

## Harborough District Local Plan

### Frequently Asked Questions

#### **1 - Why do we need a local plan?**

To manage and control new development across the District. Government requires us to identify a pipeline of land for new development. If we don't, then we can't control speculative development in our Towns and Villages. The Local Plan enables us to identify a pipeline of appropriate land for new development whilst protecting other areas from inappropriate or unplanned speculative development.

An up-to-date Local Plan is therefore important for the District.

#### **2 - Why do we need to produce a local plan now?**

There are a number of reasons why we need to prepare a new Local Plan now:

- Government legislation requires plans to be reviewed every 5 years. Our current plan was adopted in May 2019 and is nearly 5 years old.
- Before we could adopt the Local Plan in 2019, a Government appointed Inspector required us to set a timetable to update the plan in certain circumstances. One of those circumstances was publication of the Leicester City Local Plan which was published in January 2023. This means we have to consult on a new Local Plan in early 2024 and submit it to Government within two and a half years. We therefore need to prepare a new Local Plan now.
- Every year, Government requires us to demonstrate we have identified a pipeline of land to meet the Districts housing target for the next 5 years. If we don't identify enough land for house building, it becomes difficult for us to refuse speculative planning applications for new development in Towns and Villages. The Local Plan (supported by Neighbourhood Plans as appropriate) enables us to identify a pipeline of land for new development and protect other areas from inappropriate development. Our current Local Plan covers the period to 2031 and it takes a number of years to get a plan in place from the very early work to gather and assess potential sites right through to examination and subsequent adoption – we're not scheduled to adopt a new Local Plan until 2026. We therefore need to prepare the plan now, to ensure we have a pipeline of land, that can be brought forward to protect us from unplanned speculative development in the long-term.

#### **3 - Why does a 5 year land supply matter?**

It means that we can control where housing development should go and use it as a defence against applications for speculative development in places we do not think are right for housing.

#### **4 - What is Harboroughs current land supply?**

Our latest land supply is 7.43 years. Although the supply of land is healthy at the moment, it won't last forever. As this pipeline of land is built-out over the next few years we'll need to identify a new supply of homes so we can maintain a 5 year supply of homes in line with government requirements. It takes a number of years to get a new plan in place from early work right through to adoption of the plan to identify this supply which is why we are preparing a new local plan now – so we can maintain the

pipeline of homes required by government and protect our towns and villages from inappropriate unplanned speculative development.

#### **5 - What is the Trigger policy in our current local plan?**

Before we could adopt the Local Plan in 2019, a Government appointed Inspector required us to set a timetable to update the plan in certain circumstances, this is set out in a 'trigger policy' in our Local Plan 2019 (Policy IMR1). One of those circumstances is linked to publication of the Leicester City Local Plan which they published in January 2023. The trigger policy (IMR1) requires us to consult on a new Local Plan in 2024 and then submit it to Government within two and a half years. If we don't meet the timetable for preparing the new Local Plan there is a risk our plan will become out of date leaving the district at increased risk of speculative development.

#### **6 - Why does Leicester City local plan also mean we have to start ours now?**

Government policy requires plans to be kept up-to-date if circumstances change. Before we adopted our Local Plan in 2019, Leicester City had made public that they didn't have capacity to meet all their housing need. In this circumstance, government policy requires neighbouring authorities (like Harborough) to plan for their own development needs as well as any needs that can't be met within neighbouring areas (like Leicester). The government appointed Inspector therefore required our local plan be updated quickly once the level of unmet need from the City was known. We therefore need to continue preparing our new Local Plan to take into this change in circumstance as required by Government Policy. If we do not our plan could become out of date and increase risks of speculative unplanned development.

#### **7 - What is the Statement of Common Ground and the Duty to Cooperate?**

Local Planning Authorities and county councils are under a statutory duty to cooperate with each other, and with other prescribed bodies, on matters that cross administrative boundaries. Meeting Local Housing Need is a cross boundary matter that we must cooperate on.

Alongside this requirement in law, Government policy also says joint working between authorities (and relevant bodies) is integral to the production of a plan. When applied to our circumstances it requires joint working with neighbouring authorities to determine whether the development needs that cannot be met in Leicester could be met elsewhere, including in Harborough District.

