



CABINET – 9 FEBRUARY 2024

RESPONSE TO HARBOROUGH DISTRICT COUNCIL'S LOCAL PLAN – ISSUES AND OPTIONS CONSULTATION

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet on the content of Harborough District Council's (Harborough DC) New Local Plan Issues and Options Regulation 18 consultation and set out the proposed response as the views of the County Council.
2. The detailed comments are set out in the Appendix to this report, whilst key comments are highlighted in paragraphs 31 to 68 below.

Recommendations

3. It is recommended that:
 - (a) The County Council's response to Harborough District Council's New Local Plan Issues and Options Regulation 18 consultation, set out in paragraphs 31 to 68 inclusive, and the appendix to this report be approved;
 - (b) The Chief Executive, following consultation with the Cabinet Lead Member, be authorised to make any minor amendments to the consultation response prior to its submission to Harborough District Council by 27 February 2024.

Reasons for Recommendation

4. The response sets out key comments for consideration by Harborough DC in the early stage of developing its new Local Plan. It seeks to ensure alignment with the outcomes of the County Council's Strategic Plan and the Leicester and Leicestershire Strategic Growth Plan (SGP), and to influence the content of the Local Plan in the interests of local communities, including to ensure that the Local Plan provides as robust as possible policy framework for securing the provision of the infrastructure and services required to support its successful delivery.

Timetable for Decisions (including Scrutiny)

5. The County Council's consultation response will be submitted to Harborough DC ahead of the close of consultation on 27 February 2024.

Policy Framework and Previous Decisions

6. In 2018, the County Council, Leicester City Council, the seven district councils in Leicestershire, and the Leicester and Leicestershire Enterprise Partnership, (LLEP) approved the Leicester and Leicestershire Strategic Growth Plan (SGP) which provides the long-term vision for planned growth for the area up to 2050. Both Market Harborough and Lutterworth are identified as being areas for managed growth in local plans.
7. The Leicester and Leicestershire Strategic Transport Priorities (LLTSTP) was approved by the Cabinet on 20 November 2020. This document has a plan period to 2050 and was developed by the County and City Councils alongside the SGP to ensure the long-term development needs and associated transportation requirements are co-ordinated.
8. In 2021, the Council and its partners (Leicester City Council, the seven district councils and the LLEP), commissioned the Leicester and Leicestershire Housing and Economic Needs Assessment (HENA). The HENA, published in June 2022, provides evidence that across Leicester and Leicestershire, the projected housing need from 2020 to 2036 is 91,400 dwellings and employment land need from 2021 to 2036 is 344 hectares.
9. In December 2021, the County Council became a signatory to a Statement of Common Ground (SoCG) relating to South Leicestershire Local Plan Making (November 2021), aligning the gathering of evidence and activity in the development of new local plans for three districts in the south of the County.
10. The Council's Strategic Plan (2022 to 2026) was approved by the County Council in March 2022. It has five strategic outcomes, including 'Strong Economy, Transport and Infrastructure' and a 'Clean, Green Future' to ensure Leicestershire has the infrastructure to meet the demands of a growing population, whilst looking to tackle climate change, biodiversity loss and unsustainable resource usage.
11. In September 2022, the County Council became a signatory to a SoCG relating to Housing and Employment Land Needs in Leicester and Leicestershire (June 2022), setting out how the City Council's identified unmet needs would be accommodated in the County. (Harborough DC approved the SoCG at a Council meeting in December 2023.)
12. In November 2022, the Cabinet received a paper setting out the financial implications for the Council of delivering sustainable and inclusive growth and agreed the approach and principles the Council would adopt to address and manage these risks. The financial challenges associated with delivering the existing Capital Programme were noted, including the need to minimise risks

associated with managing the cumulative impacts of growth and the need to ensure all Council forward funding was recovered.

