



## **Oadby and Wigston Borough Council Local Plan Examination**

### Inspector's Initial Comments / Questions to the Council

I have now substantially completed my initial preparatory work. I set out below a number of procedural matters and initial questions for the Council.

### Hearing sessions

It is expected that the Hearing sessions will take place during the weeks commencing 23 and 30 April 2018. Please note that the local planning authority should ensure that the start date for the hearing sessions is notified at least 6 weeks in advance of the sessions commencing.

I will be circulating a Matters and Issues paper and a draft Hearings Programme in due course. The examination is based on the identified matters and issues and not driven by the representations.

I have produced a Guidance Note to outline the nature of the hearing sessions. Those who have sought a change to the Local Plan (Pre-Submission version) and signaled a wish to be heard will be invited to the relevant hearing session(s). There is no formal presentation of evidence or cross-examination; the procedure is an inquisitorial process, with the Inspector asking questions based on the Matters and Issues identified for Examination. The Council and relevant representors will have the opportunity to provide responses to the identified Matters and Issues, to be submitted approximately 3-4 weeks before the hearings commence. There is no need for any legal representation, but lawyers are welcome as a member of a team.

### Representations

I note that copies of the representations are displayed on the Council's web site in an electronic form and summarized in the Statement of Consultation (LP6/08). It is for the Council to decide whether the representations are "duly-made", and also to decide whether to accept late representations. Late representations which are not formally accepted by the Council are not forwarded to the Secretary of State and the Inspector does not consider them. Please note that I have no discretion to accept late representations.

I have been provided with a schedule of those representors who have already requested a wish to participate at the hearings. There will be a further opportunity for representors seeking a change to the plan, to indicate a wish to participate.

## **Initial Questions to the Council**

### Meeting with representors / Statements of Common Ground

**Q1. Is it the Council's intention to have any further discussions with representors? If so, could the Council please confirm when any Statements of Common (uncommon) Ground (SoCG) are likely to be completed?**

It would be helpful to have clarification through a SoCG that Historic England is satisfied that the minor modifications proposed by the Council, in response to the consultation responses from Historic England, would overcome its concerns.

Council response:

The Council has communicated further with Historic England regarding their comments and the changes that the Council has proposed under the submitted minor modifications. Historic England, however has confirmed that a response cannot be given until their Historic Environment Planning Adviser has returned from leave on the 28<sup>th</sup> February 2018. Upon the advisor's return, the Council will communicate further regarding the Statement of Common Ground. Even with this delay, the Council will continue to seek the completion of a Statement of Common Ground with Historic England prior to the commencement of the Hearings.

The Council will continue to seek any further opportunities to enter into Statement of Common Ground with representors where this may be possible.

### Core Evidence base

I have received the Submission Documents and Evidence-based Documents and note that these have been provided on the Council's website.

**Q2. Is any other substantial work / reports likely to be undertaken for the examination, and if so, what is the timetable for such work?**

Council response:

The Council is seeking to undertake and publish its suite of annual monitoring documents, including the Residential Land Availability report (RLA), the Strategic Housing Land Availability Assessment (SHLAA), and the Housing Implementation Strategy (HIS). The Council undertakes this process each year during April.

It is the Council's intention to publish completed monitoring documents by Friday 6<sup>th</sup> April 2018. The completed monitoring documents will illustrate the Council's position as of 1<sup>st</sup> April 2018.

### Dealing with Changes to the Local Plan

In considering any proposed modifications, I will need to take a view whether any are required for soundness/legal compliance reasons. As you will be aware, in order for me to make such 'main modifications', you would need to formally notify me as to whether you wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).

In the absence of a request under section 20(7C), my report would be confined to identifying any soundness or legal compliance failures in the Plan and, if there are such failures, recommending non-adoption of the Plan.

**Q3. Please give an indication of the Council's position on main modifications?**

Council response:

Under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council formally requests that, should it be deemed necessary, the Planning Inspector makes modifications to the document.

This would be advantageous to the efficiency of the examination process and the expectation of participants. Deferring a decision to request modifications until a late stage of the examination may risk both time delay and incur additional examination costs.

Minor changes that do not go to the question of soundness or legal compliance are made solely by the Council on adoption and not by the Inspector.

**Q4. Does the Schedule of Minor changes (LP6/11) include all those referred to in the Statement of Consultation (LP6/08)?**

Council response:

Yes. All of the minor changes referred to in the Statement of Consultation (LP6/08) are included in the Schedule of Minor Changes (LP6/11).

Housing Supply

**Q5. What is the latest position on the progress of preparing the Strategic Growth Plan?**

Council response:

The Strategic Growth Plan is a long term, high level, non-statutory plan that is being prepared jointly by the seven Leicestershire district councils, Leicestershire County Council, Leicester City Council and the Leicester and Leicestershire Enterprise Partnership that will set out an agreed strategy for the period to 2050.

The draft Plan is currently published for a 12 week period of public consultation, running from 11th January 2018 to 5th April 2018. During this period the organisations that have prepared the draft Plan are holding a number of public consultation events. In the Borough of Oadby and Wigston a consultation day is planned for 21<sup>st</sup> March 2018 which will comprise both a drop in session and a public meeting.

The comments received during the consultation period will be taken into account in the preparation of the final version of the Plan which is scheduled to be published in summer/autumn 2018.

