

2 May 2025
Harborough Reg 19 LP Representations



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Dear Sir / Madam

**Proposed Submission Draft Harborough Local Plan 2020-2041
Consultation Draft (Regulation 19), May 2025
Consultation Response on Behalf of Barratt Redrow
Land off London Road, Great Glen**

I am pleased to provide this response to Harborough District Council ('HDC') regarding the consultation on the above plan ('the draft local plan').

Introduction

This response is submitted on behalf of our client Barratt Redrow (BR) in the context of BR's land interest at land off London Road, Great Glen ('the Site').

The Site was assessed within HDC's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA) as Suitable, Available, Achievable, and Deliverable within 5 years for an estimated capacity of 178 dwellings (Ref: 21/8044). It acknowledges there are no insurmountable physical, environmental, or technical constraints.

BR expressed support for this positive assessment and shared a Vision Document presenting the huge potential the Site has to provide residential growth and are disappointed to see that HDC does not propose development at this sustainable location within the District.

The Site is in a sustainable location west of Great Glen where there are key services and facilities such as jobs, primary school, shops, post office, with regular bus services to Leicester and Market Harborough. It is located between London Road to the north and the A6 to the south, adjoining recent residential development to the north-east of the Site and the village edge of Great Glen. To the west of the site is a small development of residential properties as well as Leicester Premier Inn.

Barratt Redrow is part of Barratt Developments, the nation's leading housebuilder. They excel in navigating the planning system to create high-quality residential areas across Britain. Their core activities include land acquisition, securing planning permissions, and constructing premium homes in desirable locations. This success is underpinned by their proficiency in land management, design, construction, and sales and marketing. They have an excellent track record of progressing land through the planning system for delivery of high-quality new places to live throughout Britain.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Our request is for identification of new growth at Great Glen including identification of the Site, controlled by BR, as residential-led development.

Approach to This Response

This response provides views and suggestions for changes to the draft local plan based on the structure of the main consultation document, being the draft local plan itself.

Our overarching view is that the draft local plan does not meet the tests of soundness within the National Planning Policy Framework (NPPF) and that changes should be made to the draft local plan and a further regulation 19 consultation held on the draft local plan by HDC.

Whilst we have completed the representation form, we request that the full response set out in this letter are taken fully into consideration by HDC as part of the assessment of consultation responses. We are of course willing to discuss this response with officers at HDC.

Regulation 18. (1) (b) of The Town and Country Planning (Local Planning) (England) Regulations 2012, states that a local planning authority must invite each of the bodies or persons specified in paragraph (2) to make representations to the local planning authority about what a local plan with that subject ought to contain. The consultation invites comments on an emerging set of policies and development proposals and hence meets the regulations in this regard.

As this is a regulation 19 consultation, we have set out our response under the tests of legal compliance and tests of soundness.

Contents of This Response

This response comprises the following documentation:

- This letter
- Representation form(s)
- Site location plan

This documentation comprises our full responses to this regulation 19 consultation, and we request that this is all taken into consideration by HDC. We request that this draft local plan does not progress through to submission for examination, and that instead changes are made to ensure the plan is sound. If for whatever reason HDC decide to submit this draft plan for examination anyway, then we request that this full response to the consultation is submitted to the Planning Inspectorate.

National Planning Reform

On 12 December 2024, Government published an update on national planning reform, following consultation held in 2024.

The changes are part of the Government's aims to deliver a universal, ambitious local plan coverage, which is seen as being vital to deliver the Government's commitments to achieve economic growth and build 1.5 million new homes.

The Government changes, include the following:

- making the standard method for assessing housing needs mandatory, requiring local authorities to plan for the resulting housing need figure, planning for a lower figure only when they can demonstrate hard constraints and that they have exhausted all other options

