



Strategic Planning & Research Unit

For and on behalf of  
**Bowbridge Land**

The Borough of Oadby and Wigston's Local Plan  
Response to Inspectors Questions - Matter 2

Prepared by

**Strategic Planning Research Unit  
DLP Planning Limited**

March 2018



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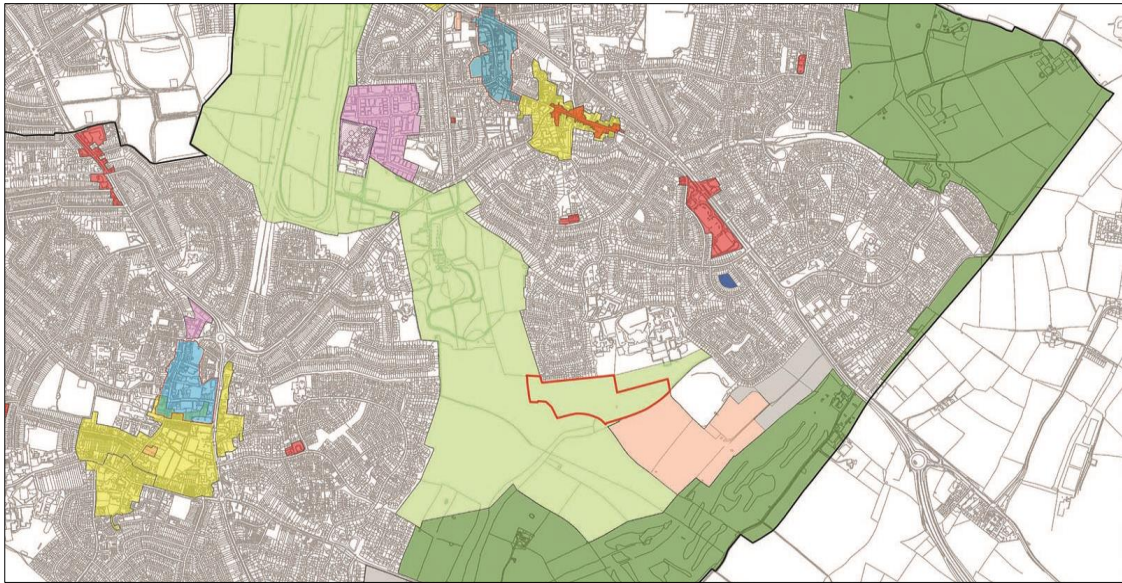
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## 0.0 EXECUTIVE SUMMARY

- 0.1 This response is made on behalf of Bowbridge Land who have an interest in the land to the north of the Cottage Farm Direction for Growth Area allocated in Policy 21 as highlighted in the plan below. It is our view that this represents a logical extension to both the settlement and the allocation in Policy 21. If appraised on a consistent basis through the SA, it would emerge as a preferable site to the Policy 18 allocation as it scores are better than sites within Policy 18 and at least equivalent to that of the Policy 21 allocation.
- 0.2 Notwithstanding the SA assessment, it is considered that this omission site should be allocated in addition to the proposed allocations.
- 0.3 It is further considered that the submitted plan is a constraints led plan but has not demonstrated that additional sites can not come forward to allow for the plan to accommodate either a higher dwelling requirement within the truncated plan period or a higher dwelling requirement over a longer plan period. There are clearly sites available which could be brought forward as they would not conflict with paragraph 14 of the Framework.

**Figure 1: Identification of Omission Site OBBC26**



## 1.0 MATTER 2- SPATIAL STRATEGY- HOUSING

### Issue 1: Whether the Spatial Strategy is the most appropriate having regard to all reasonable alternatives and the evidence base.

