

Consultation on Possible Changes
to the
Oadby and Wigton Core Strategy DPD

19 May – 16 June 2010

Representor	Comment
National Trust	Thank you for inviting us to consider the current consultation document. Having reviewed the proposed possible changes following the Core Strategy Examination Hearings, I can advise you that the National Trust has no new comments to submit.
MOD	Thank you for consulting the Ministry of Defence in relation to the proposed amendments to the Oadby and Wigston Core Strategy (DPD). I can confirm the MOD has no safeguarding concerns in relation to the amendments identified within this document.
Harborough DC	<p data-bbox="510 576 1514 603">Thank you for consulting Harborough District Council on the Proposed Amendments.</p> <p data-bbox="510 639 2029 699">The Proposed Amendments are supported, particularly the changes to para 5.20 and the removal of references to Pennbury and the proposed eco-town. The Proposed Amendments meet the concerns previously raised by this authority.</p>
Theatres Trust	<p data-bbox="510 732 2045 791">Due to the specific nature of the Trust's remit we are concerned with the protection and promotion of theatres and would therefore expect to see policies dealing with cultural facilities.</p> <p data-bbox="510 823 815 850">Paragraph 7.64 page 92</p> <p data-bbox="510 855 2022 946">We are disappointed that our other suggestions were not taken on board to reflect PPS4 for cultural facilities in town centres but pleased that the supporting text to Core Policy 16 has been amended to include theatres in the short description of cultural facilities.</p> <p data-bbox="510 978 954 1005">We have no other comment to make.</p>
Leicestershire Constabulary	<p data-bbox="510 1043 2045 1134">Thank you for consulting Leicestershire Police about potential changes to the document. This is helpful and brings us up to speed with the outcome of other examination sessions which we did not attend. I note that there have been changes to the amount of development proposed at the start of the Strategy.</p> <p data-bbox="510 1166 2045 1225">We did agree some potential changes with the Council as a result of our comments before the Examination and in the first place I have worked through the document to look at these.</p> <p data-bbox="510 1257 591 1284">CS 10</p> <p data-bbox="510 1289 2029 1348">We had agreed that the words "sought and" would be inserted in the first line of the second para of Core Strategy Policy 10. This seems to be omitted from the changes at page 48/9. Our concern was that this policy as originally drafted did not convey the</p>

Councils intent to extract developer contributions in order to keep infrastructure in pace with new development. As an essential infrastructure provider we are looking to the Strategy to assert this position so that we can be assured of the Councils intent and have a measure of certainty when planning our future infrastructure. This would also provide clarity for developers. The point is not made elsewhere in the Strategy and so leaving the Policy to deal with use of receipts only seems unsound.

CS 14

The agreed additional bullet on Policy 14 [page 71] has been added and we are content with this.

Para 7.47

The agreed additional wording on guidance has surfaced at para 7.47 and we are happy that it is here. However the wording has been changed and whilst we are content with the principle of this we would ask that the word major is used rather than significant. The advice referred to has no lower limit in terms of size of development and it is used on all development. We comment on major applications and this term has meaning in development control. We suggest this rather than significant which is not defined and would tend to steer use of the advice away from smaller schemes where it makes a positive difference.

General

In the first instance I have to point out that the strategy proposes growth at various locations in the Borough and not just what is called the direction of for growth. Presumably this is why there are infrastructure proposals for health and to extend schools in Oadby, Wigston and South Wigston. There is probably also a case that extending facilities in existing locations will serve the direction of growth rather than require new facilities there. This will be the case with Leicestershire Police infrastructure and I therefore suggest that our item should appear where our existing facility is - Wigston. There are no plans to change our point of delivery in the life of the Core strategy.

Placing our requirement in the direction of growth only, suggests that we may locate infrastructure there, which we cannot do, or that only growth there will trigger Police infrastructure. It is growth, wherever it takes place in the Borough, which will generate the need for investment in policing infrastructure. I suggest that as with other infrastructure “to accommodate growth” should be added in the first box to reflect provision to meet wider needs across the Borough.