- reversing other changes to the NPPF made in December 2023 which were detrimental to housing supply
- implementing a new standard method and calculation to ensure local plans are ambitious enough to support the Government's manifesto commitment of 1.5 million new homes in this Parliament
- broaden the existing definition of brownfield land, set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas
- identify grey belt land within the Green Belt, to be brought forward into the planning system through both plan and decision-making to meet development needs
- improve the operation of 'the presumption' in favour of sustainable development, to ensure it acts an effective failsafe to support housing supply, by clarifying the circumstances in which it applies; and, introducing new safeguards, to make clear that its application cannot justify poor quality development;
- deliver affordable, well-designed homes, with new "golden rules" for land released in the Green Belt to ensure it delivers in the public interest
- make wider changes to ensure that local planning authorities are able to prioritise the types of affordable homes their communities need on all housing development and that the planning system supports a more diverse housebuilding sector
- support economic growth in key sectors, aligned with the Government's industrial strategy and future local growth plans, including laboratories, gigafactories, datacentres, digital economies and freight and logistics – given their importance to our economic future
- deliver community needs to support society and the creation of healthy place
- support clean energy and the environment, including through support for onshore wind and renewables

This is a very clear summary of the objectives of Government when it comes to the planning system and delivery of economic development and growth.

The draft local plan does not meet Government's objectives explained above, in particular when it comes to planning for development including delivery of new homes.

HDC states at paragraph 1.8 of its draft local plan that it should be examined under the December 2023 version of the NPPF, in accordance with the transitional arrangements set out in Appendix 1 of the December 2024 NPPF. This states that for plans that have reached regulation 19 on or before 12th March 2025 and the housing requirement provided for within the plan is at least 80% of local housing need, the plan will be examined under the previous version of the NPPF. HDC's draft local plan claims that: "These circumstances apply to this Local Plan."

We do not agree with this approach, because we consider the draft local plan does not comply with Annex 1: Implementation, for the purpose of plan-making, in the NPPF (2024, as revised).

The draft local plan claims at paragraph 4.6 that Harborough's Local Housing Need figure is 534 homes per year. However paragraph 62 of the NPPF makes clear that: "To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance." For HDC this is 723 dwellings.

The 534 homes per year within the draft local plan equates to only 73.8% of the standard method for HDC. Paragraph 61 of the 2023 NPPF (or paragraph 62 of the 2024 NPPF) state unmet need from neighbouring authorities should be in addition to the housing need for that authority. Transitional arrangements therefore do not apply to the draft local plan.

The draft local plan states at paragraph 4.5 that taking into account factors including the district's functional relationship with Leicester, their Statement of Common Ground (signed 2022) suggests the housing requirement should be increased by 123 homes per year to 657 homes per year between 2020 and 2036, to help meet Leicester's housing need. As such, it claims the annual housing requirement for the draft local plan

is 657 dwellings per year from 2020 to 2036 and drops back to 534 homes per year for between 2036 and 2041.

Leicester's unmet needs are not the local housing needs within Harborough District. This means that the proposed housing requirements, subtracting the existing unmet needs of Leicester, are less than 80% of the local housing need, as calculated using the standard method in national planning practice guidance, published on 12 December 2024.

Furthermore, should it be considered that Leicester's unmet needs can be grouped with Harborough's (which we contest), housing need would still only be met for five years. Beyond that, housing need would not be met. This is not appropriate given the standard method projects over 10 years, plus strategic policies should look ahead over a minimum 15 year period from adoption (NPPF paragraph 22).

In addition to the above, the Harborough Local Housing and Employment Land Evidence Document (2024) states that 'the scale of affordable housing need is significant' (page 67). Paragraph 6.7 of the draft local plan states that HDC has 'identified a need for 421 affordable homes each year'. This would amount to around 78% of 534 dwellings (the standard method housing requirement), or around 64% of 657 dwellings (the annual housing requirement plus Leicester's unmet need).

This means that well over half of all housing delivered would be required to be affordable dwellings to meet the evidenced need for affordable homes. In order for the plan to be justified and positively prepared (NPPF paragraph 35), a higher housing figure should be adopted to take into account the higher affordable housing need identified through HDC's own evidence base. Increasing the housing requirement and allocating further sites would deliver more affordable housing.

The plan is proposed to cover a period to 2041 and therefore lays out a proposed housing requirement for many years to come that is completely at odds with the objectives of the Government.

The overarching conclusion is that this draft local plan does not meet the objectives of Government in that HDC proposes for the draft local plan to be examined under the December 2023 NPPF which is detrimental to housing supply and the proposed housing requirements in the draft local plan do not meet the standard method for local housing need.

We consider that the draft local plan, which should be changed, currently does not meet the NPPF transitional arrangements and on this basis it should be examined under the December 2024 NPPF, not the December 2023 NPPF.