Resource Implications

13. There are no resources implications arising from the recommendations in this report. The Council has committed significant resources to engaging in and supporting a collaborative approach to strategic planning, which is intended to facilitate the delivery of growth within the County and mitigate the negative impacts of development.
14. The Council's current Capital Programme includes over £200m to fund infrastructure projects that support growth in the County.
15. Delivering infrastructure (highways, schools and some community facilities) has in the past required significant Council forward-funding. In the current financial climate this approach is no longer possible.
16. When a Local Plan is in place, the County Council remains heavily dependent on the district council, as the local planning authority, to secure the developer contributions needed to deliver the capital investment. Without significant assurance in this regard the risk of entering into forward funding arrangements, which allow infrastructure to be developed in advance of housing, would not be feasible. And even if such significant assurance could be secured, decisions would need to be taken against the backdrop of the wider pressures on the Council's finances, including those from other local plans, rather than each being considered in isolation.

Circulation under the Local Issues Alert Procedure

17. This report will be circulated to all Members.

Officers to Contact

Tom Purnell
Assistant Chief Executive
Tel: 0116 305 7019 Email: tom.purnell@leics.gov.uk

Julie Thomas
Head of Planning and Historic and Natural Environment
Tel: 0116 305 5667 Email: julie.thomas@leics.gov.uk

Sharon Wiggins
Team Manager - Strategic Planning, Chief Executive's Dept.
Tel: 0116 305 8234 Email: sharon.wiggins@leics.gov.uk

Tim Smith
Strategic Planning Manager, Chief Executive's Dept
Tel: 0116 305 7219 Email: tim.smith@leics.gov.uk

PART B

Background

18. The preparation of Local Plans involves various stages of consultation. This consultation from Harborough DC is known as a 'Regulation 18' consultation and forms an early stage in local plan making. Comments received will inform the District Council's policy recommendations ahead of a Pre-Submission Consultation known as a 'Regulation 19' which is anticipated to be undertaken in early 2025. Submission of the Plan to the Planning Inspectorate is due in spring-summer 2025, with adoption of the Local Plan anticipated by the end of 2026.
19. The current Harborough Local Plan was adopted by the District Council in April 2019. It is a legal requirement that Councils review their Local Plan within 5 years of adoption, to decide whether the plan needs to be updated, either in whole or in part.
20. A review of the Local Plan carried out by Harborough DC officers in May 2021 found that, although the Local Plan remained up-to-date and continued to deliver sustainable development in the district, the issue of Leicester City's unmet housing need would likely require it to be updated. The Council therefore took the decision to begin the preparation of a new Local Plan.
21. The Government is in the process of reforming parts of the planning system, including how local plans are prepared. The Levelling Up and Regeneration Act 2023 gained royal assent in October 2023; however, a number of provisions within the Act require secondary legislation that has yet to come forward.
22. The Government has directed that Local Plans must be submitted by 30 June 2025 to be examined under the existing planning system, or await the introduction of the new planning system, which is expected to place a considerable delay on progress being made on new local plans.

Duty to Cooperate

23. It is recognised that should a Housing Market Area (HMA) authority identify, quantify and provide robust evidence to demonstrate an unmet need, it is incumbent upon the HMA authorities to jointly resolve any cross-boundary matters with HMA partners under the Duty to Cooperate, set out in the Localism Act 2011 and National Planning Policy Framework (December 2023). Whilst it is acknowledged that Government intends to reform the planning system, with the Duty to Cooperate due to be replaced (through an as-yet-unformulated 'alignment policy'), the duty currently remains in place.
24. Without a clear aligned approach to delivery, Leicestershire faces high levels of speculative/indiscriminate development with the consequent high risk of inadequate highway and education infrastructure provision. To avoid this, ongoing commitment from all the local authorities to joint working is therefore

crucial, as is their support for a collaborative and coordinated approach to defining and allocating infrastructure funding requirements of Local Plans.

