



# Oadby & Wigston

## Town Centres Area Action Plan

# Matter One 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?**

1.1.1 As confirmed at the Pre Hearing Meeting, the Town Centres Area Action Plan meets all of its legal requirements in relation to the Local Development Scheme, the Statement of Community Involvement, the Oadby and Wigston Core Strategy, Habitats Regulations and the Duty to Co-operate.

1.1.2 With regard to the Sustainable Community Strategy, the Town Centres Area Action Plan has been prepared to be in general conformity with the Core Strategy, which shares a vision with the Sustainable Community Strategy, and which is therefore consistent in its objectives, spatial strategy and policies (see section 2 of the Town Centres Area Action Plan). The Town Centres Area Action Plan therefore assists in the delivery of the spatial priorities of the Sustainable Community Strategy.

1.1.3 With regard to the Local Development Regulations 2004, as amended in 2008, it is considered that the Town Centres Area Action Plan meets (and has met throughout its preparation) the requirements of these Regulations.

**1.2 Are there any differences of emphasis between the AAP and the Core Strategy?**

1.2.1 There are no differences of emphasis between the Area Action Plan and the Core Strategy.

1.2.2 However, it should be noted that the Council's Regulation 27 Publication Draft Core Strategy which was subsequently submitted for Examination did not contain figures as to the amounts of development to be provided in the town centres. It was the Council's view that the draft Masterplans had not progressed sufficiently or been sufficiently tested or evidenced to do this, for example, the Delivery Strategies had not been prepared at that time.

1.2.3 However, the Inspector did not agree with that approach and through her binding report, included the amounts of development that were contained within the latest versions of the town centre masterplans available at the time as targets and/or approximate figures in Core Strategy Policies 1 and 2.

1.2.4 With the benefit of the Delivery Strategies; given the changes to the economic climate and outlook since 2010; and, given the representations that have been received in relation to the Town Centres Area Action Plan, it has been a challenge to prepare the Town Centres Area Action Plan to both meet the Tests of Soundness and to be in general conformity with the Core Strategy. Had the amounts of development not been incorporated in Core Strategy policy as the Council proposed, there would have had much more flexibility to achieving this.



### **1.3 How does the AAP relate to the main recommendations of the Sustainability Appraisal?**

- 1.3.1** Please note that a situation update has been provided by the Council, to give a brief explanation of the reasons for selecting the alternatives which are being supported in the Town Centres Area Action Plan.
- 1.3.2** The Sustainability Appraisal found that the Town Centres Area Action Plan could have an impact on the town centres by encouraging development in town centre locations. In the context of the Borough as a whole however, the Sustainability Appraisal for the Core Strategy found that it is more sustainable to direct new development to town centre locations as opposed to greenfield sites in the Borough around the edge of the Leicester Principal Urban Area, which would have been the alternative (see Paragraph 8.3.2 Oadby and Wigston Borough Council Submission Core Strategy Sustainability Appraisal Report, October 2009).
- 1.3.3** However, in order to mitigate against the impacts of an increased level of town centre development the Town Centres Area Action Plan contains a set of strong development control policies and a policy relating to public realm to ensure that all significant development also results in an improvement to the public realm. This should also be read in conjunction with the draft Public Realm Strategy Supplementary Planning Document and policies in the Core Strategy which seek to achieve a high quality of design (Policy 14) and to ensure that new development is consistent with landscape character (Policy 15).
- 1.3.4** There are also positive sustainability impacts of locating development in town centres which will contribute towards meeting the requirements of policies in the Core Strategy, including reducing CO2 emissions by reducing the need to travel (Policy 8); provision of affordable housing and housing that meets the needs of the community (Policies 11 and 12).
- 1.3.5** The Sustainability Appraisal also found that locating development in the town centres may have a negative impact through an increase in car use, leading to increased levels of traffic congestion, noise, vibration, air pollution and CO2 emissions. In order to mitigate against this, a policy relating to transport and movement was included in the Town Centres Area Action Plan. This sets out a number of requirements that will need to be taken into account in preparing proposals for new development including improved bus, cycle and walking facilities.



