



**Hearing Statement on Behalf of Jelson Homes Ltd
Oadby and Wigston Local Plan Examination
Matter 6: Site Allocations and Regeneration
Opportunity Areas**

March 2018

1. Matter 6 – Site Allocations and Regeneration Opportunity Areas

Question 1 – Is the methodology and criteria used to select the most appropriate housing and employment sites robust, such that the selection of sites for inclusion in the Local Plan is justified having regard to the supporting evidence base, in particular the Sustainability Appraisal?

- 1.1 It is impossible to say as neither the methodology nor any assessment criteria or assessment results have been described by the Council either in the Local Plan or any other document submitted to the Secretary of State. This is a serious, if not fatal, flaw because without a clear methodology it is impossible for the site selection process to be properly tested and impossible for the Council to demonstrate that the conclusions that it has reached (its decisions in respect of the allocation and rejection of sites) are sound. In the absence of a document which describes the approach that the Council has taken to the site selection process (and maps the sites assessed in accordance with the NPPG), we must reserve our right to comment further on this matter in the event that additional evidence is produced by the Council in due course.
- 1.2 That said, we have made an attempt, by reference to the Council's evidence base, to piece together how the Council might have approached the site selection process and it would appear that it has worked through the following stages / assessments:
- a) Call for sites – in 2013 the Council issues a call for the sites. The results of this are not available;
 - b) SHLAA 2014 – in 2013 and 2014 the Council assembled basic data on sites with development potential through production of a SHLAA. The Council produced a SHLAA report in April 2014 of that year. It identified 36 sites which the Council considered either to be deliverable within a five year period or developable either within a six to ten year period, or beyond ten years. However, that report did not include even a cursory assessment of sites and simply listed the sites which fell into the above categories, alongside an indicative site capacity figure;
 - c) Sustainability Appraisal (SA) Scoping Report – in August 2015 the Council prepared a report which set out the scope of the SA that would accompany a new Local Plan. This said nothing about specific sites or site selection;
 - d) Local Plan Key Challenges – between October and November 2015 the Council consulted on a 'Key Challenges' document, equivalent to an 'Issues and Options' document. That version of the Plan did not include any proposed allocations;
 - e) Further call for sites – the Council issued a further call for sites in 2015 although, again, the results of this are not available;
 - f) SHLAA 2016 – in April 2016 the Council published a revised version of the SHLAA, although this only looked at 12 sites, which the Council thought might be deliverable in a five-year period. Furthermore, like the 2014 SHLAA, it only reported site areas and capacity, and did not include any site assessment;

- g) SA Preferred Options Report – Land Use Consultants (LUC) prepared a SA Report, which is dated November 2016, and which was published for consultation alongside the Preferred Options version of the Local Plan. The SA Report tested initial draft policies and proposals, including 28 sites which had been identified as potential residential development sites. Although the SA considered the sustainability credentials of those sites, it made no recommendations in respect of site selection. This pool of sites may also have been the subject of other forms of assessment but we have not been able to find any documentary evidence of this having been undertaken;
- h) Preferred Options – in November 2016 the Council published a Preferred Options version of the Local Plan. This did not specify a housing requirement as the Council was awaiting the outcome of the HEDNA work. Moreover, although it contemplated further development at the Wigston DfG, and at Stoughton Grange (albeit it was silent on the scale of development that might be delivered), it did not identify specific sites for allocation. Instead, it identified broad locations for development. It also suggested that “greenfield releases” might be proposed in the next version of the Plan, and noted three “options” where such releases might take place. It is unclear how the Council identified, from the pool of sites assessed in the SA, these ‘options’ for greenfield development referred to in the PO;
- i) Further call for sites – concurrently with the Local Plan Preferred Options consultation, the Council issued a further call for sites, to which we submitted details of our client’s site. Again, the outcomes of the 2016 call for sites are not available;
- j) SHLAA 2017 – the Council refreshed its SHLAA, with a revised report issued in April 2017, accompanied by separate site proformas. This document contained details of 12 sites, which, as with previous versions, comprised only those sites which the Council considered deliverable within a five year period. While the proformas included a cursory assessment of suitability of sites (with reference to their accessibility, achievability and known constraints), it did not undertake any relative merits analysis or ranking of sites. Furthermore, it did not make recommendations on potential allocations. Moreover, having reviewed the site proformas which accompany the main report, we note that there is no assessment in the SHLAA of the proposed Direction for Growth sites;
- k) South-East Leicestershire Transport Study (SELTS) – the SELTS is dated October 2017. It was intended to identify the extent to which growth in the Borough (and in adjoining Harborough District) could be accommodated on the local highway network, and where required propose mitigation against cumulative impacts, However, it appears that the SELTS only tests the impacts on the network of the Council’s proposed ‘strategic’ allocations (i.e. the Direction for Growth sites). It does not test the likely impact of the smaller allocations and nor does it test alternative development scenarios (different sites in different locations and different levels of growth). As a tool to inform site selection, it is therefore far from complete and robust;
- l) Green Wedge Review – the Council conducted a review of its Green Wedges in 2017, and prepared its findings in a report (although the precise date of preparation is not specified). It is not clear whether this was intended to form part of the site selection process but it did, it seems, contribute to the proposed release of land at Stoughton Grange. In our response to Matter 10, we have provided a detailed analysis of the Review and have found that it suffers from a number of weaknesses, including: the fact that it does not test the extent to which the Green Wedge, or parts of it, actually fulfil the stated purposes or

