

# **DRAFT HARBOROUGH LOCAL PLAN (2020 – 2041)**



**REPRESENTATIONS**  
**REGULATION 19 – CONSULTATION DRAFT**  
**APRIL 2025**

<b>Project Name:</b>	Harborough Local Plan – Regulation 19
<b>Client Name:</b>	Davidsons Developments Limited Jelson Homes Limited
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<b>Date:</b>	31 <sup>st</sup> March 2025
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**Appendix 1**

Agricultural Land Quality Report

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## 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 Davidsons Developments Limited and Jelson Homes Limited.

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 Scraftoft East, which forms part of the HLP’s strategy for meeting housing growth needs over the Plan period to 2041.

1.1.3 Davidsons Developments Limited and Jelson Homes has worked and will continue to work constructively with Harborough District Council (“HDC”) as it progresses towards submission and adoption of the HLP and trusts that the comments contained within this document will assist officers in this regard.

### 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 12<sup>th</sup> 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** – Green Wedge (Policy DS04)
- **Section 4** – Infrastructure (Policy DS05)
- **Section 5** – Scraftoft East (Policy SA04)
- **Section 6** – Development Management Policies

## 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 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.
- 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 18<sup>th</sup> 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.
- 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 6<sup>th</sup> 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.
- 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.<sup>1</sup>

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<sup>1</sup> 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 and 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.”*<sup>2</sup> [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 40% based on the HLP’s 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.

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<sup>2</sup> 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 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). However, relying on historical housing delivery trends to test future housing requirements may 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 2023/2024, 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 the “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 at least potentially provide sufficient headroom to respond to these longer-term strategic challenges. A such, we consider that a higher housing requirement should be explored further 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.

- 2.2.2 We agree 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. Whilst we note the content of the Settlement Hierarchy Assessment of January 2025, which scores Scraftoft and Thurnby/Bushby as “medium villages,” each settlement is contiguous with the City of Leicester and has access to a wide range of employment opportunities and services not reflected in the audit of services within these settlements.
- 2.2.3 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.
- 2.2.4 The appraisal of the six initial 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. Both urban area and the market towns should play a role in the provision of housing in order for the development strategy to reflect the settlement hierarchy and to deliver a sustainable pattern of growth.
- 2.2.5 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 growth 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 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. Such flexibility and contingency can be delivered through allocating suitable sites the more sustainable villages in the most rather than cascading growth down towards settlements with lesser sustainability credentials.
- 2.2.6 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. Accordingly, 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.

## 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 completions 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 very strategic sites. The HLP appropriately recognises that the difficulties of over-reliance on very 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 regarding the timing or 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 The following modification 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 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.
- 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.
- 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.
- 2.4.6 Fifthly, whilst we consider a balanced approach between the Leicester Urban Area and the market towns to be justified, the spatial strategy cascades reasonably significant growth down to the lowest lower end of the settlement hierarchy (i.e. the small villages). The SA has not considered an approach that would apportion more growth toward the more sustainable rural settlements which in our view would represent a more sustainable outcome. We encourage this to be considered.

### 3. Policy DS04 Development Strategy: Preserving and Enhancing Our Heritage and Rural Character

#### 3.1 Introduction

3.1.1 Policy DS04 sets out that the open and undeveloped character and appearance of the Leicester/Scraptoft/Bushby Green Wedge as defined in the Policies Map will be preserved with the aims of preventing the merging of settlements; guiding development form; providing access from urban areas into green spaces and open countryside; and providing recreational opportunities. The Policies Map for Scraptoft, Thurnby and Bushby alters the extent of the established Green Wedge to accommodate development at the Scraptoft East Housing Allocation.

#### 3.2 Strategic Need to Review the Green Wedge

3.2.1 Green Wedge designation and policies were introduced to Leicester and Leicestershire by the Leicestershire Structure Plan (1987). Unlike Green Belt, Green Wedge has no status at national level and there are no prescribed circumstances in national policy in which local plans can designate and/or de-designate land as Green Wedge. Exceptional circumstances do not need to be demonstrated. The key purpose of local plan-making is to deliver a sustainable pattern of growth. In the context of Harborough District, the most sustainable locations are those within or close to the City of Leicester's boundaries, which is reflected in the HLP itself and its wider evidence base.

