

FAO Planning Policy
Harborough District Council
The Symington Building
Adam and Eve Street
Market Harborough
LE16 7AG

1st May 2025

Dear Sir / Madam

**Harborough Local Plan 2020-2041
Regulation 19 – Proposed Submission Plan**

Thank you for providing us with the opportunity to comment on the Harborough Local Plan (“HLP”) 2020 – 2041. Marrons submit these representations on behalf of NS Consultancy Ltd, who is promoting Land off Moorbarns Lane, Lutterworth for residential development. A Site Location Plan is provided at **Appendix 1**.

These representations focus on matters which we consider require further consideration with regard to the soundness of the HLP.

The Government’s planning policy framework for England is contained within the National Planning Policy Framework (“NPPF”), December 2024 edition. Paragraph 234 of the NPPF 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.

Harborough District Council (“HDC”) intends to progress the HLP under transitional arrangements, therefore 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 from that version unless otherwise stated.

Paragraph 35 of the NPPF (2023) 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.

Policy DS01: The Housing Requirement

Representations:

Leicester's Unmet Housing Need 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.

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 to Harborough. 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.

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 it is 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.

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 therefore be explored soon as part of that review.

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. Planning Practice Guidance ("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

HDC's Duty to Cooperate Compliance Statement identifies that addressing Leicester's unmet need beyond 2036 is 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.

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.

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 that 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).

Given the differential between these figures and the fact that the 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:

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 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 the minimum starting point. This is confirmed in the PPG itself which states:

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

“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 [Our emphasis Added]

The HENA discusses the matter at paragraphs 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 to 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 overall 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.

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 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.

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, the HLP should therefore 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.

The Sustainability Appraisal:

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

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

HDC turning its back on Leicester's unmet housing need, which would not be consistent with national policy or the legal Duty to Cooperate.

In respect of the "high" growth option, a figure has been tested in the amount of 936 dpa with the rationale that this is higher than the long-term average of 637 dpa since 2011 (the base year of the adopted local plan). Embedding longer-term housing delivery trends into future housing requirements merely continues the trend of chronic under-delivery of housing which, in turn, exacerbates issues of housing affordability and the adverse social consequences of the current housing crisis. That approach is reflected in the NPPF which seeks to "boost significantly" the supply of housing. As such, we do not agree that reasonable alternatives in respect of housing growth should be dictated by previous delivery trends, but rather an evidence-led approach which considers how housing delivery can be boosted to address existing challenges such as housing affordability and delivering sufficient residential growth to support economic growth and job creation. Unfortunately, no part of the evidence-base considers such an aspirational growth scenario.

In respect of recent delivery trends, we note the average annual net additions in Harborough have averaged 891 dpa from 2021/22 to 2023/24. This is close to the "high growth" scenario and so it is clear the District is able to practically sustain this rate of delivery. Despite this, there is no clear indication within the SA as to why the "high growth" option has been rejected, though an explanation is put forward in the Development Strategy Paper.

The Development Strategy Paper states that the SA appraisal of options indicates that the high scale of growth option would lead to the most negative impacts across all six of the initial spatial options. From Table 4.1 of the Regulation 19 SA, the differences between the "high" and the "medium" growth options across the six distributional scenarios does not appear to be significant across most of the SA objectives.

It is also the case that none of the six initial distributional scenarios were taken forward in their totality, but rather alternative distributional options were subsequently tested. By that time, however, the overall level of growth had already been fixed in line with Option B and the SA process did not test the refined options against a higher or lower housing requirement.

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 at least potentially 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.

Accordingly, we do not consider that the overall quantity of growth has been adequately tested through the SA process and therefore the housing requirement lacks justification.

Change(s) Requested:

First, 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 within the HLP, 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.

Second, 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.

Third, the SA should consider a "high growth" scenario across the refined options, consistent with our wider observations in relation to the housing requirement.

Policy DS01: Housing Supply and Contingency

Representations:

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 housing requirement of about 12%.

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 strategic sites. The HLP and its evidence base appropriately recognises that 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.

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 assumptions regarding this timing and rate of delivery.

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 flexibility and to respond to changing circumstances in a plan-led fashion.

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.

Change(s) Requested:

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 and this should be reflected in the amount of land allocated for development.

Policy DS01: Spatial Distribution of Housing

Representations:

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 Scraptoft, 950 of which will be focused at Scraptoft East.

We agree, in principle, with the focus upon the Leicester Urban Area. Such an approach is consistent with the settlement hierarchy, which identifies the Leicester Urban Area as the most sustainable part the District. It is also the case that meeting a proportion of Leicester's unmet need close to where it arises is consistent with wider sustainability objectives of reducing the need to travel. The housing growth directed towards the Leicester fringe is of a scale which can deliver additional services and facilities to support new growth. As such, the spatial strategy in respect its overall apportionment of growth to the Leicester Urban Area follows the settlement hierarchy.

The appraisal of the six initial housing distribution options reveals that none clearly outperform others against the SA objectives. These options have thus been combined into three refined options which have been subject to further testing. In essence, the refined options involve directing growth to the market towns, focusing growth upon the Leicester Urban Area or a combination of both approaches. In principle, we agree that ensuring a balanced distribution of sites between the most sustainable parts of the District is a sound strategy and that both the Leicester Urban Area and the market towns should play a comparative role in accommodating growth. indeed, this is necessary for the development strategy to reflect the settlement hierarchy and to deliver a sustainable pattern of growth.

