area
Daventry DC	<i>Any associated infrastructure to be provided by the development to make it acceptable should be set out in the policy.</i>	This is dealt with in Policy IN1
Daventry DC	<i>In terms of the level of employment being planned for at Magna Park in the policy – the following extract from the WNJCS inspectors report (Para 65- attached in full for convenience) related to DIRFT is relevant and could be acknowledged in the supporting text/wider evidence base; The plan supports further growth at DIRFT, near Daventry. This is a very large rail connected storage and distribution operations base, the scale of which is of national and regional importance as a strategic logistics centre. It has inter modal terminals to facilitate increased rail freight usage and a recent "track record" of delivery.</i>	Noted
Daventry DC	<u>Process</u> <i>The study [Draft Magna Park Employment Growth Sensitivity Study, 2017] clearly identifies that the extensions to Magna Park will have a significant impact, resulting in additional homes to be provided for in Harborough District and also consequential duty to cooperate issues related to the potential need to provide additional housing in adjoining authorities. Therefore we would recommend that any decision on the respective applications is put on hold until after the plan has passed through the examination process. This would allow these issues to be fully considered.</i> <i>We would also bring your attention to the guidance on Prematurity – in particular Part (a) which we consider is relevant to the cumulative scale of development at Magna Park - (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging <u>Local Plan</u> or <u>neighbourhood planning</u>;</i>	DDC have raised the issue of prematurity in relation to the determination of the planning applications related to Magna Park. DDC have referred to Part (a) of the PPG guidance on the issue, however, they have not referred to the further, and more pertinent element of the guidance, in this case Part 9 (b). Part b) of the guidance states that in cases where: <i>“(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.</i> <i>Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning</i>

		<i>authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.</i> <i>Paragraph: 014 Reference ID: 21b-014-20140306</i> <i>Revision date: 06 03 2014"</i> Part (b) and the text that follows it (set out above) are particularly pertinent in this situation. The planning applications were received in 2015 and are currently due for consideration by Planning Committee in November 2017. The current timetable for the Local Plan includes submission in Spring 2018; after the consideration of the planning applications. Therefore, on the basis of the above guidance, the refusal of the applications on grounds of prematurity is unlikely to be justified.
NWLDC	<i>Not clear how the 700,000 sq m relates to the needs identified in the SDSS which identifies need in terms of land take, but your proposed policy uses floorspace. We need some clarification</i>	SDSS 2014 & 2016) The study are minimum requirements, not 'targets' or maximum levels. Completions/ commitments in HDC are sufficient to meet the minimum for non rail-served sites need however; market demand for sites in this district remains high.
NNJPU	<i>Policy 24 of the JCS is attached and can also be viewed by the following link: http://www.nnjpu.org.uk/publications/docdetail.asp?docid=1573. You may wish to include the issues covered in criteria c)-g) within Policy BE2 to strengthen the Policy and assist its implementation. We are happy to discuss this further, if necessary.</i>	Policy amended to include the impacts of 24 hour operations in the immediate or wider surrounding area following best practice example of similar policy adopted by NNJPU August 2016.

5.14 In addition, Rugby Borough Council and Coventry City Council both stated that they wished to record a watching brief on the emerging policy.

5.15 The supporting Duty to Cooperate Summary Matrix (Appendix A) provides an overview of the key strategic priorities for Harborough District Council which requires cooperation, the key relevant bodies, the mitigation work that has been undertaken to date (July 2017) and the key outcomes. The matrix also highlights how issues will also be monitored through the implementation of the Local Plan. The bodies include those defined under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 5.16 The following sections summarise the key strategic priorities and highlight the identified Duty to Cooperate matters that require further consideration prior to the submission of the Local Plan for examination (currently anticipated in January 2018).

6 Spatial strategy for Harborough – identified Duty to Cooperate matters.

- 6.1 Appendix A provides a Duty to Cooperate summary matrix which identifies all the Proposed Submission Draft Local Plan strategic priorities as set out in paragraph 3.5 in this statement and explains the local plan position, the potential impacts on other Duty to Cooperate partners, lists all supporting and joint evidence base and highlights Duty to Cooperate issues which have been addressed.
- 6.2 A key aspect of the Local Plan is to identify the amount of new jobs and homes needed in the District and then translating these in to the provision of sufficient land. Housing and economic needs are key issues that need to be addressed, with housing and economic needs identified and the Local Plan to identify how this need is to be met. Policy SS1 sets out the overall framework for the Local Plan, identifying the scale and distribution of new development to 2031 and the settlement hierarchy.
- 6.3 This section focuses on how the Council has worked with its Duty to Cooperate partners in arriving at the housing and economic need figures on which the Local Plan is based. Whilst housing and employment needs are dealt with in separate policies, it is recognised that there are strong interrelationships between the two issues and clear alignment is required.

Housing needs

- 6.4 Housing needs and the distribution of housing is one of the key issues that the Local Plan must address and where co-operation is required across the HMA. The National Planning Policy Framework (NPPF) requires local planning authorities to identify the housing market area in which the authority sits and the housing needs, market and affordable, for the housing market area. A local plan should aim to meet its district's objectively assessed housing needs. If housing needs cannot be accommodated within the authority where it arises, co-operation is required within the housing market area.
- 6.5 The Housing and Economic Development Needs Assessment 2017 (HEDNA) is a significant joint evidence base with 9 local authorities across Leicester and Leicestershire. The HEDNA calculated the full objectively assessed need for Harborough to be 532 dwellings per annum between 2011 – 2031 giving a total plan requirement of 10,640 dwellings.
- 6.6 Further to the HEDNA a further study was undertaken to consider the potential impact on housing requirements of the strategic storage and distribution growth proposed at Magna Park, in accordance with Policy BE2 Strategic distribution.

The Magna Park Employment Growth Sensitivity Study, 2017 concluded that the HEDNA's objectively assessed housing needs (OAN) remain true and robust both for the Leicester and Leicestershire HMA and the Harborough District.