3.2.2 A proportion of HLP's housing provision over the Plan period is to expressly meet the unmet needs of the City of Leicester. Given the above, there is a clear sustainability imperative to focus a sizable proportion of development on the fringes of Leicester. However, this also means reviewing the extent of the city's established Green Wedge in Harborough District to ensure that growth can be accommodated in the most sustainable manner which reduces reliance on the private car and allows future residents access to services and facilities in the most sustainable locations. The same approach has been taken within the Leicester Local Plan 2020 – 2036 which releases significant areas of Green Wedge land to accommodate the city's development needs. Similar releases of Green Wedge around Leicester have also taken place in the Borough of Charnwood through the emerging Charnwood Local Plan to 2036.

3.2.3 For context, the Leicester Local Plan proposed to allocate four strategic sites on de-designated Green Wedge land to provide 1,838 dwellings. Whilst the examination of the Leicester Local Plan is still ongoing, we note the Post Hearing Comments of the Inspectors dated 6<sup>th</sup> January 2025 state that Leicester Local Plan is capable of being found sound and legal compliant. We see no reason to apply a different approach in respect of the Green Wedges lying in Harborough District, particularly when the HLP seeking to address some of Leicester's unmet development needs in the Plan period.

### 3.3 Harborough District Green Wedge Assessment

- 3.3.1 TEP has prepared the Harborough District Green Wedge Assessment dated December 2024. The Assessment concludes that the current extent of Green Wedge achieves the purposes of the designation, and that no changes are recommended to the existing boundaries.
- 3.3.2 We disagree with the fundamental conclusion of that Assessment, as it disregards the imperative to balance the retention of Green Wedge with the requirement to accommodate development needs in the most sustainable locations as referred to above. The Assessment should include or at least acknowledge HDC’s wider evidence in relation to housing need and spatial strategy.
- 3.3.3 At paragraph 1.8, the Assessment notes that Green Wedge has been a feature of sub-regional planning policy since the 1980s. Whilst Green Wedge as a policy tool in the Leicester and Leicestershire HMA has endured successive local plan reviews, it pre-dates key features of national planning policy, which have significant local implications, including objectively assessed housing need and the Standard Method’s urban uplift, which applies to the City of Leicester under the previous iteration of the Standard Method under which the HLP is prepared. This should be acknowledged in the Assessment’s policy analysis.
- 3.3.4 Page 34 of the Assessment states that sub-area GW1B makes a “Strong” contribution to preventing the merger of settlements. That is even though Scraftoft and the wider Leicester Urban Area have already merged along Station Lane. Given the topography, it is acknowledged within the Assessment, however, that the southern part of the sub-area could be developed whilst still retaining separation. Those findings indicate that whilst the sub-area may make some contribution to maintaining settlement separation, that contribution cannot be described as “strong” across all parts of the sub-area.
- 3.3.5 Page 36 of the Assessment states that sub-area GW1B performs strongly against guiding development form. Whilst it is agreed that GW1B benefits from pre-existing defensible boundaries, other parts of the assessment acknowledge that alternative features exist which could also guide development form, namely the sub-area’s topography and the existing built form along Station Lane. These alternative boundary features should be considered in the wider assessment in respect the sub-area’s relative performance.
- 3.3.6 Page 37 of the assessment states that sub-area GW1B performs moderately as a recreational resource. Whilst it is acknowledged that public access is obtainable via two existing Public Rights of Way (PRoWs) which cross the sub-area, there appears to be nothing within the assessment or its methodology to distinguish between “weak contribution” or “moderate contribution” to this purpose, as in both categories land can be “partially publicly accessible.” There is also no marker to distinguish between a “limited range” of formal or informal recreational opportunities or an “adequate range.” Irrespective of that, there is no “range” of recreational opportunities within the sub-area. There are solely public rights of way and no other

forms of recreation or public access. Accordingly, we consider that a finding of “moderate” contribution to recreational resources to be over-stated and not justified by the Assessment’s wider methodology.

3.3.7 Page 134 considers the proposed allocation of Scraftoft East and sets out guidance to retain physical and visual separation and to enhance the sub-area’s recreational offer. We agree that considering the Assessment’s wider findings that these recommendations are justified and can be addressed through appropriate masterplanning.

