

AGENDA ITEM 3J

EXTRAORDINARY MEETING OF FULL COUNCIL

4TH JULY 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

DRAFT MELTON LOCAL PLAN: OUTSTANDING LOCAL PLAN REPRESENTATIONS RECEIVED AND SUGGESTED RESPONSES

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to:

a) it sets out and considers the main issues raised in representations not already considered by Council in other reports on this Agenda, and suggests responses to them;

b) it provides an opportunity to revisit any issues arising from representations made or new information received.

2.0 RECOMMENDATIONS

2.1 It is recommended that Council:

(i) **Agrees the responses to representations outlined in Appendix 1.**

(ii) **Agrees to the recommended modifications identified in this report.**

3.0 KEY ISSUES

3.1 **Local plan representations received - chapters 1 to 3: introduction, Borough Portrait, Vision & Strategic Priorities**

3.1.1 Chapter 1 sets out what the local plan is, how long it is for, how it has been prepared, how people have been able to get involved and how the local plan relates to neighbourhood and other types of plans. Chapter 2 provides contextual information about the Borough, whilst Chapter 3 sets out the vision for Melton Borough, and, at a high level, how it will be delivered. It also identified ten key strategic issues that the plan addresses and sets out strategic objectives and priorities against which success will be measured.

3.1.2 Representations made on these chapters encompassed a range of issues, and 3 of them were expressions of support, two generally and one for particular strategic

objectives. In general many respondents may have misunderstood the high level nature of these chapters and that the detail they seek appears in evidence documents or reasoned justification supporting individual policies, or the policy statements are already set out in national policy, and so don't need repeating in the local plan. Responses to several representations to these chapters therefore refer to responses made to specific policies.

3.2 **Duty to Co-operate**

3.2.1 Representations were received from the HBF and Bottesford Parish Council amongst others questioning whether the Council has complied with the Duty to Co-operate: the HBF comment in relation to housing numbers and Bottesford PC in relation to the extent to which developments and facilities in neighbouring Nottinghamshire LPA areas have been taken into account.

3.2.2 The issue of co-operation of housing numbers has been addressed in the Melton Housing Requirement paper earlier on this agenda (**item 3B refers**). The Council's Duty to Co-operate statement is currently being refreshed and updated to provide a comprehensive account of all the activity the Council has and will have carried out up to July 2017. It is a regulatory requirement that this is submitted to the Government alongside the Local Plan. The material in that document indicates that the Council has engaged with all the parties that it is required to under the Duty, and documents the outcomes of that engagement. This engagement has included being party to work to draw up a Memorandum of Understanding and prepare a Strategic Growth Plan covering Housing Needs and Distribution across the housing market area. Engagement has also been undertaken with the adjacent Nottinghamshire authorities.

3.2.3 Duty to co-operate issues are raised in representations on other issues throughout the plan, such as Policy SS2 and SS6, and the suggested responses will be presented in responding to those comments there (**Item 3C of this Agenda**).

3.3 **Community Engagement**

3.3.1 Several respondents felt that the community engagement carried out was inadequate. One specific criticism was made about how later Reference Groups were run, particularly the opportunity to voice what people wanted and the inclusion of developers in the sessions.

3.3.2 It is considered that there was no disadvantage arising from the contribution of potential developers to later Reference Group discussions, and that the Reference Groups were just one opportunity for people to voice what they wanted to see happen in the Borough. Also, representatives of the development industry were included from their inception, and were not a late addition. A Community Consultation and Engagement Statement and addendum (considered at the last

working group) document all the activity that has been carried out in this area. It is clear from that work that more than sufficient has been done to comply with regulatory requirements and the Council's own Statement of Community Involvement.

