

AGENDA ITEM 3I

EXTRAORDINARY MEETING OF FULL COUNCIL

4TH JULY 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

DRAFT MELTON LOCAL PLAN: ADDENDUM OF FOCUSED CHANGES AND PROPOSED CONSULTATION

1.0 PURPOSE OF REPORT

1.1 This report is to seek Members agreement to the content of a 'Draft Melton Local Plan Addendum of Focused Changes' document, and that it be published for public and other consultations prior to its submission as part of the Local Plan for Examination. The report outlines the scope, purpose and content of the focused changes, and identifies which parts of the local plan are affected. It also seeks agreement that the new evidence on which the draft local plan (including focused changes) now relies be agreed and published alongside, and that the proposals for consultation on the Addendum and its supporting documents outlined in this document be agreed.

2.0 RECOMMENDATIONS

2.1 That Council :

- (i) Approve the content of the Draft Melton Local Plan Addendum of Focused Changes (at Appendix 1);**
- (ii) Agree that the Addendum of Focused Changes and new evidence be published;**
- (iii) Agree that the proposals for consultation and community engagement outlined in paragraphs 3.19 to 3.22 of this report be agreed;**
- (iv) Agree that consultations be undertaken on the Addendum and its associated supporting documents as soon as possible after this Council meeting, in accordance with Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012.**
- (v) Delegates authority to the Head of Regulatory Services to make any necessary changes required for clarification or typographical corrections to the text of the Addendum which do not change the overall sense or purpose of the document, prior to its publication.**

3.0 KEY ISSUES

Background

3.1 A Draft Melton Local Plan Addendum of Focused Changes has been prepared and is at **Appendix 1** of this report. The reason why an Addendum of Focused Changes has been prepared has been described at Item 3A on this agenda. In brief, it is that because of significant new evidence that has emerged since the draft Local Plan was prepared in November 2016. This relates to the key issues that the plan sets out to tackle, the Council faced a significant risk of the draft Local Plan being found unsound at public examination without making focused changes to it. The focused changes now being proposed reference and reflect the following key items of new evidence, and in doing, so may address a significant number of the representations made to the draft Local Plan last year:

- Leicestershire and Leicester Housing and Economic Development Needs Assessment, GL Hearn, January 2017
- Towards a Housing requirement for Melton Borough, GL Hearn, January 2017 and its Addendum, GL Hearn, June 2017;
- Joint Statement of Co-operation Relating to Objectively Assessed Need for Housing, Leicestershire HMA authorities, January 2017
- Melton Infrastructure Delivery Plan, Arup, March 2017
- Revised Local Plan and CIL Viability Study, Cushman & Wakefield, April 2017
- Updated Melton Local Plan Housing Site Assessment Report, MBC, June 2017
- Five Year Housing Land Supply and Local Plan Housing Trajectory, MBC, June 2017
- Leicestershire and Leicester Gypsy and Traveller Accommodation needs Assessment, ORS, June 2017
- Land South of Kirby Lane, Melton Mowbray, Heritage Settings Technical Note, Cotswold Archaeology, 2017
- Chris Grayling MP Written Statement regarding roads funding, DfT, November 2016
- Report to LCC Cabinet: Melton Mowbray Transport Strategy and Distributor Road – Development of a Business Case and Identification of a Preferred Route, 10th March 2017
- Sustainability Appraisal Addendum, LUC, June 2017
- Habitats Regulations Assessment, LUC, June 2017
- Sequential and Exceptions Flood Risk Testing Report, MBC, June 2017
- Equalities Impact Assessment, 2017

3.2 The Addendum brings together all the proposed changes outlined in earlier reports on this agenda. It also sets out some further changes that are consequential, as a result of the inter-related nature of several of the strands of the Local Plan, the written and map-based sections and the evidence base and reasoned justification.

