

# AGENDA ITEM 3H

## EXTRAORDINARY MEETING OF FULL COUNCIL

4TH JULY 2017

### REPORT OF THE HEAD OF REGULATORY SERVICES

#### DRAFT MELTON LOCAL PLAN: NEW EVIDENCE NOT PREVIOUSLY PRESENTED

##### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to outline the findings and Local Plan implications of the remaining new evidence that has not yet been presented to Members. It seeks Member agreement for the evidence be published alongside an Addendum of Focused Changes to the Draft Melton Local Plan, and that the proposed changes and/ or suggested modifications recommended to address the implications of the new evidence.

##### 2.0 RECOMMENDATIONS

##### 2.1 It is recommended that Council :

- i) notes the findings of the Indoor Sports Facilities Strategy 2016-2021 and agree that it be published alongside any consultation on a Melton Local Plan Addendum of Focused Changes;
- ii) Agrees the suggested amendments to the draft Local Plan set out in section 3.2 of this report and agree that these be included in an Addendum of Focused Changes (full details are provided in item 3I of this Agenda)
- iii) Notes the purpose and content of the Sequential Test of Potential Development Sites and agree that the finalised report be published alongside an Addendum of Focused Changes;
- iv) Notes the findings of the Sustainability Appraisal of the options for an overall housing requirement for Melton and agree that the SA Addendum setting out these findings be published alongside any consultation on a Melton Local Plan Addendum of Focused Changes ;
- v) Notes the findings of the sustainability appraisal of the proposed changes and agree that the SA of the Proposed Changes setting out these findings be published alongside any consultation on a Melton Local Plan Addendum of Focused Changes;

- vi) **Notes the requirement to undertake HRA screening and agree that the appropriate documentation published alongside any consultation on a Melton Local Plan Addendum of Focused Changes;**
- vii) **Accepts the Equalities Impact Assessment of the Draft Local Plan attached at Appendix 1 ;**
- viii) **Agrees that an addendum to the draft EIA that will set out an assessment of the proposed changes to the local plan be published alongside any consultation on a Melton Local Plan Addendum of Focused Changes;**
- ix) **Agrees that the updated Five Year Land Supply and Housing Trajectory Position document at Appendix 2 be agreed and published for consultation alongside any Melton Local Plan Addendum of Focused Changes;**
- x) **Agrees that the other updated documents described at para. 3.9.1 are published alongside any Melton Local Plan Addendum of Focused Changes.**

### 3.0 **KEY ISSUES**

3.1 The new evidence that this report covers is as follows:

- i) Indoor Sports Facilities Study 2017
- ii) Flood Risk Sequential and Exceptions Test
- iii) Sustainability Appraisal Addendum and Habitat Regulations Assessment Screening
- iv) Equalities Impact Assessment
- v) Updated Five Year Land Supply and Housing Trajectory Position document

### 3.2 **Indoor Sports Facilities Strategy 2017**

3.2.1 The Indoor Sports Facilities Strategy 2017 has been prepared to underpin Policy EN7 of the Melton Local Plan, and to provide evidence to potentially re-fresh the business case for the Melton Sports and Leisure Village (MSLV). The strategy sets out facilities required to meet existing and future needs and in doing so, provides the necessary evidence to secure future Community Infrastructure Levy (CIL) revenue to part fund the MSLV. A copy of the report is available to view in the Members Room.

3.2.2 More facilities are needed to address an undersupply of community accessible pay and play fitness stations, limited daytime and 'club only' access to sports halls (arising from them being located on education sites), and the quality of existing provision at Waterfield Leisure Centre and at the Melton Sports and Leisure Village. This is alongside further work that is needed to secure more community use of existing facilities.

3.2.3 The existing and future needs for indoor sports facilities up to 2036 are for an additional 2.66 badminton courts, access to more indoor cricket nets and indoor netball courts, an additional lane of a 25m pool, a learner pool with moveable floor, and 30 more fitness stations. If the business case for the Melton Sports Village is delivered in full, many of these needs would be met, though

there would be 2 more courts than strictly needed (the business case is for an 8 court hall, where only a 6 court hall is needed). CIL revenue can only be used to meet identified needs, so would only be collectable on a proportion of scheme costs and not the total cost.

