

OADBY AND WIGSTON BOROUGH COUNCIL LOCAL PLAN EXAMINATION

MATTER 1: LEGAL REQUIREMENTS AND PROCEDURAL MATTERS

ON BEHALF OF: MRS B A WALKER (OADBY GRANGE)

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT

T 01285 641717 | **F** 01285 642348 | **W** www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

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1. MATTER 1 –LEGAL REQUIREMENTS AND PROCEDURAL MATTERS

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

1.1 Question 1: 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?

1.1.1 Pegasus has no comments on this question.

1.2 Question 2: 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?

1.2.1 Pegasus has no comments on this question.

1.3 Question 3: 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?

1.3.1 A SA has been prepared. Pegasus have some detailed comments in respect of site selection which will be addressed in Matter 6.

1.4 Question 4: 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?

1.4.1 Pegasus has no comments on this question.

1.5 Question 5: Does the LP comply with the Local Planning Regulations, including preparation, content and publishing and making available the prescribed documents?

1.5.1 Pegasus has no comments on this question.

1.6 Question 6: 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 neighbouring authorities? In particular, how is it anticipated that unmet need in the City of Leicester authority area be addressed?

1.6.1 In our representations to the Pre-Submission Plan Pegasus has already expressed concerns about the unmet needs of Leicester City and how and when these are to be addressed. Whilst noting the documents that have been produced since the end of the consultation this remains an issue of concern and our objection to the Plan remains.

1.6.2 It is noted that a Joint Statement of Co-operation relating to Objectively Assessed Need for Housing was produced in November 2017 (ref LP2/04) which set out that, with the exception of Leicester City , all authorities are able to accommodate their own housing need in the period 2011 – 2031. However, for the period 2011- 2036 neither Leicester City Council nor Oadby and Wigston Borough Council would be able to meet their needs.

1.6.3 LP2/04 indicated that Oadby and Wigston and Leicester City were yet to formally and finally evidence the extent of their unmet need, but that any unmet need arising from the two authorities should be met in the HMA as a whole and that this may include an element of a flexibility allowance in local plans currently in preparation, should the need arise. It is noted that all the local authorities are at different stages in the preparation of their local plans.

1.6.4 Paragraph 2.10 of LP2/04 acknowledges that in determining housing targets to be included in their local plans, local planning authorities should take account of the requirements of both national policy and local circumstances into account, including the need to base local plans on a strategy that seeks to meet the OAN for housing.

1.6.5 At the time of the preparation of the representations in December 2017, the unmet needs of neighbouring local authorities were not known. A final memorandum was expected to be published in January 2018 which would detail the distribution across the authorities. It is considered that this document and level of detail is necessary in order to demonstrate that the duty to co-operate has been met.

1.6.6 It is noted that a Duty to Co-operate Statement was produced in January 2018 (ref LP6/07) which refers to how the Leicestershire authorities work together

and in particular the work of the Strategic Planning Group which is currently leading on the preparation of the Strategic Growth Plan for the HMA. This is a non-statutory document looking forward to 2050. The Strategic Growth Plan identifies that up to 2031 housing needs can be met through the Local Plans. The Strategic Growth Plan will put in place a mechanism for meeting housing needs beyond 2031 to 2050. Once again reference is made to Leicester City being unable to meet its needs to 2031, but that these needs can be met elsewhere within the HMA up to 2031. LP2/04 refers to the possibility of redistributing growth across the HMA, but as the process of preparing the Growth Plan will not be complete until the end of 2018 (it is noted that the draft is currently the subject of consultation until 5th April 2018) in which case LP2/04 indicates that it will not be available to use prior to local authorities preparing their Local Plans.

- 1.6.7 As a compromise, it is noted in LP2/04 that the HMA authorities agreed in the summer of 2016 that they would include “appropriate trigger mechanisms “ in each of the Local Plans coming forward in advance of the Strategic Growth Plan. The authorities agreed that should the Growth Plan identify a significant change which would require the local authorities to re-consider the amount of housing and employment land, then an early review or partial review of affected plans would be the way forward **if there was not sufficient flexibility provided for with the Local Plans**. In order to facilitate such flexibility it was suggested that Local Plans could consider including a requirement which materially exceeds the FOAN identified by the HEDNA.
- 1.6.8 It is noted that the agreement was based on the same trigger mechanism being applied on a consistent basis across the HMA, ensuring that all Local Plans submitted in advance of the Strategic Growth Plan contain the necessary flexibility to respond to any significant change that may arise.
- 1.6.9 However, it is not clear what the trigger mechanism is in the Oadby and Wigston Local Plan.
- 1.6.10 Without prejudice, therefore, in order to maintain housing delivery, a key issue is to ensure that there is sufficient flexibility included in Local Plans. This will avoid the lengthy delays incurred in reviewing the plans and will assist in supporting the national objective of significantly boosting the supply of housing land.

- 1.6.11 It is clear from the latest document “Leicester & Leicestershire Joint Position Statement on Housing and Employment Land Supply 2011 to 2031” published on 15th March 2018, that the extent of the unmet needs of Leicester will not be known until later this year.

“In early 2017 it was anticipated that the MoU would be adopted by January 2018, having regard to the anticipated programme for preparing the new Leicester Local Plan. That programme has been revised; it is now anticipated that the MoU will be published once the City Council’s unmet need is robustly quantified, probably in summer 2018, and that it will accompany the publication of the City’s draft plan, also in summer 2018. In the meantime, this Joint Position Statement is being produced as evidence to show that the OAN can be met across the HMA for the 2011 – 31 period.”

“It is understood by all partners that 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, 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 will be inserted in all local plans coming forward.”