25. A Statement of Common Ground (SoCG) relating to Housing and Employment Land Needs (June 2022) was produced for the Leicester and Leicestershire area. Work on this was guided by the (officer) Strategic Planning Group and Members' [Planning] Advisory Group which consisted of representatives from the local authorities concerned: the County Council, Leicester City Council, and the seven district councils. The SoCG sets out the City Council's identified unmet need of 18,700 homes and 23 hectares of employment land for the period 2020-2036 to be accommodated in the County. The SoCG has been agreed by all partner authorities save Hinckley and Bosworth Borough Council.
26. The Charnwood Local Plan 2021-2037 Examination is ongoing, however Inspectors confirmed in writing that they have "no reason to disagree with the HENA's [Housing and Economic Needs Assessment] conclusion that the standard method establishes a minimum local housing need of 91,408 dwellings across the Housing Market Area (HMA) to 2036...Based on the evidence at this stage and pending further testing of housing delivery through the Leicester Local Plan Examination, we consider that a figure of 18,700 dwellings represents a reasonable working assumption for the scale of Leicester's unmet housing need from 2020 – 2036."
27. The HENA identifies that Harborough's average annual unmet housing need contribution 2020 to 2036 should be 123 dwellings.

Consultation on Harborough District Council's Local Plan

28. This consultation, which was opened by Harborough DC on 16 January 2024, is the first formal consultation stage in preparing the Harborough Local Plan. It intends to provide consultees the opportunity to consider and comment on a number of planning issues and proposed options for the future development of the District.
29. The new Local Plan is proposed to cover the period from 2020 to 2041. This is to ensure it will meet the requirement of national planning policy to cover a period of at least 15 years from the time the plan is adopted (currently scheduled for 2026) to the end of the plan period.
30. The consultation comprises 60 questions covering broad policy areas as well as more technical aspects of plan preparation.

Proposed Response to the Consultation

31. The County Council welcomes the opportunity to comment on Harborough DC's Local Plan Regulation 18 consultation at this stage of the plan making process.

32. The continued close working that Harborough DC has with other partners in the Leicester and Leicestershire Housing Market Area is recognised and supported.
33. The proposed comments of the County Council in response to the 60 questions posed in the consultation are set out in the Appendix to this report. A summary of the key comments is set out below, covering:
- Vision and Objectives
 - Strategic Policies: Spatial Strategy
 - Environment and Sustainability Policies
 - Health and Well-being Policies
 - Housing Needs Policies
 - Town Centres, Retailing, Leisure and Tourism Policies
 - Transport, Local Services and Infrastructure Policies

Vision and Objectives

34. The County Council agrees that Harborough's Corporate Plan is a sensible basis for the Vision for the new Local Plan in order to reflect the wider strategic direction for the District.
35. The Vision and Objectives, however, need to reflect the cross-boundary issues and challenges faced by the City and County as a whole and this includes capturing that this Plan starts the journey in pivoting the delivery of growth across the Leicester and Leicestershire HMA to the spatial strategy set out in the Strategic Growth Plan to 2050.
36. There should also be a strengthening of requirements around sustainable development, tackling climate change, sustainable travel and improving health.

Strategic Policies: Spatial Strategy

Duty to Cooperate and Joint Working

37. The strategic matters identified by the District Council are broadly agreed with, however there are a number of additions that should be considered. These include reference to recent strategic planning and evidence work undertaken by partners across Leicester and Leicestershire, and that cooperation / coordination that will be required across several Local Plans to give effect to its implementation in practice. It should also include a stronger emphasis on sustainable transportation and infrastructure planning to accommodate growth, particularly in the context of net-zero targets and the interrelation of urban and rural areas in Leicestershire.

Scale of Housing Growth

38. The housing requirement should reflect a balance between meeting local needs and supporting sustainable growth. It is considered that there should be a suitable level of contingency in housing supply and the level of housing growth

should as a minimum provide for the unmet needs of Leicester City (as outlined in HENA and SoCG on unmet need agreed with Partners across the HMA) but to also take account of the potential for higher than anticipated economic growth generated by further inward investment in the district.

Plan Period

39. The County Council agrees that the start of the plan period should be 2020, with an end date of 2041, recognising that the Local Plan needs to look ahead a minimum of 15 years from adoption. There is value in the District Council taking the opportunity to set out at a least a 30-year vision as required by the NPPF to set out and provide for longer-term strategic infrastructure.