- 6.7 However, taking account of Objective 2 of the Local Plan, particularly reducing the need for out-commuting and thereby helping to increase the sustainability and self-containment of communities (from 19% currently to 25% in future), there is a need for a small re-distribution of housing growth across the Leicester and Leicestershire area. This re-distribution would lead to a modest increase in housing requirements in Harborough District over and above the OAN, in order to help house the new workers expected to be employed at Magna Park.
- 6.8 The Magna Park Employment Growth Sensitivity Study identified that the 700,000 sq. m. of strategic storage and distribution proposed for the plan period within Policy BE2 results in the need for approximately 25 more dwellings per annum. This results in an overall housing requirement for Harborough District of 557 dwellings per annum or 11,140 over the Plan period
- 6.9 Harborough is able to meet all of its objectively assessment housing need and requirement within the district; this is evidenced by the Strategic Housing Land Availability Study (SHLAA 2016).

Employment needs

- 6.10 The Leicester and Leicestershire HEDNA also provides the evidence for the provision of new employment within the district; the HEDNA identifies a gross need for B class employment land (excluding strategic B8) as a minimum of 51 hectares between 2011 – 2031.
- 6.11 In order to ensure there is sufficient land to meet the employment requirements and to ensure there is sufficient flexibility within supply to replace poorer quality existing employment floorspace the local plan makes a provision of 75 hectare of general employment floorspace between 2011 – 2031.
- 6.12 In terms of strategic B8 and meeting the land requirements of this sector, Magna Park is a 223 hectare strategic and warehousing distribution park located within Harborough District. It is significant in economic terms to the district, wider HMA level and is a nationally recognised distribution centre.
- 6.13 The need for further strategic distribution facilities was identified in the 2014 and 2016 Leicester and Leicestershire Strategic Distribution Sector Study (SDSS). The study identifies a minimum gross land requirement for strategic B8 development including provision for non rail served sites of 152 hectares up to 2031 across the HMA.
- 6.14 As a positive response to previous discussions with Duty to Cooperate partners in May (see paragraph 5.8) the Council commissioned the Magna Park Employment Growth Sensitivity Study 2017 to provide further evidence to clarify the approach to growth at Magna Park and assess any housing impacts as a result of any

increased employment growth in addition to both the SDSS and HEDNA provision. The findings are discussed in paragraphs 6.19 below.

- 6.15 Policy BE2 sets the maximum provision of 700,000 sq. m of strategic B8 floorspace at Magna Park up to 2031.

Housing requirement

- 6.16 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

- 6.17 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).
- 6.18 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.
- 6.19 Leicester City Council and Oadby and Wigston Borough Council have declared unmet need for their respective administrative areas and have requested that other authorities within the HMA (Housing Market Area) ensure there is sufficient flexibility to accommodate this unmet need within emerging Local Plans. The letters received by Harborough from both authorities are provided in Appendix D.
- 6.20 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.
- 6.21 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.

- 6.22 The importance of the emerging MoU to Duty to Cooperate matters is outlined in paragraphs 4.9 to 4.11 of this statement. The Council has agreed the first and second stages of the MoU process, any further revisions to the MoU will be fully considered prior to the Submission of the Harborough Local Plan.

Aligning housing and employment

- 6.23 Policy BE2 Strategic Distribution provides a maximum of 700,000 sq. m to be provided at Magna Park. SP3: Meeting regional and national demand for strategic distribution (logistics) development is a key strategic priority for the Local Plan and the provision at Magna Park supports this objective and safeguards the site in sustaining its role as a regional and nationally important strategic distribution site
- 6.24 In assessing the economic and housing impact of the proposed maximum 700,000 sq. m at Magna Park, the Magna Park Employment Sensitivity Study 2017 concluded:
- Whilst the proposed job creation at Magna Park is in addition to the HEDNA conclusions and raises the economic-led need for housing relative to HENDAs assumptions, it does not have an overall impact on the OAN for the HMA. The HEDNA OAN at the HMA level of 4829 dpa 2011 – 2031 is sufficient to accommodate the additional workforce growth arising from Magna Park.
 - The proposed employment growth at Magna Park will influence the spatial distribution of employment growth between authorities within the HMA (and thus the distribution of housing need); the growth will not impact the OAN.
 - The impact on Harborough District indicates a need for 557 dwellings per annum to accommodate additional housing needs and to increase the level of self-containment based on a 25% commuting ratio. This is slightly above the objectively assessed need of 532 dwellings per annum for the district and the local plan housing requirement has been updated. The housing provision, as identified by SS1 provides a flexibility allowance and is set at 640 dwellings per annum which are sufficient to cover the housing need as a result of Magna Park.
 - On the basis of commuting scenarios there would be a modest upside to the need for housing in the Borough of Oadby and Wigston of 4 dwellings per annum. The study is clear in its conclusions that generally and in the specific case of Oadby and Wigston this modest upside to the need for housing does not have an impact on the OAN for the HMA, which is sufficient to accommodate the additional workforce growth arising from Magna Park and that as such is consistent with the OAN for Oadby and Wigston as identified in the HEDNA. There is also an additional 6 dwellings per annum for Daventry.
- 6.25 The Council consulted Duty to Cooperate partners on the draft findings of this study (see 5.12 above).
- 6.26 There conclusions in terms of housing for Daventry (6 dwellings per annum) and Oadby and Wigston (4 dwellings per annum), are considered to be within the margins of error of any economic modelling work and are in substantive. Responses from all authorities raise no objections to the findings of the study or the Local Plan approach.

- 6.27 The Duty to Cooperate is an iterative and ongoing process. Partner authorities are Liaison with statutory consultees and Duty to Cooperate partners is also ongoing. As highlighted in para 5.14 Rugby Borough Council and Coventry City Council both stated that they wished to record a watching brief on the emerging policy on strategic distribution. Any matters arising will be captured in the final Duty to Cooperate Statement for submission alongside the Local Plan in January 2018.

