



The Planning Inspectorate

Report to Melton Borough Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Melton Local Plan

The Plan was submitted for examination on 3 October 2017

The examination hearings were held between 30 January and 9 February 2018

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Abbreviations used in this report

AA	Appropriate Assessment
CIL	Community Infrastructure Levy
dpa	Dwellings per year
ELS	Employment Land Study
HMA	Housing Market Area
HEDNA	Housing and Economic Development Needs Assessment
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MMDR	Melton Mowbray Distributor Road
MMTS	Melton Mowbray Transport Strategy
NP	Neighbourhood Plan
NPG	Neighbourhood Planning Group
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SGP	Strategic Growth Plan
SHLAA	Strategic Housing Land Availability Assessment
SN	Sustainable Neighbourhood
TAHR	Towards a Housing Requirement
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Melton Local Plan (the Plan) provides an appropriate basis for the planning of the borough provided that a number of main modifications [MMs] are made to it. Melton Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and Habitats Regulations Assessment of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all of the consultations responses.

The Main Modifications can be summarised as follows:

- inclusion of detailed measures for delivery of housing including a stepped requirement and clarification of the sources of supply and the five year land supply requirement, in order to ensure that the Plan provides for a significant uplift in the supply of housing throughout its time period, is realistic and has reasonable prospects of being delivered, and is consistent with national planning policy;
- changes to the site allocation policies, including the addition of a housing site allocation at Asfordby and the deletion of one at Long Clawson, and clarification of the approach to windfall proposals, to ensure that the Plan is justified, effective and consistent with national planning policy;
- clarification about the way in which unmet housing needs in the Housing Market Area will be addressed and Melton's potential contribution in this regard, in the interests of a positively prepared, justified and effective plan;
- provisions to secure greater alignment between the Plan and Neighbourhood Plans in the interests of positively prepared and effective development plans; and
- changes to policies for the environment, the economy and town centres, types of housing and provision for infrastructure, in order to ensure that the Plan is justified, effective and consistent with national planning policy.

Introduction

1. This report contains my assessment of the Melton Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The Revised National Planning Policy Framework was published in July 2018. It includes a transitional provision in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework are applicable. Unless stated otherwise, references in this report are to NPPF 2012.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Pre-submission Draft Melton Local Plan November 2016, as amended by the Focused Changes that were subject to consultation in July 2017, was submitted in October 2017 and is the basis for my examination. It is referred to as the Plan in this report.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant in any respect and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the separate Appendix that accompanies the report.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for 6 weeks¹. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has

¹ The MMs consultation was initiated on 10 May and re-started on 21 June, running for a further 6 weeks until 2 August 2018 to enable any comments to be made on the revised and updated schedule of MMs. I have taken account of the representations made on the originally published schedule as well as the revised one.

been undertaken. Where necessary, I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as MBC/G4d(iv) and MBC/G4e(ii) and the set of plans showing the Pre-submission Draft Plan housing site allocations on the same sheet as the Focused Changes housing site allocations.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map, and these were published for consultation alongside the MMs. In the report I identify any amendments that are needed to those further changes in the light of the consultation responses. When the Plan is adopted, the Council will need to update the adopted policies map accordingly.

Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The Council has clearly and convincingly explained in its Duty to Co-operate statement, submitted with the Plan, how it has done so².
8. This includes comprehensive evidence that the Council has engaged fully with the prescribed bodies from the start of plan preparation in order to identify and consider the strategic matters³ in a systematic way. For example, early joint working on housing and the economy culminating in the Housing and Economic Development Needs Assessment (HEDNA) January 2017, and a Joint Statement of Co-operation (January 2017) which has been kept up to date and followed by a Joint Statement of Co-operation in October 2017 (also included in the submitted statement), demonstrate that the Council has

² MBC/G7

³ Eight strategic matters were identified ranging from strategic housing need and land supply, including strategic housing land availability assessment and particular types of housing need; general employment; gypsy and traveller and travelling showpeople accommodation needs; transport infrastructure; other infrastructure, for example schools and health centres; Green Wedges/Green Infrastructure; flood risk/strategic flood risk assessment, and minerals planning (which is covered by a separate plan prepared by Leicestershire County Council).

worked pro-actively with its partners in a way that meets the duty. Overall, I am satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

9. Cross-boundary engagement and co-operation have continued since the Plan was submitted. It has led to the preparation of a Strategic Growth Plan⁴ for Leicestershire up to 2050 which was published for consultation in January 2018. Once agreed, this will provide the basis for updating the Joint Statement of Co-operation/Memorandum of Understanding relating to the objectively assessed needs for housing. This updated statement will resolve the limited capacity of some authorities, and in particular the City of Leicester, to meet its own needs. The extent to which the Plan is aligned with this wider and not yet fully articulated strategy has been considered during the examination, but this is a matter of soundness and it is dealt with elsewhere in the report.

Assessment of Soundness

Main Issues

10. Taking account of all the representations, the written evidence, my site visits and the discussions that took place at the examination hearings, I have identified 9 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and, where relevant, legal compliance, rather than responding to every point raised by representors.

Issue 1 – Are the overall requirements for housing and employment land founded on robust, objective assessment of needs? Is the uplift of the housing requirement figure above the objectively assessed need figure justified and deliverable? Does the Plan provide a justified and effective framework for the longer term that will address any under-delivery or changes in need that may arise in the Housing Market Area?

Objectively assessed need for housing

11. There is no substantive dispute that the Housing and Economic Development Needs Assessment for Leicester and Leicestershire (2017) (HEDNA)⁵ is an up to date, robust and methodologically appropriate basis for the objective assessment of the housing and economic needs of Melton and the other authorities in the Housing Market Area (HMA). It has been agreed by all the planning authorities in the HMA as the starting point for their local plans.
12. The assessed demographic need for 134 dwellings per year (dpa) (2011-2036) in Melton has been derived from a thorough analysis of population and

⁴ MBC/SS1a-b

⁵ MBC/HN1a-c

household growth projections and trends in migration and household formation. And having taken account of the baseline economic forecasts, local growth factors and needs, economic participation rates and commuting trends, the HEDNA concludes that 170dpa would be necessary to support the economy.

13. An objectively assessed need figure (OAN) of 170dpa would also take account of market signals and the interaction between market housing costs and affordable housing need. These factors indicate that the demographic need figure of 134dpa should be adjusted upwards to 154dpa. As the HEDNA concludes therefore, an OAN figure of 170dpa would not only support the Melton economy but also address market factors and contribute towards meeting affordable housing need. My examination of the Plan has not unearthed any compelling reason to doubt that 170dpa is a robustly-derived, justified OAN figure for the Plan period and that the methodology is consistent with the advice in the Planning Practice Guidance (PPG).

Overall Housing Requirement for the Plan Period

14. The HEDNA's OAN figure for the Borough is lower than that in the Strategic Housing Market Assessment 2014, which was based on the earlier round of official household projections. It indicated a housing requirement within the range 195-245dpa. On the basis of that earlier assessment the Council decided to consult on the top end of the range (245dpa) in the Emerging Options document in 2016. Subsequently, in the light of the up to date HEDNA, the Council explored the case for planning to exceed the OAN in order to deliver its vision and objectives for the Borough and in particular, to do more to address a number of strategic issues that it faces. This is a reasonable approach, consistent with NPPF which states that local plans should be aspirational but realistic and that they should address the spatial implications of economic, social and environmental change.
15. Melton's strategic issues are a product of the combined effects of a number of factors. Principally these are i) an ageing population, ii) difficulties in maintaining a workforce to support the local economy, sustain communities and maintain and improve local services, iii) insufficient new housing and of the right type for first time buyers, young families and others on lower incomes, and iv) the importance of boosting Melton Mowbray's role as a vibrant town centre for the Borough and addressing road traffic congestion in the town. Put simply, the alignment of housing and employment strategies, town centre and transport strategies is seen by the Council as critical to addressing these issues.
16. For the above reasons, detailed assessment of a more ambitious, economically-led growth scenario has been carried out⁶, taking account of

⁶ MBC/HN4a-c

employment and other evidence. For the sake of convenience, this is described here as the work on Towards a Housing Requirement (TAHR). It indicates that there is a clear justification for a housing requirement of 5750-7000 for the Plan period (equivalent to 230-280dpa) in order to support jobs growth of 3420 and affordable housing provision in the Plan period.

17. While this level of growth in jobs is an aspirational figure, it is based on robust analysis in the Employment Land Study (ELS)⁷. It identifies the potential for strong growth in the manufacturing sector, the impetus that will be delivered by the Melton Mowbray Transport Strategy (MMTS)⁸, and the contribution to the local economy that will be made by boosting the labour supply. An employment target of this order would be slightly in excess of the growth rate achieved in the past decade or so, but it is less than in the period 1993-2010.
18. Setting the housing requirement figure significantly above the OAN of 170dpa would also help achieve the transport and other infrastructure objectives of the Plan through a combination of financial and physical contributions from new development. And more opportunities to deliver affordable housing and bring about an improvement in affordability would be created, thus addressing social and economic needs in the Borough.
19. Furthermore, the commensurate provisions in the Plan to allocate sufficient land to meet the requirement would help to significantly boost the supply of housing, consistent with NPPF, and it would represent a step change from 170dpa which equates to the long-term average housing delivery (1994-2016) in the Borough. Also, given that the HEDNA identifies that any surplus above 154dpa can be regarded as helping to accommodate unmet needs arising elsewhere in the HMA, setting a higher housing requirement in the range 230-280dpa would assist significantly in this regard.
20. A housing requirement figure that is significantly above OAN would have implications for, amongst other matters, the homes-jobs balance, commuting patterns and sustainable development of the wider area beyond Melton's boundaries. The emerging Strategic Growth Plan is expected to address the way in which the overall housing and economic needs of the wider area will be met, including needs arising within Leicester and any other local authorities that cannot be accommodated within their administrative boundaries. There is insufficient evidence at this stage to determine what Melton's contribution should be in this regard, but there are no substantive reasons to conclude that the Plan's growth ambitions would prejudice this on-going strategic planning work or lead to unsustainable outcomes in the Borough or beyond its boundaries. Subject to main modifications dealt with elsewhere in the report, the Plan's housing target would provide clarity and flexibility about the positive role that Melton will be able to play in the wider HMA.

⁷ MBC/EL2

⁸ See Issues 2 and 4 for more detail.

21. I have considered whether the housing requirement should be at the top end of, or in excess of, the range 230-280dpa, bearing in mind that 280dpa would be required to meet affordable need in full if 25% of the dwellings in market-led schemes were delivered as affordable housing. The Plan's provisions for affordable housing are considered in more detail below. I have concluded that a housing requirement of this magnitude would be unjustified and unrealistic. It would be greatly in excess of the Borough's objectively assessed need for housing, and there is no substantive evidence that it would be necessary or appropriate in order to support the housing or economic needs of the HMA or sub-region. In comparison, a housing requirement equivalent to 245dpa could deliver about 75% of the identified affordable need for the Plan period through market housing, which would be a very significant contribution, while within the bounds of realism.
22. In the light of the HEDNA and TAHR findings, options for 154dpa, 245dpa and 280dpa were tested through a further iteration of sustainability appraisal (SA), following on from the options testing for 195dpa, 220dpa and 245dpa that was carried out at an earlier stage in the Plan's preparation. This has illustrated the mix of positive, neutral and negative effects throughout the range of options from the lowest to the highest target figure.
23. Bearing in mind that proper application of SA findings allows for reasonable judgement by the decision maker having regard to the objectives of the Plan, I am satisfied that the Council has selected the most appropriate of the reasonable alternatives i.e. 6125 dwellings (2011-2036), equating to an average annual requirement of 245dpa. This offers the greatest potential to support the key objectives around the economy and housing and the complementary objectives for the transport strategy for Melton Mowbray, while avoiding the more pronounced negative social and economic or environmental effects associated with the lower and higher options respectively.
24. In reaching this view I have taken into account the environmental and other effects of setting the requirement figure in excess of the OAN. These effects have been explored systematically and adequately through the SA and Habitats Regulation Assessment (HRA) and in detailed assessment of the sites that have been considered for allocation. In the light of the body of robust evidence that has informed the Plan, it is reasonable to conclude that there are no overriding environmental constraints to accommodating this scale of housing growth in the Borough.
25. The implications for communities and infrastructure, as well as other relevant matters have also been properly assessed. I have borne these in mind in reaching my findings elsewhere in the report, but my overall conclusion is that there are no fundamental social or other capacity constraints that would outweigh the benefits of setting the target at the level that the Council has ultimately selected.