### **3.4 Requested Change(s)**

3.4.1 We do not raise any objections to the retention of the extent of Green Wedge as shown on the Policies Map, which are consistent with the wider findings of the Green Wedge Assessment. We request that the Assessment or a separate topic paper acknowledges the wider role in the Leicester fringe in meeting Harborough’s own housing needs and Leicester’s unmet need for housing in the most sustainable location.

3.4.2 We also request that wider analysis around the strength of the existing Green Wedge between Scraftoft and Thurnby/Bushby is reviewed in line with our comments above to ensure the findings in this regard remain methodologically robust and consistent.

## 4. Policy DS05 Development Strategy: Supporting Strategic Infrastructure

### 4.1 Introduction

- 4.1.1 Policy DS05 requires that, amongst other things, clusters of sites demonstrate a comprehensive approach to coordinating the provision, phasing and funding of infrastructure to address cumulative and cross boundary impacts. One such cluster comprises Sites S1, S2 and TB1 at Scraftoft.
- 4.1.2 Limb 4 of Policy DS05 sets out that all development proposals should demonstrate adequate mains foul water treatment and disposal already exists or can be provided in time to serve development ahead of occupation. Phasing and implementation should be agreed with the relevant service provider
- 4.1.3 Policy DS05 sets out that the District Council will work to mitigate the transport impacts of development including through the delivery of Transport Strategies as appropriate. The policy then put forward the likely components of the Transport Strategy.
- 4.1.4 We provide comments on these matters below.

### 4.2 Infrastructure Provision

- 4.2.1 The proposed allocations in the Scraftoft Area comprise Scraftoft East (S1) for 950 dwellings, Land at Beeby Road (S2) for 175 dwellings and Land North of the A47 and east of Zouche Way (TB1) for 125 dwellings. In respect of primary education, we agree that all developments within the wider catchment, including Sites S2 and TB1, should make proportionate contributions toward the delivery of the primary school at Scraftoft East. We note that this is reflected in the policy requirements for Site S2, but a similar provision does not appear to exist for TB1 despite forming part of the same cluster of sites for infrastructure purposes.
- 4.2.2 In respect of Limb 4 c) of the policy, utility providers are under a statutory obligation to provide sufficient capacity within their networks to accommodate development. Requiring that development can only be occupied subject to such capacity being available and at a time to be agreed by the utility providers is not justified and any planning condition or obligation securing the same would be unreasonable.
- 4.2.3 In respect of Limb 4 d) of the policy, it is not the responsibility of new development to solve pre-existing traffic issues within the road network. Whilst Transport Strategies may guide the type and location of mitigation, that mitigation must be proportionate to the impact of the development concerned as quantified through a Transport Assessment rather than pooled towards more general infrastructure provision aimed at solving pre-existing problems within the network.

Whilst it is welcome that Policy DS05 recognises this to an extent, the measures to be delivered as part of the Transport Strategies within the bulleted list are not sufficiently focused and it is not made sufficiently clear that contributions towards these measures should only be sought where proportionate to addressing the transport impacts of the specific development.

### **4.3 Request Change(s)**

4.3.1 In respect of Policy DS05 1. d) as regards the Scraftoft, Thurnby and Bushby cluster of proposed allocations, it should be made clear that Sites S2 and TB1 should make financial contributions towards aiding the delivery of the new primary school at Scraftoft East.

4.3.2 In respect of Policy DS05 4. c), the effect of this clause is to effectively make the provision of sufficient foul water treatment capacity the responsibility of the developer through restricting timescales for unit occupation when utility providers are under a statutory obligation to provide sufficient capacity. This element of the policy is unjustified and should be removed.

4.3.3 Policy DS05 4. d) in respect of Transport Strategies requires fundamental revision to make it clear that contributions to highways and public transport improvements will only be sought where these are proportionate to a development's impact as quantified through Transport Assessment. Tying mitigation measures to generic measures within Transport Strategies will sever the link between the project's impact and the mitigation secured, resulting in disproportionate burdens which cannot be justified through the statutory CIL tests. In addition, the Transport Strategies referred to do not form part of the HLP or its evidence base nor are they available elsewhere. We request that the reference to Transport Strategies is deleted entirely for plan soundness.