3.4 Relationship to Neighbourhood Plans

- 3.4.1 Several responses were seeking more recognition for neighbourhood plans (NPs) in the local plan and for the policies and proposals contained in those NPs to be better reflected in policies and reasoned justification across the local plan. References are made to failures under Duty to Co-operate and non compliance with national policy (NPPF) and practice guidance (PPG). One representation felt that declaring all the policies of the draft plan to be strategic was inappropriate, as site allocation policies, for example, were clearly not.
- 3.4.2 Neighbourhood planning groups are not included under the list of bodies covered by the Duty to Co-operate. The Council's interaction with the neighbourhood planning process is set out in the Localism Act 2011, with more detail in planning practice guidance.
- 3.4.3 PPG indicates that there should not be duplication of policies and proposals where neighbourhood plans are being prepared, at the time the draft plan content was agreed, no neighbourhood plans had reached Regulation 16. Asfordby and Wymondham Neighbourhood Plans have reached this stage now, but have further stages to get through before they are 'made'.
- 3.4.4 Should circumstances change on either of these neighbourhood plans after the local plan has been submitted for Examination, and whilst the Examination is still in progress, the Council may need to reconsider its position and make an appropriate further submissions to the Inspector.
- 3.4.5 A representation that sought inclusion of a reference to neighbourhood plans in most policies is that the relationship between neighbourhood plans and local plans is set out at a national level and in Section 1.9 of the draft Local Plan and does not need repeating in every policy.
- 3.4.6 Regarding comments about what are strategic policies and what are not, there is no requirement for the Council to identify these in the local plan, although guidance indicates it can help NP groups if this was done. Council officers have already responded to queries of this nature indicating that all the policies could be regarded as strategic in the context of NP preparation, as the LP policies are to achieve outcomes for the Borough as a whole, a wider area than the very local neighbourhood plan.
- 3.4.7 **No modifications are suggested in response to these representations.**

3.5 **Conflicting strategic objectives and priorities**

3.5.1 Several respondents highlighted what they saw as conflict between environmental objectives/priorities and housing and employment ones, and cited examples of specific locations, e.g. Somerby, Gaddesby, Long Clawson, where it appeared that no regard had been had to some objectives/priorities and all the weight attached to others.

3.5.2 It is considered that objectives/priorities are strategic and that the purpose of the plan is to achieve the best overall outcomes against all of them across the Borough as a whole, and that this could mean that there are instances where consideration of one has outweighed another. .

3.5.3 **No suggested modifications are proposed.**

3.6 **Strategic priorities**

3.6.1 One representation suggested that the plan should give more recognition in the issues and strategic priorities to larger than local issues, such as the role of the plan in meeting unmet needs from elsewhere, and how the ambitions of the plan align with the Strategic Growth Plan.

3.6.2 A reference to the fact that the Council is working with partners on a Strategic Growth Plan (SGP) for Leicester and Leicestershire is needed in Chapter 1, but as it is not very far advanced, the local plan has nothing firm with which to align at present. There are stronger references elsewhere in the Local Plan (**Policy SS6 - see item 3C of this agenda**) intended to accommodate the consequences of the SGP as it progresses. The issues and priorities identified are locally derived, whereas the requirement for local plans to meet unmet needs comes from national planning policy. If unmet needs were included, then arguably other national objectives, such as to boost significantly the supply of housing, would also have to be. As they are stated elsewhere (in national policy), it is not necessary or appropriate to repeat them in the local plan.

3.6.3 **A modification is suggested, to insert an additional sentence into Section 10.1 of the Local Plan, to reference the Strategic Growth Plan.**

3.7 **Chapter 5: Melton's Communities – (policies C2, C3, C5, C6, C7, C8 and C9)**

3.7.1 Chapter 5 is about Melton's communities and ensuring that they are "strong, healthy and vibrant". C2 focuses on the housing mix of development, C3 on the national space standard and smaller dwellings, C4 on affordable housing provision, C5 on affordable housing through rural exception sites, C6 on accommodation for gypsies and travellers, C7 on rural services, C8 on self build and custom build housing and C9 on healthy communities. Summaries of the representations (134) to these policies and the suggested responses are attached

in Appendix 1, deposited in the Members Room.

3.7.2 Approximately 27 of the responses on these policies were expressions of support for the policies, in part or as a whole. The highest proportion of support of all responses was received for the Self build/custom build policy (C5) and for the Gypsies and Travellers accommodation policy (C6). Consideration of the responses to Policies C4 and C6 are addressed in separate reports on this agenda (**items 3D and 3G refer**).

