

Examination into the Oadby and Wigston Town Centres Area Action Plan

GUIDANCE NOTE FROM THE INSPECTOR

Introduction

1. The Hearings (which are part of the Examination) into the Oadby and Wigston Town Centres Area Action Plan (the AAP) will open at 10.00 hrs on **Monday 11 June 2012** at the Oadby and Wigston Borough Council's offices, Station Road, Wigston, Leicestershire, LE18 2DR.

The Pre-Hearing Meeting (the PHM) – Tuesday 24 April 2012 at 10.00 am

2. The purpose of the PHM is to provide an opportunity for procedural and administrative matters to be explained and discussed, together with the form and content of the programme for the Hearing sessions. Whilst concerns can be raised, **it will not be an occasion for discussion on the merits of the matters to be considered at the Hearings.** At the PHM I will ask the Council whether the legal soundness and Duty to Co-operate requirements have been met. An agenda for the PHM is attached with these notes at Appendix A. Notes of the PHM will be sent to all those who have made representations on the AAP.

The Inspector's role

3. My task is to consider the soundness of the submitted AAP, based on the criteria in Planning Policy Statement 12: *Local Spatial Planning* (PPS12). The relevant soundness criteria are whether the AAP is: 1 - **justified** (founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable alternatives); 2 - **effective** (deliverable, flexible and able to be monitored); and 3 - **consistent with national policy**. Appendix B contains a list of useful publications and websites for advice.
4. I aim to work with the Council and the Hearing participants to achieve a positive social, economic and environmental outcome for the people of Oadby and Wigston. Following the close of the Hearings I shall prepare a report to the Council with my conclusions and any modifications the Council asks me to make to the AAP to achieve soundness. I will announce at the last Hearing session when this report is likely to arrive through the Council's (virtual) letterbox. The report will deal with issues, and not with each individual representation.

The Programme Officer

5. The Programme Officer (the PO) for the Examination is Stephen Dukes. Although he is a Council employee, he has not been involved in the preparation of the AAP. For the purposes of the Examination, he works under my direction, independently of the Council. Mr Dukes can be contacted on: 0116 257 2656, by e-mail at: Stephen.dukes@oadby-wigston.gov.uk or by post at: Programme Officer, Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR.
6. The PO acts as a channel of communication between me and all parties; and deals with all procedural, administrative and programming matters. All Examination correspondence should be sent to Mr Dukes at the address above. The PO also keeps the **Examination Library**, which contains the documents that form the evidence base for this Examination. Most of the documents on the Library list will be available in electronic form from the website; anyone interested in viewing hard copies of any of the documents should contact Mr Dukes.
7. During the Examination the PO will be able to tell you how closely the Hearing sessions are following the circulated programme, as it is possible that the times of Hearings

may change. Alternatively, you will be able to view a regularly updated programme on the website at: www.oadby-wigston.gov.uk/pages/town_centre_masterplans

8. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that anyone wishes to raise with me prior to the Hearings should be made through the PO.

Number of representations

9. 1,385 duly made representations were received on the *Proposed Submission Document* from 294 respondents. (A further 118 late representations were received from 28 respondents, increasing the total to 1,502 representations.) It is this *Proposed Submission Document* (dated October 2011) that I am examining.

Progressing your representations

10. Please note that the deadline to request a change from written representations to an appearance at a Hearing session is **Friday 27 April 2012**. Hearings are open to all, but only those who have made representations relevant to the discussion of an issue at a Hearing session, and have indicated that they want to participate, will be allowed to speak. If you are unsure whether or not you requested to appear at the Hearing sessions, no longer wish to appear as originally indicated or have not previously specified your intentions and would like to do so, please contact the PO who will be happy to assist.
11. **My starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. Those seeking changes must aim to demonstrate why the AAP is unsound by reference to one or more of the soundness criteria referred to in paragraph 3 above.**
12. It is important for everyone to work together during the Examination process on changes that could be made to the AAP, whilst avoiding producing alterations which might render the AAP unsound.