## 5. Policy SA04: Scruptoft East

### 5.1 Introduction

- 5.1.1 Policy SA04 allocates land between Scruptoft and Bushby for residential development along with essential infrastructure provision in the form of a primary school and associated infrastructure.
- 5.1.2 The policy is accompanied by a series more detailed requirements including but not limited to the need for a comprehensive masterplan, which meets the masterplanning requirements in Appendix 6; addressing existing cumulative traffic issues on the south-eastern side of Leicester’s highway network including consideration of Thorpebury in the Limes Strategic Development Area and other nearby allocations in the emerging HLP; submitting a Minerals Assessment; applying the sequential approach to flood risk and exploring opportunities to reduce flood risk downstream along the corridor of the tributary.
- 5.1.3 Scruptoft East has also been subject to a series of assessments through the site selection process.
- 5.1.4 We provide comment on these matters below.

### 5.2 Development Requirements

- 5.2.1 In respect of the requirement for a comprehensive masterplan, Davidsons Developments Limited and Jelson Homes are working together to promote Scruptoft East and are currently preparing a planning application. That planning application will be accompanied by a suite of drawings and documents including an illustrative masterplan and Design & Access Statement, which together will set out a comprehensive vision for Scruptoft East. Given that the two developers are working together with a common consultant team to submit a single proposal for Scruptoft East, there is no need for a separate, comprehensive masterplan to be approved by HDC outside of the usual planning application process.
- 5.2.2 In respect of the existing cumulative traffic issues occurring because of committed and forthcoming development, we must re-iterate that it is not the place for Scruptoft East or the emerging allocations to solve existing problems on the highway network but only to address transport mitigation proportionate to their own impacts. Whilst those impacts may be considered cumulatively with committed or other forthcoming development, this must be methodologically justified through the Transport Assessment process.
- 5.2.3 We note the requirement for a Minerals Assessment to be submitted in accordance with Policy M11 of the Leicestershire Minerals and Waste Local Plan. A Minerals Assessment is typically required when developments is proposed in areas where large reserves do, or may, exist, to determine whether the mineral resource will be sterilised. Based on the BGS mineral resource information, the Glaciofluvial Deposits (sand and gravel) are a potential mineral resource of

concern; however, the strata are likely to be too thin for commercial extraction. Although the site area is relatively large and relatively accessible, any new mineral extraction is unlikely to be socially acceptable near established residential developments in the area. Based on the above, we do not consider a detailed Minerals Assessment to be required.

5.2.4 In respect of the requirement for a sequential approach to avoid surface water flood risk, for consistency with national policy it should be made clear in the policy that the requirement to avoid surface water flood risk only applies to built development and infrastructure, such as roads.

### 5.3 Site Selection / Assessment

#### Very Large Strategic Sites

5.3.1 The Site Methodology Paper dated January 2025 discusses the site selection process in detail. Sites with the capacity to deliver 1,500 or more dwellings were subject to discrete assessment. The rationale for this is 1,500 homes was deemed to be the threshold at which a scheme could offer a degree of self-containment that would justify a scale of growth over and above what the location's position in the settlement hierarchy would support.

5.3.2 In the case of Scraftoft East, we consider that this point is largely moot given that it is located adjacent to the Leicester Urban Area, which sits at the HLP's settlement hierarchy. As such, the Leicester fringe is an appropriate location for this scale of growth. We nonetheless point out that sites smaller than 1,500 homes area also able to deliver substantial sustainability benefits from new services and facilities.

5.3.3 We agree that given the need to ensure deliverability and to avoid subjecting the Plan's strategy to undue delivery risks, it is sensible to limit the number of very large strategic sites in the manner suggested in paragraph 4.3 of the Methodology Paper to one per refined growth option.

#### Stage 3 Assessment Criteria

5.3.4 Following identification of a "pool" of sites that are positively assessed within the Strategic Housing and Economic Land Availability Assessment ("SHELAA"), Stage 3 of the assessment included an application of broader policy considerations. Table 3 sets out criteria by which sites will be screened out.