Page 113: first box

Suggest add “Extension and” at the beginning of the text. Use of enhancement only suggests that we are only focussing on existing facilities prompting the argument that we may be trying to overcome existing deficiencies. We wont be using developer contributions for this. Nb “to accommodate growth” should be added as previously detailed.

The asterisk rider should not just apply to Policing infrastructure but to all infrastructure reliant on developer contributions which the Council’s proposed SPD will consider. This is especially the case as the Council currently has very limited policy guidance for developers on this matter relating only to Play and open space. We are content about the case we make particularly as Inspectors are confirming compliance with the Statutory CIL test where we evidence for planning appeals. However we recognise that

	<p>Councils will want to satisfy themselves for their guidance. They should however be consistent in applying the relevant tests to all infrastructure requests.</p> <p>Page 113: second box We are content with the proposed change.</p> <p>Page 113: third box Capital costs for extended Policing infrastructure have been provided to the Council and have been verified at least in part by the GIA referred to in the Strategy. We are just as able to calculate these costs as other public sector providers in the table and we would therefore ask that the figure of up to £750k is included here. We use a formula as do other providers like education and waste.</p> <p>Page 113: fourth box We are certain that we will have to make provision within the life of the Strategy and therefore request that as with most other growth dependent infrastructure 2006-2026 appears here. TBC can be interpreted as a case has yet to be agreed or indeed never.</p> <p>Page 113: fifth box We are content with what is suggested.</p> <p>Page 113: last box It is a matter of public record and accepted by the GIA report commissioned by LPAs that Police cannot access capital required to provide facilities for growth. It is also the case that Policing has never been the beneficiary of national capital programmes like BSF in Education or LIFT in Health to improve and extend premises. In this knowledge it is unrealistic for the Council to suggest that the Police Authority will have access to capital funds to serve the growth the Council is proposing. This is also inconsistent in comparison to other areas of infrastructure in the table eg Schools which in any case have access to bespoke capital assistance. There are two ways in which this should be overcome. Either only developer contributions appears here for policing or all entries are changed to include the possibility of funding from statutory providers even though our current knowledge is that there is no prospect of this in the foreseeable future. I would have thought the former was the more straight forward.</p> <p>We believe that further changes to those proposed for the Infrastructure Plan are justified to ensure consistency. We believe the result will be a far more robust appendix and as a result a sounder strategy less likely to be challenged by other parties. This will provide a better chance of delivery of essential infrastructure and is more likely to achieve sustainable development.</p>
English Heritage	Thank you for sending through the potential changes document. We have reviewed the changes and have no comments to make.