Delivery of the Housing Requirement

26. In proposing the requirement figure of 6125, the Council has considered deliverability, including the implications for growth of the housing stock and comparison with completion rates in recent decades. In regard to the former,

an increase of 6125 dwellings implies an average annual growth rate of 1% in the stock of dwellings. This is slightly above the rate of stock growth (0.8-0.9%) that the White Paper: *Fixing the Broken Housing Market* seeks nationally. Since 2001, the Borough has averaged 0.8% growth per year, although in other districts in the HMA and in districts elsewhere that are said to be comparable to Melton, growth rates above 1% have been achieved in the same period. Overall, this lends support to the ambition for 6125 dwellings.

27. However, there is no convincing evidence that the uplift in housing completions that would be required to meet an average requirement of 245dpa from the start of the plan period is likely to be delivered in the short term. Taking account of the shortfall in delivery that has accrued against the requirement of 245dpa since 2011, net completions of 434dpa would be necessary if all of the shortfall were to be addressed within the next 5 years. Or if the shortfall were to be spread over the remainder of the Plan period (the *Liverpool approach*) as the submitted Plan proposes, it would result in an average requirement of 298dpa.
28. I am not aware of any precedent in the Borough for a delivery rate of 434dpa, and so far as 298dpa is concerned, net annual completions have exceeded 245 dwellings in only 3 of the past 23 years, the last peak being in 2008/2009, which was coterminous with an exceptionally favourable set of factors that influenced housing completions. Since then, completions dropped to a low of 52 in 2013/14 and have averaged only 142dpa from 2015 to March 2018. In contrast, the Plan is clearly aspirational and ambitious, and it provides for a very significant increase in the supply of deliverable housing land compared with the position earlier in this decade. Even so, the surplus in the supply of deliverable sites that has been identified (see Issue 5) is not an adequate reason to set a housing target for the Borough that would be excessively demanding in the short term. The market will need time to adjust to the Plan's proposals for a step change in growth, and the economic stimulus arising from the development of the sustainable neighbourhoods at Melton Mowbray and the significant improvement in transport infrastructure through the MMTS and MMDR will take time to come forward.
29. For the above reasons, and notwithstanding the views of developers and estate agents on this matter, I have concluded that it would be beyond the bounds of realism to require average completions to rise to 298dpa in the short term. It would also have the potential to undermine the spatial strategy, because there would be a significant risk of the Council falling short against the annual housing delivery test⁹, leading to pressures for development of unallocated and less sustainable sites across the Borough, particularly in the rural areas.

⁹ NPPF 2018, paragraphs 11 and 75

30. In these circumstances, it is justified and consistent with national planning policy to consider how the overall target of 6125 dwellings should be stepped over the remainder of the Plan period, to enable a more gradual increase in the annual level of completions that would be required. A number of alternative options¹⁰ were explored during the examination. In this light I have concluded that a 3-step requirement for average delivery rates of 170dpa 2011-2021, 245dpa 2021-2026, and 320dpa 2026-2036 would be aspirational and ambitious, while offering a reasonable prospect of being delivered. Accordingly, Policy SS2, the supporting text and the monitoring framework should be modified by **MM1** to set this out. As Figure 6 of the MM shows, planned delivery increases gradually from 170dpa in 2018/19 to 310dpa in 2022/2023, clearly enabling a very significant increase in housing supply.
31. For the avoidance of doubt, the modifications confirm that the 3 steps are minimum requirements and that all stakeholders in the delivery of housing should play their part in seeking to exceed the requirements by bringing forward development in accordance with the Plan's policies as a whole. As modified, this is a sound approach, reflecting that the Plan enables the delivery of more housing than the target requires in the short-medium term if all of the factors that drive completion rates, including those that are beyond the Council's control, support this.
32. The modified Plan would still provide significant flexibility for unmet need from elsewhere to be addressed against the background of varying timeframes for plan preparation in the HMA. The City of Leicester has declared unmet need up to 2031 and has formally requested that unmet need be dealt with in the Plan. To ensure clarity about the headroom that would be available for this, an amendment of paragraph 4.2.2 is necessary for effectiveness. Accordingly, **MM1** sets out the quantity of new housing that would in effect be available to accommodate unmet need from elsewhere in the HMA, and how the apportionment of all unmet need across the HMA will be agreed through joint strategic working by the authorities. While it seems likely that Leicester's unmet need will be addressed at least in part by the capacity that the Plan provides, there is nothing in the Plan to prevent other distributions of unmet need across the HMA, should this be agreed in due course. Nor does it prevent any surplus capacity in Melton's housing provision being taken up by in-migration from elsewhere.

Employment land requirement

33. The Plan's proposals for Class B employment land provision are informed by the ELS, HEDNA and TAHR. In the light of all the evidence, I am satisfied that they are consistent with the housing requirement and the overall strategy for socio-economic development in the Borough and the emerging SGP. There is an identified need for about 51ha of employment land by 2036. Taking

¹⁰ MBC M6-1

account of the reasonable potential of the existing supply, Policy SS2 provides for about 31ha of additional land to meet needs in the manufacturing and industrial sectors and including a small element for office-based employment close to Melton Mowbray town centre. These quantities are informed by the evidence in the ELS and expectations for job growth examined by the HEDNA and TAHR and as such are integrated with the housing policies. Their locations are similarly informed as the optimum available to satisfy the aspirations of growing, relocating or new businesses.

34. Other policies that provide the detailed framework for the existing supply and new provision, as well as measures to support smaller scale economic development throughout the Borough, are considered elsewhere in the report. Overall, the Plan contains justified and deliverable proposals for new employment land development to meet future needs and complement and support its other policy objectives.

Long term growth, under-delivery and triggers for review

35. As referred to elsewhere in the report, the Plan's policy framework allows reasonable flexibility to respond to changes in circumstances, and the housing land supply provides a surplus of deliverable and developable sites to ensure that the requirement is capable of being met. In addition to this, Policy SS6 identifies the actions that will be taken in response to any under-delivery that significantly deviates from the strategy, quantitatively or spatially, or to an identified need arising from co-operative working on the SGP and Memorandum of Understanding. These include early review of the Plan.
36. As submitted, the policy identifies some alternative or long-term options that would be investigated as a priority in the above circumstances. However, since there is no intention to rule out any options at this stage, it is unnecessary and potentially misleading to include reference to some particular options. Also, the policy lacks specificity about the timescale within which the Council would take the necessary steps. And it needs to be updated in regard to the preparation of the Strategic Growth Plan and the transitional provisions in NPPF 2018 for the Housing Delivery Test. Commencement of a review within 6 months of any of the identified triggers occurring is likely to be sufficient for an efficient and effective process. **MM8** amends the policy and reasoned justification accordingly and will make it effective. Having regard to the statutory requirement for review of local plans, no further changes are necessary to this policy.

Conclusion

37. Having considered all relevant matters and subject to the main modifications recommended, I am satisfied that the Plan's overall requirements for housing and employment land are founded on robust, objective assessment of needs. Also, the uplift of the housing requirement figure above the OAN is justified and deliverable, and as stepped in accordance with the MMs, it will enable a very significant increase in the supply of housing in accordance with one of the key aims of national planning policy. The Plan will also provide a justified and effective framework for the long term that will address any under-delivery or changes in need that may arise in the HMA.

Issue 2 – Does the Plan provide a sound spatial framework for the roles that will be played by different parts of the Borough in meeting its development and other needs over the plan period? Is its relationship with Neighbourhood Plans (NPs) clear and justified? Overall, is it consistent with national planning policy for sustainable development?

38. I have concluded above that the overall targets for housing and economic development across the Borough are sound and have been properly informed by sustainability appraisal. Spatial options for accommodating the planned growth have been developed and assessed iteratively throughout the plan making stages. This has led to Policy SS2 which proposes that the urban area of Melton Mowbray should accommodate about 65% of the housing requirement (3980 homes) and up to 21ha of additional employment land. The remaining 35% of the housing requirement would be accommodated in and adjoining Service Centres and Rural Hubs and through development of small, unallocated sites, subject to the Plan's policies.
39. Alternative distributions of growth between Melton Mowbray and the remainder of the Borough have been appraised and reviewed during the Plan's preparation. Having taken account of all the evidence and views on this matter, my conclusion is that the approximate 65:35 split is a justified and achievable strategy to implement the Plan's vision and objectives in a sustainable manner, consistent with national planning policies. It provides for most new development in and adjoining Melton Mowbray, particularly through the allocation of two large sustainable neighbourhoods to the north and south of the town. This will enable an important strengthening of its role as the Borough's main centre, and it is complemented by the proposals for the MMTS, particularly the MMDR, which will facilitate the scale of growth proposed here.
40. At the same time, the spatial strategy ensures there will be opportunities for moderate growth in the smaller centres to sustain rural communities and provide a wider choice and continuous supply of housing, particularly in the short to medium term of the Plan period. In proportionate terms it represents a reduced focus on the rural settlements which have traditionally accommodated about 45% of new housing development in the Borough. The broad apportionment of growth is justified by the sustainability appraisal and other evidence¹¹. The soundness of the detailed proposals for Melton Mowbray and the other settlements is considered in Issues 3 and 4 below but, in summary, there is insufficient reason to diverge from the 65:35 split.
41. During the examination, the detailed basis for classifying the rural settlements and distributing new housing growth amongst them has been probed, including whether too much or too little development is planned in a number of them, or whether the needs or potential of other settlements has been

¹¹ MBC/WP2, MBC/WP3, MBC/SS2-SS4

overlooked. Also, the justification for the Council's decisions to amend the settlement classification system from 5 to 4 tiers and to revise the scoring matrix during the Plan's preparation has been scrutinised. For the avoidance of doubt, I have carefully considered whether the existing or proposed services are likely to adequately support the proposed scale of growth in the settlements in the short, medium and long terms, and whether the environmental, social and economic implications and effects have been properly assessed and taken into account.

42. The basis for the Council's choices has been adequately explained in the supporting evidence, including detailed study of the Borough's environment, economy, settlements, infrastructure, and options for growth. I am satisfied that the SA of the emerging spatial strategy has been carried out systematically, iteratively and robustly. It is inevitable that settlements included in the same settlement category will differ from each other in some respects, and they are not necessarily of equal importance to one another.
43. Also, there is no convincing evidence that an unduly formulaic approach to the distribution of new housing has been taken by the Council. The quantity of housing allocated to individual settlements has been guided, but not determined, by their population. This is a reasonable, objective method of directing growth proportionately towards the larger settlements which generally have a better range of services, facilities and accessibility to support it. This has resulted in a 'residual requirement' figure, having taken account of completions since 2011 and outstanding commitments. But as Table 4 of the Plan illustrates, not all of the settlements are expected to deliver their residual requirement, because site assessments and housing land availability work has indicated that environmental factors and/or the availability of sites limit their capacity to do so. This is a justified approach.
44. The Plan's policies for affordable housing will result in proportionately greater contributions from market housing schemes in the rural settlements compared with Melton Mowbray. While average house prices in the rural settlements exceed those in Melton Mowbray, and therefore affordable housing may be comparatively less affordable in these areas, this is not a good reason to reduce the quantity of new housing development allocated to them.
45. Choice-based letting schemes and other measures for managing the occupation of affordable housing will help to meet need in the right locations. The spatial strategy provides for about 50% of the total affordable housing to be delivered in Melton Mowbray. As a result, by far the largest contribution to housing needs will be delivered in the most sustainable location in public transport terms, and where the greatest concentration of jobs occurs.
46. Therefore, I have concluded that the fundamental components of Policy SS2, which lays down the development strategy for the Plan period, are sound. However, for an effective plan, greater clarity about the relationship of Policy SS2 with other policies is required. Therefore **MM6** acknowledges that some new housing and employment development may come forward on unallocated but sustainable sites that accord with Policy SS1.
47. Policy SS3 seeks to guide development on unallocated sites within or on the edge of existing settlements in the rural areas. In general it embodies a

suitably flexible approach to development proposals, in keeping with national planning policy, and I see no need for village envelopes/settlement boundaries to be defined in the Plan. The policy's supporting text gives a reasonable indication of the approximate size of development that may be appropriate within or on the edge of different types of settlement.

