

DRAFT HARBOROUGH LOCAL PLAN (2020 – 2041)



REPRESENTATIONS

REGULATION 19 – CONSULTATION DRAFT

May 2025

Project Name: Harborough Local Plan – Regulation 19

Client Name: David Wilson Homes (East Midlands) Limited

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Signed: B Ward MRTPI

Date: 1st May 2025

Reviewer B Ward MRTPI

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Date: 1st May 2025

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Appendix 1

1. Introduction

1.1 Background

1.1.1 These representations to the Proposed Submission Draft Harborough Local Plan (“HLP”) have been prepared by Marrons on behalf of David Wilson Homes (East Midlands) Limited (“DWH”).

1.1.2 These representations focus on matters which require further consideration to ensure the soundness of the HLP. These representations are made in the context of DWH’s land interest at Land West of Smeeton Road, Kibworth (“the Site”). The Site has been positively assessed in the Council’s Strategic Housing and Economic Land Availability Assessment (“SHELAA”) under reference 21/8061 for about 150 dwellings.

1.2 Policy Framework

1.2.1 The Government’s planning policy framework for England is contained within the National Planning Policy Framework (“NPPF”), December 2024 edition. Paragraph 234 of the latter states that where a Plan has reached Regulation 19 stage on or before 12th March 2025, and its housing requirement meets at least 80% of local housing need calculated using the updated Standard Method, policies in previous versions of the NPPF will apply. In this case, as HDC intends to progress the HLP under transitional arrangements, the soundness of the Plan will be assessed against the December 2023 iteration of the NPPF. All references to the NPPF below are therefore references that version unless stated otherwise.

1.2.2 Paragraph 35 sets out that local plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are sound where they are:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs and informed by agreement with other authorities, so that unmet need can be accommodated where it is practical to do so and consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies of the Framework and other statements of national planning policy, where relevant.

1.3 Structure of Representations

1.3.1 These representations are structured as follows:

- **Section 2** – Housing requirement and spatial strategy (Policy DS01)
- **Section 3** – Land West of Smeeton Road, Kibworth
- **Section 4** – Summary & Conclusions

2. Policy DS01 – Development Strategy – Delivering Homes

2.1 The Housing Requirement

Leicester’s Unmet Need

- 2.1.1 Policy DS01 sets out that the housing requirement for Harborough District is 13,182 between 2020 and 2041. The annual housing requirement is 657 dwellings per annum (“dpa”) between 2020 and 2036 and 534 dpa between 2036 and 2041.
- 2.1.2 The housing requirement draws upon the Leicester and Leicestershire Statement of Common Ground (“SoCG”), which apportions Leicester’s unmet housing and employment needs between 2020 and 2036 to the surrounding authorities, including Harborough District. The SoCG calculated that Harborough District should accommodate 657 dpa over that Period, comprising 534 dpa to meet Harborough’s own needs and 123 dpa to meet the City of Leicester’s.
- 2.1.3 We support the HLP’s provision for Leicester’s unmet need but note that this does not apply throughout the Plan period. Beyond 2036 (the end date of the SoCG), the HLP makes no provision to address potential wider shortfalls within the Housing Market Area (“HMA”). This matter is discussed in the Development Strategy Paper dated 18th February 2025, which states not considered appropriate to accommodate unmet need beyond 2036 in the absence of a full and comprehensive assessment of Leicester’s capacity over this timescale.
- 2.1.4 The Leicester Local Plan (“LLP”) is in the latter stages of examination. Amongst other matters, the LLP quantifies Leicester’s urban capacity and the city’s level of unmet need between 2020 and 2036. The Inspectors’ Post-Hearing Letter dated 6th January 2025 concludes that the LLP is capable of being made sound. That conclusion is subject to a main modification requiring commencement of an immediate review of the Leicester Local Plan following adoption to address development needs beyond 2036, on account of the LLP’s short Plan period. It is clear that the city’s urban capacity beyond the end year of 2036 will be explored soon as part of that review.
- 2.1.5 We note Policy IM01: Monitoring and review of the Local Plan which commits the Council to a full or partial update of the HLP in certain circumstances. These are the adoption of a SoCG to address development needs to 2041 or the publication of a local plan which includes satisfactory evidence of unmet housing need. The PPG, however, states that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates.¹

¹ Paragraph: 022 Reference ID: 61-022-20190315

2.1.6 HDC’s Duty to Cooperate Compliance Statement identifies addressing Leicester’s unmet need beyond 2036 as a key strategic cross boundary matter. There appears to have been no substantive discussion of this matter between HDC, Leicester City Council or other HMA authorities. It is not clear when HDC’s partner authorities became aware of the HLP’s approach to addressing housing needs within the wider HMA beyond 2036. HDC’s current approach in respect of making no provision for Leicester beyond 2036 was not set out in the Issues and Options Consultation. It is similarly unclear what options were considered for addressing unmet needs from Leicester the wider HMA from 2036 to 2041. We note that the further SoCGs in relation to this matter and others remain to be agreed or published. We reserve the right to comment further on this matter as part of the Examination in Public.