All of this significant failing of the draft local plan must be seen in the context of a combined five year housing land supply statement published by HDC on 22nd January 2025 of only 3.55 years. There is a national housing crisis as declared by Government and an initiative to grow the economy and deliver 1.5 million new homes.

In HDC's statement it acknowledges that it does not have a five-year housing land supply, and also that the Government published an increased housing need figure of 723 dwellings per year for Harborough, which is an increase of 213 above the previous need of 510 dwellings per year. HDC's statement goes on to say the council is working hard to mitigate the reduction in its housing land supply by continuing work on its new local plan to provide for future housing.

In this context, HDC should prepare a new regulation 19 local plan which adheres to the new NPPF and plans for at least the minimum local housing needs identified under the standard method. This draft local plan does not do this and instead proposes a housing requirement which will not contribute towards meeting the housing crisis.

Timescale for Plan Preparation

The Harborough Local Plan (HLP) was adopted in April 2019. Following this, the Leicester and Leicestershire authorities agreed a Statement of Common Ground (SoCG) apportioning Leicester's unmet housing and employment needs arising between 2020 and 2036 to the surrounding Districts/Boroughs; the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022).

An HDC officer review of the Local Plan carried out in May 2021 found that the issue of Leicester City's unmet housing need means the adopted Local Plan is likely to require an update. The Council therefore took the decision to begin the preparation of a new Local Plan. However, their aspiration for a review and adoption of a new Local Plan published in the 2023 Local Development Scheme was for adoption between May to December 2026. This is more than 7 years after the adoption of the Local Plan in 2019.

The NPPF (paragraph 34) requires Local Plan reviews to be completed no later than five years from the adoption date of a plan. It further states that Local plan reviews:

“...should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”

The 7-year timeline from HLP's adoption to review and adoption of the new local plan accommodating Leicester's agreed unmet need does not meet these timescales.

Government has stated their intention to implement a new plan-making system as set out in the Levelling- up and Regeneration Act from summer or autumn 2025. Government anticipate that all current system plans that are not subject to the transitional arrangements will need to be submitted for examination under the existing 2004 Act system no later than December 2026. Therefore, whilst it is regrettable to be in a position of having to advocate for changes which will lengthen the plan-preparation process, it is considered that this draft local plan requires such change that will need a further regulation 19 consultation undertaken.

Work commenced on this emerging new local plan in 2021. It is not considered appropriate to progress through to submission of this draft local plan just to get ahead of the changes under the new NPPF, and instead time should be taken to prepare a local plan which meets the intention of Government.

Resource in local planning authorities can be constrained. In this context it is not considered appropriate of HDC to look to press ahead with submission of a local plan for examination, where the plan does not meet the tests of soundness. This is not considered to be the best use of resource by HDC, and it will take up time of the entire examination process including planning inspectors and participants. We consider this draft local plan is not likely to be successful but even if through main modifications it progresses through to adoption then it will need an immediate review.

Plan Period

The draft local plan covers the proposed period 2020 to 2041.

We object to this plan period which should not look back some 5 to 6 years from the projected adoption of this local plan in 2026.

Furthermore, relevant evidence and proposed policy should be based on a period of a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure (paragraph 22 of NPPF 2023).

The current LDS (2025) timetable of adoption is between October to December 2026. Even should this timetable be met, a plan to 2041 fails the requirements of a minimum 15-year period from adoption as set out in Paragraph 22 of the NPPF. This is because local plan years are not calendar years; they cover the housing monitoring period from 1st April to 31st March, and therefore adoption of the local plan between October to December 2026 is less than 15 years from 31st March 2026. As a minimum the plan period should be extended by one year. We consider it is more appropriate for a period to at least 2045.

Paragraph 22 of NPPF also states that where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery. This applies to this emerging draft local plan because it did not reach regulation 19 stage by 20 July 2021. We request consideration and publication of HDC's position on this.

Responses to Parts of the Harborough Local Plan, Proposed Submission Document (Regulation 19), March 2025

The following comprises responses to parts of the main consultation document drawing upon the wider evidence base, where relevant. This builds upon the concerns and issues raised thus far in this consultation response. We have identified our responses against the tests of soundness contained at paragraph 35 of the NPPF.

Our Local Plan Vision

We object to the plan vision and strategic objectives for the District, mainly because of the absence of proposed growth at Land south of London Road, Great Glen in the context of a lack of housing allocations within the draft local plan to meet both market and acute affordable housing need within HDC.