Settlement Hierarchy

40. It is considered that this Local Plan should be pivoting towards the delivery of the Strategic Growth Plan HMA spatial strategy. It is therefore surprising that there is no reference as to how the hierarchy aligns with and might evolve in respect of the Priority Growth Corridor.
41. From a transport infrastructure/service provision and connectivity perspective, the understanding of economic and wider relationships (including with town centres in any future 'polycentric model') is critical from a planning point of view as is the understanding as to how the roles of settlements might transition throughout the lifetime of the Plan.

Housing Spatial Options

42. The County Council agrees with the options considered for the location of housing development and that it may be beneficial to explore an additional option that further integrates the principles of sustainable development, focusing on areas with existing infrastructure and potential for public transport enhancements, thereby supporting the County's net-zero ambitions.
43. The County Council anticipates the spatial distribution coming through this new Local Plan will focus on Market Harborough and Lutterworth as the market towns, complemented by the identification of clusters of strategic sites identified adjacent, or close to, the Leicester Urban Area, to form extended neighbourhoods or new settlements. It is considered that 'Option 4: Strategic Sites Focus' is therefore the most appropriate option for the location of homes. There are four key reasons; firstly, the need to support the sustainable growth of the main towns, secondly, the need to protect the character and identity of existing settlements in the rural area, thirdly, the need to bring forward clusters of strategic sites which will form attractive and sustainable neighbourhood extensions or new settlements in locations which provide ease of access to jobs and services, many of which are in adjacent districts or in the City, and fourthly, recognition of the geographical constraints of Oadby and Wigston Borough to accommodate further growth in the future in addition to the current identified unmet need of Leicester City and the redistribution of a proportion of the unmet need to each Leicestershire district.

44. The infrastructure requirements for such allocations will entail infrastructure beyond the local site level and hence commitment by Harborough District Council and other councils is needed to identify, pursue and secure longer term strategic infrastructure, and will require working collaboratively with National Highways and Homes England.

Scale and Location of Employment Growth

45. The County Council considers that the scale and location of employment growth should reflect planned development in both the early and later years of the Local Plan, enabling existing areas of employment to extend their economic life, encourage additional employment in areas of housing and economic growth and provide employment opportunities within or co-located with new settlements and sustainable urban extensions, making best use of existing and planned infrastructure.

Strategic Warehousing

46. The County Council believes the Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change (April 2021) study is an appropriate evidence base on which to formulate policy for strategic warehousing. This study provides a solid foundation and suitable evidence base to establish basic need but should be supplemented with up-to-date local economic data and trends to ensure the warehousing and logistics policies remain relevant and responsive to current and future market needs. It should also be recognised that new locational opportunities may arise as and when strategic transport infrastructure comes forward to open up strategic growth sites.

Small and Medium Housing Sites Requirements

47. To meet the requirements to provide more housing on smaller sites, diversity can be encouraged through varied housing types, such as townhouses, duplexes and small-scale apartment buildings, which can efficiently utilise smaller sites and developments that cater to different demographic groups and affordability levels can be incentivised. However, any approach should not lead to development in unsustainable locations, including from a highways and schools perspective.

Site Selection Methodology

48. In principle, there are no particular issues with the methodology and the site selection methodology stages are generally comprehensive; however, it is suggested that it incorporates more explicit criteria on sustainability and transportation links to ensure development aligns with strategic objectives and takes on board minerals and waste safeguarding. Additionally, in terms of assessing viability, it is important to have as complete as understanding as possible (proportionate to the development of a Local Plan) as to the nature of infrastructure (including transport and education) required to enable the Plan's delivery.

Strategic Green Designations

49. The County Council agrees with the existing approach to using Green Wedges, Areas of Separation and Countryside designations to manage development as it helps to maintain the balance between development and conservation of natural landscapes, crucial for sustainable growth and environmental protection. It is considered however, that existing designations should be reviewed to ensure they remain relevant and effective, and in order to provide for the strategic scale development.

Design Quality

50. The County Council agrees that having a district-wide design code would ensure and facilitate a consistent and proactive approach to design standards and would mean high quality design practices would be carried out for all developments. It is considered that any Design Codes should be developed in close collaboration with the Local Highway Authority and with Education Sufficiency.

