



The Planning Inspectorate

Report to Harborough District Council

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Date: 08 April 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Harborough Local Plan 2011 to 2031

The Plan was submitted for examination on 16 March 2018.

The examination hearings were held between 2 October 2018 and 11 October 2018.

File Ref: PINS/F2415/429/2

Abbreviations used in this report

DIRFT	Daventry International Rail Freight Terminal
dpa	Dwellings per annum
HEDNA	Housing and Economic Development Needs Assessment
LLSDSS	Leicester and Leicestershire Strategic Distribution Sector Study
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
SRFI	Strategic Rail Freight Interchange
SSSI	Site of Special Scientific Interest

Non-Technical Summary

This report concludes that the Harborough Local Plan 2011 to 2031 provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Harborough District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were subject to public consultation over a six-week period and were subject to sustainability appraisal by the Council. In some cases I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Modifications to clarify the respective figures for objectively assessed housing need, the minimum housing requirement for the purposes of the 5 year housing land supply calculation, and the overall minimum projected housing provision over the plan period.
- A modification to provide for a partial or full update of the plan in the event that there is a Memorandum of Understanding or Statement of Common Ground proposing a quantity of housing or employment development to 2031 significantly greater than the requirement in the Plan.
- Modifications to ensure the effectiveness of the policies relating to settlement development, rural exception sites, custom and self-build homes and mixed use schemes, to assist with the supply of housing and make the best use of sites in accordance with government policy.
- Modifications to allocate land for strategic distribution at Magna Park supported by evidence of demand and assessments of local and strategic impacts, and to make the policy towards Bruntingthorpe Proving Ground and Bruntingthorpe Industrial Estate effective, positively-prepared and internally consistent.
- Modifications to make the policies on Heritage Assets, Green Infrastructure, Local Green Space, Renewable Energy, Cemeteries, Managing Flood Risk and Sustainable Transport clearer, more effective and consistent with national policy.
- Modifications to the policies for the strategic development areas at Scraftoft North and Lutterworth East to clarify the requirements for the masterplanning of the sites and the thresholds for community facilities, to ensure effective and positively-prepared policies.
- Modifications to the policies for other development allocations to clarify the position regarding development contributions, and to ensure the policies are compliant with national policy.

Introduction

1. This report contains my assessment of the Harborough Local Plan 2011-2031 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Harborough Local Plan 2011-2031, dated September 2017 and submitted in March 2018, is the basis for my examination. It is the same document as was published for consultation from 22 September to 17 November 2017.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies

map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans in Document S5.

7. The policies map is not defined in legislation as a development plan document. Its role is to illustrate geographically the application of policies in the plan. If the geographic illustration of a policy is flawed, the policy will be unsound. In such circumstances, therefore, the Council will need to draw up a proposed change to the submission policies map. This is the case in respect of the boundary of the area of local green space south of Lutterworth. This further change to the policies map was published for consultation alongside the MMs.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Harborough Local Plan strategy and sites and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Council's Duty to Co-operate Statement sets out the various steps it has taken to cooperate with neighbouring authorities and prescribed bodies at the key stages in the preparation of the Local Plan. The Council has been involved in a number of forums within the Leicester and Leicestershire Housing Market Area to address key strategic priorities such as the delivery of housing, employment and key infrastructure. A considerable amount of joint evidence has been produced including, among other things, the Leicester and Leicestershire Housing and Economic Development Needs Assessment 2017 (HEDNA), the Leicester and Leicestershire Gypsy and Traveller Needs Assessment Update 2017, and the Leicester and Leicestershire Strategic Flood Risk Assessment 2017.
11. A Joint Statement of Co-operation relating to Objectively Assessed Need for Housing (OAN) has been produced. A final Memorandum of Understanding which sets out the OAN and the agreed distribution of any unmet housing need to 2031 cannot be produced until the scale of any unmet need from Leicester City is known. The implications of this are set out in Issue 2.
12. The Council has also consulted more widely than the Leicester and Leicestershire Housing Market Area, particularly in respect of strategic distribution, and has adequately consulted other key stakeholders and Prescribed Bodies.
13. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Duty to Cooperate has therefore been met.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 6 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the spatial strategy is sound

The settlement hierarchy and spatial distribution of development

15. Policy SS1 *The spatial strategy* establishes a settlement hierarchy for the District to 2031: first the Leicester Principal Urban Area, including Scraftoft, Thurnby and Bushby; second, Market Harborough, the sub-regional centre; then the Key Centres, Lutterworth and Broughton Astley; then Rural Centres, which include a variety of villages including the Kibworths and Fleckney; then Selected Rural Villages; and finally Other Villages, rural settlements and the countryside. It sets out the total housing provision in the plan, 12,800 homes, and sets out its components, including two key housing allocations of about 1,500 dwellings at the Lutterworth East Strategic Development Area and 1,200 dwellings at the Scraftoft North Strategic Development Area. Homes are distributed among the other settlements in accordance with the hierarchy. Policy SS1 also gives the figure of 7,915 dwellings for existing completions and commitments, which is the most significant component of the housing provision. In addition, the policy includes area and floorspace figures for business and retail development.
16. **MM2** updates Policy SS1 with 2018 figures. The main changes include 8,792 completions and commitments; an adjustment to the housing figure for the Lutterworth East Strategic Development Area from 1,500 to 1,260 homes to reflect realistic delivery expectations, discussed in further detail under Issues 2 and 5 below; adjustments to the figures for allocated and non-allocated sites and completed or committed employment land; and amended text to reflect the additional allocation for strategic distribution at Magna Park, which is discussed later under Issue 3. The modification is required to ensure that this aspect of the plan is up to date and effective.
17. The hierarchy adequately reflects the size and range of facilities within each settlement. Inevitably there are differences in the size and characteristics of settlements in the same group, but the methodology for grouping the settlements is sound. The submitted Plan's spatial strategy is broadly aligned with the settlement hierarchy; it directs the largest amount of development to locations where there is good access to a range of facilities, or where good access can be achieved through public transport improvements, in accordance with the principles of sustainable development. Where no development allocations have been made, such as at Broughton Astley, or where smaller allocations have been made than might be expected from the settlement's position in the hierarchy, such as at Market Harborough and the Kibworths, it is because substantial amounts of development are already committed or have recently been completed.

The strategic development areas

18. Strategic development areas have been identified in the Plan because they are able to deliver a significant amount of housing together with local employment, community uses, leisure and shopping facilities and primary education. A great deal of analysis based on a sound methodology was carried out to investigate the relative merits of potential alternative locations as described in Documents PRE5 to PRE13 and TPC1, and consultation was also undertaken. The strategic development areas at Lutterworth East and Scraftoft North performed better than sites at Kibworth, which does not offer the same range of facilities as Lutterworth and Leicester and is therefore more likely to generate road traffic, and Scraftoft / Thurnby, which had least public support. Despite its position in the hierarchy, Market Harborough is not allocated a strategic development area because one is currently under way, designated by the Core Strategy 2011.
19. Scraftoft North has the ability to satisfy housing needs near Leicester and is well placed to take advantage of the facilities in the city centre provided that public transport routes can be enhanced and local traffic issues can be adequately mitigated. It is not a complicated site to develop and in terms of its market attractiveness it benefits from its location adjacent to the Leicester Principal Urban Area. Lutterworth East would potentially enjoy good access to the town centre provided the significant issue of severance caused by the M1 can be overcome and provided that attractive pedestrian links can be created. The process that led to the selection of these sites is sound, but the ability of the chosen strategic development areas to deliver sustainable development is much dependent on the quality of their detailed masterplanning, and this is discussed in Issue 5.

Transport impacts

20. The spatial distribution of development in the Local Plan is underpinned by the findings of two evidence documents: the Potential Development Options Strategic Transport Assessment (2015) and the Preliminary Traffic Impact Assessment (2016). Both documents assessed the impact of development options on the capacity of the highway network and the evidence was fed into the assessment of alternative housing and employment distribution options. In addition, the Council have been a party to the Traffic Impact Assessment and the South East Leicester Transport Study.
21. The relevant studies indicate that both strategic development areas proposed in the Local Plan would cause local highway impacts, but they would be more beneficial than other spatial options. The Lutterworth East Strategic Development Area would be close to Lutterworth High Street, whilst the Scraftoft North Strategic Development Area would be well located in relation to Leicester, and would be best placed to achieve an increase in sustainable transport use. They would have little impact on each other due to their locations, or on the A6 corridor or Market Harborough town centre. The individual policies set out the local transport requirements necessary to make these developments acceptable in highways terms. The transport

requirements of the Magna Park allocation introduced by **MM15** are discussed below under Issue 3.