3.8 **Housing Mix (Policy C2)**

3.8.1 Representations suggested that the housing mix for individual villages should reflect the needs of that village, and that more work was needed on assessing those needs. Clarity was also sought on where starter homes fitted into this.

3.8.2 The Melton Borough Housing Needs Study (2016) was carried out to underpin the 'housing mix' requirements in the local plan. This was a proportionate piece of work. The analysis goes down to ward level, and the study recognised that the minimal data available at this scale can only be used as a guide and should not be interpreted as definitive needs.

3.8.3 **A modification is suggested to Policy C2 in the second paragraph to include reference to starter homes.**

3.9 **Housing Standards (Policy C3)**

3.9.1 Representations included suggestions that standards, e.g. of wheelchair accessibility and internal space should not be requirements, but should be flexibly applied, to reflect pressures such as viability, need and site circumstances. Concern was raised that such standards could work against the achievement of affordable housing targets.

3.9.2 Policy C3 is an aspirational policy, not a requirement, and Policy C2 is clear that the standards are required to be met only where needs arise, and that we will have "regard to market conditions..... and economic viability". **Therefore, no suggested modifications are proposed on these.**

3.10 **Rural Services (Policy C7)**

3.10.1 A representation was received seeking a change to the policy to allow criteria 1 and 2 to be governed by a 'and' operator, rather than 'or'. The effect of this would be to allow a loss of community facilities only where there are alternative facilities in the same village performing the same role and the existing use is not viable and there is no prospect of alternative business or community use. A further representation felt that no assessment has been done to see if villages are sustainable enough to cope with expansion.

3.10.2 The Rural Services policy relates to the change of use of buildings. The sustainability/suitability of villages to cope with development was assessed in work underpinning the Settlement Roles and Relationships Study 2016. Detailed consideration would occur in dealing with any planning application.

3.10.3 **No modifications are suggested to this policy.**

3.11 **Self Build and Custom Build Housing (Policy C8)**

3.11.1 Representations were mainly from housebuilders/developers and the HBF who felt the 5% serviced plots for sale on developments of 100 dwellings or more should not be a requirement, as it restricts business practice, could have construction site health and safety implications, and site marketability implications issues. They also want to know the reason for the 100 dwelling threshold, felt that only a 6 month marketing period be applied before reversion of land to them, and suggest the policy be modified to be discretionary, determined on a site specific basis and be related to viability, and point to an Inspector's decision on a plan in Devon in which doubt is cast on this kind of approach. Three expressions of support for this policy were received.

3.11.2 Without a policy requirement, it is unlikely very many, if any, self build plots will be delivered on larger sites. The threshold of 100 dwellings seems reasonable in the context of a minimum of 5 plots being delivered as self build alongside delivery over about 3-5 years of a minimum of 95 dwellings, and it would only apply to 2 allocations (BOT 4 and the northern SUE) and 2 reserve sites, where a planning application has not already been submitted or granted. This is compared to existing needs already identified through the Authorities Self/Custom Build Register (28) and Buildstore (137) who run and manage the largest National Database for Self/Custom Build.

3.11.3 If organised early, before construction commences, there is no reason why marketing or health and safety issues should arise. The Council's whole plan viability work indicates that self build may have an impact on the marketability of the wider site, but no evidence has been submitted to the Council which confirms this as anything other than theoretical and certainly none to indicate that it would be so serious as to undermine delivery of the remainder of the site, or the site as a whole.

3.11.4 The reference to the East Devon Local Plan Examination, highlights that the Inspector, in his report into that plan, stated “.. *I don't see how the planning system can make developers sell land to potential rivals (and at a reasonable price)*”, resulting in him expressing reservations about the implementation difficulties associated with this sort of policy. The East Devon policy was more onerous, for 10% of dwellings on sites of 15 dwellings (0.5ha) or more and for small builders and self build, so is not directly comparable. The Melton policy is limited to self and custom builders, and the small scale nature of these operators

is that their products are complementary not competitive with the products that volume housebuilder will build on the rest of the site. It is also possible that volume builders could offer a percentage of their housing as custom build options.