Environment and Sustainability Policies*Mitigating and Adapting to Climate Change*

51. Incorporating policies that address climate change is vital for sustainable development and the County Council believe it would be beneficial to include policy approaches covering promotion of green infrastructure, Sustainable Urban Drainage Systems, Community-led renewable energy projects, an updated Strategic Flood Risk Assessment and considering zero emission vehicles and electrical vehicle charging points.

Flood Risk, Water Supply and Wastewater Management

52. The County Council as Lead Local Flood Authority supports Harborough DC's intention to undertake an update Strategic Flood Risk Assessment to feed into Local Plan preparation. An understanding of water supply and wastewater capacity is important in preparing the Local Plan.

Biodiversity and Geodiversity

53. The approach to biodiversity is generally agreed with but can be further enhanced by integrating green corridors and wildlife habitats within urban areas and promoting biodiversity net gain in all developments. Biodiversity and geodiversity can often involve communities and schools within the local area and any biodiverse plans must therefore take into account the future revenue costs which will be inflicted upon the school operators.

Heritage Assets and the Historic Environment

54. The County Council broadly agrees with the approach to heritage assets and the historic environment. The approach should also include measures for

adaptive reuse of historic buildings and integrating heritage conservation into new developments.

Health and Well-being Policies

Healthy Communities

55. The County Council believes that health and wellbeing should be a 'golden thread' running throughout the Local Plan and that there should also be a specific policy incorporating Health Impact Assessments, which are a crucial tool in identifying the potential development of the impacts of developments. They help to assess the potential risk or benefits to health, ensuring that informed proactive measures can be taken to mitigate negative effects and maximise the health benefits.

Blue-Green Infrastructure

56. The County Council agrees with the District's existing approach to continue to protect, improve and enhance strategic blue-green infrastructure within the district but that it should also focus on identifying and developing new green spaces and water bodies and by creating green corridors that link existing blue-green assets. It is considered it should also encourage more community involvement in the planning and maintenance of blue-green infrastructure.

Open Space, Sport, Recreation and Local Green Space

57. The principle of setting space standards based on latest evidence would provide certainty for developers and landowners in the consideration and development of development proposals and would therefore be supported but there should be greater emphasis on accessibility and inclusivity in recreational spaces.
58. The new local plan should outline the principles of designating Local Green Space in accordance with the guidance given in NPPF. The Plan should identify new Local Green Spaces to ensure appropriate coverage and consideration across the district and this should be complemented by Neighbourhood Plans and local community groups, where present, for local specificity.

Housing Needs Policies

Housing (Affordable, Mix, Older Person and Specialist, and Space Standards)

59. To deliver affordable homes for rent, the Plan should utilise a mix of strategies, including direct council provision, partnerships with housing associations, and requirements for developers to include affordable units in new projects.
60. It is considered that a mix of housing sizes should apply to those over a set threshold i.e. 100 dwellings. This would ensure that diverse housing options are available across most types of development, supporting a range of

demographic needs whilst recognising exceptions e.g. in respect of small infill sites within the limits of existing settlements where the mix should reflect and complement the character of surrounding area.

61. With regard to making specific site allocations for specialist housing or requiring a proportion on sites over a specified size threshold, it is considered that each opportunity needs to be individually assessed as proximity to other community assets/resources and transport links are essential to understand before sites can be selected. As a general principle specialist housing should be located with easy access to essential services (medical centres or shops for example) and are therefore best located adjoining village or neighbourhood centres.
62. The County Council believes the Local Plan should include a requirement to use the nationally described space standards to determine minimum requirements, and that the approach to accessibility standards should be the same for both market housing and affordable homes.

Accommodation for Gypsies and Travellers

63. In order to find sites to accommodate the need for Gypsy and Traveller pitches, it would be important for the District Council to undertake a comprehensive assessment to identify suitable locations, considering factors such as accessibility, community integration, and environmental impact. An accurate assessment of need should be ascertained in order to determine any shortfall in supply. Should it be necessary to allocate sites for new pitches, the size should be determined based on the projected need, available land, and the capacity to provide necessary infrastructure and services.