- 3.2.4 Overall, the Study largely supports the Melton Sports and Leisure Village. A proposed change, to make minor amendments to the policy and reasoned justification is recommended, and these changes are set out in **Item 3I of this Agenda**. Sport England have been involved in the preparation of the Study, so there are good prospects that this work will enable them to respond supportively to this proposed change, reversing an earlier representation. It may be possible to provide a verbal update on their position at the meeting.
- 3.2.5 As evidence underpinning the local plan, the Strategy also needs to be published to allow people to comment on it, if they wish and should therefore be published alongside the proposed 'focussed changes' (**see item 3I of this agenda**).
- 3.3 **Sequential Test of the Flood Risk of Potential Development Sites**
  - 3.3.1 This report has been prepared in response to comments made by Environment Agency, who need to see the results of such a report to confirm whether or not they consider the plan sound. The documents needs to be published alongside the proposed Focussed Changes to the Draft Local Plan in order to allow people to comment on it, if they wish.
  - 3.3.2 The report sets out how the risk of flooding has been considered in identifying potential housing and employment development sites within Melton Borough. It brings together relevant data from other reports, such as the SHLAA, Sustainability Appraisal, Strategic Flood Risk Assessment and Employment Land Study
  - 3.3.3 The analysis looks at the amount of housing development that can be achieved within each sequential flood risk classification, starting with the lowest risk of flooding first (Flood Zone 1), until all the development planned can be accommodated. If a development site is needed that lies within Flood Zones 2 and 3a, other sustainable factors are weighted against it, and provided that safe development can be achieved on site and it does not create flood risk elsewhere, it can still pass the sequential test and be allocated
  - 3.3.4 From the analysis undertaken so far, the report concludes that over 90% of all housing land allocated is within Flood Zone 1 (FZ1), and 99% and 98% respectively of the Northern and Southern SUEs are in FZ1. Housing sites allocated that are partly within FZ2 or FZ3a (medium/high flood risk) have been included where other sustainability factors weighed in its favour and there is capacity for successful mitigation, i.e. on-site safe space for water without increasing flood risk elsewhere.
  - 3.3.5 The extension to Leicester Road Industrial Estate (part of the South Sustainable Neighbourhood proposed under Policy SS4) is partly within Flood Zone 3b, but further analysis showed that 21.6ha is within FZ1, and only 5.9ha within FZ3b. As the FZ1 land is sufficient to meet the 20ha allocation, this site can remain as a proposed employment site within the draft local plan.
- 3.6 **Sustainability Appraisal (SA) Addendum and Habitat Regulations Assessment Screening**
  - 3.6.1 Further to the SA work that was carried out on the Pre Submission Draft Local Plan in October 2016, a further sustainability appraisal has been carried out during two further elements of policy

review/development:

(i) options for setting a housing requirement for Melton Borough, in the light of the new evidence and analysis contained in the HEDNA and the Towards a Housing Requirement for Melton, both published in January 2017 (**Item 3B of this Agenda**). This SA Addendum document is available to view in the Member's Room.

(ii) all the proposed changes to draft local plan policies, e.g. to Policy C1(a), the new Policy IN1, that are recommended by various reports on this Agenda and collated in **Item 3I**.

- 3.6.2 The housing requirement options tested were 154dpa (in line with demographic need and taking into account an affordability adjustment), 245dpa (above the OAN identified in HEDNA, taking into account economic led growth and other factors), and 280dpa (the top level of housing requirement recommended in the housing requirements report), following the options discussed in **Item 3B of this Agenda**.
- 3.6.3 The SA findings were that a housing requirement of 154dpa was less likely to result in significant negative environmental effects, but there were significant negative effects on housing, sustainable transport, economy and employment, social and economic inclusion and economic growth. 154dpa would not provide enough development to effectively support and fund services and facilities, and could result in the overburdening of existing provision in Melton.
- 3.6.4 The 245dpa option produced a mixture of sustainability effects. Positive effects were recorded for education, sustainable transport, economy and employment, and social and economic inclusion. The potential for under delivery of affordable housing compared with needs weighed against the positive contribution this option would make to housing delivery, with an overall significant positive effect, given the volume of housing to be provided. Minor positive effects were found in relation to access to services and health. The analysis found that there were significant negative effects on several environmental factors, such as landscape, biodiversity and cultural heritage.
- 3.6.5 At 280dpa, a mixture of sustainability effects was found. Significantly positive effects were found in relation to housing, education, sustainable transport, economy and employment, social and economic inclusion and economic growth. The analysis noted that the amount of development could generate more funding services and facilities within Melton, and help avoid overburdening them. It also found significant negative environmental effects, e.g. on landscape, biodiversity, and cultural heritage
- 3.6.6 All options were found to be broadly comparable when assessed against environmental objectives, with all options having some significant negative environmental effects. At 245dpa and 280dpa, there would be loss of significant tracts of greenfield Grade 3 agricultural land at Melton North and Melton South, as well as potential impacts on biodiversity and cultural heritage.
- 3.6.7 There was no strong conclusion that any one option performed far better than another, but broadly, the 245 and 280dpa scenarios produced more positive social and economic effects, helped by the contribution that more development can make to delivering infrastructure and service improvements. The 70dpa produced the most positive environmental effects, but broadly these were comparable with the higher housing number options.
- 3.6.8 Habitats Regulations Assessment screening is a regulatory requirement and this must be published alongside any Addendum of Focussed Changes that the Council decide to consult on. It is not

anticipated that the proposed changes will result in a change to the recommendation of the HRA screening on the draft Local Plan, i.e. that a full HRA was not needed.