22. Elsewhere in the District, the proposed spatial distribution of development can be accommodated without resulting in a severe impact on the highway network. The Market Harborough Transport Strategy includes a number of recommendations for highway improvements; necessary and reasonable contributions would be sought from development on the Market Harborough site allocations.
23. Subject to the transport measures set out in the various policies, the plan would not have a significant adverse effect on the highway network, and the choice of site allocations (subject to the main modifications) would help to encourage the use of sustainable modes of transport.

Development within and contiguous with settlements

24. Policy GD2 *Settlement development* allows for development within or contiguous with Market Harborough, the Key Centres, the Leicester Principal Urban Area, Rural Centres and Selected Rural Villages, subject to, among other things, a requirement that housing development should not cumulatively significantly exceed the target for the delivery of new homes in Policy H1 in the Rural Centres and Selected Rural Villages. This is not a sound policy because, once the target had been reached, it could constrain the development of sustainably-located housing sites within these settlements. It would also constrain housing development in circumstances where development was necessary to meet identified housing need. Both of these elements would be contrary to the NPPF. There is also an element of ambiguity because it is not clear whether it is the global total for all the Rural Centres and Selected Rural Villages that is being referred to, or the individual settlement figures.
25. **MM3** sets out different requirements for development within and development contiguous to settlements. It also applies them to all the settlements referred to at the head of the policy, not just the Rural Centres and Selected Rural Villages. It does not limit new housing development within the settlements. For development adjoining the settlements, it allows for: housing development where it does not disproportionately exceed the minimum housing requirement in Policy H1, taking into account allocations, completions and commitments; minor housing development where there is no target; housing to meet an evidenced housing need; the redevelopment or conversion of redundant or disused buildings; and the development of previously developed land; all subject to various development criteria, including a new criterion relating to landscape impact. This is a clearer, more comprehensive policy that allows for housing development within and adjoining settlements in sustainable locations and in appropriate circumstances without jeopardising the spatial strategy. It would also have the ability to compensate for under-provision (for example in the event that a strategic allocation did not come forward as quickly as expected) or local need (such as for specialist accommodation) subject to the submission of adequate evidence. The MM is required in the interests of effectiveness and to ensure that the policy accords with the NPPF.

Town centres

26. Town and local centres are addressed by Policy RT2. The plan as submitted allowed for housing in town centres but in a relatively restrictive way. **MM17** adopts a more positive approach towards residential development in town and local centres, encouraging mixed use development. The modification brings the policy into accordance with the NPPF which recognises that residential development can play an important role in ensuring the vitality of centres.

Areas of Separation and Green Wedges

27. Policy GD6 *Areas of Separation* designates such areas between, firstly, Great Bowden and Market Harborough, and secondly, Bitteswell, Lutterworth and Magna Park. The policy protects the narrow gaps between large developed areas and smaller villages to ensure that the separate identity of the settlements is preserved. Some neighbourhood plans also include Areas of Separation. Policy GD7 *Green Wedges* refers to the definition on the Policies Map of the Leicester/Scraptoft/Bushby Green Wedge and the Thurnby/Leicester/Oadby Green Wedge. It is a reflection of a longstanding policy which allows Leicester to expand whilst guiding development form, and providing green lungs which penetrate into the urban area. Both policies are soundly based, but changes are required to paragraphs 4.11.3 and 4.13.6 of the explanatory text because the allocation of the Scraptoft North Strategic Development Area involves changes to the Green Wedge, which would effectively supersede much of the area designated as an Area of Separation in the Scraptoft Neighbourhood Plan, 2015. **MM6** and **MM7** explain this situation and are necessary for clarity and hence soundness; they are related to Policy SC1 which is dealt with under Issue 5.

Conclusion

28. Subject to the MMs described above, the plan's spatial strategy is sound, including its settlement hierarchy, the locations for the Strategic Development Areas and allocations, overall transport impact, the approach to settlement development, and the policies designating Areas of Separation and Green Wedges.

Issue 2 – Whether the Plan makes adequate provision for new housing to meet the identified housing needs of all the community

The housing requirement

29. The submitted Plan's overall housing requirement is 557 dwellings per annum (dpa) or a minimum of 11,140 from 2011 to 2031, and it is from this figure that the 5 year housing land supply will be calculated. The total housing supply arising from the requirement is 12,800 dwellings. All these figures are soundly based for the following reasons.
30. The demographic starting point for the calculation of the housing requirement is 422 dwellings per annum (dpa) over the plan period, based on the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 approach, using 2014-based household projections updated using the Office for National Statistics 2016 population projections and taking 10 year migration trends. The 2016-based household projections give a figure

of 428 dpa using 10 year migration trends, which does not make a meaningful difference to the outcome. The calculation methodology and the evidence base are sound.

31. To the starting point of 422 dpa, the Council have applied a 26% uplift for market signals, giving a full OAN of 532 dpa, to achieve an absolute increase in the rate of housing delivery relative to that seen historically in the District, the HMA and across the Midlands. Even taking the alternative starting point of 428 dpa (see above), 532 dpa would still represent an uplift of 24%. This is an appropriate response to the District's recent deterioration in housing affordability, with the lower quartile affordability ratio rising from 7.5 in 2013 to 9.75 in 2017, and it can reasonably be expected to improve affordability.
32. To come to a final figure for the housing requirement, the plan makes a further allowance of 25 dpa on top of the OAN of 532 dpa, giving an overall requirement of 557 dpa, to take into account the housing requirement arising from the Council's decision both to grant planning permission for, and to allocate land for, additional strategic distribution development at Magna Park, which is included in Policy BE2 but was not anticipated in the HEDNA. This is a jobs-based adjustment on top of the 26% market signals adjustment and is based on a reasonable and realistic assessment of employment and commuting levels to Magna Park.
33. Housing need arising from general economic growth is less than that arising from the demographic calculation, so no further upward adjustment to the OAN is required in response. If future growth were to arise as a result of the Leicester and Leicestershire Strategic Growth Plan, the appropriate place to consider that should be in the context of a plan review, and this is dealt with below.
34. No upward adjustment is needed to the housing requirement in respect of affordable housing need. Policy H2 seeks 40% affordable housing on sites of (inter alia) more than 10 dwellings and at this rate 448 dpa, less than the plan's housing requirement would be required to meet the District's full affordable housing need of 179 dpa.
35. Finally, no change to the plan's housing requirement is appropriate in this plan to accommodate Leicester's unmet need. Whilst unmet need has been declared, Leicester City Council's local plan has not yet been published, so the number of homes that would need to be accommodated by neighbouring districts, and how that number would be apportioned between them, is some way from being finalised. Since the amount is not yet known, it is not appropriate to add any further allowance to the submitted plan's housing requirement. Nor is it appropriate to regard the headroom – the difference between the housing requirement of 11,140 homes and the total plan provision of 12,800 homes – as Harborough District's contribution towards meeting Leicester's unmet need. This headroom is required to ensure the resilience of the Plan. The most appropriate way of dealing with the matter of unmet need, and any changes arising from the Leicester and Leicestershire Growth Strategy and other factors, is through a review mechanism.
36. A new review mechanism is introduced by **MM28** into Policy IMR1: *Implementation, monitoring and review*. This requires a full or partial update

of the plan to be commenced within 6 months of the adoption by the Council of a Memorandum of Understanding or Statement of Common Ground which proposes a quantity of housing or employment development to 2031 that is significantly greater than the housing requirement or employment need identified in this Local Plan; or 12 months from the date of publication of a Local Plan for Leicester City that includes satisfactory evidence of an unmet local housing need; or the conclusion of a review in response to specific trigger points as set out in the monitoring framework. The plan review is to be submitted for examination within 30 months from the date it commenced. These provisions deal satisfactorily with the potential for unmet need from Leicester, additional housing growth arising from the Leicester and Leicestershire Strategic Growth Plan, or the identification of significant and persistent shortfalls in the delivery or supply of housing against the housing requirement. The timescales are realistic having regard to the practical steps that have to be taken to get a new plan under way and the evidence required to bring a plan to the stage of submission. More severe requirements stipulating that the plan (or aspects of it) will go out of date in certain circumstances are not justified in Harborough District given the Council's clear commitment to adequate housing delivery. The modification is required to ensure the soundness of the plan.