48. However, there is a lack of precision in the detailed policy criteria about the evidence necessary to support such proposals and the consideration that should be given to policies in NPs. Also, in order to be justified and effective, it should be made clear that the policy is concerned with residential development that would accord with the overall development strategy of Policy SS2. **MM6** rectifies these deficiencies and aligns the supporting text with the policy. In the light of the representations on the draft MMs, I have deleted the policy clause that referred to repeated application, since each planning application should be considered on its merits.

Relationship with Neighbourhood Plans

49. The relationship of the Plan with NPs was a recurring theme throughout the examination and it is considered under this issue for convenience. The Plan states that for the purposes of testing conformity of NPs with this local plan, all of its policies up to Chapter 8 are strategic policies. The Council has clarified that this refers to all of the policies up to and including Chapter 8. In effect, only 3 policies in Chapter 9 that deal with the management of development are regarded by the Council as non-strategic in this context.
50. In the course of preparation of the Plan a number of NPs have become part of the development plan, and others have reached an advanced stage in the process leading to this. There has been close working between the Council and the Parish Councils/Neighbourhood Planning Groups (NPG) throughout. Even so, the latter have clearly expressed, understandable concerns that, once adopted, the Plan will supersede any policies in NPs, albeit only recently brought into force, that are not in conformity with its strategic policies.
51. The progress of some NPs to development plan status in advance of the Plan has led to some inconsistencies or misalignment between them. There are instances where housing site allocations in a NP are not reflected in the Plan, or vice versa, and a small number of other policy inconsistencies have arisen or would arise if NPs in preparation were to progress in their current form.
52. However, taking account of Melton's needs and opportunities, national planning policy and the advice in the PPG, there is insufficient reason to disagree with the identification of the strategic policies, as clarified. The Plan seeks to achieve integrated, sustainable development of the Borough as a whole through a spatial strategy and a comprehensive suite of policies. These enable delivery of a significant step change in housing and economic growth in suitable locations on specifically allocated sites at the right time. An all-embracing local plan for Melton offers the most appropriate means to achieve this. Subject to the MMs recommended, there is sufficient evidence to justify the site allocations in the Plan, including where they differ from the choices made by NPs, and the strategic policies are sound.
53. That said, greater alignment between the Plan and made NPs should be secured where possible, in the interests of consistency with national planning

policy, and the Plan should positively support close working to foster alignment of the various components of the development plan in the future. Also, the scope for NPs to help shape development and change in their areas should be clearly recognised in the Plan.

54. Accordingly, updating and expansion of section 1.9, a new paragraph 4.7.9 about the review of the Plan, and an addition to Policy SS6 are necessary. Also, Policy C1(A) should clarify that the development of sites allocated in NPs that have reached post-examination status prior to the adoption of the Plan but are not identified in it, may also be permitted, subject to specified conditions and criteria. While this would result in a larger number of homes in villages if all of the sites allocated in the Plan and the NPs were to be built out, there is insufficient evidence that it would entail overdevelopment of any of these settlements. The requirements set out in relevant NPs should also be taken into account in considering proposals for development on the allocated sites. These changes are necessary to give due importance to policies and proposals in NPs. **MM3**, **MM7** and **MM8** make these changes for the soundness of the Plan.

Sustainable development

55. National planning policy sets out a presumption in favour of sustainable development. Policy SS1 of the submitted Plan reflects the presumption as set out in NPPF (2012). While it is not necessary to repeat national policy in a local plan, the aims of Policy SS1 underpin the Plan and it is reasonable to retain it. But in order to secure its consistency with the revised NPPF 2018, the Council has put forward **MM6** and, in the particular circumstances of Melton at the present time, I recommend it accordingly.

Conclusion

56. Overall, the Council has made reasonable judgments, informed by relevant, comprehensive evidence, in deciding the final settlement hierarchy and distribution of varying quantities of growth to individual centres. Bearing in mind the complementary strategies for transport and delivery of other infrastructure, and subject to the MMs recommended in the report, the Plan lays down a sound spatial framework that will deliver sustainable development in the various parts of the Borough in accordance with national planning policy. Also, the Plan takes justified account of NPs and, subject to the recommended MMs, provides a sound, strategic policy framework for their preparation or review.

Issue 3 – Are the strategic allocations for Melton Mowbray South and Melton Mowbray North Sustainable Neighbourhoods, including the proposals for the Melton Mowbray Distributor Road as part of the wider transport strategy for the town, justified and deliverable?

Overall justification

57. Policy SS4 (Melton Mowbray South Sustainable Neighbourhood) and Policy SS5 (Melton Mowbray North Sustainable Neighbourhood) allocate 2 major urban extensions to the town. The southern neighbourhood would include about 2000 dwellings (of which 1700 would be delivered within the Plan period), 20ha employment land, a new primary school and a local centre providing a

range of services for the community. The proposals for the northern neighbourhood entail about 1700 dwellings (of which 1500 would be delivered within the Plan period), small scale employment and retail facilities as part of a local centre, and a new primary school. A fundamental element of both proposals is their integration with a new Melton Mowbray Distributor Road (MMDR), which is part of the wider MMTS as set out in Policy IN1.

58. These proposals are vital for delivery of the step change for the Borough that is at the heart of the Plan. They would play a major role in the provision of new housing, employment land and other facilities to meet the needs expected to arise during the Plan period and beyond. And they are seen by the Council as the key to significant enhancement of Melton Mowbray's role as the Borough's main centre, with the MMDR providing a major improvement of the transport network that would relieve vehicular congestion in and around the core of the town and improve its attractiveness as a retail destination.
59. The aspirational nature, scale and the potential impacts of the sustainable neighbourhoods (SNs) on a range of environmental and other factors have given rise to a broad range of concerns and issues that I have considered carefully. However it is clear that their allocation has emerged from robust testing of a range of reasonable, alternative spatial options. They are informed by a substantial body of credible evidence including sustainability appraisal and viability testing¹². It would not be feasible to deliver the required uplift in housing and economic growth by relying only on redevelopment of brownfield or other smaller sites in and around the town. The Council has justifiably concluded that the SNs have the greatest potential to realise the vision for the Borough in accordance with its strategic priorities.
60. Both SNs have capacity to accommodate more housing and other development than the target figures in the Plan. However these targets are aligned with the spatial strategy for distribution of growth throughout the Borough which I have concluded is sound, and any significant uplift of the SN targets could put the spatial strategy at risk through unbalanced distribution of growth across the Borough. On the other hand, a significant reduction in the target figures would be likely to undermine the financial viability of the developments and their potential to contribute to the required infrastructure, and there is insufficient evidence that any reduction would be justified.
61. A greater level of housing development may be achievable in the SNs in the longer term, reflecting their flexibility to respond to changing circumstances. But it is not necessary for soundness to amend the target figures. Policy SS2 makes clear that delivery of at least 3980 homes (my underlining) in Melton Mowbray is sought over the Plan period. Policies SS4 and SS5 should not be

¹² See in particular the Melton Alternative Large Scale Development Sites Assessment Report (MBC/SS5), the Melton Mowbray Sustainable Neighbourhoods Topic Paper (MBC/SS6), the Sustainability Appraisal of the Issues and Options (MBC/WP2b), and the Revised Local Plan and Community Infrastructure Levy Viability Study (MBC/WP5).

interpreted as capping the number of dwellings that may ultimately be permitted in the new neighbourhoods.

Melton Mowbray Distributor Road and the wider transport strategy

62. As referred to earlier, the proposed MMDR is not only a fundamental component of the overall spatial strategy but is critically interlinked with the proposals for the SNs. The transportation evidence that supports the MMDR, as part of a wider package of integrated proposals in the MMTS that would bring significant benefits to the Borough, is comprehensive and convincing¹³. It has emerged from early joint working with the Local Highway Authority, independent consultants, focus groups and the Local Plan Reference Group to assess the potential options to deliver the Plan's vision and objectives. There is insufficient reason to doubt the conclusion drawn from this work that an outer distributor road (in this case a single carriageway, all-purpose A road) is required. And the evidence indicates that the preferred route around the north and east of the town, initially linking the A606 Nottingham Road with the A606 Burton Road, and finally linking to the A607 Leicester Road, flanking the SNs, is the most appropriate of the alternatives.
63. Funding and delivery of the MMDR and complementary elements of the MMTS will be secured by measures including Government funds, developer contributions and/or the proposed Community Infrastructure Levy (CIL), as appropriate. All partners to the delivery of the MMDR recognise the need for an integrated approach with the proposals for the SNs that will maximise developable land within them while also bringing forward a satisfactory distributor road. This is evident from a statement of common ground between the Council, County Council and development consortium for the north SN, and statements of support for the outline business case for the road, including from Davidsons, the prospective developer of the larger part of the south SN.
64. The Department for Transport has awarded monies for preparatory work on the proposal, and the bid for support from the Large Local Majors Fund was successful in May this year. Thus, Government has committed almost £50M in grant funding for the northern and eastern sections of the road, with the balance of about £14M committed by the County Council, Borough Council and developer contributions (including approximately £6M already secured). With regard to the southern section, an expression of interest for Housing Infrastructure Funding for part of it has been accepted, and the Council is working with the County Council and Homes England to submit the business case later this year. Also, the route for the MMDR for planning purposes and statutory procedures has been confirmed by the County Council and the planning application is due to be submitted imminently. In the light of all the evidence, I have concluded that there are reasonable prospects that construction of the scheme will commence by 2020, with sections of the route

¹³ MBC/T1-T13

developed over the following years, and that the complete MMDR will be in place by the end of the Plan period.

65. In this context it is justified for the Plan to identify a Corridor of Investigation for the preferred MMDR route, as shown on the Policies Map. This will enable detailed proposals for development in this area, and in particular for the SNs and sections of the MMDR, to come forward in a way that will minimise the risk of fundamental incompatibilities between them.
66. Commencement of development on the SNs and early delivery of housing in either of them is not dependent on completion of the MMDR. While it would be desirable to have it completed as early as possible in order to boost housing and economic growth in the Borough, it is not needed in its entirety for the early stages of development of the SNs. The Council and Local Highway Authority are applying a reasonable, flexible approach in seeking to facilitate development of parts of the SNs as early as possible, while sections of the MMDR will be completed in a number of stages.

Delivery

67. There is active, on-going involvement of developers and a developer consortium in bringing forward master plans and planning applications for the SNs. Outline planning permission has been granted for 520 dwellings on the south SN and an application for outline permission for a further 1500 dwellings and associated development (including a local centre, primary school and a section of the MMDR) for the south SN was well advanced at the time of the hearings. Work is progressing on the overall masterplan and there is no indication that any fundamental change to the estimated date for first completions is warranted. Also, there is insufficient reason to doubt that the separate area of this SN (some 38.4ha) that is controlled by the Lomas family will be brought forward as part of a comprehensive scheme for the entire area. In any event, there appears to be sufficient flexibility in the allocation to deliver the overall requirements for the Plan period.
68. Outline planning permission for up to 200 dwellings on land off Melton Spinney Road in the north SN was granted this year. A separate parcel off Nottingham Road is the subject of an application for up to 290 dwellings, a local centre and primary school. A further outline planning application has also now been submitted for the land to the north of John Ferneley College for about 330 dwellings, public open space, children's play facilities and associated infrastructure. A masterplan for the entire north SN is in preparation by the development consortium and is likely to be submitted with a planning application this year.
69. The trajectory for housing completions in the SNs is a crucial matter for the successful implementation of the Plan. The Council has critically reviewed the developers' forecasts and adjusted the expected completion rates to more realistic levels, given current progress with planning applications and other relevant matters. In light of all the evidence before me, I am satisfied that the revised housing trajectories for both SNs are reasonably cautious. On this basis, first completions would occur in 2021. However, to help ensure that the Plan is effective, Policies SS4 and SS5 and the supporting text should provide more detail about how delivery will be monitored and managed against the

specific components of the agreed masterplans, and this is set out in **MM2**. This modification also makes necessary changes to the monitoring framework for the SNs in order to reflect the revised trajectories.