To demonstrate joint working has taken place, we are required to prepare statements of common ground, documenting progress to address this issue. They are a critical part of demonstrating we have met the Duty to Cooperate, as well as government policy requiring us to deal with cross boundary matters (like Leicester's unmet housing needs) through effective joint working. If we can't demonstrate this to a Government appointed Inspector, then we can't get a Local Plan in place.

The statement of common ground is the means by which we can demonstrate the plan is based on effective cooperation and that we've sought to produce a plan based on agreements with other authorities.

#### **8- Who produced the statement of common ground?**

Given the need for all authorities to address Leicester's unmet housing need issue to get Local Plans in place, all authorities in Leicester and Leicestershire agreed a Statement of Common Ground in 2021 to commission new evidence to address Leicester's unmet housing need. This work has informed the latest statement of common ground and Members are now being asked to consider this redistribution of Leicester's unmet housing need to the 7 Districts/Boroughs in Leicestershire, including Harborough.

### **9 - Why do Leicester City have unmet need?**

It is not unusual for large urban areas like Leicester not to be able to accommodate all the homes needed. It has a large population and is a relatively small area that is mostly full of built development. In this respect, it is not surprising that cities such as Leicester have limited space to build. Notwithstanding this they still intend to build 21,000 homes in their area during their local plan period which is 2021 to 2036.

The concept of an unmet need in Leicester is not new. The City declared they would have an unmet housing need in 2017 and then carried out further work to establish the amount. In 2020 the City published a Local Plan Consultation suggesting an unmet need of about 8,000 homes to 2036. Despite this being the published position, within days of their consultation closing, Government decided to increase housing need by 35% for the 20 biggest cities in England (including Leicester). There is no known evidence this amount of homes is needed in Leicester. It was done to meet Governments aspiration to build 300,000 homes per year by the mid 2020s and to regenerate cities. The impact of this government intervention was to increase Leicester's unmet housing need to 18,700 homes by 2036.

When it did this, Government did not change its policy requiring us to meet our Local Housing Need as well as unmet need from neighbouring areas like Leicester.

### **10 - Why do Harborough have to take some of Leicester City unmet need ?**

When government increased the amount of homes required in the City it did not change its policy requiring authorities to meet unmet need from neighbouring areas like Leicester. To get a plan in place we have to demonstrate to a Government appointed Inspector that we have complied with government policy, including that our plan is:

- Informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical and sustainable; and
- based on effective joint working on cross-boundary matters (like Leicester's unmet need) that have been dealt with rather than deferred, as evidenced by the statement of common ground.

Given government requirements to work together to plan for the unmet need of neighbouring areas, coupled with the need to maintain up-to-date plans, the eight Local Planning Authorities in Leicester and Leicestershire, and the County Council commissioned evidence to inform the split of Leicester's unmet housing need between the Districts and Boroughs, including Harborough.

The table below sets out the amount each authority was apportioned:

Local Planning Authority	Average Annual unmet housing need contribution 2020 to 2036 (dwellings)*
Blaby District Council	346
Charnwood Borough Council	78
Harborough District Council	123
Hinckley and Bosworth Borough Council	187
Melton Borough Council	69
North West Leicestershire District Council	314
Oadby and Wigston Borough Council	52
Total	1,169

\*Note: the figures are presented as annual averages 2020-36. This does not imply that an authority's unmet need apportionment must be phased evenly over this period. It will be for each Local Plan to determine appropriate phasing.

#### 11 - What if we do not sign the Statement of Common Ground?

It is not a legal requirement to sign the statement of common ground and the statement of common ground is not a statutory or binding legal document. In fact the statement only requires Harborough to test whether it can accommodate Leicester's unmet housing need through preparation of our new Local Plan, to see if we can accommodate them.

Whether we sign the Statement of Common Ground or not, we will need to answer this question with clear evidence.

However, we know Harborough has a lot of land with development potential and relatively few development constraints compared to some other areas (e.g. we have limited national constraints such as Green Belt, we're not an Area of Outstanding Natural Beauty, we're not a National Park, large parts of the District are not generally affected by flooding etc. In this context, unless we have significant evidence demonstrating we can't sustainably accommodate the unmet need then we would have to under government policy – we can't simply say 'no' and not evidence why.

In this respect, if we don't sign the Statement of Common Ground there are a number of potential consequences:

- We can't demonstrate we've met government requirements to deal with Leicester's unmet need, and therefore can't get a new Local Plan in place protecting our Towns and Villages from unplanned speculative development in future.
- We would have spent public money preparing a new plan that Government won't allow us to adopt.

