

# **OADBY AND WIGSTON BOROUGH COUNCIL LOCAL PLAN EXAMINATION**

## **MATTER 6: SITE ALLOCATIONS AND REGENERATION OPPORTUNITY AREAS**

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

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**6. MATTER 6: SITES ALLOCATIONS AND REGENERATION OPPORTUNITY AREAS**

**Issue 1: Whether the allocations are sound?**

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

6.1.1 The selection of housing and employment sites has been informed by a Sustainability Appraisal (SA) in accordance Section 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) and Section 19 of the Planning and Compulsory Purchase Act 2004 (the Act). The PPG (11-018) requires that the SA assesses all reasonable alternatives.

6.1.2 The site at Oadby Grange was previously included in the Strategic Housing Land Availability Assessment (SHLAA) and was identified as a reasonable alternative for consideration in the SA prepared in support of the Allocations DPD in 2007. The landowner understood that the Council were aware of this site (as evident from its inclusion in these documents) and that accordingly it would be considered as a reasonable alternative.

6.1.3 The Council however appear to have discounted all sites which were contained in previous SHLAAs and have only considered those sites which were identified through more recent call for sites submissions.

6.1.4 The dismissal of previously identified potential development sites does not align with the PPG (3-012) which identifies that:

**“Plan makes should consider all available types of sites”**

6.1.5 The PPG then provides a list of sites which should be considered including sites which have not been promoted to the Council (i.e. those identified through a review of aerial photography or site surveys). Therefore, the site at Oadby Grange should have been considered as a reasonable alternative even if it had not been promoted to the Council recently.

6.1.6 However, in LP6/13, the Council suggest that this site has not been considered for two reasons. The first of which is that the Council only became aware of this site on 18<sup>th</sup> December 2017. This is clearly not the case given that it was identified by the Council in previous SHLAAs and SAs. In any case the PPG

- identifies that sites which have not been promoted to the Council should still be considered. Furthermore, the duty to identify the reasonable alternatives falls to the Council (see Part 3 of the SEA Regulations), and the Council are therefore responsible for the failure to identify this site prior to 18<sup>th</sup> December 2017.
- 6.1.7 The second reason is that the Council suggest that the landowner has been engaged in discussions to provide a publicly owned country park on this site and it is not therefore available for residential development.
- 6.1.8 It is not disputed that the landowner was engaged in such discussions with the LPA, but these ended some time ago (February/March 2016). The LPA had been considering the acquisition of the land with a view to providing a larger country park (extending the country park secured under the original s.106 agreement dated May 2001, that is referred to in the Site Deliverability Statement). However, the LPA has chosen not to pursue this course of action and the landowner has no intention of voluntarily bringing that land forward as a public country park (nor have they indicated that they would).
- 6.1.9 The fact that the emerging Local Plan Policies Map no longer includes any annotation relating to the provision of a recreational use on this land (unlike the adopted Local Plan Policies Map) is also no doubt a reflection of the fact that the LPA was aware that any aspiration for a larger country park would not be realised.
- 6.1.10 It would also be an indication that the land could then be available for alternative uses, such as residential, as now proposed.
- 6.1.11 Therefore, as the site was known to the Council and that there was no evidence available to the Council that the retained element of this site was not available, then this site should have been considered. The same would be true whether or not the site had been formally submitted to the Council through a call for sites exercise.
- 6.1.12 The fact that the aforementioned discussions had taken in place in the past meant that officers would have been well aware of who the landowner was and they could have easily made contact if there was any doubt about the availability of the site.