Detailed policy requirements

70. Turning to more detailed issues arising from the submitted policies for the SN, the allocation of 20ha of employment land for Use Classes B1, B2 and B8 within the south SN is an important element of the Plan. It will enable expansion of the existing Leicester Road Industrial Estate. Part of the allocation is owned by the Lomas family, with the balance of their ownership (about 75%) lying within the area proposed for housing in the SN. Access to the employment site from Leicester Road is intended to be provided by Davidsons as part of its current application for 1500 dwellings, and it is likely that construction of the access would be required as part of the phased delivery of the wider housing development on Davidsons' land.
71. The Council confirmed during the examination that it is not aware of any significant impediment to bringing forward the employment land allocation, and I have no reason to doubt its deliverability. However the monitoring framework should clarify that the allocation is expected to be delivered as prepared and serviced plots by 2036, and **MM2** makes this change in the interests of effectiveness.
72. A minimum of 15% of the housing provision on both SNs is sought as affordable housing, reflecting the target figure set out in Policy C4 for these areas. Affordable housing targets are considered further in Issue 5 below but I have concluded that the 15% target is justified by the site-specific viability testing¹⁴. Setting a higher target would be likely to place delivery of the SNs at risk and result in significantly less provision of affordable housing in the Borough as a whole. Having regard to all of the evidence, there are reasonable prospects that at least the 15% target will be achieved. Even so, in the light of the scale and complexity of these proposals and the period of time over which they will be built out, it should be stated explicitly in Policy SS4 as well as in Policy SS5 that this requirement is subject to viability. **MM2** makes this change in the interests of an effective plan.
73. St Mary and St Lazarus Hospital Scheduled Monument lies on a ridge top to the south of the proposed south SN. It has extensive, low-profile earthwork remains and to its north, on the north-facing slope looking towards Melton Mowbray, is a small cluster of buildings including Burton Hall that are surrounded by trees. Despite its elevated position the monument is difficult to distinguish from its surroundings in views from any distance.
74. As a result of the focused changes, the submitted Plan proposes that the boundary of the south SN and of the Area of Investigation for the MMDR would

¹⁴ MBC/WP5.

lie closer to the monument. The proposals would not directly affect its architectural or archaeological fabric. Nonetheless, there are concerns about the potential impact of the realignment in the area between Sandy Lane and Burton Road, and Historic England considers that the effect on the setting of the monument would represent the tipping point between less than substantial harm and substantial harm to its significance. In this location, the proposed edge of development would breach an historic field boundary and entail loss of hedgerow and ridge and furrow earthwork remains that lie in the field immediately to the north of the monument.

75. In the light of all the evidence, I consider that the effect would be primarily on the appreciation of the monument in its setting, in particular, on views of it and from it. The historic association of the setting with the monument itself, and thus its effect on the significance of the monument, is not readily discerned and mainly depends on interpretation of documentary sources, which I find inconclusive. As a result of the proposals, development, including the MMDR, might encroach within about 240 metres of the monument, compared with the current separation of about 530 metres. This extension of urbanising development towards the monument would detract from the existing views of its setting from Kirby Lane and other viewpoints, and it would also harm the view from the monument itself.
76. However, the detrimental impact on the significance of the monument would be limited, taking account of the topography and landscape character of the area, the siting of the monument, and its visible remains. The monument would still be capable of being experienced in its urban fringe setting, albeit with a further reduction in the separation from the developed edge of the town that has moved southwards over time. Also, only a small part of the ridge and furrow earthworks and field boundaries would be lost, and the impact on the significance of the monument in its setting would be limited. On the balance of the evidence before me, the effect on the historical context of the setting and its surroundings as a result of the small losses to the field boundary and ridge and furrow pattern would be minor and not readily perceived.
77. Taken as a whole, there is insufficient evidence that the submitted Plan's proposed further incursion of development towards the monument would have such a significant visual or other effect as to amount to substantial harm to its significance. I consider that the Plan's proposals would amount to a moderate intrusion into the setting of the monument and that overall, the harm that is likely to be caused to its significance would fall well short of substantial.
78. Nonetheless, any harm to the significance of a scheduled monument should be avoided wherever possible and it should be weighed against the benefits. In this case, the south SN and construction of the MMDR would entail very significant public benefits as referred to elsewhere in the report. The extension of the development boundary towards the monument is consistent with the

extent of the outline planning application for 1500 dwellings and would provide for an alignment of the MMDR in this location in accordance with the Local Highway Authority's requirements.

79. Reverting to the development boundary line sought by Historic England¹⁵ would be likely to entail a loss of about 168 dwellings from the housing scheme. As noted earlier, the SN has capacity in broad terms to exceed the housing requirement for the Plan period. However there is insufficient evidence that there are reasonable alternative options for reconfiguration of development parcels, increased density or other measures that might compensate for the detrimental effect of this loss on the viability of the SN. Nor would it be justified to cause uncertainty and delay in developing the SN, which would be likely if an alternative alignment(s) were to be pursued.
80. For these reasons, there is clear and convincing justification for the extent of the proposed incursion into the setting of the monument, to help ensure that the SN and the MMDR will be delivered. Overall, the harm that would be caused to the significance of the monument is clearly outweighed by the benefits of the Plan's proposals.
81. The detailed criteria of Policy SS4 require high quality of design for the SN as a whole, respecting existing landscape, wildlife and heritage assets and making a positive contribution to the appearance of the settlement edge. Criterion en3 makes specific reference to the monument. However, in order for the Plan to be effective and consistent with national policy, the criterion should be strengthened to clarify how the impact of the Plan's proposals on the significance of the monument will be mitigated.
82. This will require high quality, sensitive design, connecting green links within the development to the wider landscape setting of the monument, and contributions towards improvements in the public understanding of its value. **MM2** makes these changes to the Plan and, in the light of the consultation on the draft MMs, I have included more detail on the matters that should be addressed to mitigate the setting impact.
83. With regard to the south SN's impact on the landscape setting of Burton Lazars and Eye Kettleby, criterion en1 requires that the separate identities of these small settlements are protected and it identifies the importance of the ridgeline that separates Melton Mowbray from Burton Lazars. Detailed design of the SN will be informed by the Plan's comprehensive evidence base, including the Areas of Separation and Settlement Fringe Sensitivity Study¹⁶. The Plan's policies are sound in this regard.
84. The north SN abuts Melton Country Park which is a significant recreational, landscape and biodiversity asset for the wider area. Policy SS5 recognises this

¹⁵ This is the boundary as shown in the Regulation 19 version of the Plan.

¹⁶ MBC/LC3a-c

and, together with other policies in the Plan, sets expectations for a high standard of place making in the north SN that would integrate successfully with the Country Park and the surrounding landscape. The Plan requires that development proposals would respect the setting, dark skies, wildlife, and heritage assets; protection zones would be required in certain areas; and the development would be expected to make a positive contribution to the appearance of the settlement edge.

85. In my view the Plan and Policy SS5 in particular, provides clear, positive policy guidelines that offer flexibility for the best possible design solution to come forward at the detailed planning stage, following an agreed masterplan and design codes. As a result, the potential for adverse impacts on the Country Park and other environmental interests can be addressed and avoided. The Plan is sound in this respect and there is no need to set a minimum size for protection zones to secure the protection and enhancement of the park.
86. Consideration of place making and design matters is embedded in the policies for both of the SNs. Design which performs well against Building for Life 12 and incorporates the principles of Active Design is sought. The Plan also includes comprehensive policies on important environmental matters that will need to be addressed in the development schemes. Overall, subject to a limited number of main modifications recommended elsewhere in the report, the Plan contains suitable policies to help deliver high quality place making in both of the SNs, as well as throughout the Borough.
87. Some of the detailed criteria in Policy SS5 require modification to provide reasonable flexibility in the requirements for the north SN and thus ensure the Plan is effective. The need for additional secondary school accommodation could be met by providing additional land instead of financial contributions where this is agreed through a masterplan for the SN. It is sufficient for the Plan to require a mix of uses in the new local centre, leaving the detailed composition for determination in due course. Also, for consistency with national planning policy, neither of the SNs should be subject to a criterion that might be used to require energy efficiency standards or renewable energy requirements in excess of national requirements. **MM2** makes the necessary changes to the criteria in Policies SS4 and SS5. No other changes to these policies are required for soundness.

Conclusion

88. Subject to the MMs recommended above, the strategic allocations for Melton Mowbray South and Melton Mowbray North Sustainable Neighbourhoods, including the proposals for the Melton Mowbray Distributor Road as part of the wider transport strategy for the town, are justified and deliverable.

Issue 4 – Are the proposed housing site allocations in Policy C1(A) and the identified reserve sites in Policy C1 (B) justified and consistent with national planning policy, and are they capable of meeting the identified requirement over the Plan period?

Preliminary matters

89. Reflecting national planning policy and guidance, the Plan's preparation has been informed from the outset by strategic housing land availability

assessment (SHLAA) that has been updated annually. Also, the SHLAA work has properly taken account of the joint methodology for the HMA, agreed by the Leicester and Leicestershire planning authorities. Throughout the evidence gathering and consultations on the emerging plan, the role and methodology of the SHLAA and subsequent assessments of potential sites has been made clear in the evidence documents.

90. For example, the SHLAA sieving processes, the way in which new or more detailed evidence has informed annual updates of the SHLAA, the role of sustainability appraisal (SA), and the over-arching assessments of site suitability before final decisions were taken by the Council on the site allocations, have been explained and updated in the series of evidence documents and reports to the Council¹⁷. These have been publicised on the Council's website and by other means in accordance with the Statement of Community Involvement.
91. This has been a lengthy, detailed and iterative process, starting around 2015, although the Council did not produce a supporting audit trail document until the examination stage. Nonetheless, I am satisfied that the process has been sufficiently clear and systematic to inform people interested in the Plan about the basis on which the site allocations were chosen.
92. Also, suitable methodologies and site assessment frameworks were applied consistently at the appropriate stage of plan preparation, and they were updated as necessary so that they would remain fit for purpose. They take into account the wide range of site/location-specific factors, policy constraints and potential for mitigation that should be included in this process. Inevitably, the final selection of sites has required qualitative, weighted judgments including the conclusions of the SA about the sites that perform best against the Plan's vision, objectives and spatial strategy and accord with NPPF. Throughout the examination I have considered whether these judgments were reasonable and, subject to the MMs recommended, I have found insufficient evidence to disagree with them.
93. The detailed site policies in Appendix A of the Plan are, for the most part, sufficient for their purpose. The Plan should be read as a whole, and planning applications on the sites will be assessed accordingly. Where necessary I have recommended MMs to Appendix A. Also, the capacity figures listed in Policy C1(A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded. Rather, they are indicative figures only, based on the best available evidence, including planning permissions as at 31 March 2018 and the ASF3 appeal decision (see paragraphs 100-101 below), and where relevant, they will be tested through detailed planning applications in due course.

¹⁷ MBC/HS2-4 and MBC/HA1-4 and archived MBC/SS5

94. Policy C1(B) sets out the circumstances in which development of reserve sites will be permitted. As submitted, the policy lacks clarity about their role in meeting needs at Borough or settlement level and how community support for their development might be demonstrated. In order to maintain a reasonable balance of development across the villages in accordance with the spatial strategy, and avoid potential over-development in some of them, it should be made clear that the reserve sites are intended to assist in meeting needs at the settlement level only, as established by Table 4. In the interests of a justified and effective plan, **MM5** makes this change and explains that community support will be gauged through NP allocations and/or bespoke approaches to measuring support.
95. Some of the reserve sites have the benefit of planning permission, but that is not sufficient reason to now rank them above proposed site allocations that do not have planning permission. The housing targets for the settlements are not intended as a ceiling, and detailed proposals for both the C1(A) and C1(B) sites will be considered on their merits against the relevant policies.
96. I make no reference to individual site allocations that I consider are sound, unless a reference is necessary for context.
97. In order for the Plan to be up to date and therefore justified and effective, a number of details about the site allocations, and in particular, site capacities, need amendment to accord with planning permissions granted by the end of March 2018 and the ASF3 appeal decision. The necessary amendments to the policies and Table 4 are made by **MM3 and MM4**; these are reflected in the capacities referred to below.

Asfordby and Asfordby Hill

98. The largest allocation in Asfordby (ASF1) now has the benefit of planning permission for 100 dwellings and the first completions are expected this year. ASF2, with an estimated capacity of 55 dwellings, has multiple land ownerships that could pose challenges for delivery but on balance the allocation is justified by the evidence and is sound. ASF3 (21 dwellings) was deleted from the Plan by the Focused Changes because the land owner could not be identified. As a result, there would be a deficit of nearly 60 dwellings against the residual requirement for Asfordby set out in Table 4 of the Plan, although the allocations in Asfordby Hill, which is closely related to Asfordby, would numerically compensate for most of the deficit in Asfordby.
99. As concluded in Issue 2 above, it would not be reasonable or practical to seek to ensure that the allocations in each settlement fully meet its residual requirement. Even so, there is no dispute that Asfordby ranks highly amongst the Service Centres in sustainability terms. Its proximity to Melton Mowbray and to employment opportunities is a particular advantage. On balance, the level of growth that would be provided through ASF1 and ASF2 is disproportionately low, and the opportunity through this Plan to allocate other suitable and deliverable sites should be considered.
100. While there are environmental constraints to the expansion of Asfordby, through the later stages of plan preparation and the examination it has emerged that most of the reasons for rejecting an extension of ASF1 to the south west (known as land off Hoby Road) have fallen away. Based on all the

evidence, I have concluded that the remaining issues about the visual impact of development here and its relationship with the countryside are capable of being addressed satisfactorily by good design, regulated by the Plan's policies¹⁸.