**Q6. What is the most up-to-date position on the preparation of the Memorandum of Understanding?**

Council response:

The Leicester and Leicestershire Authorities intend that a Memorandum of Understanding will be published after Leicester City Council has provided formal confirmation as the extent of its unmet need in a published draft plan. This was originally intended to be available in early 2018. It is now intended to be available in late summer 2018. In the interim, the Leicester and Leicestershire Authorities are producing a Joint Position Statement on Housing and Employment Land Supply, 2011 to 2031 which demonstrates that during the period 2011 to 2031 the OAN arising in the HMA can be met within the HMA. It is intended that this will be published shortly.

**Q7. Would the Council be able to demonstrate a five year housing land supply, including an appropriate buffer, at the point of adoption of the LP should it be found sound? Please provide evidence to demonstrate how.**

In doing so, please note that the housing requirement to which the buffer should be applied is, in my view, to include both the base requirement plus the shortfall of housing provision since the base date of the HEDNA.

Local Plan's Base Requirement	+	Shortfall (under provision from Evidence base to adoption Date)	+	Buffer	=	5 year housing land supply target
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Council response:

The Council **would** be able to demonstrate a five year supply of housing land upon adoption of the Local Plan. The five year supply would also include an appropriate buffer. For the purposes of this note, the Council has shown five year supply calculations based on buffers at 5% and 20%, as well as both the Liverpool and Sedgefield approaches to responding to backlog / deficit. The Council would however state that its position regarding calculating five year land supply is a 5% buffer and the use of the Liverpool approach to responding to backlog / deficit.

The reasoning and justification for this is set out below.

Using the information set out within the Council's Submission Local Plan, specifically that illustrated within Policy 2 Spatial Strategy for Development within the Borough (pages 27 to 36) the Council can justify a five year supply of housing. For the purposes of this note, the Council will set out the five year supply position for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2023 (Period 1), and the period 1<sup>st</sup> October 2018 to 31<sup>st</sup> September 2023 (Period 2). The information for Period 1 will use the actual figures set out within Policy 2 Spatial Strategy for Development within the Borough, whereas the information for Period 2 will pro rata forward (6 months) the figures set out within Policy 2 Spatial Strategy for Development within the Borough.

The Council is in agreement with the Inspector's view that the base date of the HEDNA (2011) is the most appropriate date from which surplus or deficit / backlog should be calculated.

The method by which the Council calculates five year supply has been consistent for a number of years and is a method that Planning Inspectors have adopted, namely Inspector Geoffrey

Hill BSc DipTP MRTPI in the Planning Inquiry APP/L2440/A/14/2216085 that took place between November 2014 and January 2015, and involved Oadby and Wigston Borough Council and Bloor Homes. The method is illustrated below.

### **Local Plan target x 5 years + buffer + evidenced shortfall = 5 year land supply**

#### **Period 1 Requirement**

For the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2018 the Local Plan Housing Trajectory (housing trajectory) on page 29 of the Submission Local Plan illustrates that the housing provision in the Borough is 686. The trajectory also illustrates the Local Plan target of 1036 for the same period.

Housing provision total **686** – Local Plan target **1,036** = **deficit of 350**

Liverpool Approach = 350 / 13 years remaining of Plan as of 1<sup>st</sup> April 2018 = 26.92

Sedgefield Approach = 350

In calculating the five year requirement for the Borough, as of 1<sup>st</sup> April 2018, the Council has used the following scenarios for the purpose of this note;

Scenario 1; 5% buffer and Liverpool Approach (26.92 x 5 = 134.6)

Local Plan target of 148 x 5 years + buffer of 5% + deficit of 135 = **912**

Scenario 2; 20% buffer and Liverpool Approach (26.92 x 5 = 134.6)

Local Plan target of 148 x 5 years + buffer of 20% + deficit of 135 = **1,023**

Scenario 3; 5% buffer and Sedgefield Approach

Local Plan target of 148 x 5 years + buffer of 5% + deficit of 350 = **1,127**

Scenario 4; 20% buffer and Sedgefield Approach

Local Plan target of 148 x 5 years + buffer of 20% + deficit of 350 = **1,238**

#### **Period 2 Requirement**

For the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> September 2018 the Council considers that 778 new homes will be provided (2018/2019 dwelling provision total 183 / 12 months x 6 months = 91.5). The Local Plan period target for the same period is considered to be 1,110 (annual Plan target of 148 / 12 months x 6 months = 73.9) (therefore, 1,036 + 74 = 1,110).

Housing provision total **778** – Local Plan target **1,110** = **deficit of 332**

Liverpool Approach = 332 / 13 years remaining of Plan as of 1<sup>st</sup> April 2018 = 25.54

Sedgefield Approach = 332

In calculating the five year requirement for the Borough, as of 1<sup>st</sup> October 2018, the Council has used the following scenarios for the purpose of this note;

Scenario 1; 5% buffer and Liverpool Approach (25.54 x 5 = 128)

Local Plan target of 148 x 5 years + buffer of 5% + deficit of 128 = **905**

Scenario 2; 20% buffer and Liverpool Approach (25.54 x 5 = 128)

Local Plan target of 148 x 5 years + buffer of 20% + deficit of 128 = **1,016**

Scenario 3; 5% buffer and Sedgefield Approach

Local Plan target of 148 x 5 years + buffer of 5% + deficit of 332 = **1,109**

Scenario 4; 20% buffer and Sedgefield Approach

Local Plan target of 148 x 5 years + buffer of 20% + deficit of 332 = **1,220**

### **Period 1 Supply**

For the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2023 the Local Plan Housing Trajectory illustrates that the proposed housing provision (supply) in the Borough will be **1,239**. The supply has been calculated by summing the annual dwelling totals of 183, 300, 246, 216 and 294.

