

EXTRAORDINARY MEETING OF FULL COUNCIL

27TH SEPTEMBER 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

MELTON LOCAL PLAN ADDENDUM OF FOCUSED CHANGES CONSULTATION: REPRESENTATIONS RECEIVED AND PROPOSED RESPONSES

1.0 PURPOSE OF REPORT

1.1 This report is to provide a summary of the representations received in response to the consultation on the Melton Local Plan Addendum of Focused Changes, to highlight the main issues they raise, and to seek agreement to the proposed responses to all of the representations. It also addresses previously unreported representations from Pre Submission stage that were not considered at the meeting of 4th July 2017.

2.0 RECOMMENDATIONS

2.1 It is recommended that Council :

- (i) Notes the contents of this report;
- (ii) Agrees the responses to representations set out in Appendix 1 (a – o) of this report and;
- (iii) Agrees that delegated powers be given to the Head of Regulatory Services to make minor amendments the responses to representations set out in Appendix 1, where considered necessary.
- (iv) Authorises the Head of Regulatory Services to sign the Joint Statement by the Leicester and Leicestershire Authorities on Collaborative Planning on behalf of the Council as set out in Appendix 2, including any amendments made by partner Authorities that do not affect its substantive meaning or content.

3.0 BACKGROUND

3.1 As outlined in Item 3A, a total of 230 responses to the consultation were received within the six week consultation period. As many of those responding to the consultation made comments against more than one policy, the total number of representations that were 'duly made' far exceeds this. A summary of all the representations received and the proposed responses to them are set out in **Appendix 1**, in sections (a) to (m) in the order the focused changes were set out in the consultation document. Appendix 1(n) sets out the comments that could not be associated with any one focused change in particular, and Appendix 1(o) contains summaries and responses to representations that were omitted from the Council papers of 4th July, relating to the Pre-Submission Draft Local Plan. Due to their size, the documents at Appendix 1(a) - (n) are only available to view via the weblink <https://www.meltonplan.co.uk/fcrepresentations> , and a paper copy of them all has been deposited in the Members' room. Appendix 1(o) is available via

the weblink on the page <https://www.meltonplan.co.uk/yourresponses> .

- 3.2 The remainder of this report sets out the issues raised in representations to each Focused Change that are considered to be of the greatest significance in terms of the issues they raise and their risk to the successful progression of the Plan, followed by a section that looks at the general comments. The report concludes with identification of the main issues from this and the pre-submission consultation that are likely to be key lines of enquiry at the Local Plan Examination.
- 3.3 As this consultation related only to the Focused Changes and the evidence underpinning them, no action has been proposed in respect of representations that covered matters that were not the subject of Focused Changes. In such instances, only a brief response has been given, with some signposting to the documents that underpin the Council's approach to the issue. Those wishing to comment on the Pre-Submission Draft Local Plan had the opportunity to do so in November/December last year. Copies of all the 'duly made' representations to that consultation, together with all the 'duly made' representations to this focused changes consultation will be sent to the Examination Inspector who will consider them all. All the 'duly made' representations will also be published on the website in due course (**see Item 3C on this agenda**).
- 3.4 A relatively small number of representations received in the period running up to 'Focused Changes' consultation are also addressed. These are addressed at section 17 of this report below.

4.0 **MAIN ISSUES RAISED IN RESPONSE TO REPRESENTATIONS**

4.1 **Focused Change 1.1: 245dpa housing requirement and the related evidence (MLP Section 4.2 and Policy SS2).**

4.2.1 The views expressed on this were as follows:

4.2.2 Some respondents consider the Council's 245 dwellings per annum (dpa) housing requirement is unjustified, in the context of an up to date objectively assessed housing need (OAN) of 170 dpa (or 134dpa) set out in the January 2017 Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA). A number of respondents from rural areas, e.g. Somerby Parish Neighbourhood Plan (NP) Group and Long Clawson NP Group argued for the use of 170dpa as the housing requirement, as it is the latest evidence of housing needs, includes an employment and affordable housing uplift, and is a 9.4% uplift from the demographic OAN. Charnwood Borough Council say there is no clear justification for 245dpa and that the use of different assumptions to HEDNA appears to conflict with the requirement to assess needs across the HMA, especially when the distribution has yet to be agreed.

4.2.3 There was some support from the Home Builders Federation for the Council's approach, but both they and others representing landowners and developers (e.g. Barratt David Wilson, Richborough Estates, Gladman) suggest the number should be 280dpa (7000 over 25 years), to reflect the evidence on affordable housing in HEDNA and to boost significantly housing supply. A representation from Gladman references an appeal decision letter that it says supports our approach of accounting for local economic factors beyond OAN, and provides reasoned arguments to refute Charnwood BCs concerns.