3.3 Ten main areas of change are identified:

1. Development Strategy and Sustainable Communities (see Items 3B and 3C)
2. Melton Southern and Northern Sustainable Neighbourhoods (see Item 3E)
3. Long term growth strategy and triggers (see Item 3C)
4. Housing allocations, reserve sites and site specific policies (see Item 3E)
5. Housing mix and housing standards review (see Item 3J)
6. Affordable housing (see Item 3D)
7. Provision for Gypsies and Travellers (see Item 3G)
8. Indoor Sport and Recreation and its Future Provision (see Item 3H)
9. Infrastructure Delivery Plan (see Item 3H)
10. Melton Mowbray Transport Strategy (see Item 3F)

3.4 A further three areas of the plan are subject to consequential changes:

1. Melton's Economy – providing jobs (see Item 3B)
2. Other Transport and infrastructure (see Item 3F)
3. Policies Map

3.5 **Development Strategy and Sustainable Communities**

Changes are proposed to the reasoned justification for the housing requirement, but not to the overall housing requirement itself. A change is proposed to Policy SS2 to reflect that practically, the 65%:35% Melton Mowbray: Rural Areas housing development split will not be applied rigidly, and a simplified approach is proposed through changes to the reasoned justification to achieve the necessary flexibility in the spatial strategy residual housing split at each level of the settlement hierarchy, rather than for every individual settlement as previously. Changes to Policy SS3 and its reasoned justification are also proposed to replace site size thresholds for unallocated sites with links to scale and character of host settlements, and give more prominence to the overall rural focus of the policy (**see item 3C of this Agenda**).

3.6 **Melton Southern and Northern Sustainable Neighbourhoods**

To help support the delivery of the southern SUE, a change is proposed to extend the southern boundary at its eastern end to accord with red line of planning application 16/00515/OUT. A change is proposed to the Northern SUE policy to reflect that delivery of the Melton County Park Greenway is expected as part of the overall masterplan for that area. Changes are also proposed to both Policies S4 and SS5 to provide flexibility in the provision of bus services, and consequential changes arising from changes to Policy C4 and the proposed new Policy IN1 affect both SS4 and SS5. Figures 7 and 8 in the draft local plan are proposed for deletion as they do not add anything to the information on the Policies Map (**see item 3E**).

3.7 **Long term growth strategy and triggers.**

Changes are proposed to update references in the reasoned justification to the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017, the Leicester & Leicestershire Housing Market Area

authorities Joint Statement of Cooperation Relating to Objectively Assessed Need for Housing, January 2017, and the emerging Strategic Growth Plan. The latter two set out the position on joint working to distribute any unmet need across the Leicester and Leicestershire housing market area. These are explained in **Items 3B and 3C**.

3.8 **Housing allocations, reserve sites and site specific policies**

A suite of amendments are proposed to the housing allocations and reserve sites to reflecting and reference the findings on suitability, sustainability, site capacity, availability and deliverability set out in the updated site and sustainability assessment work. These amendments are brought together in :

- Proposed changes to the reasoned justification preceding Policy C1(A and C1(B)
- Replacement Policies C1(A0 and C1(B); and
- Proposed changes to the preamble and site specific policies set out in draft Local Plan Appendix 1, including new sections and a site each for Scalford and Great Dalby.

The amendments include deletions, additions, revised site boundaries and capacities, and some re-categorisation of sites from reserve sites to allocated sites, or vice versa. **Item 3E** explains these proposed amendments.

3.9 **Housing Mix**

Changes are proposed to sections of the reasoned justification for Policy H2 to make it clear how the Council is using the findings of the Housing Needs Study 2016 and the later HEDNA. Reflecting the findings of the updated viability study, changes are also proposed to the policy to remove the requirement for optional (higher) building regulation standards for accessible dwellings, retirement homes, sheltered homes and care homes to be achieved (**Item 3K**).

3.10 **Affordable housing**

A replacement policy and reasoned justification for affordable housing provision is proposed, to take account of the findings of HEDNA and the revised Local Plan and CIL Viability Study. It replaces a Borough wide 37% target with a range of minimum percentages according to location, with all except the south of the Borough now being less than the 37% previously proposed. The viability findings have been reflected in an overall reduction of planned provision of affordable housing, from 1775 (unviable) to around 1300, which is viable (**Item 3D**).

3.11 **Provision for Gypsies and Travellers Provision**

Changes are proposed to the reasoned justification to Policy C6 are to reference and reflects the findings of the latest Leicester & Leicestershire Gypsy and Traveller Accommodation Needs Assessment 2017 (GTAA), commit to regular review of

pitch/plot requirements and make it clear that national policy and the GTAA will be taken into account in determining any planning applications. The policy changes proposed are to remove duplication of national policy, and to reference the latest GTAA **(Item 3G)**.