7. Duty to Cooperate Strategic Priorities

- 7.1 The following strategic priorities are considered to have been addressed and will be continually assessed as part of the implementation of the Local Plan:
- 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. Policy
 - SP3: Meeting regional and national demand for strategic distribution (logistics) development.
 - SP4: Meeting the accommodation needs of Gypsy and Travellers.
 - SP5: Providing transport and other infrastructure to support new development.
 - SP7: Protecting and enhancing biodiversity and geodiversity.
 - SP8: Providing for retail needs.
 - SP9: Minimising Floodrisk.
 - SP10: Safeguarding land needed for minerals and waste.
- 7.2 The Council will continue to work with Leicester City Council and Oadby and Wigston Borough Council up to the submission of the Local Plan for examination and beyond to assist them as required in determining an appropriate scale and location of new housing development to contribute to meeting their declared unmet need within the Harborough District. SS1 provides flexibility in response to OAN unmet needs within the HMA, Harborough seeks to ensure that this strategic priority is being positively achieved in collaboration with HMA authorities.
- 7.3 The Council considers that at the time of publishing the Draft Submission Local Plan (September 2017) all outstanding Duty to Cooperate matters have been addressed. The Council will continue to positively work with our Duty to Cooperate partners during the regulation 19 consultation stage and will respond to any issues arising.



Harbours Local Plan

Draft Submission Stage

(Regulation 19)

APPENDIX A: Duty to Cooperate - Summary Matrix

September 2017

The matrix below sets out the strategic issues which the Local Plan needed to address as identified through consultation with prescribed bodies in early 2016. It summarises:

- How the Local Plan has addressed each strategic issue in policy terms;
- The potential impacts on Prescribed Bodies;
- The evidence which has informed consideration of the strategic issue and Local plan policy;
- How potential impacts have been mitigated;
- How the strategic issue will be monitored;
- Actions which the Council has taken in addressing the strategic issue;
- Whether the strategic issue is a Duty to Cooperate Issue, ie across 2 or more LPA's; and
- Whether it is resolved or an ongoing issue.

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
SP1: Meeting the housing and employment needs of the housing and economic market areas	Policy SS1 identifies the spatial strategy for the district. In summary, it sets out the housing provision of 12,800 dwellings during the period 2011-2031. The OAN is 532 dwellings	Policy SS1 provides flexibility in response to OAN unmet needs within the HMA. In assessing the housing requirement for the district, there is a small impact on the housing provision for Oadby & Wigston and Daventry.	HEDNA (2017) collaboratively produced with other Leicestershire Authorities Magna Park Employment Growth Sensitivity Study (July 2017) prepared by Harborough District Council.	Establishing and meeting the objectively assessed needs and land requirements for the district to 2031 with sufficient flexibility in provision to ensure that the government's 5YHLS can be met in future	The provision of housing and employment will be continually monitored and reviewed in line with Policy IMR 1. Maintaining a 5YHLS of housing throughout the plan period.	Joint Statement agreed on behalf of NW Leicestershire January 2017. Interim Joint Statement agreed on publication of the HEDNA February 2017. Updated MoU expected winter 2017 following the outcomes of the spatial options	Yes = DtC issue across 2 or more LPA's Resolved

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	per annum. The housing requirement, to take account economic led needs, increasing the level of self-containment and the redistribution of housing as a result of Magna Park is 557 dwellings per annum. The housing provision, as identified by SS1 also provides a flexibility allowance and is set at 640 dwellings per annum.		This considers the implications on housing and employment need and distribution as a result of potential strategic distribution growth at Magna Park.		Policy IMR 1 in summary proposes a review of the Local Plan if other LPA's identify a housing or employment need which cannot be accommodated within the flexibility provided within the Local Plan; or the Strategic Growth Plan identifies a spatial distribution which is significantly different to the Local Plan.	work of the Strategic Growth Plan. The implications of potential additional strategic distribution on housing and employment within District, HMA and adjoining LAs was subject to specific DtC consultation in July 2017.	

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	The housing requirement is the basis for the 5YHLS calculation = 557 dwellings per annum.						
SP2: Assisting other local authorities to meet their unmet housing need.	Harborough can meet all its objectively assessed need, as evidenced by the SHLAA 2016. A Memorandum of Understanding (MOU) is currently being prepared by the 9 HEDNA authorities. This will identify how any unmet needs will be accommodated and will be a signed binding agreement.	Leicester City and Oadby and Wigston Borough Councils have formally written to HDC to inform the Council that they are likely to be unable to meet their OAN. Policy SS1 within the Harborough Local Plan provides flexibility in response to OAN unmet needs within the HMA.	HEDNA (2017) collaboratively produced with other Leicestershire Authorities.	Establishing and meeting the objectively assessed needs and land requirements for the district to 2031 with sufficient flexibility in provision to ensure that a 5YHLS can be maintained in future Further ongoing positive engagement with Leicester City Council and Oadby and Wigston Borough Council to assist with contributing to meeting their declared unmet housing need.	Maintaining a 5YHLS of housing throughout the plan period. Policy IMR 1 in summary proposes a review of the Local Plan if other LPA's identify a housing or employment need which cannot be accommodated within the flexibility provided within the Local Plan; or the Strategic Growth Plan identifies a spatial	Joint Statement agreed on behalf of NW Leicestershire January 2017. Interim Joint Statement agreed on publication of the HEDNA February 2017. Updated MoU expected winter 2017 following the outcomes of the spatial options work of the Strategic Growth Plan. The provision of housing and employment will be continually monitored and reviewed in line	Yes = DtC issue across 2 or more LPA's Resolved for purpose of Draft Submission Local Plan

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	Until agreed the OAN for HBC will be 532 dwellings per annum. In advance of the MoU and to assist towards the potential additional needs of neighbouring authorities a contingency of 15% in addition to the OAN has been provided through the Harborough Local Plan. The housing provision, as identified by SS1 also provides a flexibility allowance and is set at 640 dwellings per annum.				distribution which is significantly different to the Local Plan.	with Policy IMR 1.	

