

# AGENDA ITEM 3(F)

## EXTRAORDINARY FULL COUNCIL

4<sup>th</sup> JULY 2017

### REPORT OF THE HEAD OF REGULATORY SERVICES

#### MELTON LOCAL PLAN: CHAPTER 8 – AMANGING DELIVERY, INCLUDING MELTON MOWBRAY TRANSPORT STRATEGY AND OTHER INFRASTRUCTURE MATTERS

##### 1.0 PURPOSE OF REPORT

- 1.1 This report outlines the representations received in respect of the draft local plan policies and reasoned justification of Chapter 8 – ‘Managing Delivery of the Melton Local Plan’.
- 1.2 The first part of the report deals with the Melton Mowbray Transport Strategy (MMTS), in particular the Melton Mowbray Distributor Road (MMDR). It then proceeds to explain new information that has emerged regarding the delivery of the MMDR since the Pre Submission Draft Local Plan was prepared in October 2016. Finally, it proposes new reasoned justification and policy to address some of the representations made and to reflect the latest position on the MMDR.
- 1.3 The report also considers the representations and new information on the rest of the matters covered by Section 8. It outlines new information from the refresh of the Infrastructure Delivery Plan (Item 3K) and the outcome of continued engagement with Leicestershire County Council to co-ordinate and fund the provision of school places needed alongside planned housing growth.

##### 2.0 RECOMMENDATIONS

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

- (i) **Agrees the responses to representations received on the pre-submission draft Local Plan in respect of Chapter 8, as set out in the schedule at Appendix 1 be agreed;**
- (ii) **Agrees that the changes to the Pre-Submission Draft Local Plan that are described in section 3.3 of this report are subject to public consultation as part of a ‘Draft Melton Local Plan Addendum of Focused Changes’ in accordance with Regulation 19 of the Town and County Planning (Local Planning)(England) Regulations 2012 (full details are available in Item 3I of this Agenda);**
- (iii) **Agrees to the inclusion of a clause in the proposed new Policy IN1 that makes it clear that the Council would be prepared to use**

**compulsory purchase order powers to assist in in securing the delivery of sections of the Melton Mowbray Distributor Road be noted;**

- (iv) **Agree the suggested modifications identified elsewhere in this report.**

### **3.0 KEY ISSUES**

#### **3.1 Representations Received – Melton Mowbray Distributor Road and associated issues**

- 3.1.1 The key issues raised in representations received from members of the public in respect of the MMDR were that more clarity is needed on the proposals for it, such as whether the Eastern section is essential or not, where exactly the road will go, will the Eastern Distributor Road link up to Melton Spinney Road, and why are the western and inner relief road options not still being considered. Many respondents felt that the northern and southern sections on their own would do little for the congestion in the town overall, and many others expressed concern about the local highway and traffic impacts that would arise from new development until the MMDR is fully completed, e.g. on Melton Spinney Road in the absence of an Eastern section.
- 3.1.2 Several respondents suggested that the new road and supporting sustainable transport infrastructure should be put in before any housing development is completed, though the contrary view was also voiced, expressing concern that the MMDR will absorb a disproportionate amount of developer contributions, and adversely affect provision of affordable housing. It was suggested that the town did not have a significant traffic issue when compared to other towns of a similar size.
- 3.1.3 Concern was also expressed about the potential impact of MMDR on the wildlife and open aspect of Melton Country Park and its link to wider countryside, by the Friends of Melton Country Park and others, suggesting a significant, specified, buffer is required between the Country Park and new development. **This is addressed in Item 3E of this agenda.**
- 3.1.4 Melton North Action Group (MNAG) also submitted detailed comments. The representation was that the plan is unsustainable, unjustified, ineffective and unsound for many reasons, including the amount of contributions that will be needed to deliver the MMDR, its reliance on out of date housing growth forecasts in the Local Transport Plan, and its reliance on questionable costings included in the Infrastructure Delivery Plan. MNAG also questioned whether the road would be delivered if Northern and/or Southern Sustainable Neighbourhoods (SNs) failed to be delivered.
- 3.1.5 The promoters of part of the Northern SN indicated their support for the flexible wording of Policy IN1 that allows the road to be delivered in stages.

