

FULL COUNCIL

15 FEBRUARY 2012

REPORT OF HEAD OF COMMUNITIES & NEIGHBOURHOODS

MELTON CORE STRATEGY

1.0 PURPOSE OF REPORT

1.1 The report seeks approval for the Publication of the Core Strategy Development Plan Document.

2.0 Recommendations

2.1 That the Core Strategy (Publication) Development Plan Document be approved;

2.2 That the Core Strategy (Publication) Development Plan Document be published in accordance with Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 (As amended) for a six week period;

2.3 That the Head of Communities and Neighbourhoods be given delegated authority to make minor amendments to the document of an inconsequential nature to the overall strategy in accordance with comments from Members at this meeting;

2.4 That the Sustainability Appraisal Report (January 2012) and Habitat Regulation Assessment (January 2012) be published alongside the Core Strategy (Publication) Development Plan Document; and

2.5 That members note the next steps which are required following Publication and prior to Submission of the Core Strategy to the Secretary of State under the Provisions of Regulation 30 of the Town and Country Planning (Local Development) (England) Regulations 2004 (As amended) to:

- Consideration by Members of any representations received under Regulation 27(3) of the Town and Country Planning (Local Development) (England) Regulations 2004; and
- Consideration of Submission to the Secretary of State for independent examination of the Core Strategy DPD in accordance with the provisions of Section 20 of the Planning and Compulsory Purchase Act 2004

3.0 Key Issues

3.1 The Melton Local Development Scheme 2011 (MLDS) sets out a three year programme for the preparation of local development framework documents (LDF). In the LDS the Core Strategy Development Plan Document is

programmed for Publication in September 2011. Following delays to the programme a revised date has been programmed for January 2012.

3.2 Government guidance on the preparation of a LDF says that a Core Strategy document should be prepared first to set out the spatial vision, objectives and strategic policies of the local planning authority to cover a period of at least 10 years. It is the main policy document of a portfolio of documents that make up the LDF and all other documents need to be consistent with it.

3.3 Changes to the planning system are anticipated through the publication of the National Planning Policy Framework (NPPF) and the assent of the Localism Act. Transitional arrangements are expected and in the meantime the Government expects work on Core Strategies to continue without delay.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The Melton Core Strategy sets the vision, objectives and strategic policies for our community. It will be used to consider major developments, direct the delivery of much needed infrastructure, influence economic investment decisions throughout the Borough, support jobs, promote our town centre and protect our countryside, environment and heritage. It will provide the strategic planning framework for the Borough to cover the period to 2026. It does not identify specific sites for development or contain detailed development management policies. This is consistent with the approach taken to date and decisions taken by the Council.

4.2 The directions of growth for the strategic housing and employment extensions are identified as are strategic regeneration opportunities for Melton Mowbray town centre.

4.3 Further work to provide statutory planning policy is currently programmed with a Land Allocations & Settlement Boundaries Development Plan Document, Melton Sustainable Urban Extension Area Action Plan, Melton Mowbray Town Centre Area Action Plan and a Core Policies Development Plan Document.

4.4 A review of the Local Development Scheme will be necessary following changes to the planning system and it is likely that local planning authorities will be required to prepare a single Local Plan although transitional arrangements are expected.

Preparation of the Core Strategy

4.5 When the Core Strategy was commenced local planning authorities were required to undertake Issues and Options consultations, Preferred Options consultations and then submit their Core Strategy to the Secretary of State. Under this regime the Council has prepared and consulted on the Melton Core Strategy (Issues and Options) DPD [2006] and the Melton Core Strategy (Preferred Options) DPD [2008].

4.6 The partial loss of the Council's Office to fire resulted in a delay of a little over a year to the development of the Core Strategy. The process of considering the representations received on the Core Strategy (Preferred Options) DPD and developing a suite of formal policies started in early 2009. This work has been supported by the Melton Local Development Framework Task Group with regular reports to the Rural, Economic and Environmental Affairs Committee on progress.