objectives of the designations; and the fact that it makes recommendation which are (i) at war with one another and (j) are themselves not underpinned by appropriate analysis, evidence or justification. Critically, the Review fails to undertake a detailed, robust assessment of the performance of the Green Wedges in the Borough against the stated purposes and objectives of including land within such a designation; and

m) Pre-Submission version of the Local Plan (PSLP) – the PSLP was published for consultation in November 2017 and proposes 11 site allocations (although one of those – the Kilby Bridge village envelope – can be better categorised as a broad location for development rather than a specific site allocation). Again, it is unclear how the Council has selected those proposed allocations from the pool of sites that presumably arose from the three calls for sites issued in 2013, 2015 and 2016. While five of the proposed allocations feature in the 2017 SHLAA, as we have already explained, that evidence does not include any relative merits assessment or ranking of sites.

1.3 Ultimately, it matters not whether we have understood the site selection process correctly as the key question is whether the process has been sufficiently robust so as to have resulted in the allocation of sites that are justified (the most appropriate when considered against the reasonable alternatives), effective (deliverable) and accord with relevant national policies. And the fact is, nowhere in the evidence base is there any information on how sites have been assessed for their suitability, availability and achievability and how the various site options have been assessed against one another in a consistent and robust way.

1.4 As far as the Sustainability Appraisal is concerned, as indicated in our Matter 1 Statement, we consider this to be fundamentally flawed as a site selection tool. This is because:

a) the SA comprises LUC-made judgements about the likely impacts or effects of each of the Council's proposed policies and allocations (and its rejected options), presented against a series of criteria or factors. These judgements are variously:

- without technical evidence (e.g. in respect of environmental and other impacts) and are clearly based on a very basic or a superficial, desk based assessment;
- ignorant of how developers design and deliver housing and employment developments and, in particular, how they are driven by national policy to: select sites of the lowest environmental value, focus on locations that area well connected, design for the site's context, provide for infrastructure enhancements or reinforcement where necessary and provide for enhancements in terms of wildlife habitats and biodiversity (in other words, the judgements make no allowance for the types of mitigation that would inevitably be provided); and
- inappropriate (i.e. not relevant or related to the criteria being assessed) or simply bad.

b) there is no weighting of the sustainability criteria in the analysis (a positive effect in one respect might not be as beneficial, overall, as a positive effect in another respect);

c) there is no weighting of locational factors in the analysis;

d) there is no overall sustainability score attributed to the options assessed, whether they be policies or sites;

- e) there is no 'relative merits assessment' within the SA – an assessment which compares the overall sustainability credentials of the policy or site options with each other and which, for example indicates how sustainable the Plan will be if certain sites or combinations of sites are developed instead of others; and
- f) the 'decisions' that have been taken in respect of both policy and site selection do not appear to have been based on the SA at all (see the reasons given for site selection / rejection in Appendix 6 and the reasons given for policy selection in Appendix 7, none of which can be directly related to the SA analysis).

1.5 Accordingly, the SA is too crude a tool to have enabled the Council to make robust decisions about which site options to propose and which to reject.

