

Harborough Local Plan (“HLP”) (March 2025) – Examination¹
Inspectors’ Panel Note 8: Stage 2 Matters, Issues and Questions
MATTER 11: Hearing Statement on behalf of Richborough
15 October 2026

¹ Each Question relevant to matters Planning Prospects raised in submissions to the Regulation 19 consultation on behalf of Richborough is set out in bold with Planning Prospects’ summary response to each question then set out which we will expand upon when taking part in the scheduled hearing session. We have focussed here on the specific matters raised in Panel Note 8’s questions, without prejudice to the wider points around the soundness of the draft HLP’s policies and provisions as we have set out in more detail in our Regulation 19 representations as a whole, which should also be referred to.

Matter 11: Implementation of the Plan

Whether the Plan's provision for Implementation and Monitoring is effective?

Policy IM01

Issue 1: Monitoring and Delivery

1. –
2. –
3. –
4. –
5. **The Council is required to commence plan making under the new local plan system 5 years after adoption of this Plan. Policy IM01 criterion 2 refers to a whole plan/partial review or update of the Plan. In practical terms would it be possible for the Council to undertake an early whole Plan/partial review/update of this Plan and submit it for examination in the current/legacy local plan system before 31 December 2026 deadline? If this is not possible, how would Policy IM01 need to be changed to accord with the new local plan system?**

There is no prospect of this deadline being met.

Paragraph 3 of NPPF Policy PM2 (Local Plans) states that;

“3. Preparation of the next local plan must be commenced no later than five years after adoption of the current plan, but should be prepared earlier where:
a. An Inspector at examination of the current local plan has made a recommendation to prepare a new plan earlier; or
b. There has been a significant change in local circumstances, including where an area's housing requirement has significantly increased following the adoption of a spatial development strategy.”

As such, the requirement is not simply one of plan making commencing within 5 years of adoption. An earlier date should apply when either of the specified criteria apply.

Starting with the second NPPF Policy PM2 paragraph 3 criterion, this invites re-writing of HLP Policy IM01 criterion 2 to make reference to an early update being needed following any significant change in local circumstances with a list of examples that might include the points made in parts a) to d) of HLP Policy IM01 criterion 2, and additionally includes as a further criterion where the housing requirement has significantly increased following the adoption of a spatial development strategy (to reflect NPPF Policy PM2 paragraph 3b). The re-writing must also make clear that this is not a closed list; the framing of NPPF Policy PM2 paragraph 3b is clear that it provides just one example, and there is no sense here that “significant change” should be limited in any way.²

² This paragraph is written without prejudice to the remarks made in relation to Question 7 below which question the appropriateness of parts a) to d) of HLP Policy IM01 criterion 2.

Importantly, though, the first NPPF Policy PM2 paragraph 3 criterion also warrants careful attention here. It is considered that the circumstances in Harborough are such that the Inspectors should recommend the earlier preparation of a new plan and that reasonably this should be set at six months from adoption and this requirement embodied in HLP policy, also identifying the implications of out of datedness if the requirements of the early review policy are not met.

It is not proposed here to rehearse the case advanced by Richborough and others in terms of the shortcomings of the HLP; those have been presented at length through representations and the Examination process. However, it is submitted that they are several, and serious.

From Richborough's perspective, for example, significant questions remain as to whether the 2023 Framework is the appropriate document to test the HLP against but it is clear that the Council's pursuit of the Plan on this basis has the effect of suppressing the requirement for housing that would otherwise need to be met. There are concerns in terms of the way Leicester's requirement is approached, the approach to contingency, meeting affordable housing needs, approach to windfalls, and overreliance on delivery from large / strategic sites, also in terms of the appropriateness of the distribution of housing. Even with their approach to suppress the housing requirement the Council's ability to demonstrate the minimum required 5YHLS on adoption of the HLP will be challengeable, rendering its policies out of date and superseded by the latest NPPF's decision-making policies on adoption. Moreover, the excessive constraints proposed by the HLP in terms of the protection of certain areas acting as a further throttle on development are also identified.

A case can be made that having a current adopted Plan is better than no Plan, but it is emphatically not the case that the HLP is a document prepared in the spirit of the positive intentions and ambitious approach of this Government to meet development needs. It is considered that there are clear and strong reasons for the Inspectors to make provisions to secure an early review.

6. Section 15C of the Planning and Compulsory Purchase Act (as amended) confirms that only one local plan may have effect in relation to a local planning authority's area at any one time. Therefore, would the requirement for a partial review be effective?

Such a requirement is capable of being effective. An (effectively) "partial" review responding to specific circumstances could reasonably attend to just those parts of the Plan affected by those circumstances. This might include (say) just the housing requirement and allocations. The preparation of that "partial" review would make clear that other parts of the adopted HLP remain untouched. The adopted HLP would remain in force until such time as the affected parts have been examined, at which point a single new Plan comprising the amended affected parts and the untouched parts would replace it.

In any event the outcome of this process must still result in a single Local Plan. It might therefore be more appropriate for criterion 2 of Policy IM01 to be amended to read "A review to update and replace the Local Plan will be commenced..."

7. A primary purpose of policy IM01 criterion 2, which requires a whole Plan/partial Plan review/update, is to address any quantified unmet housing need from Leicester City to 2041. Would this effectively address any unmet need to 2041?

No. Policy IM01 criterion 2 is not framed in a manner that would effectively address any unmet need, whether from Leicester or otherwise.

Even before reaching criterion 2, the approach in criterion 1 to monitoring and identifying progress is ineffective. There is no requirement here that an “Annual Monitoring Report” must be prepared every year, and at the same time every year so providing a 12-monthly update. There should be a policy requirement for the Annual Monitoring Report to be published every year, and in the same month every year.

Parts a) to d) of Policy IM01 criterion 2 should be understood in the context of the Council’s approach which has been through Plan preparation to suppress the requirement for development and the associated allocation of land to meet that requirement. Again, this is not an Authority that has chosen effectively to engage with the positive intentions and ambitious approach of this Government to meet development needs.

Part a) requires action by the Council (the adoption of a SoCG or equivalent) and then a subjective judgement by them as to what proposed development “significantly greater” than that planned for might comprise; a similar requirement exists in Part c).³ Part b) requires the Council to decide whether an emerging Plan has “satisfactory” evidence of an unmet housing need. Part d) requires the Council to decide to conclude a “review” of key indicators and form a subjective assessment of whether that shows a “significant and persistent” shortfall.

As such, Policy IM01 criterion 2 is framed in such a way that it would be straightforward for the Council never to embark on an early Plan Review. With this framing they can delay or avoid the signing of a SoCG. They can form their own view on whether matters are significant, satisfactory or persistent without regard to any fixed metrics. They can choose never to carry out a “review”.

Simply put, the drafting of Policy IM01 criterion 2 has no teeth and there is no jeopardy from a plan making perspective unless the Council effectively volunteers itself into a process. As matters stand the position is one where a Plan examined under the provisions of the 2023 NPPF and expected to be adopted in 2027 could subsist for five more years (opening text of paragraph 3 of NPPF Policy PM2) before the Council must start the preparation of the next Plan. In the circumstances here and with the shortcomings explained on behalf of Richborough that cannot be right. A specific and time bound requirement for immediate review must be included.

³ There is an updated SoCG (March 2026) between Leicester and the Leicestershire authorities on Strategic Employment. It is not clear what the Council’s position is on this relative to the provisions of Policy IM01 and whether the residual need it shows would be “significant” compared with the position in the emerging Local Plan so already triggering the need for a review.