Taking account of Scenario 1 for Period 1 requirement (set out above), the supply of 1,239 illustrated in the housing trajectory in the Submission Local Plan is 327 dwellings above the requirement of 912. Although, the Council considers Scenario 1 requirement as the most appropriate for the circumstances of the Borough, the Council can illustrate a five year supply of land at Scenario requirements, 2, 3 and 4 also.

### **Period 2 Supply**

For the period 1<sup>st</sup> October 2018 to 31<sup>st</sup> September 2023 the Council considers that the proposed housing supply in the Borough is **1,251**. The supply has been calculated by summing 91.5 (183 / 12 x 6), 300, 246, 216, 294 and 102.9 (206 / 12 x 6).

Taking account of Scenario 1 for Period 2 requirement (set out above), the supply of 1,252, is 347 dwellings above the requirement of 905. Although, the Council considers Scenario 1 requirement as the most appropriate for the circumstances of the Borough, the Council can illustrate a five year supply of land at Scenario requirements, 2, 3 and 4 also.

## **Q8. Have any other planning applications been submitted on allocated sites and what is the outcome / expected date for determination?**

Council response:

Since the 1<sup>st</sup> April 2017, which was the base date for the housing information illustrated within the Submission Local Plan, the following (proposed) site allocations have been subject to submitted planning applications. The outcome / expected outcome of each is illustrated below.

### Meadow Hill, Welford Road, Wigston

A decision for granting planning permission for 53 dwellings was issued on the 11<sup>th</sup> May 2017. At the time of writing this note, the site is currently under construction. Any housing

completions on the site will be monitored and published within the Council's suite of annual monitoring documents due to be published in April 2018.

#### Land West of Welford Road, Wigston

A planning application for 43 dwellings was submitted to the Council on the 8<sup>th</sup> November 2017. The application comprised part of the proposed allocation for Land West of Welford, Wigston set out within the Submission Local Plan. At the time of writing this note, the application is pending consideration.

#### 39 Long Street, Wigston

A planning application for 19 dwellings was submitted to the Council on the 12<sup>th</sup> October 2017. At the time of writing this note, the application is pending consideration.

#### 53-59 Queens Drive, Wigston

Planning permission for 15 dwellings was granted on the 24<sup>th</sup> November 2016. The granted planning permission is subject to S106. At the time of writing this note, it is expected that a decision relating the signing of the S106 is expected shortly.

#### Nautical William, Aylestone Lane, Wigston

A committee decision was made on the 15<sup>th</sup> June 2017 for refusal of a submitted planning application for 29 dwellings. The committee decision was against officer recommendation. An appeal relating to the committee decision was lodged on the 18<sup>th</sup> December 2017 to the Planning Inspectorate by the applicant. The refusal did not relate to the principle of residential development.

### **Q9. What is meant by 'small-scale' in Policy 17 'Kilby Bridge Settlement'?**

Council response:

The settlement (hamlet) of Kilby Bridge is unique, is the Borough's only rural settlement and is small in size and scale. The settlement limits are constrained, to the north by the Leicester to London railway line, the south by the Grand Union Canal, the east by agricultural farmland and the east by a Site of Special Scientific Interest. The proposed Kilby Bridge settlement boundary comprises primarily the previously developed parts of the settlement and amounts to just 2.34 hectares in total land area. Therefore, the Council is seeking to limit the size, scale and scope of future development to that which is appropriate to its small size and distinct rural character.

Policy 17 Kilby Bridge Settlement Envelope defines 'small scale' residential as that limited to 40 additional dwellings at a minimum of 30 dwellings per hectare. The policy does not define small scale in relation to other forms of development; however it does set out policy objectives that seek to retain the open, attractive and rural setting, as well as retaining the distinctive landscape and historic character of the area. Any proposal for development within the proposed settlement boundary would need to be complementary and in keeping with the settlements existing small size and scale, as well as rural character.

The Council considers that the use of 'small scale' within the policy wording reflects the vision and aspirations that the Council and the local community has for the Kilby Bridge area, and that it is therefore consistent with NPPF paragraph 150.

## Gypsy and Traveller Accommodation

The Leicestershire, Leicester and Rutland Gypsy and Traveller Accommodation Needs Assessment (LP2/03) does not identify a need for any gypsy and traveller accommodation in the Borough.

### **Q10. Has the methodology of the GTAA been tested at any other examinations to date?**

Council response:

In part, although the Inspector's Report is yet to be published because the Examination in Public is ongoing.

The Leicester and Leicestershire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (2017) (LP2/03), prepared by Opinion Research Services Ltd on behalf of all Local Planning Authorities in Leicester and Leicestershire, including Oadby and Wigston Borough Council (but excluding Hinckley and Bosworth Borough Council), was submitted as evidence to the Melton Borough Council Local Plan.

The Inspector for Melton Borough Council covered Gypsy and Travelers under Matter 7 on Thursday 8th February 2018 at the Examination in Public.

