

FULL COUNCIL

10TH OCTOBER 2018

REPORT OF THE ASSISTANT DIRECTOR OF STRATEGIC PLANNING AND REGULATORY SERVICES

MELTON LOCAL PLAN: ADOPTION

1.0 PURPOSE OF REPORT

1.1 This report sets out the key conclusions reached and the Main Modifications recommended in the Melton Local Plan Examination Inspector's Report, and outlines how the latter differ from the plan that Council agreed be submitted for Examination. It also recommends to Council that the Inspector's recommended Main Modifications be agreed and that the Local Plan is adopted. The report also outlines the associated documents that need to be agreed alongside adoption of the Local Plan, the implications for decision making arising from Local Plan adoption and the outstanding processes that need to be completed for adoption.

2.0 RECOMMENDATIONS

2.1 It is recommended that Council :

- (i) Notes the steps and processes that have been undertaken since submission to prepare the Melton Local Plan for adoption, in accordance with all regulatory and other requirements;**
- (ii) Welcomes and agrees the contents of the Local Plan Examination Inspector's Report (Appendix 1) and, specifically, agrees to accept all the recommended Main Modifications appended to the Inspector's Report (Appendix 1a);**
- (iii) Agrees the adoption version of the Melton Local Plan (including its appendices), as set out at Appendix 2 of this report;**
- (iv) Agrees that the Melton Local Plan 2011-2036 is adopted as part of the development plan for the Borough;**
- (v) Agrees that a revised Policies Map (Appendix 3) that reflects the policies and proposals of the adopted Melton Local Plan 2011-2036 and recently made Neighbourhood Plans be adopted;**
- (vi) Agrees the Council's response to the representations made on the suggested Additional Modifications and Policies Map changes, as set out in Appendix 4a and 4b respectively ;**
- (vii) Delegates authority to the Assistant Director for Strategic Planning and Regulatory Services to publish the adoption statement, the**

sustainability appraisal report and its accompanying SA Post Adoption statement and fulfil any other duties required under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (see paras. 3.1.4, 3.4.2 and 6.2 below).

- (viii) Delegates authority to the Assistant Director for Strategic Planning and Regulatory Services to correct any minor or typographical errors that are identified in the adoption version of the Melton Local Plan or its accompanying Policies Map, which do not significantly change the overall content or purpose of the documents, after the Council meeting.**

3.0 KEY ISSUES

3.1 Local Plan Examination Process

- 3.1.1 Following Council's agreement in September 2017 to submit the Melton Local Plan for examination, the Local Plan was submitted on 3rd October 2017. The Council also requested that the Inspector appointed recommend any Main Modifications necessary to enable the Plan to be adopted. Planning Inspector Mary Travers BA (Hons) DipTP MRTPI was appointed by the Planning Inspectorate to conduct the examination. The Inspector identified a number of main matters that she wanted to examine and invited the Council and other interested parties to submit statements about those matters to her, in advance of public hearings which were held from 31st January to 8th February 2018. She also asked the Council to agree Statements of Common Ground with key stakeholders, such as Historic England and Leicester City Council. The Inspector also carried out site visits to all the locations featuring in local plan policies and proposals, including an accompanied site visit to the area around the Scheduled Monument of St Mary and St Lazarus Hospital to the south of the main urban area of Melton Mowbray. All parties' Matters Statements and the agendas for the examination hearings were posted on a dedicated examination webpage, www.meltonplan.co.uk/examination, and remain available for inspection there.
- 3.1.2 After the close of the hearings, and following consideration of all the material before her, the Inspector suggested that the Council undertake consultations on a limited number of possible Main Modifications to the Local Plan, which she considered were likely to be necessary in order for the Plan to be found sound. Many of these were prepared by the Council's Planning Policy team, under the delegated powers agreed by Council in September 2017. The consultations were undertaken from late May to early August, alongside the Council's suggested 'additional modifications' and 'Policies Map changes'. Additional modifications are factual, grammatical, updating and other text and formatting changes that do not alter the substance of the Plan. Policies Maps changes are amendments needed to the areas and notation used on the policies map to reflect the latest related Plan wording. An update to the Sustainability Appraisal was also published alongside the Modifications, and it found improved sustainability effects across a range of factors arising from them..
- 3.1.3 39 parties responded to the suggested main modifications, 5 parties to the additional modifications and 4 parties to the proposed Policies Map changes. The Inspector considered all the representations concerning the Main Modifications,

whilst the Council's Melton Local Plan Working Group has considered the rest. All the representations can be found at www.meltonplan.co.uk/examination, and schedules summarising the representations received and the proposed Council responses to the suggested Additional Modifications and the Policies Map Changes appear at **Appendix 4a and 4b** of this report. Following her consideration of the representations on the suggested Main Modifications, the Inspector concluded writing her report, and her final report including a schedule of recommended Main Modifications (**see Appendix 1 and 1a**) was delivered to the Council on 14th September 2018.

- 3.1.4 The Council now has to consider that report, and the regulations allow it to adopt the Melton Local Plan, subject to its acceptance of all the recommended Main Modifications. If the Council decides to adopt the Local Plan with all the recommended Modifications, it will have to prepare and publicise that fact, and issue an adoption statement setting out the plan's adoption and where it can be viewed. The Council must also notify all those that have requested to be notified of the Plan's adoption. The Council also needs to adopt a Policies Map that reflects the adopted MLP.

