



The Planning Inspectorate

Report to Oadby and Wigston Borough Council

by Claire Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State

Date: 25 March 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Borough of Oadby and Wigston Local Plan

The Plan was submitted for examination on 29 January 2018

The examination hearings were held between 24 April and 03 May 2018 with an additional hearing session held on 27 June 2018.

File Ref: PINS/L2440/429/6

Abbreviations used in this report

AA	Appropriate Assessment
CS	Core Strategy
DtC	Duty to Co-operate
FEMA	Functional Economic Market Area
GTAA	The Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017)
HEDNA	Housing and Economic Development Needs Assessment 2017
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
JPS	Joint Position Statement
LDS	Local Development Scheme
LLEP	Leicester and Leicestershire Enterprise Partnership
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MoU	Memorandum of Understanding
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PUA	Principal Urban Area (PUA)
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SGP	Strategic Growth Plan
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Borough of Oadby and Wigston Local Plan (LP) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Commitment to full or partial review of the LP should monitoring identify significant or persistent shortfalls in delivery that deviates significantly from the LP strategy; if another HMA authority cannot meet its own needs; or should the post 2031 development strategy set out in the Strategic Growth Plan be capable of coming forward earlier;
- Commitment to release Phase 3 of the Wigston Direction for Growth Area should delivery of other identified or allocated sites be slower than expected or if the Council is unable to demonstrate a five-year supply of housing land;
- Support development in Kilby Bridge Settlement Envelope with immediate effect;
- Include realistic windfall allowance in housing supply calculations;
- Modifications to wording of heritage related policies to ensure consistency with national policy;
- Support self-build / custom-build on all sites;
- Delete Local Green Space where not justified;
- Ensure Local Green Space policies are positively prepared and consistent with national policy;
- Permit necessary development associated with suitable uses in Green Wedge designations; and
- Enable off-site provision of open space in Direction for Growth Areas where justified.

Introduction

1. This report contains my assessment of the Borough of Oadby and Wigston Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (NPPF) (paragraph 182) makes it clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Unless stated otherwise, references in this report are to the 2012 NPPF.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Borough of Oadby and Wigston Local Plan, submitted in January 2018 is the basis for my examination. It is the same document as was published for consultation in November 2017.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the LP unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report and using bold underlined **text** in the Appendix.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises a plan identified as Draft Adopted Policies Map.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs.
7. When the LP is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes contained in Proposed Adopted Policies Map (Sept 2018) which includes changes published alongside the MMs.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the LP's preparation.
9. The Borough of Oadby and Wigston shares its boundaries with Leicester City, Blaby District and Harborough District. The entire urban area of the Borough sits within the area known as the Leicester Principal Urban Area (PUA). The Leicester PUA is defined as the built-up area that is centred on Leicester. Accordingly, the two areas share a strong spatial relationship, despite the differences in size and population.
10. Looking wider than the Leicester PUA, the Borough is part of a collection of local planning authorities that make up Leicester and Leicestershire. In addition to Oadby and Wigston Borough Council, the local planning authorities situated within Leicester and Leicestershire are Leicester City Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Blaby District Council, Melton Borough Council and North West Leicestershire District Council. This wider area is also consistent with the identified Housing Market Area (HMA) and Functional Economic Market Area (FEMA) within which Oadby and Wigston Borough is situated.
11. The various HMA authorities have prepared a Joint Position Statement (JPS) on Housing and Employment Land Supply which covers the same period as the Borough of Oadby and Wigston Local Plan. This is produced as evidence to show that the objectively assessed need (OAN) for housing and employment land, as identified within the Housing and Economic Development Needs Assessment 2017 (HEDNA) can be met across the HMA for the 2011 – 2031 period. All the local authorities within the Leicester and Leicestershire HMA have endorsed the OAN figures set out within the HEDNA for the period 2011 to 2031 and are working towards meeting their own individual OAN for housing and employment.
12. In addition, Oadby and Wigston Borough Council have worked with the rest of the HMA authorities to prepare a Joint Statement of Co-operation. This confirms that whilst the OAN for each local authority area is identified within the HEDNA, the OANs attributed to individual authorities are secondary to meeting the overall OAN of the HMA.
13. The key cross boundary strategic issue for the Borough of Oadby and Wigston and the neighbouring authorities situated within the HMA is meeting the assessed housing needs of the whole area beyond 2031 and as such beyond

this plan period. The JPS provides the latest position on the preparation of a Memorandum of Understanding (MoU). The housing delivery trajectory illustrates an anticipated shortage of housing land supply in the City of Leicester. The published Joint Statement of Co-operation (November 2017) confirms that any shortfall can be met in other parts of the HMA once identified and robustly quantified. The proposed distribution is to be confirmed via the agreement of the MoU.

14. Furthermore, there is recognition amongst the relevant HMA authorities that the Strategic Growth Plan (SGP), a non-statutory plan, being prepared by the Leicester and Leicestershire HMA authorities, Leicestershire County Council and the Leicester and Leicestershire Enterprise Partnership (LLEP), will provide a suitable mechanism for dealing with the issue of unmet need in the HMA from 2031 to 2050. Crucially, in responding to the Borough of Oadby and Wigston's Local Plan consultation Leicester City Council have not requested that any additional provision should be made by the Borough of Oadby and Wigston as part of the preparation of this plan to help meet the future needs of Leicester City.
15. Green Wedge designations within the Borough form part of the wider Green Wedge network within Leicester and Leicestershire, specifically the Leicester Principal Urban Area. Green Wedge designations are strategic areas of undeveloped land between the urban areas the purpose of which is to prevent the merging of settlements, provide 'green' access into the countryside from the urban areas, and are locations for open space and recreational facilities. They essentially provide 'green lungs' out from the City of Leicester into the open countryside of the surrounding District and Borough Council areas. There are currently two Green Wedge designations within the Borough. These are the Oadby, Thurnby and Stoughton Green Wedge which crosses boundaries with Harborough District and Leicester City; and, the Oadby and Wigston Green Wedge which crosses boundaries with Leicester City.
16. A Green Wedge Review has been carried out in collaboration with the neighbouring local authorities of Harborough District and Leicester City, who have either published a Green Wedge report or are in the process of a Green Wedge review.
17. To ensure a consistent approach to reviews of Green Wedge boundaries, a joint methodology was developed in 2009. Since its original agreement and publication, the joint methodology has been reviewed and updated, where necessary, to take account of changes to national government planning policy and planning appeal decisions relating to Green Wedges within Leicester and Leicestershire. Although the most recent update undertaken in 2012 did not amend the joint methodology document, a joint statement was agreed and published in terms of the Green Wedge designation confirming the methodology's conformity with the NPPF and the intention of Leicester and Leicestershire authorities to continue to support the Green Wedge designation as a strategic planning tool to be reviewed through the new Local Plan process.
18. Overall, I am satisfied that the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

19. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 11 main issues upon which the soundness of the LP depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the Spatial Strategy is sound?

20. The spatial strategy for the Borough is derived from the Council's Vision and Spatial Objective. Policy 2 sets out the spatial strategy. The strategic approach is to concentrate development within the Borough's key centres and the Leicester PUA. These are sustainable locations that have easy access to public transport, are within easy reach of the main centres as well as employment opportunities. The Council will seek the reuse of previously developed land. The Spatial Strategy is consistent with the national policy. Policy 2 also sets out the required levels of growth to meet the Borough's needs up to 2031. I consider whether these are justified below.