In terms of the tests of soundness, we consider the plan vision and strategic objectives to fail all of these, being:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DS01 Development Strategy: Delivering Homes

We object to the proposed housing requirement which does not meet NPPF requirements and is contrary to the objectives of the Government.

The policy claims HDC's annual housing requirement is 657 homes per year between 2020 and 2036, and 534 homes per year between 2036 and 2041. The 657 figure is made by adding 534 homes per year to 123 homes as Leicester's unmet need for the first five years of the plan period.

As explained in further detail above, paragraph 62 of the NPPF clarifies that strategic policies should be informed by a local housing need assessment using the standard method in national planning practice guidance, which is 723 dwellings for HDC. The 534 homes per year planned in the draft local plan only account for 73.8% of the standard method for HDC.

Leicester's unmet needs are not the local housing needs within Harborough District. This means that the proposed housing requirements, subtracting Leicester's unmet needs, are less than 80% of the local housing need calculated using the standard method in national planning practice guidance, published on 12 December 2024.

Furthermore, even if Leicester's unmet needs were grouped with Harborough's (which they should not be), housing need would only be met for five years. This is inappropriate given the standard method projects over 10 years, and strategic policies should look ahead over a minimum 15-year period from adoption (Paragraph 22 of the NPPF).

In addition to the above, we have explained that the Harborough Local Housing and Employment Land Evidence Document (2024) states that 'the scale of affordable housing need is significant' (page 67). Paragraph 6.7 of the draft local plan states that HDC has 'identified a need for 421 affordable homes each year'. This would amount to around 78% of 534 dwellings (the standard method housing requirement), or around 64% of 657 dwellings (the annual housing requirement plus Leicester's unmet need).

This means that well over half of all housing delivered would be required to be affordable dwellings to meet the evidenced need for affordable homes. In order for the plan to be justified and positively prepared (NPPF paragraph 35), a higher housing figure should be adopted to take into account the higher affordable housing need identified through HDC's own evidence base. Increasing the housing requirement and allocating further sites would deliver more affordable housing.

To ensure the plan is justified and positively prepared (NPPF paragraph 35), a higher housing figure should be adopted to account for the higher market and affordable housing need identified through HDC's evidence base.

Part 2 (c) of the policy states 1,500 homes would be delivered on Site Allocations (Policy SA01) in Large Villages including 400 homes in Great Glen. As set out above, further dwellings should be allocated across the plan period, and Large Villages should have a higher proportion of growth directed to them.

Large Villages such as Great Glen are defined within the Settlement Hierarchy Assessment (January 2025) as having a good range of important and supporting services and facilities, including a local supermarket, public transport and access to employment opportunities either in the settlement or in the nearby Urban Area. It meets the day-today needs of residents and serves surrounding rural communities. They are sustainable places well able to accommodate the growth to meet housing need.

Land South of London Road was assessed within HDC's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA) as Suitable, Available, Achievable, and Deliverable within 5 years for an estimated capacity of 178 dwellings (Ref: 21/8044). It acknowledges there are no insurmountable physical, environmental, or technical constraints.

The site forms a natural expansion to the west of Great Glen whilst continuing to maintain an area of separation with settlement boundary of Oadby to the west. The site will therefore form a natural extension of the village boundary. We request identification of further growth at Great Glen including identification of the Site, controlled by BR, as residential-led development.

We would repeat that HDC should be proposing a housing requirement under a new local plan which comprises at least the minimum local housing need under the standard method. Any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for (paragraph 62 NPPF 2024).

In terms of the tests of soundness, we consider the proposed housing requirement, fails all of these, being:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

We request a re-think of the proposed housing requirement, with a range of options taking the local housing need under the standard method as a minimum, to be presented for consultation under a new formal consultation by HDC.

We also question whether the statutory duty to co-operate has been demonstrated by HDC in the preparation of this draft local plan because confirmation of any Housing Market Area shortfall and a Statement of Common Ground need to be prepared to cover the period beyond 2036.