1.6 The result of the Council's failings in site selection terms is that we have a complete absence of evidence as to why sites have been selected and rejected. Moreover, in our Client's case, we have a situation where a perfectly good housing site (OWBC43) has been rejected and apparently inferior sites have been proposed for allocation instead. We return to this in the context of SA amendments below but, as the Inspector will have seen from our representations to the Pre-Submission Plan, Site OWBC43 has compelling credentials which can be summarised as follows:

- a) the site abuts the Wigston urban area;
- b) it is well-served by public transport with good links by bus to Leicester City Centre, Wigston District Centre and other locations further afield. This means that a range of jobs, shops and other facilities are accessible by means other than the private car;
- c) there are two primary schools, and a secondary school, located within 1 kilometre of the site, with further primary and secondary provision within 2 kilometres of the site;
- d) the site is located entirely within Flood Zone 1, and so is at a low risk of flooding;
- e) there are no designated heritage assets on, or close to, the site;
- f) the site can be served by more than one vehicular access, and multiple pedestrian accesses;
- g) the site is capable of being developed in such a way that an appropriate 'gap' can be maintained between Oadby and Wigston;
- h) the site offers potential to accommodate comprehensive landscaping and generous open spaces on its northern and eastern sides so as to ensure that there will be a 'green edge' to future development that will soften the relationship between the site and the areas of retained Green Wedge and countryside; and
- i) these green spaces will significantly enhance the green infrastructure network and greatly improve public recreational access to the Green Wedge.

Question 2 – Having regard to the representations made pursuant to Regulation 20 and 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?

Are Amendments Required?

1.7 We have not examined the way in which each and every site has been judged in the SA but we have reviewed LUC’s assessment of our Client’s site (OWBC 43) and note that it scores the land as follows:

Table 1: SA Scores for Site OWBC 43 (Reproduced from SA Appendix 5)

SA1: Housing	SA2: Health	SA3: Community Facilities	SA4: Crime	SA5: Social Inclusion	SA6: Integrated Communities	SA7: Historic Environment	SA8: Biodiversity and Geodiversity	SA9: Landscape	SA10: Water Quality and Flooding	SA11: Air Quality	SA12: Mineral Resources and Pollution	SA13: Renewable Energy	SA14: Climate Change	SA15: Sustainable Development	SA16: Education	SA17: Employment Opportunities	SA18: Redevelopment of Brownfield Land	SA19: Sustainable Design	SA20: Waste	SA21: Access	SA22: Public Transport
++	++/-	++	0	0	0	-2	-2	-2	-	0	0	0	0	0	++	+	-	0	0	0	++

1.8 The judgements that LUC have made are flawed in the following respects:

- a) LUC have said that development on the site may have a significant negative effect on the historic environment. That conclusion is not based on any detailed heritage or archaeological assessment which properly assesses the extent to which the site might contain heritage assets. Furthermore, while we note that there may be archaeological elements on part of the site, our client will, as any developer would, identify appropriate mitigation so that any below ground remains can be recorded and preserved, ensuring that any harm through development is prevented. As such, the impacts of development would be, at worst, we conclude, neutral;
- b) LUC have also concluded that there will be significant negative impacts on biodiversity and geodiversity. That conclusion is also not based any technical assessment of the site and so it is impossible for LUC to reach an informed conclusion on this point. In the light of the fact that the land is currently in agricultural use with features of only limited ecological value on its margins, we are confident that an appropriately designed development will deliver significant benefits in terms of habitats and biodiversity;
- c) similarly, LUC have said there will be significant negative impacts on landscape. The land is not a valued landscape in NPPF terms, and, again, the comprehensive landscaping and open space shown on the Landscape Framework Plan would soften the relationship between built development and the retained areas of Green Wedge and countryside. That being so, then we conclude that the impacts of

development would not be significant negative. Instead, we conclude that the impacts would be positive;

- d) LUC have concluded that there will be minor negative impacts on water quality and flooding. Given that the site is located wholly in flood zone 1, and our Client would be required by the Environment Agency and Lead Local Flood Authority to deliver a drainage scheme that maintains run-off at greenfield rates with an allowance for climate change, the impact of the development would be, at worst, neutral;
- e) LUC have concluded that there would be negligible impacts in relation to access. As we have noted above, and indicated in our representations on the Pre-Submission version of the Local Plan, there are options to provide more than one point of access into the site, for vehicles and pedestrians and other non-motorised users. This ought to have the benefits of reducing the potential for conflict between users, and mitigate a situation whereby all vehicular movements have to pass through one access junction. Consequently, we conclude that the impacts in relation to access should instead be neutral at worst.

