

# AGENDA ITEM 3A

## EXTRAORDINARY MEETING OF FULL COUNCIL

8<sup>th</sup> DECEMBER 2015

### REPORT OF THE HEAD OF REGULATORY SERVICES

#### MELTON LOCAL PLAN EVIDENCE UPDATE

#### 1.0 PURPOSE OF REPORT

- 1.1 This report seeks approval for two additional technical evidence base documents to be used to inform the preparation of the Emerging Options (Draft Local Plan) also reported on this agenda.

#### 2.0 RECOMMENDATIONS

- 2.1 **That Council notes that the Biodiversity and Geodiversity Study referred to in this report is a material consideration in determining planning applications for relevant development and approves both this and the Small Site Options Report as technical evidence to inform the preparation of the Melton Local Plan.**

#### 3.0 KEY ISSUES

##### Context

- 3.1 The Planning and Compulsory Purchase Act (as amended) 2004 requires Local Planning Authorities to prepare a development plan for their area. At present this development plan is provided by the saved policies of the Melton Local Plan 1999, read in conjunction with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 3.2 The NPPF makes clear that Local Plans must be founded on a robust and credible evidence base. The Local Plan evidence base will be used to demonstrate to an Inspector that the Local Plan is sound i.e. whether it is positively prepared, justified by the evidence, effective and consistent with national policy. The Local Plan evidence base comprises a number of technical studies which look in detail at all issues to be addressed by the Local Plan including, the local housing market, economy, environment and infrastructure needed to support growth. Further studies will be prepared and updated up to, during and beyond the Local Plan examination.

##### **Melton Local Plan Evidence Updates**

- 3.3 Included as Appendix 1 to this report are summaries of the findings of the following evidence base reports:
- Small Site Options Paper
  - Biodiversity and Geo-diversity Study

The full report for the Small Site Options Paper is attached to this agenda and a hard copy of the Biodiversity and Geo-diversity Study is available in the Members Room. Both reports are available online using the web links indicated in each summary papers.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

- 4.1 These studies develop our understanding of some of the key challenges facing the development of the Borough and how the Local Plan may be able to guide development to address them.
- 4.2 This work, together with the large catalogue of evidence already considered by the Council, has been used to select the preferred development strategy and draft policies for the Borough, which are reported to this Council meeting as agenda item 3B. To assist this and in part justify the Emerging Options (Draft Local Plan) a Sustainability Appraisal Report (Emerging Options) is also being prepared and will be published alongside the Draft Local Plan. This process tests and assists with the testing and refining of alternative approaches and assessing their social, economic and environmental effects. This exercise has been informed by this evidence.
- 4.3 These studies are not only relevant to the Melton Local Plan; they provide an evidence base to inform all of the Borough Council's activities and communities wishing to develop their own strategies for the development of their areas through Neighbourhood Plans, and provide evidence to inform decisions on planning applications.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 There are no financial or resource implications arising from this report. The studies have either been produced in house using the resources of the Regulatory Services Team or have been financed through funds allocated in the Local Plan budget.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

- 6.1 The evidence updates are, where relevant, now material considerations in determining planning applications for development.
- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 and the NPPF require that plans are prepared based on evidence.

#### **7.0 COMMUNITY SAFETY**

- 7.1 There are no direct community safety implications as a direct result of this report.

#### **8.0 EQUALITIES**

- 8.1 The Local Plan is being subject to a detailed equalities impact assessment through each stage of preparation.

## 9.0 RISKS

9.1

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>				
	<b>C</b>	<b>Significant</b>		4	1	
	<b>D</b>	<b>Low</b>		2		
	<b>E</b>	<b>Very Low</b>		3		
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
1	Any evidence is open to challenge and scrutiny as part of the Local Plan Examination.
2	Evidence needs to be kept up date otherwise the risk of challenge is increased.
3	Evidence is challenged as part of wider Leicestershire Duty to Cooperate
4	Evidence becomes out dated by development proposal advancing ahead of the Local Plan which are inconsistent with the emerging strategy

## 10.0 CLIMATE CHANGE

10.1 There are no direct climate change issues arising from this report.

## 11.0 CONSULTATION

11.1 The consultation involved in each of the Evidence Base documents is explained in detail in each individual technical report. The evidence will be published alongside the consultation on the Emerging Options (Draft Local Plan) in accordance with Regulation 18 of Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

## 12.0 WARDS AFFECTED

## 12.1 All.

Contact Officer R Armstrong Local Plan Manager  
Date: 26 November 2015

Appendices : Summaries of Evidence Studies:  
1a Small Site Options paper (Full report attached)  
1b Biodiversity and Geodiversity Study (Full report available to download and in hard copy in the members Room)

Background Papers: None

## Appendix 1a

### Small Site Options Paper– Summary

**The full report is available to view and download at:**

<https://www.dropbox.com/s/scavmiefewqnr5p/Small%20Sites%20Merged.pdf?dl=0>

**A paper copy of the paper is also attached to this agenda**

The emerging Local Plan identifies 30 potential site options for housing development in the Primary and Secondary Rural Centres. The sites have been identified following a systematic assessment process. A 'Small Sites Options paper' sets out the process followed, this will form part of the Council's evidence base which has informed the development of the plan. A brief overview of the site selection process is set out below:

#### Stage 1

A systematic assessment of some 220 sites identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). This included sites previously considered in the 'Issues and Options' paper and 2015 SHLAA updates.