2.1.7 Whilst HDC intends to progress the HLP under transitional arrangements, we note that a sizable number of the Leicester and Leicestershire authorities will not be able to undertake plan-making based on the June 2022 SoCG, given that it is based on a version of the Standard Method for calculating local housing need which has been superseded by the 2024 NPPF. Clearly, the urban capacity of Leicester over the time horizon of the HLP is a matter that must be addressed within the wider HMA in the current round of plan-making in the context of other authorities’ plan preparation and the review of the LLP. In that context, we consider that it would be prudent for the HLP to build in contingency to address unmet housing needs beyond 2036 rather than deferring this to a subsequent plan review.

Early Review

2.1.8 Policy IM01 includes a series of triggers in respect of an early review to the HLP which relate to Leicester’s unmet need. However, a further matter Policy IM01 should address is the differential between the HLP’s annual average housing requirement (657 dpa) and the more recent LHN calculated using the new Standard Method (723 dpa).

2.1.9 Given the differential between these figures and the fact that differential will widen even more significantly from 2036 onwards, we expect that the Council will be required to progress a review and an update to address the District’s own needs regardless of events within the wider HMA.

Affordable Housing

2.1.10 The Development Strategy Paper correctly notes that the District’s local housing need (“LHN”) using the Standard Method is a minimum starting point. Amongst other matters, the Planning Practice Guidance (“PPG”) requires consideration to be given to the relationship between assessed need for affordable housing and the overall housing requirement. The Development Strategy Paper acknowledges this, but also states that the Housing and Economic Needs Assessment of June 2022 (“HENA”) did not consider there to be “exceptional circumstances” to depart from the Standard Method. Exceptional circumstances, however, do not need to be

demonstrated to plan for a level of housing greater than the LHN, which only represents a minimum starting point. This is confirmed in the PPG itself which says:

*“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.”*² [Emphasis Added]

2.1.11 The HENA discusses the matter at paragraph 9.40 to 9.50. In essence, it acknowledges the advice of the PPG that an increase in the total housing figures may need to be considered whether it could help deliver the number of affordable homes. However, the HENA relies on informal guidance from the Planning Advisory Service dated nearly a decade ago to dismiss the matter because there is no arithmetical way of combining the Objectively Assessed Need (“OAN”) and the affordable need. Whilst it may not be easy to make the link between the two with statistical exactitude, this does not obviate the need to apply the policy of the PPG, which is based on the entirely logical proposition that increasing the requirement for housing generally will lead to the delivery of more affordable homes. Affordable housing need in Harborough District is acute and the overall housing requirement will not secure the number of affordable homes needed at a policy-compliant level.

2.1.12 The HENA identifies a need for affordable homes in Harborough of 421 dpa compared with an annual average requirement for overall housing of 621 dpa. Notionally, the affordable housing need figure represents 68% of the annual average housing requirement. Given that affordable housing can only be viably delivered at a maximum of 40% based on the HLP and its evidence base, the overall housing requirement will not address the objectively assessed needs for affordable homes. There is no indication within the HLP or its evidence base that the relationship between the overall affordable housing needs and the housing requirement has been considered and an increased housing requirement would clearly facilitate the delivery of more affordable homes overall, which would help to alleviate the District’s significant affordability challenges.

2.1.13 Having regard to the Government’s live tables on affordable housing delivery, the District has only seen an annual average rate of affordable home completions of 188 over the last ten years. Clearly, therefore, the HLP should support an uplift in delivery to address the acute need for affordable homes. The decision not to uplift the housing requirement to address affordability concerns in line with the PPG lacks justification.

