

Matter 1: Procedural and Legal Requirements

Whether the Plan has met all relevant legal requirements, including the 2004 (as amended) and the 2012 Regulations?

Issue 1: Sustainability Appraisal

Question 3

- 1.1.1. Whilst the SA tested all 6 initial housing distribution options against the three growth scenarios, it only tested the 3 refined options (RO) against the medium growth option. STNT considers this to be an error. The 3 RO combined two or more of the initial options, with the result being that the RO were substantially different to the initial options tested. For example, in the initial options, the use of strategic sites was considered separately to a focus on development on the urban edge of Leicester. However, in RO2 consideration was given to the focuses on the edge of Leicester Urban Area (LUA) and 1 out of the original 4 strategic sites considered in the initial options, and in RO3 consideration was given to a combination of the focusing growth on the urban area, the market towns, and 1 strategic site. The implications of combining these options are that the RO would result in a much different spatial distribution of development than the initial options, with in the example of RO2 and RO3, a higher amount of growth would be focused to the east of Leicester given that those options considered combined growth options of development focused on the edge of the LUA and the use of one strategic site (Land South of Gartree Road (LSGR)). This distribution of development is considerably different to the initial housing distribution options that would have either focused development on the edge of the LUA, without the use of strategic sites (initial option 3) or the use of strategic sites that would have resulted in a different spread across the District (initial option 4). None of the initial options therefore considered a scenario where the level of growth considered by RO2 or RO3 would be focused to the east of Leicester.
- 1.1.2. Given this difference in the level of growth to the east of Leicester in those refined options, STNT considers that the SA should have retested the refined options against

all growth scenarios as the sustainability implications could be significantly different to the initial options.

Question 5

- 1.1.3. STNT questions the accuracy of some of the scoring in the SA and considers that there are several inaccurate conclusions in the assessment. These can be summarised under a series of headings below:

Several optimistic or untested assumptions are made in the scoring of strategic site options.

- 1.1.4. The assessment and scoring of the Strategic Sites options in the SA assumes that the strategic sites will deliver significant infrastructure and facilities that are necessary to make those sites sustainable (active travel routes, public transport, health care, and education), whilst it is clear from the text of the SA that there are uncertainties over the delivery of such infrastructure. For example, at paragraph 4.44, the SA states that Option 4 (Strategic Site Focus) would have "good potential for sustainable transport connections", at paragraph 4.45 states "development of strategic sites **may** offer better opportunities to incorporate mitigation through habitat creation", and paragraph 4.47 states that the strategic site option "has **the potential** to reduce reliance of private vehicles by giving residents greater choice of sustainable modes of transport" (emphasis added).
- 1.1.5. The scoring of the strategic site options (which includes initial Option 4 and Refined Option RO2 and RO3), is therefore based on the necessary infrastructure being provided to support those allocations. No consideration is given to how the delivery of this infrastructure is to be funded or delivered. As is set out in STNT's Regulation 19 Representations and responses to other MIQs, STNT has serious concerns that the LSGR Allocation (Policy SA03) has, at best, marginal viability and would not be able to deliver all of the infrastructure that the SA assumes would be necessary to make those spatial options sustainable. It is crucially important that the SA assessment considers the likelihood of the strategic sites being able to provide the necessary infrastructure needed to make those sites / distribution options

sustainable, as it is understood that there is no other mechanism in the Plan for funding such infrastructure (STNT understands from the Council's response to PQ6 (Examination Library Ref: HDC6) that the strategic allocations would not be subject to CIL). The ability of the strategic sites to be able to fund and deliver the necessary infrastructure, and the implications that providing such infrastructure may have on other sustainability factors (for example, given the marginal viability of LSGR strategic site, provision of necessary infrastructure may reduce the amount of affordable homes that can be delivered, reducing security against social sustainability objectives in the SA), therefore needs to be considered in the SA as it will directly influence the scoring of distribution options that contain the strategic sites. Without considering the ability of those sites to deliver the necessary infrastructure, the current scoring of those options in the SA is more aspirational than evidence based, and therefore the SA is not robust.

- 1.1.6. Additionally, whereas distribution options that include the strategic sites assume that the necessary infrastructure to make those strategic sites sustainable would be provided, in options where there are no strategic sites, the SA makes no assumption for improvements to, or the delivery of new infrastructure. For example, in assessing Option1 (continuation of Local Plan Strategy), paragraph 4.9 of the SA makes reference to development in medium and small villages resulting in higher reliance on cars and doesn't give any consideration to how housing growth in some villages may support or deliver improvements to infrastructure such as improved or new public transport networks. This is reflected in lower scoring for the options that do not contain the strategic sites. As such, there is a serious mismatch in how infrastructure delivery is treated for different distribution options in the SA, which directly influences the scoring of options, resulting in the scoring assessment not being robust and not being an accurate comparison between various options.

The SA assumes that all the infrastructure needed to make the strategic sites sustainable would be delivered during the Plan period, which is not certain given that large proportions of the strategic sites will not deliver during the Plan period.