37. Policy SS1 sets out the plan's overall housing supply figure of 12,800, which includes completions and commitments, and Policy H1 establishes the Plan's housing requirement of 11,140 dwellings, and makes provision for the residual amount of a minimum of 4,660 homes. Policy H1 distributes these around a variety of settlements; the spatial strategy that underlies this is discussed under Issue 3. However, the relationships between the Plan's housing supply, its housing requirement, and the OAN starting point, are not set out adequately in the submitted plan. **MM8** explains the position more clearly. It also updates the housing figures in Policy H1; the residual figure is now 3,975 dwellings with commensurate adjustments made to the requirements for the various settlements. **MM8** also makes it clear that the housing requirements are expressed as minimums and it clarifies the reason for not assigning a minimum housing requirement to certain settlements (see below). The modification is required for clarity to ensure the effectiveness of the policy and its associated background text.
38. Some settlements such as Broughton Astley are not assigned a minimum housing requirement under Policy H1 because of the substantial number of completions and/or commitments that had already taken place by 31 March 2018 in proportion to the size of the settlement and the level of service provision. This is a sound approach to ensure that development is distributed proportionately around the District in accordance with the spatial strategy, and that excessive development does not occur in locations which could undermine the spatial strategy. Policy GD2 allows for some additional flexibility and is discussed above under Issue 1 under the heading of the Spatial Strategy.

Housing land supply

39. **MM42** incorporates the most up to date housing trajectory into the Plan at Appendix G. The updated trajectory shows that the level of anticipated housing provision is higher than that published in the Plan, at 12,992. This provides over 16% headroom, which is enough to give the plan resilience in

the event that some sites fail to deliver as anticipated. The Plan relies on a broad spread of housing sites, with completions and commitments at that date amounting to around 8,800 dwellings, leaving aside the small allowance for windfalls. The Plan is not over-reliant on expectations from windfalls, or on substantial delivery from neighbourhood plans.

40. Regarding the Strategic Development Areas, the updated trajectory is realistic about their lead-in times, with the Scraftoft North SDA due to deliver small numbers of dwellings from 2021/22 onwards and Lutterworth East SDA from 2023/24 onwards. The delivery requirements for both sites are well known, and a considerable amount of preliminary work and community engagement has been undertaken.
41. In the case of Scraftoft North, the site of the relocated golf course at Houghton on the Hill is secured and is within the ownership of the promoters of site SC1. The programme for completion of the replacement golf course is three years and construction can commence on non-golf course parts of the site in the interim period. Detailed transport modelling is under way and no other significant infrastructure which would affect the start date is required. Pre-application engagement and public consultation have taken place. All these factors enable reasonable confidence to be attached to the predicted lead-in time and delivery rate.
42. As regards Lutterworth East, an outline planning application including details of site access and the spine road, including the M1 bridge, was submitted in February 2019. This followed pre-application discussions with the Council and consultation with statutory bodies, the public and other stakeholders. The Strategic Transport Assessment (Document TRP10) identifies a requirement for a number of junction works, but these do not all need to be completed before development can commence. As regards the new junction of the spine road and the A4304, work is under way on the necessary surveys to support the formal process of obtaining design approval and completing Section 278 and Section 38 Agreements and this is expected to be completed by the start of 2020. Highways England have been engaged throughout the process and have offered their support to help accelerate delivery. There are no utilities issues except the need to expand Lutterworth Waste Recycling Centre during the course of development. Having regard to all these factors, the housing trajectory in MM42 is realistic about the commencement date of the scheme. It also takes a reasonable view of the total number of dwellings that the scheme is expected to deliver during the plan period, revising the total down to 1,260 dwellings, from 1,500 in the submitted Plan.
43. The updated housing trajectory demonstrates that the Plan is not excessively dependent on the Strategic Development Areas, which overall would supply around 19% of the total housing provision. The proportion would increase to 44% by 2026/27, which could theoretically pose some risk to the delivery trajectory, and adequate delivery rates would depend on there being a number of outlets marketing to different sectors and customers. However, there is evidence of strong demand in the District, which gives some confidence regarding build-out rates. In addition, if there appeared to be a likelihood of slippage or under-delivery from these sites, there are two mechanisms that would enable more homes to be brought forward. The first is through Policy GD2 *Settlement development* as modified by MM3 subject to evidence of need,

as discussed under Issue 1, and the second is through the review mechanism contained in Policy IMR1 *Monitoring and review of the Local Plan* as modified by MM28, which was discussed in Issue 2.

44. The updated trajectory appears realistic in its expectation of housing delivery from other allocated sites, and there is no convincing evidence that delays or lapses would cause difficulties in the delivery of the housing requirement. The total provision is in any case adequately in excess of the requirement were any such problems to arise.
45. The Council's calculations for the examination hearings show 5.61 years' supply of housing land in 2018/19 and 6.19 years in 2019/20, factoring in a 5% buffer and applying the Sedgefield methodology, which assigns the accumulated shortfall to the first 5 years of the plan. The 5% buffer is justified; delivery has been above the requirement in the last 3 years and does not point to a persistent shortfall. The 5 year supply calculation cannot be exact and it is always possible to identify factors that could potentially depress delivery, but even if some sites were to under-deliver within the first 5 years, the projected housing land supply would appear to be sufficiently in surplus to remain robust.

Meeting the housing needs of all parts of the community

46. Policy H2 *Affordable housing* seeks 40% affordable housing on housing sites of more than 10 dwellings or 1,000 square metres of floorspace, and sets out the relevant tenure mix. As discussed above, this level of provision should enable the full assessed level of affordable housing need to be met. The submitted policy has a minimum site size threshold which does not comply with Government policy, and the supporting text refers to exemptions which are also not part of Government policy; **MM9** removes these in the interests of soundness.
47. Criterion 1(a) of Policy H3 *Rural exception sites* requires such sites to be physically connected to a settlement, but Policy GD2 also allows general housing in similar positions. Policy H3 would therefore be ineffective since the NPPF definition states that rural exception sites are those which would not normally be permitted for housing. In addition, criterion 1(d) of the submitted policy is excessively prescriptive in relation to local need. **MM10** deletes criteria (a) and (b) and replaces them with appropriate requirements including safe walking distance, character, form and visual impact. It also deletes criterion (d) and replaces it with a requirement that the development should meet clearly evidenced local need, with commensurate explanatory text. This modification is required in order to make the policy effective.
48. Policy H4 *Specialist housing* allows housing such as sheltered and extra care accommodation on sites within existing residential areas, and seeks such housing at a rate of 10% on developments of over 100 dwellings. However, this ignores the potential for specialist accommodation to be provided on other development sites that do not fall into these categories, and is therefore ineffective as a means of ensuring that the needs of different groups in the community are met, in accordance with the NPPF. There is no strong evidence that the market cannot provide such accommodation, or that affordable specialist accommodation cannot be provided as part of the overall affordable

housing component, so specific allocations solely for specialist housing are not justified, nor is it justified or in accordance with the NPPF to introduce a specialist housing policy similar to the rural exceptions policy. Nonetheless, the policy needs to support specialist housing more effectively. **MM11** inserts a new criterion into the policy which is more supportive of specialist accommodation and allows it where it is in accordance with Policy GD2 – which as modified (see Issue 1) allows development in a variety of locations within or adjoining settlements.

49. Policy H5 *Housing density, mix and standards* contains requirements regarding higher water efficiency standards, the mix of house types and the need to meet the accessible and adaptable standards in Part M4(2) of the Building Regulations; these are soundly based on evidence. However, its requirement to meet nationally described space standards is not adequately backed by evidence. In addition, there is not enough encouragement towards custom and self-build homes on smaller sites whilst at the same time there is a blanket requirement for their provision on sites of 250 or more dwellings regardless of evidence or the suitability of the site. **MM12** rectifies this by deleting the requirement to meet nationally described space standards and by encouraging proposals for self-build and custom homes on all housing sites, and by qualifying the requirement for the larger sites by referring to evidence of demand and site suitability. The modification is required to make the policy effective, to ensure it is adequately evidence-based, and to meet Government policy towards custom and self-build homes.
50. Policy H6 *Gypsy, Traveller and Travelling Showpeople accommodation* makes appropriate evidence-based provision for a minimum of 5 Gypsy and Traveller permanent residential pitches and allocates a reserve site to meet potential future accommodation needs in the eventuality that evidence or definition changes result in a greater level of need. The policy also makes appropriate evidence-based provision for 26 plots for Travelling Showpeople including the allocation of a site for 18 plots at Lutterworth. However, in the interests of effectiveness, **MM13** clarifies the position regarding the acceptability of ancillary commercial activity on sites for Travelling Showpeople subject to acceptable traffic impacts.

Conclusion

51. Subject to the main modifications described above, which are all required for soundness, the Plan's housing requirement over the plan period is sound, its housing supply figures are sufficient, deliverable and robust, and the plan satisfactorily meets the housing needs of all the community.

