

FULL COUNCIL

11 SEPTEMBER 2012

REPORT OF THE STRATEGIC DIRECTOR AND THE HEAD OF COMMUNITIES AND NEIGHBOURHOODS

MELTON LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY: SUBMISSION

1.0 PURPOSE OF THE REPORT

- 1.1 The report seeks approval to submit the Core Strategy (Publication) Development Plan Document, as approved by Members for consultation on 15th February 2012, together with focused changes and other supporting documentation to the Secretary of State.

2.0 RECOMMENDATION

- 2.1 That the Core Strategy (Publication) Development Plan Document, together with the documents referred to above and other required documents, be submitted to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 That the Council approves for submission the Publication Statement of Consultation setting out, as required under Regulation 22(c) of the Town and Country Planning (Local Planning) (England) Regulations 2012, a summary of the numbers of, and main issues raised by, the representations received in response to Publication, as set out in Appendix 1;
- 2.3 That the Council approves for submission the Schedule of Focussed Changes to the MLDF (Publication) DPD as set out in Appendix 2;
- 2.4 That the Council approves for submission the Sustainability Appraisal Report into the Core Strategy (Publication) Development Plan Document as amended by the focussed changes (referred to as the Submission version), as set out in Appendix 3;
- 2.5 That the Council approves for submission the Schedule of Minor Changes to the MLDF (Publication) DPD as set out in Appendix 4;
- 2.6 That the Head of Communities and Neighbourhoods be given delegated authority to make minor amendments to the above documents of an inconsequential nature to the overall strategy;
- 2.7 That the Strategic Director, in consultation with the Leader, Deputy Leader, Chair of Rural, Economic and Environmental Affairs Committee, Chair of Development Committee and Chair of Community and Social Affairs Committee, be given delegated authority to deal with further changes proposed during the Examination process.
- 2.8 That the Council notes the comments of the MLDF Working Group in Appendix 5 (to follow) and resolves accordingly.

3.0 KEY ISSUES/BACKGROUND

- 3.1 In February 2012, Melton Borough Council published the Melton Local Development Framework (MLDF) Core Strategy (Publication) DPD. The Core Strategy sets out the vision, objectives and strategic policies for the Borough to 2026. It addresses a range of important issues facing the future of the Borough including housing needs, jobs, village development, the role of the countryside etc, but for many the key decisions will be about where large-scale housing and employment development will take place, and how that will relate to a relief road for Melton Mowbray.
- 3.2 The Extraordinary Council meeting on 15th February considered a full report describing preparation of the Core Strategy, the Sustainability Appraisal, Habitat Regulations Assessment, infrastructure and delivery issues, the relationship with the Corporate Plan and other matters. 11 Appendices set out the DPD and supporting documentation. These are not all repeated here but can be accessed via the Council's web-site.

Representations Received

- 3.3 Following consultation on the Publication DPD, over 500 representations were received from about 150 different parties together with a petition containing 2,423 signatures. The breakdown of representations, by topic/ Chapter is set out in the table below. It should be noted that these numbers give only an approximate indication since the system is not consistent in the way it deals with different points raised by the same person. Moreover there is some repetition and some of the representations are expressions of support or no comment or are raising only minor issues.

Topic	No. of Reps	SUE Related Objections	Other Objections/ Comments
General	44	20	24
1. Introduction	14	8	6
2. Borough Profile	11	6	5
3. Vision & Objectives	24	8	16
4. The Need for Development	23	11	12
5. Where Development Will Take Place	91	40	51
6. Meeting Housing Needs	28	6	22
7. Meeting Economic Needs	28	4	14
8. Transport & Access	48	30	18
9. Improving Melton Mowbray Town Centre	12	0	12
10. Our Environment	33	12	21
11. Tackling Climate Change	27	2	25
12. Better Design	7	0	7
13. Growth at Melton Mowbray	89	74	15
14. Managing Investment	22	15	7
15. Monitoring our Strategy	7	4	3
Appendix 1. Housing Trajectory	3	2	1
Appendix 2 Policy Monitoring Framework	2	1	1
TOTAL	513	243	270

- 3.4 The petition was received on 10 April 2012. It stated: *“Melton North Action Group oppose the Melton Borough Council's preferred urban extension to the North of the town. 1000 homes have been proposed to be built as part of Melton Borough Council's proposed sustainable urban extension, this number could rise to 3400. The Melton North Action Group oppose this plan”*. The petition asks the council to reconsider the extension of the town to the North and consider alternative options. The Council

resolved that the petition be accepted as part of the Core Strategy consultation process.