#### *i. Question 1. Is the LP timeframe of 2011 to 2031 appropriate and justified?*

- 1.1 No, the Framework (paragraph 157) requires Local Plans to be “*drawn up over an appropriate time scale, preferably a 15-year time horizon*”. Assuming the Plan is adopted in 2019, this would take the fifteen year period to 2034, three years longer than the current Plan period. As a result, the Plan is unsound; it is not in accordance with national planning policy.
- 1.2 The most recent HEDNA prepared for the Leicestershire HMA authorities considers a longer housing need period of 2011 to 2036.
- 1.3 The Council consider that being unable to identify a sufficient supply of housing to meet their OAN to 2036 is adequate justification to adopt a shorter plan period. The Council clearly recognise this as an issue and is outlined in the Joint Statement (November 2017 paragraph 2.9), but this Statement, and the Plan, fails to address the issue of unmet need by identifying its extent or by clarifying which of the neighbouring authorities will meet this need.
- 1.4 The Council have unashamedly reduced the plan period to suit their preferred allocations, rather than adequately dealing with the strategic issue of unmet housing need and responding to the most up to date evidence available.
- 1.5 Such a capacity-based approach to plan making is not justified especially given the failure to the plan to properly consider all reasonable alternatives on an appropriate basis (see SPRU comments on Matter 6).
- 1.6 This course of action is not sound; and the plan is not positively prepared. The Council are leaving significant strategic planning issues to another day, which is contrary to national policy.
- 1.7 Paragraph 14 of the Framework provides two potential justifications for not meeting need these are if:
  - a. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - b. specific policies in this Framework indicate development should be restricted.
- 1.8 There is no evidence that the rejected allocations (which could be allocated to achieve a 15 year plan from the date of adoption) are either covered by designations in footnote 9 or would so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.9 It should also be noted that there is also a higher OAN for the period 2011-2036, which increases the annual OAN by 7 dwellings from 148 to 155 dwellings (table 88 and 89 of the HEDNA).
- 1.10 As such, the Plan is unsound and has not been positively prepared. To address this, the Plan period should be extended to 2034 at least, on the assumption it may be adopted early in 2019. In reality a positively prepared plan would actually not seek to achieve the bare minimum but would extend to 2036 to cover the period in the HEDNA

and make use of the housing need assessment running from 2011 to 2036 to conform with national planning policy.

- 1.11 This will increase the dwelling requirement from 2,960 to at least 3,875 dwellings (155 x 25). An increase of 915, which could be accommodated if sites already considered by the Council are allocated.

**ii. Question 2. Is the overall housing requirement figure of 2960 / 148 dwellings per annum (dpa) justified having regard to the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (LP2/01)?**

- 1.12 The HEDNA approaches the issues of housing need across all the districts and the Joint Statement of Cooperation November 2017 (LP2/04) states that the OAN for each authority is to be considered secondary to the OAN for the HMA as a whole (Paragraph 2.5).

- 1.13 The table below sets out the delivery of housing in the first 6 years of the period from 2011 to 2017 measured against the OAN.

- 1.14 What is clear is that both Leicester, Melton, and Oadby and Wigston have all substantially under performed in this first six years. While the numerical shortfall in Leicester is the greatest the actual proportional shortfalls are also substantial in terms of meeting local need with 41% of Leicester's needs not being met, 43% of Melton needs being unmet and 35% of Oadby and Wigston needs being unmet. Over provision in the other areas does not rebalance this with some 22% of the housing needs in the HMA remaining unmet some 6 years from the start date of the HEDNA in 2011. This is a significant issue and should, in part, be addressed in this Plan.

**Table 1 Comparison of completions 2011 to 2017 to OAN**

	Completions 2011 to 2017 (Joint Position Statement March 2018)	OAN Annual	OAN 2011 to 2017	Shortfall 2011 to 2017	Percentage of unmet need
Leicester UA	5,955	1,692	10,152	4,197	41%
Blaby	2,749	370	2,220	-529	-24%
Charnwood	4,259	1,031	6,186	1,927	31%
Harborough	2,462	532	3,192	730	23%
Hinckley and Bosworth	2,973	471	2,826	-147	-5%
Melton	639	186	1,116	477	43%
North West Leicestershire	3,073	481	2,886	-187	-6%
Oadby and Wigston	578	148	888	310	35%
HMA	22,688	4,829	28,974	6,286	22%

- 1.15 In the first 6 years of the plan period there has been a shortfall of over 6,000 dwellings within the HEDNA a fact that neither the plan nor the duty to cooperate (DtC) actually refers to. This substantial shortfall is a further indication that the plan has not been positively prepared.