3.11.5 No modifications are suggested to this policy.

3.12 Healthy Communities (Policy C9)

3.12.1 The main issue raised in relevant representations on this policy was that the requirement for a health impact assessment to be carried out on major development was too onerous. Five expressions of support for all or part of the policy were received.

3.12.2 The reasoned justification (paragraph 5.14.6) refers to residential developments of over 1000 new homes to which a rapid health impact assessment would be sought; so this kind of requirement for such a scale of developments is considered proportionate, and it will help to achieve policy objective set out in the Local Plan and those in the NPPF. Below this threshold, the policy is clear that HIAs will only be required 'where the LPA requests it', and 5.14.7 that any HIA should be commensurate with the size of development.

3.12.3 No modifications are suggested to this policy.

3.13 Chapter 6 - Melton's Economy

3.13.1 Chapter 6 sets out the policies and proposals for economic growth. These include the allocation and safeguarding employment land, a policy to promote appropriate jobs growth in the rural area and a policy setting out how employment proposals on non allocated sites will be considered. The section also sets out policies on the town centre and retailing, and on sustainable tourism. A summary and suggested responses to all the 83 comments made on this Chapter is attached as Appendix 1 which is available in the Members Room.

3.13.2 Representations made on this chapter encompassed a range of issues, and 24 of them were expressions of support for particular policies or parts of policies.

3.14 Employment land issues

3.14.1 On general matters, Charnwood BC noted that the jobs target in the Local Plan (Table 11) is not consistent with the SHMA 2014 or the PACEC Leicester and Leicestershire Employment Land Study 2012, identified through Duty to Cooperate work.

3.14.2 The 2014 SHMA has now been superseded by the 2017 HEDNA, the housing requirements report (both addressed under **item 3B of this agenda**) and the

Council's own employment study (2015). All of these are more up to date and locally specific than the PACEC work, so it relied on instead as fulfilling the NPPF requirement that a Local Plan is based on the most up to date available evidence.

3.14.3 There is the possibility for some confusion for people not familiar with the technical issues around economic, employment and employment land forecasting. The HEDNA suggests that 53-66ha of employment land is needed under its 'planned growth' scenario whereas the 2015 Melton Employment Land Study indicates that 50.7ha is needed, and this is the level that is planned for in the draft local plan. The differences arise because there is not necessarily a straight correlation between the jobs numbers and employment land requirements, because it is very sensitive to the individual characteristics of workplaces and their workforce requirements.

3.14.4 **No modifications are suggested in response to this.**

3.15 **Land off Leicester Road**

3.15.1 A representation seeks the allocation of a further 14ha of employment land on the south side of Leicester Road adjacent to land identified for employment within the Southern SUE. Half the land would be occupied by the relocation of an exiting manufacturer and future expansion, and half would be developed for general employment and business park related uses, such as a hotel.

3.15.2 However, the representation is not clear why 14ha is needed. 14ha would be an almost 50% increase on the 31ha employment land allocated in the Local Plan (derived from the findings of the Melton Employment Land Study (2015)), and it is not clear if the land allocated in the Draft Plan has been considered. By diverting demand, delivery of the suggested 14ha could delay the timing of employment development in the southern SUE and hence, that section of the MMDR, though given the proposed location, if it did come forward, it may be expected to contribute to the costs of the MMDR.

3.15.3 **No modifications are suggested to this policy.**

3.16 **Asfordby Business Park/Holwell Works**

3.16.1 The delivery of a further 10ha of employment land through rationalisation of land available at Asfordby Business Park is largely supported in representations. However there is a slight conflict with the emerging Asfordby Neighbourhood Plan, which places greater emphasis on Holwell Works (HW) for delivering additional employment land and also a quantum of housing on part of this site. In the Local Plan, Holwell Works is listed as an employment site to be retained.