Plan period

21. The LP will cover a period of 20 years from 2011 to 2031 of which some 12 years remain. This timeframe is consistent with timeframes considered in the HEDNA and various other documents prepared with the other HMA authorities. Whilst the NPPF prefers plans to have a 15-year horizon, uncertainty remains around the delivery of the transport infrastructure likely to be required to support housing and employment greater than the requirements expressed in the LP; in particular, the delivery of a new A46 expressway. This would form part of the wider strategic approach to the delivery of sustainable development post 2031 as set out in the SGP. It is intended to significantly improve access to the motorway network, unlock new land for development and reduce the high levels of traffic and congestion that are apparent within the City of Leicester and the surrounding local authority areas. The SGP will provide a comprehensive and HMA wide approach to meeting identified needs post 2031.
22. Considering this, and the further transport modelling work necessary beyond 2031, the current timeframes of the LP are justified.

Housing requirement and supply

23. The HEDNA follows the guidance set out in the relevant National Planning Practice Guidance (PPG) to assess the overall need for housing in the HMA and for individual authorities, using the 2014 household projections, those being the most recent at the time of the preparation of the HEDNA. There was no evidence of any need for headship rate adjustments. Alternative projections based on long-term (10-year) trends were developed which suggest a slightly higher level of future population growth resulting in a HMA OAN of 4,368 dwellings per annum for the period to 2031. For the Borough of Oadby and

Wigston, the demographic need figure for housing is 123 dwellings per annum for the same period.

24. The HEDNA goes on to consider whether adjustments may then be necessary for higher migration to support economic growth, and/or to address affordability issues, responding to analysis of market signals and evidence of the need for affordable housing.
25. Estimates of housing need set against the planned economic growth scenario shows a housing need that is some way below the demographic forecast (3,963 dwellings per annum). The evidence therefore indicates that the scale of economic growth can be met through the demographic growth taking into account expected improvements to economic participation. At a HMA level and in the Borough of Oadby and Wigston, no upward adjustment to support economic growth is therefore warranted.
26. The HEDNA considers the market signals and affordable housing evidence together, recognising the inter-relationships between housing affordability and affordable housing need (with housing costs, overcrowding and concealed households for instance being an input to the calculation of the affordable housing need).
27. In accordance with the PPG, the HEDNA assesses the extent of existing households who have a current need for affordable housing to which an affordability test is applied and newly-arising affordable housing need. The analysis of affordable housing need uses secondary data sources. It draws on a range of data including 2011 Census data, demographic projections, house prices/rents and income information. Consideration of the future supply of affordable housing arising from the existing stock gives a net figure of affordable housing need.
28. An annual net need for 2,322 units of affordable housing to 2031 is identified across the HMA of which there is a net need for 143 affordable housing units per annum in the Borough of Oadby and Wigston. The scale of affordable housing need is clearly significant and justifies the consideration of an uplift over and above the demographic need figure. However, an uplift to meet the full affordable housing need would clearly be unrealistic and undeliverable.
29. In determining an appropriate uplift for the Borough of Oadby and Wigston consideration is given to other mechanisms for the delivery of affordable housing including both national and local initiatives and funding for specialist forms of affordable housing, such as care homes. For example, in the Borough of Oadby and Wigston, for the past 10 years the Homeless Prevention Grant has been made available to help households with children to access privately rented accommodation. This has now been expanded to all homeless households living in the Borough. The Council have also provided grants to bring empty properties back into use, to pay for rental deposits and have initiatives to secure homes and pay lump sum payments to reduce rent arrears to help persuade landlords to keep tenants they might otherwise have evicted, amongst others, to prevent homelessness. To date rental deposit and rent in advance payments account for the majority expenditure. The overall figures also include needs arising from households who will require a different form of home and will thus release an existing property for another household.

30. A 20% adjustment is recommended in the Borough of Oadby and Wigston on the basis that a number of the market signals point to pressures (such as high rental and lower quartile housing costs relative to incomes in Oadby and Wigston) but in particular the need for an upward adjustment with the aim of increasing affordable housing delivery. This recommended adjustment is the higher of the recommended percentage uplifts across the HMA authorities. This adjustment results in an affordability adjustment of 25 dwellings to get to the OAN for housing figure of 148 dwellings per annum. I am satisfied that the 20% adjustment is an informed response to the overall assessment of need including affordable housing.
31. The HEDNA has been found to be robust in other examinations and there is no reason to find otherwise in relation to the Borough of Oadby and Wigston LP. The housing requirement of 2,960 set out in Policy 2 of the LP equates to the calculated OAN for the Borough of Oadby and Wigston for the period 2011 to 2031 and is justified.
32. The Joint Statement of Co-operation confirms that on an HMA wide basis the OAN figure for the HMA of 4,829 dwellings can be exceeded based on projected delivery in the HMA between 2011 and 2031. However, in the Borough of Oadby and Wigston the anticipated housing supply to 2031 is only marginally greater than the housing requirement. In order to provide additional flexibility within the LP, and to ensure it is effective, the Council is committed to conduct a full or partial review should the post 2031 development strategy set out in the SGP (A46 expressway) be capable of coming forward earlier than is currently anticipated [**MM1**].
33. Much of the housing and employment needs of the HMA to 2031 is already being provided for through adopted or emerging Local Plans. In addition, should the MoU, once adopted, set out a housing requirement for an area that differs significantly to that contained in an adopted plan for that area then, unless there is sufficient flexibility already provided for within that plan, it is intended that an early review or partial review of the affected plan will be brought forward to address this matter. To take this into account appropriate trigger mechanisms are to be inserted in all local plans coming forward.
34. At the time of the Hearings, Leicester City Council had not established to what extent it can identify land to meet its own needs. Until those figures are known, the best strategy to accommodate any shortfall that may arise is not known. Oadby and Wigston Borough Council is committed to a partial or full review of the LP no later than 5 years from its adoption, or earlier in certain circumstances. As stated above, one of those circumstances is if a local authority within the HMA has an evidenced unmet need which cannot be met by the other local authorities within the Leicester and Leicestershire HMA and / or within the flexibility allowed within this Plan.
35. The wording used in the Submission Draft LP, implies that all options in other HMA authorities to accommodate any shortfall would be explored first before a review would be triggered. However, to ensure the plan is positively prepared and effective a MM is required to ensure a review of the LP would be triggered if a shortfall is identified in a HMA authority and which it is considered, through the on-going cooperation of the HMA authorities, can be best met, in whole or in part, in the Borough of Oadby and Wigston authority area [**MM1**].