- 1.16 Notwithstanding the considerable size of the present shortfall the DtC statement (January 2018) not only fails to recognise this, but further delays addressing the issue by deferring it to the preparation of the Strategic Growth Plan.



- 1.17 The table on page 4 of the Joint Position Statement (March 2018) suggests that Leicester will deliver 24,000 homes against a requirement of almost 34,000. In terms of how the unmet need will be distributed, this table suggest that this will be distributed between the other authorities as all are expected to deliver above the OAN with the exception of Charnwood which will meet the OAN. This assessment however is based on notional supply of some 9,578 dwellings in unpublished plans.
- 1.18 The significant shortfall of supply against need over the past 6 years within the HMA requires significant and positive action now.
- 1.19 The 35% shortfall of delivery against supply in Oadby and Wigston also requires positive action now rather than the further deferral of this need until the end of the period in 2031.
- 1.20 The requirement for the plan period of 2,960 dwellings has clearly been determined by the Council's assessment of capacity, with the Council adjusting the timescale of the plan to fit its proposed allocations. This capacity-based approach to planning is reminiscent of plans for Green Belt authorities although it is noted that even these authorities are being required to comprehensively test their assumptions regarding the potential for Green Belt release. For example, Inspector Middleton at the Welwyn and Hatfield examination has set out clearly the nature of the work that is required to be undertaken prior to accepting a capacity based plan.
- 1.21 It is considered that the housing requirement should be increased above the figure of 148dpa in order to bring forward a wider range of sites early to address the existing shortfall both within the district and across the HMA. As a capacity-based Plan, the overall total should be determined by a consistent assessment of the capacity of all of the potential available sites.
- 1.22 If the plan period remains unchanged, it is considered that there is at least one additional site OWBC26 Land South of Sutton Close and Tiltern Drive that could be delivered which will add some 275 dwellings (9.16 hectares) to the capacity of the area and result in the identification of 3,235 dwellings which is equivalent to a delivery of 162dpa.

**iii. Question 3. Have all reasonable alternatives been considered to address the provision of sufficient affordable housing?**

- 1.23 There is a substantial need for affordable housing within the district and the HEDNA identified an affordable housing need of 139dpa. The HEDNA explains that:
- “7.27 In considering future affordable housing delivery through mixed tenure development schemes, the HEDNA has therefore made some broad-brush assumptions on future delivery, taking account of current policy requirements, for the purposes of considering whether an uplift to overall housing provision should be considered. 21 This should not be seen as determining policies for future affordable housing provision which will be influenced by residential development viability evidence.*
- 7.28 For individual authorities, Table 40 indicates that an uplift in housing provision of between 35% in Charnwood and 46% in Harborough; through to 256% in Blaby and 390% in Oadby & Wigston would be required to meet the full affordable housing need. The evidence points to a particular need to increase delivery in the latter two authorities.*
- 7.29 At an HMA level, to deliver the affordable housing need of 2,238 homes pa with an average delivery of affordable housing of 24% would require 9,293 homes per annum. This is over twice the need shown in the demographic analysis, and a level of provision which GL Hearn considers completely unrealistic and would not be deliverable.*

*However the evidence clearly justifies consideration of upward adjustments to boost affordable housing delivery in all of the local authorities in the HMA.*

*7.30 In considering what adjustments should feasibly be applied to boost delivery of affordable housing in drawing conclusions on OAN for housing, there are a number of wider factors which warrant consideration.*