- 3.5 The Publication Statement of Consultation set out in Appendix 1 summarises the representations made on the Publication DPD. The full text of all representations is available in the Members' room and on the Consultation web-site and will be submitted to the Secretary of State for Examination by the Planning Inspectorate.
- 3.6 Nearly half of the objections received to the Core Strategy Publication Document oppose the proposed Sustainable Urban Extension to the north of Melton Mowbray on a variety of grounds. Having considered all of these arguments, your officers do not consider that any of the grounds are sufficient to justify a change of direction on this fundamental element of the Core Strategy. On that basis it is considered that the Core Strategy Publication Document is sound and it is recommended that it be submitted to the Secretary of State for Examination by an independent Inspector as to its legitimacy and soundness.

Recommended Changes

- 3.7 Following consideration of these representations, certain changes are suggested to the Core Strategy in response to the representations but also in response to the National Planning Policy Framework and other matters. Some of these are minor alterations, while others are more substantial.
- 3.8 The more substantial changes are set out in the Schedule of Focussed Changes in Appendix 2 and are summarised in Section 4.0 below. A focused change is one that affects a specific part of the development plan document, such as one of the chapters or topics. Focused change should involve only a relatively small proportion of a development plan document's text. These will be presented to the Secretary of State as an addendum, comprising the Schedule in Appendix 2 and a track changed version of the Core Strategy (incorporating the focussed and the minor changes-see 3.11 below). Full copies have been made available in the Members' Room.
- 3.9 The focussed changes will be subject to public consultation, and we have been advised by the Planning Inspectorate that this will be done after the Hearing in order that any other focussed changes emerging through the Hearing process can also be included in the consultation. The Schedule of Focussed Changes will be available for discussion at the hearing as appropriate. Any changes which emerge during the Hearing, for instance as suggested by the Inspector, will need to be agreed by the Council and it is proposed that this be delegated to the Strategic Director, in consultation with Councillors Rhodes, Posnett, Orson, Chandler and Wright.
- 3.10 To ensure that the plan is sustainable it has to be subject to a Sustainability Appraisal/ Strategic Environmental Assessment. The SA/SEA process is an iterative part of policy development. In 2006 we produced a Sustainability Appraisal Baseline and Scoping Study and Sustainability Appraisal Reports were prepared and published to assess the Issues and Options (2006), Preferred Options (2008), the Directions of Growth (2011) and Publication Draft Core Strategy (2012) stages. A further Sustainability Appraisal has been undertaken of the proposed focussed changes to the Publication Document. A summary of this is attached as Appendix 3 and the Full Report and Technical Appendices will also be submitted to the Secretary of State, together with the Sustainability Appraisals conducted at previous stages. The Full SA Report and Technical Appendices have been made available in the Members' Room.
- 3.11 The Schedule of Minor Changes in Appendix 4 sets out those changes which are required to correct typographical errors, to improve clarity and legibility and update the document. These changes are not likely to require further consultation.

- 3.12 The MLDF Working Group meets on 3rd September 2012 to consider these documents. Any comments from the Working Group will be circulated to Council members in advance of the meeting as Appendix 5 to this report.

What Happens Next?