Policy DS03 Development Strategy: Tackling Climate Change and Enhancing the Natural Environment

We object to draft Policy DS03 as written. Part 1 of the policy states ‘development will be permitted where it...’ and then lists criteria a-e. BR considers it is not in accordance with the NPPF at paragraph 16 (b) which requires plans to be prepared positively, in a way that is aspirational but deliverable. Wording should be added to part 1 of the policy which allows for flexibility, enabling it be in accordance with NPPF paragraph 35 (c) which states that plans should be effective and deliverable across the plan period. Part 1 should be amended to ‘development will be permitted where it wherever possible ...’

In terms of the tests of soundness, we consider Policy DS03 Development Strategy: Tackling Climate Change and Enhancing the Natural Environment fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DS04 Development Strategy: Preserving and Enhancing our Heritage and Rural Character

Part 2 of Policy DS04 states that to maintain the distinctiveness of settlements and prevent the merging of these, Areas of Separation have been identified. We note some of the Site is proposed as a small part of a vast tract of land identified as an Area of Separation between Oadby and Great Glen (limb c of part 2).

The Area of Separation within the Site south of London Road is inappropriate insofar as it does not recognise both the distance from the allocation and the existing barrier formed by London Road and the A6. There is scant assessment of the land south of London Road within the Areas of Separation Report (2024) to justify its inclusion within the Area of Separation aiming to prevent coalescence between development to the north (the strategic development area within Policy SA02) from the settlement edge of Great Glen. We oppose this land allocation as inappropriate and unjustified.

In terms of the tests of soundness, we consider the proposed new housing sites, fails all of these, being:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DS05 Development Strategy: Supporting Strategic Infrastructure

We consider the policy, as written, is overly detailed and repeats National Policy and therefore is not in accordance with the NPPF at paragraph 16 (f) which states that plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including policies in the NPPF.

Furthermore, we consider there should be a clear reference to contributions needing to be Community Infrastructure Levy (CIL) regulation 122 compliant in the policy and for the policy to be sound (and comply with paragraph 35 (c) which requires plans to be consistent with national policy) it must comply with NPPF paragraph 57, which is clear that planning obligations must only be sought where they meet all the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

Development should only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. It is therefore essential for the Infrastructure Delivery Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts. It is noted that the Stage 1 IDP was undertaken 2024. However, as written the cumulative/individual impacts are not split up. The NPPF requires for policies to be clearly written and unambiguous (paragraph 16).

The policy should be amended so it is more concise and references CIL regulation 122 and also NPPF paragraph 57. The IDP should be amended to show what the contributions requested relate to (individual or cumulative impacts).

In terms of the tests of soundness, we consider Policy DS05 Development Strategy: Supporting Strategic Infrastructure fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy SA01: Site Allocations

We do not object to the proposed new housing sites but we do object to the extent and scale of proposed sites, which has arisen as a result of the proposed inadequate housing requirement.

As mentioned previously we request identification of further growth at Great Glen including identification of the Site, controlled by BR, as residential-led development. Development at land south of London Road, Great Glen, is a logical, accessible, and sustainable location.

The Site is the subject of detailed assessment which has informed the vision and masterplanning for development of the Site. Technical work has been undertaken to demonstrate that the site is deliverable and that there are no constraints to prevent the allocation of The Site as a residential-led development in the draft local plan. This was presented within the previously submitted Vision Document.

In terms of the tests of soundness, we consider the proposed Policy SA01: Site Allocations, fails all of these, being:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy HN01 Housing Need: Affordable Homes

We object to the inclusion of a suggested tenure split for affordable housing in part 1(b) of Policy HN01. The proposed split accords with the Harborough Local Housing and Employment Land Evidence Report (February 2025), however this document represents a 'snapshot in time' as demonstrated by the change in suggested percentages from this document and the Leicestershire Housing Economic Needs Assessment (June 2022). It is considered that reference to preferred tenure splits should be moved to the supporting text and clearly identified as 'guidance' and the exact split will be agreed on a site by site basis.

We acknowledge that part c) of the policy states 'the mix and type of affordable housing development will be informed by the latest housing needs assessment'. Evidence documents on housing need are a snapshot in time and can therefore become out of date quickly. BR therefore consider that reference should also be made in Policy HN01 to the mix and type of affordable housing being informed by Registered Provider. Registered

Providers are the organisations who deliver and manage the affordable rented properties and are therefore best placed to confirm whether the mix and type of affordable housing proposed is suitable. Support by a Registered Provider for a scheme should be sufficient evidence that the proposed mix is suitable.

The suggested tenure split at part b) should be moved to the supporting text and wording should be added to make it clear that it is guidance only.