- 4.2.4 Setting a housing requirement is premature: some representations from landowners/developers suggested that the housing requirement should not be determined until Melton's proportion of the housing market area (HMA) unmet needs are known, whilst some residents felt it was unreasonable to include an allowance for unquantified unmet housing requirements from elsewhere, and it isn't clear why Melton is considered a suitable place to meet unmet needs from elsewhere in the HMA.
- 4.2.5 Some comments claim that there are problems with the supporting evidence. Some suggest that it does not support the conclusions (e.g. employment land study), that there are inconsistencies within the HEDNA and between the HEDNA and Towards a Housing Requirement for Melton Borough (TAHR), that the evidence and analysis in the TAHR is not as robust as that of the HEDNA, and that no account has been taken of the effect of Brexit on reducing housing demand in the future.
- 4.2.6 The effects of 245dpa have not been quantified. Some suggested it would make the town a far worse place to live, because it would give rise to more noise, pollution, congestion, and that the existing infrastructure, such as schools, healthcare, roads, will not be able to cope.
- 4.2.7 The proposed response to these representations are that the Council considers the evidence in HEDNA, TAHR and the justification set out in the Council report of 4th July 2017 to be robust and proportionate for the purposes of local plan preparation. The response to concerns from Charnwood Borough Council is that in preparing its local plan evidence, the Council has acted in accordance with the terms of the Leicestershire and Leicester authorities Joint Statement of Co-operation (January 2017), to which Melton and Charnwood amongst others are both signatories, which specifically invites LPA's to base housing requirements on the evidence of HEDNA and 'other relevant evidence' (the TAHR is considered to be such evidence).
- 4.2.8 With regard to accommodating unquantified unmet housing needs from elsewhere, the amount and distribution of unmet needs will be set out in the Leicestershire and Leicester Strategic Growth Plan (SGP). However, this is still being prepared, with a draft not expected until later this year. The Council's approach provides some headroom (245-134 x 25 years = 2775 dwellings) in its housing requirement, which would help to meet unmet housing needs from elsewhere should it be concluded that it is appropriately located in Melton. It is also considered appropriate that a Local Plan review would be triggered should this quantity be exceeded, alongside other circumstances (Policy SS6). To await a finalised SGP would be likely to delay the Local Plan by a further year.
- 4.2.9 A 'Joint Statement by the Leicester and Leicestershire Authorities on Collaborative Planning' has been developed and was agreed in principle by the Leicester and Leicestershire Strategic Planning Group on 18th September 2017. This set out the agreed approach to the preparation of Local Plans and review arrangements associated with the Strategic Growth Plan. This document is attached as Appendix 2 to this report. Members are invited to authorise the Head of Regulatory Services to sign this on the Council's behalf, to include any amendments made by partner Authorities that do not affect its substantive meaning or content.

4.3 Focused Change 1.2: Amendment to small unallocated sites approach (MLP Policies SS2/SS3)

4.3.1 There was support for the changes from a range of landowner and developer interests, but some residents were concerned that it would lead to too much development in unsustainable locations. Some felt the qualifying criteria for new development could be too onerous; it was suggested that some communities, e.g. Knipton may be too small to have the resources to prepare supporting evidence of local need, whereas some developers felt that needs wouldn't be able to be met in some communities that want to stop all development. Another response suggested that the change to the reasoned justification meant that the operation of the policy would still be over restrictive.

4.3.2 This focused change was made in response to concerns that the draft policy as originally written would impose too stringent conditions on smaller communities, preventing development that helped to meet local needs that changed over the lifetime of the Plan. The policy as now drafted is considered the best balance between meeting local needs and promoting sustainable development. The evidence of local need that would be required would be in proportion to the scale and nature of development proposed.

4.4 Focused Change 1.3: Amendments to overall housing provision by settlement, including a more simplified approach to meeting needs across Rural Hubs.

4.4.1 The main issues raised in relation to this change were:

- a) How the amount of land that needs to be allocated in each settlement was arrived at. These included a comment that apportionment by settlement size rendered the sustainability assessments meaningless, and that NDP levels of development for the villages plus Six Hills was a sensible alternative, and that any surplus of unmet requirement from rural hubs should be met by service centres, not other rural hubs. A developer suggested that as the 2nd and 3rd largest settlements in the Borough, more sites should have been identified at Asfordby and Bottesford rather than spreading their unmet requirement around other smaller service centres. Bottesford Forum believe that settlements closer to most of the Borough's services and jobs should accommodate more housing, whilst a number of residents/Parish Councils and other local groups felt that the amount of housing being proposed for individual villages should relate to a proportion of the OAN 170dpa, and not the requirement of 245dpa, because the housing requirement reflected the ambition for a bypass and not housing needs. An alternative 'settlement cluster' approach to housing distribution in rural areas was promoted for Clawson, Harby and Hose and for Somerby, Pickwell and Burrough on the Hill.
- b) Many representations present arguments why particular settlements could not accommodate the amount of housing identified. Reasons given included over development, excessive pace of proposed development, unsustainability in transport/travel terms, environmental factors, e.g. flood risk (e.g. Bottesford, Frisby), heritage (e.g. Scalford, Great Dalby and Somerby) and flooding/drainage (e.g. Long Clawson), an already inadequate infrastructure, services and roads that would be unable to cope, and a lack of certainty about provision of new infrastructure with new

development. A few respondents felt differently, e.g. the owner and operator of the Frisby village store who indicates the planned amount of housing is needed to ensure the viability of his business and services for the village.