- 4.7 The Coalition Government has made clear its intention to abolish the Regional Plans (RSS). The duty to determine figures for housing requirements are to be transferred to local planning authorities. This approach has been confirmed in the draft National Planning Policy Framework (NPPF). In November 2011, the implications associated with this were considered by the Rural, Environmental and Economic Affairs Committee made the following resolution:

that the Melton Core Strategy be prepared to reflect the East Midlands Regional Plan housing requirement of 3,400 dwellings between 2006 and 2026.

- 4.8 One of the principal issues for the Core Strategy has been the directions of growth and associated infrastructure requirements. These options were considered under a criteria based methodology which had been developed through consultation and an evidence suite presented under that methodology and alongside the Sustainability Appraisal as follows:

	Factor	Source
Natural Resources		
1	Minerals and geology	Minerals Consultation Areas, Leicestershire County Council, 2006
2	Water supply	Comments, Severn Trent Water, 2008
3	Farmland	Agricultural Quality of Land in Melton Borough, Land Research Associates Ltd, 2005
Community		
4	Access to community infrastructure	Melton Borough LDF Accessibility, MVA Consultancy, March 2009
5	Neighbouring uses	Survey of Neighbouring Uses, Melton Borough Council, 2009
6	Loss of existing use	Survey of Existing Uses, Melton Borough Council, 2009
Physical		
7	Ground contamination	Environmental Health, Melton Borough Council, 2009
8	Flood risk	Strategic Flood Risk Assessment, Entec, 2008
9	Unstable land	Building Control, Melton Borough Council, 2009
10	Road network capacity	Traffic appraisal of the Direction of Growth Options and associated bypasses in the Core Strategy (Preferred Options), Leicestershire County Council, 2008
Cultural		
11	Historic buildings and structures	Factors Affecting Development, MBC Conservation Officer, 2006
12	Historic parks	Factors Affecting Development, MBC Conservation Officer, 2006
13	Archaeology	Development Site Criteria: Archaeology, Leicestershire County Council, 2006
14	Townscape	Character Assessment Study, Oxford Archaeology, 2006
Environmental		
15	Wildlife and habitat	Melton Borough Biodiversity and Geodiversity Study, Entec, 2008
16	Landscape	Landscape Character Assessment Report, ADAS, 2006
17	Air quality	Air Quality Progress Report, Melton Borough Council, 2008
18	Water quality	Letter from Environment Agency, April 2006
Economic		
19	Developability	Draft Melton Mowbray Sustainable Urban Extension: Viability Report, Savills, 2009

	Factor	Source
20	Contribution to improved infrastructure	Draft Melton Mowbray Sustainable Urban Extension: Viability Report, Savills, 2009
Infrastructure		
21	Surface water and foul drainage facilities and capacity	Comments, Severn Trent Water, 2008
22	Vehicular access to a site	Accessibility table, Leicestershire County Council, 2008

4.9 These factors were considered at the meeting of the Rural, Economic and Environmental Affairs Committee in April 2009 and Full Council in November 2009 with a formal resolution as follows:

- (1) *the preferred Housing Growth Option is a Sustainable Urban Extension to the north of Melton Mowbray. The development should provide for a partial bypass between Nottingham Road and Melton Spinney Road which would then be incorporated into a three-quarter bypass between the A607 (Thorpe Road) and the A606 (Burton Road) as shown at Appendix B of the report;*
- (2) *the preferred Employment Growth Option is to the west of Melton Mowbray as shown at Appendix B of the report;*
- (3) *the decisions at (1) and (2) be approved to be reflected in the preparation of the Submission version of the Melton Local Development Framework (MLDF) Core Strategy.*

4.10 Following that decision the Core Strategy has been prepared taking into account the latest and updated evidence base.