3.16.2 The Asfordby NDP states a preference for employment land growth to be located at Holwell Works adjoining Asfordby Hill rather than Asfordby Business Park, as it is closer to the existent community and anticipated growth at this location would have less impact on grade listed Welby Church. Because any employment development of Holwell Works would need to include remediation of contaminated land, the emerging Neighbourhood Plan allows residential development on part of it , to provide sufficient value to redevelop the site as a mixed use scheme. This scheme would include wider community benefits such as a small shop and a community centre, accessible from Asfordby Hill.

3.16.3 Holwell Works has not been promoted to the Borough Council as a mixed use scheme, nor evidence provided that there is the need for residential development to enable it. Representations regarding Asfordby Business Park have been received by the Borough Council from the site promoter (in response to the Asfordby Neighbourhood Plan Reg.16 Consultation), including draft masterplans and information that marketing was well underway. Furthermore, the effect of growth at Asfordby Business Park on Welby Church is likely to be limited, because it sits within a hollow from the former mining works and already contains a number of large sheds. The proposed new sheds would be located to the south, further away from Welby Church.

3.16.4 **For these reasons, no modification from the Pre-Submission Local Plan is suggested.**

3.17 Rural Employment

3.17.1 Several comments were made questioning the sustainability of identifying more housing in the villages but no new employment land, and no infrastructure improvements to encourage more rural businesses. Related comments felt that too much reliance had been placed on the limited employment opportunities currently in rural areas in assessing the suitability of certain villages to take more housing.

3.17.2 As these comments are to do with the spatial strategy, they will be responded to in consideration of representations on Chapter 2, and Policy SS2 in particular, **(Item 3C of this Agenda)**. Proposals in the Local Plan need to have a reasonable prospect of being delivered and without sites being offered for employment use or schemes proposed for infrastructure improvements, it is difficult for a Local Plan to make allocations which would be in any way demonstrable as deliverable.

3.18 Town centres and retailing

3.18.1 Sainsburys have questioned the justification for the low threshold for requiring a

retail impact assessment on developments outside of the town centre, and seek an extension to the town centre boundary to include their Nottingham Road shop. Other representations from those representing the Melton North Consortium also query the low threshold on retail uses and why no provision is made with regards to retail in the Northern SUE. Melton South for example has 800sqm of A1-A6 uses allocated. The justification for this is provided within the Retail Study, however highlights are quantum of development and accessibility of existing retail offer and the town centre. One other representation sought exclusion of farm shops from the requirement for retail impact assessment, and other that the role of the markets in town centre vitality was referenced.

3.18.2 Other representations want more to be done to support a wider range of shops in the town centre and its vitality and viability as a whole, though one recognises the limited control, given the permitted development rights afforded to many changes of use by the Use Classes Order. Suggested policies and proposals included:

- developing larger units to attract high street multiples
- developing the Burton Street Car Park
- improving shop frontages
- increasing car parking in the town centre in advance of significant new housing in the town so that new residents will chose to spend money in the town centre; and
- non planning matters, such as reducing car parking charges and business rates.

One representation referred to the lack of new retail opportunities in Bottesford.

3.18.3 The retail impact assessment threshold was recommended in the Melton Retail Study and is set at a level that reflects the size of Melton Mowbray. As village shops are excluded from the requirement, it seems reasonable to add farm shops to the exceptions list.

3.18.4 No convincing reasons were advanced for extending the town centre boundary, and the draft local plan one reflects a logical physical boundaries at Norman Way to the north.

3.18.5 Some of the suggestions for improving the town centre are constructive, but to be included in the Plan, there needs to be some prospect of delivery, and achieving more development land may adversely impact the town if alternative car parking spaces cannot be found. The Melton Mowbray Transport Strategy will help to make the town centre more accessible by sustainable modes or travel, as well as by car. The point about delivery applies equally with respect to retail opportunities in Bottesford.

3.18.6 **A modification to the reasoned justification of the plan to add farm shops to**

the list of rural businesses exempt from the requirement for retail impact assessments is suggested, and another to refer to the role of markets in town centre vitality.