Issue 3 – Whether the Plan provides for an appropriate amount of business development, and whether policies governing strategic distribution at Magna Park, and business development at Bruntingthorpe Proving Ground, are sound

Overall provision of new business development

52. The Housing and Economic Development Needs Assessment (HEDNA) sets out a gross minimum employment land requirement of 44ha to 51 ha for Harborough District employment needs. Using the top end of this range, and taking into account completions and commitments and making an allowance

for anticipated site losses, the residual requirement is 39.3 ha. Policy BE1 *Provision of new business development* provides for a minimum of 59 ha of land for B1 and B2 business uses and B8 non-strategic storage uses and makes appropriate allocations at Market Harborough, Lutterworth, Fleckney and the Kibworths.

53. The submitted Plan does not adequately explain why the level of provision is above the residual amount derived from the HEDNA. **MM14** puts this right; such provision would strengthen Market Harborough's established role as the district's primary economic centre, help achieve a balance between jobs and housing provision and ensure development takes place in sustainable locations attractive to the market. The evidence also indicates that it would allow for an appropriate mix of uses on the Lutterworth Strategic Development Area, and support its viability in the early stages at a time when it is necessary to fund infrastructure work. In addition, it would ensure robustness in employment provision in the event of any delay or failure in the delivery of committed sites. There is no convincing evidence that the proposed level of provision would cause harm to employment provision elsewhere. Subject to the MM, the policy is sound.

Strategic distribution at Magna Park

54. Magna Park is a very large strategic distribution site west of Lutterworth and close to the M1, A5 and A4303, and with 976,000 square metres of distribution floorspace it is said to be the biggest in Europe. Policy BE2 *Strategic distribution* allows, among other things, additional non-rail strategic distribution development of up to 700,000 square metres where it would form an extension of, or be on a site adjoining Magna Park, subject to various requirements relating to impact on Strategic Rail Freight Interchanges, traffic impact and subject to other criteria. There are already two commitments for strategic distribution development in this locality totalling about 380,000 square metres, so around another 320,000 square metres would be permissible under the policy.
55. The Council has identified land north west of Magna Park as suitable for accommodating this amount of development, but the submitted Plan does not identify the land in an allocation. The difficulty with this is that the residual amount of 320,000 square metres is of a size that it should be considered in the wider context as part of the plan-led system rather than being left to development management decisions judged against policy criteria. This is not therefore a sound, plan-led approach.
56. There are a number of matters for consideration. The first is whether this level of additional strategic distribution is appropriate having regard to market conditions. The Leicester and Leicestershire Strategic Distribution Sector Study (LLSDSS) (2014) (EMP6) and its update (EMP7) identify a minimum requirement for 1,445,000 square metres of strategic distribution floorspace for Leicester and Leicestershire to 2031. If all schemes in Leicestershire were to come forward, including the Magna Park extension in MM15, the supply would exceed this figure by about 40%. However, the figures in the LLSDSS are an assessment of future need made at a particular base date, not a cap or limit on the supply of strategic distribution floorspace. To apply them as a limiting factor would run contrary to the NPPF which emphasises that planning

should operate to encourage and not act as an impediment to sustainable growth. The studies make it clear that the amount of land allocated for strategic distribution should always exceed the minimum need figures and that authorities should look to ensure that there are multiple strategic sites with deliverable plots available at different geographical locations at all times.

57. Moreover, the operational needs of the Midlands strategic distribution sector cannot be considered solely in terms of figures for Leicester and Leicestershire or the East Midlands. The site is located within the "narrow Golden Triangle" between the M1, the M45, M6 and M69; this area is regarded by the market as the optimum location for road-based national distribution centres, and includes parts of three local enterprise partnership areas all of which identify logistics as a key growth sector. Within the East Midlands Region itself, there is evidence that over the 2007-2018 period 4.6 million square metres of space was taken up, the largest of any across Great Britain. Development sector analysis (EXAM 13 and Savills Logistics Market Report) finds very strong levels of market demand, with rapid rental growth of 39% in south Leicestershire over the last 6 years. The level of available supply of units greater than 9,290 square metres is low both within the region and within a 50 mile radius of Magna Park, and is particularly limited for larger sized units of over 23,225 square metres, a scale which is increasingly sought by national distribution centre operators. It should be noted also that current floorspace availability on the existing Magna Park site is only 5.8% of the total floorspace on site. The conclusion is that the market is healthy and points to a strong need to bring forward additional large-scale strategic distribution floorspace to maintain a choice of sites in the medium and longer term.
58. The second matter is whether the proposed additional floorspace would have any significantly harmful impacts on other plans or projects. The submitted document *Policy BE2: Evaluation of Need, Demand and Impact* contains an analysis of projects coming forward in other authorities, in terms of housing and employment, and this generally suggests a low impact. Leaving aside Daventry International Rail Freight Terminal (DIRFT) III, which is dealt with below, there are a number of permitted or pipeline sites in Leicestershire including East Midlands Gateway, East Midlands Distribution Centre, Hinckley Park, Appleby Magna and Enderby Logistics Hub; and taking the narrow Golden Triangle, permitted or planned sites include Coventry and Warwickshire Gateway and South West Rugby, and there are likely to be other sites. These would be attractive for strategic distribution space but most are likely to be built out in the short term or medium term whilst the Magna Park extension would assist in meeting demand over the plan period to 2031. Development Consent Order applications have been submitted for SFRIs adjacent to M1 Junction 15 ("Northampton Gateway") and on land near Blisworth ("Rail Central") off the A43 close to M1 Junction 15 and a further SRFI is proposed near Hinckley, but at the time of writing a Development Consent Order had not been submitted. If these sites come forward there would be some competition for occupiers but this is not a reason for limiting growth at Magna Park.
59. There would also be a degree of competition with DIRFT III, which is less than 10 miles south of Magna Park. DIRFT is expected to be built out through the plan period to 2031. The two sites might compete for occupiers in the market, as well as for employees, but to some extent they would serve different needs

and requirements and there is also evidence of an operational relationship between the two facilities with 16% of current HGV trips from Magna Park travelling to the DIRFT rail terminal. This kind of relationship is envisaged by the National Policy Statement for National Networks which sees rail freight interchanges both competing with, and working alongside, road freight to achieve a modal shift to rail. Given the evidence of very healthy demand in the sector within the Golden Triangle, it is unlikely that the proposed additional floorspace at Magna Park would have significantly adverse effects on the roll out of DIRFT III and its associated infrastructure or have a significant impact on housing need in Daventry and there is no evidence that it would frustrate Government policy in respect of the development of SFRIs.

60. Strategic rail freight interchanges such as DIRFT are supported by Government policy, as set out in the National Policy Statement for National Networks, as a means of encouraging a degree of modal shift towards rail, developing a low carbon transport system and managing capacity on the country's strategic movement networks. The National Policy Statement says that to facilitate this modal transfer, a network of SRFIs is needed across the regions, to serve regional, sub-regional and cross-regional markets. But it recognises that the vast majority of freight in the UK is moved by road; it does not refer to SRFIs as supplanting road-based strategic distribution sites such as Magna Park; and neither the National Policy Statement nor the NPPF envisage protecting SRFIs by curbing the growth of road-based strategic distribution sites. On the contrary, the NPPF states that local planning authorities should plan proactively to meet the development needs of businesses, support specific business sectors where these are growing, and identify strategic sites for local and inward investment.
61. The third matter is the appropriateness of the selection of the Magna Park site itself. Document EXAM13 BE2 EV2 explains that amongst the 50 sites assessed by the Strategic Employment Land Availability Assessment (EMP1) for their potential to accommodate B class employment uses, a total of 7 deliverable or developable sites were proposed that could be suitable for strategic distribution use. The assessment considered development capacity, deliverability, suitability for strategic B8 distribution, and potential effects. Of these sites, land north and west of Magna Park was the most suitable, being capable of delivering a substantial floorspace contribution without significant infrastructure, and it did not rate poorly on any of the criteria in the assessment. It is also clear that the proposed site would have the effect of reinforcing the established cluster at Magna Park, which is a very important concentration of distribution operations in a growing sector at an optimum location on the transport network, and which supports both on site employment and broader related employment in small and medium sized enterprises.
62. The fourth matter is whether transport and air quality impacts would be acceptable. The development, being strategic in nature, would inevitably draw commuters in from a wide area in the same manner as the present strategic distribution site, and would generate significant additional heavy goods vehicle trips. However, it is extremely well placed to make use of the strategic road network. The Lutterworth East Strategic Development Area Transport Assessment (TRP10) and the Lutterworth East SDA Junctions Operational Assessment have considered the impacts of the proposed level of growth at

Magna Park in combination with the strategic development area east of Lutterworth allocated in Policy L1 (see Issue 5). In addition, transport assessments have been carried out in respect of the planning application, currently at appeal, for strategic distribution development adjacent to Magna Park. This was not refused on the grounds of transport impact.