- c) Village wrongly identified in the settlement hierarchy. Reasons cited included the low level of service provision, lack of employment and poor public transport, e.g. Great Dalby, Scalford, Somerby, Gaddesby.

4.4.2 As the villages in each tier of the settlement hierarchy and the settlement hierarchy itself was not the subject of focused changes, no response was necessary to these representations, but to help people understand the Council's approach, the reasoning for the draft Local Plan approach and the evidence underpinning it has been referenced in responses.

5. Sustainable Neighbourhoods (FC2, MLP Policies SS4 and SS5)

5.1 The main issues raised relating to the changes to this section were as follows:

5.1.1 For both sustainable neighbourhoods:

- i) town infrastructure, including roads should be improved before new development takes place;
- ii) more certainty and clarity needed that the MMDR will be completed in its entirety, and by when, to provide comfort that it does not give rise to increased congestion and rat runs;
- iii) the proposed reduced percentage of affordable housing is not supported by the evidence and either the original levels should be retained or the requirement set at 25%;
- iv) why the amount of new housing proposed by the sustainable neighbourhoods is needed.

5.1.2 For the Northern Sustainable Neighbourhood:

- i) a buffer of 100 to 200m is needed around Melton Country Park to protect wildlife and reduce the negative impact of any noise and light pollution from new housing (Friends of the Country Park);
- ii) the section of road provided by the NSN will not provide any relief and its not certain it will be delivered (Melton North Action Group);
- iii) the NSN is too small to come with all the infrastructure that is needed. Six Hills development would be a sustainable alternative;
- iv) The County Council has a conflict of interest as land owner and highway authority (MNAG and others) ;
- v) Site promoters seeking minor detailed changes to wording of policy related to phased delivery of link road and support the reference to a frequent bus service.

5.1.3 For the Southern Sustainable Neighbourhood (SSN):

- vi) the proposed extension is an unacceptable incursion into the landscape and an Area of Separation (CPRE and others);
- vii) the proposed extension of the southern boundary would have an unacceptable impact on a Scheduled Ancient Monument (SAM), and the Council have disregarded the advice of Historic England (Historic England

- and others);
- viii) the agent for the owners of the western part of the SSN considered that the proposal would have a severe and adverse impact upon their land holdings and business interests and has asked that their land is removed from the Local Plan.

5.2 The responses proposed to these representations explain that the Melton Mowbray Distributor Road (MMDR) will be brought forward with a combination of Government funding and developer contributions, and that land will be compulsorily purchased by the County Council and /or this Council if it is needed to deliver the plan proposals. Developments will not be granted planning permission unless they include satisfactory proposals to mitigate traffic impact in both the short and longer terms. The amount of housing was not the subject of a proposed change and the percentage of affordable housing reflects the considered balance between delivering this and another key planning objective, the MMDR based on viability. The MMDR is critical to facilitating these developments and as such an unavoidable cost.

5.3 For the Northern Sustainable Neighbourhood (NSN), responses include:

- i) Policy SS5 recognises and protects the biodiversity of Melton Country Park;
- ii) The Local Plan seeks to deliver the MMDR in its entirety from the A606 Nottingham Road to the A607 Leicester Road around the east of the town over the plan period (by 2036). As part of the Melton Mowbray Transport Strategy (MMTS), Leicestershire County Council and Melton Borough Council are committed to bringing forward each section of the distributor road as soon as possible, and are investigating all appropriate funding opportunities to do so;
- iii) The plan ensures that adequate infrastructure will be provided as sites are developed. See also detailed responses in FC11 and FC12;
- iv) The LHA has provided advice to MBC independent of any considerations in terms of land ownership. All landowners are being consulted and would be expected to make an appropriate contribution towards the scheme;
- v) Regarding the timing of delivery of the road, the Plan has not made this prescriptive; it would be premature to do so until the practicalities (viability/design/funding) have been fully explored. The masterplanning requirements in Policy SS5 allow for phasing. Support for bus service clause noted.

5.4 For the Southern Sustainable Neighbourhood, responses include:

- vi) The Areas of Separation are not designed to prevent development, unless it leads to coalescence between settlements or results in the loss of highly tranquil landscape. This is consistent with the NPPF;
- vii) The Council's evidence (technical note prepared by Cotswold Archaeology) indicates that the proposed southern SUE land does not appear to have formed an important part of the setting of the SAM and that separation is not a key aspect of the SAM;
- viii) It is disappointing that agreement has not been reached with these land owners. The LPA will continue engagement and will use CPO powers if necessary to deliver the proposed road.