The Hearing sessions

13. The Hearing sessions, which will focus on the tests of soundness, will take the form of 'round table' discussions rather than the traditional form of a public inquiry. The Council will be invited to make an opening statement, giving some background to the preparation and purpose of the plan. I may then invite other representors to open some of the individual sessions. There will be no formal presentation of evidence or cross-examination, but there will be opportunities for respondents to ask questions of the Council and other respondents, and vice versa. I will chair these discussions.
14. A separate Hearing session will be held for each of the headline matters and related issues. These matters, which are set out in Appendix C, are intended to assist me in considering whether the AAP is sound.

Statements

15. It would be useful if all the respondents wishing to participate could prepare a short written statement, addressing the matters in Appendix C which they consider are relevant to them, although they can rely on previous submissions if they have nothing else to add. It would be helpful to me if statements could focus on:
 - What part of the AAP is unsound.
 - Which soundness criteria it fails.
 - Why it fails (probably summarising the key parts of your original representation).
 - How the AAP can be made sound.
 - The precise change and/or wording that you are seeking.

16. From the Council I require Statements which say why it considers the AAP to be sound in that particular aspect and why the changes sought by the other parties would make it unsound, or make suggestions for a soundness change.
17. Appendix D sets out the requirements for the presentation of all Statements. It should be thoroughly read and adhered to. Please note the 3,000 word limit. In order for the Hearing sessions to run effectively, repetition of points should be avoided; a good point made ten times over does not become a better point!
18. The Government has recently published its draft proposals for changing the national planning policy framework (NPPF). Following the Budget, the NPPF has now been adopted by Government. I therefore invite any comments on the implications of the NPPF on the AAP within the timetable and overall parameters that I have set out for the other Statements.
19. **No more evidence can be submitted once the Hearing sessions have closed unless I expressly invite it.**

Suggested changes

20. I anticipate that the Council will suggest some further modifications. I have therefore asked it to place on the AAP web page schedules of both **suggested main modifications**, which go to soundness, and **minor changes**, both of which will be updated regularly. Respondents should regularly check these lists in case they want to comment on them. I will indicate at the end of the Hearings whether any of the main modifications need Sustainability Appraisal or advertising.

The Hearing programme

21. An initial programme of the Hearings, with dates and times to the Matters to be examined, will be published shortly under this Guidance Note. It will be discussed at the PHM. If you have any queries, please raise them with the PO as soon as possible.
22. A new version of the Programme will be available after the PHM. It will be for individual participants to check the progress of the Hearings, either from the web site or with the PO, and to ensure they are present at the right time.
23. The Hearing sessions have been scheduled to start on **Monday 11 June 2012 at 10.00am** (with a 09.30 am start on subsequent days). A short break will be taken mid morning and mid afternoon, with a lunch break at around 1.00pm.

Statements of [Un] Common Ground

24. Statements of Common or Uncommon Ground are invited where these would be helpful in identifying points either not or in dispute, thereby assisting the Hearings to concentrate on the key issues that truly need public discussion. They could for example include: agreed wording of a suggested change to a policy; factual information; or areas or points of disagreement. **This work should commence now, with the aim of completing them in time to feed into the relevant Hearing Statement.**

Site visits

25. I shall visit, unaccompanied, unless I need to gain access to private land, all those sites and areas referred to in the representations before, during or after the Hearings. I will consider any requests for accompanied visits at the last Hearing session.

Finally...

26. It is worth emphasising:

- I shall have equal regard to views put orally or in writing;
- I need succinct statements in line with the requirements in Appendix D;
- You must meet the target date for Statements; and
- Your statement should focus on headline matters and related issues and the PPS12 soundness criteria.