101. The site is in the same ownership as ASF1 and there are no apparent obstacles to its early delivery. Together with ASF1, it offers scope for an attractive, marketable development that would compensate for some uncertainties about delivery elsewhere in Asfordby and Asfordby Hill. In order to provide reasonable capacity for Asfordby to grow sustainably over the 20-year period and thus for soundness, the Plan should be modified as set out in **MM4** by allocating this site for development as ASF3, with an estimated capacity of about 70 dwellings. This MM also makes clear that only parts of ASF1 and ASF3 lie within Flood Zone 2. While the Plan is not consistent in its inclusion of policy criteria for sites with an extant planning permission, the inclusion of detailed criteria for the development of ASF3 does not make it unsound.
102. Two allocations (ASFH1 and ASFH2) are proposed in Asfordby Hill, providing for an indicative 87 dwellings. They were not included in the now quashed Neighbourhood Plan but in any event I am satisfied that they are justified. However, **MM4** is necessary to insert an additional criterion in both of these policies, in place of the criterion that was wrongly inserted in Policies ASF1 and ASF2, to ensure that the setting of the Kirby Bellars Scheduled Monument is protected.
103. In reaching my conclusions on Asfordby and Asfordby Hill, I have taken account of the various proposals for regeneration of Holwell Works, including an element of residential development. Policy EC3, as modified by MM11 to which I refer elsewhere, provides reasonable flexibility to respond to such proposals, including any that may come forward through the NP in due course.

Bottesford and Easthorpe

104. Bottesford ranks very highly as a Service Centre, serving the northern part of the Borough and with bus and rail connections to Nottingham and Grantham, as well as a bus service to Melton Mowbray. The proposed site allocations have an estimated capacity of 357 dwellings. In addition, about 21 dwellings are likely to come forward on the allocations in the small settlement of Easthorpe, which is within 500m of Bottesford and is closely related to it.
105. Taking account of the range of services and facilities in Bottesford, the Plan's proposals for growth are a reasonable reflection of its potential for sustainable development. While it has attributes that might support a higher level of growth, there are significant environmental and policy constraints that rule out other, larger scale proposals for allocation in the Plan. In particular, major

¹⁸ Outline planning permission was granted on appeal in May 2018 for residential development of this land (appeal ref APP/Y2430/W/17/3167407).

development of the area east of Belvoir Road and north of the A52 would be likely to harm the setting of Easthorpe and entail loss of best and most versatile agricultural land, and there is insufficient evidence that any benefits from development of smaller parcels of land in this area would outweigh the harm caused to important interests.

106. The detailed access arrangements for allocation BOT3 (Rectory Farm) for about 163 dwellings are not yet resolved. However, there are no objections in principle from the Local Highway Authority and a scheme to ensure that satisfactory access can be provided is under investigation. Based on all the evidence, there are reasonable prospects that an acceptable scheme for access will be achieved. The Council has moved back the site in the housing delivery trajectory to take account of the pre-application work. On balance, the allocation is justified, and a good quality development is capable of being brought forward in accordance with the Plan's policies.
107. The Easthorpe allocations are on adjoining sites and in close proximity to a Grade II Listed Building and a Scheduled Monument. EAST1 has outline planning permission, subject to relevant conditions. In order to ensure that the setting of the monument will be protected, Policy EAST2 should be amended by **MM4** to require that the existing frontage planting is retained and that access is taken from the track between the two sites. Subject to this, the allocations are sound. Enlargement of EAST1 to the south would be likely to have a detrimental impact on the Area of Separation between Easthorpe and Bottesford and would not be justified.

Harby, Hose and Long Clawson

108. Each of these settlements has its own distinct identity but they share a number of services and are within the same NP area. The estimated capacities of the submitted Plan's allocations in these settlements exceed their residual requirements, and in the case of Harby and Long Clawson, by a significant extent.
109. In this context, I have considered whether HAR5 is required as a reserve site. However, the Plan is sound in seeking to ensure that there will be sufficient delivery of housing to meet needs over the Plan period, and the reserve site provides an appropriate level of flexibility in this regard. And while the Policy C1(A) allocations in Harby have a capacity for about 128 dwellings, there is no convincing evidence that this scale of growth could not be adequately serviced or that it would be unsustainable in other respects.
110. HOS2 (land off Harby Lane) is on the north-eastern edge of Hose and its development will require sensitive boundary treatment to respect the settlement edge and protect the setting of the Scheduled Monument to the north of the site. The policy includes a criterion to this effect, which is acceptable to Historic England. The site was allocated at the Focused Changes stage, while the originally allocated HOS2 (land off Canal Lane) and HOS3 were deleted. This does not reflect the aspirations of the local community as set out in the NP.
111. However, in the interests of ensuring a supply of deliverable sites in the early years following adoption of the Plan, the Council is justified in preferring the site west of Harby Lane to the original HOS2 and HOS3 sites. Overall, there is

sufficient evidence to conclude that the allocation is sound. In the interests of a justified plan, **MM4** deletes an obsolete reference to the superseded HOS2 and HOS3 and updates the site assessment table for HOS1 in the light of a recent planning permission. As a result, the Plan allocates 76 dwellings to this village. While this will be a significant enlargement, there is insufficient reason to conclude that it would be unsustainable.

112. The submitted Plan allocates 4 sites with a combined estimated capacity of 141 dwellings in Long Clawson, and a reserve site is also identified. The site described as LONG4 (land off Sandpit Lane) is allocated with an estimated capacity for about 55 dwellings and is adjacent to the Long Clawson Conservation Area. This historic area includes the Grade II*listed Manor Farmhouse and its pond which lies immediately to the north of the site; and nearby are the Grade II* Church of St Remigius, a moated site north east of the church that is a Scheduled Monument, the Grade II listed Old Vicarage, and other listed buildings and important local green spaces.
113. The view out of the Conservation Area across the pond and towards LONG4 is affected by the modern, detached dwelling and outbuildings immediately to the south-east of the pond, and by the housing on the opposite side of Sandpit Lane. Nonetheless, while taking account of the Council's and site promoter's cases, I have concluded that the development of LONG4 would significantly alter the setting of the Conservation Area and Manor Farmhouse, including the pond which is an important part of the setting. Also, development of the site would intrude into and detract from views across the Conservation Area, especially the area around the church, towards the open countryside to the south west. The settings, including the views of these heritage assets are a very important contributor to their significance.
114. For these reasons, development of LONG4 would be likely to harm the heritage assets which are a much valued part of Long Clawson, although I consider that the harm would be less than substantial. Provision of an open space buffer within the site, and landscaping and screening on and around the site, would be unlikely to mitigate the harm significantly, especially when foliage screening would be reduced in wintertime. Screen planting would also diminish the openness of views across the Conservation Area and of its heritage assets. Taking account of the other allocations in the Plan for Long Clawson, Hose and Harby and existing commitments in the area, there is no pressing need for LONG4. The contribution that it would make to the housing land supply and any other benefits of its development do not amount to clear and convincing justification, sufficient to outweigh the harm that is likely to be caused to Long Clawson's heritage assets. Therefore the allocation should be deleted (**MM4**) in order to make the Plan sound.
115. As submitted, Policy LONG5 for the reserve site at Canal Farm lays down 3 criteria to guide proposed development of the site. Subsequently, planning permission has been granted, subject to demonstration of an effective footpath link to the centre of the village and closure of the access to Hose Lane, and subject to a contribution to village hall and various infrastructure improvements. For completeness and therefore effectiveness of the policy criteria, these additional matters should be included, as set out in **MM4**.

Frisby

116. The proposed allocations FRIS2 and FRIS3 raise various matters including flood risk, proximity to the rail line in the case of FRIS2, and impacts on green infrastructure and wildlife in both cases. On balance, the evidence is sufficient to conclude that the sites can be satisfactorily developed in accordance with the Plan's policies and consistent with NPPF. Subject to an additional policy criterion for both FRIS2 and FRIS3, to ensure that the development proposals conserve and enhance the heritage assets of the Conservation Area and the Grade I Listed church in the village (**MM4**), the Plan's allocations in Frisby provide for a reasonable level of development in the village and are sound.

Gaddesby

117. Three sites are allocated in the settlement with a total indicative capacity of 36 dwellings. In the light of all the evidence, the limited scale of proposed growth is reasonable and sustainable and will make a proportionate contribution to meeting the need for housing. An acceptable standard of development can be achieved in accordance with the Plan's policies, but it should be confirmed that further development of GADD3 and GADD2 (my underlining) will be supported only when local educational capacity is available. **MM4** makes this change to Appendix 1 to ensure that it is justified.

118. The Focused Changes to the Plan removed the originally numbered GADD2 allocation, given the potential for harm to the village's heritage assets and landscape character. Evidence provided in support of re-instating the allocation does not lead me to disagree with the Council or Historic England that the impact of residential development of the site on the setting of the Grade I Listed church would be unacceptable. Any benefits arising from the development would not clearly outweigh the harm that it would cause.

Great Dalby

119. Great Dalby has an extensive Conservation Area, encompassing the wide swathe of historic buildings that line its streets and a large area of undeveloped land between Burrough End and Nether End. The proposed allocation GREA1 is on elevated ground within part of the undeveloped area and has an estimated capacity of 37 dwellings. One of the policy criteria requires that future development is sympathetic and limits the impact on the Conservation Area through appropriate choice of materials and high quality, well considered design.

120. The proposal would entail in-depth development in the Conservation Area, which would not be in keeping with its predominantly linear form, and it would also have a potentially adverse impact on the setting of the Grade II* Listed Church of St Swithun and on views into and out of the site. However, due to the position and limited extent of the proposal, its visual impact could be minimised by sensitive design including appropriate boundary treatment. Modification of the policy to require that any development would provide more specific protection for the open character of the remainder of the area, and ensure that the design respects the settings of nearby heritage assets, would help to minimise any detrimental impacts. Overall, the proposal would be likely to cause limited harm to Great Dalby's designated heritage assets.

121. The settlement is identified as a Rural Hub with a range of services and facilities including a primary school and a bus service to Melton Mowbray and Leicester. Limited housing growth as envisaged by the allocation is consistent with the spatial strategy, and it would provide support for the maintenance and enhancement of local services and contribute to the choice of a range of sites for new housing in sustainable locations across the Borough. Having regard to Great Dalby's population and facilities, an allocation with an estimated capacity for 37 additional dwellings is modest but would offer significant benefits by helping to meet housing needs. On balance, I have concluded that subject to modification of the policy as referred to above, the limited harm that would be caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation. **MM4** would address this accordingly, reflecting the advice of Historic England, and would be consistent with national planning policy for the protection of heritage assets.
122. The proposed vehicular access to the site is from Burdetts Close. On-street parking effectively restricts the available carriageway width and is a potential constraint on the development of the site, although the Local Highway Authority has no objection in principle. Subject to the MM above, allocation of the site is justified and has a reasonable prospect of being effective.

Melton Mowbray

123. In addition to the sustainable neighbourhoods, the Plan proposes a number of non-strategic site allocations within and adjoining the built up area. Parts of the town's fringes are within landscape character areas with medium to high sensitivity to development. For certain allocations, specific policy criteria are capable of addressing the landscape and flood risk considerations in a satisfactory manner. Transport impacts from the additional growth will be resolved through the MMTS and/or site-specific measures or contributions.
124. With regard to MEL3 (Hilltop Farm, Nottingham Road), deletion of a policy criterion is necessary because it has been clarified that the required separation distance from Sysonby Grange, a scheduled monument, has been achieved by the delineation of the western boundary of MEL3. This has been established through the combination of the planning permissions granted on the site. Also, there is insufficient basis to seek a noise impact assessment, and the site assessment summary should be updated to remove an erroneous reference to oil and gas pipelines crossing the site. **MM4** makes these changes in the interests of a justified Plan. The Policies Map should show the corrected boundary of the site.
125. **MM4** is also required to delete a criterion for Policy MEL4 (Top End Cattle Market) concerning protection of a scheduled monument which was included in error.
126. In the Plan as submitted, land at Thorpe Road, with a capacity for about 16 dwellings, is allocated as MEL7. Also the site assessment summary and the site's ranking are included in Appendix 1. The site was numbered as MEL3 in the pre-submission version of the Plan and it became MEL7 by virtue of the Focused Changes. The old Policy MEL3 criteria were correctly deleted in the Focused Changes document but were not re-inserted as intended under MEL7.