5.3.5 We have fundamental concerns in respect of the sixth criteria ("Would the site have a significant impact on a Green Wedge which cannot be mitigated?"). We note that it is stated sites which are wholly or partly within a Green Wedge will be rejected at Stage 3 unless the impact can be mitigated through compensatory provision / mitigation. This is a misapplication of Green Wedge designation the retention of which must be balanced with the need to deliver growth in sustainable locations, as discussed above. It is a long-established practice both within

Harborough District across the wider HMA that Green Wedge can and should be reviewed through the local plan process and that, as part of that review, the local planning authority must consider balancing retention against development needs and broader sustainability considerations. The methodology's apparent treatment of Green Wedge as an absolute constraint is wrong and clearly the content of the HLP itself and other aspects of its evidence base such as the SA have correctly applied a more nuanced approach.

5.3.6 As set out in paragraph 6.5 of the Site Selection Methodology, the HLP seeks to bring forward allocations within the District's most sustainable settlements aligned with the settlement hierarchy. That includes directing housing growth towards the Leicester Urban Area which must necessarily involve a review of Green Wedge. As such, the Site Selection Methodology should be amended or clarified to reflect the Council's approach to render it consistent with other parts of the evidence base.

#### Stage 4: Technical Site Assessments

5.3.7 The Stage 4 Assessment indicates that Scraftoft East performs well in relation to the criteria considered.

5.3.8 Surface water flood risk can be accommodated through suitable masterplanning. It is acknowledged appropriately that archaeology can be mitigated and whilst we disagree that the Site could have significant adverse impacts on the heritage assets associated with Scraftoft, the setting of heritage assets can be addressed through appropriate masterplanning.

5.3.9 It is stated that the site comprises of greater than 25% grade 3 agricultural land. It should be noted that as per the Agricultural Land Classification report produced at **Appendix 1** that only 11% of the land comprises Grade 3a or above, meaning that only a small proportion is Best and Most Versatile ("BMV") Agricultural Land. The assessment should recognise that the site performs well against this criterion.

5.3.10 Whilst part of the site lies within a Mineral Safeguarding area, the strata is likely insufficient to support a viable mineral extraction operation as set out above.

5.3.11 Accordingly, we consider the Technical Assessment of the site demonstrates that it has no fundamental constraints that cannot be overcome.

#### 5.4 Requested Change(s)

5.4.1 We support the overall thrust of Policy SA04 in proposing to allocate Scraftoft East for about 950 dwellings and associated infrastructure. The site is deliverable and experiences no fundamental technical constraints. Part of the site is designated as Green Wedge. However, it is appropriate to review these designations to ensure that development needs can be met in the most sustainable locations. The SA process has clearly shown the overall development strategy of

focusing significant growth on the edge of the Leicester Urban Area is performs well against the reasonable alternatives. The site allocation is in conformity with that development strategy.

- 5.4.2 We request that Policy SA04 is amended to omit references to a comprehensive masterplan as this is unnecessary given that each developer is working together to deliver the site. We also request that the reference to the site addressing existing cumulative transport impacts to the southeast of Leicester is reviewed. This should either be deleted entirely or edited to clarify that Scraftoft East should only be required to mitigate its own impacts on the highway network.
- 5.4.3 Lastly, a detailed Minerals Assessment is not required given the depth of the resource is not sufficient to support a standalone minerals extraction operation and given the proximity to sensitive receptors (i.e. residential development). The clause of the policy requiring a Minerals Assessment should therefore be deleted.
- 5.4.4 The site has undergone a thorough and proportionate evaluation, as well as an objective selection process. While we disagree with treating the Green Wedge as an absolute constraint, this has not impacted the assessment outcomes. However, we encourage the Council to provide additional evidence on its approach to the Green Wedge, perhaps in the form of a topic paper or similar document, to supplement the existing evidence base on this issue.

## 6. Development Management Policies

### Introduction

6.1.1 Below we set out further representations in relation to more detailed, development management related policies. We provide comment in relation to soundness of the following policies:

- Policy HN01 Housing Need: Affordable Homes
- Policy HN02 Housing Need: Mix of New Homes
- Policy HN04 Housing Need: Supported and Specialist Housing
- Policy HN05 Housing Need: Self and Custom Build
- Policy DM02: Amenity and Wellbeing
- Policy DM04: Landscape Character and Sensitivity

### 6.2 Policy HN01: Affordable Homes

6.2.1 Policy HN01 requires that 40% of the total number of homes in residential developments of 10 or more homes must be affordable. The 40% threshold has been viability tested within the Main Viability Report by Aspinall Verdi dated January 2025.

