

Proposed Submission Draft Harborough Local Plan 2020-2041

Hearing Statement

Matter 7: Locating Development in the Right Place

Representation on behalf of Mr Simon Girardier

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1.0 Introduction

- 1.1 This Hearing Statement has been prepared on behalf of our client, Mr Simon Girardier, owner and occupier of The Grange, Dingley Road, Great Bowden, Market Harborough LE16 7ET, in response to the examination of the Proposed Submission Draft Harborough Local Plan 2020-2041.
- 1.2 Our client wishes to make representations under Matter 7: Locating Development in the Right Place, and raises an **OBJECTION** to the proposed allocation of '*Land off Dingley Road and Nether Green, Great Bowden*', under draft policy SA01: Site Allocation Schedule – Site GB2, being examined under Issue 2: Key Development Sites. Our client requests that the allocation be deleted from the Local Plan, as, in the context of NPPF Policy PM15, the allocation results in the Local Plan being **unsound** because it is not **appropriate, effective or consistent with national policy**.
- 1.3 The contents of our client's original objection to the Regulation 19 Consultation remain pertinent, and we would direct the Inspector to read those submissions in parallel with this Hearing Statement. This submission provides additional commentary in relation to the Stage 2 Matters, Issues and Questions in the context of the updated National Planning Policy Framework (NPPF) (August 2026).
- 1.4 Our client previously objected to the allocation of Site GB1 '*Land north of Dingley Road*,' and while this objection remains, no further submissions are considered relevant as this site has recently been granted planning permission by the Council. The fact that this site was granted consent does not, however, mean that our objections to site GB2 carry any less weight, as site GB2 has additional constraints in comparison to GB1, which means that it is materially different in nature.

Executive Summary

- 1.5 This Hearing Statement objects to the allocation of Site GB2, Land off Dingley Road and Nether Green, and requests its deletion from the Local Plan.

- 1.6 The Council's evidence identifies GB2 as a very sensitive heritage location adjoining the Great Bowden Conservation Area and close to The Grange, a Grade II listed building. Development would erode their rural setting, harm other designated and non-designated heritage assets and result in the loss of ridge and furrow that contributes to the historic character of Great Bowden. The identified harm is inherent to the allocation and has not been shown to be capable of acceptable mitigation through layout or design.
- 1.7 The site is also affected by fluvial and surface-water flooding, including access and egress concerns. The available evidence does not demonstrate that all parts of the Sequential and Exception Tests have been satisfied, or that the site would remain safe throughout its lifetime without increasing flood risk elsewhere. Updated flood mapping indicates greater future risk when climate change is considered, raising further doubt about the adequacy of the evidence base, the net developable area and the feasibility of safe access.
- 1.8 These matters are compounded by highway-safety concerns, ecological and landscape impacts, residential-amenity and noise constraints, and uncertainty regarding utilities and easements. Collectively, the necessary buffers, mitigation and infrastructure would substantially reduce the land realistically available for housing and cast doubt on the stated capacity, viability and deliverability of the allocation.
- 1.9 Accordingly, the evidence does not demonstrate that GB2 is a suitable, achievable or deliverable allocation. The identified heritage and flood-risk conflicts cannot properly be deferred to a future planning application. In the context of NPPF Policy PM15, the allocation is not appropriate, effective or consistent with national policy and would therefore render the Plan unsound. Site GB2 should therefore be deleted from Policy SA01 and the Proposed Submission Draft Harborough Local Plan 2020-2041.

2.0 Matter 7 Issue 2(3) - Question v) How does the site relate to nearby uses? What is the potential adverse impact of developing the site, for example in terms of transport/traffic, pollution, nature conservation, landscape and impact on heritage assets? How have these been considered and how could they be mitigated?