- 1.24 This demonstrates that the affordable housing need is extremely high in the district, but there is no evidence that the Council sought to take positive action to address this issue. The PPG requires that the more significant the affordability constraints, the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be (Paragraph 020, Ref ID: 2a-020-20140306). Essentially, the Council should add an additional uplift to the OAN, to increase the housing requirement. This will go somewhat to addressing the high demand for affordable housing.
- 1.25 Drawing on the recent example of South East Lincolnshire Local Plan, their affordable housing need comprised 87.7% of OAN for Boston. Through the hearing sessions it has been advocated that a 5% uplift should be applied to the OAN, to address affordable housing need. This approach has been accepted at other Local Plan examinations where affordable housing needs are high, for example by the Inspector for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Inspector for the Tamworth Local Plan.
- 1.26 For Oadby and Wigston, the affordable housing need represents 93.9% of the overall OAN, which clearly demonstrates that an uplift should be applied to the OAN. We consider that given the significance, an uplift of 10% would be appropriate.
- 1.27 No reasonable alternatives to addressing the significant levels of affordable housing need have been considered and therefore the Plan is unsound.
- 1.28 To ensure soundness, an uplift in OAN should be made to reflect the pressing need for affordable housing. This would be an increase of 15 dwellings per annum, to the Council's submitted OAN, of 148dpa (148+15=163dpa). Or an increase of 16 dwellings per annum if the OAN from the longer period of 2011 to 2036 is used; 155dpa (155+16=177dpa).

**iv. Question 4. Table 1 of The Joint Statement of Co-operation Relating to Objectively Assessed Need (OAN) for Housing November 2017 (LP2/04) brings together the OAN as defined in the Housing and Economic Development Needs Assessment (HEDNA) for each authority area and the theoretical capacity relating to that area. For Oadby and Wigston, the OAN and theoretical capacity are the same. Is the LP therefore sufficiently flexible to ensure delivery of sufficient housing to meet the OAN / housing requirement over the plan period?**

- 1.29 There is no flexibility in the supply. See question Issue 2, Question 3 for more detail.

**v. Question 5. Is the principle of identifying 'direction for growth areas' sound?**

- 1.30 The use of the term "direction of growth" is misleading. These are simply residential allocations, and this is how the allocations are referred to on the proposals map. The use of different terminology on the proposals map to the plan simply confuses the public.
- 1.31 The approach is further confused in that for the Wigston "Direction for Growth" some 300 dwellings are identified as likely to come forward to meet the post 2031 needs (submission plan paragraph 4.3.36). The same provision could be made for the Cottage



Farm Direction for Growth Area by the inclusion of the omission site OWBC26 which scores the same as the allocated direction for growth (taking account of similar mitigation measures) but there is no explanation as to why the approach is different on these two allocations.

**Issue 2: Whether the Council will be able to demonstrate a five year housing land supply on adoption of the LP.**

- vi. **Question 1. When calculating the five year housing land supply, is it appropriate in the context of Oadby and Wigston to (a) apply a 5% buffer and (b) only apply the buffer to the LP base requirement and not any shortfall (as set out in the Council's response to the Inspector's Initial Questions to the Council (Q7) [[https://www.oadby-wigston.gov.uk/pages/local\\_plan\\_examination](https://www.oadby-wigston.gov.uk/pages/local_plan_examination)])?**

Response to Part A

- 1.32 Table 1 below highlights that the Council have failed to deliver their housing requirement in each year except 2016/17. This represents a record of persistent under delivery and the Local Planning Authority should increase the buffer to 20% to "provide a realistic prospect of achieving the planned supply" in accordance with Paragraph 47 of the Framework.
- 1.33 Since the start of the plan period in 2011, there has been a shortfall of -310 dwellings, when compared to the Council's submitted OAN. If a higher housing requirement is used, as we consider is necessary to address soundness issues, then the shortfall will increase by either 90 or 96 dwellings, depending on the period of assessment used, in calculating need.

**Table 2 Completions Compared Against Housing Requirement Since Start of the Plan Period in 2011**

Year	Completions	Requirement	Difference
2011/2012	79	148	-69
2012/2013	44	148	-104
2013/2014	47	148	-101
2014/2015	116	148	-32
2015/2016	117	148	-31
2016/2017	175	148	27
<b>Total</b>	<b>578</b>	<b>888</b>	<b>-310</b>
<b>Average Dwellings Completion Per Annum</b>			<b>96</b>