Evidence Update

4.11 Maintaining an up to date evidence base to support the development of the Core Strategy and allow for the presentation of credible and relevant evidence will be tested at Examination as part of the “Justified” test of soundness. In this context a number of evidence reviews and updates have been undertaken in the past 12 months to support this process. These include;

- Leicester and Leicestershire Integrated Traffic Modelling (October 2011)
- Melton Biodiversity and Geodiversity Study (September 2011)
- Melton Green Infrastructure Strategy (November 2011)
- Melton Open Space, Sport and Recreation Strategy (June 2011)
- Landscape Character Assessment (February 2011) & Briefing Note (April 2011)
- Melton Accessibility Study (February 2011)
- Melton Strategic Housing Land Availability Assessment (December 2011)
- Melton Retail Study (May 2011)

- Leicestershire Older People's Housing Needs and Aspirations Assessment (May 2010)
- Village Facilities Audit (December 2011)
- Melton Core Strategy Sustainability Appraisal (January 2012)
- Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment (January 2012)
- Melton Mowbray Sustainable Urban Extension Utilities Report (June 2011)

4.12 The Leicester and Leicestershire Integrated Transport Modelling Report was issued to Members in November 2011 and was the subject of a presentation on 9th January 2012. The presentation, the advice from Leicestershire County Council and a summary are attached (Appendix H). The Sustainability Appraisal (Appendix B) and Habitat Regulations Assessment (Appendix C) are also attached for formal reporting as part of the Publication process. The remaining studies provide technical evidence that has informed the content of the Core Strategy (Publication) DPD.

Melton Core Strategy Sustainability Appraisal

4.13 To ensure that a plan is sustainable it should be the subject of 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 (updated in 2008, 2009 and 2010). Sustainability Appraisal Reports have also been prepared and published to assess the Issues and Options (2006) and Preferred Options (2008) versions of the Core Strategy. We also prepared and published a Sustainability Appraisal Report of the Growth Options in 2009.

4.14 A further Sustainability Appraisal of this version of the Publication Draft Core Strategy has been prepared (attached at appendix B). Recommendations for amendments to the draft Core Strategy have been incorporated into the Draft Publication Core Strategy. The Draft Sustainability Appraisal will be published alongside the Core Strategy.

Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment

4.15 A Draft Habitat Regulations Assessment Screening (HRA Screening) and Appropriate Assessment of the potential effects of the Core Strategy has been undertaken. The need for this Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2010. The Assessment is required for the Core Strategy because of the precautionary principle the Habitats Directive applies to Natura 2000 Sites (Special Areas of Conservation and Special Protection Areas and Ramsar Sites which are given equivalent status).

4.16 The Assessment comprises a screening (Stage 1) which concluded that given the nearby location of Rutland Water and potential impacts on the Trent Basin/Humber Estuary a number of policies contained within the Draft Publication Core Strategy required further assessment (Stage 2).

4.17 A number of changes to policy and text were recommended. These recommendations have been incorporated into the Core Strategy Publication

Version. The HRA is attached (appendix C) and will be published alongside the Core Strategy (Publication) Development Plan Document.

Infrastructure and Delivery

- 4.18 Core strategies must be supported by evidence of what physical, social and green infrastructure is needed to support the amount of development proposed for an area. This evidence should cover who will provide the infrastructure and when it will be provided. The core strategy should draw on and in parallel influence any strategies and investment plans of the local authority and other organisations.
- 4.19 A Melton Infrastructure Schedule has been prepared following consultation with a wide range of interests including; utility companies; the emergency services; the Primary Care Trust; Leicestershire County Council; Network Rail; the Environment Agency; and other local authority providers.
- 4.20 The majority of Melton's infrastructure requirements are associated with the sustainable urban extension. The Core Strategy recognises this and proposes an Area Action Plan and an Infrastructure Delivery Group to manage this over the period of the plan. The majority of the contributions for this planned infrastructure are anticipated to come from the capital programmes of public organisations, the Community Infrastructure Levy (CiL) and the private sector through development planning obligations.
- 4.21 Delivery of major development and infrastructure over the long term will require a flexible and phased approach which needs to be supported by robust evidence and appropriate delivery mechanisms. This will secure infrastructure, capture long term value, respond to funding regimes such as CiL and make the business case for national funding streams via agencies such as the Leicester and Leicestershire Local Enterprise Partnership and Homes and Community Agency.
- 4.22 The Core Strategy, Infrastructure Schedule and Infrastructure Delivery Group will provide a framework to guide and manage future infrastructure delivery for the Borough by informing the Council's future activities as well as those of other public bodies and agencies; private sector investment plans and government funding regimes over the plan period. The Infrastructure Schedule is attached at Appendix K.