6.2.2 Viability Report contains an analysis in respect of the opportunities and constraints of each site. In respect of the analysis undertaken for Scraftoft East, we make the following representations:

- Whilst the topography of the site slopes in some places, the emerging concept masterplan provided to the Council and its consultants already takes account of this constraint.
- It is unclear why the Council's consultants wish for the site promoters to provide details on anticipated Section 106 costs when the Council is best placed to advise on this matter. In respect of infrastructure requirements, there are no infrastructure-related constraints with the main infrastructure required being the primary school, which has been factored into the viability appraisal, and the works to facilitate site access, the cost of which is already reflected in the viability appraisal.
- Uncertainty regarding school provision on the site is cited as a constraint. Jelson and Davidsons have been in detailed discussions both with Harborough District Council and

Leicestershire County Council as the Local Education Authority in respect of the primary school. The school will be provided as a 2FE with early years provision. This has been factored into the masterplanning exercise.

6.2.3 The Viability Report cites minimum engagement from the promoters “in terms of specific information” and a “lack of transparency in respect of minimum land values.”

6.2.4 Firstly, it has not been possible to provide information about minimum land values or premium expectations because most of Scraftoft East is owned freehold by the respective developers. A small part of the site is held under option, but there is no minimum land value in this agreement and hence no information in this respect to share. This was made clear to the Council’s viability consultants prior to the start of the Regulation 19 consultation.

6.2.5 Secondly, detailed information on the nature of the scheme, the site and infrastructure considerations have been provided in the form of a concept masterplan, which was provided to the Council’s consultants and has been published within the Viability Report.

6.2.6 In terms of the assumptions made in the Viability Report, we have the following comments and observations:

- The allowance for on-site infrastructure is too high. The Report allows for £20,000 per plot but we consider that £15,000 per plot is more reasonable.
- It is not clear what allowance has been made for professional fees for strategic sites.
- Lower quartile BCIS costs have been used for larger sites due to economies of scale. However, the BCIS data already accounts for the costs and economies of scale typically associated with new build projects. However, it is also important to note that strategic sites are often developed by two or more non-PLC housebuilders. As a result, economies of scale cannot be universally assumed across an entire site, as each housebuilder operates with its own distinct cost base. In the case of our clients, Davidsons Developments and Jelson Homes, they do not experience the same economies of scale as large PLC housebuilders, despite being active on sites of over 50 units. In addition, it should not be assumed that all developers will aim to deliver the most basic units possible at the lowest possible cost.
- It is not clear how cumulative policy burdens introduced by the emerging plan in respect of custom and self-build dwellings and older persons accommodate has been factored into the viability appraisal.
- It does not appear that the viability appraisals have considered the Building Safety Levy, which will be introduced in autumn 2026. In Harborough District this equates to £29 per square meter.

## 6.2 Policy HN04: Housing Need – Supported and Specialist Housing

6.2.1 Policy HN02 sets out that all homes will be expected to meet the accessible and adaptable M4(2) Building Regulations Technical Standard. In addition, the policy requires major residential developments to contribute a minimum of 5% market homes to meet Building Regulations technical standard M4(3)A (wheelchair adaptable) and a minimum of 10% of the affordable homes to meet standard M4(3)B (wheelchair accessible).

6.2.2 When the optional technical standards were introduced, the Government stated in the relevant Written Ministerial Statement that their application must be based on a clearly evidenced need for such homes and where the impact on viability has been considered. Specifically, the PPG requires consideration of:

- the likely future need for housing for older and disabled people (including wheelchair user dwellings).
- size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
- the accessibility and adaptability of existing housing stock.
- how needs vary across different housing tenures.
- the overall impact on viability.

6.2.3 The evidence on need provided is based principally on the District’s ageing population. An ageing population does not necessarily mean that there is an increase in the proportion of households requiring more accessible homes. In addition, an ageing population is a national trend and clearly if the Government had intended for this to justify the introduction of the enhanced technical standards, it would have done so on a national basis rather than allowing adoption on an authority-by-authority basis based on local evidence.

6.2.4 On that point, it is not clear how much of the existing housing stock is either already accessible or capable of adaptation. In some cases, the adaptation of existing stock is preferable, as it enables persons with additional accessibility requirements to remain in their existing homes and communities, without the upheaval of relocating.