63. The Whittle roundabout (A426/A4303) and the Gibbet Hill roundabout (A5/A426) operate over capacity without development, but capacity improvement measures are proposed for both, and these are already partly secured by other schemes.
64. All current HGV movements generated by Magna Park are subject to a strictly applied routing agreement, which as far as practicable ensures that all HGVs avoid sensitive routes through local villages and Lutterworth town centre. Traffic flows on roads immediately adjacent to Magna Park are influenced by the shift changeover, but in the villages of Ullesthorpe, Bitteswell and Ashby Parva there is no evidence of a significant increase in traffic to coincide with the shift changeovers at Magna Park. This indicates that Magna Park employees are not routinely using the minor roads to travel to and from work. There are very few HGVs using the minor road network to the north of Magna Park. There is no evidence to suggest that this position should not continue in respect of the proposed extension to Magna Park.
65. As regards air quality, Doc BE2 ES gii modelled the effects of the application scheme 15/01531/OUT which contains a similar amount of development to that proposed in Policy BE2, and looked also at the effects in combination with Symmetry Park, a further commitment. In the completion year, taken with existing commitments, there would be a moderate adverse impact predicted at three receptors adjacent to the A5, and slight adverse impacts predicted at four other receptors, based on the worst-case sensitivity test. There would be an increase in concentrations of nitrogen dioxide in Lutterworth Town Centre, but all concentrations are predicted to be below the air quality objective. Overall the air quality effects of the allocation would not be significant.
66. The fifth matter concerns the impact of the site development on landscape, biodiversity and heritage assets. The site lies within the Upper Soar Landscape Character Area, defined as low lying clay vale farmland with gentle ridges, and Soar tributary flat floodplains and terraces. This area does not have a special landscape designation and some parts consist of large arable fields with limited visual character. However, a small valley runs through the site and within this area there is a more intimate landscape character. The eastern part of the site would in part be seen in the context of the existing Magna Park development and its recently-approved extension. However, the elongated nature of the site means that structures towards the western end would appear as an extension of Magna Park into the countryside along the A5, particularly when seen from north and south. This would be especially apparent from the footpaths and bridleway that lead southwards from Ullesthorpe and Claybrooke Parva. There would also be an impact on the High Cross landscape area to south west of the A5. There is no doubt that, from these locations, Magna Park would appear significantly larger than at present.
67. Nonetheless, the site is so large that ample space could be made available to allow for extensive perimeter planting and landscaping which over time would

help to mitigate the impact from external viewpoints, as has occurred with the existing Magna Park development. Even mature landscaping would be unlikely to hide the structures, but their apparent bulk could be lessened by planting and colour schemes. The character of the public rights of way through and near to the site would change, but it would be possible to limit the harm to an extent by landscaping and planting, and to create new accessible open space within the site.

68. There are no internationally or nationally designated biodiversity sites and Document EXAM13 BE2 ESI indicates that hedgerows identified as of local wildlife interest are capable of retention.
69. As regards heritage assets, Bittesby Deserted Medieval Village, which is a scheduled monument, lies in a small valley in the middle of the site. It has been diminished in extent through the construction of a railway embankment in the 19th Century and through later ploughing. The development would largely remove its connection with the wider landscape but there would be no reason for the earthworks or their nearer setting to be directly affected by structures, and the site is so large that adequate provision could be made for open space and landscaping to protect the site and immediate setting of the monument. There would therefore be less than substantial harm. The same applies to the other non-designated heritage assets on and adjacent to the site. The degree of harm would be considerably outweighed by the economic and employment benefits of providing the proposed amount of floorspace in this location.
70. **MM15** addresses the shortcomings of submitted Policy BE2 *Strategic Distribution* in terms of soundness by modifying the policy to allocate a specific site for a further 320,000 square metres of strategic storage and distribution on land north-west of Magna Park and it identifies the committed sites.
71. It addresses highways and air quality impacts in a number of ways. It includes criteria to secure capacity improvements to the Whittle roundabout (A426/A4303) and the Gibbet Hill roundabout (A5/A426) and to extend the dual carriageway of the A5. It also includes a requirement for an HGV routing agreement, to include a monitoring and enforcement scheme. It requires improvements to public transport services, the provision of a Travel Plan, the provision of HGV parking facilities and footpath and cycle provision. It also contains criteria to ensure that air quality impacts on Lutterworth Town Centre are minimised, that construction impacts on air quality are mitigated, and that construction and operational impacts on noise, vibration and sources of contamination are mitigated. Subject to the transport mitigation measures proposed in MM15, the cumulative impact of the developments would have a minor adverse effect on M69 Junction 1 only, with a negligible impact elsewhere. The transport and air quality impacts of the allocation would be acceptable.
72. MM15 among other things also requires a heritage impact assessment and the provision of green space to protect the setting of the Deserted Medieval Village and contains requirements to mitigate impacts on nature conservation and to submit a Biodiversity Management Plan.

73. In conclusion, the Magna Park allocation together with the requirements in MM15 would provide for a form of business development for which there is significant demand in a location which gives excellent access to the strategic road network and helps to limit the length of vehicle journeys to the rest of the country. There would be benefits for economic and employment growth both directly and through support for smaller businesses. The impact on other plans and projects would be relatively limited. Subject to the mitigation measures set out in the policy as modified, the transport impacts would not have significantly adverse effects; air quality impacts would be acceptable; and whilst there would be adverse impacts on landscape and the setting of heritage assets, these could be mitigated to an extent and their effects would be outweighed by the public benefits of the allocation. Whilst the submitted plan's approach to the location of strategic distribution was unsound for the reasons previously given, the allocation made through MM15 is sound.

Bruntingthorpe Proving Ground and Industrial Estate

74. There are several activities on this very large site including a busy vehicle proving ground, an extensive integrated vehicle storage, repair and auction facility and a motor vehicle research and development operation. But the site is in the countryside with small villages nearby, and Policy BE4 aims to strike a balance between enabling commercial activity to thrive on the site and protecting the character and quality of life of the surrounding area. However, by requiring development proposals to be ancillary to existing uses, it is not positive enough towards business and is thus contrary to the NPPF. It also contains an onerous requirement for new development in the Industrial Estate to be part of a masterplan for a comprehensive upgrade to the physical environment of the estate, which could hamper individual development proposals; the estate in any case appears well-maintained and is well-screened.
75. **MM16** removes these requirements, instead stating that new development should fall within the range of existing authorised uses on the site. It also clarifies the requirements concerning highways and traffic; the policy cannot require highway improvements in accordance with the requirements of the highway authority since planning permission is not granted by the highways authority but by the planning authority. The modification also clearly establishes the point of access, the main gate to Bath Lane, to avoid impacts on local communities and unsuitable roads. The modification is necessary to ensure consistency with national policy and to ensure the effectiveness of the policy.

Conclusion

76. Subject to the main modifications described above, the Plan provides for an appropriate amount of business development, and its policies governing strategic distribution at Magna Park, and business development at Bruntingthorpe Proving Ground, are sound.

Issue 4 – Whether the Plan's other development management policies are sound

77. Policy GD4 *New housing in the countryside* contains unnecessarily restrictive criteria relating to the rebuilding or replacement of existing rural dwellings. It

requires the new dwelling to be on the same footprint as the old, whereas moving the position of the dwelling could bring about an improvement to the site layout or reduce visual impact. In addition, the policy prevents an increase in housing numbers but there may be circumstances where subdivision would allow for the best use of the building. The policy requirements therefore work against making the best use of the site, so the policy is not effective. **MM4** alters the policy to allow for the rebuilding or replacement of an existing dwelling providing that the resultant dwelling preserves or enhances the character and appearance of the countryside, and it also allows for the subdivision of an existing dwelling. The modification is required to ensure the effectiveness of the policy.