Heritage

- 2.1 Policy SA01 states that heritage impacts need to be considered in the development of Site GB2, specifically identifying the Great Bowden Conservation Area and The Grange as important heritage assets to be considered. The policy states that development must respect and preserve the setting of these heritage assets, along with any non-designated heritage assets
- 2.2 An assessment of the sensitivity of site GB2 is contained in the ‘*Heritage Analysis of Local Plan Sites*’ (November 2024), provided in the Local Plan evidence base.
- 2.3 On page 16, an overview of site GB2 (Site 8054) has been provided. The summary is succinct but draws out the sensitivity of this location, particularly with regard to the setting of the Conservation Area, and the proximity to The Grange (a Grade II Listed Building). It states:

‘This is a very sensitive site. The northwestern boundary of the site adjoins the boundary of the Great Bowden Conservation Area. The site forms part of the setting of the conservation area (the CA Character statement states: The Conservation Area ... has open countryside to the north, east and west...) which is experienced on approach to the eastern boundary of the conservation area. Historically Great Bowden has been known for horse breeding and became the base for the Fernie Hunt. The paddocks around the village are an important part of Great Bowden’s history. The Fernie Hunt Kennels are located in adjacent to the site.’

- 2.4 It also highlights the presence of several other listed buildings and the proximity of Nether House, a non-designated heritage asset.
- 2.5 Section 66 of the 1990 Act states that *‘...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’*
- 2.6 The above represents a legal duty to ensure that development at the very least preserves the special architectural or historic interest of a listed building.
- 2.7 The Grange is a Grade II Listed Building located close to the north/northwest corner of the allocation. This part of the site adjoining Nether Green has a low-key rural feel with the land north of Nether Green largely undeveloped. This rural and tranquil character forms part of the setting of The Grange, and if eroded through encroachment by modern development, this will have an adverse impact on the significance of this heritage asset. Significant separation is therefore required to preserve the setting.
- 2.8 As discussed in further detail in our response to the question about flood risk below, the Flood Risk Map for Planning has been updated and shows that the situation is significantly worsened when accounting for climate change. This will force the development closer to the Listed Buildings and the Conservation Area and further reduce space for buffers with these heritage assets.
- 2.9 In addition, Nether House is identified as a non-designated heritage asset and contributes positively to the character and appearance of the Conservation Area. Similar considerations should be given to reducing the potential of encroachment of any proposed development.
- 2.10 The site is predominantly ridge and furrow, a non-designated heritage asset that will be entirely lost through the development of the site. According to Historic England’s Scheduling Section Guide for Agriculture (English Heritage 2012) in the past scheduling

was not generally seen as an appropriate mechanism for the protection of extensive systems of ridge and furrow as they are often located in actively farmed areas. Scheduled examples are often associated with contemporary settlement remains. However, according to the guide, given the 'enormous losses of ridge and furrow to agricultural intensification since the 1970s, protection of more examples may well be warranted'.

- 2.11 The importance of ridge and furrow to the character and setting of the village of Great Bowden, is noted both in the Character Appraisal and the Great Bowden Neighbourhood Plan (the 'GBNP') on page 43, as a defining characteristic of the social and cultural evolution of the settlement. Policy ENV5 of the GBNP is part of the Development Plan and seeks to resist the loss of ridge and furrow.
- 2.12 In respect of archaeology there are known archaeological remains within the vicinity, we also know that neighbouring land has been subject to trial trenching and that the findings on the Leicestershire and Rutland Historical Environment Records database state that the earthworks were of probable medieval date, and the area is archaeologically sensitive.
- 2.13 Referring to national policy, footnote 64 of the NPPF states "*Non-designated heritage assets of archaeological interest that a decision-maker considers to be equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets.*" The importance of the ridge and furrow is therefore justified in policy terms, and it should be given a higher order of protection. The loss of this feature diminishes the setting of The Grange and the Great Bowden Conservation Area.
- 2.14 The cemetery has also been identified as a non-designated heritage asset and an important open space with the GBNP. There is a concern that the increase in activity and urbanisation of Dingley Road will harm the setting around the cemetery, and its significance.
- 2.15 We therefore contend that the proposed development of this site will result in substantial harm to the setting and the character and appearance of the Conservation Area, it will result in substantial harm to the setting and significance of The Grange, and substantial

harm to (and complete loss of) the ridge and furrow as a non-designated heritage asset, as well as less than substantial harm to the significance of the cemetery.