Reference to Registered Providers support for the proposed mix and type of affordable housing should be added to part C as appropriate evidence to determine whether the proposed mix is suitable.

In terms of the tests of soundness, we consider Policy HN01 Housing Need: Affordable Homes, fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy HN02 Housing Need: Mix of New Homes

We object to the inclusion of Table 10 in the supporting text and paragraph 6.14 of Policy HN01, which states the recommended mix of housing size (number of bedrooms) by tenure to meet demand should be used as a starting point for considerations. Including this means the policy does not comply with paragraph 35(b) of the NPPF, which requires plans to be justified and based on proportionate evidence. Housing mix should be determined on a site-by-site basis, with market demand at the time of application being a key consideration.

Part 2 of the policy states: "All homes will be expected to meet accessible and adaptable M4(2) Building Regulations technical standards. In seeking this type of home, regard will be had to any evidence provided concerning site-specific factors that may make it impossible to meet the accessible and adaptable standard" [Savills Emphasis]. We highlight that M4(2) standards are not a compulsory requirement in building regulations.

The proposed policy wording reflects the planning policy guidance requirements that policies should consider site-specific factors such as topography and flood risk (Reference ID: 56-008-20160519). However, planning policy guidance also states that any higher accessibility standards set by a Council should consider the overall impact on viability (Reference ID: 56-007-20150327). A Viability Report has been completed, but it only provides detailed analysis of the strategic sites.

Part 3 of the policy states: "All major residential developments will be expected to contribute to wheelchair accessibility as follows:

- a) *A minimum of 5% of market homes must meet Building Regulations technical standard M4(3)A (wheelchair adaptable); and*
- b) *A minimum of 10% of affordable homes must meet standard M4(3)B (wheelchair accessible)"* [Savills Emphasis].

Paragraph 7.45 of the Harborough Local Housing and Employment Land Evidence Report (February 2025) states that local authorities can only request M4(3)(B) accessible compliance from homes they have nomination rights for, but can request M4(3)(A) adaptable compliance from market housing. Paragraph 7.34 estimates a need for 364 wheelchair user homes over the plan period, equating to 17 dwellings per year.

Requirements within Local Plans need to be justified and underpinned by evidence. The evidence summarized above indicates that asking all major residential developments to contribute to this need is onerous. As a result, we do not believe this justifies the requirements set out in parts 3(a) and (b) of the policy. Therefore, this policy does not comply with NPPF paragraph 35(b), which states plans are sound if they are based on proportionate evidence.

In terms of the tests of soundness, we consider Policy HN02 Housing Need: Mix of New Homes, fails:

- b) Justified
- c) Effective
- d) Consistent with national policy

Policy HN03 Housing Need: Housing Type and Density

Text within the policy proposes a minimum density of 40 dwellings per hectare in Lutterworth and Market Harborough town centres, and 30 dwellings per hectare elsewhere. However, we oppose minimum density standards for rural areas. The NPPF (December 2023) supports minimum density standards for city and town centres or areas well-served by public transport (paragraph 129(a)).

While minimum density standards can apply to other areas, they should reflect accessibility and be determined on a site-by-site basis, considering the character and density of existing development. Limb b of the policy should be amended to provide an approximate density to be agreed on a site by site basis.

In terms of the tests of soundness, we consider Policy HN02 Housing Need: Mix of New Homes, fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy HN04 Housing Need: Supported and Specialist Housing

We object to part 2 of the policy, which mandates that at least 10% of all dwellings in residential developments of 100 units or more must be specialist housing for older people, provided the site is suitable for such accommodation.

Table 7.6 of the Harborough Local Housing and Employment Land Evidence Report (February 2025) shows a need for 819 bedspaces by 2041. The policy's requirement for 10% of all dwellings to be specialist housing, totalling 1,318 dwellings, is not justified and exceeds the evidenced need, conflicting with NPPF paragraph 35(b).

Paragraph 14.31 suggests that larger strategic sites should provide specialist housing for older people to boost supply and housing delivery. The policy should apply only to strategic sites, which are not clearly defined. The Viability Report (January 2025) tests specific strategic sites, indicating these should deliver specialist accommodation.

Furthermore, the Council should identify specific sites for specialist housing rather than relying on potentially unsuitable residential sites.