### **Q11. It appears that Policy 16 would only support gypsy and traveller accommodation where a need is demonstrated irrespective of whether a proposal would be acceptable in all other respects. Is this approach justified and consistent with national policy?**

Council response:

Draft Policy 16: Gypsies, Travellers and Travelling Showpeople was prepared by the Council with the intention to create a policy that reflects the key elements of National Planning Policy Framework, the National Planning Policy for Traveller Sites (2015) and the Leicester and Leicestershire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (2017).

Having reviewed the wording of Policy 16 and by cross referencing this to the National Planning Policy for Travellers, particularly Paragraph 11, it is apparent that a minor wording modification to Policy 16 would provide greater clarity and ensure that the Council's approach on this matter is justified and consistent with national policy.

Therefore, on reflection, the Council considers the following minor wording modification to be appropriate:

*Policy 16: Gypsies, Travellers and Travelling Showpeople*

*The Council will identify sufficient land to accommodate Gypsy and Traveller needs should evidence suggest a need to do so. Should a need be identified **and / or a scheme proposed** that requires the identification of land for Gypsy and Traveller pitches, the following criteria will apply:*

- Sites should be accessible, by a range of transport modes, to essential local services and facilities, including shops, schools and GP surgeries.*
- Sites should preferably be located within or adjacent to the Leicester PUA.*

- Sites should have formal safe access to the highway network, and should have sufficient parking provision on site.
- Sites should be (or have the opportunity to be) served by adequate water and sewerage services / facilities.
- Sites should not be located within Flood Zones 2 or 3.
- Sites should not be situated on contaminated land or within areas with poor ambient air quality.
- Sites should be incorporated and integrated into the surrounding area through high quality design.
- Sites will not have an unacceptable impact on adjoining / neighbouring properties and / or land uses.
- Sites will not have adverse impacts on environmentally sensitive areas, areas of historic or heritage interest, or areas of landscape character importance.

*Any proposal for Gypsy and Traveller site provision should also conform to current national policy and guidance.*

### Ministerial Statements

On 18 June 2015, the Secretary of State published a WMS regarding onshore wind turbine development. The WMS sets out a consideration to be applied to proposed wind energy development so that local people have the final say on wind farm applications. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the proposed development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the proposal reflects the planning concerns of affected local communities and therefore has their backing.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. No such areas are identified.

Policy 38 provides criteria against which proposals for renewable or low carbon energy schemes will be considered.

**Q12. In light of this WMS, can Policy 38 be regarded as being effective and consistent with national policy in so far as it relates to wind energy related developments? If not, what modifications would be necessary to the Local Plan?**

Council response:

Yes. The Council considers that Policy 38 is effective and consistent with national policy.

Having taken account of the Written Ministerial Statement (2015) regarding onshore wind turbine development, as well as having referred to the relevant paragraphs of both the Renewable and Local Carbon Energy section of the National Planning Practice Guidance (2015) and the National Planning Policy Framework (2012), the Council considers that the approach taken within Policy 38 reflects the both the national and local position relating to wind energy development.

As referenced, the Written Ministerial Statement (June 2015) states:

*"When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

*In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority".*

However, Paragraph 1 of the National Planning Policy Framework "sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so". Paragraph 158 goes on to state that "each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area".

In 2015, Amec Wheeler Foster Environment and Infrastructure Limited developed a Climate Change Evidence Base Study (LP4/04) on behalf of Leicester City Council and Oadby and Wigston Borough Council. Chapter 5 and Appendix 1 stated that "the technical potential available for medium to large scale wind within Oadby & Wigston amounts to 1.5 MW of capacity. There is otherwise limited scope for any wind farm development given the combination of environmental designations, communication and radar issues and noise attenuation from buildings. Any proposed wind turbine development is therefore most likely to be a single turbine or two turbines at most in a given location (Further details are provided in Appendix A)".

Appendix A then highlights two separate areas with 'Medium Wind Potential' in the Borough of Oadby and Wigston. However, since that study was published, there have been three extensive public consultation periods undertaken on the preparation of the Council's Local Plan, as well as an additional and focused consultation period on the Oadby and Wigston Infrastructure Delivery Plan (IDP, 2018) with all statutory consultees and infrastructure providers. There has not been a single representation submitted to the Council at any point in the preparation of either of these documents that there is a need or demand to deliver wind energy related infrastructure or development in the Borough of Oadby and Wigston.

The Council considers that the approach taken in Policy 38: Climate Change, Flood Risk and Renewable Low Carbon Energy is effective and consistent with national policy in so far that it is relevant, proportionate and necessary, as well as based upon adequate, up-to-date and relevant evidence. Therefore, the Council is minded to not propose any modifications to Policy 38 or its supporting text.

#### Other Matters

#### **Q13. It is understood that the Council has now completed the production of its Playing Pitch Strategy. Is this included within the supporting evidence?**

Council response:

Yes. The Council's Playing Pitch Strategy has been completed and forms part of the Local Plan's submitted evidence base, at LP9/10. The Playing Pitch Strategy was produced in consultation with Sport England and other sports related National Governing Bodies.