- 2.16 NPPF Plan-Making Policy HE1 requires development plans to identify and assess heritage assets, recognise the wider benefits of conservation, use the historic environment to inform the character and quality of development, and support the identification of locally important non-designated heritage assets.
- 2.17 We would contend that the proposed development of this site is inconsistent with Policy HE1. The suggestion that this could be addressed through the submission of a Heritage Impact Assessment is not tenable in light of the observations in the ‘Heritage Analysis of Local Plan Sites’ document. For the matter to be addressed through a statement, the Inspector must be satisfied that this is a matter of detail that can be worked through and overcome through layout and design, or that mitigation can be employed to address the harm. This is simply not the case in this instance, where the harm arising is direct harm to the significance of the assets in question – no mitigation reduces the impacts to an acceptable level, and the loss of the ridge and furrow in particular cannot be compensated for.
- 2.18 In taking forward a planning application, NPPF Decision-Making policies HE6 and HE7 will be relevant, so the decision maker should be mindful of this in considering the allocation of this site.
- 2.19 Policy HE6 (Proposals affecting designated heritage assets) states *“When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.”*
- 2.20 Policy HE6 of the revised NPPF has clarified the weight to be given to the conservation of a designated heritage asset from *“great”* to *“substantial.”* This change makes it much clearer that the weighting is of the highest order of magnitude.

- 2.21 Policy HE6 subsection 4 states *“Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.”*
- 2.22 Subsection 5 states *“Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss....”*
- 2.23 Policy HE7 (Decisions on non-designated heritage assets) states *“where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.”*
- 2.24 Policy HE7 has increased the weight given to impacts on non-designated heritage assets by the revised NPPF. In this case, non-designated heritage assets which will be harmed by the allocation are the ridge and furrow, cemetery, and non-listed buildings within the Conservation Area. In respect of the ridge and furrow, the allocation will result in its total loss.
- 2.25 The public benefits of the proposal would be the delivery of housing. However, there are many other sites in and around the town and across the District which are much less sensitive in terms of heritage and would be more appropriate, so this harm is not necessary to achieve this public benefit. Furthermore, the fact that the site is at significant risk of flooding substantially reduces the benefits of providing housing in this location. The public benefits will not therefore outweigh the substantial harm to the setting and significance of The Grange, the Conservation Area (and the listed and non-

designated heritage assets within it), cemetery, and the complete loss of the ridge and furrow.

Access

- 2.26 The allocation raises significant highway concerns. Access from Dingley Road would increase traffic on a narrow rural lane with tight bends, a constrained bridge crossing, existing parking pressures, and potential capacity issues at the A6 roundabout. Concerns are heightened if both GB1 and GB2 are developed. Access from Nether Green is strongly opposed due to its narrow width and limited verge capacity, with any access restricted to pedestrians and cyclists. Overall, the proposal is considered harmful to highway safety.

Ecology

- 2.27 While ecology can be addressed through planning, concerns remain over impacts on the nearby SSSI, wildlife corridor, and the loss of hedgerows and trees that contribute to local character. The proposed access and development density could harm important landscape features and biodiversity, making the site's capacity potentially overstated

Character

- 2.28 The site forms part of the countryside and contributes to the rural setting of Great Bowden and its Conservation Area. The proposed density is out of character with the area, while development of GB2, particularly alongside GB1, would urbanise the village's eastern approach, causing significant harm to landscape character and the Conservation Area setting.

Residential Amenity

- 2.29 Site GB2 adjoins residential properties in the north/northwest corner of the site. Adequate separation from these properties is required to ensure the amenity areas are protected from overlooking and the loss of privacy. The introduction of built form close to the boundary will result in an overbearing impact on the amenity of these properties

and, as such, again places pressure on the layout to accommodate separation. The impact of these constraints further erodes the land that is realistically developable.

Noise

- 2.30 Noise from the A6 will likely affect the layout and orientation of dwellings. Development at the density proposed will necessitate developing closer to the boundaries and closer to the noise source. The use of excessively tall acoustic fencing, bunding, or land raising would be out of character and harmful to the landscape. The proximity to the kennels in the northwest of the site is also an important amenity issue, so separation is also needed from this use.

Utilities And Easements

- 2.31 There is believed to be a foul water attenuation system in the southern part of the site close to the road and the existing agricultural access. The presence of this feature casts doubt as to the impact of any easements on the site's capacity. This issue has previously been raised, and we are unaware of any further information addressing this constraint.

3.0 Matter 7 Issue 2(3) - Question vi) How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied?

3.1 Site GB2 ‘Land off Dingley Road and Nether Green’ is partially within Flood Zone 2 and Flood Zone 3 on the Flood Map for Planning and is at risk from surface water flooding. This issue is noted in the policy requirements in the Policy SA01 Site Allocation Schedule and states that an application is to be supported by a Flood Risk Assessment and Sustainable Drainage Strategy.