### **3.7 Equalities Impact Assessment (EIA)**

- 3.7.1 It is a Council requirement and a requirement of planning regulations that plans prepared have been subject to an Equalities Impact Assessment. An EIA was carried out on the draft Local Plan (see Appendix 1) and further consideration has been given to the impact of the recommended focused changes.
- 3.7.2 The EIA of the draft Local Plan records that the policies seek to promote opportunities for all people, including the protected groups. Its policies will advance opportunities for various age groups including elderly, youth, young people and children, e.g. by promoting development where it has good access to shops, schools, services and other facilities, and planning for enough new development that there is suitable housing for all. The Local Plan invites all people to participate and get involved in the plan making process through Reference Groups and other consultation exercises.
- 3.7.3 One of the focussed changes proposed (to PolicyC2: Housing Mix) is to make the higher technical standards for accessible dwellings set out in Building Regulations discretionary rather than obligatory, where they are an element of the housing mix proposed (**see Item 3K of this Agenda**). This could slightly adversely affect the living conditions of the limited number of future occupiers of these dwellings, who will be people with disabilities. This change is proposed because the revised Local Plan and Community Infrastructure Levy (CIL) Viability Study (2016) found that the policy requirement of use of the Building Regulations 2015 Part M4 (2) and (3) places disproportionate viability challenges on the providers of retirement homes, sheltered homes, care homes and accessible dwellings, and is likely to deter the provision of these types of accommodation in the Borough. If this requirement is relaxed, it could ensure at least some of these types of accommodation are provided.
- 3.7.4 Whilst not strictly a protected group under the Council's EIA framework, the proposed Addendum of Focused Changes does reflect new evidence about the accommodation needs of Gypsies, travellers and Travelling Showpeople, but the new evidence has not warranted any substantive change to draft Policy C6 (**see item 3G of this Agenda**).
- 3.7.5 None of the other groups included in the assessment would be differentially affected by the local plan policies and the proposed changes.

### **3.8 Five Year Land Supply and Housing Trajectory Position**

- 3.8.1 The National Planning Policy Framework (NPPF) requires that Local Planning Authority's illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy.
- 3.8.2 That information has been updated since the publication of the pre-submission plan and this new evidence must be published alongside the other proposed changes to the plan. It is attached at Appendix 2 of this report.

### 3.9 **Other Documents Required to meet Regulatory Requirements**

- 3.9.1 As was the case when the Pre-submission draft Local Plan was published, the Regulations require a number of other documents be published alongside it. These are:

**Consultation Statement** – an Addendum to Melton Local Plan Community Consultation and Engagement Statement was considered and agreed by Working Group on 9<sup>th</sup> February 2017.

**Duty to Co-operate (D2C) Statement** – a draft statement was published alongside the Pre Submission Draft Local Plan. Work is ongoing to publish an updated version of this alongside any Addendum of Focused Changes. It will record the main engagement that has occurred with relevant bodies since the draft local plan was prepared – this will focus on the activity that has taken place around strategic housing issues addressed by **item 3B of this Agenda**, transport (particularly the Melton Mowbray Transport Strategy – **see item 3F of this Agenda**), education, and other infrastructure provision. It will also record the further engagement with statutory consultees such as Historic England and Sport England

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

- 4.1 The Melton Local Plan Pre Submission version sets out the Council's preferred approach to addressing the issues and challenges which need to be dealt with through the Local Plan, to deliver the development the Borough requires and to deliver the vision and objectives of the Plan.

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

- 5.1 There are no significant unknown financial or resource implications arising from this report. The Local Plan publication and consultation are core elements of the existing budget provision. Whilst will have a significant resource implication on the staffing resources and expenditure relating to statutory notices and publicity, this will be met through the existing Local Plan budget provisions.

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

- 6.1 The preparation of the Local Plan is governed by legislation (The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) and also Regulations (The Town and Country Planning (Local Planning) (England) Regulations 2012).
- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 and the NPPF require that plans are prepared based on the most up to date evidence available.

### 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 subject to a detailed Equalities Impact Assessment (EIA) through each stage of preparation. The pre submission Local plan has been the subject of an EIA which

is now published in accordance with the Council’s policy, as outlined in this report.

## 9.0 RISKS

<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>		1		
	<b>C</b>	<b>Significant</b>				
	<b>D</b>	<b>Low</b>				
	<b>E</b>	<b>Very Low</b>		2,3		
	<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	Evidence is challenged and scrutinised as part of the Local Plan Examination.
2	Evidence becomes out of date
3	Evidence is challenged as part of the Duty to Cooperate

## 10.0 CLIMATE CHANGE

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

## 11.0 CONSULTATION

11.1 The evidence referred to in this report and modifications to the content of the Plan will be published alongside the ‘Focussed Changes’ proposed (**see item 3A of this Agenda**) in accordance with Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

## 12.0 WARDS AFFECTED

12.1 All.

Contact Officer P Reid, Regulatory Services Manager

Date: 23<sup>rd</sup> June 2017

Appendices :

1. Equalities Impact Assessment
2. Five Year Land Supply and Housing Trajectory Position – 30<sup>th</sup> May 2017
3. Flood Risk Sequential and Exceptions Test (without appendices)

Background Papers: Indoor Sports Facilities Study,2017  
Flood Risk Sequential and Exceptions Test with appendices – deposited in the Members Room  
Sustainability Appraisal Addendum and Habitat Regulations Assessment Screening