**Q14. Are the policies worded to ensure that they will be effective and that they provide a clear indication of how a decision maker should react to a development proposal? For example phrases such as 'developers will be encouraged', 'making best efforts' in Policy 4, 'where appropriate' in Policy 7, 'where necessary' in Policy 8, 'it is expected that', 'specific note will be taken of' and 'sufficient space' in Policy 11, 'will consider' in Policy 18, 'seek to' in Policy 19, 'consider' in Policy 26, 'should be avoided' in Policy 38, 'will expect' Policy 39 are not requirements that must be satisfied or are necessarily clear. The Council may wish to consider if modifications are necessary.**

Council response:

Policy 4 seeks to support development proposals that increase local employment and training opportunities, and the development of local skills. The Council is committed to providing as many opportunities locally as possible, however is mindful that it would not want to impose policy objectives that are too rigid and could financially burden development. The Council considers that the policy wording in general allows sufficient flexibility to not financially burden development, whilst providing a practical framework from which decisions can be made.

It would not be the Council's intention to refuse development that does not contribute towards local employment development, skills and training, however would want discussions to take place during the planning application process that sought to provide such opportunities. Taking this into account, the Council is proposing that the following wording of Policy 4 be removed from the policy and added as a further sentence to paragraph 5.1.5 of the policy supporting text to Policy 4.

*'In granting planning permission for major development schemes, developers will be encouraged to contribute to local employment development, skills and training, including – making best efforts to employ local contractors, sub contractors, apprentices and trainees during construction and where appropriate, developing and implementing a business orientated employment and skills plan to develop skills'.*

Having reviewed the Local Plan Submission document (relating to policy wording only), the use of the word 'encouraged' has been used at Policy 10 (second paragraph) and Policy 22 at paragraph 1 and paragraph 4. To ensure clarity, the Council would propose a minor modification to the second paragraph of Policy 10, to –

*'Development proposals that seek to provide public realm schemes, as identified within the Area Action Plan Guidance will be, in principle, supported. The following schemes will be encouraged supported.'*

And the fourth paragraph of Policy 22 to –

*'Retail development ~~will be encouraged~~ **must be** of a scale appropriate to the needs of the local area served by these centres.'*

The Council does not consider that the use of the word encouraged at paragraph 1 of Policy 22 should be amended, due the context of its use being different to those illustrated above.

The wording of Policy 7 that states 'All development proposals should support and enhance community services and facilities where appropriate by', refers to the statement set out in paragraph 5.4.3 of the supporting text to Policy 7. Paragraph 5.4.3 suggests that the Council will monitor and assess the local communities' needs to ensure that provision of community facilities within the Borough is appropriate. Should the Council's monitoring and assessment of

local community need suggest that further development would increase demand on community facilities to such an extent that additional capacity was required, the specific wording set out within Policy 7 would apply.

Having reviewed the Local Plan Submission document (relating to policy wording only), in addition to Policy 7, the Council has used the term 'where appropriate' at paragraph 5 of Policy 4, paragraph 4 of Policy 30, paragraph 2 of Policy 34, paragraph 2 of Policy 37 and paragraph 7 of Policy 38.

To ensure that the policy wording provides a clear framework by which decision makers can make consistent decisions, as well as providing further clarity and consistency with national policy and guidance, the Council would propose the following minor modifications, at;

Paragraph 5 of Policy 4 – ~~'Where appropriate~~ ***If there is an identified need to do so, the Council will also consider the use of legal agreements to secure any necessary improvements in education provision arising as a result of development.'***

Paragraph 4 of Policy 30 – remove the wording of the fourth paragraph and insert a new paragraph (9.5.5) stating, ***'Where appropriate, the ecological value of proposed sites for development and opportunities for habitat enhancement should be sought'***, in the supporting text to Policy 30. The Council considers that the requirement to enhance habitats within the Borough area is set out in other policies within the Local Plan Submission document.

Paragraph 2 of Policy 34 – ~~'Where appropriate~~ ***there is an evidenced need to do so, some flexibility could be factored into the standards in relation to the specific local circumstances.'***

Paragraph 2 of Policy 37 – *'Where development will have known detrimental impacts or cause lasting harm to the natural habitats in that location, ~~where appropriate,~~ the Council will seek to compensate for that loss through effective conditions in the planning decision or by seeking developer contributions to contribute towards off site mitigation measures.'*

Bullet 2, Paragraph 7 of Policy 38 – ~~'Where appropriate,~~ *include suitable habitat creation and not cause detriment to existing habitats and species; and'*

Having reviewed the wording of Policy 8 Green Infrastructure the Council considers that the 'thrust' of the policy would not be modified significantly if a minor modification to the second paragraph was made –

*All new development must contribute towards achieving this net gain. Green Infrastructure assets will be created, preserved, managed and ~~where necessary~~ enhanced by:*

The Council considers that the removal of 'where necessary' would better reflect national policy and guidance and would provide the decision maker with a clear practical framework for making planning decisions. In addition, the Council would propose to remove the wording 'where necessary' at paragraph 4 of Policy 23 – *'The Borough Council will also seek to retain and ~~where necessary,~~ identify new small scale local shopping opportunities to meet the everyday needs of the local people'.*

Having revisited the wording of Policy 11 Housing Choices, the Council would propose the following minor modifications.

*'All residential development should contribute towards delivering a mix of dwelling types, tenures and sizes that meet the identified needs (and / or demand) of the communities within*

the Borough. ~~It is expected that all~~ **All** new residential development proposals **must** demonstrate how they contribute to achieving the identified needs as set out within the Housing and Economic Development Needs Assessment.