<p>Oadby Trinity Methodist Church</p>	<p>CS 2 We welcome the clarification given on page 20 concerning retail provision but still maintain that the retail floor space figures to be provided should be expressed as “up to” the figures quoted and not “approximately”.</p> <p>Our reasons for this can be tied in with the changed wording proposed on page 21. We again welcome the changes introduced in this new paragraph but would not fully support the statement that”the figures currently appear ambitious. However, over the fifteen year plan period, economic recovery is likely with rising prosperity and a return to increasing retail expenditure”. The evidence we submitted in the form of the “Experian Retail Planner Brief Note 7.1 (August 2009)” shows that the figures do not “appear” to be ambitious, they clearly “are” ambitious. Note 7.1 also makes it clear that while there will be a growth in retail expenditure, there is robust evidence that it will not be return to the level shown in the Savills Retail Capacity Study. The Core Strategy must be evidenced based. Note 7.1 is evidence based. There is no evidence that has been offered to support a view that the retail expenditure will return to the levels set out in the Savills Study. Using the words “up to” as opposed to “approximately” will help to reflect our concerns on this matter. We would also like the paragraph on page 21 to reflect our views and the evidence base which we have submitted.</p> <p>Tables Pg. 99 – 105 The rounded figures used on page 20 should also be used on page 100. They need to be consistent.</p>
<p>STAG</p>	<p>Amendments to Spatial Objective 12 - paras 4.28 and 8.17, with related additional wording under policies 1.5.8.9 and 17. (Pages 9 and 10 of consultation)</p> <p>We agree with these changes. They give precedence to environmental protection before commenting on development. In our view, for consistency there should also be a change of order to paragraph 3.55 in Chapter 3 to reflect this principle in the same way. As follows:</p> <p>An enhanced accessible natural environment with improved protection Improved green infrastructure and increased resident satisfaction with the built environment and Improved green infrastructure An enhanced accessible natural environment with improved protection</p> <p>The Core Strategy will identify Green Infrastructure assets and where they combine to form green infrastructure corridors through the Borough. It will identify means by which Green Infrastructure and the wider natural environment can be protected, improved, increased and where appropriate better accessed, particularly in relation to new development. The Core Strategy will aim to ensure that all new development is built to a high standard, particularly in the centres of Wigston, Oadby and South Wigston, the areas most sensitive to development and areas where significant new development will be proposed. The Core Strategy will identify Green Infrastructure assets and where they combine to form green infrastructure corridors through the Borough, it will</p>

~~identify means by which Green Infrastructure and the wider natural environment can be protected, improved, increased and where appropriate better accessed, particularly in relation to new development.~~

Amendment to Policy 17 to cross reference with Policy 5. (Pages 76 and 77 of consultation

We do not agree with the proposed wording of the fourth paragraph of page 76. The preferred wording we have suggested to Council is as follows:

In relation to open space, sport and recreation facilities, the Borough Council will seek to protect existing sites from development where there is a demand to retain them **and where they contribute to the Green Infrastructure in the Borough or incorporate a Green Infrastructure Asset and where the equivalent cannot be provided elsewhere. New development will be.....;** ~~and where they incorporate a green infrastructure asset that contributes to the green infrastructure in the Borough; and, where the equivalent cannot be provided elsewhere. New development will be expected to contribute.....~~

Reason for preference:

The issue is about protection of natural open space, which may not be explicitly identified as a Green Asset as defined at para 5.113. There's a progression from Green Infrastructure to Green Assets: the Infrastructure is broader and more inclusive than the Assets and is defined first at Para 5.109, followed by 5.113. We've therefore suggested basically the same wording, but in changed order so Infrastructure comes before Assets – both in the Policy wording, and the additional reference in 7.76.

The Council's proposed wording sets the bar too high, as natural open space would not be defined as Green Asset and would not therefore be protected. The amenity value of natural open space is precisely where it's located, so it can't be replaced like a football pitch. This is especially important as it's natural and informal open space which the JPC PPG17 Study found was most used by people.

Our proposed changed order is not to make the same point as Policy 5, but to complement it.

East Midlands Councils	Having examined the Proposed Amendments the East Midlands Councils do not wish to make any comments at this stage.
Highways Agency	Please be advised that the Highways Agency have no comments to make regarding the proposed changes.
Friends, Families and Traveller / Traveller Law	FFT and TLRP welcome and support the proposed amendments as they ensure that the policy is in line with national and regional policy and ensure a more reasonable approach to site location.