3.2 The site was considered in the Strategic Flood Risk Assessment. Within the Level 2 Strategic Flood Risk Assessment (SFRA) - Detailed Site Summary Table, it states under Key Messages:

‘The site is affected by fluvial flooding in the 3.3% AEP, 1% AEP and 0.1% AEP events, and the fluvial climate change event extents. There is also significant risk from surface water flooding in the 0.1% AEP and surface water design event (1% plus 40% climate change allowance). There is residual risk from breaches or overtopping of engineered high ground at the site. As such the Exception Test should be applied. Development may be able to proceed if:

- The Exception Test shall be undertaken and passed. The site is shown to be at risk during the design surface water event with access and egress issues, therefore part “b” of the Exception Test must be satisfied. If the Exceptions Test is failed, development is unlikely to be able to be proceed.’*

3.3 However, NPPF Plan-Making Policy F2 (Planning For Effective Flood Risk Management) states that:

Development plans should take a risk-based approach when identifying suitable locations for development, taking into account all sources of flood risk and the current

and future impacts of climate change. They should do this, and manage any residual risk, by:

a. Applying the sequential test in policy F5 and, where relevant, policy F6;

3.4 NPPF Policy F6 (Development in areas at risk of flooding from rivers or the sea) states:

1. In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):

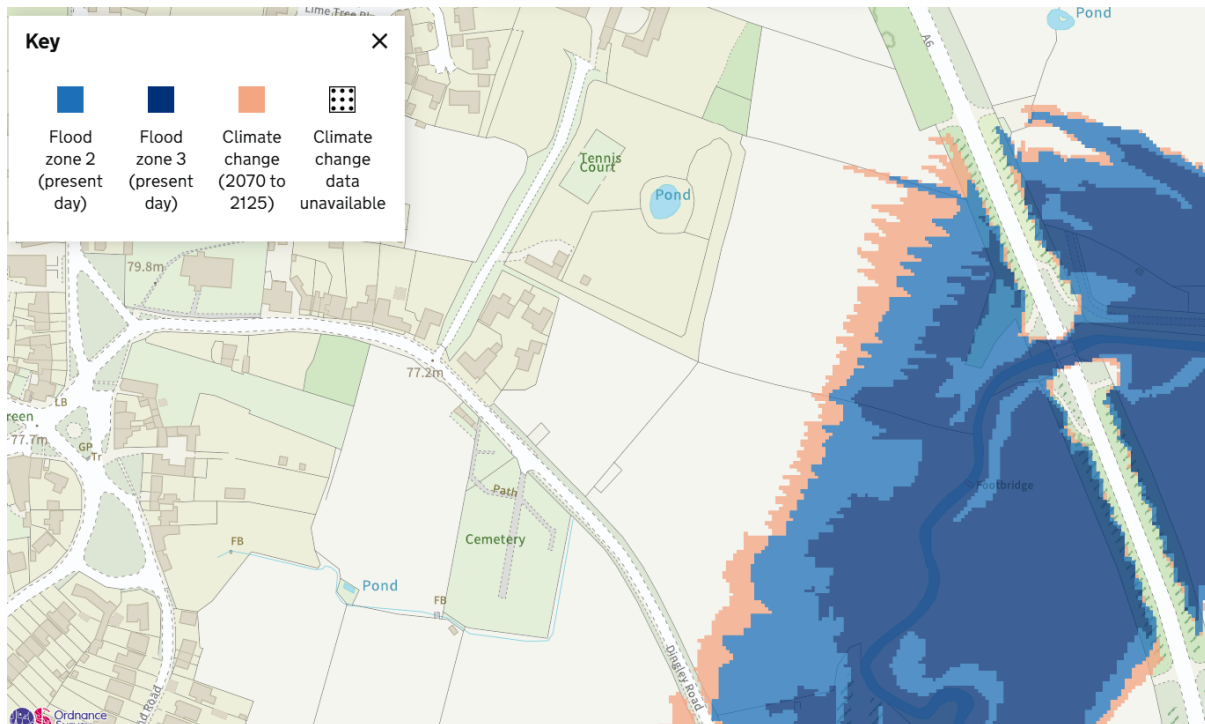
- a. Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and*
- b. In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an ‘exception test’ is satisfied. **The exception test involves demonstrating that the development would meet all the following criteria:***
 - i. Provide wider sustainability benefits to the community that outweigh the flood risk;*
 - ii. Be safe for its anticipated lifetime in accordance with policy F7; and*
 - iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall.*

(Our emphasis)

3.5 Unless we are missing something, the Council has not confirmed through the assessment that the site meets all parts of the Exception Test, and therefore we contend that the site cannot be allocated for development. A site-specific Flood Risk Assessment should be used to inform parts ii and iii of the test, and that is required **prior** to allocation in order to comply with policy F6.