1.9 With the above in mind, the site should be scored as follows:

Table 2: Adjusted SA Scores for Site OWBC 43 (GVA Assessment)

SA1: Housing	SA2: Health	SA3: Community Facilities	SA4: Crime	SA5: Social Inclusion	SA6: Integrated Communities	SA7: Historic Environment	SA8: Biodiversity and Geodiversity	SA9: Landscape	SA10: Water Quality and Flooding	SA11: Air Quality	SA12: Mineral Resources and Pollution	SA13: Renewable Energy	SA14: Climate Change	SA15: Sustainable Development	SA16: Education	SA17: Employment Opportunities	SA18: Redevelopment of Brownfield Land	SA19: Sustainable Design	SA20: Waste	SA21: Access	SA22: Public Transport
++	++/-	++	0	0	0	0	++	+	0	0	0	0	0	0	++	+	++	0	0	0	++

Would Such Amendments Lead to Different Outcomes in Relation to Site Selection?

1.10 If appropriate amendments were made to the SA (and if the SA has been used for site assessment purposes), there is a distinct possibility a different outcome would have been achieved in relation to site selection. To illustrate how this might have / should have played out, we have assessed the relative SA merits of our Client’s site (as set out in Table 2) and the DfG sites. The results are as follows.

Table 3: Comparison of Site OWBC 43 (Adjusted) with DfG Sites

	SA1: Housing	SA2: Health	SA3: Community Facilities	SA4: Crime	SA5: Social Inclusion	SA6: Integrated Communities	SA7: Historic Environment	SA8: Biodiversity and Geodiversity	SA9: Landscape	SA10: Water Quality and Flooding	SA11: Air Quality	SA12: Mineral Resources and Pollution	SA13: Renewable Energy	SA14: Climate Change	SA15: Sustainable Development	SA16: Education	SA17: Employment Opportunities	SA18: Redevelopment of Brownfield Land	SA19: Sustainable Design	SA20: Waste	SA21: Access	SA22: Public Transport
OWBC 43	++	++/-	++	0	0	0	0	++	+	0	0	0	0	0	0	++?	+	--	0	0	0	++
Cottage Farm (OWBC 44)	++	++?/-	+	0	0	0	--?	--?	+?/- --?	-?	0	0	0	0	0	++?	+	--	0	0	0	++
Wigston DfG (OWBC 17a)	++	+?/-	++ ?	0	0	0	--?	--?	--?	-	0	0	0	0	0	+?	++	--	0	0	+	++
Stoughton Grange (OWBC 24)	++	++?/- ?	+/- ?	0	0	0	--?	--?	+?/ --?	-?	0	0	0	0	0	-?	++	--	0	0	-	++
Stoughton Grange (OWBC 28)	++	+	+? /- ?	0	0	0	--?	--?	+?/ --?	+?	0	0	0	0	0	-?	--	++	0	0	--	+

1.11 When compared to Cottage Farm Direction for Growth (OWBC 44), Jelson’s site is likely to have a significant positive effect in relation to community facilities (objective 3) whereas Cottage Farm is expected to have only a minor positive effect. In relation to landscaping, OWBC 43 scores positively, whereas Cottage Farm is said to have a mix of significant negative and minor positive impacts. In our analysis, Site OWBC 43 also scores better than Cottage Farm in relation to the historic environment and water quality. Otherwise, the two sites score equally in all other regards. In our view, this means that OWBC 43 scores better than OWBC 44 overall.

1.12 The Wigston Direction for Growth Phase 2 site (OWBC 17a), has a mix of minor positive and negative impacts on health, whereas OWBC 43 is projected to have significant positive and only minor negative impacts. Furthermore, in our adjusted analysis, OWBC 43 scores better than OWBC17a in relation to the historic environment, biodiversity, landscape, water quality and education. The only elements in which OWBC 17a scores better than OWBC 43 are access and employment opportunities. Beyond these matters, the two sites score equally. Consequently, we conclude that, overall, OWBC 43 scores better than OWBC 17a.