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	The housing requirement is the basis for the 5YHLS calculation = 557 dwellings per annum.						
SP3: Meeting regional and national demand for strategic distribution (logistics) development.	Magna Park is a 223 ha warehousing and distribution centre located within the M6, M69 and M1 triangle. It is an important site regionally. Policy BE2 safeguards the importance of the site by limiting B8 development to less than 9000 sq. m per unit (referred to as strategic B8). Policy BE2 identifies the maximum provision of 700,000 sq. m	BE2 proposes a maximum of 700,000 sq. m of strategic B8 floor space in addition to the minimum floorspace requirement set out in the Leicester and Leicestershire Strategic Distribution Sector Study (SDSS) 2014 & 2016 and HEDNA 2017. There are some emerging impacts due to the potential overall need being met at Magna Park The following potential impacts of the potential level of floorspace	Leicester and Leicestershire Strategic Distribution Sector Study (SDSS) 2014 & 2016. Identifies requirements for B8 development including non-rail served sites of 152 ha by 2031 and 198 by 2036. Housing and Economic Development Needs Assessment HEDNA (2017) Magna Park Employment Growth	Following DtC consultation in May 2017, the Council commissioned the Magna Park Employment Growth Sensitivity Study (July 2017). This assessed the potential housing and employment impacts on the District and adjoining Local authorities of growth options for strategic distribution at Magna Park. DtC partners were consulted again in July 2017 on the draft study and revised Policy BE2 (which addressed issues previously raised by DtC	Policy IMR 1 in summary proposes a review of the Local Plan if other LPA's identify a housing or employment need which cannot be accommodated within the flexibility provided within the Local Plan; or the Strategic Growth Plan identifies a spatial distribution which is significantly different to the Local Plan.	Policy BE2 has been significantly amended and shaped through DtC consultations. The provision of housing and employment will be continually monitored and reviewed in line with Policy IMR 1.	On-going issue Yes = DtC issue across 2 or more LPA's Resolved for purpose of Draft Submission Local Plan

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	of strategic B8 development at Magna Park. BE2 has been revised in response to DtC consultations in May and July 2017, whereby clarification was sought by LPA partners on the approach to strategic B8 and if there were any resulting impacts on infrastructure and housing within the HMA and wider area. The revision of this policy has been informed by the Magna Park Employment	growth identified by DtC partners (Daventry DC, Rugby BC) have been considered: 1-Scale of potential strategic employment growth (if uncapped) on additional housing growth within Harborough and adjoining districts. 2-loss of employment 3-viability of existing and proposed Strategic Rail Freight Interchanges (SFRI) 4-impact on strategic highway network 5-environmental impacts	Sensitivity Study (July 2017) In addition to the HEDNA assessment, the Employment Sensitivity Study considers the implications on housing as a result of strategic distribution growth at Magna Park. Employment Areas Review (EEAR) 2012 Leicester and Leicestershire Strategic Economic Plan (2014 – 2020)	partners) As a result of comments received the policy was further amended.			

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	Growth Sensitivity Study (July 2017).	6-need to further define geographical location of potential growth					
SP4: Meeting the accommodation needs of Gypsy and Travellers	Policy H6 makes provision for a minimum of 5 Gypsy and Traveller permanent residential pitches, and 26 plots for Travelling Showpeople. At March 2016, there were 82 residential pitches occupied by Gypsy and Travellers across Harborough District. There are 98 plots occupied by Travelling	Given the iterant nature of Gypsy, Traveller and Travelling Showpeople, it is important to take account of any cross-boundary considerations with neighbouring LPA's, including those outside of the County.	The Leicester and Leicestershire Gypsy and Traveller Accommodation Assessment (May 2017) Gypsy and Traveller and Travelling Showpeople Site Identification Study (November 2016)	The outcome of discussions between the relevant authorities is that it has been agreed that the Harborough District is able to meet its own needs in full with no dependence on neighbouring areas.	Ensuring the supply of specific deliverable sites maintain a 5 years' supply of provision. Through the AMR monitoring of pitches granted planning permissions.	A Positive outcome achieved, no further action required. Continued monitoring of the Policy as part of the implementation of the Local Plan.	No DtC – not considered to be an DtC issue Cross boundary issue.

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	Showpeople households. The Gypsy and Traveller Accommodation Assessment 2016 identified a need for 5 additional pitches, and 26 further Showpeople plots, this joint evidence supports Policy H6.						
SP5: Providing transport and other infrastructure to support new development.	Policy HSS1 directs most development into areas which already have capacity to offer sustainable transport to make best use of existing infrastructure. Policy IN1 Infrastructure Provision in	Policy HSS1 sets out a development strategy which does not rely on a significant need for additional transport infrastructure. Any arising cross boundary issues will be considered as part of any major development	Harborough Infrastructure Delivery Plan (2017) Economic Viability Assessment (2017) Leicestershire County Council Local Transport Plan 3 & Leicestershire County Council	Joint evidence supports Policy IN2 through the Leicestershire County Council Local Transport Plan 3 2011-2026 (LTP3). HDC will continually work with neighbouring highway and planning authorities, Highways England, National Rail and local rail providers.	The IDP is a 'live document' which the Council will update regularly as new infrastructure requirements arise. It will continually be updated in partnership with infrastructure providers.	None – ongoing engagement as part of implementation of the Local Plan and supporting IDP.	No DtC – not considered to be an DtC issue Cross boundary issue.

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	summary requires that all major development only be permitted provided supporting infrastructure mitigates all impacts arising from the proposed development. This includes the requirements arising within or outside Harborough District. IN2 Sustainable Transport in summary mitigates against arising impacts on the transport network and that proposals should be	proposal within the District.	Local Transport Plan 3 Implementation Plan 2015/2016 Market Harborough Transport Strategy 2017-2031 Leicester and Leicestershire Draft Rail Strategy 2016 Collaborative working through the merging Strategic Growth Plan supporting evidence base A5 Edwards & Edwards Study 2016.				

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	aligned to Highways England national policies.						
SP6: Providing for Strategic Green Infrastructure (e.g. Green Wedges)	Harborough's Green Wedges form part of the network of such designations around the Leicester Urban Area. Given the importance of these areas beyond administrative boundaries this is considered a key cross boundary issue. Policy GD7 Green Wedges sets a criterion based policy to resist development in	The boundaries of the Leicester/ Scraftoft Green Wedge are defined in the Scraftoft Neighbourhood Plan (2015). As a result of the HEDNA (2017) and the potential to accommodate unmet housing need from elsewhere in the HMA the site to the north of Scraftoft is identified for allocation. This results in the loss of a substantial area of Green Wedge to the north of the village.	Green Wedge Review – Update 2017 Joint methodology for review (2009) The Green Wedge Review – Draft Technical Update (2015) Scraftoft Neighbourhood Plan (2016)	There is a need to amend the boundary of the Leicester/ Scraftoft Green Wedge to accommodate housing need. The designation is amended to exclude the majority of the SDA which does not have public access but retain the designation to the south. This will maintain the role of the Green Wedge and be subject to adverse impacts on the areas function. However, the green wedge is being substantially extended in compensation of the loss.	Planning decisions which are contrary to GD7 will be identified in the AMR.	On-going engagement. Further discussion July 2017. Comments and discussion are sought on the Local Plan position and supporting evidence base from Leicester City Council as this is a specific cross boundary issue between authorities.	Yes = DtC issue across 2 or more LPA's Resolved