Response to Part B

- 1.34 The Council would appear to only apply the buffer to the local plan requirement and not the shortfall as referenced in the Council's response to the Inspector's initial comments/questions to the Council. This is incorrect, and the buffer should be applied to the shortfall and the housing requirement. This is widespread practice in both Local Plan and appeal settings. For reference it has been outlined in the Uffculme Road, Devon appeal (APP/Y1138/W/15/3025120) whereby the Inspector agrees with both the Council and the appellant that the buffer should be applied to any shortfall. Therefore, the Council's five year housing land supply should be calculated as follows:

**((Annual Housing Requirement x 5)+ Shortfall) x 1.20 [20% buffer]**

1.35 On the basis that we consider the Council should apply a 20% buffer and the Sedgefield approach, the following table correctly calculates the five year housing land supply position to the OAN of the submitted Plan:

**Table 3 Calculation of the Five Year Supply**

	Housing Requirement	No. of Dwellings
A	Five Year Housing Requirement (148dpa x 5)	740
B	Shortfall (2011-2017)	319
C	A & B	1,059
D	Five Year Supply Requirement including 20% buffer (C*1.20)	1,271
E	Annual Supply Required (D/5)	254
	<b>Supply</b>	
F	Deliverable Supply	1,053 <sup>1</sup>
	<b>Five Year Housing Land Supply Position</b>	<b>4.14 years</b>

**vii. Question 2. Is the Council's preferred approach of meeting the existing shortfall over the remaining plan period (the Liverpool approach) rather than over 5 years (the Sedgefield approach) justified?**

1.36 No, prior to adopting the "Liverpool" approach the Council are required to engage the Duty to Cooperate to establish if neighbouring authorities can meet their unmet need within the next five years. The Council have not done so, and as such, they can not seek to apply the Liverpool approach which is clearly contrary to the Guidance and therefore would render the plan unsound. The guidance states:

*"Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the duty to cooperate. (Paragraph: 035 Reference ID: 3-035-20140306)"*

1.37 This is "quite a severe test" as highlighted by Inspector Cullingford in paragraph 25 of the decision letter on the appeal on 29 Church View, Longhorsley, Northumberland (Ref: APP/P2935/W/16/3141228). This decision letter makes it clear that the "Liverpool" approach is not a device for manipulating the 5 year housing supply to mask relatively short term and temporary forecast deficits due to a particular mix and characteristics of sites identified. It is not a means of "side stepping" the considerations that apply in the absence of being able to identify a five year supply of housing land.

1.38 The pace and pattern of the projected completions in Figure 1 of the Local Plan indicates that there would be no need to spread recovery of the shortfall to the end of the plan period (Liverpool approach).

1.39 The years currently forecasted to deliver the most dwellings are 2020/21 to 2022/23 which currently averages 265dpa during this period. This is higher than the annual supply required when using the Sedgefield approach and a 20% buffer as demonstrated in table 2. This is in accordance with the Inspector for an appeal in Milton Keynes

<sup>1</sup> Figure 1 of the emerging Local Plan

(APP/Y0435/W/17/3177851) who did not find any exceptional circumstances to justify deviating from the Government guidance which recommends the application of the Sedgefield approach.

- 1.40 In terms of dealing with any undersupply Paragraph: 035 Reference ID: 3-035-20140306 states that local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible. Where it is not possible to address the shortfall within the first five years then the guidance requires that the Council approach neighbouring authorities through the Duty to Cooperate to establish if they could assist in meeting this shortfall in the next five years. The Leicester and Leicestershire Joint Position Statement on Housing and Employment Land Supply (March 2018) confirm that only Leicester City Council has unmet need and this is to be met by the wider HMA. As such, there is no justification for using the Liverpool method.
- 1.41 The Council also do not provide an alternative Spatial Strategy to demonstrate that they are unable to address their shortfall, sustainably, in the first five year period. It is not appropriate or sustainable to prolong the delay of meeting unmet housing need, already accumulated since 2011, to the end of the plan period. There is no justification set out by the Council why their preferred course of action is preferable to dealing with the pressing issue immediately. The use of the 'Sedgefield' approach has not at all been considered.
- 1.42 The Council's response to the Inspector's Initial Questions dated 19.02.18 directs us to an appeal (APP/L2440/A/14/2216085) as being 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"*
- 1.43 The Inspector for this appeal does not consider it appropriate to apply the Liverpool method because the trajectory was based on a straight line of supply. The Inspector identified that in Hinckley and Bosworth, the Liverpool method was adopted because there was a staged programme of delivery envisaged, which is not the case in Oadby and Wigston.
- 1.44 It is noted that in exceptional cases, Inspectors have determined that the "Liverpool" method may be appropriate if the "Sedgefield" approach could not be achieved and would lead to the failure of the plan, as was the case in Lichfield District. This is not the case here as Figure 1 of the plan (page 29) demonstrates that expected completions from 2018/19 to 2022/23 are forecast to deliver some 1,239 dwellings (183 + 300 + 346 + 216 + 294) which is 249dpa. This is close to the five year requirement of 1,271, so while there is currently not a five year supply based on the 2017 to 2022 period, the levels required to meet the "Sedgefield" approach do appear to be achievable and so the "Liverpool" approach is not justified.