In addition, on all new large scale residential developments (11 dwellings and more) the applicant should liaise with the Council to ascertain the most appropriate housing mix.

Where a development is otherwise acceptable but an independent viability appraisal demonstrates that certain policy standards cannot be achieved, the Council will work with the applicant to ~~consider~~ **ascertain** whether there are alternative approaches that would deliver the desired policy outcomes. If the Council requires its own independent viability assessments to verify outcomes of the applicants assessment, it will be at the applicants cost.

The Council will support the development of bungalows, student halls of residence, specialist care accommodation, elderly care accommodation and retirement accommodation that meets an identified need and is proposed in appropriate sustainable locations.

All residential proposals will need to reflect the character of the area in which they are located. Sub-division of plots and / or existing residential properties that are ~~considered to be~~ 'out of character' within the locale will be refused, unless the benefits of any proposed development ~~are considered to~~ outweigh the negative impact.

To ensure that new residential development promotes healthy living and dwellings are of the appropriate size for its proposed occupants; (unless there is a demonstrable reason for not doing so) all new dwellings should provide ~~sufficient~~ space for kitchen, dining, bedroom, and living facilities, and should include appropriate levels of internal storage.

All residential proposals for conversions, sub-division and / or changes of use will be ~~considered~~ **determined** on a case by case basis, and must take into account the Government's Technical Housing Standards.'

The Council considers that the above minor modifications to Policy 11 will ensure that the wording better reflects national policy and guidance and would provide the decision maker with a clear practical framework for making planning decisions.

In addition to the modifications proposed in Policy 11 relating to the term 'it is expected that', the Council would propose the following minor modifications to Policy 9 (at paragraph 1) –

~~'...and the equivalent cannot be provided elsewhere. New development will ~~be expected to~~ contribute either physically or financially to the provision or improvement of open space, sport and recreation facilities.'~~

and Policy 14 (at paragraph 4)

~~'It is expected that all~~ **All** Self Build and Custom Build serviced plots will be provided to the market with at least outline planning permission for residential development.'

Having reviewed the wording of Policy 18, the Council considers that 'consider' in the second paragraph of the Policy wording should in fact read '**support**'. The Council considers this would add clarity and would better reflect national policy and guidance and would provide the decision maker with a clear practical framework for making planning decisions. The Council also considers that the 'thrust' of the policy would not be modified significantly in respect of the proposed change.

Having reviewed the Local Plan Submission document, taking account of the use of 'consider', 'considered' and / or 'consideration' within policy wording, the Council would propose the following minor modifications for the same reasons as set out above for Policy 18.

Policy 1, paragraph 2 – 'The Council will be positive when ~~considering~~ **determining** development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework.'

Policy 4, paragraph 5 – 'the Council will ~~also consider the use of~~ legal agreements to secure any necessary improvements in education provision arising as a result of development.'

Policy 6, paragraph 7 – 'Proposals for innovative and outstanding design or construction that contributes to the aims of sustainable development and reducing the impacts of climate change will **in principle** be ~~considered favourably~~ **supported** by the Council.'

Policy 12, paragraph 5 – 'the Council will work with the applicant to ~~consider~~ **ascertain** whether there are alternative approaches that would deliver the desired policy outcomes.'

Policy 13, paragraph 6 – 'he Council will work with the applicant to ~~consider~~ **ascertain** whether there are alternative approaches that would deliver the desired policy outcomes.'

Policy 13, paragraph 8 – 'Regarding the tenure split of affordable housing the Council will generally seek 80 per cent affordable rent and 20 per cent shared ownership, however will respond to local need at the time of ~~consideration of~~ **determining** a relevant planning proposal.'

Policy 15, paragraph 1 – 'do not have any adverse effect on / or loss of amenity to adjacent properties or nearby properties, and do not cause unacceptable noise, will in principle be ~~considered favourably~~ **supported**.

Policy 17, paragraph 1 – 'The Council will ~~consider~~ **in principle support** small scale development proposals within the defined Settlement Envelope of Kilby Bridge.'

Policy 17, paragraph 5 – 'All development proposals within Kilby Bridge Settlement Envelope will need to ~~give consideration~~ **conform** to other relevant policies within this Plan.'

Policy 18, paragraph 2 – 'The Council will ~~consider~~ **in principle support** new development proposals that seek to create a sustainable, well designed and high quality development that is sensitive to its surroundings and will not have a...'

Policy 19, paragraph 6 – 'All development proposals will need to ~~give consideration~~ **conform** to other relevant policies within this Local Plan.'

Policy 21, paragraph 3 – 'The Council will ~~consider~~ **in principle support** new development proposals that seek to create a sustainable, well designed and high quality development that is sensitive to its surroundings...'

Policy 22, paragraph 5 – 'In ~~considering~~ **determining** proposals for new retail development, the Borough Council will apply the sequential and impact test as specified in the National Planning Policy Framework and National Planning Practice Guidance.'

Policy 25, paragraph 3 – '...B1a, B1b, B1c, B2, or B8 use will only be ~~considered~~ acceptable if they clearly demonstrate that the alternative use (s):'

Policy 26, paragraph 3 – 'Where new development is ~~considered to be~~ of a significant scale or type, a transport assessment and/or a travel plan, will be required.'

Policy 30, paragraph 1 – 'Within the town and district centre boundaries but beyond the primary and secondary frontages, proposals for change of use to residential will ~~be considered favourably~~ **in principle be supported**. Proposals for other appropriate town centre uses such as offices or community facilities will ~~also be considered favourably~~ **in principle be supported**.