36. Furthermore, to add greater flexibility and thus ensure the effective delivery of sufficient homes, the allocation for up to 40 new homes within the settlement envelope of Kilby Bridge need not be held back; it should be allocated without any constraints on timing [MM2]. In addition, land identified for Phase 3 of the Wigston Direction for Growth area, which is not reliant upon completion of Phase 2 first, should be released should delivery of other identified or allocated sites be slower than expected or if the Council is unable to demonstrate a five-year supply of housing land [MM2]. This site will accommodate at least 300 homes.
37. The housing requirement to 2031 is justified by the evidence that underpins it which is consistent with national policy and PPG. The policy to trigger a full or partial review and the timescales for doing so and the consequences for not doing so (i.e. the LP, or parts of it, being out-of-date) are clearly set out within MM1. With the MMs referred to above the LP will effectively deliver an appropriate amount of housing and be flexible enough to react to a change in circumstances.

Employment

38. The LP allocates sufficient land to provide at least 8 hectares of employment use development. According to the HEDNA, over the period 2011 to 2031, baseline employment forecasts show that the job increase will be a negative 200 jobs within the Borough, however, that the Functional Economic Market Area (FEMA) as a whole is forecast to increase by over 68,000 jobs during the same period.
39. Although there has been a decline in overall employment numbers since 1991, the HEDNA uses past development trends and current development demand data to identify employment land needs for the period 2011 to 2031. The need identified in the HEDNA also takes account of the Borough's role in the Leicester and Leicestershire FEMA. For the period up to 2031, the HEDNA concludes that there is an employment land need within the Borough for 1 hectare to accommodate Class B1a/b uses and 4 hectares to accommodate small scale (less than 9,000 sq.m) Class B8 uses. The HEDNA advises that these should be regarded as minimum figures as the quantitative analysis does not take account of the potential 'replacement' demand for floorspace arising from the loss (planned or otherwise) of existing poorer quality employment buildings.
40. The Employment Land and Premises Study (2017) was commissioned by the Council to assess the supply, need and demand for employment land premises (use Class B) in the Borough. A number of research methods were used, including site visits and interviews with property market stakeholders such as developers, investors and their agents. Major employers and key public-sector agencies in the Borough were individually consulted. The property market in the local authority areas elsewhere in Leicester and Leicestershire has been reviewed through desktop analysis of employment and planning strategies, and consultations with officers from those local authorities. Finally, the land supply has been assessed against forecast data to understand future land need. The methodology follows PPG advice on employment land reviews. The Employment Land and Premises Study identifies an employment use land

requirement of 8.25 hectares (including 5-year buffer) for the period of 2011 to 2031.

41. The overall requirement contained within Policy 2 to provide at least 8 hectares of employment use development is justified having regard to the evidence underpinning it.
42. Viable and sustainable opportunities have been identified to accommodate this. The current supply of undeveloped employment land in the Borough is some 3.35 ha. Two further future sources of employment land identified in the study are the Oadby Sewage Treatment Works, Oadby (2.67 ha) and further land at the Wigston Direction for Growth area (2.50 ha as part of Phase Two) both of which are allocated. Collectively, these add 5.17 ha to the supply to 2031, giving an overall projected supply of around 8.50 ha of employment land identified within the Borough. This supply exceeds the assessed need illustrated within both the HEDNA and the Borough's Employment Land and Premises Study, and the requirement set out in Policy 2. There is therefore a realistic prospect that the assessed employment needs will be met during the plan period.

Retail

43. The principles of the NPPF indicate that the Council's policy approach should aim to at least fully meet needs, so that the local economy is not constrained, and potential investment is not diverted elsewhere or lost. The sequential approach suggests that designated town centres should be the first choice for retail, leisure and main town centre uses. All development should be appropriate in terms of scale and nature to the centre in which it is located.
44. Wigston town centre is the main shopping centre in the Borough. Centres at Oadby and South Wigston effectively function as district centres (albeit Oadby is only marginally smaller than Wigston) and the Borough also contains a number of local centres. The spatial strategy is set around the principle that Wigston, Oadby and South Wigston will be key focus areas for new development up to 2031. These centres will accommodate an appropriate level of development relative to their size and character. This approach accords with national policy. However, rather than simply 'encourage' this, to be effective, Policy 22 should 'require' retail development to be of a scale appropriate to the needs of the local area served by these centres [**MM13**].
45. A Retail Capacity Study (2016) provides a qualitative analysis of the existing retail and leisure facilities within the Borough, and a quantitative and qualitative assessment of the need for new retail facilities. These findings are reflected in Policy 2 that requires sufficient land to be identified to provide up to 2,974 sqm of new additional retail floorspace. The existing masterplans relevant to the centres of Wigston and Oadby demonstrate that the objectives and specified levels of growth in each centre can be delivered.
46. The Retail Capacity Study (2016) refers to Oadby lacking in deep discount foodstore options which could be an attractor to the student population (according to retailer demand). This is not referenced in the LP. Although the Council do not accept this identifies a need over and above the capacity set out in Policy 22, an acknowledgement of this in the supporting text would

ensure that any future proposal for a deep discount store in Oadby would be determined with this finding in mind and ensure the LP is positively prepared [**MM25**].

47. Proposals seeking greater retail capacity than those set out in Policy 22 would need to demonstrate that there would not be a significant adverse impact on the centre within which it is to be located. The Policy wording requires some re-drafting to not only ensure an impact assessment accompanies any application for consistency with national policy, but also that it is clear what it should demonstrate if an application is to be considered favourably by the Council [**MM6**].
48. A Local Retail Centres survey was undertaken in May 2017. This work will provide a baseline against which future monitoring of changes of use in the Local Centres can be assessed, as well as keeping a check on the viability and vitality of each centre.
49. The retail floor space requirements are justified and the strategic approach to retail and Town Centre development accords with national policy.

Direction for Growth Areas

50. Within the LP, Direction for Growth Areas are identified as strategic allocations in the Borough in addition to smaller allocations. To meet the identified OAN for housing identified within the HEDNA, greenfield allocations are required. Evidence underpinning the LP also sets out that in order to deliver all the proposed growth over the Plan period up to 2031 a number of highway and transport mitigation measures are required.
51. The most effective and appropriate mechanism for delivering the required transport and highway mitigation measures is larger scale growth; those being the identified Direction for Growth areas that can contribute towards the provision of necessary mitigation to accommodate the required growth. In relation to phase 2 allocations at Wigston Direction for Growth area and Cottage Farm, the mitigating highway works will, at least to some extent, already be in situ.
52. Benefits of this approach include the provision of a high number of affordable homes throughout the plan period; large scale provision of on-site and / or off-site open space and sports facilities; the increased potential provision of self-build and custom-build housing; provision of a new primary school, as well as significant off-site contributions towards other education facilities within the Borough; the provision of a new local retail centre; provision of new employment land; provision of, and significant contributions towards community facility buildings within the Borough; and the potential to improve and / or provide new bus routes and stops.
53. The principle of identifying 'Direction for Growth Areas' is justified and brings with it significant sustainability benefits.

Infrastructure Provision

54. As stated above, one of the benefits of identifying Direction for Growth areas is that the developments can individually support the implementation of the necessary infrastructure required to facilitate the developments. The Infrastructure Delivery Plan is realistic in assessing the timescales that infrastructure will come forward associated with the proposed developments over the plan period.