3.2 The Local Plan Inspector's Report and Recommended Main Modifications

- 3.2.1 The Local Plan Inspector's Report (**see Appendix 1**) is 44 pages long and is accompanied by a Schedule of Recommended Main Modifications (**Appendix 1a**). The report is the culmination of all the work that has gone into preparation the Local Plan and is the conclusion of the examination stage. It sets out the Inspector's consideration and conclusions on all the matters that were the subject of the examination and gives her verdict on the Council's handling of procedural matters, such as legal compliance and the Duty to Cooperate. In brief, her main overall conclusions are as follows:

- a) The Melton Local Plan provides an appropriate basis for the planning of the Borough provided that a number of main modifications are made to it, and that with all the modifications recommended, the Plan meets the criteria for soundness in the National Planning Policy Framework (NPPF). In coming to her conclusion, the Inspector considered that the Plan was positively prepared, justified, effective and consistent with national planning policy, as required for soundness. She noted that the plan has been assessed against the 2012 NPPF, as provided for by transitional arrangements included in the July 2018 revised NPPF;
- b) The Plan complies with all relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations. In coming to her conclusion, the Inspector considered the community involvement undertaken, the sustainability appraisal and Habitats Regulations Assessment that was carried out and how the Plan contributes to the mitigation of or adaptation to climate change;
- c) The Council has clearly and convincingly explained how it has complied with the Duty to Co-operate that is imposed by Section 33A of the 2004 Act. In coming to her conclusion, the Inspector noted particularly the constructive, active and ongoing engagement on joint strategic matters across the Leicester and Leicestershire Housing Market Area and the role that the emerging Strategic Growth Plan and Memorandum of Understanding will have in this.

- 3.2.2 The remaining paragraphs of Section 3 of this report summarise the Inspector's

conclusions on main matters examined.

3.2.3 **Overall requirements and proposals for housing and employment land**

The Plan's overall requirements for housing and employment land are founded on robust, objective assessment of needs, and the proposals for new employment land development to meet future needs are justified and deliverable, they complement and support the Plan's other policy objectives, and will help to meet needs from the wider housing market area.

3.2.4 **Scale of housing development**

There are no substantive reasons to conclude that the Plan's growth ambitions will prejudice ongoing strategic planning work or lead to unsustainable outcomes in the Borough or beyond its boundaries. Also, in the light of the body of robust evidence that has informed the Plan, there are no overriding environmental constraints to accommodating 6125 dwellings in the Borough over the period 2011-2036 (an average of 245 dwellings per annum), and no fundamental social or other capacity constraints that would outweigh the benefits of setting the Plan's housing target at that level. The Inspector highlighted that the Plan's housing target would provide clarity and flexibility about the positive role that Melton will be able to play in the wider housing market area, including but not necessarily limited to meeting the unmet housing needs of Leicester City.

3.2.5 These conclusions effectively address a range of representations received from prospective developers and land promoters, such as the promoters of land at Six Hills, and land at Bottesford, who both argued for higher housing numbers. It also addresses the various representations from local residents and groups who argued for less.

3.2.6 **Realistic housing targets**

Local circumstances require the delivery of the housing requirement to be stepped, rising from a minimum of 170dpa for the period 2011-2021, to a minimum of 245dpa up to 2026 and a minimum of 320dpa thereafter (**MM1 in Appendix 1a**). This is because there is no convincing evidence that enough of an uplift of housing completions (to at least 298dpa) is likely to be delivered in the short term, to meet average annual requirements and a portion of the shortfall in delivery since 2011. In concluding this, the Inspector considered historic completion rates, and took account of the time needed for the market to adjust to the step change in growth and the time needed for preparatory works on infrastructure, etc. before the sustainable neighbourhoods can deliver significant numbers of new homes. She concluded that a surplus of deliverable sites is not an adequate reason to set an excessively high housing target in the short term, and that too high a target could undermine the spatial strategy, as it could result in the Council failing against the new NPPF's housing delivery test, and the presumption in favour of sustainable development of NPPF being applied.

3.2.7 These conclusions effectively address a range of representations received from prospective developers and land promoters who argued for much higher targets for the early years of the plan period, and may provide some comfort to local residents and groups who argued that planned levels of housing delivery outside of Melton Mowbray in the first five years of the plan period was too high, as the first step (170dpa) of the minimum housing target is much lower than set out in the submitted Plan.

3.2.8 **Overall spatial strategy**

The overall approximate split of 65% of all housing development in Melton Mowbray and the proposed sustainable neighbourhoods and 35% in and adjoining Service Centres and Rural Hubs as set out in Policies SS2 and SS3 is a justified, sustainable and achievable strategy that will strengthen the role of the town as Borough's main centre, whilst allowing moderate growth to sustain smaller centres and provide choice and a continuous supply of housing.

3.2.9 In considering the representations from local people and development interests regarding the settlement classification and the Council's approach to distributing new housing, she concluded the Council's method was reasonable and objective and not unduly formulaic. She also concluded that the proportionately greater contributions towards affordable housing that will come from the rural settlements compared with Melton Mowbray is not a good reason to reduce the quantity of new housing development allocated to them, and in any case, Policies SS2, C1 and C4 combined will deliver the largest numbers of new affordable homes in the town, where planned new employment development is also focussed. The Inspector's final consideration under this issue was whether village envelopes were needed, as some representors argued. She concluded that they were not, as the supporting text to Policy SS3 give a reasonable indication of the size of new development that would be appropriate within or on the edge of settlements.