Mike Fox: March 2012

Appendix A – Agenda for Pre-Hearing Meeting

Examination into the Oadby and Wigston Town Centres Area Action Plan (AAP)

PRE-HEARING MEETING

To be held at 10.00 am on Tuesday 24 April 2012

Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR

AGENDA

1. Opening and introductions
2. Purpose of the Pre-Hearing Meeting
3. Role of the Programme Officer
4. Scope of the Examination and the role of the Inspector
5. Procedural Questions for the Council
 - (i) Has the AAP been prepared in accordance with the Local Development Scheme?
 - (ii) Is the AAP in general accordance with the Statement of Community Involvement and public consultation requirements?
 - (iii) Has the AAP been subjected to a Sustainability Appraisal?
 - (iv) Has the AAP had regard to national policy?
 - (v) Has a Habitats Regulations Assessment been prepared, and has its conclusions been taken into account in the AAP?
 - (vi) Has the AAP been prepared in accordance with the Duty to Cooperate?
 - (vii) Is the AAP in general conformity with the Oadby and Wigston Core Strategy?
6. Procedure prior to the opening of the Hearing sessions of the Examination
7. Hearings arrangements and procedure
8. Site visit arrangements
9. Close of the Examination
10. Submission of the Inspector's Report to the Council
11. Hearings Programme
12. AOB/Questions
13. Closing remarks

Appendix B – List of relevant legislation and guidance

Planning and Compulsory Purchase Act 2004
<http://www.opsi.gov.uk/acts/acts2004/20040005.htm>

The Town and Country Planning (Local Development) (England) Regulations 2004
<http://www.opsi.gov.uk/si/si2004/20042204.htm>

The Town and Country Planning (Local Planning) (England) Regulations 2012
<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Planning Policy Statement 12: Local Development Frameworks
http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservtemplate/odpm_index.hcst?n=5382&l=3

Planning Advisory Service Plan Making Manual
<http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

Examining Development Plan Documents: Procedure Guidance & Examining Development Plan Documents: Soundness Guidance
http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm

You may also find the *PINS FAQs* on the examination process helpful. These can be viewed at:
http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm

Appendix C – List of key matters and issues

Matter 1: Legal compliance

- 1.1 Does the AAP meet all its **legal requirements**, especially in matters such as: the Local Development Scheme (LDS); the Sustainable Community Strategy (SCS); the Statement of Community Involvement (SCI); the Oadby and Wigston Core Strategy; Habitats Regulations; the Duty to Co-operate; and the Local Development Regulations 2004, as amended in 2008?
- 1.2 Are there any differences of emphasis between the AAP and the **Core Strategy**?
- 1.3 How does the AAP relate to the main recommendations of the **Sustainability Appraisal**? **A situation update from the Council is required, to give a brief explanation of the reasons for selecting the alternatives which are being supported in the AAP.**
- 1.4 How does the AAP relate to the recent **Localism Act**, the Government's **Growth agenda** and the **National Planning Policy Framework** (NPPF)?

Matter 2 – Relationship to other areas

- 2.1 **Neighbouring plans and strategies:** How does the AAP relate to the plans and strategies of the City of Leicester and other neighbouring local planning authorities?
- 2.2 How far has the plan taken on board the **plans and programmes of statutory providers and regulatory agencies**, such as transport companies, the Environment Agency, the utility companies, and **local businesses** and **community groups and agencies**?
- 2.3 **Beyond the boundaries:** Is there a strong contextual relationship between the town centres and neighbouring areas?

Matter 3 – Wigston Town Centre

- 3.1 How robust are the **spatial vision and objectives** for Wigston town centre (paras 4.18-4.28), for example in relation to any reasonable alternatives, and in the face of the current economic climate? What is the **economic justification for the scale of the proposed retail provision in policy 13**, in view of factors such as the proximity of rival centres, eg Highcross and Fosse Park, the growth in internet shopping and the number of existing empty retail units in the town centre? How much comparison retail floorspace has been completed over the last decade? What would happen if the retail growth set out in policy 13 failed to materialise? Would it not be cheaper and more cost effective to focus on bringing into use empty shop units in the town centre?
- 3.2 **Relationship of the town centres:** In what ways should Wigston and Oadby town centres complement and not compete with each other?
- 3.3 How does the plan address the **nighttime economy**?
- 3.4 Para 4.93, in relation to **Chapel Mill** (policy 16) refers to a proposed range of shop unit size, based presumably on the master plan. Is the desired range of retail unit size important to the viability and vitality of other parts of Wigston town centre as well, and if so, should policy 13 provide more direction, eg on a desired range of shop sizes/development plates to help the town centre maintain or enhance its distinctive retail offer?
- 3.5 **New parking provision:** Is the provision of at least 500 new parking spaces (policy 13) justified in relation to national/Leicester CC sustainable transport policy and the highway authority's car parking standards? Would the impact of a new multi-storey car park at Burgess Street on the living conditions of neighbouring residential occupiers be acceptable? Would traffic congestion be a likely result of the proposal?