3.12 **Melton' s Economy - Providing Jobs**

The changes to the reasoned justification here are to reflect the most up to date evidence regarding economic development needs that is now set out in the HEDNA, and the current position regarding the Melton Mowbray Distributor Road **(Item 3F)**.

3.13 **Indoor Sport and recreation**

Changes to the reasoned justification are proposed to reflect the latest Indoor Sports Facilities Study, June 2017. The study supports Policy EN7(G) as currently drafted, which refers to the Melton Sports Village **(item 3H refers)**.

3.14 **Infrastructure Delivery Plan**

The proposed change references the refreshed Infrastructure Delivery Plan, 2017, and links it to Local Plan Policy IN2. It also replaces Appendix 4: Infrastructure Delivery Schedule with the more up to date version **(Item 3K)**.

3.15 **Transport**

The proposed changes clarify and set out the up to date position and reasoned justification for delivery of the Melton Mowbray Transport Strategy, particularly for the Melton Mowbray Distributor Road, and reflect that in a proposed new dedicated MMTS Policy IN1. The non MMTS elements of existing Policy IN1 would become Policy IN2, and Policy IN3 would be amended to take out references to the Eastern Distributor Road (now dealt with in new Policy IN1) and to the Melton County Park Greenway (Now dealt with in Policy SS5).As part of the new Policy IN1, a 'corridor of investigation' is identified within which the preferred alignment of the MMDR will be **(Item 3F)**.

3.16 **Developer Contributions and Community Infrastructure Levy**

Changes to the reasoned justification and existing Policy IN2 are proposed to clarify and updating references to the Council's intentions regarding CIL, and to reflect the existence of more up to date infrastructure and viability evidence. It also clarifies that infrastructure requirements set out in neighbourhood plans can only be priorities for CIL once the NP has been 'made' **(Item 3K)**.

3.17 **Policies Map**

Consequential changes to the Policies Map are proposed, related to revised

housing site allocations, the 'corridor of investigation' for the Melton Mowbray Distributor Road and the proposed amended boundary of the southern SUE (**Item 3J**).

3.18 Other Documents

Details of these appear in **Item 3H**. In summary they are;

- Duty to Co-operate Statement update
- Consultation and Engagement Statement Addendum
- A 'statement of representation procedure' explaining where all the documents can be viewed and inspected, and how representations can be made.

3.19 Proposed Consultation and Community Engagement

3.20 It is proposed that the Addendum and associated documents be published for consultation as soon as possible after this Council meeting. As the consultations must be carried out under Regulation 19, the consultation period will be six weeks and all those with an interest in the plan will be invited to make representations on the proposed changes, in terms of whether they think the changes would make the plan sound, or not, legally compliant or not, and prepared in compliance with the Duty to Co-operate, or not. The tests of soundness are that the local plan, taking account of the proposed changes, should be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

3.21 The consultation will involve the same portfolio of methods that were used during Pre-submission draft stage, making improvements where possible. The methods will include:

- Publication of the Addendum of Focused Changes and all supporting documents, including statutory notices on the Council's dedicated Local Plan website, www.meltonplan.co.uk
- Publication of explanatory material about the proposed changes and how to respond to the consultation, via www.meltonplan.co.uk, facebook and twitter. This will include written material, pictorials and video content, to try and

reach as wide an audience as possible.

- Notification e-mails or letters to statutory consultees and all those who responded to the last consultation and/or have opted in for news and updates via the website, facebook and twitter. This will be followed up with web, email, twitter and Facebook posts to keep people up to date with what is happening and to remind them of the closing date.
- Public notices about the consultation in the newspapers circulating the area – Melton Times, etc.
- Public drop in events at a range of venues across the Borough, and at times to enable both working and other people to readily attend;
- Due to limited resources, the Council may not be able to respond to all requests to attend any other meetings outside of its own advertised programme.
- Hard copies of the Addendum, response forms and the accompanying guidance notes will be available at the libraries in Melton Mowbray and Bottesford, and hard copies of all the documents will be available to view on request at the Council Offices. Paper copies of the Addendum of Focused Changes will be made available to Parish Councils on request.

3.22 The engagement proposals outlined above will be well in excess of the regulatory requirements and the Council's own standards set out in its Statement of Community Involvement.