The policy should be either removed or if not wording should be amended to make clear it is subject to site suitability and viability on strategic sites.

In terms of the tests of soundness, we consider Policy HN04 Housing Need: Supported and Specialist Housing, fails:

- b) Justified
- c) Effective
- d) Consistent with national policy

Policy HN05 Housing Need: Self and Custom Build Housing

We object to Policy HN05, which requires non-specialist developments of 40 or more dwellings to provide at least 10% as self or custom build plots. This requirement should be determined case by case, based on the self-build register preferences.

The Harborough Local Housing and Employment Land Evidence Report (February 2025) shows a shortfall of 172 plots, reduced to 144 when including permissions for 28 plots given outline consent. The policy is unreasonable and exceeds the need, as the register is not means-tested and there is no obligation to provide land for everyone listed.

Additionally, self and custom build housing is difficult to plan for, and there is no evidence of high demand within new build estates. Such requirements should be based on local evidence and eligibility tests as per the planning practice guidance at paragraph 25 (Reference ID: 57-025-20210508). The requirement for 10% custom and self-build on developments of 40 dwellings should be removed from the policy.

In terms of the tests of soundness, we consider Policy HN05 Housing Need: Self and Custom Build Housing, fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy AP01: Development in Settlements

We generally support Policy AP01, which allows development on land adjoining existing built-up areas of identified settlements if specific criteria are met. Paragraph 7.4 of the supporting text highlights that this policy aims to meet housing and employment needs by providing flexibility in supply.

This approach aligns with NPPF paragraph 35(a), requiring local plans to be positively prepared. The policy could be amended to offer additional flexibility, especially for when HDC lacks a current Five Year Housing Land Supply.

Policy DM01: High Quality Inclusive Design

We consider part 1 of the policy should be amended to state '*Wherever possible development must be designed to ensure a good quality of experience for occupants and users and be easy to use for all, including people with disabilities, the elderly and others with accessibility issues*'.

This would ensure that the policy is in accordance with paragraph 16 (b) of the NPPF which states: 'plans should be prepared positively in a way that it is aspirational but deliverable' and NPPF paragraph 35 (c) which requires plans to be effective and avoids applying unnecessary blanket requirements to development sites and paragraph 35 (b) which requires plans to be positively prepared in order to be sound.

In terms of the tests of soundness, we consider Policy DM01: High Quality Inclusive Design, fails:

- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DM03: Heritage Asset Conservation and Design Standards

We object to part 1 of the policy as written. It states: 'In areas with high heritage value (Conservation Areas, where affecting Listed Buildings, Scheduled Monuments and other heritage assets and their settings) development will be permitted where it achieves a high standard of design reflecting those characteristics that make these places special'.

It is not clear what a 'high standard of design' is and this could be subjective and is also not defined in the supporting text. It is considered, as written, the policy is not in accordance with NPPF paragraph 16 d) which requires plans to be clearly written and unambiguous and paragraph 35 (c) which requires plans to be effective for them to be sound. Part 1 of the policy should be removed or 'high standard of design' should be clearly defined in the policy wording or the supporting text.

In terms of the tests of soundness, we consider Policy DM03: Heritage Asset Conservation and Design Standards, fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DM04: Landscape Character and Sensitivity

We object to part c) of the policy which states 'development must be located and designed in such a way that it is sensitive to its landscape setting and character area and will be permitted where it safeguards important public views, skylines and landmarks'. Views are not referenced in the NPPF and therefore this is considered onerous and includes criteria that goes beyond National Policy.

As written, the policy is therefore not in accordance with NPPF paragraph 35 (d) which requires plans to be consistent with national policy in order to be sound. Part c) should be removed from the policy.

In terms of the tests of soundness, we consider Policy DM04: Landscape Character and Sensitivity, fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DM05: Green and Blue Infrastructure and Open Space

We consider the table included within part 2 of the policy should be removed. As highlighted in part 1 of the policy, the Open Space Strategy (2021) only represents a 'snapshot in time' and therefore is likely to be updated throughout the plan period, providing more up to date requirements that developments will be expected to comply with. Therefore, the table which sets out the Local Standards included in the Open Space Strategy should be removed to ensure the policy is written in accordance with NPPF paragraph 16 d), which requires plans to be clearly written and unambiguous and also in accordance with paragraph 35 (a) and (b) which considers plans should be positively prepared and justified in order to be sound.