127. It is clear from the Council's published response to the representations on the pre-submission draft that it did not intend to make changes to the policy criteria for this site, let alone delete them in their entirety. The site occupies a prominent position at a road junction in an area with many high-quality buildings. The former Work House and Vagrant Cells buildings on the site are worthy of retention to preserve the character of the area, and they are subject to an Article 4 direction. Although they are not designated heritage assets, any proposal requiring their demolition should be justified. The policy criteria reasonably reflect this, together with the need for a layout and density to respond to local character and take account of traffic and flood mitigation matters. Therefore an indicative site capacity of 16 dwellings remains justified. Accordingly, I recommend that **MM4** includes the policy criteria in MEL7, thus correcting their omission from the submitted Plan and making it sound.

Somerby

128. Allocations SOM1 and SOM2 with a total estimated capacity for 69 dwellings are proposed in the village. This would exceed the residual requirement by 25 dwellings. A reserve site SOM3, with an estimated capacity for 33 dwellings, is also identified. Part of SOM2 is within or on the boundary of the Conservation Area, and SOM3 adjoins it. Outline planning permission for development of SOM1 has been granted. There are a number of listed buildings, other heritage assets and areas of archaeological interest in and around Somerby. It also has a number of important community facilities and has a bus service.

129. There is insufficient evidence that there are overriding constraints to residential growth in the village or that it would be justified to re-direct some of the planned growth to Pickwell. Provided that development of the allocated sites, and if it should come forward, the reserve site, comply with the Plan's policies for heritage protection and other matters, the proposed expansion of the village would be sustainable. Historic England is satisfied that the Plan's policies for Somerby are capable of addressing its concerns and I have insufficient reason to differ. With regard to traffic, flood risk, the effect of SOM2 on the Jubilee Way and other issues, the evidence does not lead me to doubt that any significant impacts can be mitigated adequately.

130. However, the Plan should refer to the important Leicestershire Round footpath and Jubilee Way which pass through the village. An additional criterion is required in the policy for SOM2 to ensure that development of the site enhances the biodiversity and recreational value of Jubilee Way and is consistent with Policy EN3 of the Plan. **MM4** makes the changes necessary for soundness. The Council has proposed a corresponding change to the Policies Map and Appendix 1 maps to show the enhancement area. Overall, as modified, the policies for Somerby are justified and likely to be effective.

Scalford, Stathern and Thorpe Arnold

131. With regard to the allocation SCAL1 (land south of Melton Road, Scalford), the policy needs to be modified to ensure that the heritage assets within the site and in the surroundings are given the required level of protection; an additional criterion is recommended for consistency with national planning policy (**MM4**).

132. It is important that the policy for STAT1 (Point Farm, Main Street, Stathern) takes account of its sensitive location and the visual impact of development on the site, especially as it would be seen in the approach from Mill Hill. In this context, the policy wording and criteria, including that the objective for the development should not be the maximisation of density, are justified and consistent with NPPF when read as a whole. The policy does not seek to cap the number of dwellings that would be permitted and no modification of it is necessary for soundness. With regard to STAT2 (Land adjacent to Levesley House), planning permission has now been granted which has decreased the original density for the site.
133. A modification to the policy for THOR1 in Thorpe Arnold is required in order to ensure that the protection of specific heritage assets is taken into account in the development of the site allocations in the village, thus according with national planning policy. This would be achieved by **MM4**.

Waltham on the Wolds

134. The proposed allocations WAL1 and WAL2 have an indicative capacity of 131 dwellings. Both sites have planning permission (full and outline respectively, and part of WAL2 has approval of reserved matters and development is underway). The reserve site WAL3 (with an indicative capacity of 168 dwellings) was subject to a planning appeal that has since been withdrawn. The outcome of applications for reserved matters may result in changes to the overall number of dwellings that are achievable on the sites. Therefore, there is insufficient basis at present for the ranking of the sites to be altered, and I am satisfied that the judgements made in ranking them are reasonable.
135. The allocated sites are justified and deliverable and make provision for a scale of housing growth in Waltham that would be broadly in keeping with its role and would pay due regard to important constraints. Heritage assets including the Conservation Area make a significant contribution to the character and identity of the settlement. Even though WAL2 is some distance from the boundary of the Conservation Area, it is important that development of this large site respects its wider context. Therefore the policy for WAL2 should be modified by **MM4** to ensure that development will conserve and enhance heritage assets, including the Conservation Area.

Conclusion

136. Subject to the recommended MMs, I am satisfied on the balance of the evidence and my site visits that the proposed allocations and reserve sites are justified, consistent with national planning policy and likely to be effective in delivering the spatial strategy. There is insufficient reason to identify other additional or replacement allocations, or make other changes to the allocation or reserve site policies, in order to ensure that the Plan is sound.

Issue 5 – Does the Plan provide for an adequate supply of deliverable and developable sites to meet the identified housing requirement over the Plan period? Are there reasonable prospects that a 5-year supply of deliverable sites will be maintained?

137. In accordance with my conclusions on Issue 1, the justified housing requirement for the Borough is 6125 dwellings over the period 2011-2036 and

it is appropriate this should be delivered through a 3-step requirement over the time period. The Council provided up to date information in December 2017¹⁹ that identified a total supply (including planned supply, commitments and windfalls) for more than 7000 dwellings. Subsequently, it updated the evidence in light-touch reviews for planning appeal purposes, taking completions for 2017/18 into account. The update²⁰ indicates that at 21 June 2018 the supply was 7316, including recently granted planning permissions and other up to date information including net changes in the supply that would be brought about by proposed main modifications to the Plan.

138. There is a robust basis for each of the components of this supply. As referred to elsewhere in the report, the capacity estimates for the sustainable neighbourhoods and the allocations under Policy C1(A) have emerged from detailed consideration of site potential, developability, viability and deliverability, and from on-going, systematic engagement with landowners, developers and other stakeholders. Estimated lead-in times for development on sites have been critically reviewed, based on the best available site-specific evidence, and they are suitably cautious. Existing commitments have been reviewed regularly, and forecasts for their contribution to the supply have been amended accordingly. These are accounted for in the housing supply evidence as remaining completions on large unallocated and small unallocated sites. Reasonable assumptions based on local evidence on lapse rates have been made²¹, and for added confidence in the estimates, lapse rates on permissions on allocated sites have also been applied to this component, as set out in the June 2018 update (MBC/HS1c).

139. The supply includes an estimated 29 windfalls per year from 2021/22, amounting to a total of 435 dwellings up to 2036. This compares with an annual average of 70 windfall completions over the past 10 years. There was a lack of allocated sites during this period, a position that will change significantly upon adoption of the Plan, but even so, it would not be reasonable to expect no net increase in housing from this source. Windfall development in Melton Mowbray will come forward under Policy SS2, and in the remainder of the Borough, Policy SS3 will support new development within or on the edge of existing settlements. I am satisfied there is compelling evidence for a modest allowance for 435 dwellings in the land supply.

140. In summary, the key components of the overall supply for the plan period have been properly addressed and robustly assessed. **MM1** includes a new Table 2 that sets out this land supply position in the interests of a justified and effective plan.

141. Turning to the 5 year land supply, the starting point is a requirement for 1000 net additional dwellings by the end of March 2023, based on the stepped

¹⁹ MBC/HS1A

²⁰ MBC/HS1c, 21 June 2018

²¹ Table 4.6, MBC/HS1a

housing requirement as dealt with in Issue 1. The shortfall in delivery against the relevant requirement since 2011 amounts to 413 dwellings. PPG advises that the shortfall should be made up within the first 5 years of the plan period, where possible (the *Sedgefield approach*). In practical terms, this would mean that the shortfall should be made up within 5 years of the Plan's adoption.

142. However, for the reasons set out in Issue 1, it is justified and necessary for an effective plan to ensure that delivery targets in the next 5 years are realistic, so that the housing market has time to adjust to the ample supply of sites and completion rates can accelerate in tandem with the planned uplift in the Borough's economy. In the light of the aspirational nature of the Plan's overall housing requirement, it would be counter-productive to set a 5 year target that is excessively ambitious and likely to undermine the sustainable spatial strategy for a step change in housing delivery and growth of the local economy over the Plan period. In these circumstances the *Sedgefield approach* would not be appropriate. Instead, following on from my conclusions in Issue 1, the shortfall should be spread over the remainder of the Plan period (the *Liverpool approach*). This results in a 5 year requirement of 1115 dwellings (223dpa), including a proportion of the shortfall, and would represent a significant uplift in the supply of housing.
143. Findings that may appear to conflict with my conclusion above have been made by other Inspectors, but so far as I can judge they deal with different circumstances, and in the Asfordby case (land off Hoby Road), they relate to a planning appeal (ref 3167407) and therefore not to all of the matters before me in examining the Plan. To ensure clarity for decision makers, I have added wording to MM1 as published for consultation to confirm that, when assessing the 5 year land supply, the *Liverpool approach* should be used. Should circumstances change in the future, they can be addressed through review of the Plan.
144. With regard to the land supply buffer that is required by national planning policy, I agree with the Council that this should be 20%, given the pattern of under-delivery of housing in the Borough in the past decade. I conclude, therefore, that the total five year land supply requirement, including the shortfall and buffer, is for 1338 dwellings, equating to an annual average supply of deliverable sites for 268 dwellings.
145. Table 1 in document MBC/HS1c shows that the identified supply to 2022/23, as updated at the end of March 2018 and with the addition of the Asfordby appeal decision, and applying a lapse rate of 9% to planning permissions on allocated and unallocated sites, is 2543 dwellings. Compared with the requirement of 1338 dwellings, this amounts to a deliverable supply of 9.5 years. In the light of my scrutiny of the Council's methodology for estimating and reviewing the land supply, its engagement with stakeholders throughout the preparation of the Plan, and the site-specific evidence for the examination, I am satisfied that this is a robust figure. It comprises a wide range of sites, site sizes and locations, offering choice and competition in the housing market. And it clearly indicates that the Plan makes ample provision to maintain a rolling 5-year supply of deliverable housing sites from the date of its adoption and that, should the market enable higher annual rates of completions, there is capacity to do so.

146. As part of its housing implementation strategy, the Plan should include a trajectory that shows the planned delivery of housing from the various components of the supply up to 2036. This is addressed by new Figure 6 in **MM1**. Together with the monitoring framework and Policies SS4, SS5, SS6 and C1(B) as modified, I am satisfied that the Plan lays down an effective framework for implementation, monitoring and review of housing provision.

Conclusion

147. Subject to the MMs recommended above, the Plan provides for a supply of deliverable and developable sites that is likely to meet the identified housing requirement over the Plan period, with a significant margin of flexibility. There are reasonable prospects also that a 5-year supply of deliverable sites will be maintained from the date of its adoption. Accordingly, subject to these MMs, the Plan is justified, consistent with national planning policy, and is likely to be effective.

Issue 6 – Are the Plan's provisions for meeting the needs for all types of housing justified, effective and consistent with national planning policy?

Housing Mix

148. Policy C2 seeks to manage the delivery of a mix of house types and sizes to meet current and future needs, based on comprehensive evidence²². The policy wording as amended by the focused changes is reasonably flexible and is consistent with national planning policy about meeting the full mix of housing needs, including sheltered or extra care and accessible housing.

149. However, some amendments are necessary for clarity and consistency of the supporting text and the policy. The supporting text should clarify how the policy will be applied, and Table 9 should be re-named 'Optimum Housing Mix for Market and Affordable Housing' for consistency with the policy's intent to best meet the changing needs of the Borough's population. Also, the policy should acknowledge that it applies only to schemes of 10 or more dwellings²³ and that future updating of the housing mix evidence will be taken into account in decision making. The Council intends to produce a supplementary planning document on affordable housing and housing mix and the inclusion of a reference to this in paragraph 5.5.7 is simply informative. **MM9**, which includes a reference to tenure that I have added, makes these changes for an effective plan.