Green Infrastructure

55. Policy 8 'Green Infrastructure' refers to seeking the creation of new strategic and / or local Green Infrastructure assets / corridors within all (my emphasis) new development. This is simply not realistic or justified for every new development, which would include, for example, a new wall or house extension, and was not the intention. As such, a modification is required so that the requirement is not unduly onerous and only relates to developments that will result in a net gain in residential dwellings and / or other forms of development, such as employment, retail and commercial floorspace. Furthermore, proportionate net gains may sometimes be best placed as a 'contribution' towards the creation of a new multi-functional area of Green Space and provision should be made for this to ensure the policy is positively prepared and effective [MM16].

Conclusion

56. To conclude on Issue 1 and subject to the aforementioned MMs, the Spatial Strategy is sound being positively prepared, justified and consistent with national policy.

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

57. The NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
58. An annual housing requirement of 90 dwellings per annum was set out in the adopted Core Strategy (CS) which the authority has generally met on a consistent basis. To measure the Council's performance against the housing requirement set out in this emerging LP would not be justified. Whilst the LP period will date back to 2011, the Council has, for all other purposes including annual monitoring, been using the lower housing requirement within the currently adopted plan. It is appropriate therefore to measure the Council's delivery against the housing requirement extant at that time. For the purposes of calculating whether a five-year housing land supply would exist upon adoption of the LP, the application of a 5% buffer is reasonable.

59. The shortfall in delivery against the LP requirement that has occurred since 2011, nevertheless still needs to be addressed going forward. Of the various scenarios set out by the Council, it is appropriate to address this deficit within a five-year period (the Sedgefield approach) to boost the supply of housing sooner rather than later.
60. It is anticipated that some of the Strategic Direction for Growth Areas will deliver towards the end of the five-year period. In projecting this, the Council has expressed more conservative build-out rates than anticipated by some of those promoting Direction for Growth sites. Whilst lead-in times were challenged, it is reasonable to assume that the speed of delivery of the Phase 2 sites will be significantly increased from each Phase 1, due to key infrastructure, including roads, foul drainage and water already being on-site. The building out of Phase 2 sites will flow continuously from Phase 1 development. Phase 1 of both the Wigston Direction for Growth Area and Cottage Farm Direction has commenced. The developers / land promoters are also liaising with the Council regarding the Phase 2 elements. I am satisfied that at this stage that the projections are realistic and achievable.
61. Seven additional sites are allocated under Policy 2 for residential development and are expected to deliver around 250 homes. I heard that planning permission had been refused for residential development on the Nautical William site suggesting a capacity of 29 units may be too high. There is clearly interest in the site. Since the submission of the LP, planning permission has been secured for 23 units demonstrating this is achievable and so a MM is required to reflect the likely capacity of the site with a consequential reduction in the overall total to 244 additional homes [MM28]. Although a planning permission at the land west of Welford Road site is only for 43 units, it does not extend to the whole of the site allocation and so the scope to accommodate 50 units remains realistic. Meadow Hill, Welford Road is under construction. The Council has resolved to grant planning permission subject to the signing of a s106 agreement on both 39 Long Street and 53-59 Queens Drive, Wigston.
62. Oadby Pool is in the Council's ownership and the Council are actively looking to bring forward an application following a Committee resolution to support residential development on the site. Arriva Bus depot remains in use, but I heard that the company are keen to move, and the Council are assisting to find an alternative location. Based on the evidence before me, there is a realistic prospect that these sites will come forward in the short term and can be included within the 5-year housing land supply.
63. It is reasonable and consistent with national policy to incorporate a windfall allowance in the housing supply trajectory [MM29]. This equates to 14 dwellings per year. This is a conservative and realistic figure based on 25% of the average number of windfalls that have been delivered over the past 9 years (57 dwellings per year). Consequential changes to include a windfall allowance are required to Table 1 and Figure 1 [MM29].
64. Based on the most up-to-date evidence of planning permissions, expected windfalls and even having regard to the more conservative build-out rates that were presented to the examination, I am satisfied that the Council will be able to demonstrate a five-year supply of housing upon adoption of the Local Plan.

65. The Monitoring Framework provides a basis against which housing delivery can be measured. An additional trigger is proposed for Spatial Objective 8 'A Balanced Housing Market' to ensure that the 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. This is required to ensure the LP is sufficiently flexible and effective [MM14].

Issue 3 – 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?

Type and mix of dwellings

66. A modification is required to Policy 11 'Housing Choices' to ensure that the policy requirement is clear to both applicants and a decision maker about what an application should achieve in terms of housing mix. Whilst pre-application discussions should be welcomed, it should not be a necessary requirement to liaise with the local planning authority to determine the most appropriate housing mix as this offers no certainty or clarity. Instead, this should be ascertained from the most up-to-date evidence of need as set out in Chapter 12 of the HEDNA to ensure a consistent approach to meeting those identified needs and other considerations such as the character of the area. A modification is therefore required to this effect to ensure Policy 11 is effective [MM4].
67. For consistency with national policy, all residential proposals should be expected to 'respect' the character of the area rather than 'reflect' which implies 'to replicate', which may not necessarily be achievable when meeting density standards or result in good design [MM4].

Internal Space requirements

68. Policy 11 requires that all new dwellings should provide sufficient space for kitchen, dining, bedroom, and living facilities and should include appropriate levels of internal storage. Notwithstanding national space standards, what may be considered to be 'sufficient' is neither quantified or supported by evidence. This aspect of the policy is not justified and would not be effective. A MM is therefore required to delete it [MM4].

Housing densities

69. Policy 12 requires all development of 0.3 hectares and above to meet minimum density standards. For development located within the town and district centres at least 50 dwellings per hectare (dph) is required; for development outside of the town and district centres but still within the Leicester PUA at least 40 dph is required; and, for development located elsewhere within the Borough at least 30 dph. In addition to the flexibility relating to development location, the policy allows a level of flexibility relating to viability, character and design.
70. This reflects the Government's objectives set out in the White Paper 'Fixing our broken housing market', which suggests that land should be utilised efficiently and the building of homes at low densities should be avoided. The

White Paper also suggests that the particular scope for higher density housing in urban areas that are well served by public transport should be addressed.

71. The Viability Assessment concludes that the density requirements are not likely to impede deliverability. Accordingly, any departure from the required density requirements will need to be justified and alternative approaches considered. Alternative approaches may not deliver 'the desired policy outcomes' in terms of densities and so such references should be deleted to avoid any contradiction and ensure the policy is effective [**MM17**].

Affordable housing requirements

72. As set out earlier the affordable housing needs of the Borough are compelling. The Council has set a threshold, consistent with national policy, that only developments of 11 dwellings or more will be required to make provision of affordable homes. The requirements vary by area with 10 per cent of the total number of units in South Wigston to be affordable, 20 per cent in Wigston (including Kilby Bridge), and 30 per cent in Oadby. This is consistent with those recommended, evidenced and justified in the Council's Affordable Housing Viability Study 2016.
73. The Council also commissioned a Whole Plan Testing Viability Study 2017. Part of the study was to assess and update the outcomes of the 2016 Affordable Housing Viability Study. This confirms that the threshold and percentage targets for affordable housing proposed within the Submission Local Plan are viable, justified and deliverable.
74. To ensure the policy is positively prepared and effective, the wording of Policy 13 should be re-phrased to reflect that development will be permitted provided that 'at least' the relevant percentages of affordable housing are met [**MM3**].
75. The Council is seeking to implement a 'cumulative' approach to affordable housing in circumstances where a proposal is submitted on an individual site with a capacity below the threshold of 11 units, but which is nevertheless clearly part of a wider site with a greater capacity that would normally generate the need for affordable housing. This will ensure that where sites are approached in a piecemeal fashion, opportunities to secure affordable housing commensurate with the capacity of the wider site are not lost. This approach is justified given the compelling need arising in the Borough for affordable housing and given that historically the Council can refer to examples where this has occurred.