We note of the refined Options, RO1 (market towns focus) performs most poorly, largely due to the concentration of significant growth at Lutterworth and Large Villages with lower growth directed towards the Leicester Urban Area. We consider that whilst all sustainable settlements should have a role in supporting the growth strategy, directing little to no growth toward the Leicester Urban Area is inconsistent with the settlement hierarchy and so we do not consider this to be a desirable option. By that same token, focusing all growth in the area of the District adjoining Leicester risks over-concentration of housing in one area, risking delivery and depriving other locations the opportunity to grow. Accordingly, in principle, we agree that RO3 (balancing growth between the urban area and the market towns) is the optimal approach and endorse the SA's findings in this regard.

We note that whilst Option RO3 involves the provision strategic housing growth at Market Harborough (a market town), there is a comparatively quite limited focus upon Lutterworth. That is reflected in the proposed spatial distribution which sees the overwhelming proportion (1,350) of the 1,670 dwellings apportioned to the market towns concentrated at Market Harborough, with only 320 homes apportioned toward Lutterworth.

Whilst it is true that Lutterworth is smaller than Market Harborough, there are settlements in locations of lesser sustainability which accommodate a greater portion of net growth, including 350 homes in

the “Small Villages,” the least sustainable tier of settlement, and 452 homes in the “Medium Villages.” Collectively, the apportionment of growth to the small and medium villages outstrips by more than double the level of net growth directed to highly sustainable settlements such as Lutterworth, resulting in less sustainable pattern of growth that cascades too much housing growth to the least sustainable settlements in the hierarchy. The apportionment of growth to the small villages is not reflected in any allocations within the HLP and it is unclear how these units will be delivered in practice – or when. Whilst some areas may decide to progress a neighbourhood development plan or a review to an existing neighbourhood development plan, it is not clear if this will be the case in all instances.

Notwithstanding the above, we agree generally 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. Small and medium size sites in the rural area can make an important contribution to ensuring housing delivery is sustained whilst strategic allocations come on stream. The Land South of Gartree Road Strategic Development Area is of considerable scale and has a prolonged delivery timespan, with a sizable number of completions projected beyond 2041. Accordingly, there is a need for delivery within the early part of the Plan period and a balanced portfolio of small to medium sized allocations to sustain housing growth throughout the Plan’s lifespan. However, such flexibility and contingency can be delivered through allocating suitable sites in the Large Villages, Medium Villages, and at Lutterworth, as these are the most sustainable locations and settlement, rather than cascading growth towards less sustainable settlements and further down the settlement hierarchy (i.e. the smaller villages).

Accordingly, we consider that in order to bring forward a sustainable pattern of growth that follows and respects the hierarchy, more growth should be apportioned towards Lutterworth commensurate with its role and function as a large and sustainable market town. Whilst we recognise that Lutterworth plays host to a significant outstanding commitment in the form of the Lutterworth East Strategic Development Area, significant levels of commitment should not preclude further growth upon suitable and deliverable sites.

Change(s) Requested:

Whilst we consider a balanced approach between the Leicester Urban Area and the market towns to be justified, the spatial strategy current cascades significant growth toward the bottom end of the settlement hierarchy. The SA has not considered an approach that would apportion more growth to Lutterworth, which in our view would represent a more sustainable outcome. We encourage this to be considered through the SA process.

Land off Moorbarns Lane, Lutterworth

As set out above, NS Consultancy Ltd is promoting Land off Moorbarns Lane (“the Site”) for residential development. The Site includes land parcels to the east, south-east and north-west of Moorbarns Lane. The Site is shown edged in red at **Appendix 1**.

The Site was assessed in the Strategic Housing and Economic Land Availability Assessment Update (SHELAA) (November 2024) as part of a larger site, with an estimated 2,415 dwellings (site reference 24/10433). The Site has also been considered as a reasonable alternative to the proposed Land South

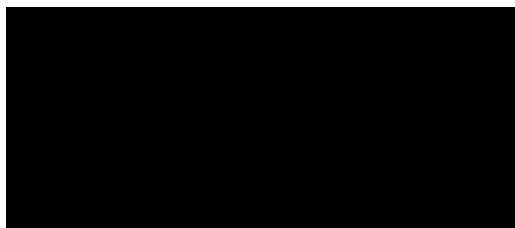
of Gartree Road Strategic Development Area (“SDA”) within the SA. Whilst we do not comment on the merits of the wider prospect of a Sustainable Urban Extension to the south of Lutterworth, the Council should consider whether a smaller residential allocation could be made in this location within the current Plan period to capitalise on Lutterworth’s sustainability credentials. The Site remains available, suitable, deliverable and achievable for residential development and we would encourage the Council to consider its merits should additional sites for housing need to be identified within the emerging HLP.

Conclusions

The housing requirement should be re-considered in light of wider evidence in respect of affordable housing need and Leicester’s unmet 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 and a greater amount of growth at Lutterworth commensurate with its role and function, as well as its position in the settlement hierarchy.

Given the nature of our client’s concerns in respect of plan soundness and its land interests in the area, we consider that it is necessary to be heard at the Examination in Public Hearing Sessions to present our case fully.

Yours faithfully,



Encl. Site Location Plan