Reform Project	
Leicestershire County Council	We have no comments to make. In particular, the proposed amendments to paragraph 8.5 and Appendix 2, which contains the Local Infrastructure Plan, reflect our understanding following the infrastructure session at the Examination.
University of Leicester	Following evidence at the EiP session on 29 April [Matter 4: Economic Development], the University is pleased to note the proposed changes to the Core Strategy at paragraphs 3.34 and 5.87 reflect the discussions which took place at the EiP session and the representations made by the University to earlier versions of the Core Strategy. The University is comfortable that the revised wording to these two paragraphs reflects the University's future plans in the Oadby Campus.
Government Office East Midlands	<p>CS 1 Notwithstanding Government Office support for the flexibility of the submitted policy in respect to the scale of urban extension required, Government Office supports amendments to the policy that specify the amount of housing development at the identified five spatial zones (Wigston Town Centre, Oadby Town Centre, South Wigston Town Centre, suburban area, and the direction of growth), in so far as such detail is supported by evidence. This level of detail is considered appropriate for a Core Strategy, in accordance with the intended nature of a Core Strategies set out in PPS12 paragraph 4.1(3), and desirable in order to provide clarity, certainty, and a basis for monitoring.</p> <p>CS 2 The inclusion of retail floorspace estimates for each centre is supported for the same reasons as cited under Core Strategy Policy 1 above.</p> <p>Paras 5.79-5.80 The intention of Paragraph 10.4 of the Council's Statement of Further Representations to Matter 4 is supported by Government Office. However, the proposed amendments as published do not realise that statement and are inconsistent, as they delete the reference to Regional and Sub-Regional Shopping Centres under paragraph 5.79 but leave the corresponding reference under paragraph 5.80. The reference to Regional and Sub-Regional Shopping Centres at Fosse Park, St George's Retail Park and Grove Park under paragraph 5.80 should be deleted to concur with the stated intention of the change and to provide internal consistency in the Core Strategy.</p> <p>CS 3 Government Office notes the increased clarity provided by the proposed additions to Core Strategy Policy 3. Government Office has nothing to add to its previous representations on this policy.</p>
David Wilson Homes	<p>CS1 One of the proposed amendments to Core Strategy Policy 1 is to include a reference to an average density of 40 dwellings per</p>

hectare or more on housing development sites of 0.3 hectares or above.

The issue of appropriate densities within new developments was a matter which was discussed at the Hearing sessions. Concerns were raised on behalf of David Wilson Homes in relation to the approach to densities on new development sites as set out in the Core Strategy Submission document. It was noted that the reasoned justification at paragraph 5.68 implies a greater degree of flexibility in the approach to densities than the wording of the policy.

It is not considered that the change proposed adequately addresses these concerns. Whilst the wording does indicate some flexibility in the approach, indicating that average densities of 40 dwellings per hectare will be sought where viable and appropriate, there remains a concern that the target of 40 dwellings per hectare could be applied inflexibly without proper consideration of the particular circumstances in relation to individual sites.

There remains a concern that for the Proposed Direction for Growth south east of Wigston, achievement of an average density of 40 dwellings per hectare across the site could have implications for the quality of the design solution achieved. In the context of the identified Direction for Growth, David Wilson Homes remain of the view that development at densities between 30 and 35 dwellings per hectare would represent an appropriate density for the site reflecting the local context and enabling a quality development solution which makes best use of the available land, providing a mix of homes to meet local needs.

For the Proposed Direction for Growth the appropriate densities for the site will be established through more detailed masterplanning in association with the Allocations DPD, as required by Core Strategy Policy 3.

The recent amendment to PPS3 is also a relevant consideration. The revised PPS3 removes the reference to 30 dwellings per hectare as a national indicative minimum. It is understood that the purpose of this revision is to provide local planning authorities with greater flexibility to determine appropriate densities appropriately reflecting local circumstances.

For Oadby and Wigston the stock of sites making up the housing land supply include a mix of previously development land within the existing town centres and greenfield opportunities, including the Proposed Direction for Growth. Densities on this mix of sites will vary and across the Borough as a whole, average densities in new development are likely to exceed 40 dwellings per hectare.

In the light of the recent revisions to PPS3, it is considered that the Core Strategy should not make any specific reference to any particular density targets on sites. Core Strategy Policy 1 should be therefore be amended as follows:

Ensure high quality sustainable design and layout that makes the most economical use of land and respects the local context and community safety. Within the Leicester Principal Urban Area, new development will make good use of previously developed land and buildings.