Self-build and Custom Housebuilding

64. It would be beneficial for the Local Plan to support diverse housing types, including self-build options, to meet varying needs and preferences within the community. The Local Plan should use the existing Register to assess the likely demand for self-build houses over the period to 2041 and assess the shortfall measured against current commitments and the historic take up of self-build opportunities. A policy can then be developed with a view to balancing supply and demand with a contingency to allow flexibility.

Town Centres, Retailing, Leisure and Tourism Policies

Town Centres, Retailing and Leisure

65. The County Council is broadly supportive of the approach to supporting town and village centres, reflecting the importance of attractive, vibrant, well-functioning town centre, minimising the need for external travel to other places (especially by car). Where a town or village centre is seen to be in decline consideration should be given to the provision of additional housing within the locality with a view to maintaining footfall and the vitality of the centre.

Tourism

66. The Local Plan should encourage tourism and growth in visitor numbers where it would be beneficial for local economic development and where it can be done so sustainably. Visitor attractions need to be managed to avoid detrimental impact on local communities and the environment. It is considered that any policy approach should at least contain a criterion related to accessibility by active and sustainable modes of transport and also include electric vehicle charge point provision.

Transport, Local Services and Infrastructure PoliciesTransport

67. It is believed that there should always be a 'sustainable first' approach and that policies that actively encourage sustainable transport should be promoted. However, it is recognised that the extent to which realistic sustainable measures can be identified and delivered in practice is dependent on the specific circumstances, e.g. the rural nature of Harborough District. Any option followed should include consideration of safe walking routes to and from local community facilities, provision of suitable transport links and sufficient parking. It should effectively plan such elements around local community hubs, inclusive of education provision.

Local Services and Infrastructure

68. It is considered that an approach to the delivery of infrastructure which draws on all three options (seeking on-site provision and financial contributions to a wide range of infrastructure where new development requires provision, prioritising scarce financial resources towards key infrastructure, and focusing new development on areas where there is existing capacity or certainty about the delivery of infrastructure improvements) is likely to be the most realistic and practical approach; particularly bearing in mind that the spatial strategy chosen for the new Local Plan will influence the approach to infrastructure delivery.

Equality Implications

69. There are no equality implications arising from the recommendations in this report.

Human Rights Implications

70. There are no human rights implications arising from the recommendations in this report.

Environmental Implications

71. The County Council will continue to work closely with Harborough DC and other partners to minimise the impact of planned growth on the environmental assets of Leicester and Leicestershire.

72. The impact upon the environment is a key consideration in all planning decisions made within the context of an approved or emerging Local Plan, and the County Council will seek to ensure that opportunities are taken to enhance the environment through biodiversity net gain and sustainable forms of development.

Background Papers

Report to the Cabinet on 23 November 2018: Leicester and Leicestershire Strategic Growth Plan – Consideration of Revised Plan for Approval - <https://bit.ly/3SjDH8P>

Report to the Cabinet on 20 November 2020: Leicester and Leicestershire Strategic Transport Priorities 2020 to 2050 - <https://bit.ly/3SIGT3y>

Report to the Cabinet on 20 November 2020: Draft City of Leicester Local Plan 2020 to 2036 - <https://bit.ly/3SIGT3y>

Report to the Cabinet on 22 June 2021: Urgent action taken by the Chief Executive in relation to the Leicester and Leicestershire Statement of Common Ground relating to housing and employment land needs (March 2021) - <https://bit.ly/3SmMCpl>

Report to the Cabinet on 14 December 2021: South Leicestershire Local Plan Making Statement of Common Ground (November 2021) - <https://bit.ly/3Ujew8K>

Report to the Cabinet on 23 September 2022: Medium Term Financial Strategy - Latest Position - <https://bit.ly/3ubU67a>

Report to the Cabinet on 23 September 2022: Leicester and Leicestershire Authorities – Statement of Common Ground relating to Housing and Employment Land Needs - <https://bit.ly/3ubU67a>

Report to the Cabinet on 25 November 2022: Managing the Risk Relating to the Delivery of Infrastructure to Support Growth - <https://bit.ly/3SBSaxY>

Appendix

Leicestershire County Council Officer Comments on Harborough District Council's Issues and Options Regulation 18 Local Plan Consultation (January 2024)

This page is intentionally left blank