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	these designated areas. The Scraftoft North SDA for housing results in a reduction in the size of the existing Green Wedge to the north of the village.						
SP7: Protecting and enhancing biodiversity and geodiversity	Policy GI1 Green infrastructure networks supports strategic green infrastructure assets and the wider network which extend beyond the district boundary. These are the networks of the River Welland, Sence, Soar, Swift and Avon river corridors; Grand Union	In areas identified as being of strategic GI importance, HDC will work with partners and developers to protect and enhance these areas in accordance with Policy GI1. Development of Scraftoft North would require the de-designation of Scraftoft Local Nature Reserve (LNR) but the	Harborough District Open Space Strategy 2016-2021 Space for Wildlife: Leicester, Leicestershire and Rutland Biodiversity Action Plan 2016 -2026 December 2016 6Cs Sub-Regional Strategic Framework	A number of joint evidence studies support Policy GI1 and GI5. HDC will continually work with neighbouring highway and planning authorities, Highways England, National Rail and local rail providers.	Planning decisions which are contrary to GI1 & GI5 will be identified in the AMR.	None – ongoing engagement as part of implementation of the Local Plan.	No DtC – not considered to be an DtC issue Cross boundary issue.

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	Canal, dismantled railway lines, Saddington, Stanford and Eyebrook reservoirs; and long-distance cycle paths and bridleways. GI5 Biodiversity and Geodiversity identifies that national and local designations will be safeguarded.	retention and enhancement of the wildlife corridor is part to the proposed development. A local wildlife site is proposed retaining grassland within open space provision on the proposed site.	2010 – Green Infrastructure Strategy: Volume 1 Phase 1 Habitat Study 2008 Harborough Water Cycle Study 2016				
SP8: Providing for retail needs	Policy RT1 sets the district's retail hierarchy. The policy considers and respects the role of centres outside the District.	Oadby & Wigston Borough Council and Corby Borough Council identified retail as an issue with potential cross boundary impacts.	Harborough Retail Study 2013 Harborough Retail Study Update 2016 Harborough Retail Study	The retail hierarchy is reflective of centres within neighbouring authority areas.	Policy RT2 prescribes the locally defined Impact Assessment threshold and requires retail proposals to demonstrate that there	A Positive outcome achieved, no further action required. Continued monitoring of the Policy as part of the	No DtC – not considered to be an DtC issue Cross boundary issue.

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	The proposed retail floorspace figures to 2031 reflect provision outside the District; and that the scale of retail allocations does not impact unduly on centres in neighbouring local authority areas. Policy RT2 supports the vitality and viability of the retail hierarchy beyond the district at city, town and district level.		Update 2017		would be no adverse impact on the vitality/viability of existing centres. RT2 policy ensures mitigation against any arising cross boundary impacts.	implementation of the Local Plan.	
SP9: Minimising flood risk.	Policy CC3 Managing floodrisk directs	There are a range of bodies with responsibility for flooding. HDC	Leicestershire and Rutland Planning for Climate	Joint evidence supports Policy CC3. HDC will continually	Planning decisions which are contrary to	None – ongoing engagement as part of implementation of	Yes = DtC issue across 2 or more LPA's

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
	development to the lowest areas of floodrisk, sets a sequential and exceptions test for future development proposals and ensures the design of future development includes flood resilience measures to allow for the increased risk associated with climate change.	proactively work with the Environment Agency, the local drainage board and the Lead Local Flood Authority – Leicestershire County Council. The rivers within the district are covered by the following EA River Catchment Management Plans; Welland and tributaries – Anglian River Basin Soar and tributaries – Humber River Basin Avon and tributaries – Severn River Basin	Change Study (May 2008) Harborough Strategic Flood Risk Study (2009) Strategic Growth Plan Strategic Flood Risk Assessment – Harborough District Update (2017) Harborough Climate Change Action Plan (2015) Harborough Water Cycle Study (2016) Harborough Infrastructure Delivery Plan (2017)	work the Environment Agency and Lead Local Flood Authority (Leicestershire County Council) in delivering the Local Plan. .	CC3 will be identified in the AMR. This will include any planning permission given contrary to EA advice and the Lead Local Flood Authority.	the Local Plan.	On-going Cross boundary issue.
SP10:	Policy GD9	Leicestershire is a	Minerals and	Joint evidence	Any planning	None – ongoing	No DtC –

Identified strategic priority	HDC Local Plan position	Potential impact on authorities prescribed bodies	Evidence	Resolution/mitigation	How will issue be monitored	Actions/response/outcome	DtC issue
Safeguarding land needed for minerals and waste.	Minerals and Safeguarding Areas. In summary, the policy identifies that non-exempt development proposals in the Mineral Safeguarding Areas will need to consult with the Minerals Planning Authority (LCC). Non-exempt development in Mineral Safeguarding Areas will be permitted which are in accordance with the Minerals Local Plan.	two-tier area for local government and Leicestershire County Council (LCC) is the Minerals Planning Authority.	Safeguarded Areas are identified in the emerging Minerals Local Plan	supports Policy GD9, it is HDC statutory obligation under Town and Country Planning legislation to align to the Minerals Local Plan.	permission granted contrary to the criteria in GD9 will be identified in the AMR and the reasons for it being granted explained.	engagement with the Minerals Planning Authority as part of HDC statutory obligations.	not considered to be an DtC issue Cross boundary issue.