6. Long term growth strategy and triggers (FC3, MLP Policy SS6)

6.1 The main issues raised relating to this section were:

- i) Six Hills should be an allocation. This was raised by some residents of Melton Mowbray and the villages, and by the site promoters, Gladman. Residents see it as an alternative or complementary provision, the promoters suggest a 3000 home settlement there can address the issue of unmet needs from elsewhere in the Housing Market Area, and point to recent pre-application work that demonstrates its deliverability;
- ii) Charnwood Council are disappointed that Policy SS6 does not reflect Policy SS2 or the findings of the sustainability appraisal of reasonable alternatives. They remain concerned about Six Hills, which is adjacent to their boundary;
- iii) the review mechanism in the policy needs to be more precise, to ensure any local plan review to address unmet needs from elsewhere is started and completed as soon as possible after final distribution in the Strategic Growth Plan is known.

6.2 The spatial strategy was not the subject of a focused change so no action is needed now in respect of comments about Six Hills, or from Charnwood on this matter. The review mechanism in the plan is in accord with the HMA authorities' joint statement of co-operation (see para 3.2.9 above), and so there are no reasons to suggest changing this.

7. Housing site allocations (FC4, MLP Section 5.4 and Policies C1(A) and C1(B)) and site specific policies

7.1 The bulk of all representations were related to specific sites. The main general issues raised relating to the proposed changes to housing allocations were regarding the accuracy of evidence base, disagreement with the factors used in the site assessments and/or the weighting that was applied to each, and a lack of consultation with land interests affected during the site assessment update exercise. Many respondents submitted their own assessments, some including very detailed evidence on specific issues, such as heritage, flooding/drainage and geology that led them to contest the Council's assessments, and that as a result, specific sites should be included/amended/deleted or promoted/demoted from reserve site status to allocated status. Several developers submitted evidence of their ability to overcome constraints identified, and some new alternative sites were submitted. A frequently repeated comment made in respect of allocations in several communities was that only Neighbourhood Plan allocations should be included.

7.2 Summaries of the representations received and proposed responses by settlement appear at Appendix 1 (d). General representations and responses relating to FC4 are also in section (d) of Appendix 1.

8. Housing Mix and Housing Standards Review (FC5, MLP Sections 5.5 and 5.6)

8.1 The main issues raised relating to the proposed changes were:

- i) wheelchair standards – the change from 'requiring' provision to meet standards to 'encouraging' it was supported by HBF and some builders, but

at least two residents objected indicating that the ageing population evidence points to a greater need for this, and that the change should be reversed;

- ii) building bungalows for the older generation who wish to downsize;
- iii) the Council's stated intention to use the 2016 Housing Needs Study (HNS) evidence rather than 2017 HEDNA to negotiate housing mix. CPRE Leicestershire suggests the up to date HEDNA figures should be used, especially for housing suitable for elderly and disabled people.

8.2 The revised viability study showed it would not be viable to make exceeding the Building Regulations a requirement, and also, it would go beyond what a Local Plan should do, affecting other regulatory regimes. The reasoned justification supporting Policy C2 already addresses the points made in the representation about bungalows, and the Housing Needs Study (Aug. 2016) is the best evidence for the Housing Mix policy because it is based on the demographic change likely with a housing delivery of 245dpa that the Plan proposes.

9. **Affordable Housing (FC6, MLP Section 5.8 and Policy C4)**

9.1 The main issues raised in representations received were:

- i) the viability evidence indicates that the affordable housing targets should be expressed as maximums, not minimums (HBF and others). One developer suggested 1300 target should be a minimum, to ensure more affordable housing needs are met;
- ii) the use of a target rather than a requirement lacks clarity about who decides, and how, if higher target is needed;
- iv) HBF support the reduction of targets and use of differential targets
- v) More of the affordable housing should be provided in Melton Mowbray where most of the needs arise, and because the level being sought in the villages may be unviable, some villages are not suitable or sustainable locations for it, and the provision has been distorted by the need for developer contributions for the ring road in Melton.
- vi) Percentages do not match the needs arising locally and provision in villages would not be affordable. More evidence is needed.
- vii) Not enough affordable housing is being provided in the sustainable neighbourhoods (SS4 and SS5), with suggestions that it should be 25% or 37%, and another suggestion that the 65:35 urban: rural split be adjusted to 75:25 to increase affordable housing numbers in the town. One representation was that that this reduction may have arisen out of a conflict of interest of Leicestershire County Council as landowner of part of the Northern SUE. On the other hand, there was support for the 15% from the promoters of part of the Southern SUE, with the consortium promoting land in the Northern SUE indicated it wanted flexibility to be able to negotiate from 15% if that is not viable, and to make off-site provision if on-site was not viable.
- viii) Tetlow King, on behalf of Rentplus, a promoter of a 'rent to buy' product seek a change to Policy C4 to refer to aspirations for home ownership and increase its flexibility beyond the current NPPF definition of affordable housing to encompass likely changes to the definition of intermediate housing.