**viii. Question 3. Does the LP clearly express how 5 year housing land supply will be calculated?**

- 1.45 No, the Council do not outline clearly how their five-year land supply position is calculated or how many years supply they consider to be able to demonstrate. The

Housing Implementation Strategy states *“the Council will maintain a healthy five year supply of deliverable housing sites..”*, but do not identify how many years supply this equates to nor does the Local Plan trajectory (Figure 1) identify the individual sites which make up supply. The Housing Implementation Strategy document also outlines the current housing requirement to be the adopted Core Strategy required of 90dpa, not the emerging requirement of 148dpa.

**ix. Question 4. Is the LP sufficiently flexible to ensure delivery of, and to maintain, a five year housing land supply?**

- 1.46 No, as outlined in Table 2, the correct calculation of the five-year supply results in a supply of 4.14 years. This is significantly below five years, and the Council should allocate further sites for housing to accommodate the shortfall.
- 1.47 The housing trajectory as contained in Figure 1 of the Local Plan does not provide a breakdown of the sites considered to contribute to the five-year supply. It is, therefore, impossible for us to assess whether these sites have a realistic prospect of delivery and could be included in the five-year supply. The Council should make available, within a reasonable timescale, this breakdown of sites so that it can be discussed at the hearing session.

**x. Question 5. Do the housing delivery monitoring indicators contain a timely trigger that will ensure measures are put in place promptly should the LP not be effective in maintaining a five-year housing land supply?**

- 1.48 No, Paragraph 4.2.9 of the draft Local Plan states that *“the Council will apply the Plan, Monitor, Manage approach to deliver this Plan’s Spatial Strategy”*, however there is no monitoring of housing supply or the delivery of allocations proposed. The purpose of monitoring is to manage the Plan and intervene if required. The Plan is unsound because it is ineffective and does not provide the necessary mechanisms to intervene if required.

**xi. Question 6. Does the housing trajectory align with the Infrastructure Delivery Plan (LP6/18)? (also see Matter 12)**

- 1.49 There is no clear housing trajectory that provides a breakdown of sites and therefore we do not know if the level and distribution of housing is based on a sound assessment of infrastructure requirements and their deliverability, including expected sources of funding.
- 1.50 The Infrastructure Delivery Plan (IDP) outlines the key infrastructure requirements for the delivery of housing but fails to provide specific triggers for these to be delivered, providing little reassurance that these elements can and will be delivered when and where they are needed. For example, the Wigston Direction for Growth Area requires the provision of an on-site primary school, whereby the IDP states *“phasing/trigger points to be agreed with Leicestershire County Council”* and *“cost estimates are currently unavailable”* but is expected to be funded by the developer and County Council. Without a cost estimate, it is difficult to assess whether this new school could be provided by the developer and County Council or whether additional funding would be required. Typically, the provision of a new primary school is required to be provided before the occupation of a particular number of dwellings on site, but no trigger has been identified.

- 1.51 No estimated costs have been identified in the IDP and it is impossible to assess whether the funding sources identified (typically the developer or County Council) would be able to deliver the required infrastructure.
- 1.52 What would be useful is if the Council could prepare a Gantt Chart on an annual basis outlining what infrastructure is required to deliver the planned housing taking into consideration any triggers.

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