Policy 31, paragraph – 'Proposals for the change of use of floorspace above ground floor level to residential, office and other appropriate services or community uses, which contribute to the centre's vitality and viability, will **in principle** be ~~considered favourably~~ **supported**.'

Policy 35, paragraph 1 – 'Proposals for the use of premises for the control and administration of hackney carriages or private hire vehicles will be ~~considered~~ **determining** against the following criteria:'

Policy 39, paragraph 2 – 'All schemes should be informed by specific catchment and ground characteristics, and they will be required to ~~consider~~ **establish the** wider ranging issues relating to long-term management, adoption and maintenance of SuDS.'

Policy 40, paragraph 3 – '...Rutland Historic Environment Record will be taken into account when development proposals are being ~~considered~~ **determined**. The Council's Conservation Area Supplementary Planning Document and specific Conservation Area Appraisals will also be taken account of when development proposals are being ~~considered~~ **determined**.'

Policy 44, paragraph 1 – 'All development proposals within the Borough will be ~~considered~~ **determined** against the need to conserve and enhance the distinctive landscapes in the Borough.'

Policy 46, paragraph 3 – 'For all new development proposals, it will be necessary to ~~consider~~ **establish** both the isolated and cumulative impact that they may have upon the surrounding infrastructure network and / or any cross boundary detrimental impact they have also.'

The intention of the wording set out in Policy 19 Oadby Sewage Works is that any proposal for redevelopment must create a sustainable well designed and high quality scheme. The use of 'seek to' was not an intention to dilute the requirements of the policy. To ensure clarity, the Council would propose the following minor modification;

the second paragraph of Policy 19 is amended to –

'Any proposal for redevelopment must ~~seek to~~ create a sustainable, well designed and high quality scheme. The applicant will be required to produce a masterplan illustrating how the wider issues including accessibility, impacts on the local highway network, impacts upon the surrounding Green Wedge, impacts on flood risk and mitigation of potential contamination will be taken account of and mitigated if necessary'.

the third paragraph of Policy 19 is amended to –

'Any proposal should ~~seek provision of~~ **provide** an appropriate number of bus stops and associated infrastructure, including bus shelters and information display boards onsite as well as off site, to allow for this sustainable method of public transport'.

the fourth paragraph of Policy 19 is amended to –

*'Any proposal should ~~seek provision of~~ **provide** any other associated infrastructure required to bring the site forward sustainably, including cycle ways and footpaths, onsite as well as off site.'*

Similar to Policy 19, having reviewed the Local Plan Submission document, the Council would propose the following minor modifications in relation to the use of the term 'seek to', for similar reasons as set out above.

Policy 9, paragraph 1 – *'In relation to open space, sport and recreation facilities, the Council will ~~seek to~~ protect existing sites from development where there is a demand to retain them, they contribute towards the Green Infrastructure in the Borough...'*

Policy 10, paragraph 2 – *'Development proposals that ~~seek to~~ provide public realm schemes, as identified within the Area Action Plan Guidance will be, in principle, supported. The following schemes will be encouraged;'*

Policy 15, paragraph 3 – *'Proposals that ~~seek to~~ split existing residential plots and propose development on the garden land of and / or open amenity space of existing plots will not be granted planning permission unless the proposal sits comfortably...'*

Policy 18, paragraph 2 – *'...new development proposals that ~~seek to~~ create a sustainable, well designed and high quality development that is sensitive to its surroundings and will not...'*

Policy 19, paragraph 2 – *'Any proposal for redevelopment must ~~seek to~~ create a sustainable, well designed and high quality scheme.'*

Policy 20, paragraph 1 – *'The Council will ~~seek to~~ expand the current Wigston Direction for Growth area.'*

Policy 21, paragraph 1 – *'This Local Plan will ~~seek to~~ expand the current Cottage Farm site ('Phase 1') and form the Cottage Farm Direction for Growth area.'*

Policy 21, paragraph 3 – *'...new development proposals that ~~seek to~~ create a sustainable...'*

Policy 23, paragraph 4 – *'The Borough Council will also ~~seek to~~ retain and where necessary, identify new small scale local shopping opportunities to meet the everyday needs of the local people.'*

Policy 25, paragraph 1 – *'The Council will also ~~seek to~~ enhance the identified areas through appropriate development.'*

Policy 37, paragraphs 2, 3 and 4 – *'...the Council will ~~seek to~~ compensate for that loss through effective conditions in the planning decision or by seeking developer contributions to contribute towards off site mitigation measures.'*

*Working in collaboration with developers, as well as local and national agencies with ecological and geological expertise, the Council will ~~seek to~~ identify, conserve, protect and enhance natural assets, so that habitats and species can thrive and help to create rich biodiversity within the Borough for future generations to enjoy.'*

*The Council will also ~~seek to~~ protect trees with Tree Preservation Orders associated to them. All proposals should also take account of the guidance set out in the Council's Tree Strategy.'*

*Policy 38, paragraph 1 – '...and, ~~seek to~~ ensure that the prospect of flood risk is minimised through appropriate mitigation measures.'*

*Policy 38, paragraph 2 – '...resources and ~~seek to~~ reduce their impact upon climate change by meeting high standards of sustainable design and construction.'*