Additionally, BR finds the Natural and Semi Natural Greenspace Requirements (8.5 ha per 1,000 population) unjustified and potentially impactful on net developable areas, conflicting with NPPF paragraph 35(b) and paragraph 123, which requires efficient use of land.

The table included within part 2 of the policy should be removed or moved to the supporting text. The requirement for Natural and Semi Natural Greenspace should be reconsidered or sufficient evidence provided.

In terms of the tests of soundness, we consider Policy DM05: Green and Blue Infrastructure and Open Space, fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DM09: Sustainable Construction and Climate Resilience

Part 2 of the policy requires a Whole Life Cycle Assessment (WLC). An accurate WLC cannot be created early on due to the evolving nature of developments, materials, and supply chains. BR suggest that energy and sustainability statements are more appropriate, as WLC is more of an aspirational monitoring tool. Part 2 should be amended to only 'encourage' the production of WLCAs as part of Energy and Sustainability Statements.

In terms of the tests of soundness, we consider Policy DM05: Green and Blue Infrastructure and Open Space, fails:

- b) Justified
- c) Effective
- d) Consistent with national policy

Policy DM11: Managing Impacts on Land and Water Quality

We object to part 3 of the policy, which prioritises development on lower-quality agricultural land (Grades 3b, 4, and 5) and permits development on high-quality land (Grades 1, 2, and 3a) only with an impact assessment and mitigation measures. The policy lacks clarity on how the assessment should be presented, making it inconsistent with NPPF paragraph 16(d), which requires clear and unambiguous policies.

In terms of the tests of soundness, we consider Policy DM11: Managing Impacts on Land and Water Quality, fails:

- b) Justified
- c) Effective
- d) Consistent with national policy

Policy IM01: Monitoring and review of the Local Plan

We welcome recognition of the need to monitor policies in part 1 of Policy IM01, but we consider this policy is not sufficient because it does not define measurable triggers or deliverable actions within the performance indicators and targets set out in Appendix 3: Monitoring Framework. This should include measurable triggers, and deliverable actions and review mechanisms should those not be met.

We note that the Council have included a requirement for a full or partial update of the Local Plan in part 2 of Policy IM01. However, as set out in our response to Policy DS01, the housing requirement should in the first instance be increased to avoid having to undertake a full or partial update of the Local Plan once Leicester's unmet need is confirmed (and how it will be distributed across the Housing Market Area).

Furthermore, the annual figure for Leicester's unmet need (123 per year) should relate to the whole plan period and not just 2020 to 2036 given the unmet need is not likely to be resolved from 2036. To avoid the need for a full or partial review of the plan once adopted the housing requirement figure should be increased.

In terms of the tests of soundness, we consider Policy IM01: Monitoring and review of the Local Plan, fails:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Conclusion

We have identified that the draft local plan fails the tests of soundness on a number of matters.

This draft local plan fails to plan for growth levels which should be proposed in the context of the Government's objectives for growth and development in the UK and in particular in relation to affordable housing.

We request that HDC reflect upon the failings of this draft local plan and do not progress this draft local plan to submission for examination.

We have identified areas for change and/or clarification including the following:

- Reassessment of housing requirements and the associated allocation of additional sites in order to meet housing need for Harborough District
- Additional housing requirement and allocating further sites to deliver more affordable housing to help address the significant affordable housing need
- The inclusion of Leicester's unmet need (123 per year) to the whole plan period and not just 2020 to 2036
- Reconsideration of the proposed plan period to meet at least the 15 year minimum
- Acknowledgement that the draft local plan does not meet the NPPF transitional arrangements on the basis of a proposed housing requirement for the District which is lower than 80% of the local housing need
- Various changes to the core policies

Our overarching view is that the draft local plan does not meet the tests of soundness within the NPPF and that changes should be made to the draft local plan and a further regulation 19 consultation held on the draft local plan by HDC.

We would be grateful to receive confirmation of receipt of this submission made on behalf of BR.

We request that if HDC continue to progress this draft local plan through to submission for examination that our full response, comprising multiple documents listed above, are provided in their entirety to The Planning Inspectorate.

If this draft local plan is submitted for examination, despite our clear and strong objections, we request to participate in the oral examination. This is to allow us to participate in the examination hearings to explain our requests for changes to the draft local plan.

Yours faithfully