- 3.13 Following approval of these documents, they will be submitted to the Planning Inspectorate (acting on behalf of the Secretary of State), together with other information such as that relating to previous stages of consultation and the evidence base. This is programmed for 27th September, subject to Members' approval this evening, and an Inspector will be appointed to carry out the Examination, which will include a one or two week Hearing. Thereafter the timetable will depend on whether the Inspector considers that a Pre-Hearing Meeting will be required. If not, it is likely that the Hearing would be held during the week(s) beginning 10th December.
- 3.14 The more likely scenario is that the Inspector will hold a Pre-Hearing Meeting in which case the timetable is likely to be as follows:
- w/c 19th November 2012- Pre-hearing Meeting
 - w/c 14th (and 21st) January 2013– Hearing
 - w/c 28th January – w/b 11th March 2013 – consultation on focussed changes
 - w/c 8th April Draft report received for fact check
 - w/c 29th April 2012 -Final Report received
 - May/June Core Strategy adopted
- 3.15 The weight which can be attached to the Core Strategy policies in planning decisions is currently very limited and policies which are subject to focussed changes will have hardly any weight until they have been subject to consultation, especially if such consultation results in objections. Similarly other policies will have relatively little weight if they are subject to unresolved objections; but they would have slightly more weight if they have not been questioned by the Inspector at the Examination and/ or after his final report has been received and no changes are proposed to them.
- 3.16 During this period work will also be progressed on the Melton Mowbray Sustainable Urban Extension Area Action Plan and the Council's Community Infrastructure Charging Schedule (CIL). Both of these documents provide policy and delivery support to the Core Strategy: the AAP translating the Direction of Growth to the north of Melton Mowbray into development plan policy and CIL and planning obligations providing the mechanism to collect developer funding for infrastructure identified in the Core Strategy. Consideration will also be given as to how the Local Development Scheme can be altered in order to "telescope" Development Plan Documents into a single Local Plan, as now preferred by the Government and detailed in the NPPF.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The Council resolved in February 2012 to support the Publication Document, based on the previous Issues and Options and Preferred Options stages of consultation, on the decision in November 2009 for a sustainable urban extension to the north of Melton Mowbray and on the evidence available to it both before and after that date.
- 4.2 If Members wish to make any fundamental or extensive changes to the Core Strategy in the light of the representations received, or for any other reason, then they cannot submit the document and would need to delay the process until an alternative strategy was prepared. This would run the risk of losing appeals in the meantime, particularly for greenfield housing development, and/ or of failing to secure contributions towards infrastructure either through the Section 106 or Community Infrastructure Levy mechanisms. Other implications could be the loss of ability to direct development to the

most suitable locations, loss of the ability to determine applications using locally relevant criteria, weakened policies as a result of loss of some national and regional guidance, and the possible need for costly update of much of the evidence base in order to justify an alternative strategy. Such a course is not therefore recommended.

4.3 As part of the Submission process, it is open to the Council to suggest to the Inspector that certain changes be made to the document in order to improve it and in particular to ensure that it is sound. These proposed focussed changes are set out in Appendix 2 and are in addition to minor changes in Appendix 4, as mentioned above. The main changes are as follows:

4.3.1 Changes to Reflect the NPPF

The National Planning Policy Framework came in to force in April 2012, after the Publication Core Strategy was approved. Following an assessment against the NPPF, the following changes are proposed:

- Safeguarding existing and supporting proposals for new services and facilities in Melton Mowbray and the Rural Centres (Policies CS1 and CS2)
- Allowing cross-subsidy of rural exception affordable housing by some market housing (CS5).
- A more flexible approach to the safeguarding of employment sites (CS7).
- Revised wording in relation to the evidence of need for town centre uses (CS12).
- Additional bullet point in relation to isolated rural dwellings and rural workers' housing (CS13).
- Provision for communities to identify Local Green Space for long term protection (CS16).
- Support for energy efficiency improvements in existing buildings (CS19)
- Introduction of the national "model policy" on presumption in favour of sustainable development (new policy CS27).

4.3.2 Changes to Reflect National Policy on Gypsies and Travellers (CS6)

The National Policy, which was introduced in March 2012, includes a requirement to have a 5 year supply of sites to meet identified need and new criteria for the identification of sites. The current criteria are therefore proposed to be replaced by a reference to the national policy.

4.3.3 Changes to Modal Shift Targets/ Travel Plan Provision (CS10)

Following representations by Leicestershire County Council (LCC), it is proposed to revise these to be more realistic in terms of reducing private car trips and to require all major developments to submit Travel plans.

