

## **Appendix B**

Melton Borough Council's response to Leicestershire County Council's consultation response dated 27<sup>th</sup> October 2020

A summary of the full consultation and Melton Borough Council's response is below:

- 1. The document should have evolved as an iterative process over many months, with regular meetings set up to make sure that all concerns, ideas and comments are built in, allowing for ideas and aspirations to be fine tuned**

Chapter 4 of the Masterplan details the entire iterative process that has led to the evolution of the Masterplan to its current form. This has taken place over more than 2 years. The County Council have also been involved in various meetings regarding its development, both in regards to the MMDR project (discussions are ongoing), and the Masterplan itself. Indeed the consortium remains in detailed discussions with colleagues at the County Council regarding the LLITM modelling for their sites.

In terms of the 'ideas and aspirations', these are the jurisdiction of Melton Borough Council as Local Planning Authority, alongside the developers; taking into account the County Council as infrastructure providers. In September 2019 the County Council (as land owner) stated that they no longer wanted to partake in discussions regarding the Masterplan as their permission had been agreed at the Planning Committee meeting of 1<sup>st</sup> August 2019.

- 2. The County Council was presented with a lengthy document, and only given 24 days to review and comment**

The County Council was offered 28 days to respond, and took 32 days, however only responded in terms of highways, education and strategic property services. The County Council was afforded prior notice that the Masterplan would be arriving with them during the week commencing 28<sup>th</sup> September 2020, and that they would have 4 weeks to respond. By comparison, as a statutory consultee, the County Council is normally only afforded 21 days to provide its consultation responses to planning applications which are often substantial and technical in their nature.

As mentioned above, the County Council previously withdrew from discussions regarding the development of the masterplan and rejected the offer from Melton Borough Council to establish a joint development approach earlier in 2020.

- 3. Policy SS5 states that a Masterplan, including a phasing and delivery plan, should be prepared and agreed in advance of, or as part of, submission of a planning application for the MNSN. Several planning applications have been considered and determined in the two years since the Local Plan was adopted....This contradicts how this strategic allocation was envisaged to be brought forward. This developer-led trend appears to be continuing....a draft masterplan that is written by developers...**

The applications referred to are the County Council's own at Sysonby Farm and the adjacent (east) land promoted by Richborough Estates in 2018. These applications were submitted in Spring 2018 without an agreed Masterplan for the MNSN. Masterplan work being undertaken by consultants for

the consortium (who also acted as agent for LCC ) was abandoned. Subsequently, the consortium that was working on the Masterplan at the time of the Local Plan examination in January 2018 dissolved not long after the applications were submitted.

Specifically, in regards to the planning application at Sysonby Farm, the agents for LCC assured that there would be early delivery of homes as they had been successful in being awarded Homes England Accelerated Delivery Funding to facilitate this, which was time limited. They argued that their site could be delivered in advance of an agreed Masterplan, and their application was presented to the Planning Committee for determination on this basis on 1<sup>st</sup> August 2019 alongside the Richborough Estates outline permission on the neighbouring site. These factors persuaded the Committee that a departure from this limited aspect of Policy SS5 could be justified and permission was duly granted. Once permission is granted there is no means to enable a Masterplan to influence its content and therefore these sites could no longer form part of the overarching Masterplan for the Neighbourhood. Therefore work that Melton Borough Council had undertaken to produce a Masterplan for the whole MNSN was paused. A separate consortium of developers who had remaining interests in the MNSN then formed to create a deliverable Masterplan working with the Borough Council.

In terms of the Masterplan being developer-led, the Borough Council has ultimate say over whether it becomes agreed / adopted – indeed the policy does not require the Borough Council to produce it, only to agree to it. The Masterplan was originally envisaged to be produced by a consultancy acting for the consortium of land owners, which included the County Council. Indeed, they remain planning agents for the Sysonby Farm planning application to date. The Council has been fully involved in the development of this Masterplan at every stage and is satisfied that its production has been inclusive of the Council's requirements and aspirations..