Para 5.6

There was a lengthy discussion at the hearing sessions in relation to the need for flexibility to deal with changing circumstances in accordance with PPS3. In particular David Wilson Homes raised concerns over the proposed phasing of the Direction for Growth to commence after 2017.

It is understood that the issue of phasing of the Proposed Direction for Growth is a matter that will be addressed by the Inspector in her report, and that the Proposed Amendment to paragraph 5.6 deals more generally with the application of a plan, monitor and manage approach.

The proposed amendment to paragraph 5.6 suggests that the approach to any identified shortfalls in housing supply will be to bring forward additional developable sites identified through the Strategic Housing Land Availability Assessment (SHLAA). This approach is considered to be wholly inappropriate. The purpose of the SHLAA is to identify all potential sources of housing land supply and make some judgements on their availability and achievability. The consideration of which sites should come forward should be a matter for the Allocations DPD process which will allow for representations to be made on any proposed allocations by interested parties with the opportunity for any comments to be heard by an independent Inspector. As presented the proposed amendment to paragraph 5.6 appears to pre-empt this proper process.

David Wilson Homes remains of the view that the proposed phasing of release of the Direction for Growth is not adequately justified and that the site needs to come forward as soon as possible to provide a mixed portfolio of sites required to meet strategic requirements.

If the Inspector remains of the view that the Direction for Growth should be phased, it is considered that the most sustainable approach to managing any housing shortfalls would be the earlier release of the Direction for Growth and not the release of additional sites from the SHLAA, which have not been specifically identified as suitable development opportunities through the Core Strategy. In contrast the Direction for Growth has been subject to full consultation through the preparation of the Core Strategy in accordance with the requirements of the Town and Country Planning (Local Development) (England) Regulations. Paragraph 5.63 of the Core Strategy already acknowledges the role of the Direction for Growth in providing for flexibility if other elements of the proposed housing supply do not come forward as expected.

It is difficult to separate the proposed amendment to paragraph 5.6 from the Inspector's wider consideration of issues of phasing in relation to the Proposed Direction for Growth. If the Inspector concludes that the Direction for Growth should be phased for release after 2017, it is our view that paragraph 5.6 should indicate that the approach to dealing with identified shortfalls would be to allow for the earlier release of the Direction for Growth, rather than the release of other sites identified through the SHLAA which have not been subject to proper consideration as potential site allocations through the LDF. It is considered that this would represent a more sustainable solution to addressing any housing supply shortfalls that may be identified.

Para 5.58

The proposed amendment to paragraph 5.58 is supported as it resolves the confusion in the use of the term 'identified employment area'. The indication that the Direction for Growth will accommodate in the region of 2.5 – 3.5 hectares is also supported. This represents a reasonable mix of uses which will help to ensure that the Direction for Growth will provide a sustainable development solution.

Para 6.5

The proposed amendment to paragraph 6.5 is supported. The Direction for Growth does not impact on any existing areas of Green Wedge and offers the opportunity to amend the existing Green Wedge between Oadby and Wigston to maintain and strengthen the strategically important area of open land between the two communities.

CS7

The proposed amendment to Policy 7 is supported as it helps to clarify that in order to meet future housing requirements further greenfield land release will be required and that land currently designated as countryside will need to be reviewed as part of the process of allocating the Direction for Growth through subsequent DPDs.

CS11

The proposed amendment to Policy 11 clarifies that the percentages outlined in the policy are intended as targets and not 'minimum thresholds' This amendment is helpful and helps to clarify the purpose and intent of the policy.

The proposed amendments also include a target of 160 affordable homes to be provided over the period between 2009 and 2026, with 90 dwellings to be provided in Wigston. It is understood that this target has been derived by applying the percentage affordable housing targets for Oadby, Wigston and South Wigston to the identified housing supply including existing commitments, town centre masterplan opportunities and deliverable and developable SHLAA sites. It does not include any contribution from the Proposed Direction for Growth. For Wigston there are commitments for some 216 dwellings, a potential for 166 dwellings to come forward on town centre masterplan sites and 107 potential dwellings on deliverable or developable SHLAA sites. This results in a target of 90 dwellings when the 20% target for Wigston is applied.

