

Matter 1 – Legal Requirements and Procedural Matters

March 2018

Local Plan Examination Matter Statement



*Oadby and Wigston
Borough Council*

Key Issue: Whether the legal requirements and relevant procedures have been satisfied.

Q1. Has the Oadby and Wigston Local Plan (LP) been prepared in accordance with the current Local Development Scheme (LDS), including its timetable, content and timescale?

Council response;

1. Yes. The Oadby and Wigston Local Plan was prepared in accordance with the content of the current Local Development Scheme document LP06/22 and the associated 'live' timeline that has been kept up to date on the Council's website.

38 words not including title

Q2. Has the LP been prepared to comply with the adopted Statement of Community Involvement, allowing for adequate and effective consultation and engagement of the community and all interested parties and meeting the minimum consultation requirements set out in the Regulations?

Council response;

2. Yes. The Local Plan has been prepared to comply with the Council's adopted Statement of Community Involvement (LP6/2).
3. To allow for adequate and effective consultation and engagement of the community and all interested parties, the Statement of Community Involvement sets out:
 - how the Council intend to consult;
 - when the Council intend to consult;
 - who the Council intend to consult;
 - how notification of the consultations are made;
 - the duration of the consultations; and
 - the consultation methods to be used.
4. At each stage of Local Plan consultation, the Council ensured that it met the minimum requirements as set out in the relevant Town and Country Planning Regulations at that time.
5. The Council's Statement of Consultation (LP6/08) sets out the consultations that have taken place regarding Local Plan production. The statement also sets out how the Council undertook the consultations, as well as who was consulted and how responses helped shape the Plan.

150 words excluding titles.

Q3. Has the LP been subject to Sustainability Appraisal, including a final report on the published plan; and is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures? Has a Habitats Regulations Assessment under the Habitats Directive/Regulations been carried out to the satisfaction of Natural England?

Council response;

- Has the LP been subject to Sustainability Appraisal, including a final report on the published plan?

6. Yes. The Local Plan has been subject to Sustainability Appraisal (SA) at each main stage of plan preparation (namely Preferred Options and Pre-Submission stages), in accordance with the guidance for strategic environmental assessment and sustainability appraisal as set out in National Planning Practice Guidance. Table 1.1 of the Pre-Submission SA (LP6/15) explicitly details how the requirements of the SEA Regulations have been addressed in the SA report.

7. The Submission Draft Local Plan was not subject to further Sustainability Appraisal because there were no significant proposed changes since the Pre-Submission Local Plan. As explained in the Schedule of Proposed Minor Changes, the proposed changes submitted for the Submission version of the plan seek to ensure the document is up to date, improve clarity and correct minor errors; they do not change the overall content of the Local Plan or intention of its policies. Therefore the Pre-Submission SA remains valid.

- Is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures?

8. The sustainability appraisal has assessed each of the policies and proposals in the Local Plan and all reasonable alternatives to these and this helped the Council to formulate its approach with regards to which options to take forward. A summary of the reasons for selecting or not selecting each option are set out in Appendix 6 (for sites) and Appendix 8 (for policies) of the Pre-Submission Local Plan SA, which includes considerations from the SA, as well as wider planning considerations.

9. The SA considered mitigation measures as part of the site assessments (see Appendix 5 of the Pre-Submission Local Plan SA Report), and also in the Cumulative Effects section in Chapter 4.

10. The Cumulative Effects section recognised that many adverse effects identified in the assessment are likely to be mitigated by other policies set out in the Local Plan. For example, many of the negative effects identified in the site assessments are likely to be mitigated through sensitive layout and design of development, such as that required under Policy 6: High Quality Design and Materials. The conclusion of the SA summarises that:

"The Pre-Submission version of the Local Plan proposes a reasonably large amount of housing, employment and other development within Oadby and Wigston to meet the future needs of the Borough. Therefore, alongside the more overtly positive effects identified in relation to providing new homes and sites for employment and community uses, the SA has identified the potential for negative effects on many of the environmental objectives including biodiversity, cultural heritage and the landscape. However, the Local Plan also includes a wide range of development management-style policies, aiming to protect and enhance the economic, social and environmental conditions of the Borough. These should go a long way towards mitigating the potential negative effects of the overall scale of development proposed."

- Has a Habitats Regulations Assessment under the Habitats Directive/Regulations been carried out to the satisfaction of Natural England?

11. Yes. Habitats Regulations Assessment (HRA) was undertaken at both the Preferred Options and Pre-Submission stages and Natural England was consulted at both these stages. The HRA concluded that the Local Plan will not result in likely significant effects on European sites, either alone or in-combination with other plans or programmes. Natural England confirmed it was satisfied with the HRA as part of its representations submitted for the Pre-Submission Local Plan Public Consultation. Please refer to document LP6/13, p.167, where Natural England has submitted the following statement: *"Natural England welcomes the Habitats Regulations Assessment (HRA) for the Oadby and Wigston Local Plan and considers that the scope of the report, its methodology and conclusions meet the requirements of the Habitats Directive and associated guidance"*.