4.3.4 By-Pass Funding (CS11)

The Publication Core Strategy states that the link between Leicester Road and Asfordby Road is to be provided as part of the Employment Growth Area. It is now clear that additional funding will be required in order to achieve this length of road and so the policy should refer instead to "exploring the opportunities for funding".

4.3.5 Greater Emphasis for the Historic Environment

Following representations from LCC and English Heritage, a new Policy CS 23 on the Historic Environment is proposed, together with a number of changes to Policies CS12, CS 13, CS15, CS20, CS23 (now re-numbered CS24) and CS24 (now CS25) and to the supporting text.

4.3.6 Various Changes to Sustainable Development and Construction Policy (CS19)

These were requested by the Environment Agency and LCC and relate to efficient use of materials, building life considerations, recycling, and minimising car trips/ emissions.

4.3.7 Changes to the Energy Supply Policy (CS 20).

Following representations, amendments to this policy are proposed to make it clear that the targets are minima and to provide clearer guidelines for the consideration applications for renewable energy developments.

4.3.8 Key Diagram Changes

It is proposed to amend the diagram on page 54, relating to development in Melton Mowbray, so that the Housing Direction of Growth and Green Infrastructure overlap and to extend the Employment Growth Area to the north of the A607 Leicester Road.

4.3.9 Changes to the Housing Trajectory

Amendments are proposed to Appendix 1 to reflect a more realistic start date for the northern SUE, given the Action area Plan and planning application processes which are still to be gone through. Also to reflect a re-assessment of the likely contribution of small sites and rural exception sites and to update the figures to take account of development in 2011-12.

Relationship with Corporate Plan

- 4.5 The Melton Core Strategy DPD has been prepared to contribute to the achievement of a number of corporate priorities. There is a strong relationship with Improving Places but where possible alignment and support has been given to Supporting People. A summary of the Corporate Plan priorities which are supported by the Core Strategy was set out in the report to Council in February 2012. The Core Strategy will also form part of the Corporate Policy Framework as set out in Article 4 of the Constitution.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 The estimated cost of the Examination is set out below. These costs are contained within the budget for the Local Development Framework.

- Public Notices £2,000
- Inspectorate costs £62,000
- Programme Officer £13,000
- Expert witnesses £16,000
- Additional evidence £25,000

- 5.2 An experienced Programme Officer has been appointed to administer the Hearing and support the Inspector during the whole Examination process. She has dealt with the Core Strategy Examinations for Blaby and Harborough Councils. The Council Chamber, the Ferneley Room and the Lord Mayor's Parlour will be used during the Hearing in order to meet the Inspectorate's requirements for publically accessible rooms, a document library and withdrawing space for the Inspector. In order to accommodate weddings, the Hearing may not be able to sit on Fridays and will probably run from Monday afternoon until Thursday for one or two weeks.

6.0 LEGAL IMPLICATIONS

- 6.1 Whilst we continue to prepare the development plan under the framework provided by the Planning and Compulsory Purchase Act 2004 there have been changes to the regulations which underpin the Act with the publication of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 6.2 The Development Plan Documents (DPDs) which will form the Melton LDF are statutory documents and have the weight of development plan status as defined in Section 38 (6) of the Planning and Compulsory Purchase Act 2004. Adoption of the Core Strategy will give it development plan status. Under the current programme the Core Strategy could be formally adopted following a positive Inspectors Report in June 2013.
- 6.3 We should consider any representations received through consultation for the Core Strategy under Regulation 20(2) of the Town and Country Planning (Local Development) (England) Regulations 2012 before submitting the Core Strategy to the Secretary of State. The Council may propose focussed or minor amendments in light of representations received but should not expect to revisit the Core Strategy if it wishes to proceed directly to submission.
- 6.4 The policies in the Core Strategy will be tested thoroughly during the independent examination of the development plan document in accordance with the provisions of Section 20 of the Planning and Compulsory Purchase Act 2004. The purpose of the independent examination is to determine whether the Core Strategy:
- i. satisfies the statutory requirements for the preparation of the plan, including the Duty to Cooperate and procedural requirements; and
 - ii. is sound.
- 6.5 To be “sound” a core strategy should be positively prepared, justified, effective and consistent with national policy:
- “Positively prepared” means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - “Justified” means that the plan must be the most appropriate strategy when considered against the reasonable alternatives based on proportionate evidence;
 - “Effective” means that the document must be deliverable over its plan period and based on effective joint working on cross-boundary strategic priorities;
 - “Consistent with national policy” means the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