APPENDIX B: Joint Statement by the Leicester and Leicestershire Authorities on Collaborative Planning January 2017

1. The Leicester and Leicestershire authorities have worked collaboratively on both strategic and local planning matters for many years. This has included joint working on the 2014 Strategic Housing Market Assessment (SHMA) and the subsequent Memorandum of Understanding (MoU) (November 2014). The MoU relates to the Objectively Assessed Need (OAN) for housing and how it would be met within the Housing Market Area (HMA).
2. More recently, the authorities and the Local Enterprise Partnership (LEEP) have embarked on the production of a non-statutory Strategic Growth Plan (SGP) which will set out the aspirations of the partner organisations to plan positively for growth in Leicester and Leicestershire in the period to 2050. A joint consultation on the first stage of the SGP (the 'Strategic Growth Statement') took place in August/September 2016 and it is currently anticipated that consultation on the Draft SGP will take place during summer 2017 with a view to adoption in late 2017/early 2018. The SGP will provide the overarching strategic framework for the preparation of Local Plans.
3. In the meantime, the partner organisations recognise the need for all local authorities to have an up to date Local Plan in place and are keen to ensure that the current programme of Local Plans can be expedited. As a result, in parallel with work on the SGP, a series of studies which will support both the SGP and Local Plans is being jointly commissioned. A revised assessment of the OAN for housing and jobs is recognised as a priority task and a Housing and Economic Development Needs Assessment (HEDNA) for Leicester and Leicestershire is in preparation. Stakeholder consultation on the HMA and Functional Economic Market Area (FEMA) took place in June 2016 and further work is progressing; it is anticipated that the work will be complete at the end 2016/early 2017. It is further anticipated that, if there is a significant change in the OAN, this will create the need for a replacement MoU; preliminary work on the nature and form of any such agreement is already taking place. The partner organisations recognise that the OAN will be thoroughly examined through the development plan process, and continue to discuss authority level OAN and how this will contribute to the OAN for the wider HMA.
4. The HMA authorities understand that some authorities might wish to progress their Local Plans before joint working on the HEDNA and discussions on the HMA-wide spatial distribution are complete given the government's current emphasis on speeding up the preparation of Local Plans. Anticipating this circumstance, however, the HMA authorities reached agreement in summer

5. 2016 on appropriate trigger mechanisms that could be inserted into all Local Plans coming forward in this way.
6. The wording for two trigger mechanisms has been agreed collaboratively by the HMA authorities and, in summary, together provide for an early, full or partial, review of a Local Plan should the OAN, or any subsequent redistribution of development, result in a significant change (upwards or downwards) in the amount of growth requiring to be provided for by additional allocation in a given authority. The agreement is based on the principle that the trigger mechanisms would be applied on a consistent basis across the HMA and would ensure that all Local Plans, submitted in advance of the HEDNA and any strategic growth plan process to distribute unmet needs would contain the necessary flexibility to respond to any significant change that might arise following submission of a Local Plan to the Planning Inspectorate.
7. In this respect, the Leicester and Leicestershire authorities recognise the desire of North West Leicestershire District Council to submit its Local Plan to the Planning Inspectorate as soon as possible and are content for the Local Plan to include the agreed trigger mechanisms. Both North West Leicestershire District Council and the other HMA authorities will continue to work collaboratively on cross-boundary matters.

Note: It should be noted that nothing contained in this statement should be taken to prejudice the duly made representations by individual authorities on the North West Leicestershire Local Plan.

Signed by:

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OBO Blaby District Council

OBO Charnwood Borough Council

OBO Harborough District Council

OBO Hinckley & Bosworth Borough Council

OBO Leicester City Council

OBO Leicestershire County Council

OBO Melton Borough Council

OBO North West Leicestershire District Council

OBO Oadby & Wigston Borough Council



APPENDIX C: Leicester & Leicestershire Authorities Joint Statement of Co-operation Relating to Objectively Assessed Need for Housing February 2017

- . 1.0 The Leicester and Leicestershire HMA
- . 1.1 The Leicester and Leicestershire Housing Market Area (HMA) covers the administrative areas of eight local authorities and two highway authorities. The eight local planning authorities are:
 - ☐ Blaby District Council
 - ☐ Charnwood Borough Council
 - ☐ Harborough District Council
 - ☐ Hinckley & Bosworth Borough Council
 - ☐ Leicester City Council
 - ☐ Melton Borough Council
 - ☐ North West Leicestershire District Council
 - ☐ Oadby & Wigston Borough Council
- . 1.2 The two highways authorities are:
 - ☐ Leicester City Council
 - ☐ Leicestershire County Council
- . 1.3 The purpose of this Joint Statement of Co-operation (the 'Joint Statement') is to support those authorities which are seeking to produce a Local Plan in advance of the Strategic Growth Plan (SGP), and to set out how the local authorities will collaborate further to ensure that the necessary joint evidence is in place to support subsequent Local Plans. The document has been received by the Members' Advisory Group overseeing the preparation of the Strategic Growth Plan and will proceed through the normal governance procedures of individual authorities as necessary.

2.0 Background Duty to Cooperate

2.1 The Joint Statement is intended to provide evidence of effective co-operation on planning for issues with cross-boundary impacts. A Housing and Economic Development Needs Assessment (HEDNA) has been completed, the purpose of which is to identify the Objectively Assessed Need (OAN) for

housing and employment for the HMA and Functional Economic Market Area (FEMA) in the periods 2011-2031 and 2011-2036. In the case of Leicester & Leicestershire, the HMA and FEMA are coincident. The HEDNA has been commissioned jointly by the nine local authorities together with the Leicester & Leicestershire Enterprise Partnership (LLEP).

Objectively Assessed Need for Housing

- . 2.2 The National Planning Policy Framework (NPPF) requires local planning authorities to ensure that their Local Plans meet the full OAN for market and affordable housing in the HMA as far as is consistent with the policies set out in the NPPF (paragraph 47).
- . 2.3 To enable an understanding of capacity to accommodate additional housing, the NPPF further requires local planning authorities to prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about availability, suitability and likely economic viability of land to meet the identified need for housing over the plan period (paragraph 159). In Leicester & Leicestershire, the SHLAAs have been prepared using an agreed methodology across the HMA as a whole.
- . 2.4 Table 1 has been prepared using the outputs of the joint HEDNA and SHLAAs. It provides a summary of the agreed OAN for housing, and the theoretical capacity of both the HMA and each local authority; the theoretical capacity has been derived from an understanding of existing commitments and SHLAA information. The partner authorities agree that the OAN for the HMA (and each local authority) is that set out in the table.
- . 2.5 The HEDNA explains that the OAN is set at the level of the HMA although the OAN for each local authority is also identified; the OAN for each individual authority is considered to be secondary to that of the HMA as a whole. Table 1 indicates that the OAN for the HMA as a whole, based on demographic analysis, is some 96,580 dwellings for the period 2011-31 (4,829 dpa). For the period, 2011-2036, the figure is some 117,900 dwellings (4,716 dpa).
- . 2.6 A similar analysis has been undertaken of the need for housing based on the economic development needs of the area; in this case, it has been concluded that the need for new housing, based on economic development needs across the FEMA, is lower than the demographic need. On that basis, there is no need for adjustment of this figure at the level of the HMA/FEMA although there is some misalignment at the level of individual authorities. As a result, there may be a need for an alternative distribution of housing to meet economic needs; this would ensure that the demographic need of 4,829 or 4,716 dpa is met across the HMA/FEMA as a whole in line with paragraph 47 of the NPPF.