#### 12 - Can we not sign the statement of common ground but still prepare a local plan?

Yes we could, but this is not advised because there is a significant risk we would be preparing a plan that a government appointed Inspector would not allow us to adopt. Signing the statement of common ground significantly reduces the risk of this happening.

### **13 - What does the Government proposed changes to the Planning system mean for Harborough?**

Government has started to put a new planning system in place, which could have significant implications for Harborough if their proposals go ahead.

As mentioned above, a Government appointed Inspector required us to set a timetable to update our Local Plan in certain circumstances. One of those circumstances was publication of the Leicester City Local Plan which was published in January 2023. The set timetable requires us to consult on a new Local Plan in 2024 and submit it to Government within two and a half years. We need to meet this timetable to help ensure we protect our Towns and Villages from unplanned speculative development in future.

However, government proposals for the new planning system make it very difficult to meet these timescales. They will only accept Local Plans submitted to them under the current system up until June 2025, or we will have wait to 'start' a plan under the new system sometime after June 2025 which means we would not have a plan in place until 2029 or 2030 at the earliest. We would not be protected from unplanned speculative development if we wait for the new system under the Government's proposals for the new system, nor would we be able to meet the set timetable imposed on us by the government appointed Inspector, which potentially leaves us exposed to unplanned speculative development.

### **14 – Why is this not an option for Harborough**

Government proposals for the new planning system carry significant risk of the Council not being able to adopt a new local plan within timescales set by the government appointed Inspector in 2019. If we can't prepare and adopt a new Local Plan quickly then our Towns and Villages are at increased risk of unplanned speculative development in future. This is not considered to be in the best interests of our communities.

### **15 - What does the Planning Specialist advice say?**

[Specialist external planning advice](#) has been sought on signing the Statement of Common Ground (SOCG). In summary, the advice received is that signing:

*“...will provide the Council with much greater certainty in the short-term for the ongoing preparation of its new Local Plan. A decision not to sign the SOCG will likely make the Council's position increasingly fragile, with regard to its new Local Plan and the threat of speculative applications”.*

### **16 - What does the Kings Council advice say?**

With regards signing the Statement of Common Ground (SOCG) the [advice](#) says :

*“Having reviewed the advantages and disadvantages of the Council entering into the SOCG... there are no obvious disadvantages of entering*

*into the SOCG at this point of time and considerable advantages in doing so. Indeed, given that the wording of the SOCG, on the basis of the material before me, the balance of advantage is so great that it would at least be arguably irrational to refuse to do so”.*

#### **17 - What about the letter from the 3 Members of Parliament?**

The [letters](#) from the three MPs don't appear to reference the potential implications of Government proposals for the new planning system on Harborough District, including that we wouldn't be able to put a Local Plan in place for some considerable time and potentially leaving our communities exposed to unplanned speculative development in the future. The letters from MPs don't change Government policy or legislation, or what we need to do to get a Local Plan in place and protect our Towns and Villages from speculative development.

#### **18 - What about the letter from the Housing Minister?**

The letter from the Housing Minister is available [here](#). The letter rehearses the content of Government Policy/Legislation/Proposals that we have been aware of for sometime and has formed the basis of [Officer advice](#); [external expert planning advice](#); and [Kings Counsel advice](#). It does not include anything new that we haven't known for sometime and as such has not changed officer recommendations as to the best way forward for Harborough District.

#### **19 – Why are we in this situation now?**

The statement of common ground was produced in June 2022. However the decision has been deferred until now creating uncertainty regarding the housing requirement; a key component of the Local Plan.

#### **20 - What are the other Local Planning authorities doing?**

Currently 7 of the other 9 planning authorities in Leicester and Leicestershire have signed the statement of common ground. All local authorities in Leicestershire intend to submit or adopt a new Local Plan under the current planning system before the governments June 2025 deadline.

#### **21 - Why do officers feel the Council should produce and submit the next local plan before 30<sup>th</sup> June 2025?**

Officers recommend this as they feel it is the least risky option to prevent the unplanned speculative development of our Towns and Villages. A risk assessment has been prepared and this can be seen [here](#) which clearly shows it is the least risky option. This is largely because it gives the Council an up to date local plan much sooner and protects the district from unsuitable speculative development.

