

RECORD OF CABINET PORTFOLIO HOLDER DECISION

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision Ref. No.	PH035
Decision made by	Portfolio Holder for Growth and Prosperity
Decision Title	Leicester & Leicestershire Statement of Common Ground in relation to the Charnwood Local Plan
Key decision?	No
Date of decision (same as date form signed)	27 May 2021
Name and job title of Officer requesting the decision	Jim Worley Assistant Director for Planning and Delivery
Officer contact details	jworley@melton.gov.uk
Decision	Authority to approve and publish the Statement of Common Ground to support the anticipated submission of the Charnwood Local Plan in summer 2021.
Background	<p>A Statement of Common Ground is the means by which strategic policy-making authorities can demonstrate that a plan is based on effective cooperation and that they have sought to produce a strategy based on agreements with other authorities. In July 2019 the Members Advisory Group (MAG), which includes representatives from each of the Leicester & Leicestershire (L&L) local authorities and an observer from the LLEP, approved the key stages for the preparation of a Statement of Common Ground (SoCG) to support local plans.</p> <p>In January 2020 the Leicester City's draft Local Plan consultation identified a potential unmet need of about 7,750 homes and 23 hectares of employment land. The intention was to agree a SoCG at MAG in February 2021 to support the Charnwood Local Plan and redistribute Leicester City's unmet need to 2036; however, on December 2020 the government published a series of updates (see background papers) that substantially altered the strategic picture. The changes for the L&L local authorities means that, as consequence of a 'new standard method', the housing need in the Districts/Boroughs remains the same as it has been for the last couple of years, but the need in Leicester has increased by about 10,000</p>

	<p>homes.</p> <p>Although the Government expect this increase to be met by the City of Leicester, they also said that the standard method is a starting point and not a target. The number of homes planned to be built can only be decided after the consideration of constraints and the land that is actually available for development, and the unchanged National Planning Policy Framework (NPPF) addresses the need to accommodate unmet need from neighbouring authorities through the Duty to Cooperate. The updated National Planning Practice Guidance (NPPG) reinforces this aspect by saying that the increase in housing numbers is expected to be met by the cities, rather than the surrounding areas, <u>unless it would conflict with national policy and legal obligations.</u></p> <p>In this context, Leicester City Council consider that it will not be possible to meet this level of need to satisfy the NPPF obligations of a sound and deliverable Plan. Also, local authorities considered that the uplift from the Government was so significant that it was not be possible to gather the necessary evidence to agree the redistribution of Leicester City's unmet need prior to MAG on February and it is expected that it will now take around 9-12 months to complete a SoCG to redistribute this unmet need.</p> <p>The situation regarding the Charnwood Local Plan is critical as they need the plan in place in order to meet the requirements for a 5-years' housing land supply and avoid the consequences of unplanned development. Similar to how other local authorities with adopted local plans have done in the past, it is expected for Charnwood Borough Council to include a trigger for review policy linked to unmet need.</p>
<p>Reason for Decision/Main Considerations</p>	<p>Given the background, the Strategic Planning Group (SPG), which supports MAG, agreed the following:</p> <ul style="list-style-type: none"> • Pause any abortive work on the Sustainability Appraisal currently being prepared to inform the SoCG and progress a revised programme to address the potential increase in unmet need as quickly as possible. • Publish a SoCG to support the Charnwood Local Plan which sets out the situation of housing need and supply across L&L and sets out an agreed programme of work to apportion Leicester's unmet need. • That Charnwood consider including a review trigger within their emerging Local Plan. <p>Therefore, this SoCG addresses the ongoing legal duties associated with the Duty to Cooperate. It also provides an extra insurance policy in relation to the production of evidence to inform a future SoCG to distribute Leicester City's unmet need and for Charnwood Borough Council to include a trigger for review policy linked to the unmet need.</p>

<p>Alternative options rejected</p>	<p>None. If the Council decides not to approve and publish the SoCG the decision will have a negative impact on the Council's Duty to Cooperate (a legal duty as stated in the 'legal implications' section below) and consequently put at risk the review and potential update of the Melton Local Plan.</p>
<p>Legal implications</p> <p>Officer/Date provided: Natasha Taylor 29/4/21</p>	<p>Local planning authorities are also bound by the statutory duty to cooperate. The duty to cooperate (introduced by the Localism Act 2011 and set out in section 33A of the Planning and Compulsory Purchase Act 2004) places a legal duty on local planning authorities and county councils in England, and prescribes public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation (including local plan review and update) in the context of strategic cross boundary matters.</p> <p>Paragraph 27 of the National Planning Policy Framework indicates that the duty to cooperate should be demonstrated through joint preparation of statements of common ground.</p> <p>A record of duty to cooperate agreements, including SoCGs needs to be available in the Authority Monitoring Reports that the Council is publishing on an annual basis.</p> <p>The Statement of Common Ground is not planning policy, but rather a strategic document and therefore the Portfolio holder for Growth and Prosperity has authority to approve.</p>
<p>Financial implications</p> <p>Officer/Date provided: David Scott 27/4/21</p>	<p>None</p>
<p>Other implications</p>	<p>It is expected that, in the following months, similar factual SoCGs will need to be produced and agreed for other L&L local authorities progressing with their respective local plans.</p>
<p>Background papers considered</p>	<p>Documents published by the Government after 16th December:</p> <ul style="list-style-type: none"> • A Written Ministerial Statement – Housing Update • Response to the Consultation on Proposed Changes to the Current Planning System • Updates to the Planning Practice Guidance on Local Housing Need • A Press Release - Plan to regenerate England's cities with new homes • A spreadsheet with the indicative figures from the updated standard method. • A Written Ministerial Statement – Planning Update on continuing to progress to get up-to-date Local Plans in place. • A letter to all Local Planning Authorities – Continuing to progress to get up-to-date Local Plans in place. • A consultation on changes to the National Planning Policy Framework and National Model Design Code.

	<ul style="list-style-type: none"> A letter to some authorities nationally on why their Local Plan has been delayed. <p>Appendix 1 - Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (March 2021)</p>			
List consultees (Where applicable)		Name	Outcome	Date
	Ward Councillors	N/A		
	Human Resources	N/A		
	Equalities	N/A		
	Communications	N/A		
Confidential Decision? (The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the Council's Access to Information Rules)	No			
Call In Waived by Scrutiny Committee Chair? (Under urgency Procedures)	N/A			
Has this been discussed by Cabinet Members?	No			
Cabinet Portfolio Holder Signature	Email approval received Councillor Leigh Higgins Portfolio Holder for Growth and Prosperity 27 May 2021			
Declarations/conflict of interest?				

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

FOR DEMOCRATIC SERVICES USE ONLY		
Form Received	27 May 2021	
Date published to all Councillors	27 May 2021	
Call In Deadline	Not applicable	