Self-Build and custom build

76. PPG paragraph: 025 Reference ID: 57-025-201760728, states that 'relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include developing policies in their LP for self-build and custom housebuilding; and engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where landowner is interested. As required by national policy, guidance and legislation, the Council holds a register of individuals and associations of

individuals who are seeking to acquire serviced plots of land in the Borough area for self-build and custom housebuilding.

77. Support for such development is therefore consistent with national policy. Nevertheless, as drafted Policy 14 suggests the Council will 'encourage' such provision without stating how. The policy also restricts such encouragement to large scale residential sites and smaller sites located within the urban areas. It also expects such plots to be provided to the market with outline planning permission.
78. Rather than 'encourage' the Council should support proposals for self-build and custom build consistent with national policy. The locational limitations on where self-build will be 'supported' are not justified and do not accord with national policy. LP policies may permit residential development elsewhere that may also be suitable for self-build and custom build housing. Similarly outline planning permission need not be a requisite of site suitability. The level of interest and demand is not such at this stage that a requirement for provision to be made on Direction for Growth Areas commensurate with need is justified. The impact on viability, particularly in circumstances where expressions of interests recorded on the register may grow, is not determined.
79. It should nevertheless be supported. A main modification is therefore required to specify 'support' for self-build and custom build on all sites, irrespective of the nature of development, provided all other relevant policies are satisfied [MM5].

Conclusion

80. To conclude, the policies in the LP will, subject to the MMs set out, be effective in delivering the appropriate type of housing to meet the needs of the area.

Issue 4 - Whether the LP satisfactorily accommodates the needs of the gypsy and traveller community and travelling showpersons?

81. The Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017) (GTAA), 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), provides an assessment of the needs of the gypsy and traveller community in these areas.
82. As well as identifying current and future permanent accommodation needs, it also seeks to assess any need for the provision of transit sites or emergency stopping places.
83. There are no existing gypsy and traveller or Travelling Showpersons sites in the Borough. No households living in bricks and mortar were identified to be interviewed. The GTAA does not identify any need for gypsy or traveller sites or Travelling Showpeople yards in the Borough of Oadby and Wigston over the plan period. The findings of this study are consistent with the findings of the previous GTAA study (2013) where no need for accommodation was identified.
84. I am satisfied that the GTAA provides a robust assessment of the position relevant to the Borough of Oadby and Wigston. No provision of pitches or

plots is necessary. The LP provides an appropriate basis against which any applications for gypsy and traveller accommodation or Travelling Showpersons sites can be assessed.

Issue 5 - Whether the approach to site selection is sound and whether sites are justified, effective and consistent with national policy?

Residential / Direction for Growth Areas

85. Policy 2 sets out the Spatial Strategy for development within the Borough which is to seek the reuse of previously developed land and concentrate development within the Borough's key centres and the Leicester Principal Area. Some land is allocated outside of these areas to ensure the development needs of the Borough are met.
86. Appendix 6 of the Sustainability Appraisal offers a summary of the Council's reasons for selecting particular sites and not others that were put forward. Further explanation is set out in the Local Plan Spatial Strategy Submission Statement (LP6/09).
87. The Plan identifies three Direction for Growth Areas, one in Wigston, a direct extension to the extant Wigston Direction for Growth Area, one a direct extension to the extant Cottage Farm site in Oadby, and one at Stoughton Grange in Oadby. The three growth areas identified have the capacity for at least 1,159 additional homes up to 2031.
88. In general, notwithstanding they are greenfield sites, the three Direction for Growth Areas allocated within the LP have the least negative impact on the Borough's highway and transport infrastructure network and are the most appropriate locations in relation to existing urban development form, the Leicester PUA and access onto main arterial transport routes (A Roads and B Roads). The three areas have also historically been identified as Broad Location for Growth Areas within the Council's Strategic Housing Land Availability Assessment. The South-East Leicestershire Transport Study (2017) concluded that, although there would be increased traffic levels on the surrounding roads and junctions of each growth area identified, each of the growth areas have the potential to accommodate growth without having a significant detrimental impact on the wider highway network. However, certain levels of mitigation will be needed.
89. The Wigston Direction for Growth Area (Phase 1) was first identified through the Council's Core Strategy in 2010 and comprised the Council's single greenfield release site of 450 new homes and 2.5 ha of new employment land. The location of the Wigston Direction for Growth Area was chosen due to its proximity to the Borough's main town centre of Wigston and its public transport links into Leicester City. Supporting the role of Wigston as the Borough's main town centre directly contributed towards the Vision and Spatial Objectives of the Core Strategy. This is still a key aspiration of the Council and forms a spatial objective within this Plan. Further development at the Wigston Direction for Growth Area will continue to support this.
90. The Wigston Direction for Growth Area identified in the LP represents Phase 2. It has been subject to cumulative transport testing and importantly has two main site access points directly onto Newton Lane to the north and the main

arterial route of Welford Road (A5199) (significant to Leicester and Leicestershire also) to the south west. In addition, 5 hectares of employment land has been allocated at the Wigston Direction for Growth Area, which contributes towards its appropriateness and sustainability. As well as residential and employment provision, the scale of development proposed at the Wigston Direction for Growth Area provides essential community facility provision, including a new local centre, a new primary school, and a new community facility building.

91. The Cottage Farm Direction for Growth Area allocated within the Local Plan, also represents a second phase of an extant development. Direct access can be provided onto one of the Borough's (and Leicester and Leicestershire's) main arterial routes, the A6. This was considered a fundamental element supporting the allocation, alongside its extant Phase 1 development.
92. The Stoughton Grange Direction for Growth Area forms a direct extension to the Leicester PUA to the north of Oadby and supports the role of Oadby district centre as the Borough's second largest centre which is a key aspiration of the Council and a spatial objective within this Plan.
93. It can accommodate two main site access points directly onto the main arterial routes of Stoughton Road to the east and Gartree Road to the north. Due to its location adjacent to the City of Leicester and the number of available routes that branch from the site into Oadby, Leicester City and out into Harborough District and its direct access onto two of the Borough areas main B roads, it is considered one of the more sustainable locations from a highway and transport point of view.
94. It is located within the existing Oadby, Thurnby and Stoughton Green Wedge designation. Some sites were discounted for this reason. However, Stoughton Grange can be distinguished from these other sites as it is an area of Green Wedge not key to the ongoing function of the Green Wedge as a whole.
95. This Direction for Growth Area also includes a separate allocation for cemetery and burial uses. The land allocation is a direct extension of the existing cemetery and burial allocation, allocated by the Council within the previous Saved Local Plan and Core Strategy which is due to reach capacity during the plan period.
96. Policy 2 also identifies sites for additional homes within the PUA but outside the town and district centres. Several planning permissions have been secured on these sites slightly reducing the anticipated capacity from 250 to 244 [**MM28**] and requiring consequential changes to Figure 1 [**MM29**].
97. The Viability Assessment includes a site-specific analysis of each of the Strategic Growth sites in addition to other residential sites that are proposed to be included in the LP. It concludes that the key sites show strong viability and should deliver a significant volume of affordable housing and other section 106 contributions. The development of all other sites is considered to be viable having regard to the specific site requirements relevant to each. The evidence suggests that there is a reasonable and realistic prospect that development on the Direction for Growth sites and other sites will be delivered as anticipated.