- 3.6 **Existing parking provision:** What would be the economic and social impact on the reduction of parking spaces in the Paddock Street car park, which several representations point out are used by local residents due to the shortage of on-street parking spaces, and by the disabled and elderly who use the nearby Age Concern facilities? How does the loss of these spaces link to the creation of additional spaces elsewhere in the town centre? **A situation update from the Council is required, outlining the resources required for the implementation of the proposals for new parking in both Wigston and Oadby, when these sources are likely to become available, especially in relation to the loss of the existing spaces, whether any delivery partners have been signed up (or are likely to be), and the impact of the loss of existing spaces on current users, particularly in relation to the elderly and mobility impaired, and affected local residents.**
- 3.7 **Gateway site:** What is the reason for the location of the gateway site in the AAP? Should policy 13 refer to the proposed gateway improvement at the junction of Leicester Road/Frederick Street, as shown on the Proposals Map, and specify clearly what improvements the Council has in mind?
- 3.8 Has the potential for **increased pedestrian priority** (policies 13-16) been maximised? Should the proposed new shopping street (para 4.39) be clearly identified on the Proposals Map and in a policy? **A situation update from the Council is required on pedestrian priority in Wigston town centre, in relation to pedestrian flows, focal points, development phasing and the quality of the public realm.**
- 3.9 Are the proposed **changes to any of the road layouts** justified? Although policy 12 refers generally to highway works, should the specific highway schemes be included in relevant policies? Are there land use implications in any of these schemes?
- 3.10 Do policies 13-16 provide sufficient focus and direction to enable the potential for enhancing the **public realm** to be maximised?
- 3.11 What is the justification for the proposal for **new health provision** in policy 14, in view of the representation by the Primary Care Trust that they are interested in another site?
- 3.12 Is the **amount and type of housing provision** in Long Lane (policy 15) appropriate for local needs? Is there any housing potential in other parts of the town centre? Some concern is expressed that the proposed apartments, forming part of the mix in areas such as the Long Lanes, may continue to be unattractive in the current difficult market conditions. Is a proportion of affordable housing appropriate within the AAP and if so, how much?
- 3.13 In all other respects are the proposals for development in the key development sites at **Burgess Junction, Long Lanes and Chapel Mill** (policies 14, 15 and 16 respectively) justified and effective?
- 3.14 How much guidance does the plan provide to ensure that the development of town centre sites pays special attention to **conservation and archaeological implications**?
- 3.15 Are there any **other development opportunities** in Wigston that the plan should be addressing, eg public amenities such as toilets?
- 3.16 Is the relationship between Wigston town centre and the developments associated with **Direction for Growth** to the south east sound?

Matter 4 - Oadby Town Centre

- 4.1 Although there is recognition from some groups that Oadby town centre needs to move forward, several representations argue for keeping Oadby as it is and that the plan will lose rather than gain jobs. What is the **economic justification for the scale of the proposed retail provision in policy 17**, in view of factors such as the proximity of rival centres, eg Highcross and Fosse Park, the growth in internet shopping and the number of existing empty retail units in the town centre?