3.19 Sustainable tourism

3.19.1 A range of representations were received on this issue. These included opposite views, such as on the one hand comments about the possible adverse impact of new housing developments on the attractiveness and character of the towns and villages and long distance footpaths such as the Leicestershire Round to tourists. Alternatively, a comment that the residents of new houses will help to sustain more facilities, like shops, restaurants and pubs, that will be attractive to tourists. One commented on the need to do more to market the area to tourists, and Belvoir Estate are seeking changes to policies to allow them more flexibility to develop vacant floorspace to business and tourism use . They also consider the policy concentrates too much on small scale rural tourism and should acknowledge there are opportunities for larger scale tourism development such as at Belvoir.

3.19.2 There is no evidence provided that new housing will deter tourists, and it could bring opportunities to secure more attractive edges to development. Policy EC8 allows for the kinds of small scale reuse of buildings for tourism use that Belvoir Estate address, and they are correct that there is little in the Plan to promote larger scale tourist facilities

3.19.3 **It is therefore suggested that a modification be made to the reasoned justification to say that larger proposals for tourism uses will be supported provided it demonstrably adds significantly to the Borough's economy and/or tourist offer.** Whilst this does not add a great deal more to the current NPPF situation (applications decided on their individual merits), it does show a positive approach and willingness within the Plan, from the Borough Council, to support developments of this nature and the key providers of these services, and will add to the Plan's soundness credentials as being 'positively planned'

3.20 Chapter 7: Environment

3.20.1 Chapter 7 sets out policies for the protection and enhancement of the natural and historic environment, including sports and recreation facilities. It identifies Primary Green Infrastructure and Areas of Separation, designates Local Green Space and presents a policy for renewable energy including allocation of areas suitable for wind energy development, defined by type, size and 'clustering'.

3.20.2 Representations made on this chapter encompasses a range of issues, such as:

- Strong support for policies which seek to protect and enhance the natural environment, but concern that these conflict with the strategic

development locations and site allocation policies, most notably those for Somerby, Gaddesby, Long Clawson and Bottesford;

- Suggested changes to Primary Green Infrastructure which incorporate Burrrough Hill and Somerby, and the Leicestershire Round;
- Concern that Melton Country Park receives insufficient protection;
- Suggested amendment of Areas of Separation such that they have defined boundaries;
- Suggested designation of additional Local Green Space in, Somerby, Sewstern, Bottesford and Gaddesby;
- Strong and numerous opposition to the allocation of areas suitable for wind energy development, but support for small scale wind energy development on farms;
- Concern that sequential testing has not informed site allocations which are in areas at risk of flooding, most notably in Bottesford;
- Suggested revised Conservation Area boundary suggested for Somerby;
- Objection to housing allocation GADD2, in respect of the harm to the significance of the church.

3.20.3 Several respondents challenge the validity and robustness of the evidence reports for Chapter 7, most notably the Melton Green Infrastructure Strategy; Rushcliffe and Melton Landscape Sensitivity Study; and the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study. However, the Plan must be evidence based and the Council has formally accepted and endorsed the use of the studies produced by consultants, whom are all recognised experts in their field, as robust and proportionate and therefore ‘fit for purpose’.

3.20.4 The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. It states that Local Plans are the correct vehicle to identify suitable areas. Policy EN10 (as published in Emerging Options) closely follows the approach referred to in NPPG

- *“In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan” and that*
- *“Suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient”*

This in turn means that we need a policy of this nature in order to fulfil our

responsibilities to make a contribution to renewable energy by virtue of wind. It is considered that if the policy or table of locations within it were to be removed, the policy would not be in conformity with the NPPF/NPPG and as such could be found unsound at examination.

- 3.20.5 Many objections relate to the identification of areas suitable for wind energy in Policy EN10. However many also support small scale wind energy development, particularly in association with farms. However, if the Local Plan does not allocate areas supported by evidence, no planning proposals for wind energy development can be consented, even those which are acceptable to the affected community. This is because national policy advises we should “only grant planning permission if the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan....”
- 3.20.6 Additionally, the use of the criteria to decline proposals unless they have “the backing of the affected local community” can only be employed if suitable areas for wind energy development have been allocated clearly in a Local or Neighbourhood Plan. It is considered that this provision is that which offers the greatest influence to communities and in order to facilitate its use, such a policy is necessary.
- 3.20.7 A sequential test for flood risk will be submitted with the Local Plan to justify the choice of site allocations in areas at risk of flooding. This will also include an Exceptions Test where necessary. **This is included as an Appendix to Item 3H of this Agenda.** The specific issues relating to allocation ‘GADD2’ are addressed in Item 3E of this Agenda.