9.2 Many sites across the Borough have secured higher percentages of affordable housing than set out in the targets, suggesting that minimum targets are

achievable, unless in exceptional circumstances, a site specific viability assessment shows that the targets are not deliverable. With regard to needs, these arise across the Borough, not just in Melton; the Housing Needs Study found the needs to be about 50% in Melton and about 50% in the rural areas. The Rural Housing Need surveys, where they have been undertaken in Parishes across the Borough, show a high level of affordable housing need over the 25 year plan period. There will still be unmet affordable housing need.

- 9.3 A large amount of affordable housing will still be delivered in the urban areas, because the sites are larger and so the number of affordable homes forecast to be delivered is larger, even with a lower percentage. The revised viability study found that any more than 15% affordable housing on eligible residential developments in both the northern and southern sustainable neighbourhoods is not viable. However, the targets are set as a minimum and can be increased having regard to market conditions and demonstrable economic viability evidence.

10. **Providing Jobs (FC8, MLP Section 6.5)**

- 10.1 The main issues raised and suggested changes relating to the proposed changes were:
- i) no clear link between the employment land supply and the growth of employment being planned for above the HEDNA projection;
 - ii) the land for the 20ha of allocated employment land off Leicester Road (EC1.2 and SS4 em1) is being withdrawn by the landowner, and no alternative identified. The agent for the landowner indicates that the employment land will not generate sufficient value to deliver the section of the distributor road, and the allocation will adversely affect their business and personal interests.
 - iii) the landowners of Holwell Works (EC3(iii)) want land at Asfordby Business Park to be allocated as a housing site, as it is an allocation for residential led mixed use development in the Asfordby Neighbourhood Plan. The site is a brownfield opportunity where outline planning permission for employment development has lapsed and there is no realistic prospect of the whole site being sold for employment use within the plan period. It concludes by saying that up to 3.23ha could come forward for employment, alongside the 100 dwellings and community benefits indicated in the NDP.
- 10.2 There is clear evidence to link the delivery of this employment land to the housing requirement in the BE Group report, which although it predates HEDNA, relates to the same level of housing growth over the plan period. With regards to the 20ha of employment land within the Southern SUE, the Council will continue to engage with the landowners; however, the Authority does have the power to Compulsory Purchase the site should it need to. Grant funding (Housing Infrastructure Fund) is being sought by the County Council to help ensure the delivery of the infrastructure to support the Southern SUE. With regards to the alignment of the Asfordby Neighbourhood Plan and the Local Plan, this will depend on the Asfordby NDP successfully going through referendum. If it does, then the alignment of the NDP and LP will occur through the Local Plan Examination.

11. **Infrastructure Delivery Plan (FC 10, MLP section 8.2 and Appendix 4)**

- 11.1 The main issues raised were that it was not clear which items were included to rectify existing problems and which are needed to support growth, and whether they are to support HEDNA growth or the MBC housing requirement related growth. Also, essential items should have a clear timetable for delivery.
- 11.2 There was also some overlap with comments made in relation to CIL, with some considering it unclear how the funding of IDP items related to the collection of monies through CIL.
- 11.3 The infrastructure in the IDP will be delivered through the Local Plan and its allocations. Developer contributions from new developments can only be used to rectify any capacity issues they create, not resolve existing problems. The IDP is a 'live' document which will continue to be developed over the life of the plan and is likely to include more items as schemes come forward. The IDP has been developed by respected experts in the field and is considered robust. Comments specific to CIL will be covered in responses to the specific CIL consultation, which will be reported to Council in due course.

12. **Melton Mowbray Transport Strategy (FC11, MLP Section 8.3 Transport and FC Policy IN1)**

- 12.1 The main issues raised relating to the proposed changes were:
- i) the congestion consequences if funding is not forthcoming from either the Government and/or from developers for all of the MMDR. Several representations highlight the uncertainty of Government funding, with concern about a potential gap between developer contributions collected and the total cost of the development funded sections. They ask that the MMDR, and in some cases other transport infrastructure improvements, be completed before any new development takes place in the sustainable neighbourhoods;
 - ii) how people could be expected to comment when the details of the proposed scheme are not yet available;
 - iii) The current unmade section of Kirby Lane should be retained for wildlife, walkers and cyclists;
 - iv) The unrealistic assumptions about use of public transport, given relatively low frequency of services and distances from stops to homes;
 - v) The proposed MMDR should lie on the outer edge of any housing development;
 - vi) The Corridor of Investigation provides no clarity about where the road will fall and it is premature to identify the corridor in advance of a proposed alignment of the road. Plan preparation should await the precise alignment. It was also suggested that the County Council should not be involved in decisions about the route of the road due to land ownership conflict of interest.
- 12.2 The Local Highway Authority generally support the policy, but asked for minor amendments, to clarify the north western extent of the MMDR and to indicate that the Melton Greenway is not part of the MMTS, which has yet to be drawn up. They also seek clarity in the plan about the developer contributions that will be needed in Melton Mowbray to deliver the MMTS. Natural England highlighted the possible conflict of the MMDR proposals with the River Eye SSSI and seek early

engagement on the proposed route to avoid this, whilst Network Rail seek an additional clause to ensure the continued safe and effective operation of the railway.