As a footnote to the policy it is indicated that the Direction for Growth will be subject to an individual site viability analysis. This is explained on the basis of the need to take account of possible changes in market conditions in determining the appropriate level of affordable provision as part of the Direction for Growth. Whilst this approach is broadly supported, the proposed amendments anticipate that the Direction for Growth will deliver affordable housing in excess of the identified 20% for Wigston. This statement pre-empts any conclusions of the individual site viability assessment and should be deleted.

The Direction for Growth will play a critical role in providing additional affordable housing within the district over the period to 2026.

The scale of provision may well be in excess of the target of 20% for Wigston identified by the Affordable Housing Viability Assessment. However, the level will depend on the individual site viability assessment and it is inappropriate for the Core Strategy to seek to establish a minimum target in advance of this more detailed study. Any individual site viability assessment undertaken for the Proposed Direction for Growth at Wigston should take account of the findings of the Affordable Housing Viability Assessment for the Borough as a whole which indicated a target of 20% affordable housing provision was appropriate for the Wigston area.

The Proposed Amendment should be revised to remove reference to affordable provision in excess of the 20% target in the footnote to the policy and para 7.21 as follows:

**Note: the figure for Wigston does not include the Direction for Growth as it will be subject to individual site viability analysis.*

Para 7.21With regard to the target for Wigston, this does not include the Direction for Growth. This is because it will be subject to individual site viability analysis.

It would also be helpful if the proposed amendments could provide clarification on the derivation of the affordable housing targets and that they reflect the application of percentage targets to identified housing supply, rather than needs identified through the Strategic Housing Market Assessment.

5 Year Housing Land Supply

The inclusion of a 5 year housing land supply as one of the indicators and targets for Spatial Objective 7 in Chapter 8 of the Core Strategy is supported and is consistent with guidance in PPS3 as amended, which continues to emphasise the importance of a 5 year supply of deliverable housing land as an important measure of housing supply.

Appendix 2

This proposed amendment incorporates a reference to the enhancement of policing infrastructure in association with the Proposed Direction for Growth within Appendix 2. It is noted that the amendment makes it clear that any contributions will deal with capital contributions only and that the consideration of the exact infrastructure required will be based on local need arising from the proposed growth and that the method of determining any developer contributions will be considered through the Developer Contributions Supplementary Planning Document.

David Wilson Homes remains of the view that the requests for contributions towards the enhancement of policing infrastructure in association with the Proposed Direction for Growth have not been adequately justified. In particular, concerns remain that the proposed contributions may not meet the necessary tests as set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, 2010. Leicestershire Constabulary has not clearly established the specific nature and extent of any potential impact on local police resources arising from the Proposed Direction for Growth.

By their nature, any capital contributions to improved police infrastructure may more appropriately form part of a charging regime under CIL rather than being sought by way of section 106 contributions. The future of CIL is now somewhat uncertain and to date Oadby and Wigston have not set out any intention to introduce CIL locally.

Given this uncertainty and the lack of any robust evidence of any required improvements to local policing infrastructure directly related to the Proposed Direction for Growth, the Core Strategy cannot include any specific requirements for any future contributions. From the evidence available it has not been demonstrated that enhancements to policing infrastructure are essential and result directly from the potential impact of the Proposed Direction for Growth.

On this basis the Proposed Amendment is not supported. The implications of the Proposed Direction for Growth on local policing infrastructure is a matter that can be investigated further as part of subsequent Allocations DPD and preparation of the Developer Contributions Supplementary Planning Document. Should the Council decide to progress CIL locally, contributions to policing can be considered as part of necessary consultations on any charging regime.