3.21 Proposed Modifications to Chapter 8

3.21.1 Modifications are proposed as follows:

EN1: To clarify that evidence may be updated and superseded over the plan period and to bring policy in conformity with the NPPF (para 109).

EN2: Paragraph 7.2.2 amended to fit with new settlement hierarchy references.

EN5: To clarify that evidence may be updated and superseded over the plan period.

EN6: Paragraph 7.6.3 to make reference to Historic England’s Advice Note 3.

EN7: 7.14 to take account of the new evidence document, the Melton Indoor Sports Facilities Strategy May 2017. Paragraph 7.15.3 to provide clarity on the use of standards for sports facilities in

response to Sport England's Advice note. EN7 (G) updated in accordance with the new evidence document, the Melton Indoor Sports Facilities Strategy May 2017.

EN8: Policy to take account of viability in response to LCC's comment.

EN9: Modification of policy to:

- i) require new major residential development to adopt the higher water efficiency standard of 110litres/person/day to be in conformity with the emerging Leicester and Leicestershire Water Cycle Study 2017.**
- ii) clarify requirements of design and access statements.**

EN10: Paragraph 7.20.4 updates the position of Western Power Distribution and the capacity in the grid to accept exported energy from large-scale renewables. Paragraph 7.20.12 to provide clarity on the interpretation of EN10(17) which allocates areas suitable for wind energy development. 7.20.15 to provide clarity on how cumulative effects should be considered. An insertion into Table 18 has been made to include LCU18: Nottinghamshire Wolds: Widmerpool Clay Wolds, to be in conformity with the Pre-Submission Old Dalby and Broughton Neighbourhood Plan. The latter supports wind energy development of single turbines under 25m.

EN11: Policy changes to clarify how foul water sewerage capacity should be considered (Anglian Water response) and to ensure that the sequential approach applies to both fluvial and pluvial flooding (Lead Local Flood Authority response). Replacement of bullet points (typos).

EN12: Paragraph 7.24.2 defines major development. Policy changes to clarify how SuDS can provide net gains for nature (Lead Local Flood Authority response).

EN13: Paragraph 7.23.2 amended to state that Conservation Area Appraisals are due for revision.

Paragraph numbering need re-ordering from 7.7 onwards.

Add evidence documents 'Water Stressed Areas – Final Classification' Environment Agency 2013 and 'Melton Indoor Sports Facilities Strategy', Strategic Leisure Limited 2017 to chapter end.

3.22 Chapter 9 – Managing Development

3.22.1 Chapter 9 of the draft local plan deals with Managing Development, and includes

policies on design, equestrian development and agricultural workers dwellings. summary and suggested responses to all the comments made on this Chapter is attached as Appendix 1, which is deposited in the Members Room.

3.22.2 Design

19 responses related to Policy D1 and its justification. **A modification to the text is proposed to reference design review, and another to reflect that Building for Life Guidance 12 may be superseded over the life of the local plan.**

Equestrian Development

No modifications are proposed in response to the 6 representations received.

Agricultural Dwellings

No modifications are proposed in response to the 7 representations received.

3.23 Final Representations Not Already Considered

3.23.1 A small number of representations are reported separately because the representors may have incorrectly identified the policy or section of the plan to which they relate or have not done so at all.

3.23.2 A number of representations were also been received on the Policies Map. Several of these related to representations to site specific policies, so any proposed changes or suggested modifications to the maps would have been proposed in the responses to the related site specific representation. Comments were received about the status and amount of information contained on the interactive web-based Policies Map and the paper version that was available. The interactive Policies Map is a reference tool, whereas it is the information on the paper version that will ultimately become part of the adopted development plan. Another representation suggested information on the inset Policies Maps should also be shown on the Local Plan Appendix 1 site allocations plans. The site allocations are shown on the inset policies maps so the information already is presented on the same plan. Consideration will be given as to whether a presentational modification can be suggested to an Inspector to remove the duplication of plans.