- . 2.7 In terms of the housing capacity, Table 1 also indicates that there is a theoretical capacity for some 206,908 dwellings across the HMA as a whole. When this is set against the OAN of 96,580 dwellings, it is clear that there is considerable flexibility to meet the defined housing need across the HMA.
- . 2.8 At present there is no declared unmet need in the HMA but it is recognised that the ability of each local authority to meet its own OAN will vary. Table 1 demonstrates that, theoretically, and with the exception of Leicester City Council and Oadby & Wigston Borough Council, all authorities are able to accommodate their own needs. It is important to note, however, that that further testing will be required by the respective authorities through their Local Plan process. Should an authority identify, quantify and provide robust evidence to demonstrate an unmet need in the future, it will be incumbent upon that authority to resolve any cross-boundary matters with HMA partners under the Duty to Cooperate.
- . 2.9 In terms of determining housing targets to be included in their Local Plans, local planning authorities should take account of the requirements of both national policy and local circumstances, including the need to base Local Plans on a strategy that seeks to meet the OAN for housing. In this regard, it is recognised that all authorities are at different stages of plan preparation and that this situation must be accommodated. In determining their housing target over the relevant plan period, therefore, each authority will take into account the HEDNA and other relevant evidence.
- . 2.10 In addition, the nine local authorities and the LLEP have jointly agreed to produce a Strategic Growth Plan, a non-statutory strategic plan looking forward to around 2050. As part of their work on the Strategic Growth Plan, the partner organisations may choose to redistribute development across the HMA as appropriate but the process of preparing the Strategic Growth Plan is not anticipated to be complete until the end of 2017/early 2018 and will not, therefore, be available for all authorities to use prior to preparing their Local Plans. At the same time, Government has made it clear that it wants Local Plans for individual authorities to be in place by early 2017; and where no Local Plan has been produced, Government may choose intervene in the process. As a result, the partner organisations understand that some authorities might wish to progress their Local Plans in advance of the Strategic Growth Plan.
- . 2.11 The Written Ministerial Statement by the Minister for Housing and Local Government (21 July 2015) re-emphasises that Local Authorities cannot plan in isolation and must work together to provide the land for the housing needed across HMAs. It states:“As we have made clear in planning guidance a commitment to an early review of a Local Plan may be appropriate as a way of ensuring that a Local Plan is not unnecessarily delayed by seeking to

resolve matters which are not critical to the plans soundness or legal competence as a whole". It also refers to a note prepared by the Planning Advisory Service which local authorities should consider; this sets out circumstances in which Local Plans have been found sound, subject to a commitment to an early review.

- . 2.12 Taking this into account, the HMA authorities reached agreement in summer 2016 on appropriate trigger mechanisms that would be inserted into all Local Plans coming forward before the Strategic Growth Plan. In this respect the partner authorities agree that should the Strategic Growth Plan identify a significant change which would require local authorities to re-consider the amount of housing and employment land, an early review or partial review of affected Plan(s) will be brought forward to address this matter, unless there is sufficient flexibility already provided for within the Plan. Such flexibility may, for example, be secured by a Local Plan that specifies a requirement which materially exceeds the FOAN identified by the HEDNA. The agreement is based on the principle that the trigger mechanisms would be applied on a consistent basis across the HMA, ensuring that all Local Plans submitted in advance of the Strategic Growth Plan contain the necessary flexibility to respond to any significant change that might arise.

Table 1: OAN as defined in HEDNA (January 2017) and Theoretical Capacity based on assumptions set out in notes

		O AN * 1 (2011-2031)	O AN * 1 (2011 - 2036)		Theoretical Total Capacity*2
Blaby		7,400	9,025		24,096*3
Charnwood		20,620	24,850		34,756*3
Harborough		10,640	12,850		30,578*3
Hinckley & Bosworth		9,420	11,350		25,498*3
Leicester City		33,840	41,700		26,230*3
Melton		3,720	4,250		36,650*3
Northwest Leics		9,620			
Oadby & Wigston		2,960	11,200		26,301*3
			3,875		2,799*3
HMA Total*4		96,580	117,900		206,908*3

*1 The OAN is set out in the agreed HEDNA (January 2017) *2 This figure is based on information on completions, commitments, windfalls (in some authorities) and SHLAAs *3 The final figure will be determined by each authority through the Local Plans process.

*4 The Total received OAN for the HMA is lower than the sum of the OAN for individual authorities because the OAN for Melton BC and North West Leicestershire DC has been increased to meet economic needs locally.

APPENDIX D Letters received by HDC from HMA authorities with unmet OAN

Please ask for: Grant Butterworth
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Date: 13th February 2017



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Planning
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Dear Mr Atkinson

Implications for Leicester City Council, of the Housing and Economic Development Needs Assessment (HEDNA).

The Housing and Economic Development Needs Assessment (HEDNA) was approved by the Members Advisory Group on Thursday 26 January 2017. The HEDNA establishes a new objectively assessed need (OAN) for the Leicester and Leicestershire Housing Market Area (HMA), and for each local planning authority within the HMA. The HEDNA OAN replaces the OAN set out in the Strategic Housing Market Assessment (SHMA 2014).

The HEDNA establishes an OAN for the HMA of 96,580 dwellings for the period 2011-2031 (or 4,829 per year). For Leicester City over the same period the OAN is 33,840 dwellings (or 1,692 per year). Just over one third of the total OAN for the HMA arises within the city.