Leicestershire County Council indicated it supports the emerging transport strategy including the need for a Melton Mowbray Distributor Road, but would like more reference to the robust evidential approach that underpins it and the wider Borough transport strategy.

3.1.6 Other representations about transport in Melton Mowbray included suggestions that more should be done to encourage cycling and walking, that the main arterial roads into Melton Mowbray need improving and cannot safely cope with the volume and nature of traffic that they carry, and that there needs to be more car parking in the town centre. A stand alone policy for the MMDR was suggested.

3.1.7 Representations received are all included in the Chapter 8: Schedule or Representations Made and Responses set out in Appendix 1.

### 3.2 **New Information received since the draft Local Plan was prepared**

3.2.1 When the draft Local Plan was prepared, it was envisaged that the northern and southern sections of the MMDR would come forward first, with construction commencing in the first 5 years after plan adoption, linked to phases of new development in the Northern and Southern Sustainable Neighbourhoods (SNs). It was envisaged that the eastern section of the MMDR would take longer to realise, as it would be largely reliant on securing public funding.

3.2.2 The prospects for early delivery of the eastern MMDR are now much improved, as the Local Highways Authority is using up to £2.8m of grant awarded by the Department for Transport (DfT) in November 2016 to prepare its business case for a fully funded scheme. If a bid for Local Major' Scheme funding that is currently being prepared is successful, construction works could commence in 2020.

3.2.3 However, in discussions with DfT regarding the Government's expectations for funding bids, the Local Highways Authority has indicated it was made clear that any bid would benefit from a clearer commitment in the Local Plan to delivery of the Melton Mowbray Distributor Road as a whole. Legal advice has also indicated that the plan would benefit from being clearer about how the MMDR would be delivered if developments did not come forward as planned.

3.2.4 The Revised Local Plan and CIL Viability Study (May 2017) found that it is still viable to seek delivery of the northern and southern sections of the MMDR alongside the completion of the amount of new development proposed in draft Policies SS4 and SS5 (**see Item 3E of this agenda**), provided that the percentage of affordable housing is reduced to 15% (**see Item 3D of this agenda**). The results of the revised viability study also indicate that £13.9

million could be generated by the Community Infrastructure Levy (CIL) (**see Item 3K of this agenda**), a proportion of which could be available to contribute to estimated £75 million cost of the eastern section of the MMDR, if necessary.

### 3.3 **Proposed new reasoned justification and policies**

3.3.1 To address many of the comments made and reflect the more up to date evidence, a change to the draft local plan is proposed, so that it includes a dedicated policy and reasoned justification within the text of the Plan regarding the Melton Mowbray Transport Strategy.

3.3.2 It is proposed that a new Policy IN1 and its supporting reasoned justification would:

- clarify that all the sections of the MMDR are needed to support the level of planned growth for the town;
- clarify the design standards that would be required for sections of the road
- identify and safeguard from inappropriate development a 'corridor of investigation, within which the alignment of the preferred option for the MMDR will eventually lie;
- refer to the complementary sustainable transport and other measures that would be implemented, either as permanent or interim measures; and
- highlight that where necessary, the Council and/or the Local Highway Authority will use its compulsory purchase powers to deliver section(s) of the MMDR.

3.3.3 Because delivery of the MMTS is fundamental to the delivery of the plan strategy overall, there are consequential changes that will be needed to other sections of the plan, e.g. policies SS4 and SS5 dealing with the Sustainable Neighbourhoods, to ensure its internal consistency. The detailed proposed changes are set out in **item 3I of this agenda**.

3.3.4 The infrastructure delivery and viability work that caused concern to some respondents has been revised and refreshed with the most up to date information and it is considered that they are robust evidence documents. Both these documents would be published alongside the proposed changes to the draft local plan outlined above (**see Item 3K of this agenda**).

### 3.4. **Representations Received – Other Transport and Infrastructure Matters**

3.4.1 Although issues concerned with transport in Melton Mowbray attracted the overwhelming share of representations on Chapter 8, representations were received on a range of other matters, and some 50 expressions of support were received.