Sites were excluded from further consideration where: More than 75% of the site area was affected by major "Show Stopper" constraints (for example flooding, Scheduled Monuments or other hazards); Sites were too small to allocate (less than 10 homes); Sites were not adjoining or well related to a settlement, and; Sites had already obtained planning permission and the principle of development has been established. 107 sites remained after this stage.

#### Stage 2

The remaining 107 sites were assessed using a red, amber, green traffic light coding to assess their merits against the Local Plan 'Strategic Objectives'. At this stage sites were discounted where: They were not in or adjacent to a Primary or Secondary Rural Service Centre; they would adversely affect the character of the settlement, and / or; they would have an adverse impact on other important environmental factors that could not be mitigated. 39 sites remained after this assessment.

The findings of stages one and two are enclosed within the 'Small Sites Options paper'.

#### Stage 3

The remaining 39 'reasonable' options were assessed as part of a Sustainability Appraisal and considered in greater detail through the Council's Biodiversity Study and Strategic Flood Risk Assessment (SFRA). Following these assessments some sites were discounted because of environmental considerations or because they were the subject of a planning application. 30 sites remained as potential options. These are identified in the Local Plan which accompanies this report.

The proposed 'Emerging Options' consultation will seek views on the options identified, but will also allow further opportunities for additional sites (not previously considered) to be identified or for site promoters to 'make a case' for sites that have been discounted through the sieving process, or make changes to their sites to make them more acceptable in relation to the criteria. For example it may be that a site area can be revised to exclude parts which are subject to significant constraints.

The potential housing capacity identified in the 'Emerging Options' exceeds the overall requirements for Primary and Secondary centres identified in the Strategic Policies. The 'Publication version' of the Local Plan is therefore unlikely to include all of these options. Some sites, or parts of sites, may be excluded when the plan is submitted. Some settlements do not have sufficient options identified to meet identified needs and alternative approaches and / or alternative sites may be required to meet identified needs.

## Appendix 1b

### Biodiversity and Geo-diversity Study November 2015 – Summary

**Due to the size of this report the full report is available in the members Room**

**The report is also available to view and download at:**

[https://www.dropbox.com/sh/cpixvv4gcyzgowr/AADZJve8MLB\\_R3Dt5WITdsAZa?dl=0](https://www.dropbox.com/sh/cpixvv4gcyzgowr/AADZJve8MLB_R3Dt5WITdsAZa?dl=0)

- 1.1 The purpose of the Study is to identify the significance and value of habitat and areas of biodiversity and geo-diversity interest across the Borough in order to inform the allocation of sites in the new local Plan.
- 1.2 The Study identifies the significance of the habitats and species within the potential SUEs and emerging smaller site options and makes recommendations as to:
  - The level of protection that should be afforded to them in seeking land for future development and/or;
  - The mitigation required to ensure that significant habitats and species are satisfactorily conserved as part of any development proposals.
- 1.3 The Study initially assessed the 4 potential Sustainable Urban Extension (SUE) sites as Stage 1 of the project brief. The conclusions of Stage 1 were used to inform the choice of SUEs and the policies associated with them (which were considered by Working Group on 13<sup>th</sup> October 2015). It was important that the study considered all the four options for SUEs around the town to ensure that all reasonable alternatives were assessed in the same way through the Sustainability Appraisal (SA) and the Large Site Development Options assessment process.
- 1.4 In Stage 2 of the study, 33 small scale development sites were assessed in order to inform the Options for housing sites in the Draft Local Plan. The Study consists of:
  - A desk based study in order to refresh the findings of the 2008 and 2011 Phase 1 Habitat Surveys (AMEC update report, 2011); and
  - An Extended Phase 1 Habitat Survey
- 1.5 The desk based study uses data supplied by Leicestershire & Rutland Environmental Records Centre, MAGIC (Defra GIS map) and the National Biodiversity Network Gateway.
- 1.6 The extended Phase 1 Habitat survey records the following:
  - Proximity to designated sites
  - Habitat and flora
  - Protected and notable species
  - Further survey recommendations
  - Enhancement recommendations
  - Ecological assessment – low/medium/high
  - Potential Local Wildlife Sites (LWS).

### 1.7 Survey limitations:

- To determine likely presence or absence of protected species usually requires multiple visits at suitable times of the year.
- The results provided in this report do not contain enough ecological information to inform a planning application for an assessment site. However, they do provide an indication of a site's likely ecological value, and allow a broad assessment of sites.

### 1.8 The Borough has the following statutory and non-statutory designated sites of biodiversity and geo-diversity interest:

- 15 Sites of Special Scientific Interest (SSSI), including 1 geological SSSI.
- 3 National Nature Reserves,
- 13 candidate Local Geological Sites,
- 15 ancient and ancient re-planted woodlands,
- 245 Local Wildlife Sites (LWS) identified and
- 217 candidate LWS(same status as LWS but without the landowner's permission)
- There are no Local Nature Reserves in Melton Borough.