3.23.3 A number of representations were also made on the sustainability appraisal published alongside the draft local plan. These included:

- The ability of Six Hills to be allocated as an exemplar garden village should be factored into the SA assessment
- The SA of Policy SS2 should be more than a 'tick box' exercise
- Several representations relating to Long Clawson questioned the validity of the SA exercise. They suggested that insufficient weight has

been given to individual negative environmental impacts identified, e.g. heritage, flood risk, greenfield agricultural land, and that the communities own SA prepared to inform an emerging neighbourhood plan, which the consultants should have taken account of, proves that further development of the village is unsustainable.

- The SA should consider the impact on individual villages of policies such as EN1.
- The locations in Policy SS6 have not been subject to the same level of SA as site specific policies.
- Insufficient regard has been had to heritage and archaeology considerations in the SA.
- Negative comment about the length of the SA document.

3.23.4 These representations have been considered by the consultants who prepared the SA, and are available to view in Appendix 1 (available in the Members Room). They reaffirm the nature of the exercise and that their methodology is accepted best practice approach. They highlight that it is a SA of the policies for the plan as a whole, and that the conclusions are drawn from consideration of a range of environmental, social and economic factors as whole, and that poor performance against one factor, such as heritage, can be outweighed by slightly positive performance against a range of others.

3.23.5 None of their responses suggest that any changes should be made to their assessment, and so there are no consequential changes that need to be made to the draft local plan.

3.24 Responses to Representations Agreed by the Working Group

3.24.1 In February, Working Group agreed recommended responses to representations relating to Chapters 1-3, Chapters 6 and 7 and Chapter 9 of the draft Local Plan. It is considered that the responses to these representations needed to be revisited in the light of the proposed Addendum of Focused Changes and the Working Group met on 22nd June 2017 for this purpose.

3.24.2 No further changes are proposed to the responses to representations previously presented in respect of Chapters 5 – 9 addressed by this report.

3.25 Conclusions

3.25.1 The Working Group recommend to Full Council:

- a) note the contents of this report;
- b) that the responses to representations on the Policies Map and the sustainability appraisal contained in Appendix 1 (deposited in the Members Room) be agreed;
- c) that the modifications agreed under section 3 of this report above be

agreed

8.0 POLICY AND CORPORATE IMPLICATIONS

8.1 The Melton Local Plan Submission version and the associated contents in this report set out the Council's preferred approach to addressing the issues and challenges which need to be dealt with through the Local Plan, to deliver the development the Borough requires and to deliver the vision and objectives of the Plan.

9.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

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

10.0 LEGAL IMPLICATIONS/POWERS

10.1 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).

10.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 and the NPPF require that plans are prepared based on the most up to date evidence.

11.0 COMMUNITY SAFETY

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

12.0 EQUALITIES

12.1 The Local Plan is being subject to a detailed Equalities Impact Assessment (EIA) through each stage of preparation. The pre submission Local plan has been the subject of an EIA which is now published in accordance with the Council's policy. An addendum to this stage of the Local Plan will be published alongside.

13.0 RISKS

L I K E L	A	Very High				
	B	High				

I H O O D	C	Significant		2		
	D	Low				
	E	Very Low			1,3	
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Scale and nature of representations received on the content of this report through consultation demonstrate the plan is unsound
2	Evidence is challenged and scrutiny as part of the Local Plan Examination.
3	Evidence addressed by this report becomes out of date

14.0 CLIMATE CHANGE

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

15.0 CONSULTATION

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

16.0 WARDS AFFECTED

16.1 All

Contact Officer J Worley, Head of Regulatory Services

Date: 26th June 2017

Appendices 1 – Responses to representations , chapters 1 – 3, 4 (except policies C1, C1A, C4 and C5) ,8, and 9 (deposited in the Members Room)