- 4. The Masterplan document only covers part of the MNSN, the part that the developers involved in producing the document have control over. The September 2018 Inspector's report into the Melton Local Plan (paragraph 68) commented on the masterplan "for the entire north SN" being in preparation and due to be submitted that year as part of a planning application. Clearly that work was never completed, and this had led to a disjointed approach to delivering the MNSN.**

For the reasons as stated above, the Masterplan only covers part of the MNSN that does not have planning permission. Adherence to a Masterplan cannot be retrospectively applied to a planning permission. It was indeed the case that the Council was expecting a Masterplan for the whole MNSN to be submitted at this point, however as stated above, the submission of the County's own planning application, alongside the Richborough Estates application were submitted without one and presenting a case that none was needed. Chapter 4 of the Masterplan document details this in full.

- 5. Securing consistent design standards, landscaping, materials, public realm etc. across the whole SN becomes much more complex than it ought to be and opens up time consuming piecemeal negotiations with developers.**

Conditions are applied to the outline planning permissions ensure the submission of Design Codes in an attempt to ensure a comprehensive, cohesive approach, with those sites compatible to the land contained within the Masterplan in design terms.

**6. To help to provide some confidence, an assessment of the viability of the proposals put forward should be a requirement before the document is approved.**

To be able to assess the viability of the proposal, it must first be 'fixed', therefore approved by the Council. This will prevent abortive works, and therefore abortive spend on the viability assessment of a document that may not be acceptable to the Council. Once approved, we intend to assess the viability of the Masterplan.

**Education Comments**

**7. Both schools should be shown on the Masterplan and included in the boundary**

The location of the first primary school is not shown within the Masterplan as it already has outline permission on land it does not cover – it is shown in the context described within Chapter 4 of the document. The additional second primary school is shown on the Masterplan.

**8. Concerns relating to the primary school being referred to as 'potential'**

The school is referred to as a potential additional primary school because it has been requested in addition to the policy requirement (the first primary school being provided on the LCC Sysonby Farm site to the west of the NSN).

**9. Education officers have not been involved in any stakeholder events or face to face meetings or discussions with the developers.**

Once the strategy devised by the LEA was in the public realm in regards to the approved applications in the town (and beyond), there was no need for the LEA to be directly involved in the Masterplan, other than commenting on the location of the proposed additional primary school. Invitations to attend meetings were declined.

**10. Comment regarding inaccuracy regarding housing mix on Page 20, Fig 1.4**

Unfortunately, one line of the table copied from the Local Plan had been omitted, this has now been rectified.

**11. Delivery – unclear how many homes form each phase and therefore when the primary school will be available.**

The primary school site will be provided during the first phase, at a point to be agreed with the LEA during a planning application for the site. As per the agreed strategy with the LEA, the site will be passed to them for them to provide the primary school at the time that it is required based on housing delivery. Forecasts are available relating to this within the Council's 5 Year Housing Land Supply and Trajectory document produced this summer, based on evidence provided directly by the developers.

**12. Delivery of the secondary school in the South SN is linked to the delivery in the North SN; the two documents don't reflect this sensitivity.**

It is noted throughout the document that for secondary school provision, Melton is considered to be a single catchment area. Chapter 10 details how contributions will be requested for the provision of education facilities, which will enable the LEA to provide the facilities at the appropriate time.

**13. Pg4 1.1 mentions a single catchment area for education provision, this only applies to the secondary sector.**

The Masterplan has been amended as necessary.

**14. Pg16 per dwelling tariff does not mention special and post 16 provision**

The Masterplan has been amended as necessary.

**15. Pg 92 8.1 locational considerations for new primary school.**

The Masterplan has been amended as necessary.

**16. Pg 93 8.2 Design Parameters and Requirements**

Noted and amended as necessary, but with the need to ensure a high quality SN as envisaged by both the Borough and County Councils.