78. Policy GD5 *Landscape and townscape character* aims to protect landscape, townscape, heritage, wildlife and geology of any significance, as well as public views, landmarks and mitigation. However, the policy attempts to cover too much ground and in doing so its wording does not follow the NPPF in relation to heritage, wildlife or design. **MM5** modifies the policy to take out references to heritage, which is unnecessary here since it is more fully dealt with by Policy HC1; biodiversity and geodiversity, which are covered more fully by Policy GI5; and townscape, since good design is dealt with in Policy GD8. The modification is required to ensure that the Plan's approach to these matters is effective and consistent with national policy.
79. Policy HC1 *Built Heritage* addresses development affecting heritage assets and their settings. However, criterion 2 does not adequately reflect the variety of considerations set out in the NPPF. **MM18** expands criterion 2 to deal with substantial harm or loss of a heritage asset and less than substantial harm; amends criterion 3 to conform with the wording of the duty in s72 of the Listed Buildings and Conservation Areas Act 1990; and adds criterion 4 to explain the approach towards non-designated heritage assets. The policy largely uses the wording of the NPPF and the modification is necessary to ensure that the policy conforms with the NPPF and reflects the statutory duty.
80. Policy GI1 *Green infrastructure networks* aims to safeguard green infrastructure assets and allows for development which supports certain assets. However, the policy is not clear enough as to what is to be safeguarded. **MM19** makes it clear that the river corridors, the Grand Union Canal, dismantled railway lines, reservoirs and cycle routes and long distance footpaths and bridleways are to be safeguarded and where possible enhanced. The modification is required to ensure the effectiveness and soundness of the policy.
81. Policy GI2 *Open space, sport and recreation* indicates that development resulting in a loss or reduction in public and private open spaces and recreational spaces will not be permitted other than in certain circumstances, but the policy appears to relate to all open space, which would be unduly onerous, and does not refer to the protection of sports facilities. **MM20** corrects this by making it clear that the policy applies to defined open spaces, sport and recreation facilities. The modification is required to ensure the effectiveness of the policy.
82. Policy GI3 *Cemeteries* aims to make sufficient burial provision over the plan period. There are shortages of capacity in the Scraftoft, Thurnby and Bushby

area, at Lutterworth, and at Market Harborough. The first two are dealt with through criteria in Policies SC1 and L1 respectively. As regards Market Harborough, the policy allocates land for a new burial site on land to the east of Harborough Road, B6047. However, the allocation has been made without sufficient evidence as to site suitability or an adequate assessment of its effect on the potential for longer term urban expansion in that area, so the policy is unsound because it is not adequately evidence-based. **MM21** identifies a broader location which would be subject to further technical work on site suitability, and states that a site should be provided as a component of the town's future expansion in a Local Plan Review, in the event that other extensions to existing sites and other new sites could not meet the identified need. This modification is required to make the policy sound.

83. Policy GI4 *Local Green Space* does not reflect the relevant policy in the NPPF which states that policies for such space should be consistent with policies for Green Belts. To ensure the policy is sound, **MM22** rewords it to achieve such consistency. The boundary of the River Swift Flood Plain Local Green Space at Lutterworth is also amended to remove a less sensitive part of the site which it would be inappropriate to designate as Local Green Space. The modified boundary appropriately ensures that both banks of the river remain in the Local Green Space.
84. Policy CC2 *Renewable Energy Generation* allows for renewable and low carbon energy subject to certain criteria. These include criteria relating to bird and animal species, heritage assets and local and historic landscape character which are too generalised and hence ineffective; these issues are more fully dealt with under policies GI5 *Biodiversity and Geodiversity*, Policy HC1 *Built Heritage* and Policy GD5 *Landscape Character*, and it is unnecessary to include them in Policy CC2.
85. Regarding wind turbines, Policy CC2 is not precise enough in stating what is and is not appropriate in each of the landscape character areas, although the methodology and general approach is sound. The evidence base is set out in Document LAN5 "Landscape Sensitivity to Renewable Energy in Harborough District". This is in turn based on the landscape character areas together with a study of wind turbine opportunities carried out in 2011 for East Midlands councils. The policy allows for 4 or more turbines up to 125 metres in the Lutterworth Lowlands and Upper Soar landscape areas. Both areas, whilst partly rural, have significant urban and industrial influences including Lutterworth, Bruntingthorpe Proving Ground and Magna Park, the M1 motorway and the A5 and there are fewer distinctive features. The policy also allows for one to three turbines up to 65 metres in the Welland Valley which, whilst it has the urban influence of Market Harborough, is generally a more sensitive rural landscape. In the High Leicestershire and Laughton Hills Landscape Character Areas the policy allows for small scale single wind turbines less than 30m high, which reflects the more sensitive character of these areas.
86. **MM23** deletes the references to bird and animal species, heritage assets and local and historic landscape character, since these are dealt with more appropriately under policies GI5, HC1 and GD5 respectively. It expresses the policy relating to wind turbines much more precisely. In making these changes and in identifying areas suitable for wind energy development, MM23 ensures

that Policy CC2 is effective and in accordance with the Written Ministerial Statement of 18 June 2015 (and footnote 49 of the 2018 NPPF).

87. Policy CC3 *Managing flood risk* is not precise enough and leaves some ambiguity as regards the requirements for Flood Zones 1 and 2. **MM24** provides much greater clarity. The modification is required to ensure that the policy is effective.
88. Turning to transport policies, Key issue 8: *Transport*, is very specific in referring to road infrastructure constraints at the Leicester urban fringe, South West Leicestershire, Lutterworth and The Kibworths, but it does not address itself to the impact of the Plan's proposals. **MM1** amends Key Issue 8 so that it refers to mitigating the highways and transportation impacts of new development within and, where necessary, beyond the District. The MM is required to ensure that the Plan's text is consistent with national policy and is effective.
89. Policy IN2 *Sustainable Transport* requires development to support the transport policies of the local transport authority, and requires access, servicing and parking arrangements to be in accordance with highway authority guidance and standards. This approach is unsound because these policies, standards and guidance have not been subject to examination, do not form part of the development plan, and do not have the weight conferred on the plan by s38(6) of the Act. **MM25** corrects the policy by stating that proposals should have regard to the highway authority's policies, standards and guidance.
90. On a similar note, each of the Market Harborough site allocation policies MH1 to MH6 requires parking provision in accordance with Leicestershire County Council's guidance. These requirements are not sound because parking standards are not part of the development plan and have not been subject to examination. **MM30, MM31, MM32, MM33, MM34** and **MM35** alter the wording to indicate that development should have regard to, rather than accord with, those standards. The same applies to the business allocation in Policy L2 *Land south of Lutterworth Road / Coventry Road*; Policy F1, *Land off Arnesby Road, Fleckney*; the business allocation in Policy F2, *Land off Marlborough Drive, Fleckney*; and the mixed use allocation in Policy K1, *Land south and west of Priory Business Park, Kibworth Harcourt*. **MM37, MM38, MM39** and **MM40** introduce the wording described above to ensure that the policies are sound.
91. In addition, the Market Harborough allocations referred to above, together with paragraph 11.3.7 of the explanatory text, state that development will be expected to contribute to transport improvement schemes set out in the Market Harborough Transport Strategy. This strategy again does not have the status of the development plan. **MM25** and **MM30 to MM35** (see above) alter the text to refer to fair and reasonable financial contributions where there would be a significantly adverse effect on the transport network, in accordance with the NPPF.
92. Policy IN3 *Electronic connectivity* requires adequate broadband services to be made available in major development, but developers cannot offer broadband

services so **MM26** refers instead to broadband infrastructure. The modification is necessary in the interests of an effective policy.

93. Policy IN4 *Water resources and services* is not precise enough in seeking the enhancement of the water environment if possible and in requiring a grey water and rainwater harvesting system where feasible. In the interests of an effective and sound policy, **MM27** requires schemes to have no adverse impact on, and where possible to contribute to an enhanced water environment, and inserts a viability requirement rather than a feasibility requirement in respect of grey water and rainwater harvesting systems.

Conclusion

94. The Plan's other development management policies are sound subject to the main modifications discussed above.

Issue 5 – Whether Policy SC1: Scraftoft North Strategic Development Area, and Policy L1: East of Lutterworth Strategic Development Area are sound in terms of their design principles, their approach to the provision of community facilities, and their effects on nearby communities, settlement identity, transport networks, biodiversity, heritage assets and access to open space and the countryside.

Policy SC1 Scraftoft North Strategic Development Area

95. Policy SC1 allocates land for 1,200 homes together with community facilities on land north of Scraftoft. Issues relating to the selection of this site as part of the spatial strategy are dealt with under Issue 1 of this report and the housing trajectory and infrastructure requirements are dealt with in Issue 2.
96. Part of the site is occupied by a golf course, and Part 4 of the policy allocates land to the east of Houghton on the Hill for a replacement golf course. The south eastern part of the site is currently designated as the Scraftoft Local Nature Reserve, although it has not been managed as a nature reserve, and the allocation would result in its de-designation. In addition, Green Wedge boundaries would be amended with compensatory Green Wedge provision made through Policy GD7. The allocation raises a number of key issues as set out below.
97. Firstly, as regards landscape and open space designations, the Strategic Development Area would result in the loss of 57 hectares of existing Green Wedge. However, Policy GD7 designates an additional 80 hectares of land, comprising mainly the Thurnby Brook valley northern slopes, in the new Green Wedge. Of this, 26 hectares is already in an Area of Separation in the Scraftoft Neighbourhood Plan, but even allowing for that, the Plan provides adequate compensatory provision. Separation between Scraftoft village and Leicester City would be maintained by retaining the Green Wedge to the west of Hamilton Lane, whilst the separation of Scraftoft village and Bushby would be maintained by the new area of Green Wedge to the south of Covert Lane. The new Green Wedge would have better public access and the opportunity for additional public recreational uses, and it would fulfil the intended roles of Green Wedges by preventing coalescence, guiding future development form, providing opportunities for improved public access and recreation, and safeguarding access to the countryside from urban areas.