- 12.3 The proposed responses reiterate the advanced stage that the bid for funding for the northern and eastern sections of the MMDR is at, and indicate that where necessary, Compulsory Purchase powers will be used to secure the land to complete the southern section. The ongoing County Council consultation on the preferred MMDR route alignment is referred to as providing more of the detail that some people are seeking, and it is anticipated that a modification to the Local Plan can be made during Examination to replace the corridor of investigation with a narrower one for at least the eastern and northern sections of the MMDR, reflecting (by then) a recommended road alignment.
- 12.4 The proposed responses acknowledge that there may be some interim highway and transport measures needed to mitigate the traffic impacts of new development until the whole MMDR is completed, and that these will be secured through the development management process. The County Council's general support is welcomed and the minor amendments and clarifications that they seek can be sorted out during the Examination.
- 13. MMTS, Infrastructure Delivery and CIL (FC12, MLP Section 8.10 and Policy IN2)**
- 13.1 Representations received to this focused change included a significant number from residents who felt that existing infrastructure is already struggling to cope, and that not enough new infrastructure was being planned. Many of these felt that investment was needed whether or not new development happened, and that any additional capacity or better provision made would be offset by increased pressure from new development. These types of comments were made across all sizes and types of settlements in the Borough.
- 13.2 Several representations were received suggesting that the balance between seeking contributions towards the MMDR and affordable housing was wrong, and that there should be more emphasis on the latter in Melton Mowbray. A number of developers/land promoters questioned the viability of seeking CIL in addition to affordable housing and other planning requirements but generally stopped short of saying that they would definitely not be able to deliver if CIL did go ahead. The Local Education Authority and the Local Highway Authority asked about how contributions to education and highways were going to be safeguarded at the necessary level.
- 13.3 There was significant overlap in comments made to this focused change and focused changes 11 and 10 dealt with above.
- 13.4 The Borough Council will continue to work with infrastructure and service providers and partners to alleviate existing issues, however it would be in conflict with the national guidance to use new development to rectify these issues. This is the same approach as taken in response to similar issues raised in the consideration of planning applications. With regard to the relationship between the delivery of the MMDR and levels of affordable housing, it must be remembered that the MMDR facilitates the delivery of the strategic sites around Melton Mowbray; without the MMDR, there would be far less overall and affordable housing possible, even if the percentage of the latter was increased. Melton

Borough Council will work with the County Council up to and during Examination if necessary to reach agreement and clarify all outstanding matters.

14. Policies Map (FC13, Boundary to SS5 and Policy IN1 Corridor of Investigation)

- 14.1 The boundary change to the southern sustainable neighbourhood is dealt with in Section 5 above, and comments about the corridor of interest/investigation in Section 12 above.

15. RELATIONSHIP TO NEIGHBOURHOOD PLANS

- 15.1 In communities where neighbourhood development plans (NDPs) are being actively prepared, a significant number of representations were received suggesting that the Council should be giving 'taking the lead' from the emerging NDPs. In one case, a planning appeal Inspector's Report was cited as indicating that the Local Plan must follow the content of Neighbourhood Plans. Other reasons cited were the level of community support, the amount of work that had gone into the NDPs, the detailed local evidence that underpins them, and conflict with the Localism Act arising from the current approach. The most significant representations on this issue have been made in respect of Asfordby, Frisby and Clawson, Harby and Hose, with it also being raised by groups and individuals in Somerby, Broughton and Dalby, Waltham and Thorpe Arnold, and Wymondham.
- 15.2 The other Parish Councils, neighbourhood planning and other community groups responding to this consultation were Barkestone, Plungar and Redmile Parish Council, Bottesford Forum, Croxton Kerrial & Branston Parish Council, Friends of Melton Country Park, Gaddesby Community Group, Melton North Action Group, Scalford Parish Council, and Somerby Parish Council and Neighbourhood Plan Steering Group.
- 15.3 If necessary, alignment of the local plan and any NDPs that have passed Examiner's report stage will take place during the Local Plan Examination. Regarding representations received on behalf of groups of people, as the Local Plan Examination will be about planning issues raised rather than the quantity of representations received, a response such as the Bottesford Forum is treated the same as a response from an individual.