- 1.1.7. Whilst it is not clear from the SA, it is assumed that because it is a SA of the proposed Local Plan, it only considers the sustainability implications of the development to be delivered during the proposed plan-period. However, several strategic allocations will only be delivered in part during the plan-period, with some still delivering significant development after the plan-period. For example, the LSGR strategic site will only deliver 1,200 homes in Harborough during the plan-period out of a total of 3,150 homes (not including homes to be delivered within Oadby and Wigston) (Policy SA01 Site Allocation Schedule). More than half of the total number of homes will therefore be delivered after the proposed plan-period and will be subject to policies in a later Local Plan. It may therefore reasonably be expected that significant amounts of associated infrastructure (public transport, health care, education) may not be delivered during the plan-period, as the critical mass of population within the allocation to support the delivery of that infrastructure will not be in place until after the plan-period. The SA however considers the impact of the proposed plan-period housing delivery of the strategic sites with all the necessary infrastructure in place during the plan-period.
- 1.1.8. As the SA is an assessment of the sustainability of the Submission Version Local Plan, it should only consider the sustainability implications of delivery during the plan-period. Therefore, with certain infrastructure necessary to make the strategic allocation sustainable not likely to be delivered until after the plan-period, the SA under-assesses the potential environmental implications of the strategic sites and therefore housing distribution options that contain Strategic Sites during the plan-period, by assuming that necessary infrastructure to improve sustainability would be delivered during the plan-period. If the SA is to correctly consider the sustainability of the distribution options that contain strategic sites, it needs to consider the implications of the strategic sites on the SA objectives by assessing only the plan-period housing delivery without the benefit of infrastructure and supporting services and facilities that would not be delivered until after the plan-period. In that scenario,

the housing distribution options with the strategic sites would undoubtedly result in greater adverse sustainability impacts than currently assessing in the SA.

The SA assumes that development close to existing urban areas, including the use of strategic sites to the east of LUA, are the most sustainable transport options based on proximity alone, ignoring other factors

- 1.1.9. The SA concludes that certain spatial options perform better against sustainability objectives, such as those relating to sustainable modes of travel, based on their distance from existing urban areas or centres alone, rather than considering specific factors that may influence travel patterns or general accessibility. The scoring therefore relies on proximity rather than the demonstrated accessibility. This has resulted in options that focus growth adjoining the LUA scoring better against transport sustainability objectives, as it assumes that focusing a greater level of development adjacent to the urban area would mean that there is better accessibility due to proximity alone.
- 1.1.10. The SA has not consider specific locational factors that may influence travel options and behaviours. For example, whilst RO2 and RO3 score highly against climate change (SA1), services (SA8), and sustainable travel (SA13) objectives. In the assessment of RO2 against SA13, the SA concludes that directing development to locations in proximity to the LUA offers the best accessibility to services, principally based on proximity to services and jobs in those settlements (paragraph 5.35). It does not however, consider how access to those existing services and jobs would be achieved.
- 1.1.11. Taking the example of the LSGR Strategic Site, whilst the proximity of that site to the LUA may mean that the distance to services and facilities is shorter than focusing development in other areas of the District, the SA has not considered factors such as the capacity of the local road network or existing public transport accessibility into the LUA. As set out in STNT's Regulation 19 Representations (page 9), existing congestion on the A6 corridor is increasing journey times and distances into the LUA due to traffic using lower class rural roads. This, combined with current inadequate

public transport accessibility to the LUA means that accessibility to services and facilities in the LUA is not as convenient or easy as the scoring in the SA for RO2 and RO3 indicates. That scoring is dependent on the provision of new infrastructure and public transport services, which as set out above, should not be assumed will be delivered during the plan-period or at all. It may be that development on the edge of other settlements, such as Market Harborough, which has a train station with direct links to Leicester in around 15 minutes, may offer more convenient, accessible, and faster modes of transport into the Leicester than development on the edge of the LUA. By basing scoring on proximity and / or the potential for future infrastructure provision, it is considered that the SA does not provide an accurate assessment of distribution options against the abovementioned sustainability objectives.

The SA has considered whether mitigation measures exist to make some of the options more sustainable, rather than considering whether there are other reasonable alternatives that would have greater sustainability benefits or lesser negative impacts.

- 1.1.12. Paragraph 32 of the December 2023 NPPF states that significant adverse impacts on SA objectives should be avoided and alternative options that reduce or eliminate such impacts should be pursued. Only where significant adverse impacts are unavoidable, should suitable mitigation measures be proposed.
- 1.1.13. The SA does identify potential significant adverse effects against SA objectives for RO2 and RO3, particularly in relation to the LSGR Strategic Site, which is included in both of those options. This includes adverse impacts against air quality objectives (paragraph 7.184), local wildlife sites (paragraph 7.185), heritage assets (paragraph 7.187) and landscape (paragraph 7.195). Rather than consider **all** reasonable alternatives to the Strategic Site, the SA proceeds straight to identifying mitigation measures to reduce those significant impacts, contrary to the approach set out in NPPF paragraph 32. The scoring matrix for Policy SA02 (the policy which would allocate the LSGR) contains only positive assessment scores because mitigation measures have been considered.