150. Policy C3 gives particular support to residential developments where the national space standard is applied to dwellings with up to and including 3 bedrooms. It is based on evidence of need for smaller dwellings in Melton for

²² MBC/HM1

²³ In practice, it would only apply to schemes of 11 or more dwellings where contributions to the provision of affordable housing are sought.

both first time buyers and those who are downsizing. The evidence is not entirely conclusive however, and it is arguable that providing the right mix of housing could offer more flexibility than adopting the space standard.

151. Nonetheless, the Council's aspiration to deliver as many homes as possible that meet the standard is reasonable, particularly since sufficient circulation, storage and living space in new homes may encourage empty nesters to release more family-sized housing onto the market and would be more likely to facilitate adaptations to dwellings for special needs. The policy is not prescriptive and it is clear in my view that it will be applied in a way that gives added weight to proposals that meet the space standard. On balance, and taking into account the Council's aspirational housing target for significant growth in the stock of new housing, Policy C3 is justified and consistent with national policy. For clarity and effectiveness, **MM9** explains that the policy relates primarily to open market housing and that in affordable housing schemes, use of the Housing Quality Indicators standards will be supported.

Affordable Housing

152. Evidence in the HEDNA indicates a need for 1750 affordable dwellings in the Borough over the Plan period. This is based on a robust methodology that makes reasonable assumptions on an appropriate range of indicators and it reflects the advice in the Planning Practice Guidance. I consider that the affordable need figure is a justified starting point.
153. Viability testing of the Plan's policies as a whole and of the policies for the SNs in particular shows that the potential for market housing to contribute towards the provision of affordable housing varies across the Borough²⁴. Based on the evidence, 7 value areas have been distinguished with a capacity to support minimum percentages of affordable housing ranging from 5-10% in Melton Mowbray to 40% in the southern part of the Borough.
154. These findings are reflected in the target figures set out in Policy C4 and there is insufficient reason to differ from them. Should changes in key variables such as costs and values alter the viability position significantly, the policy is sufficiently flexible to take this into account. Paragraph 5.8.13 of the Plan states that viability assessment may be requested in exceptional circumstances where an applicant considers that the level of affordable housing provision being sought would be unviable.
155. The policy is consistent with PPG on planning obligations in limiting its application to sites for 11 or more dwellings and/or where the floor space exceeds 1000sq m. However, for clarity and effectiveness in planning for, and monitoring the provision of, affordable housing, the Plan should include information about the proposed delivery over time and the indicative tenure split. This is addressed by the trajectory graph and amendments to the

²⁴ MBC/WP5

supporting text and monitoring framework, set out in **MM9**. This also clarifies that contributions to the supply of affordable housing will be made by Registered Provider and Council-led schemes, as well as market-led ones.

156. Compared with an overall affordable need figure of 1750, the Plan would deliver around 1300 new affordable dwellings, based on the targets set by Policy C4. In order to fully meet the affordable need by means of contributions through market housing schemes, something in the order of 8250 dwellings would be required over the Plan period. This would exceed the objectively assessed need by 4000 dwellings and, based on the evidence, I find no reasonable prospect that it would be delivered. It does however underline that the Plan seeks to go some considerable way towards meeting the full affordable need by setting an ambitious housing target. No amendment to the affordable housing target figure is necessary for soundness.
157. The supporting text refers to the definition of affordable housing in NPPF2012, but it has since been revised. **MM9** amends the text to refer to any subsequent revision of the definition and thus provides for consistency with up to date national policy. Subject to this, the approach to affordable housing is sound.

Gypsies and Travellers and Travelling Showpeople

158. The Plan's proposals to meet the accommodation needs of Gypsies and Travellers are set out in Policy C6. The up to date accommodation assessment (May 2017)²⁵ was prepared jointly between all of the HMA authorities apart from Hinckley and Bosworth where a separate study was produced. It is reasonable to conclude on the basis of this robust evidence and the implementation of planning permissions that there is no residual need for additional permanent pitches or plots to be allocated for Gypsy and Traveller or Travelling Showpeople households in the Borough during the Plan period. Also, with regard to the duty to co-operate, there is no evidence that the Plan should seek to make provision for unmet needs arising beyond the Borough's boundaries.
159. Working together with the relevant planning authorities, the Council will give further consideration to any need for transit sites when sufficient time has elapsed following the implementation of Planning Policy for Traveller Sites (PPTS) 2015 to inform a robust evidence base. The optimum approach to transit provision may include managed approaches to dealing with unauthorised encampments, instead of infrastructure provision. Taking into account all the evidence before the examination, this is a justified and effective approach.
160. Policy C6, as submitted, sets out criteria for site identification and the consideration of planning applications that may arise during the Plan period.

²⁵ MBC/GT1

During the examination the Council suggested that there would be merit in deleting this part of the policy since there was no local need to diverge from the criteria in PPTS, and because a revision of the latter may render the Plan policy inconsistent with national policy.

161. However, the retention of this part of Policy C6 responds to the current PPTS by providing guidance about how the Council will positively address any needs that may arise for pitches or plots in the future. For clarity and effectiveness, the policy title should include reference to Travelling Showpeople, and it should confirm that the Council will take steps to deliver any necessary sites in a timely manner to support these communities. **MM10**, as amended following consultation on the draft MMs, makes these changes in the interests of soundness and having regard to the Equality Act.
162. Other needs for non-conventional housing, which could include the needs of any households that do not meet the PPTS definition, and requirements for caravan sites and park homes, were explored during the examination. There is no substantive evidence that such unmet need exists or is likely to arise in the Plan period, apart from one household living in bricks and mortar accommodation that would like to move to a Council site. The household was not on a waiting list when interviewed. All of the existing pitches are on private sites. There is insufficient reason to conclude that the Plan is unsound in this regard but the Council should keep the need of this household under review. Looking forward, it is reasonable to expect that any proposals to meet non-conventional housing needs that arise during the Plan period can be dealt with on their planning merits.
163. Overall, I am satisfied that the Plan takes fair and reasonable account of the needs of Gypsies and Travellers as a group with protected characteristics in accordance with the Equality Act.

Self-Build and Custom-Build Housing

164. In accordance with Policy C8, on sites of 100 dwellings or more, developers will be expected to supply at least 5% of the serviced dwelling plots for sale at an appropriate price to self-builders or custom-builders, subject to certain conditions. Evidence from the Housing Needs Study²⁶, the Council's Self/Custom Build register, the BuildStore register, local agents and other sources points to a significant level of demand for this type of housing in the Borough and that the principal barrier to meeting this demand is the shortage of available land.
165. National planning policy and guidance expects local planning authorities to make provision to meet this demand. Policy C8 would provide opportunities to realise the Government's objective. While noting the argument that plots on large sites would be unlikely to attract self/custom builders, the evidence is

²⁶ MBC/HM1

lacking that this would be the case in Melton, and it seems unlikely that windfall development would provide adequately for the level of demand.

166. I have taken account of developers' concerns about the potential impacts of the policy on the viability and deliverability of large, complex sites. However, such effects should be capable of being avoided if provision for self/custom build is integrated into masterplans and design codes at an early stage. Also, the policy makes reasonable provision in the event of non-take up of marketed sites. My attention has been drawn to the conclusions of Inspectors in other examinations where such policies were not found sound, but none of them appear to be directly comparable to the circumstances in this case. On balance, I conclude that Policy C8 is justified, consistent with national planning policy and is likely to be effective.

Conclusion

167. Subject to the main modifications as recommended above, the provisions in the Plan for meeting the needs for all types of housing are justified, effective and consistent with national planning policy.

Issue 7 – Are the Plan's policies and proposals for employment, retail, town centre and tourism development justified, deliverable and consistent with national planning policy?

168. Policies EC1 to EC8 set out a range of measures to address Melton's Class B employment needs, retail, town centre and tourism development needs. These policies are informed by a comprehensive evidence base including the Employment Land Study²⁷ and the HEDNA²⁸. As concluded under Issue 1 above, the net requirement for Class B uses for the Plan period, taking account of the existing commitments, is 31ha. Policies EC1-EC3 identify the locations where this will be delivered by means of the specific allocations and also on windfall sites where appropriate.

169. About 10ha of the requirement will be met at Asfordby Business Park. However, the submitted Plan is unclear that this will be provided on the available brownfield land in the business park, and that any expansion beyond this onto the greenfield part of the site should protect the Grade II* Church of St Bartholomew²⁹. Also, both Asfordby Business Park and Holwell Works would require improved access for any significant redevelopment or remodelling, and paragraph 6.12.1 of the Plan should be clarified to explain how this is likely to be secured. **MM11** and **MM12** make the necessary changes to Policy EC1 and supporting text and correct Figure 8 in the interests of justification and effectiveness. I have amended and corrected MM12 and Figure 8 as published for consultation, to reflect up to date information on the heritage asset.

²⁷ MBC/EL2

²⁸ MBC/HN1a-c

²⁹ This was formerly listed as Welby Church.

170. Policy EC3 identifies and seeks to protect existing employment sites that are a necessary component of the overall supply. As submitted, the policy identifies the sites under two categories ('employment facilities listed for retention', and 'other key employment sites') but there is no policy basis for the distinction. In the interests of clarity and effectiveness, all of the sites should be listed under the first heading (**MM11**).
171. Criteria for determination of proposals for a change of use of existing employment sites and allocations are also set out in Policy EC3. The submitted policy would not permit a change of use on viability grounds alone. This seeks to maintain the existing portfolio of sites and allocations to meet identified employment needs and provide jobs, particularly in the rural areas, and in the circumstances of the Borough it is justified. However, for a more flexible and effective policy it would be reasonable to take into account whether the site or allocation could be made viable.
172. Therefore, the policy should be modified accordingly, and it should make clear how it will be applied to existing sites or allocations, in whole or in part, and the way in which community support will be taken into account. Also, there is no evidence that criterion 3 of the submitted policy is necessary for the protection of the existing and proposed employment sites and it should be removed (**MM11**). Taking account of the consultation responses I have amended the detailed wording of the MM in the interests of a more flexible and clear policy.
173. Policy EC4 encourages proposals for employment and mixed use developments outside of existing or allocated employment sites, subject to a number of criteria, including that the site is located in an area that can be easily accessed by public transport, walking and cycling. In order for the policy to be more flexible and effective in the longer term, it should be amended to take account of areas that have the potential to meet this criterion (**MM11**).
174. Turning to town centre and retailing matters, the role of Melton Town Centre as the focus for retail growth is addressed in Policy EC5 and it reflects the evidence base in this regard³⁰. However the Plan should be clear about how the identified need for an increase in comparison floorspace and positive improvements to the town's retail offer will be achieved. This is particularly important to harness the benefits that are expected to arise from the strategic focus on the town and in particular, implementation of the Melton Mowbray Transport Strategy and the complementary car parking strategy³¹.
175. Policy EC5 properly includes reference to the sequential approach in the context of proposed development in Melton Mowbray. Nonetheless, clarification about the application of the sequential approach to the location of

³⁰ MBC/TCR1a-c.

³¹ MBC/TCR2 (Melton Mowbray Town Centre Car and Coach Parking Strategy, Peter Brett Associates, November 2015).

town centre uses, and about the important role that can be played by residential uses in town centres, is necessary for consistency with national planning policy.

176. As submitted, the monitoring framework (Appendix 5 of the Plan) sets a target that no more than 10% of the primary shopping frontages of the town centre should be occupied by non-Class A1 uses by 2036. However, I agree with the Council's proposal that in the interests of realism and deliverability, this should be changed to 33%, which would mean no deterioration in the current position. And Policy EC7, which concerns retail development in the Borough outside of Melton Mowbray, should be modified so that farm shops up to 200sq metres will not be subject to a retail impact assessment. All of these changes to the retail and town centre policies in the Plan are included in **MM13** and are necessary for soundness.
177. Policy EC8 (Sustainable Tourism) is consistent with the sequential approach of national planning policy in seeking to direct proposals of a significant scale to town centres in the first instance. Amendment of the policy is necessary for soundness, as set out in **MM14**, to clarify how the policy would be applied. This explains that proposals outside of the largest settlements may be supported in certain circumstances where it would add significantly to the Borough's economic or tourist offer and where a more suitable location is not available or practicable.

Conclusion

178. Provided that the main modifications recommended above are made to the Plan, I am satisfied that its policies for employment, retail, town centre and tourism development are justified, deliverable and consistent with national planning policy.

Issue 8 – Does the Plan provide justified and effective measures for the protection and enhancement of Melton's environment, consistent with national planning policy and with legal requirements?