3.6 Having reviewed the Strategic Flood Risk Assessment and the Sustainability Appraisal, we cannot find any information or indeed confirmation that a Flood Risk Assessment has been prepared for this site.

- 3.7 The issues raised in the SFRA are acute. The River Welland regularly floods in this location and the Dingley Road can be inundated by surface water flooding and become impassable on foot or by vehicle coming into the village from the A6.
- 3.8 Despite the policy recognition that this is an issue, it is unclear as to what the implications of the flood risk are for the principle of development, and, if it can be accommodated, the design layout and access, and how this may impact the net developable area.
- 3.9 The concerns raised about the failure to fully assess the flooding and surface water flood risk should carry substantial weight in assessing the site's suitability for development, and its ability to be delivered in a policy-compliant manner. Allocation without passing the Exception Test would be in conflict with the NPPF.
- 3.10 NPPF Plan-Making Policy F2 (Planning for effective flood risk management) states that development plans should take a risk-based approach when identifying suitable locations for development, taking into account all sources of flood risk and the current and **future impacts of climate change**. Subsection (d) states that where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, opportunities should be sought to relocate development, including housing, to more sustainable locations.
- 3.11 It is therefore explicitly clear in Policy F2 that the future impacts of climate change should be taken into account. The Flood Map for Planning has recently been updated and now includes future flood risk as a specific layer within the database. A copy of the updated Flood Risk Map is provided below.



Extract from the Flood Map for Planning

- 3.12 The map shows that when climate change is taken into account, the future flood risk is projected to be demonstrably worse at this site. This increased risk has a direct impact on the delivery of this site, as it has reduced the net developable area, which will force the development closer to the Listed Buildings and the Conservation Area and has reduced space for buffers with these heritage assets. It is also likely to impact the proposed access onto Dingley Road.
- 3.13 Given this recent update to the Flood Map for Planning, and the parallel change to the NPPF which makes it explicitly clear that future flood risk must be considered, this only adds weight to our objection that the flood risk impacts on this site have not been properly assessed.
- 3.14 It should also be noted that NPPF Plan-Making Policy F1 (Assessing flood risk for plan-making) states that in order to manage development in ways which minimise the risk of flooding to people and property, development plans should be informed by an **up-to-date strategic flood risk assessment**, which considers current **and future flood risk from all sources**, including cumulative impacts in, or affecting, areas susceptible to flooding.

- 3.15 The Strategic Flood Risk Assessment (SFRA) Level 1 was published in October 2024, Level 2 was published in December 2024, and the Level 2 Addendum was published in August 2025. The Flood Map for Planning was updated on 20th May 2026 to revise the flood zones and to add the new climate change data layer. It is therefore unclear if the SFRA is sufficiently up to date and takes account of the most recent Flood Map for Planning data published by Defra ^{1 and 2}.

¹ <https://environment.data.gov.uk/dataset/04532375-a198-476e-985e-0579a0a11b47>

² <https://environment.data.gov.uk/dataset/59065c43-257e-4867-8798-fd2366156a6b>

4.0 Matter 7 Issue 2(3) - Question x) Is the site available, realistically viable and deliverable? What is the expected timescale, output, rate of development and is this realistic? Does the site fall within a Mineral Safeguarding Area, if so, how would this impact on the site's deliverability?

4.1 We contend that site GB2 should be removed as a site allocation from the Local Plan as the site is not considered suitable or achievable, and therefore it is not deliverable. We have identified a series of constraints, including unresolved flood risk and substantial harm to designated and non-designated heritage assets. These issues undermine the site's planning potential. We do not believe the site can be delivered in a manner consistent with national policy within the NPPF and should be removed from the local plan.

End.