6.2.5 Furthermore, as set out below, Policy HN04 requires that 10% of all dwellings proposed on sites over 100 units to come forward for older person’s accommodation. Given that the main rationale for including the enhanced technical standards within the HLP is due to the District’s ageing population, it should be considered what proportion of the need for accessible units can be addressed through that policy requirement.

6.2.6 This element of the policy is also not currently justified by evidence and needs to be revisited by the Council.

### **6.3 Policy HN04: Housing Need – Mix of New Homes**

- 6.3.1 Policy HN04 requires specialist housing for older people as an integral part of all residential development of 100 dwellings or more. The policy requirement is based upon projected need for older people’s housing based on the ageing nature of the population. Beyond this, no further justification is provided, including how the threshold of 100 units and the percentage requirement relates to the overall scale of needs.
- 6.3.2 Whilst we accept that the council should plan for meeting the needs for older people, we question whether it is appropriate to introduce a blanket percentage requirement across all schemes of a certain size. Not all sites or locations will be suitable for such uses. Accordingly, large proportions of sites may not come forward at all for older people’s accommodation. We note that the policy does not contemplate a scenario where there is a lack of demand nor does it make any provisions for the accommodation secured to be delivered as market units should a lack of demand be evidenced.
- 6.3.3 We would also refer to our comments in respect of Policy HN01 that the viability impact of Policy HN04 does not appear to have been assessed cumulatively with other policy burdens.
- 6.3.4 For these reasons, Policy HN04 lacks justification and should be revisited.

### **6.4 Policy HN05: Self and Custom Build Housing**

- 6.4.1 Policy HN05 requires that all non-specialist development of 40 dwellings or more must provide at least 10% of the total number of dwellings as custom and self-build plots.
- 6.4.2 In general, it is not appropriate to require major developments to include provisions for self-builders. Instead, HDC should actively promote self and custom-build housing by identifying suitable locations where such development would be supported in principle or through the adoption of a criteria-based policy. HDC should positively and proactively facilitate land provision through using Council-owned land for self and custom-build projects or designating specific sites for this purpose through discussions and negotiations with landowners.
- 6.4.3 Integrating self and custom-build plots within large-scale housing developments is challenging, as it is difficult to coordinate their construction alongside the broader site’s development. Given the presence of multiple contractors and heavy machinery on-site, it would be impractical and pose health and safety risks for individual self-build projects to proceed simultaneously with large-scale construction activities.
- 6.4.4 Custom and self-build housing comes forward over a much longer timescale than other forms of housing and is often not liable for Section 106 contributions towards infrastructure.

6.4.5 Whilst we are supportive of a mechanism to allow for unsold custom and self-build plots to be built out as market housing following a period of marketing, a marketing period of 18 months from the date at which a serviced plot is available is overly restrictive. Six months should be adequate to test the market and there should be no requirement for a custom and self-build plot to be immediately available in order to validly commence the marketing period.

6.4.6 For the above reasons, Policy HN05 is unsound for want of justification and should be deleted.

## **6.5 Policy DM02: Amenity and Wellbeing**

6.5.1 Whilst we are generally supportive of a policy requirement to safeguard residential amenity, Part 1 a) of the policy refers to ensuring no adverse impact on neighbouring users which cannot be mitigated to an acceptable level.

6.5.2 We recommend deleting the phrase “*which cannot be mitigated to an acceptable level*”, as it introduces unnecessary ambiguity. Development should be opposed on amenity grounds only where it causes material or significant harm to users of nearby land and buildings—not based on subjective thresholds of “acceptability.”

## **6.6 Policy DM04: Landscape Character and Sensitivity**

6.6.1 Whilst we are generally supportive of a policy requirement to address landscape character and sensitivity, Part 1 d) of the policy refers to restoring and providing equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of development. It is not clear what this element of the policy requires. It is clearly not practical, viable or developable to expect new development to restore or compensate for the loss of landscapes themselves as all new development will, by its nature, have a landscape impact. Landscape features lost can be provided for where practicable.

6.6.2 We propose that Part 1 d) of Policy DM04 is deleted for soundness.

## Appendix 1: Agricultural Land Quality Report