



## **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.

### 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?**

### 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?**

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)?**

### Housing Supply

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

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

**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

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

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

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?**

**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?**

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?**

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?**

**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.**

If possible, a response to these questions by no later than midday on **Monday 26 February 2018** would be appreciated. If this is not possible, could the Council please indicate when the Inspector can expect a response.

Claire Sherratt

Housing and Planning Inspector appointed to examine the Oadby and Wigston Local Plan