#### **22 - What if officers do not manage to achieve this?**

It is a possibility that for all positive intent and rigorous project planning, that the plan will not be ready. This could include 3<sup>rd</sup> parties not completing their work to our project deadlines. It is currently assumed that if it is not submitted by 30 June 2025 the plan will have to be re done under the new regime. However, the Council will make representation to DHLUC for an extension of time to submit under the old regime. The Council may also wish to make early representation to DHLUC to request that all

authorities that start their local plans under the current regime should be allowed to submit under that regime and not be bound by this prescribed date.

**23 - Could the government change the submission dates?**

Yes, it is possible that in the future government could change the current submission dates but officers will be working to the current dates.

**24 - What are the risks of trying to produce the local plan within this timeline?**

Potential risks include:

- the timescale for preparing and submitting the new local plan is challenging with only 19 months from December 2023;
- to meet this deadline it will be necessary to employ additional resources with cost implications; and,
- if the deadline for submission is missed some of the Local Plan evidence may become out of date before the Authority is invited to start preparing a new local plan under the new system, and it may be necessary to update elements of it in future.

A full risk assessment is available [here](#).

**25 - Has a local plan ever been produced this quick before?**

The Cabinet agreed to start work on the New Local Plan in 2021 and the timetable for preparation of the new Plan (in the Local Development Scheme) was approved in 2022. Work on the Local Plan therefore started some time ago. A Call for Sites was done in 2021 and we have been preparing evidence ever since. Our project plan identifies that it can be achieved in the timeframe.

**26 - Will it mean residents will not have chance to be fully consulted and debate the proposals in the plan?**

No, the amount of consultation proposed for the plan has not changed. The timetable for preparing the Local Plan has changed slightly, but the number of public consultations remains the same as approved in the 2021 Local Development Scheme. The [Councils Statement of Community Involvement](#) sets out who, when and how the Council will consult when developing a new Local Plan. This was approved in 2020 and is not being updated.

It therefore remains the intention to ensure residents, businesses and statutory bodies are fully consulted.

**27 - What will be the cost of producing the local plan in this timeline?**

The council already has a budget of £1.1 million to produce the local plan (on top of officer resource). However, to prepare a plan to meet the Governments June 2025 deadline it will require additional resources. This is estimated to cost an extra £1.9m. A more detailed breakdown of the figures is available in this [report](#).

**28 - Why is this significantly more than normal and more than expected?**

The last Local Plan was adopted in 2019 and cost about £2 million. A lot of the work for this was done several years before. Since we did the last Local Plan some costs have increased through inflation. We also need additional staff resources to meet the Government deadline. The current team will not have capacity to complete all the work within the timescales required to submit the plan by the June 2025 deadline, so extra resource is needed.

### **29- Where is the money coming from to pay for this?**

The existing budget of £1.1m is already budgeted for. The expectation is that the extra £1.9 million resource will be funded by a combination of receipts from the Leicestershire Business Rates Retention Pool receipts, use of reserves and where possible, in-year savings.

### **30 - How many houses will the local plan say need to be built?**

The Council's Local Plan [Issues and Options Consultation](#) sets out a number of potential options for the scale of housing growth to give an illustration of the potential number of homes we may need to plan for. Housing figures are updated annually and decisions relating to the number of homes we should plan for will be made through the preparation of the new Local Plan.

### **31 - What does the potential housing requirement include?**

The potential housing requirement or housing target includes a contribution of 123 homes per year, on top of our own Local Housing Need.

### **32 - Why does the amount of homes we need to plan for appear relatively low?**

Because we have counted homes built since 2020 and existing housing commitments, with planning permission or allocated in a plan, towards meeting our housing requirement. Our latest monitoring data shows we have built 2,965 homes since 2020 and have a pipeline of 7,462 homes already committed - 10,427 homes in total.

This includes two large developments sites allocated in the Local Plan 2019, at Scraftoft North (1,200 homes and Lutterworth East (2,750 homes). Work is included in the £1.9m to help ensure these continue to progress.

Using 2020 as the start date of the local plan means that we can take account of the nearly 3,000 houses built since that date. This aligns with the start date for evidence behind the SoCG. Signing the SoCG and aligning with the start date maximizes the use of previous over-delivery in the 2020-2023 period and any further permissions. Without the SoCG, it would be more difficult to justify using 2020 as a start date and therefore counting the previous over-delivery.