625 words not including title

Q4. Does the LP have regard to national planning policy, including consistency with the National Planning Policy Framework (NPPF) and the Planning policy for traveller sites (PPTS)? Is there sufficient local justification for any policies that are not consistent with national planning policy? Does the submitted plan properly reflect the presumption in favour of sustainable development in the NPPF?

Council's response;

- Does the LP have regard to national planning policy, including consistency with the National Planning Policy Framework (NPPF) and the Planning policy for traveller sites (PPTS)?

12. Yes. The Local Plan and its supporting evidence has been consistently prepared in accordance with national planning policy and practice guidance, as well as with other relevant national planning legislation including the Planning Policy for Traveller Sites. However, to ensure further clarity and consistency with national legislation, the Council has proposed minor wording amendments. The Council's proposed amendments are set out in the Council's response to Question 11 of the Inspectors Initial Comments and Questions document (C1).

- Is there sufficient local justification for any policies that are not consistent with national planning policy?

13. The Council considers that all policies contained in the Submission Draft Local Plan are consistent with national planning policy and guidance.

- Does the submitted plan properly reflect the presumption in favour of sustainable development in the NPPF?

14. Yes. *Policy 1: Presumption in Favour of Sustainable Development* reflects the 'golden thread' running through the NPPF and the Local Plan is written to ensure a Plan-led planning system, empowering local people to shape their surroundings.

134 not including title.

Q5. Does the LP comply with the Local Planning Regulations, including preparation, content and publishing and making available the prescribed documents?

Council's response;

15. Yes. The Local Plan complies with the Local Planning Regulations. It was prepared, published and made available for consultation in compliance with the Local Planning Regulations as set out in The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 (The Regulations).

16. The content and policies of the Local Plan have been written to be consistent with the requirements set out in the National Planning Policy Framework and the National Planning Practice Guidance.

74 words not including title

Q6. Has the LP been prepared in accordance with the Duty to Co-operate and does it fully meet this legal requirement? What are the key outcomes from the co-operation with neighbouring authorities? In particular, how is it anticipated that unmet need in the City of Leicester authority area be addressed?

Council response;

17. The Borough Council considers that the Local Plan has been prepared in accordance with the Duty to Co-operate and that it fully meets this legal requirement. The Council has produced a Duty to Co-operate Statement (LP6/07) which specifically identifies the main cross boundary issues that the Council has co-operated with neighbouring authorities on and the outcomes that have been achieved.

18. The Borough Council has most recently worked with the other authorities in the Leicester and Leicestershire Housing Market Area (HMA) to prepare a 'Joint Position Statement on Housing and Employment Land Supply 2011 to 2031' (C2). This Joint Position Statement covers the same period as the Local Plan. It is based upon a combination of published information and the expert knowledge of local authority planning officers relating to authority areas where a plan is, as yet, unpublished.

19. At a HMA level the Joint Position Statement identifies a total Objectively Assessed Need (OAN) of 96,580 dwellings based on the Housing and Employment Land Needs Assessment (2017) (HEDNA) and a projected delivery total of 98,381. In other words, it confirms that the OAN can be met (and exceeded) within the HMA between 2011 and 2031.

20. Specifically with regard to Leicester City, its projected delivery total is less than its OAN. However, the Joint Position Statement demonstrates that any unmet need can be met in the rest of the HMA, such that the OAN for the HMA during the period 2011 to 2031 can be met and exceeded.

21. In addition, the Borough Council has worked with the other authorities in the Leicester and Leicestershire Housing Market Area (HMA) to prepare a Joint Statement of Co-operation (November 2017) (LP2/04). This sets out that the HEDNA explains that the OAN is set at the level of the HMA although the OAN for each local authority is also identified; the OAN for each individual authority is considered to be secondary to that of the HMA as a

whole. Further, it indicates that there is a theoretical capacity for some 207,069 dwellings across the HMA as a whole. When this is set against the OAN of 96,580 dwellings, it is clear that there is considerable flexibility to meet the defined housing need across the HMA.

22. The Joint Position Statement provides the latest position on the preparation of a new Memorandum of Understanding (MoU). This will confirm an agreed distribution of any robustly quantified unmet need and it is anticipated that it will accompany the publication of Leicester City Council's draft plan in summer 2018.

23. It should be noted that there is recognition amongst HMA local authorities that the Strategic Growth Plan will provide the mechanism for dealing with the issue of any unmet need in the HMA. During the course of preparing the Local Plan the Borough Council has not received any formal requests from other HMA authorities for the plan to make specific provision to meet an unmet need. However, Leicester City Council did write to the Borough Council (and other HMA local authorities) on 13th February 2017 noting that *'there will be an unmet need arising in the city'* and that it *'will be working to meet these needs in our new Local Plan. However we will need support and co-operation from HMA partners. The Strategic Growth Plan will be the vehicle for these conversations.'*

550 words not including title