16. DUTY TO CO-OPERATE

- 16.1 A range of views were offered on whether or not the Council had fulfilled the Duty to Co-operate. Some developers felt it was incomplete until the unmet housing need from within the HMA was quantified and apportioned through the emerging Strategic Growth Plan. Other LPAs were generally supportive, though Charnwood Borough Council suggested that the housing requirement that relies on the TAHR may be deviating from fulfilling the Duty. Both Charnwood and Leicester City refer to issues raised (Six Hills and strategic highway impact of Melton development respectively) that remain unaddressed. Most of the neighbouring Local Authorities and those within the Housing Market Area indicated they had no comments to make on the Focused Changes. Some Parish Councils referred to the Duty having not been fulfilled in respect of the Council's engagement with them, whilst Bottesford Forum asked questions about activity under the Duty in respect of planning infrastructure provision with adjacent Nottinghamshire and Lincolnshire LPAs.

- 16.2 A statement setting out all the activities and agreements that have been made to fulfil the Duty to Co-operate has to be submitted to the Government alongside the Local Plan. The bodies it applies to are set out in the Localism Act and town planning Regulations, and include mostly other local authorities and statutory agencies. Parish Councils are not prescribed bodies, but can be included (discretionary) if there are cross boundary or larger than local matters that might affect them. Please see para 4.2.9 above regarding agreement between Authorities within the Leicestershire HMA.
- 16.3 The representations made by Charnwood Borough Council arises from concerns relating to the differences between the OAN that is provided by the HEDNA and the housing requirement that takes account of HEDNA but also other 'policy on' national and local planning objectives. This is considered to be 'other relevant evidence' and it is considered the housing requirement follows the methodology set out by the Joint Agreement.
- 16.4 Representations have been received from some of the prescribed bodies, the most comprehensive and significant being from Historic England, relating primarily to the impact of the southern SN and the safeguarded route of the MMDR on the scheduled monument at Burton Lazars, but also the impact of other site allocations, e.g. MEL3, SCAL1, on other scheduled monument and Grade II* listed buildings. Comments from Natural England, Highways England and Network Rail are reported under Section 12 above, and the Environment Agency sought the reinstatement of reference to addressing drainage in the new Policy LONG2. Highways England noted the level of development proposed, particularly the reduced housing numbers being proposed for Bottesford. Sport England raised no concerns regarding the focused changes, and the Coal Authority has no specific comments to make.
- 16.5 Historic England indicate that an agreed position may be possible on some of it representations through a Statement of Common Ground, and a draft of this is being prepared. The Council will work with other statutory bodies to agree suggested modifications to the local plan to address their issues.
- 17 Representations received in the period running up to 'Focused Changes'.**
- 17.1 Criticism has been made of the summaries of representations considered by Council on 4th July 2017; one was that the summaries were insufficient and that the full content should have been reproduced, the other was that comments had been incorrectly attributed. One representor identified that his submission had not been reported.
- 17.2 Apologies have been offered where errors have been made and the schedules of representations will be corrected before submission. With regard to the adequacy of summaries, contributors have been reassured that the Inspector will receive a copy of their actual submission, as well as the summary document. Similarly, the submission itself will be published on the website after the local plan is submitted for Examination.
- 17.3 Representations received between the consultation periods for the Pre Submission and Focussed Changes stages have been included in the current exercise and feature within the appendices in this report.
- 17.4 Representations that were not reported to Council on July 4th relate to the

following matters:

- Settlement hierarchy and the inaccurate identification of Gaddesby within the hierarchy based on the applicable criteria;
- That the approach to the spatial strategy and identification of Gaddesby as a 'rural hub' is too simplistic;
- That the residual requirement calculation is unclear and unfair for several reasons, such as reallocation from other villages and apportionment of 'windfalls';
- Lack of localised housing needs evidence and inconsistency with strategic objectives;
- More suitable sites exist elsewhere because of a range of factors cited, such as landscape, flood risk, drainage, biodiversity, transport, and detailed highway and design constraints of sites in Gaddesby;
- No local opportunities for employment growth or access to employment;
- Allocations in Gaddesby will not reduce the need to travel nor will they contribute to the Plan's objectives;
- Plan does not take adequate account of healthcare bodies' consultations, so the Duty to Co-operate has not been met.

17.5 These representations are report in Appendix (o) in a format similar to those reported on 4th July, with the responses alongside. The issues raised overlap considerably with representations already received on 4th July and as such do not present substantial new issues.

18 **CONCLUSIONS**

18.1 At Pre-Submission Draft Stage, the issues raised that were of greatest significance in terms of the challenge they posed and risk to the successful progression of the Plan, were as follows:

- i. overall housing requirement and the evidence for it, including unmet needs from elsewhere;
- ii. overall spatial strategy, including the hierarchy of settlements;
- iii. evidence of achievability and deliverability of proposed housing sites;
- iv. overall and percentage affordable housing targets and the evidence for them;
- v. evidence underpinning the Gypsies and Travellers policy;
- vi. clarity and certainty of policy concerning the Melton Mowbray Distributor Road;
- vii. deliverability of the northern and southern Sustainable Neighbourhoods.

