

Oadby and Wigston Borough Council Local Plan Examination

Matters & Issues for Examination

The following Matters, Issues and questions will provide the focus for the hearings due to commence on Tuesday 24 April 2018.

The Programme Officer is Kristen Perkins who can be contacted by:

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Statements may only be submitted in response to the Matters and Issues identified for Examination. These should be received by the Programme Officer no later than **1pm on Friday 23 March 2018**.

The Council is invited to respond on all matters, issues and questions listed, referring to information in the Submission Documents & Supporting Evidence (limited to 3000 words per Matter except in the case of Matter 2 where 3000 words per issue will be permitted).

Other representors should only respond on issues relevant to points made in their original representation(s), without raising new issues, also in statements of no more than 3000 words per matter (except in the case of Matter 2 where 3000 words per issue will be permitted). Participants should not extend the scope of the original points made. Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made at the Pre-submission consultation stage of the Local Plan. It is not a requirement to submit a Statement; participants can rely on their original representation. Further statements are not needed unless they relate to the legal requirements or soundness of the plan, as set out in the Schedule of Matters & Issues, and are essential to understand the original representation(s).

Detailed agendas for the hearing sessions will be issued shortly before they commence, based on the Matters & Issues for Examination and the responses received. It is unlikely that the Inspector will introduce new issues or questions that do not arise from the Matters and Issues identified.

Please note, although anyone can attend the public hearings, only those listed on the programme can participate in the relevant hearing session. **Normally, only those who made representations on the Pre-submission Consultation Document and that are seeking some change to the plan are entitled to participate in the hearing sessions.**

Participants should let the Programme Officer know as soon as possible whether they wish to attend a particular hearing session.

The Examination will focus on the requirements of soundness set out in the National Planning Policy Framework (2012). The starting point is the assumption that the Council has submitted what it considers to be a sound plan. **Participants are expected to explain which aspect of the plan is unsound, why it is unsound and specify how it should be altered, with detailed wording and clear evidence to support any changes.**

As well as complying with the legal requirements, to be sound, the plan has to be positively prepared, justified, effective and consistent with national policy.

Please see the Inspector's **Guidance Note** for further advice which is available on the examination webpage.

Matter 1 – Legal requirements and Procedural Matters

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

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

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

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

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

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

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

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.

(Representors may find it helpful to have regard to the Local Plan Spatial Strategy Statement (LP6/09) produced by the Council and the Joint Statement of Co-operation Relating to Objectively Assessed Need for Housing November 2017 (LP2/04)).

Q1. Is the LP timeframe of 2011 to 2031 appropriate and justified?

Q2. 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)?

Q3. Have all reasonable alternatives been considered to address the provision of sufficient affordable housing?

Q4. 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?

Q5. Is the principle of identifying 'direction for growth areas' sound?

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

Q1. 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])?

Q2. 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?

Q3. Does the LP clearly express how 5 year housing land supply will be calculated?

Q4. Is the LP sufficiently flexible to ensure delivery of, and to maintain, a five year housing land supply?

Q5. 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?

Q6. Does the housing trajectory align with the Infrastructure Delivery Plan (LP6/18)? (also see Matter 12)

Matter 3 – Housing Delivery

Issue 1: Whether the Local Plan, in particular policies 11 – 15, will be effective in delivering the appropriate type of housing to meet the needs of the area?

Q1. Are the housing densities set out in Policy 12 justified?

Q2. Are the affordable housing requirements set out in Policy 13 justified and deliverable?

Q4. How do the Council envisage the cumulative approach set out in Policy 13 to work, in practice, for example where a 'piecemeal' type application (of potentially of less than 11 dwellings) is submitted but there are no other associated planning applications on a wider site?

Q5. Will Policy 14 be effective? It states the Council 'will encourage' and 'consider proposals for' the provision of Self Build and Custom Build serviced plots. Does this provide clarity to developers, local communities and other interests about what is required? Is it consistent with policies 18, 20 and 21?

Q6. Would a requirement to include Self Build and Custom Build serviced plots on all residential developments be justified?

Matter 4 – Gypsy and Traveller Accommodation

Issue 1: Whether the LP makes satisfactory provision to meet the needs of the gypsy and traveller community and travelling showpersons?