3.4.2 Representations from statutory consultees included the following:

- a) **Network Rail** – concerned that without mitigation, some developments may impact on the safety of level crossings. They seek policy wording to guard against this and contributions where mitigations are necessary.
- b) **Highways England** - indicated that individual development sites in Bottesford are likely to have limited impacts on the operation of the A52, but these should be capable of being addressed through the development management process. Overall location and level of growth planned unlikely to have significant impacts on the strategic highway network.
- c) **Leicester City Council** – queried whether the traffic impacts of growth beyond the Borough boundary, e.g. Hobby Horse roundabout, have been considered.
- d) **Leicestershire County Council**: Support the emerging transport strategy including the need for a Melton Mowbray Distributor Road. Would like more reference to the robust evidential approach that underpins it and the wider Borough transport strategy. The County Council has no highway concerns about the soundness of the scale and distribution of development, and has indicated that specific sites will be subject to normal considerations through the development management process including (for example) the provision of safe and satisfactory site access and any required highways and transport mitigating measures.

3.4.3 Some of the specific matters raised by others related to:

- Melton Country Park – old railway line would need some upgrading, e.g. lighting, to be a commuter route, but to do so would adversely affect the wildlife and country feel.
- Bottesford – localised parking issues, congestion, inadequate bus and train services all raised.
- Traffic congestion and pollution cannot be reduced with rising housing and population and transport links.
- Localised highway and highway safety issues raised in relation to Bottesford, Long Clawson, Harby, Hose, Gaddesby, and Somerby. A linked point was made that given these circumstances, and the strain on other infrastructure, it is unrealistic to suggest that new development in these locations will be sustainable
- Policy IN1 should do more to promote sustainable transport, including cycling.
- Section 106 contributions/planning obligations will not be sufficient to cover all of the new infrastructure needed.
- The Infrastructure Delivery Plan – Melton North Action Group queried the accuracy of the costings, and suggested that the Infrastructure Delivery Schedule is unsound, unjustified and ineffective – not viable and credible.

### **3.5 Other New Information**

- 3.5.1 A refreshed Infrastructure Delivery Plan has been prepared with updated information about education, waste, primary care, etc. This information was obtained from each service/infrastructure provider, and brought to light a number of new infrastructure needs, such as for a cemetery extension and step free access to both platforms at Melton Mowbray railway station. It is proposed that the refreshed Infrastructure Delivery Plan be agreed for publication and that the Infrastructure Delivery Schedule it contains replaces the existing one at Appendix 4 of the draft Local Plan. This can be achieved through a proposed change to the plan (**see Item 3I of this Agenda**).

### **3.6 Responses to representations**

- 3.6.1 In response to the matters raised by statutory consultees (para. 3.4.2 above), the policy changes sought by Network Rail regarding level crossings, whilst legitimate concerns, are disproportionate in relation to the relatively small scale of developments that are likely to occur in their vicinity, so no changes are proposed to respond to this. Leicester City's concern about the traffic impact of growth in Melton Borough seems overstated, given the distance of the main settlement from its main urban area, the limited traffic flows arising from Melton compared to other parts of the county and beyond, and taking account of the fact that if the local plan strategy is successful, more people will be attracted to live and work in the Borough, potentially reducing commuter flows.
- 3.6.2 To clarify and improve understanding, a change is proposed to paragraph 8.10 to further explain the range of information the IDP contains.

### **3.7 School places**

- 3.7.1 Significant numbers of representations from residents of villages where new development is proposed expressed concern about the lack of primary school places in their comments on policies SS2, C1 and Appendix 1. Pegasus Planning, on behalf of Davidsons, felt that the requirement to provide a new secondary school to the south of Melton was not adequately justified and that the reference to this requirement should be removed.
- 3.7.2 Dialogue with the Local Education Authority has resolved a number of the issues raised in representations. As a result, a suggested modification is proposed to paragraph 8.4.4 to reflect the LEAs updated position, which is to expand Longfield and John Fernley Academies, and to delete reference to a new secondary school. This is described as the preferred option by the LEA.
- 3.7.3 In relation to rural primary school places, a focused change to the plan is proposed to enable the Council to seek from developers the full costs of

expanding schools, where necessary, rather than a contribution based on the yield rates and cost multipliers, and that contributions would be sought at a very early stage of development to ensure the early availability of places as new housing becomes occupied, and/or an additional contribution to cover transport transitional costs for pupils to nearby schools having a place, until such time as the new accommodation is available in the locality. Finally, a further suggested modification is proposed to reflect the LEA's latest position on seeking contributions towards early learning and childcare. It sets out that it is looking at how developer contributions can be sought to help provide early years places, but stops short of requiring it. As such, it is for information, and is not new policy.