3.2.10 The recommended main modifications (in MM6) are to clarify that some new housing and employment development may come forward on unallocated but sustainable sites according with Policy SS1, to clarify that Policy SS3 applies to housing only (Policy EC2 is the complementary employment development policy) and that each application under Policy SS3 will be treated on its merits.

3.2.11 **Long term growth and triggers for review**

The Inspector has concluded that the long term options and alternatives identified in the submitted Policy SS6 - that any plan review would consider new development at a number of locations such as Six Hills and Dalby Airfield – is unnecessary and potentially misleading, and that the timescales for plan review were not specific enough, and that the policy needs to be updated to reflect the revised NPPF's Housing Delivery Test. The policy and supporting text as modified (MM8) would commit the Council to commencing a review within 6 months of any of the identified triggers occurring. This is less onerous than the review deadlines that some developer interests were seeking, and is a workable result for the Council.

3.2.12 **Sustainable Neighbourhoods (SNs) and the Melton Mowbray Distributor Road (MMDR)**

In response to representations made, the Inspector considered the scale, nature and potential impacts of each sustainable neighbourhood. She also considered if the SNs had arisen from the consideration of all reasonable alternatives. She concluded that the selection of the SNs has been justified and founded on robust evidence, and has greatest potential to deliver the strategic priorities of the Plan. She also concluded that a higher proportion of all new housing at the SNs would undermine the spatial strategy, whilst lower amounts would be likely to undermine the viability of the developments and their potential to contribute to MMDR. There is enough flexibility in both allocations to deliver the overall requirements, but modifications are needed to the Plan to ensure:

- a) the necessary monitoring of masterplanning and housing delivery milestones are achieved
- b) that prepared and serviced plots are delivered as part of the Southern SN, and
- c) that the affordable housing requirement of 15% is subject to viability, to reflect the complexity and long time period for delivery.

3.2.13 Regarding the MMDR, the Inspector concluded that the evidence of the significant benefits of the proposed MMDR as part of a wider package of integrated proposals is comprehensive and convincing, and that there are reasonable prospects that the scheme will commence by 2020 and be completed entirely (northern, eastern and southern sections) by the end of the plan period. As such, she concluded that the Corridor of Investigation for the MMDR is an appropriate tool to safeguard the route, and ensure co-ordination with planned development of the SNs, and that the Council and Local Highway Authority's approach to the timing of sections if its delivery is reasonable and flexible.

3.2.14 One matter that the Inspector gave specific consideration to was the impact of the proposed Southern SN and the MMDR Corridor of Investigation (Col) on the St Mary and St Lazarus Scheduled Monument to the south, and its setting. The proposed southern boundary of the SSN and the area encompassed by the MMDR Col attracted a robust representation presentation from Historic England, as well as from a local people and residents groups, including the Parish Council.

3.2.15 The Inspector explains in her report that any harm to the significance of a scheduled monument should be avoided wherever possible and it should be weighed against the benefits. She concluded that the harm would be primarily on the appreciation of the monument in its setting, detracting from existing views of the setting of the monument and harming the view from the monument itself, but this would be a limited detrimental impact on the significance of the monument, and the effect on the historical context of the setting and its surroundings would be minor and not readily perceived. On the other hand, the Southern SN and construction of the MMDR would give rise to significant public benefits, and the alternative (Pre Submission MLP) option for alignment of the southern boundary of the SN and the MMDR in that location could cause unjustified uncertainty and delay to development. She concluded that less than substantial harm is clearly outweighed by the benefits of the Plan's proposals, but that a modification (MM2) is necessary to clarify that the impact of the Plan's proposals on the significance of the monument will be mitigated by high quality sensitive design, with connecting green links to the wider landscape setting of the monument and by contributions towards improvements in the public understanding of its value.

3.2.16 Turning to the Northern SN, the Inspector has considered robust representations from the Friends of Melton Country Park and others. She has concluded that the clear, positive policy guidelines in Policy SS5 provide the means for adverse impacts on the country park and other environmental interests to be addressed and avoided, and negates the need to set a minimum size for protection zones to protect and enhance the park.

3.2.17 The Inspector concluded that subject to the modifications suggested in MM2, the sustainable neighbourhoods and the MMDR and wider transport strategy are justified and deliverable.

3.2.18 **Housing Site Allocations**

The Inspector notes that the process of identifying sites for inclusion in the local plan has been carried out in accordance with national planning policy guidance in a clear and systematic way using consistent methodologies and frameworks. She concluded that there was insufficient evidence to disagree with the judgements the Council had made about which sites performed best against the plans objectives and spatial strategy. In reaching this conclusion, she has addressed a significant volume of representations from local people and groups and a smaller number of representations from landowners and developers who argued, in submissions and at the hearings, that the basis of the Council's site selection was not sound. The Inspector has also usefully reiterated that the housing allocation dwelling numbers that appear in Policy C1 and in Appendix 1 are indicative only and are not meant to be levels that cannot be exceeded. She has also recommended a main modification (MM5) to Policy C1(b) that makes it clear that reserve sites are intended to assist in meeting needs at settlement level only, and that part of the assessment as to whether these should come forward includes consideration of the extent of community support, e.g. through a Neighbourhood Plan.

- 3.2.19 In respect of the site specific policies that appear at Appendix 1 of the Local Plan, taking account of the evidence before her and her observations during site visits, the Inspector concluded that they are mostly sufficient for their purpose and where she has considered they are deficient, she has set out recommended Main Modifications under MM4. A number of these are to take account of representations from Historic England to provide more prominence and specificity to the references to heritage assets, e.g. at Asfordby Hill, Frisby, Easthorpe, Great Dalby, Hose and Thorpe Arnold amongst others. Other modifications recommended in respect of the site specific policies included enhancing a long distance footpath (SOM2), site capacity changes that reflect recently granted planning permissions, and Modifications to correct earlier errors.
- 3.2.20 However, Main Modification MM4 also included removal of the site Land off Sandpit Lane, Long Clawson (LONG4) for 55 dwellings, and one recommended Modification that would add a site, Land off Hoby Road, Asfordby (ASF3), as a housing allocation for 70 dwellings. The Inspector concluded that the development of LONG4 would significantly alter the setting of the Conservation Area and Grade II* listed Manor Farmhouse, and would intrude into and detract from views across the Conservation Area. In so doing, it would be likely to harm the heritage assets, and landscaping and screening would be unlikely to mitigate the harm significantly, and the need for the allocation does not outweigh these considerations. In respect of site ASF3, the Inspector noted that the settlement ranks highly amongst service centres in sustainability terms, that ASF1 and ASF2 alone provided a disproportionately low level of growth for the settlement, and that ASF3 offers scope for deliverable attractive development, whose visual impact and relationship with the countryside could be addressed through the application of the local plan policies.
- 3.2.21 Of note is that planning permission has already been refused by the Council for site LONG4, whilst site ASF3 was recently granted planning permission on appeal. As such, the conclusions align with the concurrent determination of planning applications.
- 3.2.22 Some of the other main conclusions on site allocations reached by the Inspector, having regard to the arguments advanced by representors, include:

- i) **Bottesford** – the Plan’s proposals for growth are a reasonable reflection of its potential for sustainable development;
- ii) **Harby**- there is no convincing evidence that the proposed allocations could not be adequately serviced or would be unsustainable in other respects;
- iii) **Hose** – Land west of Harby Lane is justified in the interests of ensuring a supply of deliverable sites, notwithstanding it is not allocated in the neighbourhood plan. Also there is insufficient reason to conclude the additional 76 dwellings for the village would be unsustainable;
- iv) **Frisby** – the evidence is sufficient to conclude that the sites can be satisfactorily developed in accordance with the plan’s policies and consistent with the NPPF;
- v) **Gaddesby** – the limited scale of growth is reasonable and sustainable. A representation by the site promoter for the reinstatement of a site that was removed at Focused Changes stage (original GADD 2, Ashby Road) was rejected on heritage grounds;
- vi) **Great Dalby** - whilst the proposal GREA1 would be likely to cause limited harm to the village’s designated heritage assets, this would be convincingly outweighed by the benefits of the allocation: helping to meet housing needs, providing support for the maintenance and enhancement of local services and contributing to a choice of sites in sustainable locations across the Borough;
- vii) **Melton Mowbray** – modifications are recommended to MEL3 (Hilltop Farm, Nottingham Road) to align with planning permissions granted, and to MEL7 (land at Thorpe Road) and MEL4 (Top End Cattle Market) to rectify earlier errors;
- viii) **Somerby** – notwithstanding that the allocations exceed the residual requirement, there is insufficient evidence that there are overriding constraints to residential growth in the village. Provided that development complies with the Plan’s policies for heritage protection and other matters, the proposed expansion of the village would be sustainable, and any significant impacts can be mitigated adequately;
- ix) **Waltham on the Wolds** – there is insufficient basis for the ranking of sites to be altered and the judgements made in ranking them are reasonable. The allocations are justified and deliverable and make provision for growth that is broadly in keeping with the village’s role and pays due regard to important constraints.

3.2.23 Overall Housing Land Supply

The Inspector concluded that the overall housing land supply for the plan period has been properly addressed and robustly assessed, that there is a robust basis for each of the components of supply, and that any estimates used are suitably cautious. The land supply position is set out in Table 2 within MM1, and for convenience, repeated below as Table 1. It shows sufficient housing land to meet the planned housing requirement (6125 dwellings) with headroom that provides sufficient flexibility if not all sites come forward as envisaged.

Table 1: Components of Melton’s Housing Land Supply

	Number of dwellings
Completions 2011-2018	777
Remaining completions on large unallocated sites	525
Allocated sites (remaining capacity)	5314
Remaining completions on small unallocated sites	265
Windfall	435
TOTAL	7316

3.2.24 Five Year Housing Land Supply

Regarding the 5 year housing land supply, this is measured against the stepped housing requirement (see MM1), as adjusted by other factors such as a 20% uplift required by national planning policy arising from previous under delivery of housing. It works out at a target of 1000 dwellings over 5 years, though this will rise as the steps of the housing requirement increasing take effect (see MM1, Policy SS2). This target reflects an approach that spreads the shortfall in housing delivery to date across the remainder of the plan period (known as the 'Liverpool approach'), rather than the approach preferred in national planning practice guidance (known as the 'Sedgefield' approach) and sought by developer interests. The Inspector is clear that there are local circumstances that justify this and that do otherwise would be counterproductive to delivery of the plan strategy and that the Liverpool approach should be used when assessing the 5 year land supply.

3.2.25 The Inspector concluded that the deliverable supply of 9.5 years worth of housing is a robust figure, and the sites it includes offer choice and competition in the housing market. She also concluded that there are reasonable prospects that a 5 year supply of deliverable sites will be maintained from the date of the plan's adoption, and that there is ample capacity for higher delivery, if the market can support it.

3.2.26 Housing Mix

The Inspector has recommended modifications (MM9) to Policy C2: Housing Mix to provide clarity about how the policy will be applied, and that it will apply to schemes of 11 or more dwellings. In respect of Policy C3: National Space Standard and Smaller Dwellings, the Inspector was not convinced by the evidence for this but on balance considered it justified and consistent with national policy and only recommended modifications (MM9) that clarified the different standards for affordable housing and open market housing.

3.2.27 Affordable Housing

The Inspector found that both the target of 1300 new affordable homes compared to needs of 1750 and the minimum affordable housing requirements of between 5-10% and 40% for different parts of the Borough reflected needs and viability evidence. She also concluded that Policy C4 is flexible enough to respond to changes in costs and values over time. The main modifications recommended are to include a graphic showing the planned delivery of affordable housing over time and the indicative tenure split that is sought. It also aligns the policy with the new definition of affordable housing in the revised NPPF published in July 2018.

3.2.28 Other housing policies

Relatively minor main modifications have been recommended by the Inspector in respect of Policy C6: Gypsies, Travellers and Travelling Showpeople; MM10 is modified to confirm that the Council will take steps to deliver any necessary sites in a timely manner to support, Gypsy, Traveller and Travelling Showpeople communities.

3.2.29 The Inspector has also left Policy C8: Self Build and Custom Build Housing unchanged, considering that integrating the requirement for least 5% of self build/custom build plots into masterplans and design codes for sites of 100 dwellings or more will avoid the developers' concerns about its effect on the viability and deliverability of such sites.

3.2.30 **Policies for a strong and competitive economy**

The Inspector has recommended modifications MM11 and MM12 to clarify that the 10ha of employment land identified at Asfordby Business Park in Policy EC1 should be on the brownfield part of the site, taking account of Historic England's representations regarding the potential impact of development within the greenfield part on the nearby Grade II* listed Church of St. Bartholomew. She also recommended that Policy EC3: Existing Employment Sites be modified to take viability into account, to explain how community support would be taken into account, and to remove an unnecessary criterion relating to access (MM11).

3.2.31 In respect of town centre and retailing, the Inspector recommended modifications (MM13) to Policy EC5 and its reasoned justification that clarify how the need for 12,670sqm comparison floorspace and positive improvement to the town centre will be achieved. It would now reference the wider strategy for the town centre and proactive working with business and property owners to identify development opportunities. There are also recommendations to reference the role of residential uses in town centres and to clarify the sequential approach so that it aligns fully with national policy. MM13 also includes changes to exclude proposals for farm shops up to 200sqm from the need to undertake retail impact assessments.

3.2.32 MM14 is recommended by the Inspector to clarify that in certain circumstances, Policy EC8 (Sustainable Tourism) supports tourism development where it would add significantly to the economic and tourist offer.

3.2.33 **Environment policies**

In response to representations that the policies are not sufficiently detailed, the Inspector has supported the Council, stating that it is not necessary to include detail from supporting documents nor to replicate the policy wording of NPPF. Aside from climate change matters, Modifications recommended by MM15 include replacing the requirement in Policy EN1 to enhance and protect the landscape and the character of the countryside with the lesser 'conserve and where possible enhance the landscape', and to replace the design criterion from a requirement to respond to guidance to 'to have regard to guidance'. MM16 rectifies the omission of the Leicestershire Round from the primary green infrastructure network and ensures that Policy EN5 will not go out of date if national guidance is changes.

3.2.34 The Council's approach to Areas of Separation (AoSs) in Policy EN4 and their depiction on the Policies Map are supported by the Inspector, reflecting that the AoS's are to ensure any development within them respects the AoS objectives, not to prevent all development.

3.2.35 Regarding local green spaces, MM16 clarifies that evidence other than that used for the local plan could justify the designation of a local green space, e.g. that may be collected to inform the preparation of a Neighbourhood Plan. Policies EN11 and EN12, Minimising the Risk of Flooding and Sustainable Drainage Systems have recommended modifications (MM18 and MM19) that align them with national policy, clarify that both pluvial and fluvial flood risk should be taken into account, and that proposals should demonstrate that there will be capacity in the sewerage network.

3.2.36 **Infrastructure and managing development**

Having considered a number of representations from local residents and

community groups regarding the potential adverse effect of the planned new development on rural infrastructure, the Inspector concluded that the cumulative impact of development in rural areas will be dispersed and that the more minor transport improvements necessary to mitigate the impacts of specific proposals will be secured in a timely manner through the development management process. The Inspector has recommended a modification (MM20) to the text supporting the developer contributions policy to make it clear that financial contributions for school places will be needed at a very early stage of development.

3.2.37 The Inspector has only recommended limited modifications (MM21) to Policy D1(Design) to ensure it does not go out of date when national guidance is updated, and to clarify that the Council's proposed Design SPD will provide guidance, not policy. The modification proposed to Policy D3: Agricultural Workers Dwellings is to move a policy statement from the supporting text. Into the policy.

3.2.38 **Overall conclusion on the Inspector's Report and recommended Main Modifications**

It is considered that the Council should welcome the Inspector's Report which appears to be thorough and clearly reasoned document. The extent of the recommended Main Modifications is relatively limited, and none of them affect the fundamental direction and spatial strategy of the plan as submitted for examination. Several of the recommended Main Modifications are very helpful to the Council, e.g. by providing the necessary breathing space on planned housing delivery targets through the stepped requirement to allow the Council and partners to achieve the step change required, and largely to be driven by the SN's. Also the statement regarding the approach to be used for calculating five year housing land supply should reduce the very significant amount of time that Council has had to put into defending its use of the 'Liverpool approach' in planning appeals.

3.3 **Other modifications**

3.3.1 In preparing the local plan for adoption, further non substantive changes have been made to the text of the submitted plan. These include updating to reflect that it is the adoption version, resolving duplicate paragraph numbering, updating table and figure numbers to reflect insertions made by Modifications etc. The Council has authority do these without reverting to the Inspector or carrying out consultations on them. The changes that have been made under this provision can be seen in the 'tracked changes' version of the document that is available to view online at www.meltonplan.co.uk/adoptedplan.

3.3.2 Should any errata be identified before the adopted plan is published, It is proposed that delegated powers be given to the Assistant Director (Strategic Planning and Regulatory Services) to correct any further errors that are identified after the Council meeting (recommendation viii above refers)..

3.4 **Sustainability Appraisal and Habitat Regulations Assessment**

3.4.1 Sustainability appraisal has been carried out as an iterative process throughout the preparation of the Plan. The most recent work has been to assess the proposed Main Modifications that were consulted on during the summer and then to assess if there were any changes to the reported sustainability findings arising from any further changes made by the Inspector in compiling the recommended

Main Modifications in her final report. The work showed improved sustainability effects across a range of factors arising from the proposed Modifications to the spatial strategy. The appraisal of the site allocations remained largely unchanged, except for a range of positive sustainability effects associated with the allocation of land at Hoby Road (ASF3). Other changes in sustainability effects were minor, e.g. changing from 'minor positive' to 'uncertain' effects. The assessment of the further changes made by the Inspector concluded that none of those changes materially affect the SA as previously reported, as most were limited to providing more detail or clarity. The reinsertion of national policy criteria for assessing sites suitable for Gypsy and Traveller accommodation is reflected in a reversion to the SA findings for this policy that was completed at Pre Submission Draft Plan stage.

3.4.2 All that remains in respect of the SA process and to comply with the SEA Regulations is for the Council to publish a SA Post Adoption Statement once the Plan is adopted, and to monitor the plan's delivery against the SA objectives going forward. The SA Post Adoption Statement must set out:

- a) How environmental (and sustainability) considerations have been integrated into the plan.
- b) How the Environmental Report (contained within the SA Report) has been taken into account during preparation of the plan.
- c) How the opinions expressed by the public, consultation bodies and (where appropriate) other European Member States during consultation on the plan and the Environmental/SA Report have been taken into account.
- d) The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered.

The measures that are to be taken to monitor the significant environmental and sustainability effects of the implementation of the plan.

3.4.3 This is a technical piece of work that needs to be completed once the plan is adopted. To avoid undue delay, it is recommended that authority be delegated to the Assistant Director (Strategic Planning and Regulatory Services), subject to Council agreeing to adopt the Melton Local Plan, 2011-2036.

3.4.4 A related piece of technical work, the Habitat Regulations Assessment (HRA), has been concluded, having been carried out at each key stage of local plan preparation. A HRA addendum was prepared alongside the consultation on the suggested Main Modifications in the summer, and it concluded that the suggested modifications had no implications for the conclusions reported previously in the HRA Report. The further changes to the Main Modifications made by the Inspector do not alter these conclusions. As such, the Plan, as proposed to be adopted by the Council, is not likely to have adverse effects on the integrity of European Sites, either alone or in combination with other plans or projects, provided that the mitigation set out in the local plan is implemented.

4.0 POLICIES MAP

- 4.1 The Policies Map illustrates geographically on an Ordnance Survey base where the policies and proposals of the development plan apply. When the local plan is adopted, the Policies Map has to be updated to reflect that. A paper version of the Policies Map and its guide that will accompany the adopted local plan is available to view in the Members Room at Parkside, and images of the plans that comprise it can be viewed online at www.meltonplan.co.uk/adoptedplan.
- 4.2 As soon as possible after adoption, an interactive Policies Map reflecting the adopted Melton Local Plan will be available to view on www.meltonplan.co.uk. In addition to the local plan adopted policies and proposals, this will also allow users to view the policies and proposals of made Neighbourhood Plans (Clawson, Hose and Harby, Frisby, Nether Broughton and Dalby, Waltham and Thorpe Arnold, Wymondham) on the same map base. This should help residents and potential developers alike in being able to view all the development plan policies that apply to a particular area in one place. The interactive map can be updated as and when any further neighbourhood plans are made.
- 4.3 Once the High Court Challenge period has expired, paper copies of the Melton Local Plan and its Appendices and the Policies Map and its guide will be printed and made available for purchase.

5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 Status of saved policies of the 1999 Melton Local Plan

Adoption of the MLP would mean that the previously saved policies of the 1999 MLP will no longer be part of the development plan, and cannot be used in decision making. The list of saved policies that the Plan supersedes are set out in the Plan's Appendix 2.

Relationship with Neighbourhood Plans

- 5.2 The Inspector gave considerable thought to appropriate relationship that should be established between Neighbourhood Plans (NPs) and the Local Plan, seeking statements and responses to her questions from the Council and others before, during and after the hearing sessions of the Examination. She noted that some elements of made Neighbourhood Plans are not aligned with the strategic policies of the Local Plan, as they should be, but does not see this as a reason to modify the strategic policies to fit with the made NPs, and concludes that other than where Main Modifications are proposed, there is sufficient evidence to justify the Plan's allocations, including where they differ from the choices made by the NPs.
- 5.3 Going forward, she concludes that there should be greater alignment between the Plan and made NPs, the Plan should positively support joint working to foster this alignment, and the scope for NPs to shape and change their areas should be clearly recognised in the Plan. The Inspector recommends Main Modifications that give due importance to policies and proposals in NPs, including allowing for the development of housing sites allocated in made NPs (Wymondham, Waltham on the Wolds and Thorpe Arnold, Frisby, Nether Broughton and Old Dalby, and Long Clawson, Hose and Harby) as well as sites allocated through the Local Plan, concluding that there was insufficient evidence that it would entail

overdevelopment of any of the settlements.

- 5.4 These conclusions and recommended Main Modifications effectively address representations made by a number of Neighbourhood Plan groups, and provide the basis for the Council's further engagement with groups preparing Neighbourhood Plans or planning to review a made one.

Other considerations

- 5.5 Whilst consultations were still underway on suggested modifications, the Government published its revised National Planning Policy Framework (NPPF). Paragraph 214 of the revised NPPF included transitional provisions for plan making, such that plans that had reached submission stage, such as the MLP, would be examined for consistency with the 2012 NPPF and not the revised NPPF.

- 5.6 Whilst this means that the Council has avoided any undue delays to Plan adoption arising from the publication of the revised NPPF, it does mean that on adoption, some policies may not align exactly with up to date national policy. The effect of this is that where there is misalignment, more weight will need to be given to national policy as a material consideration vis a vis the adopted Plan, when making decisions on planning applications. A number of Modifications have been recommended by Inspector for alignment, so any inconsistencies between the Plan and the revised NPPF should be limited in impact.

5.7 Plan review

Of note in the revised NPPF (para. 33) and more recently published updated planning practice guidance is the requirement on Councils to review their plans at least every 5 years, and that if a revised or amended plan is needed, this should be in place within 5 years of adoption of this Plan, i.e. by October 2023. Whilst much of the evidence base will only need a refresh to update, more fundamental work will be needed to review the housing requirement, for two reasons:

- i) To take account of the (by then) known quantity of unmet housing needs from elsewhere in the Leicester and Leicestershire Housing Market Area, principally from Leicester City that need to be met within Melton Borough;
- ii) The revised NPPF (para 60) is clear that the calculation of the local housing need for future local plans should be based on the new 'standard method' that is outlined in planning practice guidance. As the Government has indicated that it will be revising the standard method, and new household projections (which are a key input into the housing need calculation) have recently been published for the Borough by ONS, we are some months off understanding if it is likely to give rise to significantly different housing numbers.

- 5.8 Work to review the Local Plan may therefore need to begin relatively soon.

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 6.1 Preparation of this local plan has been a long and costly process, absorbing much of the time and resources of the Planning Policy team over the last three years or so. Remaining costs are associated with printing and publishing, and statutory advertisements. Whilst there is a reasonable prospect that the local plan will need to be reviewed within the next five years, it is anticipated that only part of the evidence base will need to be updated, and some of that would be collected anyway as part of ongoing monitoring of policy and performance. As such, any early review of the local plan should be far less resource intensive and should be capable of completion far more quickly.
- 6.2 Adoption of the Local Plan should provide the additional certainty that some developers need to commit to undertaking new housing development in the Borough. In so doing, this should realise planning application fee income, New Homes Bonus Receipts and ultimately Council Tax receipts that the Council can expect going forward. The proposals and allocations for economic development can similarly be expected to generate additional business rates receipts as new floorspace is developed on retail and employment sites across the Borough. Projections of these are an input into the Council's annual budget review process and Medium Term Financial Strategy.
- 6.3 Adoption of the Local Plan also provides a firm basis from which the Council can now finalise its Community Infrastructure Levy (CIL). The Council's Place Committee is due to consider soon a report setting out a proposed draft Charging Schedule for this. It is anticipated that allowing for further due processes to be completed, including an independent examination of the proposed CIL, the Council will be in a position to adopt a CIL charging schedule and implement CIL from mid 2019. Subject to viability, CIL can be chargeable on any development that the public is normally able to visit or reside in. This will raise funding for infrastructure against which the council can also make an administrative charge to cover the revenue costs of collection.
- 6.4 Adoption of the local plan will also strengthen the basis from which the Council and its partners can bid for funding for development and infrastructure, helping to provide certainty and indicating intent. Its advanced stage of progress has already helped to secure the £49.5M of DfT funding for the Northern and Eastern Sections of the Melton Mowbray Distributor Road (MMDR), and plan adoption should significantly assist the prospects of success for a business case(s) currently being prepared for Homes England's Housing Infrastructure Fund for the southern section of the MMDR. Officers are in discussions with Leicestershire County Council to develop the previously agreed Heads of Terms for the funding of any residual costs of the MMDR that are not met from grant or developer contributions from tax incremental funding