7.0 COMMUNITY SAFETY

- 7.1 The Core Strategy objectives include: *To improve community safety and reduce crime and the fear of crime.* This objective is reflected in the Better Design policy which says new development will be designed to, inter alia: *Provide safe environments and protect residential amenity.*

8.0 EQUALITIES

- 8.1 The policies presented in the Melton Core Strategy have been considered by an Equalities Impact Assessment which has found no inequality or impact against any of the Protected Characteristics.

9.0 RISKS

- 9.1 The risks associated with this report are shown in the table below:

Probability

Very High A				
High B				
Significant C		6*	1,4, 5, 6*	7
Low D			2	3
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

Impact →

- Impact varies depending on the project

Risk No.	Description
1	Scale and Complexity of Representations and managing Examination Programme
2	Staff capacity – loss of staff or quantity of work being in excess of the capacity of a small team.
3	DPD fails test of soundness
4	Competing demands on service
5	Requirement to pursue other policy commitments or projects
6	Delay in other projects as a result of the Examination of the Core Strategy, e.g. N SUE AAP, CIL, Site Allocations DPD
7	Loss of appeals on greenfield sites within the SUE and elsewhere if progress not made on the CS

10.0 CLIMATE CHANGE

- 10.1 The Core Strategy includes a policy set which has the potential to help discharge part of our legal duty to prepare for and limit the impact of Climate Change as part of the Melton Local Development Framework. A climate change assessment of strategic development options has demonstrated that the strategy of focusing most new development at Melton Mowbray will lead to fewer greenhouse gas emissions than a more dispersed pattern of development.

11.0 CONSULTATION

- 11.1 Community and stakeholder engagement on the Core Strategy has been undertaken in accordance with the Melton Statement of Community Involvement 2006. Following the publication of the Core Strategy (Issues and Options) DPD in 2006 the Core Strategy (Preferred Options) DPD and a summary paper of the DPD was distributed to every household in the Borough, stakeholders and those on our data base in January 2008. Comments were invited during a six week period, which ran from Thursday 31 January to Thursday 13 March 2008. A Statement of Consultation outlined the Preferred Options consultation which sets out the steps taken to engage with interested party and a summary of the responses made.
- 11.2 The following focused consultations have also been undertaken with Parish Councils in recognition of their role as the lower tier of local government and spokespeople for individual local communities:
- Planning for Renewable Energy: August 2011
 - Leicester and Leicestershire Integrated Transport Model: Nov 2011
 - Village facilities audit: December 2011

- 11.3 The Melton Core Strategy was published on 29th February 2012 for a further 6 week consultation. The Sustainability Appraisal and Habitat Regulation Assessment were also made available during this period. Notwithstanding the focussed consultations referred to above and those consultations built into the methodology of evidence reports (such as the Open Space, Sport and Recreation Assessment) it is not normal for there to be public involvement in the preparation of technical evidence. In accordance with normal practice the evidence suite used to inform the preparation of the Core Strategy was made available for any party wishing to explore the background to the issues set out in the Core Strategy in more depth. The availability of the evidence base also allows all interested parties the opportunity to consider and comment on how evidence has influenced the strategy.
- 11.4 Following consideration of representations that were made during the six week period the Council must consider whether to submit the Core Strategy to the Secretary of State for a formal independent examination. This report recommends that it does so. Interested and/or aggrieved parties are also able to make their views known through this process and may be invited to present their views at the examination by the Secretary of State's appointed Inspector.

11.0 WARDS AFFECTED

- 11.1 The Core Strategy will provide part of the statutory planning framework for the entire Borough.

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Date: 15 August 2012

Background Papers: Melton Local Development Framework (MLDF) Core Strategy (Publication) DPD
Sustainability Appraisal of Submission Document, URS