98. Overall, the Direction for Growth Areas and other Policy 2 allocations are suitable having regard to the Spatial Strategy and deliverable sites that accord with the overall spatial strategy. These sites, together with dwelling completions, commitments and anticipated windfalls and small-scale development within the Kilby Bridge Village Envelope will enable the Council to meet its housing requirement of 2,960 over the Plan period up to 2031.

Employment

99. Only two employment site options were considered, Oadby Sewage Treatment Works and Land off Magna Road, South Wigston, both of which have been allocated. No reasonable alternatives to these sites were identified.
100. The viability appraisals suggest that, taking revenues and costs into account, commercial development is viable in the locations proposed in the LP. Both sites are suitable and deliverable.

Town Centre Development

101. In accordance with the sequential approach contained in relevant national policy, designated town centres are the first choice for retail, leisure and main town centre uses. Each of the sites identified within the adopted Town Centres Area Action Plan (which is to be superseded) are being allocated within the Local Plan Policy 2 Spatial Strategy for Development for the Borough. All enjoy a sequentially preferable town centre location consistent with national policy. A review of the land use allocations in Wigston assesses their development prospects as good in two instances and poor in the third. In Oadby two sites were assessed as having a reasonable or good development prospect. I consider the allocations to be sound, noting that the site in Wigston considered to have a poor prospect is small in size being only 0.1 ha. Vacant premises should also help to accommodate future growth in Wigston, Oadby and South Wigston.
102. To ensure that the development approach within the Borough's main centres is flexible, the LP contains policies relating to overall levels of growth within the Borough's centres as well as generic development management policies.
103. A flexible development approach is being taken with town centre sites being considered suitable for commercial floorspace, retail floorspace, residential units, public car parking and health centre facilities. The Town Centres Area Action Plan demonstrates one way in which town centre development could be delivered.
104. Overall, it is considered that Policy 22 will be effective in meeting the convenience and comparison retail floorspace needs of the area over the plan period.

Conclusion

105. To conclude, the methodology and criteria used to select the most appropriate sites is robust and the selection of sites is justified having regard to the supporting evidence base, in particular the Sustainability Appraisal. The

approach to site selection is sound and the allocated sites are justified, effective and consistent with national policy.

Issue 6: Whether policies relating to heritage considerations are sound?

106. To ensure consistency with national policy, Historic England and the Council agreed a number of proposed changes to specific wording throughout the LP but in particular policies 40 and 41 together with the supporting text. Key is the inclusion of text that clarifies that where development is likely to have a significant adverse impact on non-designated heritage assets and their settings, and this cannot be avoided, or they cannot be preserved in situ, the development will not be permitted.
107. The proposed changes emphasise the existence of heritage assets in the Kilby Bridge Settlement Envelope including the Grand Union Canal and the importance that such assets are conserved and enhanced where possible. Such modifications are necessary to ensure that proposals have enough regard to the conservation and preservation of these heritage assets consistent with national policy [**MM15**].
108. The Council has allocated the Stoughton Grange Direction for Growth Area for a residential led mixed use development. There are several heritage assets within and near the site. A modification requiring a Heritage Impact Assessment in addition to the site requirements listed is therefore justified to ensure heritage assets are appropriately considered and taken into account in any scheme in accordance with national policy [**MM15**].
109. I am satisfied that the modifications are necessary to ensure that the LP effectively 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. To conclude, policies relating to heritage considerations are sound.

Issue 7 – Whether policies relating to climate change, flood risk and renewable energy are sound

110. The LP is intended to provide a platform for the Council to address the issue of climate change through strategic planning over the plan period. Policy 38 is the relevant policy addressing such matters.
111. Policy 38 requires a Sustainability / Energy Statement to be submitted with proposals. It is not clear how a decision maker would know whether 'reductions' of potentially harmful emissions, demonstrated in a Sustainability / Energy Statement, are sufficient to make the proposal acceptable without an understanding of any baseline position from which such reductions are to be made. To make the policy effective, it should require the Statement to demonstrate how the various issues set out in the policy, such as energy efficiency or promoting sustainable means of transport have been considered in designing a development proposal [**MM8**].
112. Policy 38 also 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. There could be circumstances where

both could be provided on one site and so a modification is required to permit both to ensure the policy is effective and positively prepared [MM8].

113. To ensure compliance with national policy reference to the need for developments to respect nationally prescribed sustainable building standards should be within the supporting text rather than a policy requirement [MM26].

Issue 8: Whether policies relating to specific site allocations / Direction for Growth areas are sound?

114. Whilst, on the whole the site-specific policies (Policies 17-21) provide appropriate detail to give 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 12-002-20140306) and are worded to provide a clear indication of how a decision maker should react to a development proposal to ensure that they will be effective, a few MMs are necessary, some of which are already referred to above.
115. As stated earlier the viability assessment considers each of the strategic sites alongside the site requirements and level of infrastructure associated with each, concluding that each site will be viable and thus deliverable.
116. Policies should be clear that the Council will not simply consider development proposals but will, in principle, support them. Similarly, proposals should conform to other relevant policies in the LP rather than simply give consideration to them [MM13].
117. Whilst the provision of on-site open space should be the starting point for the Direction for Growth Areas, an option to provide off-site open space provision, if justified and will offer greater flexibility [MM22, MM23, MM24]. I have amended the wording slightly from the published schedule of MMs to allow alternative off-site provision to be justified in whole or in part, as structural landscaping and play areas are likely, in most cases, to be required on-site.
118. The need to support, rather than require, provision of self-build / custom build plots on Direction for Growth Areas has been addressed earlier in this report. Consequential modifications are necessary to individual sites [MM18, MM19, MM20].

Policy 17 – Kilby Bridge Settlement Envelope

119. Kilby Bridge is the Borough's only rural settlement and is located in the floodplain of the River Sence. It is part of the Grand Union Canal Conservation Area. Due to its rural character it is unique to the Borough and is an attractive and valuable asset. The River Soar and Grand Union Canal Strategy suggested that Kilby Bridge, together with South Wigston or Blaby, could become South Leicestershire's 'Waterway Hub' and that there are possibilities to unlock the leisure and tourism potential in this area. This is reflected in the site requirements contained in Policy 17.
120. Whilst the current proposed settlement envelope boundary is sufficient to realise the 6 key objectives for Kilby Bridge, it is accepted that the potential to

'unlock' further land to the east of Kilby Bridge for public open space use, as agreed with the landowner, would be a significant benefit to the local community by providing access to the countryside which in turn is conducive to the Council's objective to improve wellbeing. It would also contribute to one of the key objectives of retaining and enhancing access to the Grand Union Canal, River Sence and Kilby-Foxton Site of Special Scientific Interest. It is therefore necessary, to ensure these benefits are realised, to add a further requirement for a proposal to "*provide publicly accessible open space on land to the east of the settlement boundary, between the railway line to the north, Grand Union Canal to the south and the SSSI to the east to enhance the recreational value that any proposal can deliver*" and for the Council to make consequential changes to the Policy Map [**MM21**].