² Paragraph: 015 Reference ID: 2a-015-20190220

Sustainability Appraisal

- 2.1.14 The Sustainability Appraisal (“SA”) process considered three options in relation to the overall level of housing growth. Option B (HDC’s LHN plus 123 dpa to address Leicester’s unmet housing need) was selected as the preferred option. As set out in our Regulation 18 representations, we disagree that only meeting the District’s own LHN is a “reasonable alternative,” as this would be tantamount to the HDC turning its back on Leicester’s unmet housing need, which would not be consistent with national policy or the legal Duty to Cooperate.
- 2.1.15 Regarding the "high" growth option, a figure of 936 dpa has been tested, which is higher than the long-term average of 637 dpa since 2011 (the base year of the adopted local plan). However, relying on historical housing delivery trends to test future housing requirements does not fully address the ongoing challenges related to housing affordability and supply. The NPPF emphasises the need to “boost significantly” the supply of housing, reinforcing the importance of a forward-looking, evidence-based approach. We believe that reasonable alternatives for housing growth should not be benchmarked against past delivery rates but should instead focus on strategies to enhance housing supply, support economic growth, and address affordability concerns. We encourage the SA process and the wider evidence base to consider such an aspirational growth scenario.
- 2.1.16 Recent housing delivery trends in Harborough show an average of 891 dpa from 2021/22 to 2023/24, which is close to the "high growth" scenario. This suggests that the district can sustain this level of development. However, the SA does not clearly explain why the "high growth" option was rejected, though the Development Strategy Paper provides some reasoning, indicating that the “high” growth option would have the most negative impacts across all six spatial options. However, Table 4.1 of the Regulation 19 SA suggests that the differences between the "high" and "medium" growth options are not significant for most SA objectives. There is no clear reasoning for why the “high” growth option was not taken forward.
- 2.1.17 There is a clear and compelling case to test a higher housing requirement not only because of recent housing delivery trends mentioned above, but because of the wider issue of an HMA-wide shortfall over the plan period beyond 2036. A higher growth figure could provide sufficient headroom to respond to this longer-term strategic challenge and this has not been addressed given that alternative scales of growth were not tested beyond the initial spatial options.
- 2.1.18 Given these considerations, we would suggest that the overall quantity of growth subject to further testing through the SA process.

2.2 Spatial Distribution

- 2.2.1 The second limb of Policy DS01 identifies that land for a minimum of 6,422 homes (net of commitments) will be delivered throughout the Plan area. This includes 2,450 on site allocations

adjacent the Leicester Urban Area, including at the Land South of Gartree Road Strategic Development Area (“SDA”) and 1,125 homes at Scraftoft, 950 of which will be focused at Scraftoft East. 1,500 homes are also proposed on Site Allocations through Policy SA01 in Large Villages, including 475 homes in Kibworth.

2.2.2 We agree with Policy DS01’s apportionment of growth to the Larger Villages and to Kibworth in particular. Such an approach is consistent with the settlement hierarchy, which identifies Kibworth as a settlement offering a good range of local services, facilities and shops.

2.2.3 We agree that ensuring a balanced distribution of sites between the most sustainable parts of the District is a sound strategy. The Leicester urban area and the market towns, as well as the more sustainable rural settlements such as Kibworth, should play a role in the provision of housing for the development strategy to reflect the settlement hierarchy and to deliver a sustainable pattern of growth.

2.2.4 The Settlement Hierarchy Assessment dated January 2025 states that Kibworth has a good range of important services and facilities, including a local supermarket, public transport and access to employment opportunities. It meets the day-to-day needs of residents and serves the wider rural hinterland. The village has a compact, busy centre which is the focus of a wide range of services. There are numerous community facilities, schools, employment opportunities and good public transport links. These sustainability credentials mean that Kibworth is the most sustainable Large Village after Broughton Astley and self-evidently a sustainable location for strategic growth.

2.2.5 We note of the refined Options, RO1 (market towns focus) performs most poorly. We consider that whilst all sustainable settlements should have a role in supporting the growth strategy, new growth should be focused on locations which or can be made sustainable. By that same token, focusing all growth in one area of the District risks the over-concentration of housing which could result in market absorption challenges, risking delivery and depriving other areas in the District of the opportunity to grow. Accordingly, we agree that RO3 (balancing growth between the urban area and the market towns, with a medium level of growth directed towards the large villages) is the optimal approach and endorse the SA’s findings in this regard.

2.2.6 We agree that a balanced distribution of growth should occur at all levels of the settlement hierarchy, which addresses the needs of rural communities and allows existing towns and villages to grow proportionately. Sites in the rural area can make an important contribution to ensuring housing delivery is sustained while strategic allocations come on stream.