- 6.1.13 In any case, even if the Council was correct to exclude this site from consideration as it had not been formally promoted to them in recent years (not that this accords with the PPG), the Council were reminded of the availability of this site on 18<sup>th</sup> December 2017. The site now therefore forms a reasonable alternative (as evidenced by the fact that it was previously considered as a reasonable alternative) and so must now be assessed within the SA.
- 6.1.14 The Council should have updated the SA accordingly, and if appropriate amended the Local Plan in light of the updated SA. If minor modifications were necessary, the Council should have included these in LP9/11 or if major modifications were required, the Council should have re-consulted on a revised version of the Local Plan. However, the Council has not updated the SA or proposed any resultant modifications in relation to the site at Oadby Grange.
- 6.1.15 The result of the absence of an update to the SA means that the Local Plan as submitted is not informed by a SA which considers all reasonable alternatives, and so does not fulfil the requirements of the SEA Regulations, the Act or the PPG. This procedural/legal flaw will need to be addressed if the Local Plan is to be legally compliant.
- 6.1.16 Pegasus Group reserve the right to comment on the updated SA and any resultant modifications as appropriate.
- 6.2 Question 2: Having regard to the representations made pursuant to regulation 20 and references to omission sites are there any corrections required to the Sustainability Assessment and if so, would those corrections change the assessments made to the selection of sites for allocation? (Please see the Council's response to the Inspectors Additional Question to the Council [[https://www.oadby-wigston.gov.uk/pages/local\\_plan\\_examination](https://www.oadby-wigston.gov.uk/pages/local_plan_examination)])**
- 6.2.1 As identified above, there is a requirement to assess all reasonable alternatives, including the site at Oadby Grange, for the Local Plan to be legally compliant.
- 6.2.2 It is considered that the updated SA will demonstrate that the site at Oadby Grange is one of the most sustainable development sites and that accordingly it should be allocated as an additional site to help meet the objectively assessed need of Oadby and Wigston and address the unmet needs of Leicester City (see Hearing Statements on Matters 1 and 2).

- 6.2.3 Even if the Inspector was to disagree that additional sites are required, the site should still be allocated in preference to less sustainable sites.
- 6.2.4 Indeed, the site at Stoughton Grange requires the release of land within the existing Green Wedge which is identified by the Council as being “extremely important”<sup>1</sup>, has “poorer levels of access to existing facilities”<sup>2</sup>, and is likely to have adverse effects on the historic environment<sup>3</sup>.
- 6.2.5 Similarly, the site at Cottage Farm will reduce the degree of separation between Oadby and Wigston, it would be poorly related to the pattern of built development, and it has “the potential to negatively impact upon the landscape and a significant negative effect is expected”<sup>4</sup>.
- 6.2.6 By comparison, the site at Oadby Grange is remote from the Green Wedge, it is accessible to local shops and services, it is unaffected by any designated heritage assets, development will not reduce the separation between Oadby and Wigston, it is well related to the built-up area and would represent a logical rounding off for the settlement edge, and it is capable of development without any significant and demonstrable harm to the landscape or visual amenities of the area. The sustainability credentials of the site at Oadby Grange are set out in detail in the Site Deliverability Statement that was provided alongside the submitted representations.

**6.3 Question 3: Are the allocated sites deliverable?**

- 6.3.1 Pegasus Group has no comment.

**6.4 Question 4: Do Policies 17 – 21 relating to specific sites / Direction for Growth areas provide sufficient detail to provide clarity to developers, local communities and other interests about the nature and scale of development envisaged on each site (addressing the “what, where, when and how” questions) in accordance with Planning Practice Guidance (ID 12-002)?**

- 6.4.1 Pegasus Group has no comment.

**6.5 Question 5: Are policies worded to ensure that they will be effective and that it would provide a clear indication of how a decision maker**

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<sup>1</sup> See paragraph 10.6.5 of the Local Plan

<sup>2</sup> See paragraph 4.66 of the Sustainability Appraisal

<sup>3</sup> And will require a Heritage Impact Assessment to determine the extent of these impacts – see the representation from Historic England

<sup>4</sup> See page 356 of the Sustainability Appraisal Appendix 5

**should react to a development proposal? (Please see the Council's response to the Inspector's Initial Questions to the Council (Q14))**

6.5.1 Pegasus Group has no comment.