### 1.9 For each SUE and small site options, the ecological value of the site was assessed as being of low/moderate/high ecological value. The definitions related to each is as follows:

- Low = Unlikely that there are significant ecological constraints to development of the site. Further surveys may still be required to inform mitigation, e.g. for great crested newts, bats or badgers.
- Moderate = Contain or adjacent to a habitat of significance which should be retained within the final development. Development over at least some of the site is possible supported by further surveys and ecological input to the detailed site proposals.
- High = Detailed mitigation and compensation / enhancement measures likely to be required to allow development on these sites.

### 1.10 The results showed that within the SUE Options:

- Three areas are of high ecological value with significant ecological constraints:
  - i) A small fraction of the River Eye SSSI borders the South East SUE site
  - ii) Section of Scalford Brook forming part of the North SUE boundary
  - iii) Semi-improved neutral grassland alongside Scalford Brook
- 37 areas are of moderate ecological value with some potential ecological constraints.
- 2 potential LWSs found in the North SUE as a result of the survey – require further survey work to get the LWS designation.



1.11 The results showed that of the 33 small sites surveyed, 6 were assessed as being of moderate ecological value.

1.12 The Study provides maps illustrating the following information:

- Existing information on protected species and designated sites.
- The results of the Extended Phase I habitat survey.
- Key wildlife corridors (rivers, railways, hedgerows, ponds, woodlands, grasslands), areas that have the potential to qualify as Local Wildlife sites and Biodiversity Enhancement Sites.
- Habitats that could be improved and/or linked together better as a result of development;

## 2. Impact on SSSIs (statutory designation)

2.1 There are no designated sites located within any of the SUEs or small sites. The River Eye SSSI is the only designated site located adjacent to the SUE site (South). It is recommended that a protection zone is established between the River Eye SSSI and any future development in the South-East SUE.

2.2 Stonesby Quarry SSSI is the nearest designated site to a small site. The former quarry of lower Lincolnshire Limestone is located at Waltham on the Wolds opposite MBC 055/13 (Bescaby Lane). It is not anticipated that the development of this site would directly impact the SSSI, but further measures may be necessary to avoid any indirect effects on the designated site.

## 3. Impact on Local Wildlife Sites/Geological Sites (Non-statutory designation)

3.1 All of the Local Wildlife Sites within and directly adjacent to the SUE sites are assessed as having declined in quality to varying degrees since they were originally designated. In all circumstances, this is considered to be due to natural vegetation succession processes coupled with lack of management.

3.2 One small site (Sandpit Lane, Long Clawson) is located next to Clawson Cemetery, a candidate Local Wildlife Site. It is unlikely that the site would be affected by the development on adjacent land.

3.3 Non-statutory designated sites within or adjacent to the SUE sites.

North SUE		
Designation	Site Name	Distance & Direction
cLWS	Melton to Bingham Disused Railway (90046)	Within the SUE area
cLWS	Sysonby Farm Ash	Within SUE area
cLWS	Nottingham Road Ash	Within SUE area
LWS	Scalford Brook (46785)	Adjacent to the SUE

LWS	Melton Country Park (80080)	Adjacent to SUE
LWS	Nottingham Road Hedgerow (45397)	Adjacent to SUE
cLGS	Browns Hill Quarry	2Km N of the North SUE
cLGS	Holwell North Quarry	2.5Km N of the North SUE
<b>South-east SUE</b>		
None		
<b>South SUE</b>		
None		
<b>West SUE</b>		
<b>Designation</b>	<b>Site Name</b>	<b>Distance &amp; Direction</b>
LWS	Melton Railway Sidings (east and west) (27072)	Within SUE
LWS	Melton Railway Sidings (north) (26148)	Within SUE
LWS	Bull Field (46165)	Within SUE
LWS	Leicester Road Grassland (26149)	Adjoins SUE

#### 3.4 Non-statutory designated sites within or adjacent to the SHLAA sites.

<b>Long Clawson</b>		
<b>Designation</b>	<b>Site Name</b>	<b>Distance &amp; Direction</b>
cLWS	Long Clawson Cemetery (90571)	Adjacent to MBC /168/15

## 4. Wildlife Corridors

- 4.1 These landscape features should be retained within any development and suitably buffered from direct and indirect impacts (such as increases in lighting and disturbance).
- 4.2 Planning comments from Natural England have suggested that green corridors for incorporation within large scale developments should generally not be less than 500m (0.5km) long and be a minimum of 25m wide consisting of green habitat (i.e. excluding hard surfacing, close mown amenity grassland etc.).

4.3 It is recommended that the Biodiversity Enhancement Sites located within the SUE sites are further extended and /or their quality enhanced. These are all composed of notable habitats and some are Local Wildlife Sites or candidate Local Wildlife Sites. Specific enhancement advice is provided for each of the habitat types identified as BESs.