18.2 Publication of updated and improved evidence and the Addendum of Focused Changes addressed items i), iii), iv), v), vi) and vii). As regards item ii), the approach to determining the spatial strategy was reconsidered at that stage, and it was concluded that it was robust and appropriate, so no changes were proposed.

18.3 Following receipt of representations on the Focused Changes, it is apparent that all the items above, excluding Gypsies and Travellers policy, continue to be pertinent. For items i), vi) and vii), it is because whilst policy development/

implementation is progressing, none have reached their end point – the NW Leics Local Plan Examination verdict on the quality of the HEDNA evidence is still awaited, the amount and apportionment of unmet housing needs from elsewhere in the HMA has yet to be decided. The alignment and funding for the northern and eastern sections of the MMDR have not yet been agreed or secured, and masterplans and planning applications for parts of the northern and southern Sustainable Neighbourhoods have not yet been agreed or determined. For item iii), it is a constantly changing picture, so an update will need to be prepared as close as possible to the Examination Hearings. For item iv), HEDNA and the updated viability study that underpin the amended affordable housing policy are considered robust. In the light of the representation seeking the removal of some of the land within the southern sustainable neighbourhood from that allocation, further work will be needed to demonstrate that the MMDR and the southern sustainable neighbourhood in that area can be delivered, and the willingness of this Council and the County Council to use CPO powers if necessary will need to be reiterated.

- 18.4 The Focused Changes attracted a significant number of representations about the relationship between Neighbourhood Plan and the Local Plan, particularly as it affects housing site allocations. Given that several NDPs are more advanced than they were when the Pre-Submission Draft Local Plan was consulted on, it is likely that the Council will have to address this for at least the more advanced Neighbourhood Plans, such as Asfordby, Wymondham and Frisby during the Examination though it is of note that none are yet 'made'.
- 18.5 In conclusion, whilst the representations indicate that a range of parties continue to have points of difference with the Council over the content and justification of the Local Plan, this is normal at this stage of Plan preparation, given the significant impact that the policies could have on organisations, developers and businesses, communities and individuals. However, none of the representations are considered 'showstoppers' that should prevent the plan proceeding to submission. In due course, the Local Plan Inspector will make recommendations based on his/her assessment of the merits of the Council's and representor's respective cases, and if necessary, propose modifications to the plan to ensure it can be found sound (see item 3C on this agenda in which these processes are explained in greater detail).
- 18.6 To ensure that the schedules at Appendix 1 are as consistent and clear as possible for all readers, it is proposed that delegated powers be given to the Head of Regulatory Services to make minor amendments to their content (that does not affect their meaning) them prior to submission to the Inspectorate.

19. POLICY AND CORPORATE IMPLICATIONS

- 19.1 Agreement of the responses to representations outlined in this report only has policy and corporate implications in so far as the decision will help enable the Local Plan to proceed to the next stage of preparation. The policy and corporate implications of that are set out in Item 3C on this agenda.

20. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 20.1 There are no financial implications arising directly from this report, for similar reasons outlined in paragraph 19.1 above.

21.0 LEGAL IMPLICATIONS/POWERS

21.1 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).

22.0 COMMUNITY SAFETY

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

23. EQUALITIES

23.1 There are no equalities implications or issues arising from this report.

24. RISKS

| | | | | | | |
|--|----------|--------------------------|-------------------------|-----------------------|-----------------------|---------------------------|
| L I K E L I H O O D | A | Very High | | | | |
| | B | High | | | | |
| | C | Significant | | | | |
| | D | Low | | | | |
| | E | Very Low | | | 1, 2 | |
| | F | Almost Impossible | | | | |
| | | | Negligible 1 | Marginal 2 | Critical 3 | Catastrophic 4 |

IMPACT

| Risk No | Risk Description |
|----------------|--|
| 1 | Not all responses have been captured in the summaries and responses schedules |
| 2 | The significance of material contained in responses has been misunderstood or overlooked |

24.1 It is possible that some representations may have been missed, given the high volume received and the need for them to be processed in a short space of time. If any come to light before the Examination hearings, they can be forwarded to the Inspector with a request that they be considered and an explanation of why they are late.

24.2 If it transpires that some representations are more significant than originally thought, officers will have the opportunity to prepare additional material to address

the significant matters in submissions to the Inspector leading up to and during the Examination hearings.

25.0 CLIMATE CHANGE

25.1 This report has no climate change implications.

26.0 CONSULTATION

26.1 This report is about the responses to a consultation. The Local Plan Working Group has been involved in considering the responses

27. WARDS AFFECTED

27.1 All.

Contact Officer V Adams, Local Plans Manager

Date: 18th September 2017

Appendices : Appendix 1: Melton Local Plan Addendum of Focused Changes: Summary of Representations Received and Responses to them.
Appendix 2: Joint Statement by the Leicester and Leicestershire Authorities on Collaborative Planning (Draft)

Background Papers: Previous Council papers regarding the Addendum of Focused Changes, 4th July 2017.