2.2.7 As a case in point, Land South of Gartree Road Strategic Development Area is a large-scale development with a prolonged delivery timeline, with many completions expected beyond 2041. This highlights the need for early delivery within the Plan period and a balanced mix of small to medium-sized allocations to maintain steady housing delivery. Allocating suitable sites in large

villages would provide flexibility and contingency, as these locations are among the most sustainable, rather than directing growth toward less sustainable settlements, such as the Small Villages. In this context, we note that Policy DS01 allocates 350 homes to Small Villages through settlement-specific apportionments. This represents a sizable share of growth at the lower end of the settlement hierarchy.

2.2.8 For the above reasons and considering our wider comments about the housing requirement above, we suggest that the overall level of housing apportionment should be increased to Kibworth.

2.3 Housing Land Supply & Contingency

2.3.1 Table 2 of the HLP sets out the District’s land supply position and forecasts a total of 14,839 completion over the Plan period (including windfalls) compared to the housing requirement of 13,182 overall. In other words, the HLP has a supply buffer over and above the minimum requirement of about 12%.

2.3.2 Whilst there is not a uniform approach to the appropriate level of supply buffer, one factor to consider is risks posed by the non-delivery of large-scale strategic sites. The HLP appropriately recognises the difficulties of over-reliance on strategic sites yet in addition to the outstanding commitment at Lutterworth East, the HLP proposes to allocate Land South of Gartree Road for a total of 4,000 homes across Harborough District and the Borough of Oadby and Wigston in addition to provision of employment land and social infrastructure including a new secondary school and 5 forms of entry primary school.

2.3.3 The HLP’s housing trajectory at Appendix 5 forecasts completions at Land South of Gartree Road from 2033/2034. Whilst that assumption is not on its face unreasonable, it does not appear to be supported by any objective evidence or analysis to support its assumptions regarding this timing and rate of delivery.

2.3.4 As Land South of Gartree Road will deliver towards the end year of the HLP and beyond, even minor delays will push anticipated completions well beyond the Plan period further eroding the HLP’s supply buffer and therefore the HLP’s ability to respond to changing circumstances. Given the risks inherent within the spatial strategy associated with the delivery of a very large-scale development to the South of Gartree Road, we would expect to see a higher buffer of closer to 20% rather than the 12% proposed. We would therefore encourage HDC to consider a greater supply-side buffer of about 20% in line with the approach suggested in the issues and options consultation.

2.4 Requested Change(s)

- 2.4.1 We consider that the following modifications should be considered to ensure the HLP's soundness.
- 2.4.2 Firstly, the HLP should contain a clear mechanism for addressing Leicester's unmet need beyond 2036 should this arise. Whilst a review mechanism has been incorporated, the PPG indicates that strategic policy-making authorities should cooperate to address cross-boundary matters and not defer these issues to subsequent reviews. Further land allocations or reserve sites should be identified to address Leicester's unmet need should it arise in the current Plan period.
- 2.4.3 Secondly, the HLP and its evidence should consider whether an uplift to the housing requirement could be made, and further suitable, deliverable and sustainable sites allocated, to address the need for affordable housing.
- 2.4.4 Thirdly, the SA should consider a "high growth" scenario across the refined options, consistent with our wider observations in relation to the housing requirement. The SA process should demonstrate that more sustainable rural settlements (i.e. large and medium villages) are accommodating housing growth in preference to less sustainable ones.
- 2.4.5 Fourthly, the approach to the HLP's supply-side buffer should be re-considered to align with that consulted upon during the issues and options stage. A buffer of around 20% is appropriate.