(The Inspector notes and welcomes the Council's suggested changes to Policy 16 as set out in the response to the Inspector's Initial Questions (Q11))

Q1. Does the GTAA provide a realistic assessment of the needs of the gypsy and traveller community?

Q2. Would Policy 16, incorporating the changes suggested by the Council, be consistent with national policy?

Matter 5 – Spatial Strategy - Employment Provision

Issue 1: Whether the Spatial Strategy for employment provision the most appropriate having regard to all reasonable alternatives and the evidence base.

Q1. Is the overall employment land requirement of 5 hectares (1 ha of Class B1a/b use and 4 ha small scale Class B8) justified having regard to the HEDNA?

Matter 6 - Site Allocations and Regeneration Opportunity Areas.

Issue 1: Whether the allocations are sound?

Q1. 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 LP is justified having regard to the supporting evidence base, in particular the Sustainability Appraisal?

Q2. 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? (Please see the Council's response to the Inspectors Additional Question to the Council [https://www.oadby-wigston.gov.uk/pages/local_plan_examination])

Q3. Are the allocated sites deliverable?

Q4. Do Policies 17 – 21 relating to specific sites / Direction for Growth areas provide sufficient detail to provide clarity to developers, local communities and other interests about the nature and scale of development envisaged on each site (addressing the "what, where, when and how" questions) in accordance with Planning Practice Guidance (ID 12-002)?

Q5. Are policies worded to ensure that they will be effective and that it would provide a clear indication of how a decision maker should react to a development proposal? (Please see the Council's response to the Inspector's Initial Questions to the Council (Q14))

Matter 7 - Town Centre Growth / retail provision

Issue 1 – whether the Local Plan will address the retail needs of the area.

Q1. Will Policy 22 be effective in meeting the convenience and comparison retail floorspace needs of the area over the plan period?

Q2. Policy 24 requires an impact assessment to be submitted in certain scenarios. However, is it clear to a decision maker what the impact assessment must demonstrate to find an application for a proposal outside of a defined centre, not otherwise in accordance with the plan, acceptable? Is policy 24 effective?

Matter 8 – Climate Change, Flood Risk and Renewable Energy

Issue 1 – whether policy 38 is consistent with national policy and effective.

Q1. Is Policy 38 worded to ensure that it will be effective and that it would provide a clear indication of how a decision maker should react to a development proposal? In particular, is the requirement to submit a Sustainability / Energy Statement justified and how will a decision maker know when the reductions of potentially harmful emissions, demonstrated in the Sustainability / Energy Statement, are sufficient to make the proposal acceptable?

Q2. Policy 38 requires proposals for development to incorporate on-site renewable energy generation or on-site provision of buildings that reduce the need for non-renewable energy use? Is the requirement justified and could there be circumstances where both could be provided on one site?

Matter 9 – Heritage assets

Issue 1 – whether the Local Plan provides a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats consistent with national policy.

Q1 Are the relevant policies consistent with national policy?

Q2. Do site specific policies have sufficient regard to the particular significance of any heritage asset that may be affected by the proposal?

Matter 10 - Green Wedges (Policy 42)

Issue: Whether the retention and designation of Green Space in the LP is justified?

Q1. Is the retention and designation of Green Wedges in the LP supported by a robust evidence base? (See Green Wedge review)

Q2. Are the restrictions on certain types of development in Green Wedges justified and consistent with national policy?

Matter 11 – Local Green Space

Issue: Whether the designation of Local Green Space is justified having regard to the criteria set out in paragraph 77 of the NPPF?

Q1. Are the relevant criteria satisfied?

Q2. In response to comments from Highcroft Householders Association the Council indicates that it would not object to the two pathways into Highcroft Park, designated as a Local Green Space, to be included in the designation. Is the Council proposing this as a modification to the plan?

Matter 12 - Infrastructure Provision

Issue: Whether the LP will provide the necessary infrastructure to support the level of development proposed and within the timescales envisaged.

Q1. Is the Infrastructure Delivery Plan realistic in assessing the timescales that infrastructure will come forward over the plan period?

Matter 13 – Green Infrastructure

Q1. Policy 8 'Green Infrastructure' makes reference to seeking the creation of new strategic and / or local Green Infrastructure assets / corridors within all new development (my emphasis). Is this realistic and justified, for example in the case of a house extension?

Q2. What is meant by 'or change' in the context of Policy 10 'Public Realm'?

Claire Sherratt
Inspector