- 1.1.14. As set out in its Regulation 19 Representations, STNT considers that the SA should have considered an alternative spatial distribution options, referred to as the "Willoughby Waterleys Residents Association (WWRA) Option" which would focus more development to the west of Leicester. This alternative option was presented to the Leicestershire Councils over 6 years ago but have been ignored by the Council's without justification and, despite being a reasonable alternative to the options considered in the SA, has not been considered at any stage of the plan-making or SA process. STNT considers that this alternative spatial distribution option should be considered in the SA before mitigation measures are added to the currently assessed options if the SA is to be compliant with NPPF paragraph 32.

The scoring conclusions for Policy SA02 do not identify any negative impacts. For an allocation of that scale on a greenfield site, that cannot be considered robust.

- 1.1.15. The scoring matrix for Policy SA02 (table 7.3) does not identify any anticipated negative impacts against the SA objectives. For an allocation of 4,000 homes, this is unrealistic. As referred to above, the assessment of the SA02 has identified several significant adverse impacts of the proposed allocation against the SA objectives and has identified mitigation measures to reduce some of those impacts. It is considered unrealistic that even with mitigation measures, and allocation of this scale would not have any negative impacts against SA objectives. The SA assesses the impact of smaller allocations in Policy SA01 and concludes that even with mitigation measures a number would still have negative impacts. If allocations of a smaller scale are assessed as having negative impacts with mitigation measures, it is considered unrealistic that Policy SA02 would not have any negative impacts. This points to the assessment of Policy SA02 in the SA being unrealistic and not robust.
- 1.1.16. Furthermore, and again as previously referred to, there is uncertainty over the delivery of some of those mitigation measures, particularly those that are dependent on the delivery of new infrastructure. To provide a robust assessment, the SA needs to consider the likelihood of some of those mitigation measures being delivered.

The In-Combination Effects assessment in the SA significantly underplays the potential cross-boundary implications of strategic allocations within other Leicestershire Authorities.

- 1.1.17. The In-Combination Effects assessment in the SA refers to significant strategic allocations proposed in other Leicestershire Local Authorities' Local Plans and concludes that there is unlikely to be cross-boundary effects, with those allocations having implications for the respective local authorities in which those strategic allocations are located only. This is a serious under assessment of potential cross boundary impacts.
- 1.1.18. There are several proposed strategic allocations to the south of the Leicester Urban Area that have been included in Local Plans based on the Leicestershire Strategic Growth Plan¹ (SGP). Alongside the LSGR Strategic Allocation proposed for inclusion in Harborough's and Oadby and Wigston's Local Plans, Whetstone Pastures and Land West of Stoney Stanton are proposed in Blaby Local Plan. All these allocations are allocations, in-combination are likely to have significant impacts on the highway network to the south of Leicester without significant intervention and highway infrastructure provision. The South Leicestershire Joint Transport Evidence Study² identifies the need for improved strategic orbital connectivity to the south and east of Leicester to combat existing transport issues and to unlock future growth. Notwithstanding that there is no commitment for the delivery of any strategic orbital transport infrastructure (with the A46 expressway no longer proposed), the SA has not consider the in-combination effects of the significant amount of development to the south and east of Leicester on the transport network. This is a significant failing of the SA.

¹ <https://www.llstrategicgrowthplan.org.uk/wp-content/uploads/2019/01/Final-LL-SGP-December-2018-1.pdf>

²

https://www.harborough.gov.uk/download/downloads/id/8924/south_leicestershire_joint_transport_evidence_study_stage_1.pdf

Question 6

- 1.1.19. No. No clear explanation is provided of why distribution options were combined to create the RO and why the LSGR Strategic Allocation was taken forward into those RO, whilst other proposed strategic allocations were not.
- 1.1.20. There is also no clear justification for why alternative spatial distribution options have not been considered through the SA process at all. This includes the WWRA option referred to in STNT's Regulation 19 Representations.
- 1.1.21. Paragraph 11-018-20140306 of the National Planning Practice Guidance (PPG) requires all reasonable alternatives to be considered or for reasoning to be provided for any options that have not been considered. There is no explication or audit trail for why the WWRA distribution option has not been considered in the SA process.

Question 7

- 1.1.22. As referred to in the responses to the above questions, STNT does not consider that the SA complies with paragraph 32 of the NPPF or relevant guidance in the PPG. As a result, the Plan is not considered to be supported by a robust SA and therefore fails the legal requirements of Section 19(5) of the 2004 and is contrary to national planning policy.

Issue 3: Strategic Cross-Boundary Engagement

Question 1

- 1.1.23. It is noted from the SOCG between Harborough Council and Leicestershire County Council on Highway and Transport Matters (August 2026) (Examination Library Ref: HDC9) that the Local Transport Authority (LTA) has not changed its position (that it considers the Plan to be unsound) since its Regulation 19 submission in April 2025. It is also noted from HDC9 that the LTA is waiting for Harborough Council to prepare more assessments / evidence. These two factors suggested that there is an entrenched position from the LTA and that there is limited joint working between the two parties to move to an agreed position. As such, whilst both parties may be

undertaking some joint working, because the LTA's position that the Plan is unsound has not altered in 18 months, it seems apparent that any joint working is not effective.