3. Land West of Smeeton Road, Kibworth

- 3.0.1 As set out above, DWH is promoting Land West of Smeeton Road, Kibworth for 150 dwellings. The Site has been assessed in the Council’s site selection evidence under Site Reference 8061. The Site was not assessed in the Stage 4 Technical Assessment as it was discounted at Stage 3.
- 3.0.2 The Stage 3 Assessment recognised that the Site would form a logical extension to the settlement and would also be of a scale of development appropriate to the settlement. However, the Site was discounted due to its location within the Area of Separation (“AoS”). We comment on this matter below.
- 3.0.3 The Council has commissioned a study by LUC dated November 2024 entitled “Areas of Separation: Review of Existing and Potential Areas.” The Study considers the Kibworth – Smeeton Westerby AoS, noting that this has been designated in the Kibworth Neighbourhood Plan. It should be borne in mind that neighbourhood plans are not subject to the same tests of soundness as local plans. As such, it is appropriate for the Council to reconsider whether the area continues to merit this designation, particularly when this forms the rationale for discounting an otherwise suitable and sustainability-located site.
- 3.0.4 The LUC Study is, with respect, perfunctory and does not adequately substantiate or relate to the conclusions of the site assessment evidence that the Site should be discounted due to its location with the AoS. The LUC Study has considered a very broad area but has only considered “potential site allocations” at a finer grain, of which there is only one to the West of Warwick Road and this lies outside of the study area. No attempt has been made to consider the merits of individual sites promoted to the Council within the study area.
- 3.0.5 In the case of DWH’s land interest to the West of Smeeton Road, this has been positively assessed in the SHELAA and advanced through the site selection work to Stage 3 where it has been discounted due to its location with the AoS. However, the LUC Study has not assessed the impact of developing the Site upon the AoS and only concerns itself with the merits of the AoS generally, rather than assessing whether part of it promoted for development may be released without significantly undermining its purposes.
- 3.0.6 Areas of separation are not immutable designations. They have no precedent in national policy nor is there anything in national policy which prevents their review to meet development needs. Indeed, this is the approach the Council has taken in respect of the Green Wedge around Scraftoft.
- 3.0.7 When travelling south along Smeeton Road, there is a distinct sense of leaving Kibworth Beauchamp when passing the medical centre to the west and Kibworth Mead Academy to the east. This is where it becomes apparent that there is a break in the development with views beyond the roadside hedgerows to either side of the road taking in fields bounded by established

hedgerows and trees. The physical gap between Kibworth Beauchamp and Smeeton Westerby in this location is approximately 134m. The Site, however, is located to the north and west of the medical centre and cannot be seen. As such it does not feature in this break between the two settlements.

- 3.0.8 The gap – including the site – between Kibworth Beauchamp and Smeeton Westerby, west of the medical centre is approximately 400m. Without landscape buffers development upon the site would reduce the physical separation of Kibworth Beauchamp and Smeeton Westerby by approximately 100m in this location, leaving about 300m between the southern boundary of the site and the nearest built-up edge of Smeeton Westerby. Importantly there is no intervisibility between the Site and Smeeton Westerby in this location due to the screening effects of intervening hedgerows and trees. Consequently, with a sensitively designed development, with additional structural planting to the southern Site boundary, there would be no visual coalescence between the two settlements. Furthermore, there will be no encroachment into the perceived break between the two settlements experienced along Smeeton Road. The physical gap in this location will be retained at 134m and no development upon the site would be visible.
- 3.0.9 Where visible from Public Right of Way to the south and southwest of Kibworth Beauchamp including Mill Lane, the proposed development would be seen in the context of the existing urban edge of Kibworth Beauchamp and would be perceived as part of the settlement. No intervisibility has been identified between the two settlements and development of the site with appropriate mitigation would not affect this. A significant area of fields bounded by established hedgerows with trees would continue to separate the two settlements in these views. Consequently, it is considered that proposal would not undermine the physical or visual separation of the settlements.
- 3.0.10 As a result of the above, the decision to discount the Site because it lies within an AoS is not well-founded and not supported by the HLP’s evidence base. We request that the Council revisits the Study to consider whether sites under promotion in the AoS merit retention and whether their release for development will undermine the purposes of this designation. For the reasons set out above, Land West of Smeeton Road clearly would not have such an effect.

4. Summary & Conclusion

- 4.0.1 DWH has concerns with the HLP’s approach to the housing requirement, spatial strategy, and other key matters discussed above. Appropriate provision should be made for addressing Leicester’s unmet need between 2036 and 2041.
- 4.0.2 In addition, the housing requirement should be re-considered in light of wider evidence in respect of affordable housing need. A supply-side contingency of least 20% should be introduced to allow for flexibility. The SA process should consider higher growth scenarios across the refined distribution options, which should also consider an option based upon more limited growth to the tiers of settlements at the lower end of the hierarchy, namely the small villages.
- 4.0.3 Finally, DWH’s land interest to the west of Smeeton Road has been rejected through the site selection process by virtue of its location within the Kibworth-Smeeton AoS. However, there has been no objective review of the AoS carried out through the emerging HLP’s evidence base and the AoS Study by LUC fails to consider the merits of retaining individual sites within the AoS. We therefore request that the site selection evidence base and the AoS Study is updated as appropriate and that the Site is allocated for development.