## **1.4 How does the AAP relate to the recent Localism Act, the Government's Growth agenda and the National Planning Policy Framework (NPPF)?**

### **Localism Act**

- 1.4.1** The Localism Act has brought about some reforms to the Planning System. It came into effect in November 2011 after the Town Centres Area Action Plan had been published; so much of the preparation of the document predates the Act. However, the Town Centres Area Action Plan and the process of preparing it is very much in the spirit of the Act.
- 1.4.2** For example, the Localism Act has introduced the Duty to Co-operate. In preparing the Town Centres Area Action Plan a significant amount of community involvement has been achieved through public consultation. In addition, the Council has sought the involvement of stakeholders, service providers and nearby local authorities and where necessary, co-operation was undertaken to ensure the Town Centres Area Action Plan meets expectations. An example of this co-operative working is the Wigston Town Centre Transport Report (document library reference M1) which was prepared as a result of consultation with Leicestershire County Council leading to an agreement that further evidence was required. Leicestershire County Council and bus companies were involved in the preparation of the document along with the Borough Council.
- 1.4.3** There are a number of other elements of the localism Act which aim to allow the community greater involvement in planning and local councils more freedom to prepare plans and make decisions. The Town Centres Area Action Plan is consistent with these elements of the Act.

### **The Growth Agenda**

- 1.4.4** The Department for Business Innovation and Skills published the Plan for Growth in March 2011. Many of the objectives set out in this document have been taken forward by Government through means such as the Localism Act and the National Planning Policy Framework. However, one key message set out in the Plan for Growth was that with immediate effect local planning authorities should prioritise growth and jobs and this was confirmed through a Ministerial Statement on 23<sup>rd</sup> March 2011.
- 1.4.5** In many respects this is directly consistent with the aims and objectives of the Town Centres Area Action Plan. Paragraph 3.45 of the Core Strategy identifies a number of issues and challenges in relation to the town centres. These include achieving the regeneration of the centres by improving their vitality, viability and spatial setting, the range of retail opportunities and services available and increasing footfall in the context of their proximity to each other shopping destinations. The objectives in paragraph 4.18 and 4.19 respond to these challenges and the policies in the Core Strategy and Town Centres Area Action Plan set out how they will be achieved.



- 1.4.6** In achieving these objectives, the underlying principle of the Town Centres Area Action Plan is to ensure that the centres of Oadby and Wigston remain competitive now, throughout and beyond the plan period and provide for growth in employment, retail and housing opportunities in order to achieve this.
- 1.4.7** It is important that plans and policies such as those set out in the Town Centres Area Action Plan are brought forward to promote regeneration of the centres and therefore to maintain and increase the opportunities and the economic prosperity of the Borough itself and to contribute to the role that the Borough plays in the context of the Leicester City and the Leicester Principal Urban Area.

#### **National Planning Policy Framework – comments as they relate to the Oadby and Wigston Town Centres Area Action Plan**

- 1.4.8** The National Planning Policy Framework aims to put sustainable development at the heart of planning and in particular aims to give the economic, social and environmental roles of achieving sustainable development equal weight, whereas previous planning policy has tended to favour specific roles over others.
- 1.4.9** Paragraph 9 of the National Planning Policy Framework sets out how pursuing sustainable development involves seeking positive improvements in a number of key areas. The Town Centres Area Action Plan contributes towards this in the following ways:
- 1.4.10** *Making it easier for jobs to be created in cities towns and villages -*  
Given that much of the Borough is already considerably built up and that the availability of greenfield land for development is limited, the Town Centres Area Action Plan creates opportunities to create new office, retail and service sector jobs in the centres of Wigston and Oadby.
- 1.4.11** *Moving from a net loss of biodiversity to achieving net gains for nature -*  
Given that the majority of sites identified for development in the Town Centres Area Action Plan are brownfield sites that are currently in use any loss of biodiversity will be kept to a minimum. However, the principle of focusing new development in the town centres will significantly reduce the potential loss of biodiversity on greenfield sites.
- 1.4.12** *Replacing poor design with better design -*  
The Town Centres Area Action Plan refers to achieving a high standard of design of buildings and public realm in its policies and supporting text.
- 1.4.13** *Improving the conditions in which people live, work, travel and take leisure -*  
The Town Centres Area Action Plan aims to significantly improve the overall quality of the town centres in each of these respects.



**1.4.14 Widening the choice of high quality homes -**

The Town Centres Area Action Plan aims to provide additional choice by introducing opportunities for town centre living in Oadby and Wigston. There is potential that these could meet specific needs, for example, affordable housing and housing for older people.