*Policy 40, paragraph 1 – 'The Council will ~~seek to~~ conserve and enhance the Borough's unique cultural identity, as well as its significant heritage and historic character through the identification and protection of designated and non-designated heritage assets.'*

*Policy 40, paragraph 4 – 'All development proposals should ~~seek to~~ safeguard, conserve or enhance both designated and non-designated heritage assets and their settings, as well as the character and setting of areas of acknowledged significance.'*

*Policy 42, paragraph 1 – 'Green Wedges protect important areas of green land within the Borough and ~~seek to~~ **the Council will** retain these areas as open and undeveloped.'*

*Policy 44, paragraph 1 – 'The Council will ~~seek to~~ ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.'*

The use of 'must consider' in the second paragraph of Policy 26 Sustainable Transport and Initiatives was not an intention from the Council to dilute the need for new development proposals to set out the highways and transport infrastructure requirements needed to support and service the proposed development. Bearing this in mind, and to ensure clarity, the Council would propose the following minor modification to the second paragraph of Policy 26 –

*'In all new development, proposals must ~~consider~~ **establish** the highways and transport infrastructure requirements needed to support and service the proposed development. There will also be a need to demonstrate that adequate capacity currently exists or will be provided through appropriate mitigation that meets necessary infrastructure requirements.'*

The word 'should' is used by the Council throughout the Local Plan Submission document. The use of the word 'should', unless contextually different, has been used by the Council to inform of a requirement or need. For the purpose of this note, the Council has assessed the use of the word 'should' in policy wording only. Other than where the use of the word is contextually different, for example the third paragraph of Policy 1, the seventh paragraph of Policy 13, the third paragraph of Policy 14 and the first paragraph of Policy 16, the Council would not be opposed to amending the use of the word 'should' to 'must' in the following Policies – 1, 3, 6, 7, 9, 10, 11, 16, 17, 18, 19, 20, 21, 22, 23, 26, 30, 32, 33, 34, 37, 38, 39, 40, 42 and 43.

Having reviewed the Local Plan Submission document, the Council would propose the following minor amendments in relation to the use of the term 'will expect' in the wording of Policy 38 (at paragraph 2) –

*'The Council will ~~expect~~ **require** all development proposals to make use of sustainable resources and seek to reduce their impact upon climate change by meeting high standards of sustainable design and construction.'*

and Policy 39 (at paragraph 1).

*'The Council will ~~expect~~ **require** all proposals, including refurbishments (11 or more residential units or 1,000+ square metres of floor area) to incorporate appropriate Sustainable Drainage Systems in accordance with the latest National Standards for Sustainable Drainage Systems and in agreement with the Lead Local Flood Authority (LLFA) for Leicestershire.'*

The Council considers that these modifications would add clarity and would better reflect national policy and guidance and would provide the decision maker with a clear practical framework for making planning decisions. The existing wording of both policies in relation to the term 'will expect', was intended as a requirement.

### **Inspector's Additional Question to the Council**

**Having regard to the representations received during the Pre-submission Local Plan Consultation (Nov to Dec 2017) including references to omission sites, are there any corrections required to the Sustainability Assessment and if so, would those corrections change the assessments made to the selection of sites for allocation?**

#### **Council response:**

The Council's appointed consultants for production of the Sustainability Appraisal (SA), Habitat Regulations Assessment screening (HRA) and Strategic Environmental Assessment (SEA) relating to the Local Plan, confirmed to the Council that it did not consider that corrections were necessary to the Local Plan's published Sustainability Appraisal in reference to any of the comments that had been received during the Pre-Submission Local Plan consultation. Therefore the assessments of the sites for allocation have not been amended.

LUC has supplied the Council with SA input as the Local Plan has emerged and this input has helped the Council to formulate its approach to which sites should be taken forward for allocation. As such it is demonstrated how the SA process has informed the production of the Local Plan as part of its overall evidence base. LUC has provided the Council with SA advice and justification at Preferred Options Local Plan consultation stage and Pre-Submission Local Plan consultation. The SA report produced for Preferred Options Local Plan consultation considered sites identified within the Council's Strategic Housing Land Availability Assessment, sites illustrated within the town centre masterplans and Local Development Orders, and sites submitted through the Call for Sites process that had recent developer interest. During the Preferred Options Local Plan consultation further sites were promoted. These further sites were subject to SA. The SA published alongside the Pre-Submission Local Plan illustrated the assessment undertaken for these further sites, as well as sites that had previously been considered through earlier stages of SA.

The methodology used for the SA is set out in Chapter 2 of the SA. This presents the stages of consultation involved in the previous iterations of the SA. This approach has been taken to ensure consistency between the SA findings in relation to sites and policies which have been subject to appraisal. A "policy off" approach was taken in relation the appraisal of sites.

As part of the Local Plan Sustainability Appraisal process, LUC prepared responses to comments received from representors during the Pre-Submission Local Plan consultation that related to Sustainability Appraisal. The responses form the basis for the Council's responses set out in the Statement of Consultation (LP6/08) and Pre-Submission representations received with Officer comments (LP6/13). LUC's responses can also be found on the Council's Sustainability Appraisal web page at [https://www.oadby-wigston.gov.uk/pages/local\\_development\\_framework\\_sustainability\\_appraisal](https://www.oadby-wigston.gov.uk/pages/local_development_framework_sustainability_appraisal).