179. Chapter 9 of the Plan sets out 13 policies for environmental protection and enhancement in the Borough, including its natural environment, landscape and heritage assets, renewable energy and flood risk. It is informed by a comprehensive evidence base at borough and higher levels including a sub-regional green infrastructure strategy. In some cases the representations seek greater specificity in these policies or re-iteration of wording in the NPPF. But the Plan should be read as a whole and it is not necessary to include detail from the supporting documents, nor is replication of the precise wording of NPPF necessary in order to be consistent with it. Furthermore, a small number of policies contain references to relevant background documents. This does not in itself make these policies unsound, provided that it does not purport to require conformity with the documents.
180. Taken as whole, the Plan clearly addresses s19 of the Act in regard to climate change. In accordance with Policy EN8, all new development proposals will be required to demonstrate how the need to mitigate, and adapt to, climate change has been considered. It identifies the directly relevant policies in this regard, in particular, Policies EN3 (green infrastructure), EN9 (sustainable design and construction), EN10 (renewable energy), EN11 and EN12 (flood

risk and sustainable drainage systems) and IN2(sustainable modes of transport). Together with the overall spatial strategy, which focuses most new development in sustainable neighbourhoods at Melton Mowbray, the Plan seeks to address climate change. Subject to **MM18** which adds viability to the matters that need to be considered, Policy EN8 is justified and consistent with national planning policy.

181. Turning to the other environmental policies, a number of changes to the wording of Policy EN1 on Landscape are necessary for justification and consistency with national planning policy. The Borough does not have landscapes of national importance. It would be onerous to require that its landscape and the character of its countryside will be enhanced and protected by all development, taking into account the significant level of growth that is proposed in the Plan; instead, an objective that seeks to conserve and where possible, enhance, would be consistent with national policy, and the wording of EN1 should be modified accordingly. For clarity and effectiveness, the 6th criterion of the policy should be reworded to delete the reference to 'buffering' and replace it by a reference to demonstrating how proposals are intended to contribute towards minimising light pollution. Also, in the penultimate paragraph, the requirement to respond to design guidance is unduly prescriptive and should be modified to make clear that proposals should have regard to such guidance or any subsequent evidence document.
182. Taking account of the rural nature of the Borough, Policy EN2 seeks to conserve and enhance its biodiversity and geodiversity. For consistency with national planning policy, it should make clear that existing, potential or proposed internationally important sites will be protected under the terms of the policy. All of the above amendments are addressed by **MM15**.
183. Policy EN3 sets out how a strategic approach will be taken to the delivery, protection and enhancement of green infrastructure and it identifies the primary areas in this respect. The Leicestershire Round is one such area that has been omitted from the policy and this would be corrected by **MM16**.
184. Policy EN4 identifies a number of Areas of Separation and is based on detailed assessment³² of the parts of Melton where a suitable policy response appears to be necessary. The objectives are to avoid the coalescence of settlements, retain highly tranquil parts of the landscape between settlements and safeguard the character of individual settlements. These are justified aims for Melton, particularly in regard to its geography and the Plan's proposals for growth across the Borough. The resulting policy does not seek to prevent development in the identified areas; rather it aims to ensure that any development will respect the policy's objectives. It is appropriate therefore that the policy designation is shown as zig-zag lines on the Policies Map instead of a defined boundary. The policy is sound.

³² MBC/LC3a-c

185. In accordance with Policy EN5 on Local Green Spaces, a total of 61 such spaces are identified on the Policies Map. Their selection is based on detailed evidence gathering, application of the criteria in NPPF and has included consultation with all of the Parish Councils. The policy explicitly encourages Neighbourhood Plans to identify any additional Local Green Spaces, bearing in mind that the evidence base identifies spaces that may have potential for designation in the future. **MM16** provides necessary clarification that other, up to date evidence may provide the justification for future designations. Subject to this modification, the policy is justified, positively prepared and consistent with national planning policy. While it is appropriately part of the strategic policy content of the Plan, it does not fetter the role of Neighbourhood Plans in making further designations as appropriate.
186. It is also noteworthy that Policy EN6 (Settlement Character) provides clear support for the role of Neighbourhood Plans in identifying and protecting open areas and features (which would include key views) that make positive contributions to settlement character. For effectiveness, the supporting text should include a reference to Historic England's advice note on managing change within the setting of heritage assets (**MM17**).
187. Strategic proposals for open space, sport and recreation provision are set out in Policy EN7. The identified projects do not imply that local needs would not also be addressed appropriately, and this can be facilitated by financial contributions from new development. No changes to this policy are required for soundness.
188. The Plan seeks to secure energy efficient and low carbon development through Policy EN9, which lists a number of criteria that should be considered. **MM18** is necessary to clarify that the requirement for design and access statements to address these matters is limited to major development proposals³³, and to make clear that statements need only be proportionate. **MM18** also deletes the second sentence of criterion 5, amongst other deletions in the criteria, which is not consistent with planning policy guidance in seeking to exceed national standards for renewable or low carbon energy use in new developments without clearly evidenced need. Subject to the **MM**, the policy is unlikely to place an undue burden on new development.
189. Policy EN10 (Energy development from renewable sources) is also a key part of the Plan's policies to mitigate, and adapt to, climate change. Amongst its other provisions, it identifies areas in the Borough that are suitable for wind energy development, subject to a number of criteria. In doing so, it accords with the Written Ministerial Statement (June 2015) and PPG and is consistent with NPPF. This part of the policy is based on a study³⁴ that takes account of the potential impact on landscape character assessment units of turbine

³³ 'Major development' is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

³⁴ MBC/LC2

heights and cluster sizes that are most commonly proposed for development, and I consider that it is fit for purpose. The Plan makes clear that identification in the study is not a definitive statement of the suitability of a certain location. However, for clarity and therefore effectiveness, criterion 17 of the policy should be modified to refer to the identification of the relevant areas on the Policies Map, and the table should be included in the policy. Also, 'low carbon' should be included within the scope of the policy for consistency with national planning policy. **MM18** makes the necessary changes to the Plan.

190. Policies EN11 and EN12 are, for the most part, sound but surface water management is a concern throughout the Borough and for effectiveness, Policy EN11 should have regard to both pluvial and fluvial flood risk, and it should set out how foul water sewerage capacity will be considered in development proposals. It is legitimate to expect proposals to demonstrate that there is, or will be capacity in the sewerage network, since the Council may need to impose planning conditions to ensure that dwellings are not occupied until the capacity is available. Therefore EN11 should be modified to make this clear. And for consistency with national planning policy, Policy EN12 should clarify how sustainable urban drainage systems may provide net gains for nature. Subject to **MM19**, these policies are sound.

Conclusion

191. Provided that the MMs recommended above are made, the Plan's policies and proposals for the environment of the Borough are justified, consistent with national planning policy and guidance, and likely to be effective. In compliance with s19 of the Act, they also address the implications of climate change.

Issue 9 – In all other respects, are the Plan's policies and proposals, including for infrastructure and for the management of development, sound? Does the Plan make suitable provision for inclusive design and accessible environments?

192. The Plan is informed by a comprehensive, infrastructure delivery plan³⁵ which is updated regularly, in addition to the detailed studies that support the MMTS and in particular, the proposals for the MMDR. I have concluded above that the MMDR is likely to be delivered within the Plan period. While I appreciate the concerns of the rural communities in particular about the cumulative impact of development on their areas, these impacts will be dispersed over a wide area. Based on the evidence, it is reasonable to expect that the more minor transport improvements (e.g. junction improvements, traffic calming schemes, pedestrian crossings etc.) that may be required to mitigate the impacts of specific development proposals will be secured in a timely manner through the development management process. In this regard, Policy IN2 sets

³⁵ MBC/INF1

out suitable criteria for assessing the transport, accessibility and parking implications of development proposals.

193. As the Plan makes clear, it is likely that developer contributions towards additional school places in Melton Mowbray and the rural areas will be required. Ensuring that the necessary accommodation is available when needed is crucial for the development of sustainable communities, and therefore amendments to section 8.4 are justified for an effective Plan. These amendments clarify when financial contributions will be expected from new development and how the Education Authority will seek to address particular needs. **MM20** makes the required changes in this regard. There is insufficient reason to conclude that Policy IN3 on infrastructure contributions and the Community Infrastructure Levy is likely to be applied inflexibly, such that the viability of new development would be undermined. Overall, the policies and proposals take a proportionate and justified approach in requiring infrastructure improvements throughout the Borough that reflect the demand that will arise from planned growth.
194. Turning to design matters and managing new development, one of the strategic objectives of the Plan is to promote high quality, innovative design that is locally distinctive and contributes to a safe and accessible environment. Specific policies seek accessible housing, services and facilities, places, transport and jobs, and social inclusion is encouraged through relevant policies that address all sections of the community, based on evidence of need. Where necessary, I have referred to these in more detail elsewhere in the report.
195. Policy D1 sets out the Council's overall approach to raising the standard of design and it includes a reference to Building for Life 12, the current industry standard, endorsed by Government and other stakeholders for the design of new housing schemes. By seeking development that performs well against this standard, the policy is neither onerous nor unclear in my view, but to ensure its effectiveness over time, it should acknowledge that any subsequent guidance will be taken into account.
196. Also, for consistency with national planning policy, the promotion of public safety should be included as one of the elements to be maximised through the design and layout of new development. And, having regard to the potential contribution of design review to improving the quality of major development projects, it is justified to encourage this by adding a new reference to it in the supporting text. It is not reasonable, however, to include a policy requirement on matters that will be set out in a future SPD and this should be deleted. Subject to **MM21** which includes these modifications, the Plan's provisions for seeking high quality, inclusive design and accessible environments throughout the Borough are sound.
197. The way in which proposals for new dwellings for agricultural/forestry workers will be considered is set out in Policy D3. For the most part it is a sound approach, but a key consideration about proposed dwellings with extensive facilities which are deemed to be excessive and beyond the remit of the operation, is only referred to in the supporting text. This should be included in the policy, in order for it to be effective (**MM22**).

Conclusion

198. Provided that the MMs recommended above are made, the Plan's policies and proposals for infrastructure, management of development, inclusive design and accessible environments, and in all other respects, are sound.

Public Sector Equality Duty

199. Throughout the examination I have had due regard to the aims set out in s149(1) of the Equality Act 2010. This has included my consideration of the Plan's provisions to meet the needs of travellers, and accessible and adaptable housing and inclusive design and accessible environments to meet the needs of others who may have protected characteristics. I am satisfied that the Plan, as modified in accordance with my recommendations, provides for fair and equal treatment for all of Melton's communities.

Assessment of Legal Compliance

200. My examination of the legal compliance of the Plan is summarised below.

201. The Plan has been prepared in accordance with the Council's Local Development Scheme.

202. Consultation on the Plan and the proposed main modifications was carried out in compliance with the Council's Statement of Community Involvement.

203. As referred to elsewhere in the report, sustainability appraisal has been carried out and is adequate.

204. A Habitats Regulations Appropriate Assessment Screening Report was published in January 2016 alongside the Emerging Options for the Plan. Given that some of the policies were assessed as having the potential for likely significant effects on European Sites, Appropriate Assessment was carried out and reported on (October 2016). This concluded that, subject to implementation of the mitigation measures set out in the Plan, no adverse effects on the integrity of the European Sites were likely to occur. A HRA Technical Note considered the implications of the Focused Changes, and a HRA Addendum was prepared for the proposed main modifications, neither of which gives cause to depart from the conclusions of the Appropriate Assessment³⁶.

205. The HRA has been revisited in the light of the recent judgement in the case of *People over Wind, Peter Sweetman v Coillte Teoranta* (Case ref C-323/17). Consideration has been given to which types of effects on which European sites would have been taken forward to the Appropriate Assessment stage, if 6 policies had not been screened out after considering mitigation. I am satisfied that all of the potential likely significant effects, associated with the policies

³⁶ MBC/WP3, MBC/WP3a, MBC/WP3b.

that were screened out on the basis of mitigation, were included in the Appropriate Assessment anyway. This is because other policies that were not screened out gave rise to the same potential likely significant effects. Taken as a whole, the HRA is adequate.

206. As referred to above, the Plan includes policies designed to secure that the development and use of land in the Borough contribute to the mitigation of, and adaptation to, climate change.

207. The Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

208. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

209. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Melton Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Mary Travers

Inspector

This report is accompanied by a separate Appendix containing the recommended Main Modifications.