The HEDNA sets out a housing need significantly above that established in previous assessments of housing need, including the SHMA 2014 and in previous local, sub-regional and regional plans (including the Leicester Core Strategy 2014, Regional Plan 2009 and Structure Plan 2005).

The HEDNA also sets out increased new requirements for Employment land for Leicester :-

- 115,000 sqm (6ha) required for offices
- 15ha for warehousing/distribution
- 36ha for general employment

The HEDNA has significant implications regarding the ability of the city to continue to accommodate its full objectively assessed need for housing and employment within the administrative area of the city. The city's tightly drawn boundaries and built up nature, coupled with areas of significant flood risk means that there is limited land available for further development. Whilst the City is currently unable to provide a

definitive figure for the shortfall in the city (in advance of work on the emerging local plan), the scale of the need set out in the HEDNA is of such magnitude that it is concluded that there will be an unmet need arising in the city.

We will be working to meet these needs in our new Local Plan. However we will need support and co-operation from HMA partners. The Strategic Growth Plan will be the vehicle for these conversations.

The City Council looks forward to working closely with yourselves and the other HMA partners on ensuring the full OAN for the HMA is accommodated within the HMA by ensuring emerging plans are flexible enough to respond to addressing any unmet need which may be required to be addressed within those plans.

The attached note (Appendix 1) provides further background on the emerging land supply position in the city however it should be noted that further work on the capacity of the city, including potential new land allocations, is currently being undertaken through work on the new local plan for the city.

Yours sincerely,



Grant Butterworth
Head of Planning
Leicester City Council

Appendix 1

Housing Completions in Leicester since 2011

The table below shows housing completions in Leicester since 2011 compared to the HEDNA OAN. The table shows that the rate of housing completions in the city falls significantly below the HEDNA OAN. There is already a shortfall of 2,917 dwellings since 2011 (around 580 per year). Completions rates in the city have been relatively constant since the mid-2000s at around 1,100 per year. It does not seem likely that the rate of completions in the city will increase significantly above that level.

Year	Completions	HEDNA 2017 (2031)	Shortfall
2011/12	977	1,692	-715
2012/13	1,147	1,692	-545
2013/14	1,126	1,692	-566
2014/15	1,162	1,692	-530
2015/16	1,131	1,692	-561
Total	5,543	8,460	2,917

Should rates of completions in the city remain at around 1,100 per year, around 22,000 dwellings could be built between 2011 and 2031. This would leave a shortfall of around 11,840 against the HEDNA OAN to 2031.

It should also be noted that student completions account for a significant proportion of completions up to 2015/16 and, in light of the HEDNA (paragraphs 9.53-9.54), the City Council are currently reviewing the way in which student completions are counted towards meeting the OAN.

Current supply of housing land in Leicester

The City Council are in the process of finalising an updated SHLAA to represent the position as at 31st March 2016, and this is due to be published shortly. The draft figures from this were used to set out the city's total capacity figure in table 1 of the Statement of Co-operation.

The draft SHLAA currently shows a total capacity for the city up to 2031 of 25,006 (including completions since 2011, commitments, windfall and other SHLAA sites). This is a shortfall of 8,834 over the HEDNA OAN to 2031).

Emerging Local Plan position

The City Council intend to consult on the next stage of the new local plan later this year. This will include consultation on a wide range of sites. Following this the City Council will work towards a draft plan which is due to be published in spring 2018. Submission of the plan will follow in early 2019.

Given that the city currently does not have sufficient land allocated or identified to meet the level of need set out in the HEDNA we will be seeking to allocate new sites to help meet this need.

However at this early stage in the plan process it is not possible to know how many sites will be suitable, available and viable for housing development, nor how many of those will be successfully allocated in the final adopted plan. It is therefore not possible to know with any certainty, what contribution those sites can make towards addressing the housing OAN for the city and any consequent reduction in any unmet need remaining in the city. However it is clear that even if a significant number of new sites are identified, the scale of the need set out in the HEDNA is of such magnitude that it is concluded that there will be an unmet need arising in the city.



Borough of Oadby & Wigston

Planning, Development and Regeneration

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14 MAR 2017

10th March 2017

CORPORATE SERVICES
Harborough District Council

Dear Mr Atkinson

Joint Statement of Co-operation and Objectively Assessed Need

Elected Members of Oadby and Wigston Borough Council considered a report on the Joint Statement of Co-operation and Objectively Assessed Housing Need at its meeting on 23rd February 2017.

I am pleased to report that Members approved the Joint Statement of Co-operation.

Members noted the outcome of the HEDNA which identifies that the OAHN for the Borough is 148 dwellings from 2011 to 2031 and 155 dwellings from 2011 to 2036. The report explained how a consistent methodology had been used to establish the theoretical total capacity in each district. It also explained that in the case of the Borough of Oadby and Wigston the OAHN is higher than the theoretical capacity. The effect of this is that (as of 1st April 2016) the Borough does not have sufficient appropriate land to meet its OAHN.

Please accept this letter as Oadby and Wigston Borough Council's formal declaration that at this moment in time there is an unmet housing need arising in the Borough of Oadby and Wigston of at least 161 dwellings up to 2031 and at least 1076 dwellings up to 2036. We would request that other councils in the Leicester and Leicestershire HMA take this situation into account in the course of preparing their own Local Plans, as well as taking into account any unmet need arising from elsewhere in the HMA.

Please also be assured that between now and publishing a housing target for the Borough in its pre-submission draft Local Plan (which we anticipate to report to Committee in July 2017), the Council will continue to prepare and scrutinise evidence to ensure that the Borough meets as much of its OAHN as is appropriate to do so, taking into account sustainability and infrastructure.

(continued)



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A key element of this evidence relates to transport and highway infrastructure given the constraints that exist to the south east of the Leicester PUA. The Council is currently working in partnership with Harborough District Council, Leicester City Council and Leicestershire County Council to provide robust evidence in this respect.

The Borough Council does not currently envisage that it will need to decide any unmet employment land need arising in the Borough of Oadby and Wigston.

I look forward to our continued positive working together as we progress with the preparation of our Local Plans.

Yours sincerely



Adrian Thorpe
Planning, Development and Regeneration Manager

cc Norman Proudfoot (Corporate Director-Community Services, Harborough District Council)