**LCC Strategic Property Services Comments (as landowner).**

**17. The Masterplanning exercise has only been undertaken in respect of those areas of the MNSN where no planning applications have been made already....as such it fails to comply with Policy SS5.**

Please see response to point 3 above. Those sites with planning permission cannot retrospectively be included within a Masterplan and then be required to adhere to it. It is a partial Masterplan because at this point in time it is the only type of Masterplan that it can be as permissions have already been granted.

The County Council have stated (6<sup>th</sup> November 2020) that the Sysonby Farm site should be included in the Masterplan as the consent that the site has (ref 18/00359/OUT) may not be implemented, and therefore the Masterplan would be valuable in guiding reserved matters and any future applications.

The Masterplan cannot influence the permission already valid on the site, and it would be inappropriate for it to act as 'back stop' for future applications. The County Council successfully argued during the determination of its planning application that its application could be determined in advance of a Masterplan, that it should be determined early in order to secure Homes England funding, and that its site, and the neighbouring Richborough site, could be delivered together as a successful standalone development. If the County Council do not intend to deliver their site in accordance with the permission 18/00359/OUT, this risks the delivery of the primary school required to be delivered to provide education facilities for the children that will live in the homes to be delivered on the adjacent Richborough site (18/00769/OUT). The Richborough site now has a builder, and a submitted reserved matters application to be determined in due course. If the adjacent Sysonby Farm site is not developed, children from this development will need to be accommodated in existing schools.

**18. By excluding the other areas of the MNSN and failing to engage with the landowners and developers, an accurate trajectory cannot be provided. This would have a negative impact on the ability to provide a robust strategy for the delivery of essential infrastructure.**

Please see responses to points 3 and 17 above. The Council's 5 Year Housing Land Supply and Trajectory continues to provide an up-to-date trajectory for the delivery of development in the Borough. It was decided that both the County's and Richborough's applications could proceed in advance of the Masterplan as they each complimented each other in terms of the delivery of essential infrastructure, such as the primary school. The delivery of the MMDR is not directly dependent upon the delivery of specific dwellings in a specific area, as it is to be delivered as a strategic piece of infrastructure to support all housing delivery across the town.

**19. There is no common policy framework to judge future reserved matters applications for the sites west of Salford Road....There is a risk that MBC will seek to apply masterplan codes to land outside the reduced plan area without consideration of the impact.**

Whilst the sites may not be linked by an overarching Masterplan for the entire NSN, there is a requirement on those sites with planning permission to submit and agree a Design Code for their sites. In addition, there is consistent policy relating to design through the NPPF, the National Design Guide, and policy D1 of the Melton Local Plan. The Council cannot retrospectively require those with planning permission to adhere to a Masterplan.

**20. The document will not have SPD status.**

Case law has established that SPD's cannot supersede development plan policy and is merely a material consideration. Any policies contained in a supplementary planning document must not conflict with the adopted development plan (the Town and Country Planning (Local Planning) (England) Regulations 2012, Reg 8(3)).

NPPG (para 008, ref: 61-008-20190315) states: SPD's should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.

The Plan includes features that are not part of the Local Plan Policy that it articulates, i.e. the inclusion of a second primary school within the Neighbourhood area which was required by LCC Education but is not included in the relevant Local Plan Policy SS5. Therefore it cannot be seen as simply adding greater detail and guidance to the existing Policy as is the purpose of Supplementary Planning Guidance. It is in fact a departure from it reflecting changing circumstances, and cannot progress to full Supplementary Planning Guidance status.

**LCC Highway Comments**

A substantial list of comments have been received which relate to technical details and general adherence to the Leicestershire Highways Design Guide (LHDG). These comments have been taken into consideration in the final draft, which is now considered to comply with the LHDG. All planning

applications will be required to submit a detailed Transport Assessment and detailed plans to support their application to allow for the County Highway Authority to respond as necessary.