- 1.6.12 It is not clear what exactly the trigger mechanism is and how it has been included in the Oadby and Wigston Pre-Submission Plan.
- 1.6.13 The Plan at para 4.2.11 refers to a buffer of approximately 400 dwellings against the plan period target of 2,960 dwellings in the first instance to “negate any potential delivery issues on allocated sites.” The following sentence also refers to helping to meet some of the unmet needs from Leicester City, albeit a small proportion.
- 1.6.14 It is considered that these are two separate issues. The buffer allowance for any failure to deliver predicted numbers on the allocated sites should be entirely separate from the issue of meeting some of the unmet needs of Leicester City.
- 1.6.15 It is clear from the Consultation Draft of the Strategic Growth Plan (January 2018) that any unmet need from Leicester City can be met through Local Plan allocations in other areas, however it is not clear how much of the unmet need is to be accommodated in Oadby and Wigston.
- 1.6.16 Pegasus consider that the unmet needs of Leicester City are likely to be most sustainably met within the authorities which neighbour the City. It is therefore

considered that Oadby and Wigston Borough Council is well placed to meet such needs as the Borough's urban areas sit entirely within the Leicester PUA and the Borough plays a key role in supporting the regeneration of Leicester City. Paragraph 4.2.2 of the Pre-Submission version of the Local Plan states that:

"The Borough and Leicester City have a unique and close spatial relationship, particularly in regards of supporting the local economy, shaping strategic green infrastructure, and influencing how residents live out their day to day lives. This close relationship is something that the Borough is seeking to conserve and enhance where possible."

1.6.17 However, it is considered that in this respect the Oadby and Wigston Local Plan is not clear on what, where, when and how. Consequently, it is not consistent with the NPPF para 154 and the PPG Paragraph: 002 Reference ID: 12-002-20140306.

1.6.18 The vast majority of out-commuting from Oadby and Wigston is to Leicester and accordingly this provides one of the most sustainable locations to address the unmet needs of Leicester. Given the close relationship to Leicester City it is considered entirely consistent with the Local Plan strategy that additional provision is made to meet some of the unmet needs. In order to achieve this it will be necessary to identify additional land for residential development within the Borough. Land at Oadby Grange which has been promoted to the Council is a suitable, available and deliverable site. A site Deliverability Statement was submitted to support our representations in December 2017 (ref LP10/03), this also explains some of the history of the site and why it is has been "overlooked" in the preparation of the current Local Plan. LP10/03 also illustrates the sustainability credentials of the site and the ability of the site to meet not only needs arising in the Borough (providing a greater choice and range of sites in accordance with the NPPF para 50) but also to meet those unmet needs of Leicester City in close proximity to where their needs are arising, as opposed to meeting the needs in locations further afield.

1.6.19 The draft Strategic Growth Plan (dSGP) is subject to consultation and arguably is a material consideration in terms of the overall direction of travel, i.e. that significant growth is anticipated in the period to 2036. The dSGP states that:

"We have decided that these additional needs will be satisfied, in part, by development in strategic locations in accordance with the strategy set out in this Draft Plan."

1.6.20 Land at Oadby Grange would be entirely consistent with the five building blocks of the dSGP, being located within one of the two primary growth areas i.e. the A46 Growth corridor and consistent with the Midlands Connect Strategy which includes key road projects improving the A5, M42/A42 and A46 to expressway standard (pages 11 – 15 of the dSGP ref LP2/02).

“The A46 Growth Corridor is critical to the future success of Leicester & Leicestershire because it would allow the City to grow in such a way that we can make full use of existing services and infrastructure. We could also provide more homes close to jobs in the City Centre and other employment centres, and relieve development pressures in other parts of the surrounding authorities.”

1.6.21 Consequently, it is considered that the Oadby and Wigston Local Plan should meet some of the unmet needs of Leicester City to enable a continuous supply of development and to ensure delivery is maintained in accordance with national and local objectives. This should be done now and not left to a review of the plan at a late date.

1.6.22 The proposed standard methodology for the calculation of housing need indicates that for Leicester City alone the housing need increases from 1,230 dwellings per annum to 1,626 dwellings per annum.

1.6.23 It is clear from the dSGP (ref LP2/02) that the overall direction of travel in terms of housing needs remains, that there will be significant growth in the area, this is based on extrapolating growth from the study of housing and employment needs for the period 2031- 2036. Overall, results compare with the proposed standard methodology, therefore whichever source is used there is an overall direction of increasing growth. In which case, the unmet needs of Leicester City need to be addressed in the Oadby and Wigston Local Plan to ensure needs are met within this plan period.

1.6.24 The Duty to Co-operate Statement also confirms that discussions between the authorities have taken place in respect of Green Wedges and that in order to accommodate housing needs in Oadby and Wigston that the release of land from the Oadby, Thurnby and Stoughton Green Wedge has been necessary to enable the allocation of the Stoughton Grange Direction for Growth. Furthermore that it has been considered necessary to extend the Oadby and Wigston Green Wedge to guide development form and prevent the coalescence of the two settlements of Wigston and Oadby.

1.6.25 Pegasus has promoted land at Oadby Grange which is considered suitable, available and deliverable in the plan period and is not within a Green Wedge. The site has the potential to provide a logical extension to the urban area of Oadby, rounding off the settlement edge and providing for development of approximately 320 dwellings. It could deliver a range of housing in a sustainable and accessible location consistent with the growth strategy and would enable the Oadby, Thurnby and Stoughton Green Wedge to remain intact. Land at Oadby Grange can therefore provide a more appropriate location to meet the needs of Oadby and Wigston. Additionally, given the location of the site it is well placed to meet some of the unmet needs of Leicester City.