### **3.8 Other infrastructure**

- 3.8.1 A number of suggested modifications are proposed to update information on other infrastructure, e.g. that discussions are ongoing but no commitments made regarding the role/potential on-site expansion of Latham House Medical Practice in Melton Mowbray to respond to the planned growth, that it will take 2-3 years to provide a 5KV sub station and power line to the Leicester Road site, and that additional sewerage and treatment capacity will be needed alongside development of the northern and southern SUEs. No changes or modifications to broadband policy are proposed as all comments on this were expressions of support.

## **4.0 POLICY AND CORPORATE IMPLICATIONS**

- 4.1 The MMDR is considered to be a major factor toward assisting the economic growth of Melton Mowbray and the surrounding Borough. It has a direct relationship with the 'Place' Corporate objectives of supporting a vibrant and sustainable local economy and a thriving Melton Mowbray Town Centre.
- 4.2 The proposed changes to the draft Local Plan outlined in this report and the suggested modifications strengthen the likelihood of achieving the vision, strategic priorities and objectives of the Local Plan, and those of the community strategy, which the plan reflects.

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

- 5.1 The costs of undertaking consultation on focused changes prior to submission can be met through existing resources and budgets.
- 5.2 If the proposed new Policy IN1 does become part of the adopted Local Plan and sections of the MMDR are not delivered as envisaged, then the Council and/or County Council (as Highways Authority) could face a significant upfront costs to acquire land and fund completion of the MMDR, in advance of securing the receipts from future development and/or sale of acquired land that would recoup most if not all those costs. Contributions secured through CIL from as soon as possible after plan and CIL charging schedule adoption, could

help to reduce the magnitude of this.

**6.0 LEGAL IMPLICATIONS/POWERS**

6.1 Carrying out a Regulation 19 consultation on an addendum of focussed changes will help to enhance the prospect of the local plan being found sound at Public Examination in due course.

6.2 An adopted Local Plan will be necessary to exercise compulsory purchase powers, if needed, to deliver sections of the MMDR.

**7.0 COMMUNITY SAFETY**

7.1 There are no Community Safety implications arising from this report.

**8.0 EQUALITIES**

8.1 There are no equalities implications, as the issues considered affect all groups. Equalities impact assessment has been undertaken in preparing the draft local plan and an addendum prepared to assess the effects of the proposed Addendum of Focused Changes.

**9.0 RISKS**

9.1

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

Risk No	Risk Description
1	That sections of the MMDR will not be delivered as envisaged and the Council will have to exercise its CPO powers to deliver sections of the road.

## 10.0 CLIMATE CHANGE

10.1 There are no direct climate change implications arising from this report. However the Distributor Road is intended to reduce traffic congestion which is a known source of CO<sup>2</sup> emissions.

## 11.0 CONSULTATION

11.1 The Local Plan Working Group have considered the representations received to the draft Local Plan, the updated information and the proposed changes to the draft local plan set out in this report.

11.2 The recommendations include that public and other consultations be carried out (**see Item 3I of this agenda**).

## 12.0 WARDS AFFECTED

12.1 Given the location of Melton Mowbray within the Borough, all wards could be affected by the proposed changes to the draft local plan recommended in this report. However, the 'Melton Town' and Waltham on the Wolds wards would be particularly affected.

Contact Officer: Valerie Adams (Local Plans Manager)

Date: 26<sup>th</sup> June 2017

Appendices 1. Schedule of Representations Made on Chapter 8 of the Melton Local Plan and MBC Responses, June 2017 – deposited in the Members Room

Background papers Melton Infrastructure Delivery Plan, ARUP, March 2017  
Revised Local Plan and Community Infrastructure Levy Viability Study, Cushman & Wakefield, May 2017  
(these documents are provided as Appendices to Item 3K of this agenda)