98. Secondly, in respect of wildlife and biodiversity issues, the relevant framework is set out in Part 3h of Policy SC1 which requires green corridors and the designation of part of the area as a local wildlife site. However, given that an existing Local Nature Reserve would be de-designated, the policy does not set an adequate framework for the provision of new wildlife areas, which would be contrary to the aims of the NPPF which seeks to minimise effects on biodiversity and provide net gains where possible. **MM29** sets out more clearly that development will be guided by a masterplan which would guide the creation of a network of green infrastructure to maintain and enhance the existing areas of highest ecological value and create new habitats reflecting local Biodiversity Action Plan priorities. MM29 later expands on this, referring to the retention and enhancement of species-rich grassland habitats and the creation of new wetland and grassland habitats, improving habitat connectivity and minimising impacts on protected species. Subject to the modifications in MM29, the allocation would minimise effects on biodiversity and provide net gains where possible, in accordance with the NPPF.
99. Thirdly, in respect of transport issues, evidence to support the allocation is set out in "Land East of Hamilton Lane, Scraftoft: Initial Transport Feasibility Assessment" (Document TRP4) and "Scraftoft, Leicestershire: Updated Transport Scoping Report" (Document TRP17). Document TRP4 indicates that the greatest highway impact of the allocation would be on the eastern end of Keyham Lane West and on New Romney Crescent, both within Leicester. In percentage terms the increase would be high, but at approximately 600 two-way flows would still be relatively low in relation to total flow for these types of roads. As regards local junctions, Covert Lane/Station Lane would be over capacity, and work would be required to amend the existing mini roundabout to remove an entry arm to be an exit only, as part of a proposed re-routing of the Scraftoft village one-way system. There would be some additional impact on some of the A47 junctions and on some other junctions out of the immediate Scraftoft area. Policy SC1 includes a requirement for a package of mitigation measures on the highway network inside and outside the District which are likely to include, among other things, traffic calming near schools, off street parking provision to improve highway flow, and the provision of a link road through the site to help reduce rat-running through Scraftoft. Mitigation measures would be developed in more detail through the transport assessment that would be submitted as part of any planning application.
100. To encourage alternatives to the private car, Policy SC1 seeks a minimum 20 minute bus service into Leicester City Centre, improvements to public transport infrastructure, a travel plan and green travel package and good walking and cycling links. MM29 adds requirements that these measures should be part of a public transport strategy to be agreed with the local planning authority, which would set the proposals within an overall framework, and that transport mitigation measures should be coordinated and designed to minimise disruption to the local community, which is necessary given the proximity of the allocation to Scraftoft and to the edge of Leicester.
101. With all these measures in place, and subject to the modifications in MM29, the traffic impact of the allocation on local communities and residential living conditions would not be severe, and air quality modelling indicates only a slight increase in nitrogen dioxide and negligible changes in other pollutants. Both Leicestershire County Council as Highway Authority and Leicester City

Council as the neighbouring Highway Authority have confirmed that appropriate evidence has been prepared to support the allocation, and they provide assurance that there are no transport impediments to delivery within the plan period. The modifications are required to ensure that Policy SC1 is effective and consistent with national policy.

102. Fourthly, as regards the allocation's design quality and its impact on the character of Scraftoft, the site would lie to the north of the village and would not have an impact on the character of the conservation area at the centre of the village, or its setting, either visually, or (having regard to the conclusions above) in respect of traffic impact. However, the policy does not provide effective control over the future design of the site or adequately address the protection of Scraftoft's identity. MM29 places greater emphasis on the masterplanning of the site to ensure good design, accommodate issues of public access to open space, maintain the separate identity of the village, and protect and enhance biodiversity. It also requires the creation of an area of publicly accessible open space immediately to the north of Scraftoft Brook to enhance the ecological value of this part of the site and to help maintain the village's identity and local distinctiveness. These changes are required to ensure that the policy is effective and consistent with national policy.

103. Fifthly, Policy SC1 seeks a range of facilities to serve the new community. However, the thresholds for the provision of the primary school and the neighbourhood centre, which would provide a social and retail hub, are too prescriptive and do not take into account the practicalities of providing these facilities, which are substantially dependent on the actions of others: the education authority in the case of the school, and retailers, professional practitioners and public bodies in the case of shops and community services. MM29 allows for greater flexibility in the timing of these facilities which is required to ensure that the policy is effective.

104. Subject to MM29, which is required for effectiveness and to ensure consistency with the NPPF, Policy SC1 is sound.

Policy L1 Lutterworth East Strategic Development Area

105. Policy L1 allocates a site for about 2,750 dwellings east of Lutterworth, of which the submitted plan states that about 1,500 dwellings are intended to meet housing requirements in the plan period. This is adjusted to 1,260 dwellings by **MM36** to reflect currently-expected delivery rates and is accounted for in the housing trajectory in MM42 (see Issue 2). Business, educational and community facilities, a community park and a cemetery, among other things, are proposed for the site. Vehicular access to the site would be by means of a spine road between the A426 north of Lutterworth and the A4304 east of M1 junction 20, including a bridge over the M1. The relationship of the Strategic Development Areas to the Spatial Strategy are dealt with in Issue 1 and the housing delivery aspects of Policy L1 are addressed in Issue 2.

106. The site is near Lutterworth town centre, but is separated from it by the M1. The policy refers to the allocation as a largely self-sufficient settlement, but this is inconsistent with one of the reasons for its selection in the first place, which is its sustainable location close to the town centre. For the site to

achieve the degree of sustainability ascribed to it by the selection process it is essential that it functions as a sustainable urban extension to Lutterworth. There would be 5 links across the M1, but the policy does not go far enough to set out the masterplanning and urban design requirements that would encourage the creation of attractive, safe and direct walking and cycling links with Lutterworth town centre across the M1, and is therefore ineffective.

107. The policy includes a requirement for a central green distributor as the principal walking and cycling route towards Lutterworth. Such a route would not provide the natural surveillance necessary to ensure that it remained secure and attractive at all times of the day and evening. The principal routes towards Lutterworth town centre need to be direct, potentially catering for all movements, and fronted with the kind of development that can provide natural surveillance. The policy also includes a requirement for the 10ha of new business development to be located between the spine road and the M1. This could mean that walking and cycling routes would potentially have to cross the spine road, pass through the business area and then cross the M1, introducing a series of barriers which would reduce their attractiveness and would militate against their use. The Lutterworth Connectivity Plan submitted to the examination on behalf of Leicestershire County Council shows a set of indirect routes which are largely defined by field parcels and boundaries rather than urban design principles and it has unattractive pedestrian/cycling routes running parallel to the M1. There is no indication of the nature of the spine road, which will need careful planning, for example by being lined by frontage development to integrate it fully into the new development, and with well-planned crossings, to ensure it does not add to the severance already created by the M1. The approach contained in the policy and interpreted by the Connectivity Plan fails against the urban design considerations in Planning Practice Guidance, and unless it is properly addressed it calls into question the soundness of the strategic site selection process, in which proximity to Lutterworth town centre carried considerable weight.
108. As a first step towards addressing these shortcomings, MM36 refers to the site as a new neighbourhood, and places more emphasis on a masterplan which would be incorporated into a Supplementary Planning Document and/or an outline planning application and supporting section 106 agreement. It requires development to address and overcome the issue of community severance resulting from the presence of the M1, and to create a sustainable urban extension which is permeable and well-connected to Lutterworth via legible walking and cycling routes with good natural surveillance. It requires a minimum of 5 crossings which provide dedicated walking and cycling connections into Lutterworth across the M1, forming part of a network of legible, direct, safe and attractive routes, which will all be well-lit, surfaced, with good natural surveillance and provide connections to Lutterworth town centre. To ensure that a good connection is created at the Lutterworth end of the route, MM36 requires appropriate traffic management and public realm improvements in Lutterworth town centre to facilitate the movement of pedestrians and cyclists, particularly across the High Street.
109. MM36 deletes the requirement for a central green walking route towards Lutterworth, and the requirement for the 10ha of new business development to be located between the spine road and M1 for the reasons given above. To ensure the effectiveness of the policy it also deletes the requirement for the

conversion of the Gilmorton Road crossing over the M1 for use by public transport, cyclists, pedestrians and emergency vehicles. Whilst this may be one design solution, the nature of this route would be better considered at the masterplanning and planning application stages and including it in the development plan could close down the later consideration of detailed options.