Summary

- 4.23 The preparation of evidence and policies has been an iterative process as Core Strategies must be based on robust and up to date evidence. This report summarises new evidence as set out above.
- 4.24 The result of this process is a reaffirmation of the November 2009 decision for a sustainable urban extension to the north of Melton Mowbray. Members will note that the interpretation of evidence set out in the Leicester and Leicestershire Integrated Traffic Modelling Report and the associated advice from Leicestershire County Council promotes the pursuit of road infrastructure from the A607 (Thorpe Road) to the A607 (Leicester Road) rather than a three-quarter bypass as resolved at the November 2009 meeting of Council.
- 4.25 Following amendments to the Town and Country Planning (Local Development) (England) Regulations 2004 in 2008 and 2009, the preparation of Development Plan Documents has been simplified to pre-production (less

formal consultation on issues and identification of options) and Publication, to then be followed by submission and independent examination. Previous reports and resolutions are consistent with this new process.

National Planning Policy Framework

- 4.26 The emergence of the Government's planning and localism agenda and the recent publication of a consultation draft of the National Planning Policy Framework should be considered alongside the Draft Core Strategy.
- 4.27 In particular, the proposed presumption in favour of sustainable development has potentially implications for the approach to be adopted in future planning policy at the local level.
- 4.28 Advice has been sought from the Planning Advisory Service (PAS) on the emerging NPPF and an audit undertaken. A series of recommendations were made which have been incorporated into the Core Strategy Publication Version and supporting documents.

5. The Melton Core Strategy (Publication) DPD

- 5.1 The Melton Core Strategy Publication DPD is attached at appendix 1. The Core Strategy sets the Vision and Objectives for Borough as a response to the following key issues:

- Meeting the need for development
- Where development will take place
- Meeting housing needs
- Meeting economic needs
- Providing for sustainable and efficient movement
- Improving Melton Mowbray Town Centre
- Protecting the countryside
- Tackling climate change
- Better design

- 5.2 The Core Strategy contains a suite of 25 Strategic Policies which deliver the Vision and objectives:

- CS1: Development at Melton Mowbray
- CS2: Rural Centres
- CS3: Sustainable Villages
- CS4: Making Efficient Use of land
- CS5: Strategic Housing
- CS6: Gypsies and Travellers
- CS7: Employment and Economic development
- CS8: Strategic employment Land Provision
- CS9: Rural Economic Development
- CS10: Sustainable Travel
- CS11: Strategic Road Infrastructure at Melton Mowbray
- CS12: Melton Mowbray Town Centre
- CS13: Countryside
- CS14: Biodiversity and Geodiversity
- CS15: Strategic Green Infrastructure

- CS16: Strategic Open Space
- CS17: Sports Pitches and Playing Fields
- CS18: Indoor Sports and Recreation Facilities
- CS19: Sustainable Development and Construction
- CS20: Energy Supply
- CS21: Flood Risk
- CS22: Better Design
- CS23: Melton Mowbray Sustainable urban extension
- CS24: Melton Mowbray Employment Growth Area
- CS25: Delivering Infrastructure

Relationship with Corporate Plan

- 5.3 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 is set out at Appendix J.
- 5.4 The Core Strategy will also form part of the Corporate Policy Framework set out in Article 4 of the Constitution.

Next Stages

- 5.5 The Melton Local Development Scheme identifies the programme for preparing the Core Strategy through to adoption. The table shows the programme according to the LDS and revised programme dates following impacts to the programme since the LDS was prepared.