**1.4.16** Specific guidance on the preparation and content of town centre planning policies is contained in paragraph 23 of the National Planning Policy Framework. It is considered that the Town Centres Area Action Plan is in full conformity with all of the factors referenced in this policy.

**1.4.17** In particular, the National Planning Policy Framework requires that Local Plans recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. This is particularly relevant to the Borough of Oadby and Wigston given its physical characteristics of primarily urban settlements focused around a town centre. Whilst many local people look to these centres as the heart of their community, good planning, physical and economic development of the centres has not kept up with these social aspirations. Therefore, it is a key objective of both the Core Strategy and the Town Centres Area Action Plan to put in place mechanisms to achieve both the economic, social and environmental regeneration of both Wigston and Oadby town centres.

**1.4.18** Additional comments with regard to some of the other factors mentioned in paragraph 23 of the National Planning Policy Framework and the document more generally are discussed, as appropriate, in relation to specific issues throughout the Borough Council's Statements.

**1.4.19** Paragraph 26 of the National Planning Policy Framework requires that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up to date Local Plan, local planning authorities should require an impact assessment if the development is of a proportionate, locally set threshold and that if there is not a locally set threshold, then the threshold should be 2,500 square metres.

**1.4.20** It is considered that 2,500 square metres is too large when considering such proposals in relation to Wigston and Oadby town centres and therefore the Town Centres Area Action Plan Policy 5 sets a lower threshold of 2,000 square metres for retail or leisure development.

**1.4.21** To ensure consistency with the National Planning Policy Framework it is suggested that the remit of this policy is extended to also refer to office development by amending the last paragraph as follows:

*'Proposals involving new retail, leisure or office floorspace over 2,000sqm within or adjoining.....'*



## **Model Policy - Presumption in Favour of Sustainable Development**

- 1.4.22** The Inspector has invited comments on the inclusion of a model policy based on the Presumption in Favour of Sustainable Development that has been introduced through the National Planning Policy Framework. The intention is that it should be included in Development Plan Documents such as the Town Centres Area Action Plan to outline how the Presumption in Favour of Sustainable Development should be applied locally.
- 1.4.23** Paragraph 1 of the National Planning Policy Framework states that it sets out the Government's planning policies for England and how these are expected to be applied.
- 1.4.24** Paragraph 12 of the National Planning Policy Framework, in relation to the presumption in favour of sustainable development, refers to the role of material considerations in determining planning applications and paragraph 2 confirms that the National Planning Policy Framework is itself a material consideration in planning decisions.
- 1.4.25** With the exception of the first paragraph, the model policy is a repeat of the role of decision takers as set out in paragraph 14 of the National Planning Policy Framework. Given that the National Planning Policy Framework is a material consideration that is required to be taken into account in planning decisions it is questionable whether it is necessary to include this in the Town Centres Area Action Plan.
- 1.4.26** With regard to the first paragraph, it is considered that this could be a useful addition to the Town Centres Area Action Plan, that should be inserted into the document as a new Policy 1, with some minor amendments to the wording to reflect how the presumption in favour of sustainable development should be applied locally, as set out below:

### *"Policy 1 Presumption in favour of sustainable development*

*When considering development proposals within the Town Centre Boundary and the Area Action Plan Boundary of Wigston and within the Town Centre Boundary and the Area Action Plan Boundary of Oadby the Council will take a positive approach that reflects the presumption in favour of sustainable development.*

*The Council will always work proactively with applicants jointly to find solutions which mean that development proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of Oadby and Wigston town centres, areas within the Area Action Plan Boundaries and the wider Borough."*



- 1.4.27** The supporting text should provide a cross reference to the fact that the presumption in favour of sustainable development originates from the National Planning Policy Framework. It should provide further information on how it will be applied and state that it will be a material consideration in relation to the policies in the Town Centres Area Action Plan and the planning decisions that are made by the Council.
- 1.4.28** However, if the Inspector considers this approach not to be sufficient to achieve soundness, then paragraphs 2 and 3 (along with its two bullet points) should also be included within this new Policy 1, but with the words 'Local Plan' replaced with 'Town Centres Area Action Plan'.

**Oadby and Wigston Borough Council**

Tel: 0116 288 8961, Fax: 0116 288 7828

Email: [forwardplans@oadby-wigston.gov.uk](mailto:forwardplans@oadby-wigston.gov.uk)

Oadby and Wigston Borough Council,  
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR.