



Cabinet

17 June 2020

Report of: Councillor Orson - Leader of the Council

Melton South Sustainable Neighbourhood Masterplan

Corporate Priority:	Corporate Strategy 2020 to 2024: Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No
Key Decision:	Yes
Subject to call-in:	Yes

1 Summary

- 1.1 On 22nd April Cabinet agreed to proceed with the accelerated development of a Masterplan for the South Melton Sustainable Neighbourhood, in order to support the delivery of the southern section of the Melton Mowbray Distributor Road. Specifically the aim was to meet requirements associated with Leicestershire County Council’s (LCC) decision as to whether to accept grant offered by Homes England under the Housing Infrastructure Fund (HIF).
- 1.2 The purpose of this report is to present for Cabinet approval the final Masterplan document which has been delivered in accordance with the timescales set out within the April 2020 Cabinet report. Following approval by Cabinet the document will be presented to LCC, to assist them in meeting the conditions required to accept the HIF. The report also describes the Masterplan’s key features and highlights important issues it has embraced.

2 RECOMMENDATION(S)

That Cabinet:

- 2.1 Approves the Masterplan for the purposes of providing a framework to guide the consideration of future planning applications in the South Sustainable Neighbourhood area.
- 2.2 Notes that its adoption will support the delivery of the southern section of the Melton Mowbray Distributor Road
- 2.3 Instructs that it is presented to Leicestershire County Council (LCC) with explanatory correspondence explaining that it is the view of the Council that the Masterplan is a robust and credible document to guide the development of the South Sustainable Neighbourhood, and as such provides the assurances sought in order to enable LCC to accept the HIF award.
- 2.4 Delegates authority to the Director for Growth and Regeneration to make minor adjustments and corrections to the content of the Masterplan document

3 Reason for Recommendations

- 3.1 Delivery of a Masterplan would meet the requirements of LCC to accept the HIF to support the earlier delivery of the southern section of the Melton Mowbray Distributor Road.
- 3.2 Delivery of a Masterplan will support the wider aspirations of the Local Plan for a high quality sustainable neighbourhood and the delivery of homes and infrastructure required within the community.
- 3.3 The Masterplan is considered to have developed into a strong, positive and coherent approach to the development of the Sustainable Neighbourhood. It is considered to provide the assurance requested by LCC to ensure delivery of housing and infrastructure and particularly recovery of infrastructure investment ('forward funding') and as such forms a sound basis for them to accept the Housing Infrastructure Fund award.

4 Background

- 4.1 The Local Plan adopted in October 2018 established the requirement for a Masterplan for the Melton South Sustainable Neighbourhood in order to co-ordinate its content and delivery. Work commenced on development of the Masterplan in 2019 but the protracted and uncompromising nature of discussions with some of the key stakeholders hampered progress.
- 4.2 Concurrently, the Melton Mowbray Distributor Road 'southern link' was the subject of a bid for forward funding under the Homes England Housing Infrastructure Fund in 2019. The bid was successful and to support the funding package the Council has been working with the County Council to establish a pioneering infrastructure agreement which has now been agreed in principle.
- 4.3 Melton Borough Council has not been provided with the relevant conditions associated with the HIF award from Homes England, but understand that it requires a delivery

strategy demonstrating how the development facilitates the funding of the Distributor Road 'southern link' and how it would come forward.

- 4.4 At their Cabinet meeting of 24th March 2020, the County Council stated that they intended to provide a response to Homes England on the HIF award by 31st May 2020. The Council has not been informed of this decision but considers that continued dialogue on the Masterplan indicates it was not declined by that date.
- 4.5 In accordance with the resolution at Cabinet on 22nd April 2020, the Masterplan has been developed unilaterally by Melton Borough Council, as the Local Planning Authority, following consultation with key stakeholders and with the Council ultimately weighing competing considerations and using planning judgement to establish a final proposition. Delivery of the Masterplan meets both the County Council's required timescales and mirrors the examples shared by them of good practice which they were keen to see replicated. It has also had positive validation from an independent assessment undertaken by another planning authority.

5 Main Considerations

- 5.1 The Masterplan was developed pursuant to the decision of Cabinet on 22nd April 2020. It draws upon much groundwork that was carried out in 2019 but intense development work has taken place in the last 2 months to produce this final version.
- 5.2 It has been an iterative process and at various stages consultation has taken place with key stakeholders and developers seeking their comments and reaction. The Council has received a high level of responsiveness and this has enabled us to develop the Masterplan in accordance with the intended timetable.
- 5.3 A draft options Masterplan was circulated on 20th May 2020 and attracted significant and wide ranging comments and preferences from LCC and the developer's representatives. Where appropriate and where the Council was in agreement, these preferences and amendments were built into the updated version but ultimately the Council has used planning judgement to weigh competing demands into a position it judges to be most appropriate.
- 5.4 A revised consultation version, incorporating the most significant of the amendments, was circulated for comment and discussion on 5th June 2020. At the time of writing no further comments have been received from LCC in relation to this version. Feedback from the developers was received and has been considered and where appropriate incorporated into the final version for approval as part of this report (at Appendix A). The final version applies further more detailed amendments to the consultation version circulated on 5th June.
- 5.5 The main features of the Masterplan are as follows:
- Context and background explaining the role of the Masterplan to the delivery of the Sustainable Neighbourhood, and in turn its role in the wider strategy for the area;
 - The status of the document as a 'significant material consideration' for future applications and the weight the Council intends to apply to it;
 - A development framework setting out the whole neighbourhood in terms of land use for the MMDR, residential, employment and infrastructure development;

- A section dedicated to phasing and delivery explaining the dependencies required (where applicable) , for example the provision of schools in relation to the progress of residential development, and reiterating the expectation for strong adherence to the funding strategies of key infrastructure providers (e.g the Local Education and Highways Authorities);
- Provision for the route of the MMDR within the site. Key within this is that the route does not align exactly with the land allocation in the Local Plan and therefore compromise has been necessary to accommodate a small amount of development 'outside' (to the south of) the MMDR;
- Accommodation within the MMDR of the sites of the Local Centre, 2 x primary schools and a secondary school site adjacent to Dalby Rd;
- More detailed information on density typologies in order for the Neighbourhood to be legible and address its rural edges;
- Design information relating to the street hierarchy, in order to ensure consistency and legibility between different parts (phases) of the site;
- Critical design criteria in relation layout, the provision of open space, legibility and permeability and building scale.

5.6 Of particular significance is the provision of 2 sites for primary schools and the inclusion of the site for a secondary school as referenced above. This varies from the relevant local plan policy SS4 which references only a single primary school site. The need for these has arisen because of revisions to the method by which demand for school places is calculated since the Local Plan was completed.

5.7 One issue that has arisen from engagement with stakeholders is the status of the document within the overall planning framework, and the strong assertion from LCC that it should be a formal Supplementary Planning Document (SPD).

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

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

5.10 The Plan includes land and features that are not part of the Local Plan Policy that it articulates, i.e.

- the inclusion of a second primary school and
- the site for a secondary school

These are all matters not included in the relevant Local Plan Policy SS4.

5.6 Therefore it cannot be seen as simply adding greater detail and guidance to the existing Policy as is the purpose of Supplementary Planning Guidance. It is in fact a departure from it reflecting changing circumstances, and cannot progress to full Supplementary Planning Guidance status. It is notable that none of the good practice examples referred to at paragraph 4.5 above appear to have been completed as SPD.

- 5.7 Progress to Supplementary Planning Guidance status would require 6 week formal consultation arrangements with the wider community and general public as prescribed by The Town and Country Planning (Local Planning) (England) Regulations 2012. It has not been possible to undertake this due to the timetable and deadlines applicable to this exercise. Details of consultation with stakeholders on this exercise are addressed in Section 7 below.
- 5.8 The Masterplan is produced to guide the future development of the Melton South Sustainable Neighbourhood and is described as a material consideration that will be afforded significant weight. However the final configuration of the development of the Neighbourhood will be defined by a series of planning applications and there remains scope for flexibility within the design of these whilst adhering to the principles set out in the Masterplan.
- 5.9 The Masterplan covers the period to 2036, it will be subject to changing market conditions and potential changes of land ownership and option agreements. Indeed, the Local Plan will be reviewed by 2023 at the latest. Therefore, whilst the Masterplan represents the policy, best practise and aspirations today, over its' lifetime it may require development, update and amendment.
- 5.8 The work has been subject to 'peer review' by a neighbouring Local Planning Authority officer experienced in Masterplanning and indeed in receipt of RTPi commendation for such work. It is described as 'comprehensive, positive and robust' and helpfully a small number of comments were made to assist its improvement. These have now been incorporated.

6 Options considered

- 6.1 Members will note in the masterplan itself at Chapter 4 that options were presented before concluding on the 'preferred option;' having considered key stakeholder's responses. These included various options for the accommodation of infrastructure and the land for the secondary school in particular. The preferred option was selected in order to allow the secondary school to be in a location acceptable to the Local Education Authority and to prevent it becoming a barrier to delivery.
- 6.2 Issues of the 'status' of the document are as discussed above and it will be noted that the content of the Masterplan has deviated from the Local Plan Policy in order to meet the requirements of the Local Education Authority which effectively rules out SPD.
- 6.3 During progress of its development various criticisms have been made regarding the pace at which the document has been produced and subsequent amendments made, which are unusual in themselves and limit the time taken for stakeholders to consider responses. However it has been explained that it is a direct consequence of the deadlines presented by LCC in relation to the Housing Infrastructure Grant award and as such essentially unavoidable. When needed, modest extensions of deadlines have been allowed and information has been forthcoming. It should also be remembered that the development of this masterplan is the culmination of work that commenced in early 2019, and that its delivery has merely been accelerated over the last 3 months.

7 Consultation

- 7.1 The Melton South Sustainable Neighbourhood was formulated by the Melton Local Plan (2011-2036) and was subject to significant engagement with statutory consultees and interested parties at its various stages of development, in accordance with statutory

requirements over the period from 2014-2018. No public consultation has been undertaken in relation to the formulation of the Masterplan. It has not been possible to undertake this due to the timetable and deadlines applicable to this exercise.

- 7.2 Over the course of the Spring and Summer of 2019, various stakeholder engagement sessions were undertaken with developers, representatives of the landowners and statutory consultees in order to understand the complexities of delivery in the context of the place. Draft Masterplans were produced for consultation and engagement purposes in April, May and July 2019. This Masterplan was subject to further stakeholder and engagement in Spring 2020.
- 7.3 Comments have been made by LCC and the developers and the Masterplan has evolved to accommodate these so far as considered necessary and possible (please see description at paragraph 5.3 above). Judgment has been applied to the comments received as to their value to the content and in order to adjudicate conflicting aspirations.

8 Next Steps – Implementation and Communication

- 8.1 The Masterplan should be forwarded to LCC immediately with explanatory correspondence explaining that the Council considers it is a robust and credible document to guide the development of the Sustainable Neighbourhood including the securing of infrastructure funding (and recovery where applicable), and as such provides the assurances sought in order to enable LCC to accept the HIF award.
- 8.2 The Masterplan will be a material consideration for the determination of planning applications with immediate effect.

9 Financial Implications

- 9.1 The work has been undertaken within the estimate of £15,000 suggested to Cabinet in the April report, drawn from the Local Plan reserve.
- 9.2 Projects included within the Reserve have been re scheduled and the Reserve has been updated to reflect other inputs arising from current circumstances. It is also important to note that the reserve is currently projected to fall in to deficit in 2021/22 which coincides with the timetable for preparation towards the Local Plan Review. Should the Local Plan review be extensive, money will need to be found to support this
- 9.3 Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

- 10.1 Adoption of the Masterplan is an executive function.
- 10.2 The legislation relating to Supplementary Planning Guidance status is found in the Town and Country Planning (Local Planning) (England) Regulations 2012 as follows:
- 10.3 8.—(1) A local plan or a supplementary planning document must—
- (a) contain the date on which the document is adopted; an
 - (b) indicate whether the document is a local plan or a supplementary planning document.
- (2) A local plan or a supplementary planning document must contain a reasoned justification of the policies contained in it.

(3) **Any policies contained in a supplementary planning document must not conflict with the adopted development plan.**

(4) Subject to paragraph (5), the policies contained in a local plan must be consistent with the adopted development plan.

(5) Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy

10.4 Legal Implications reviewed by: Monitoring Officer

11 Equality and Safeguarding Implications

11.1 No equality or safeguarding issues have been identified to date.

12 Community Safety Implications

12.1 No community safety issues have been identified to date.

13 Environmental and Climate Change Implications

13.1 This report is significant to environmental impact and climate change. The Sustainable Neighbourhood and Melton Mowbray Distributor Road are both important elements of the approach to sustainable development particularly in terms of travel patterns and traffic flow. The Local Plan, and the allocation of the Sustainable Neighbourhoods has been sustainability appraised prior to its adoption, and the Development Plan has been considered to be the most sustainable approach to development in the Borough.

14 Other Implications (where significant)

14.1 None

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Developers oppose fundamental content	Significant	Critical	Medium Risk
2	HIF bid is not accepted by LCC	Significant	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant			1	
	3 Low			2	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	The document does not affect the core principles of the development strategy as set out in the Local Plan. Whilst the content of the Sustainable Neighbourhood differs as a result of requirements of the LEA its relationship to existing residential areas and the town overall remains consistent.
2	The Masterplan takes account and provides the assurances requested by LCC.

16 Background Papers

16.1 Melton Local Plan Policy SS4

17 Appendices

17.1 A: Melton South Sustainable Neighbourhood Masterplan, June 2020

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