110. A development plan policy in itself it will not create a successful community well integrated with Lutterworth, since much will be dependent on subsequent stages of work. However, the policy as modified by MM36 should set the scene for good masterplanning and urban design, in which the interactions between land uses, routes and spaces have been fully considered, and in which the development can be linked to Lutterworth town centre by safe and attractive routes, with the aim of creating an attractive and successful new community. This would ensure that the policy would be effective in creating sustainable development.
111. As regards transport, to enable housing construction to begin it will be necessary to construct a new signalised junction on the A4304 together with the first part of the spine road northwards and to open up additional development parcels in the medium term. This is likely to be undertaken as a package in concert with the improvements to M1 Junction 20 and the Frank Whittle junction. The spine road when finally completed would provide an alternative route between the A426 and the A4304, but the Lutterworth East Strategic Development Area Strategic Transport Assessment (2017) indicates that it is intended primarily to serve that development and is not intended to be a bypass for Lutterworth town centre. It would not be reasonable to seek a full bypass funded by the strategic development area, since this would be in excess of that required to make the development acceptable in transport terms.
112. The transport modelling suggests that the spine road might result in some traffic reduction in the town centre, but the Plan rightly does not see the spine road as a relief road. There are other very important considerations to take into account, including the need to ensure that the spine road is integrated into the design of the new development so that it is attractive and does not create a barrier for pedestrians and cyclists going from the development to Lutterworth town centre. An engineered spine road distributor primarily to serve through traffic would likely result in a design that would create severance within the new development.
113. The transport assessment indicates that the strategic development area and its proposed transport infrastructure and off-site junction improvements can accommodate the forecast traffic demands. Having regard to all the evidence the allocation would not have a significantly adverse effect on the highway network and, subject to MM36, it would be possible to design a scheme that adequately addressed the severance created by the M1 and encouraged sustainable modes of transport.
114. Turning to other aspects of the development, Policy L1 allows for 13 ha of non-strategic storage and distribution uses on the site; the plan elsewhere defines non-strategic as units of less than 9,000 square metres. It is unnecessary to restrict the potential to attract a range of unit sizes, and to assist with flexibility and ensure the effectiveness of the policy MM36 removes

the requirement for the units to be non-strategic. Nonetheless, Policy BE2 provides the overall context for strategic distribution in this area which is intended to be provided at or adjacent to Magna Park. The site in Policy L1 is more appropriate for a mix of smaller units and is in any case unlikely to attract a number of strategic-sized units. MM36 alters the text of paragraph 15.2.13 to include further explanation of the position.

115. Two 2 form entry primary schools are required to support the development but as with Policy SC1, Policy L1 contains an overly prescriptive development threshold of 300 dwellings for the first of these and an unnecessarily prescriptive threshold of 700 dwellings for the provision of the neighbourhood centre. These do not take into account that the provision of these facilities relies on the agreement of other parties. MM36 introduces flexibility into these requirements, allowing discussion of an alternative date in the case of the school and a phasing plan in relation to the neighbourhood centre. It also re-words the requirement regarding the safeguarding of land for a replacement leisure centre to serve Lutterworth to avoid pre-empting the consideration of different options in the future.
116. Historic England raised objection to the allocation on the basis of its potential impact on the setting of the Grade II* listed Church of St Leonard, Misterton. However, as set out in the Statement of Common Ground between Harborough District Council and Historic England dated October 2018, Historic England now consider that the objection can be addressed with site specific criteria within Policy L1. The Statement of Common Ground states that sufficient set back from St Leonards Church can be achieved in the form of a community park, and this together with criteria relating to height, design, layout and scale would meet the concerns of Historic England. MM36 incorporates these requirements into a new criterion in Policy L1 to ensure that the setting of the Grade II* listed church is protected and that the access road is routed to minimise its impact on all heritage assets. Subject to these modifications the development of the site in line with the allocation would not harm the significance of any heritage assets.
117. The allocation site includes the Misterton Marshes Site of Special Scientific Interest (SSSI). The marshes have developed on alluvial deposits adjacent to a tributary of the River Swift and include wet and dry grassland, fen and a diverse breeding bird community. The Misterton Marshes SSSI Feasibility Study (EN15), which was informed by habitat surveys within and outside the boundary of the Site of Special Scientific Interest and a review of existing hydrological information, outlines possible mechanisms to mitigate potential effects which had previously been identified by Natural England. The study concludes that mitigation of the effects of the Strategic Development Area during both construction and operational phases is technically feasible. It confirms that, based on an indicative plan, development within the allocation will not result in land take from the Site of Special Scientific Interest and will not directly affect habitats. Natural England accepts the conclusions and does not object, subject to further hydrological investigation and mitigation/compensation secured through appropriate planning conditions and obligations. The submitted policy requires the conservation, enhancement and adequate mitigation of any impact on the Site of Special Scientific Interest in accordance with a methodology to be agreed by Natural England and is sound in this respect.

Conclusion

118. Subject to the main modifications described above, Policy SC1: Scraftoft North Strategic Development Area, and Policy L1: East of Lutterworth Strategic Development Area are sound in terms of their design principles, their approach to the provision of community facilities, and their effects on nearby communities, settlement identity, transport networks, biodiversity, heritage assets and access to open space and the countryside.

Issue 6 - Whether the Plan's other housing and business site allocations would be effective, whether their local impacts would be acceptable, and whether the allocations would be sound

119. Three housing sites are allocated in Market Harborough, on land at Overstone Park for about 600 homes (Policy MH1); on land east of Blackberry Grange for about 350 homes (Policy MH2); and at Burnmill Farm for about 90 homes (Policy MH3). There are also three business allocations, on land at Airfield Farm (Policy MH4), Airfield Business Park (Policy MH5) and Compass Point Business Park (Policy MH6). The choice of sites and their location is soundly based and in accordance with the overall Spatial Strategy.

120. Policy MH3, *Burnmill Farm*, restricts the number of homes to 90 in order to ensure that the total served off the single access does not significantly exceed the 150 dwellings specified in the Leicestershire County Council Highway Design Guide (TRP5) for developments located off a single access. However, more recently the County Highway Authority have assessed the potential for 128 dwellings, and have concluded that the additional impact of the proposed development, over and above the 90 dwellings as set out in Policy MH3, would result in only an additional 27 two way trips in the morning peak hour, or less than 1 additional trip every 2 minutes, and would be acceptable on highways grounds. The additional movements would not have a significant effect on highway or living conditions. On this basis **MM32** revises the housing capacity of the site to 128 dwellings. In view of the residential character of the access, **MM32** also requires a construction traffic management plan which seeks to maximise use of the existing farm track for construction traffic. These modifications would make the best use of the site and protect residential living conditions and are required to ensure consistency with national policy.

121. Policy MH4 *Land at Airfield Farm* requires access to this allocation to be taken from Gallow Field Road. However, this is too prescriptive and could prevent a more appropriate access point from being used. **MM33** allows the access point to be determined in the future on the basis of evidence in a transport assessment. This modification is required in the interests of effectiveness.

122. Policy F1 *Land off Arnesby Road, Fleckney* is a residential allocation for 130 dwellings. One of the requirements prevents the use of large retention ponds within the site but this is too restrictive and not adequately based on evidence; this is an issue that should be left to detailed design and drainage assessment. **MM38** removes this requirement to ensure that the policy is effective and makes the best use of the site.

123. Policy K1 *Land south and west of Priory Business Park* does not reflect the terms of a planning permission for the site, which includes an element of retail use. **MM41** includes retail use in the policy and is required for effectiveness.

Conclusion

124. Subject to the main modifications described above, the Plan's other allocations are effective, their local impacts are acceptable, and they are sound.

Assessment of Legal Compliance

125. My examination of the legal compliance of the Plan is summarised below.
126. The Local Plan has been prepared in accordance with the Council's Local Development Scheme.
127. Consultation on the Local Plan and the main modifications was carried out in compliance with the Council's Statement of Community Involvement.
128. Sustainability Appraisal has been carried out and is adequate.
129. The scope of the Habitats Regulations Assessment 2017, its methodology and conclusions meet the requirements of the Habitats Directive and associated guidance. Natural England concurs with the report's conclusion that the Plan will not have a likely significant effect on any European Site either alone or in combination with other plans and projects. An Appropriate Assessment is not required.
130. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
131. The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
132. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. The plan takes these aims into account, notably in respect of its policies to meet the housing needs of all sectors of the community.

Overall Conclusion and Recommendation

133. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
134. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Harborough Local Plan 2011 to 2031 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Jonathan Bore

Inspector

This report is accompanied by an Appendix containing the Main Modifications.