3.23 The main way that people will be able to respond to the consultation will be on-line via www.meltonplan.co.uk. This will be through the Citizenspace portal. The response form has been made easier and quicker to use since last time, and it will be clear that responses can only be made to the Proposed Changes, and that it is not an opportunity to reopen the debate on any other aspects of the draft local plan. It is proposed to offer a prize draw incentive to users of Citizenspace as responses received this way can be processed much more quickly than those received via other routes. There will also be options to respond via e-mail, by handing in hard copy at an event or by handing in at or posting to the Council offices. Only a limited number of paper copies of the response form and its guidance notes will be distributed, to keep the process as resource efficient as possible.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 The Draft Melton Local Plan Addendum of Focused Changes sets out revisions to the existing draft local plan, which, by being realistic about delivery and providing a better prospect of the plan being found sound, will help to ensure the early adoption of the plan, and the Council's ability to use it to deliver the economic development and growth the Borough requires and to deliver the vision and objectives of the Plan.

4.2 The document has been prepared taking account of all relevant Corporate Plans and Policies. As the Local Plan moves through its stages of preparation it will need

to take account of any changes to other Corporate plans and policies.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There are no significant unknown financial or resource implications arising from this report. The Draft Melton Local Plan Addendum of Focused Changes and consultation have been accounted for in the existing budget provision, notwithstanding the significant resource implications for staffing and expenditure relating to statutory notices and publicity.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 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).

6.2 The Addendum of Focused Changes which Council is being asked to agree should, together with the draft Local Plan agreed in November, be the Local Plan which the Council considers should be submitted for examination.

6.3 The Planning and Compulsory Purchase Act (as amended) 2004 and the Town and Country Planning Regulations 2012 require the local plan to be prepared in accordance with a Local Development Scheme (LDS) and a Statement of Community Involvement (SCI). The LDS is being updated to ensure compliance with this (see Item 3L on this agenda) and the SCI remains unchanged.

6.4 As the Addendum is a consultation document, it does not yet form Council policy, and is not therefore at risk of any legal challenge at this stage. National planning policy (NPPF, para 216) indicates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework.*

6.5 Whilst the publishing of an Addendum of Focused Changes is clearly a step forward in plan preparation, until responses to this consultation are received, it is not clear the extent to which the proposed changes will reduce the number and significant of unresolved objections. As such, the extent to which the draft local plan and its focused changes can influence decisions will need to be considered on a case by case basis depending upon the policies engaged by a specific proposals and the extent to which they are contested.

7.0 COMMUNITY SAFETY

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

8.0 EQUALITIES

8.1 The Local Plan is being subject to a detailed Equalities Impact Assessment (EIA) through each stage of preparation. An addendum to consider the changes proposed here has been completed and will be published alongside the EIA that was carried out in the Pre Submission Draft Local Plan.

9.0 RISKS

L I K E L I H O O D	A	Very High				
	B	High		3		
	C	Significant		6	2	
	D	Low			1	
	E	Very Low			4,5	
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Scale and nature of representations received through consultation demonstrate the plan is unsound
2	Volume of consultation responses extends the processing time from the end of consultation to reporting to Council
3	Evidence is challenged and scrutinised as part of the Local Plan Examination.
4	Evidence becomes out of date
5	Evidence is challenged as part of the Duty to Cooperate
6	Public disquiet with nature and extent of consultation and means of feedback.

10.0 CLIMATE CHANGE

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

11.0 CONSULTATION

11.1 Paragraphs 3.19 to 3.23 above set out the consultations proposed on the Addendum of Focused Changes. In many cases, the nature of the content of the Addendum responds to issues raised in consultation responses received on the draft local plan in November/December 2016. The Melton Local Plan Working Group has been involved in considering how to respond to the responses received from the last consultation and how to take account of the new evidence received since that consultation.

12.0 WARDS AFFECTED

12.1 All.

Contact Officer V Adams, Local Plans Manager

Date: 26th June 2017

Appendices : Draft Melton Local Plan Addendum of Focused Changes, June 2017

Background Papers: Addendum to the Melton Local Plan Consultation and Engagement Statement, 2017
Addendum to the Duty to Co-operate Statement, 2017
Addendum to the Equalities Impact Assessment, 2017
(copies of the above to be placed in the Members Room)