7.0 LEGAL IMPLICATIONS/POWERS

- 7.1 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).
- 7.2 Adoption of the Melton Local Plan would fulfil the requirements under Regulation 26. This requires that, as soon as reasonably practicable after adoption we must:

- (a) make available at the offices and on the Council's website, for a period of 6 weeks (as required under Reg 35):
 - (i) the local plan;
 - (ii) an adoption statement;
 - (iii) the sustainability appraisal report; and
 - (iv) details of where the local plan is available for inspection and the places and times at which the document can be inspected;
- (b) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the local plan; and
- (c) send a copy of the adoption statement to the Secretary of State.

7.3 Following adoption, the process of preparing and adopting the Local Plan can be subject to a High Court Legal Challenge for a period of up to six weeks.

7.4 Following adoption, the Melton Local Plan will form part of the Development Plan for the area and, under s38(6) of the Planning and Compulsory Purchase Act 2004, where applicable, determination of planning applications must be made in accordance with it unless material considerations indicate otherwise.

7.5 Under s38(5) of the Planning and Compulsory Purchase Act 2004, any policy conflict with another policy in the development plan (e.g. in Neighbourhood Plans) must be resolved in favour of the policy which is contained in the latest document.

8.0 COMMUNITY SAFETY

8.1 At paragraph 196 of the Inspector's Report (see **Appendix 1**), the promotion of public safety is highlighted, reflecting recent changes to national planning policy that give this issue more prominence, and a main modification to the text of paragraph 9.4.19 of the local plan is recommended to give expression to this (MM21).

9.0 EQUALITIES

9.1 The Local Plan has been subject to a detailed Equalities Impact Assessment (EIA) during its preparation, and the Local Plan Inspector's Report considers the whether the Public Sector Equality Duty has been complied with, concluding that the plan as modified provides for fair and equal treatment of all Melton's communities.

10.0 RISKS

L I K E L I H O O D	A	Very High				
	B	High			4	
	C	Significant			3	
	D	Low			5	
	E	Very Low			1	
	F	Almost Impossible			2	
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	High Court challenge to local plan adoption. Any parties considering this must do so no later than 6 weeks after the local plan is adopted – 21 st November if the Plan is adopted as recommended in this report.
2	Adoption version of the local plan does not accurately reflect all the modifications that the Inspector recommended – the recommendation regarding errata seeks to mitigate the risk of this.
3	Aspects of the Local Plan become out of date. The key threats are outlined in paragraph 5.7 earlier in this report.
4	The Local Plan will need to be reviewed earlier than the five years allowed for in the revised NPPF. For example, if the Council has to accommodate more of the unmet housing needs from elsewhere in the housing market area that the headroom and flexibility in the local plan can accommodate.
5	The operation of the Local Plan policies and proposals may not get delivered, may have unintended consequences, or may be insufficiently effective in achieving desired outcomes.

10.1 Risk 1 above is recognised in the Council's strategic risk register and therefore is monitored regularly by the council's Senior Management Team and has an associated action plan in order to mitigate the risk.

11.0 CLIMATE CHANGE

11.1 The Inspector's Report (**Appendix 1, paragraph 180**) specifically considers climate change issues arising from the proposed Melton Local Plan. It concludes that the Plan seeks to address the implications of climate change, and clearly addresses Section 19 of the Act (Planning and Compulsory Purchase Act 2004, as amended).

12.0 CONSULTATION

12.1 Consultation was carried out at stages throughout the preparation of the Melton Local Plan; those undertaken up to submission of the Local Plan for examination were detailed in the Community Consultation and Engagement Statement and its Addendum that was published concurrently with local plan submission in October 2017. The Inspector then carried out targeted consultations on specific matters raised at the Public Hearings. These were started during the Examination Hearings and in the weeks immediately following the Hearings, and were with the relevant participants (including the Council) only. These exchanges informed the consultations on suggested Main Modifications from May to August.

12.2 In addition to suggested Main Modifications, consultations were also carried out concurrently on proposed Additional Modifications and Policies Map Changes. Additional Modifications are changes that are needed to update, clarify and factually update the Plan. They do not affect the substance of the plan and are not necessary for soundness. The Policies Map Changes are to amend the Policies Map so that it reflects the policies and proposals of the local plan, as it was proposed to be amended by modifications.

13.0 WARDS AFFECTED

13.1 All.

Contact Officer V Adams, Local Plans Manager

Date: 21st September 2018

Appendices :

1. Melton Local Plan Inspector's Report, 14th September 2018 and appended
 - 1a. Schedule of Inspector's Recommended Main Modifications
 2. Melton Local Plan 2011-2036: adoption version, including Appendices
 3. Policies map – available in the Members room and at www.meltonplan.co.uk/adoptedplan
 4. a and b: Schedule of Responses to Additional Modifications and Policies Map Changes

Background Papers: Melton Local Plan 2011-2036: adoption version Pre Submission Draft Melton Local Plan, November 2016

Melton Local Plan Addendum of Focused Changes, July 2017.
Representations made on the submitted Melton Local Plan, December 2016 and August 2017
Melton Local Plan: Schedule of Suggested Minor Modifications, May 2018