- 4.2 **A situation update from the Council is required on the plans for Oadby town centre, including justification of the proposed schemes, how, where and when they would be implemented, and public and private sector resource implications. Would proposals for and to the north of Brooksby Square, and for Baxter's Place, distract from the core of Oadby, which several representors consider to be The Parade?**
- 4.3 **What type of retail provision?** What evidence is there that the lack of modern sized units is preventing investment, especially in view of the statement (in para 5.22): "the town's strength will lie in its interesting mix of shops, cafes, bars and restaurants, focused on the independent offer"? Are anchor stores the answer? How does the plan relate to the Core Strategy spatial objective 3, which is to establish Oadby as a small town centre catering for smaller independent and specialist shops?
- 4.4 How does the plan address the **nighttime economy**?
- 4.5 Para 5.67, in relation to **Baxter's Place** (policy 19), refers to a range of retail floorspace sizes size to accommodate modern retailer requirements, based presumably on the master plan. Is the desired range of retail unit size important to the vitality and viability of other parts of Oadby town centre as well, and if so, does policy 17 need to provide more direction, eg on a desired range of shop sizes/development plates to help the town centre maintain or enhance its distinctive retail offer?
- 4.6 Planning to meet **ethnic and religious demands**: Why does the AAP single out Oadby for provision to meet the ethnic/religious demands of the Borough?
- 4.7 Is the proposal for a **community use building** (policy 17) justified and effective?
- 4.8 Has the potential for **increased pedestrian priority** been maximised?
- 4.9 Is the **severance effect of the A6 main road** on Oadby a perception, or is there robust evidence? If so, how can the AAP address this issue?
- 4.10 **New parking provision**: Is the provision of at least 370 new parking spaces (policy 17) justified in relation to national/Leicester CC sustainable transport policy? Would the impact of a new two-storey car park at Baxter's Place on the living conditions of neighbouring residential occupiers be acceptable? Would traffic congestion be a likely result of the proposal? Should policies 18 and 19 be more specific on the design and environmental mitigation aspects of the proposed car parks in order to address some of the concerns raised by representations?
- 4.11 **Existing parking provision**: What would be the economic and social impact of the reduction of parking spaces in the East Street/Brooksby Drive car park, which several representations point out are used by significant numbers of the disabled and elderly? Representations in particular point out impact on the well used Methodist Church and the increased likelihood of people changing to out of centre retailing, such as the nearby Asda superstore and further afield. Would the loss of easy access (referred to positively in the Core Strategy para 3.14) to and from the A6 significantly add to vehicle congestion in the town centre? How would the loss of these spaces link to the creation of additional parking spaces elsewhere in the town centre? **A situation update from the Council, as outline in para 3.6 above, is required for Oadby as well as Wigston.**
- 4.12 Has the potential for **enhancing the public realm** been maximised?
- 4.13 In what ways will the plan be making provision for **civic functions**? (para 5.26). In view of the Primary Care Trust's representation, should there be a proposal for a health centre in Oadby town centre?
- 4.14 Why does the **reduction of office development** due to changing economic times not equally refer to retail development?

- 4.15 Is the **amount and type of housing provision** appropriate for the needs of Oadby? Is the proposal for 35 units, 3/4 storeys high on the part of the existing East Street car park appropriate in streetscape terms? Is a proportion of affordable housing appropriate and if so, how much?
- 4.16 In all other respects are the proposals for development in the key development sites at **Brooksby Square, Baxter's Place and The Parade** (policies 18, 19 and 20 respectively) justified and effective? If the AAP proposals for Brooksby Square were deleted, would the AAP be out of conformity with the Core Strategy?
- 4.17 What **other development opportunities** in Oadby should the plan be addressing, eg public amenities such as toilets?

Matter 5 – Development management policies

- 5.1 Are the **town centre boundaries** for Wigston and Oadby appropriately drawn (policy 1)?
- 5.2 Are policies 2 and 3, setting out permitted levels of ground floor uses in **Primary Frontages** and **Secondary Frontages** respectively, justified and effective?
- 5.3 Is policy 9, dealing with **hot food takeaways**, justified and effective? In particular, how is 'cumulative effect' to be determined and how will the effect of impacts such as noise, litter, smell and opening hours be assessed?
- 5.4 Is policy 10, dealing with **taxis** justified and effective? In particular, how will proximity to the core of the town be assessed, and how is the core defined? Would there be any provision for taxi waiting areas in Oadby?
- 5.5 Is policy 11, covering the **public realm**, justified and effective? Should the policy make reference to the use of **sustainable urban drainage systems**, as suggested by the Environment Agency?
- 5.6 Are policies 4 and 5, covering proposals for development within the town centre boundary and within **other areas within the AAP boundary** respectively, justified and effective? Why have the SA recommendations aimed at avoiding or offsetting potential impacts on green spaces and biodiversity been omitted from policy 4?
- 5.7 Are policies 6, 7 and 8, dealing with **shopfronts, security shutters and use of upper floors** respectively, justified and effective?
- 5.8 Is policy 12, covering the **transport and movement**, justified and effective? Has the potential for public transport been realised? Should the plan provide more detailed direction in relation to the location of new and improved bus waiting facilities?