121. Some sites were put forward for consideration that are within or partly within the settlement envelope. However, Policy 17 supports small-scale development within the settlement envelope and so there is no need to allocate specific sites within it.

Policy 21 – Cottage Farm Direction for Growth Area

122. The policy refers to the site accommodating 'up to 250 dwellings' as well as 'at least 250 dwellings'. This is contradictory. For consistency with the approach taken in other Direction for Growth policies and to reflect national policy that seeks to boost housing supply it would be appropriate to adopt a requirement for 'at least' 250 dwellings. Although this did not form part of the consultation on proposed modifications, I am satisfied it is not a significant change to the overall strategy or understanding of the LP [**MM30**].

123. To conclude, subject to the recommended MMs, policies relating to specific site allocations / Direction for Growth areas are sound.

Issue 9 – Whether policies against which retail proposals will be assessed are sound?

124. The NPPF requires local planning authorities to apply a sequential test to planning applications for main centre uses that are not in an existing centre and not in accordance with an up to date LP. Policy 24 requires an impact assessment to be submitted for retail developments outside the defined centres where developments are over certain thresholds. However, the NPPF threshold requirement for an impact assessment to be carried out, of 2,500 sq.m gross is considered to be inappropriate as a blanket threshold for the Borough of Oadby and Wigston, as this scale of development would represent a significant proportion of the overall retail projections in the Borough in the long term. Development smaller than 2,500 sq.m gross could have a significant adverse impact on town and local centres.

125. The Retail Capacity Study supports a locally set threshold of 1,500 sq. m gross for all retail development in Wigston town centre, given its current fragility and potential susceptibility to any large-format development beyond the town centre. In terms of vitality and viability, Oadby is considered to have a good level of health and is performing particularly well in the convenience goods sector, with few vacant units. Notwithstanding its better health check in comparison to Wigston, a locally set threshold of 1,500 sq. m gross for all

retail development in Oadby is nevertheless also recommended. This is appropriate given it is a District, rather than Town Centre. The size of South Wigston district centre means that a relatively modest retail development outside of the town centre could have a significant adverse impact on the district centre. A locally set threshold of 500 sq. m gross for South Wigston is therefore justified. Finally, a low threshold of 250 sq. m reflects the vulnerability of local centres to small retail developments outside of the defined centres. The locally derived thresholds are justified by the evidence.

126. In requiring a Retail Impact Assessment, it is not clear from the policy wording exactly what outcome it must demonstrate for a proposal to be found acceptable. Accordingly, a MM is required that requires any impact assessment to accord with national policy and demonstrate that a development would not have an adverse impact on town centre vitality and viability, if planning permission is to be forthcoming. This is necessary to ensure the policy is effective [MM7].

Issue 10 - Whether the retention and designation of Green Wedges in the LP is justified?

127. Green Wedge designations have been in various iterations of plans over the years, being first introduced in the Leicestershire Structure Plan (1987). More recently the Green Wedge policy contained within the Core Strategy was found to be robust, justified and sound.

128. The purpose of the Green Wedge Review undertaken to support the LP, is to assess the boundaries of the existing Green Wedge designations, as defined on the Council's Saved Local Plan Proposals Map and the Council's Adopted Policies Map. The review takes into account the Broad Location for Growth Areas identified within the SHLAA and the current options for greenfield release sites identified within the Council's Preferred Options Local Plan consultation document. It assessed the importance of those areas subject to the site selection process.

129. The existing Green Wedges were assessed against the functions set out in the Leicester and Leicestershire Green Wedge Review Joint Methodology to see whether the current designated boundaries should be kept the same or amended. The agreed review methodology allows for Green Wedges to be reviewed at either a larger 'macro' scale that looks at the whole Green Wedge or at a more focussed 'micro' scale that reviews certain sections of the Green Wedge only. Regardless of the scale of a review that is undertaken the Green Wedge as a whole should achieve all of the functions as set out within the agreed methodology. For the purposes of this plan, the review was carried out at an overall 'macro' scale.

Oadby and Wigston Green Wedge

130. The retention of the existing Oadby and Wigston Green Wedge is supported by the findings and conclusions set out in the Review, demonstrating that it fulfils all the functions necessary. It is also a key component of the Borough's Strategic Green Infrastructure Corridor. It therefore remains justified.

131. In addition to retaining the existing boundaries in the Borough, an area designated as the Lucas Marsh Local Nature Reserve is to be incorporated into

the Green Wedge. This would further add to the recreational resource of the Green Wedge and further encourage public use of it and as such is justified.

132. The Land at Cottage Farm (Phase 2) is proposed as one of the Council's residential-led Direction for Growth allocations, comprising 250 new additional dwellings, within its new Local Plan. The Review contains a recommendation that should land at Cottage Farm be allocated for development within the new Local Plan, the southern area of the Oadby and Wigston Green Wedge should be extended southwards.
133. The overriding reasons given for extending the Green Wedge at this time is to guide development form now and in the future by defining limits to urban development and prevent the future coalescence of the two settlements of Wigston and Oadby. I am satisfied of the importance of guiding development pro-actively rather than re-actively and ensuring that the Green Wedges continue to reach into open countryside commensurate with the pattern of built development allowed through this LP. Whilst the gap between these two settlements remains quite considerable at this time, the extension would reduce the likelihood of any wrap-around built development to the south of the Green Wedge that would potentially halt the Green Wedge and thus reduce any prospects of its continuation away from the urban area and future links to the golf course that provides a recreational resource appropriate to a Green Wedge.
134. It is recognised that, except for an existing footpath, there are no existing recreational opportunities within the area to be designated. Nevertheless, such a designation would support and encourage such future uses coming forward. Furthermore, it is appropriate that it continues to be of no lesser width to that which predominantly already exists. The identified boundaries follow a logical continuation of the existing Green Wedge designation, having regard to clearly identified boundaries. Accordingly, I am satisfied that the allocation of additional Land at Cottage Farm triggers and justifies the extension of the Green Wedge adjacent to it.

Oadby, Thurnby and Stoughton Green Wedge

135. The Oadby, Thurnby and Stoughton Green Wedge is a cross boundary Green Wedge, to the north-east of Oadby and Wigston Borough and sharing its boundary with Leicester City and Harborough District. It provides a green lung stretching from the inner city urban areas of Leicester City to the open countryside areas of the Borough and Harborough District. The Green Wedge provides Leicester City, Harborough District and the settlement of Oadby access to the open countryside and beyond; it defines and has historically guided built development form; it provides a recreational resource, for example Stoughton Grange and the university sports pitches; and, it ensures that the built form of Leicester City, Oadby and Harborough District do not merge into one entity. It is also a key component of the Borough's Strategic Green Infrastructure network.
136. The private hospital development located within the Green Wedge is not a use consistent with those uses acceptable within a Green Wedge, nor is it open and undeveloped. Similarly, previously developed land at Stoughton Grange does not contribute to the relevant characteristics of the Green Wedge

designation. The removal of these areas, as recommended in the Review, is justified.