1.13 Finally, from a comparison with the Stoughton Grange Direction for Growth site (OWBC 24 and OWBC 28), it is apparent that OWBC 43 scores better (in our adjusted analysis) than OWBC 24 in terms of community facilities, historic environment, landscape, water quality, biodiversity, education and access. It also scores better than OWBC 28 in relation to the same matters, and also public transport. In a number of cases, the

differences are significant. For example, OWBC 43 is projected to have significant positive impacts on community facilities, whereas OWBC 24 is projected to have only a combination of minor positive and minor negative impacts, and OWBC 28 is projected to have a combination of minor positive and significant negative impacts. Similarly, OWBC 43 is forecast to have significant positive impacts on education, but OWBC 24 and OWBC 28 are forecast to have minor negative impacts. Furthermore, OWBC 43 is projected to have minor positive impacts on employment opportunities. OWBC 28 is projected, in contrast, to have significant negative impacts. The only areas in which OWBC 24 and 28 score better than OWBC 43 are employment opportunities (OWBC 24 only), redevelopment of brownfield land (OWBC 28 only) and water quality (OWBC 28 only). Moreover, the only objective in which Stoughton Grange comprehensively scores better than OWBC 43 is the redevelopment of brownfield land, as a consequence of OWBC 28 being previously developed. In all other areas beyond those listed above, the sites score equally. We therefore conclude that OWBC 43 scores better overall than OWBC 24 and OWBC 28.

- 1.14 So, were the SA to be amended so as to more accurately / appropriately articulate the sustainability credentials of our Client's site, it would clearly perform better than the DfGs, begging serious questions about why it has not been allocated instead of one of those sites. Of course, the Inspector will no doubt have noted that Site OWBC43 performs better in SA terms than each of these three sites in any event (i.e. even without amendments being made to the SA).

Question 3 – Are the allocated sites deliverable?

- 1.15 The NPPF defines 'deliverable' as a site which is "*available now*", offers "*a suitable location for development now*" and which is "*achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable*".
- 1.16 The NPPG provides further guidance on what deliverable means and indicates that, when reviewing the suitability, achievability, availability and viability of a site, consideration should be given to matters such as physical constraints or impediments, effects on the natural or historical environment and the market attractiveness of the site (in relation to suitability) in addition to ownership matters that might have implications for its availability (e.g. whether the site is controlled by a developer, or there are potential ransom issues). Importantly, the NPPG also confirms that "*the existence of a planning permission does not necessarily mean that [a] site is available*".
- 1.17 Unfortunately, this is another matter in respect of which the Council has failed to provide any robust evidence and so, on the basis of what lies within the evidence base, it is impossible to tell whether the proposed allocations are deliverable. We have therefore undertaken our own research and analysis and reached the following judgements in the deliverability of the allocations.

Table 4: GVA Review of Deliverability		
Site Name	Issues	Deliverable (Y/N)
Cottage Farm DfG	Probably deliverable, but trajectory may be optimistic.	Yes
Wigston DfG	Probably deliverable, but trajectory may be optimistic.	Yes
Stoughton Grange DfG	Probably deliverable, but trajectory may be optimistic.	Yes
Meadow Hill	Planning permission has been granted and the Council reports that a developer is on-site.	Yes
West of Welford Road	Site is controlled by a promoter. There is a resolution to grant outline planning permission subject to a S.106 agreement. N.B. outline planning permission will permit only 43 dwellings rather than the 50 assumed by the Council in Local Plan Policy 1.	Yes
Nautical William, Aylestone Lane	Council has refused planning permission for residential development and therefore determined that the site is not suitable for residential development. No evidence that the site is demonstrably available.	No
39 Long Street	Loss of existing building on-site resisted by Council when refusing previous application. Second application remains undetermined. The site is not demonstrably suitable for residential development. No evidence that the site is demonstrably available.	No
53 – 59 Queen's Drive	Despite a resolution to grant from November 2016, a S.106 agreement has not yet been signed. The site is not demonstrably achievable. There is no evidence that it is available.	No
Oadby Pool	Not controlled by promoter/developer. No evidence of active marketing. No evidence of planning application. Therefore, no evidence that the site is suitable, available or achievable.	No
Arriva Bus Depot	Local Development Order granted but further approvals and remediation almost certainly required. The site is still operational. No evidence that the site is available or achievable.	No

1.18 In the light of the above, we conclude that five of the Council's proposed allocations are not deliverable. Consequently, the Local Plan's Housing Trajectory is flawed. The Local Plan is therefore not robust, nor is it sound.

1.19 This is also further emphasises our conclusion in relation to Matter 2 that the Council will not be able to demonstrate a five-year supply upon adoption of the Local Plan. The Council relies on its proposed allocations to deliver in the five-year period in order to contribute to its supply. Clearly, if the majority of the allocations are not deliverable, they cannot contribute to the five-year supply.