### **33 - What will a buffer amount be to cover any shortfall?**

To ensure the housing requirement is met, the new Local Plan will need to identify a supply of housing land to achieve the housing requirement. This means identifying a supply of homes greater than the requirement (known as a supply buffer or contingency) to ensure the housing requirement in the Plan is met if something unexpected slows build rates over the next 15 years or so, such as economic factors or site-specific issues.

A decision on the scale of any supply contingency will depend on a number of factors and will be informed by the outcome of the Issues and Options Consultation and further evidence. Housing supply contingencies generally range between 5% and 25% above the housing requirement. At the time of its adoption in 2019, the current Local Plan contained a housing supply contingency of about 16%. To give an indication of the potential impact, a 20% supply contingency has been included in the [Issues and Options consultation paper](#).

#### **34 - Where will the houses be built?**

No decisions have been made yet. Our [Issues and Options Consultation](#) sets out 6 potential options for the location of housing development. Further work and the outcomes of the consultation will inform the Council's preferred strategy.

#### **35 - What does issues and options mean?**

The Local Plan Issues and Options consultation is the first stage of public consultation on the new Harborough Local Plan. It seeks views on a range of planning issues and potential options for the future development of the District. Details on how to respond are available on the Harborough District Council website: [How to get involved | How to get involved | Harborough District Council](#)

Your consultation responses and further work will inform the next version of the Local Plan, which will contain more detail. The next version will also be subject to further public consultation.

#### **36 - Have settlement hierarchies changed and what does this mean?**

The Council will publish a new Settlement Hierarchy Assessment alongside the Issues and Options Consultation (see paragraph 5.18 of the [Issues and Options Consultation](#)). The Assessment is a normal part of the Local Plan process and has been done to understand which settlements are the most sustainable in the District.

#### **37 - What is a Local Development Scheme (LDS)?**

LDS stands for Local Development Scheme. It is a statutory document that we are required to prepare. It includes a timetable for the preparation of a local plan. It is not unusual for authorities to update their LDS as the Local Plan progresses and the timetable changes.

#### **38 – Has Harborough's LDS changed?**

The LDS end date has not changed from 30 June 2025 which was originally published in July 2022 but elements within it have changed, including the issues and options (reg 18) consultation which is now scheduled to commence in January 2024.

#### **39 - Can we look at any documents now?**

Yes the [Issues and Options Consultation](#) documents is available now.

#### **40 - When will consultation start?**

The consultation will start on 16 January 2024 and run for 6 weeks.

#### **41 - Why are key documents missing and when will they be available?**

Some of the emerging evidence is still being finalised but will be published and available by the start of the consultation.

A number of joint studies are also being prepared with partners across Leicestershire and are not expected to be completed before our Issues and Options consultation. This is quite normal when undertaking joint evidence for a number of authorities at different stages of plan making. Once completed, the studies will inform later stages of local plan preparation and be made available as background evidence to inform future consultations.

#### **42 What is the latest position on warehousing?**

The latest evidence study setting out the future need for strategic warehousing is published on the council website here [Warehousing and Logistics in Leicester and Leicestershire Managing Growth & Change study](#). Stakeholders and the public will be able to express their views on the approach being taken through the Issues and Options consultation.

Warehousing (in units <9,000m<sup>2</sup>) is a strategic issue for Leicester and Leicestershire covered by a Statement of Common Ground entered into by HDC in October 2021. New evidence is currently underway focused on the apportionment of the remaining need to 2041. Once this study is completed it will be published and fed into the subsequent stage of preparing the new Local Plan.

#### **43- How can I keep updated on Local Plan progress?**

The Authority has an online consultation system, where you can see forthcoming and historic Local Plan and planning policy consultations. To receive notifications of future Local Plan and planning policy consultations, please register here: <https://harborough.oc2.uk/>

Committee papers are published in advance of Cabinet and Council decisions – some of which will feature Local Plan papers through its preparation. To view these, view the online Committee calendar of meetings, where the papers are routinely published:

<https://cmis.harborough.gov.uk/cmis5/CommitteeManagementHome.aspx>

The Local Development Scheme outlines the key milestones in Local Plan preparation, along with the Local Plan timetable: [https://www.harborough.gov.uk/planning\\_policy\\_background\\_documents](https://www.harborough.gov.uk/planning_policy_background_documents)