137. Finally, the Review supports the release of the greenfield site from the Green Wedge to accommodate the housing allocation 'Stoughton Grange Direction for Growth Area'. The removal of this land would not have a significant detrimental impact on the attributes of the overall Green Wedge designation. Due to the current, overall large size of the Oadby, Thurnby, Stoughton Green Wedge and the current distance between the urban areas of Leicester City, Harborough District and the settlement of Oadby, removal of the land area would not lead to settlement coalescence. This area of land is not critical to the function of the Green Wedge and should not present a barrier to the allocation of the land as a Broad Location for Growth. Its removal is therefore justified.

Policy 42 - Green Wedge development management policy

138. Some of the existing recreational facilities contained in the Green Wedge designations, such as a racecourse and golf course are supported by associated built facilities. As currently worded, Policy 42 lists a number of specific land uses that will be allowed that are regarded as consistent with the open and undeveloped nature of the Green Wedges. This does not include any built development that could be associated with those uses. A MM was discussed at the relevant hearing session to allow associated built development and a MM subsequently put forward for consultation.

139. However, on reflection, the proposed MM does not in any way restrict the extent of built development that may be considered suitable. I am concerned there would be inconsistency and tension between the overall purpose to protect important areas of green land within the Borough and seek to retain these areas as open and undeveloped and unrestricted support for associated built developments. In addition, associated development may equally comprise engineering operations in addition to forms of built (operational) development.

140. To reconcile this possible tension, I have amended the wording from that included in the schedule of proposed MMs to refer to associated development *necessary* to facilitate and support the uses of land listed. This amendment would not significantly alter the content of the modifications as published for consultation or undermine the participatory processes and sustainability appraisal that has been undertaken [MM9].

141. Policy 42 does not exclude farm diversification where it remains ancillary to primary agriculture or horticultural use as no material change of use would occur. If farm diversification were to involve a material change of use of land, then any proposal would need to be assessed against Policy 42 and whether it is a use consistent with the Green Wedge designation. I see no conflict with national policy in this regard. Retail as a primary use, rather than ancillary to an appropriate use, would not support the objectives of the Green Wedge. Nevertheless, to ensure the LP is positively prepared it is only necessary to specify those uses that are considered to be appropriate. In addition to retail, many other uses will not necessarily fulfil the Green Wedge objectives [MM9].

142. Furthermore, any road or transport proposal is likely to have an 'effect' on Green Wedge to some extent. It is necessary to specify the level of harm that will not be acceptable and will require mitigation for the policy to be effective. The requirement to provide appropriate mitigation so that any adverse effects are 'kept to a minimum' does not set a level of reduced harm that mitigation must achieve. A MM requiring any justifiable need to be demonstrated and weighed against the resultant impacts on the Green Wedge provides a test to be satisfied and clarity on the judgement to be made [MM9].
143. The modifications to Policy 42 are therefore necessary to ensure the LP is justified, positively prepared and the policy is effective. To conclude, the retention and designation of Green Wedges in the LP is supported by a robust evidence base.

Issue 11 - Whether the designation of Local Green Space is sound?

144. In most instances the designations of Local Green Space are justified having regard to the criteria set out in paragraph 77 of the NPPF. In the context of the Borough of Oadby and Wigston they provide for the designation of locally valued undeveloped spaces which are in reasonably close proximity to the community they serve and are local in character. Their local significance derives, for the most part, from the visual quality and open setting these areas preserve in their immediate local context.
145. An exception is land to the rear of 11-35 Marstown Avenue (SW2) which is a small area of land situated between the rear of properties and a railway line. It is described as supplementary garden space used by the houses backing on to it. Its suggested recreational value in the context of paragraph 77 of the NPPF (March 2012) is not evident and its inclusion as Green Space in the LP is not justified. It is therefore to be deleted [MM12].
146. The NPPF states that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. As drafted Policy 45 restricts any development and so is more onerous than Green Belt policy that specifies that in some circumstances development is not to be regarded as inappropriate in the Green Belt. Accordingly, a modification is required to ensure consistency with national policy and permit development not considered to detract from the qualities attributable to Local Green Space [MM10]. Supporting text is also proposed that explicitly states that the Council will ensure that its approach, when determining planning applications in or adjoining Local Green Space will be consistent with national policy [MM27].

Other Matters

147. Throughout the LP policies contain wording that proposals should 'seek to' achieve or will be 'expected' to show or simply 'give consideration' to doing something. This introduces vague and uncertain requirements that do not require a specific outcome to be demonstrated to accord with the policies. Accordingly, some policies are not sufficiently clear for either an applicant or a decision maker to know when a proposal may be acceptable. Such references should be deleted throughout the LP and substituted with clear actions to ensure policies are effective [MM13].

148. The consultation on proposed MMs also included changes to policy text stating that the Council 'will seek', 'expect' or 'give consideration to'. As these are referring to aspirations of the Council rather than how a particular proposal for development will be addressed I do not consider these are necessary for soundness and I have not included them in the Appendix to my report.

Assessment of Legal Compliance

150. My examination of the legal compliance of the Plan is summarised below.
151. The Borough of Oadby and Wigston Local Plan has been prepared in accordance with the Council's Local Development Scheme.
152. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
153. Sustainability Appraisal has been carried out and is adequate.
154. The Habitats Regulation Assessment report was originally published in November 2017 for consultation. However, a subsequent judgment from the Court of Justice of the European Union 'People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)' ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment (AA), and should not be taken into account at the screening stage.
155. As a result of this judgment, it has been necessary to update the HRA of the LP to ensure that it complies with the ruling. The screening assessment led to the conclusion that there were no impact pathways between development that could be implemented through the Local Plan and the River Mease SAC or Ensor's Pool SAC. A possible impact pathway was identified between the Local Plan and Rutland Water SPA and Rutland Water Ramsar site: recreational pressure. Therefore, in line with the precautionary approach being applied in the HRA, until significant effects can be ruled out they are identified as likely significant effects. Impacts of the Local Plan and the effects of these on Rutland Water ('Rutland Water' refers to both the SPA and Ramsar site) were therefore subject to Appropriate Assessment
156. The Habitats Regulations Appropriate Assessment Screening Report (August 2018) sets out that a full assessment has been undertaken. It concludes that the LP may have some negative impact which requires mitigation but that this mitigation has been secured through the LP. Provided that the proposed policies for open space and biodiversity are implemented, adverse effects on integrity of the Rutland Water SPA and Ramsar site are not expected as a result of the LP alone. The potential for the LP to have likely significant effects on European sites in combination with the Local Plan for Rutland County could not yet be ruled out, due to the early stage of the Rutland Local Plan and the lack of solid HRA conclusions. This issue will therefore need to be revisited during forthcoming stages of the HRA for the Rutland Local Plan.
157. The LP includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
158. The LP complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

159. The LP has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

160. The Council has requested that I recommend MMs to make the LP sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendix, the Borough of Oadby and Wigston Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Claire Sherratt

Inspector

This report is accompanied by an Appendix containing the Main Modifications.