Stage	LDS Date	Reviewed Programme
Publication	September 2011	10 th February 2012
Review representations	<i>Oct/Dec 2011</i>	<i>March/April 2012</i>
Submission	December 2011	June 2012
Examination	February 2012	September 2012
Inspectors Report	<i>June 2012</i>	<i>January 2013</i>
Adoption	July 2012	<i>February 2013</i>

- 5.6 Steps have been taken to reduce the impact on delivery of the planning strategy for the Borough caused by delays to the Core Strategy programme. During the period covered by the table above 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 individual 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 will provide the mechanism to collect developer funding for infrastructure identified in the Core Strategy. It is anticipated the Council will also enter into a Planning Performance Agreement with developer/promoter interests covering the planning application process, pre-commencement conditions, planning obligations, infrastructure phasing and delivery.
- 5.7 The Core Strategy also provides the basis for further work on the Land Allocations and Settlement Boundaries DPD (which will include the

Employment Growth Area to the West of Melton Mowbray and the village envelopes) and the Melton Mowbray Town Centre Area Action Plan.

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 Printing, publication and distribution costs to produce the document will be met within the MLDF budget for 2011/12. The following is an estimate of the main costs:

Publication and distribution of consultation document	£5,000
Public notices	£5,158

7.0 LEGAL IMPLICATIONS/POWERS

7.1 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 Development) (England) (Amendment) Regulations 2008 and The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009.

7.2 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 October 2012.

7.3 We are required to consider any representations received through consultation for the Core Strategy under Regulation 27(3) of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) 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.

7.4 The policies in the Core Strategy: Submission 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 and it is in general conformity with the regional spatial strategy; and
- ii. is sound.

7.5 To be “sound” a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

“Justified” means that the document must be:

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

“Effective” means that the document must be:

- deliverable
- flexible
- able to be monitored

7.6 The Planning Inspectorate (PINS) strongly urges councils to conduct a self-assessment using the Planning Advisory Services toolkit. The toolkit is advisory and not a regulatory requirement. Whilst Councils are not required to provide the self-assessment to the inspector they are considered to be helpful. The soundness self-assessment is accompanied by a legal self-assessment. The assessments are being prepared in tandem with the Core Strategy and will be completed by Officers for submission to PINS.

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 (appendix x) 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			1, 4, 5	
Low D			2	3
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

→
Impact

Risk No.	Description
1	Scale and Complexity of Representations and managing Examination Programme
2	Staff capacity
3	DPD fails test of soundness
4	Competing demands on service
5	Requirement to pursue other policy commitments

10.0 CLIMATE CHANGE

- 10.1 All three studies contribute evidence towards 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.

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 that was distributed to every household in the Borough, stakeholders and those on our data base were published 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 outlining the Preferred Options consultation which sets out the steps taken to engage with interested party and a summary of the responses made is attached at Appendix E

- 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 next stage in the process is to Publish the Melton Core Strategy for a further 6 weeks. The Sustainability Appraisal and Habitat Regulation Assessment will also be 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 will be 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 are 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. 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.

12.0 **WARDS AFFECTED**

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

Contact Officer:	David Pendle
Date:	12 January 2012
Appendices:	Appendix A – Melton Core Strategy (Publication) DPD Appendix B – Draft Sustainability Appraisal January 2012 Appendix C – Draft Habitats Regulations Assessment January 2012 Appendix D – Equalities Impact Assessment of the Core Strategy (Publication) DPD Appendix E – Melton Core Strategy (Preferred Options) DPD Statement of Consultation Appendix F – Focussed Consultation: Planning for Renewable Energy Appendix G – Focussed Consultation: Leicestershire and Leicestershire Integrated Transport Model Appendix H – LLITM presentation, LCC advice and summary Appendix I – Focussed Consultation: Village Facilities Audit Appendix J – Melton Corporate Plan priorities summary Appendix K – Melton Infrastructure Schedule