Matter 6 – Implementation and monitoring

- 6.1 Are the **key infrastructure providers** signed up to the Local Infrastructure Plan (LIP) in Appendix D? (There is support for the LIP from a housing developer.)
- 6.2 Are there any **showstoppers** in the Local Infrastructure Plan?
- 6.3 What is the **critical path** for securing the effectiveness of delivery of the AAP?
- 6.4 Is the high number of phase 1/2 schemes indicative of lack of confidence, uncertainty or lack of realism in the plan? **A situation update from the Council is required on phasing and implementation in both town centres, in order to establish clear priorities in relation to resources and the phasing of retail and commercial development, car parking and improvements to pedestrian movement and the public realm.**

- 6.5 How realistic is implementation of the **Burgess Junction multi-storey car park** (£32.6 million) within phases 1/2? Or are all these schemes programmed to start in phase 1 and then continue into subsequent phases?
- 6.6 What is the cost of the **Town Square** and who will pay?
- 6.7 Which schemes are likely to require **compulsory purchase orders** (CPOs) and/or **Section 106 contributions**?
- 6.8 Should provision for **policing** be included in the LIP, based on developer contributions?
- 6.9 How will the **monitoring** arrangements work? Should Appendix G include reference to changing crime rates, as suggested by the police?
- 6.10 When is it envisaged that a **CIL** will be part of the LDF?
- 6.11 Appendix G, the **monitoring framework**, is repetitive and could be simplified; why does it need to include references to plan objectives?
- 6.12 What is the status of the **master plans** in the AAP (Pages 38 and 63)? Is the **Proposals Map** sufficiently detailed and clear to provide a site-specific framework for development over the plan period?

Mike Fox:
20 March 2012

Appendix D – Format for Statements

Please observe the following requirements for written submissions:

1. All Statements should be sent to the PO at the following address:

**Mr Stephen Dukes
Oadby and Wigston Town Centres Area Action Plan
Programme Officer
Council Offices
Station Road
Wigston
Leicestershire
LE 18 2DR**

2. Statements should be no longer than **3,000 words** per matter, whether for a Hearing session or for written representations. Remember – it is the quality of the reasoning that carries weight, not the bulk of the documents.
3. They should be prepared on A4 sized paper, without hard covers and **unbound**, but just stapled and with two holes punched at the side for inclusion in the PO's files.
4. Any **plans or diagrams** should be folded to A4 size and listed as appendices.
5. No additional statements or documents whatsoever will be accepted at the Hearings.
6. Any supporting material should be limited to that which is essential and not contain lengthy extracts from any publication that is already before the Examination.
7. All written submissions should be **paginated** and have a **contents page**.
8. The PO will advise on the **number of paper copies** required, but the minimum number will be 4 (for the Inspector, PO, Council and Library), plus copies for each participant at the relevant Hearing session.
9. All participants should adhere to the following **timetable for submitting statements**:
 - Statements of [Un] Common Ground: in time to feed into Statements, or (as a last resort) at least **2 weeks** before the relevant programmed Hearing, if agreed.
 - Last date for changing from written representations to a Hearing appearance – **Friday 27 April 2012**.
 - All Statements, including any addressing the implications of the Government's proposals for the national planning policy framework for the AAP: by midday on **Friday 27 April 2012**.
10. The Council will have a little extra time in order to be able to respond to any points made in the representations.