

MELTON LOCAL PLAN EXAMINATION

MATTERS AND QUESTIONS

Note 1: It is implicit that in answering the following questions, if respondents identify a soundness deficiency in the Plan (as amended by the Focused Changes) they should make clear how the Plan should be changed.

Note 2: Policy references are to the principal policies at issue but other parts of the Plan may also be relevant.

Matter 1: Legal requirements and the Duty to Co-operate

- 1.1 Is the Plan compliant with the Planning and Compulsory Purchase Act (2004) (as amended) and the 2102 Regulations? In particular, is the Plan compliant with the Local Development Scheme and the Statement of Community involvement?
- 1.2 Has the Habitats Regulation Assessment and the Sustainability Appraisal (SA) adequately assessed the likely environmental, social and economic effects of the Melton Local Plan (the Plan)? Does the SA demonstrate that the Plan has been tested against all reasonable alternatives?
- 1.3 Does the Plan as a whole accord with s19(1A) of the Act by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?
- 1.4 Has the Council engaged constructively, actively and on an on-going basis with all relevant organisations on the strategic matters that are relevant to the Plan's preparation, as required by the Duty to Co-operate? Other than section 4.7 and Policy SS6 which will be considered under Matter 3, does the Plan provide for effective outcomes in terms of cross-boundary issues?
- 1.5 Does the Plan set out a clear strategic policy framework for the preparation of Neighbourhood Plans? How will any inconsistencies between emerging NPs and the Plan be resolved?

Matter 2: Overall Spatial Strategy

- 2.1 Does the Plan provide a sound framework for the roles that will be played by various parts of the Borough in meeting development needs over the plan period? In particular:
- i) are the development strategy, settlement hierarchy and broad apportionment of growth (Policies SS2 and SS3) consistent with the Plan's vision and strategic objectives?
 - ii) are they founded on robust evidence, consistent with national planning policy and deliverable? [*Note: the soundness of the specific site allocations including the Melton Mowbray Sustainable Neighbourhoods will be considered under Matters 4 and 5*]?
 - iii) is the role of Table 4 in informing the detailed housing allocations policies sufficiently clear? Is its evidential base sufficient for its purpose?
- 2.2 Does Policy SS3 provide effective guidance for development proposals on unallocated sites in/on the edge of existing rural settlements? How will the risk of inconsistency with the development strategy from repeated application of the policy be assessed?

Matter 3: Overall requirements for housing and employment land and the long-term growth strategy (Policies SS2 and SS6); affordable housing need and policy targets (Policies C4, SS4 and SS5)

[Note: the soundness of the land allocations for housing and employment will be considered under Matters 4, 5 and 8 as appropriate]

- 3.1 Has the housing requirement figure of 6125 dwellings (2011-2036) (equivalent to 245dpa) as set out in Policy SS2 been informed by a robust, credible assessment of the objectively assessed needs and is it positively prepared and consistent with national planning policy? In particular:
- i) is the Housing and Economic Needs Assessment for Leicester and Leicestershire (HEDNA 2017) an appropriate starting point for setting the requirement in terms of its demographic assumptions (including future trends in household formation and migration), the account taken of market signals, forecast

growth in employment, commuting patterns and the need for affordable housing?

- ii) is the uplift from the HEDNA OAN figure for Melton (170dpa) to 245dpa soundly based, having regard to the evidence and national planning policy? Does it take appropriate account of a) employment growth, b) the identified need for affordable housing, c) infrastructure needs, d) capacity of land, and e) deliverability/achievability?
 - iii) is the HEDNA's estimate that c1750 affordable dwellings are required in the Borough robust? Is the Plan's target of 1300 net affordable dwellings that informs Policy C4 soundly based and deliverable? Are the affordable housing targets set out in Policy C4 soundly based and deliverable?
- 3.2 Are the relevant parts of section 4.7 and Policy SS6 a sound basis for addressing housing, employment and other needs that may arise in the Borough, the Housing Market Area and elsewhere in the future? Are they fully consistent with the Joint Statement of Co-operation for the Leicester and Leicestershire Authorities, updated in November 2017? Should Policy SS6 be more specific about what would trigger review of the Plan and the timescale for review in order to address such needs?
- 3.3 Are the references in Policy SS6 to specific locations as potential alternative or long term options justified?
- 3.4 Is the target in Policy SS2 for provision of 51ha of employment land in the Plan period justified by the evidence and consistent with the proposed growth in housing? [*Note: the suitability of the employment land designations and allocations in Policy EC1 will be considered under Matter 8*].

**Matter 4: Melton Mowbray Sustainable Neighbourhoods (MMSNs)
(Policies SS4 and SS5)**

- 4.1 Are the sustainable neighbourhood allocations as a whole consistent with the strategic objectives for Melton Borough?
- 4.2 Based on all the evidence, have they been positively prepared and has their identification been adequately justified? Is the overall size of the allocations and the quantity of development proposed appropriate?

- 4.3 Is the housing trajectory for completions over the Plan period and particularly within the first five years realistic and underpinned by robust evidence from all partners to the MMSNs' delivery? Does progress on masterplanning and timescales for full planning permission support the trajectory figures? What is the market evidence to support the level of completions expected by 2022/2023? Is there in-built flexibility to resolve any barriers to delivery?
- 4.4 Have the interdependencies between delivery of the MMSNs and Melton Mowbray Transport Strategy, especially the Distributor Road (Policy IN1), been made clear and have they been adequately taken into account?
- 4.5 Are the specific policy requirements for each of the MMSNs justified and deliverable [*Note: the affordable housing targets will be considered under Matter 3*]? In particular:
- i) Are the community facility requirements justified and deliverable?
 - ii) In the case of South MMSN, will the separate identities of Burton Lazars and Eye Kettleby and settlement fringe sensitivities in general be adequately protected through the Plan's policies?
 - iii) How will uncertainty about the deliverability of the 20ha employment land allocation in South MMSN be addressed and mitigated if necessary?
 - iv) How will the special interests of the St Mary and St Lazarus Hospital Scheduled Ancient Monument be protected by the development and the proposals for the Distributor Road?
 - v) How will any potential adverse impacts from North MMSN on Melton Country Park be satisfactorily addressed?

Matter 5: Other Housing Allocations (Policy C1(A) and Appendix 1) and Reserve Sites (Policy C1(B) and Appendix 1)

- 5.1 Overall, has the allocation of the sites in Policy C1(A) been based on a clear, robust process of site assessment and informed by sustainability appraisal? In particular:
- i) has an appropriate selection of potential sites been assessed?

- ii) has an appropriate methodology been used and has it been applied consistently?
 - iii) are the reasons for selecting the preferred sites and rejecting the others clear and sufficient? Would any inaccuracies in the assessments significantly undermine the overall conclusions?
 - iv) has a reasonable balance been struck between the residual requirement figure for each of the settlements in Table 4 and the allocation of sites to meet the residual requirement as closely as possible?
- 5.2 Overall, will the allocations provide sufficient flexibility to help deliver the spatial strategy?
- 5.3 Are the specific policy requirements for the site allocations in Appendix 1 justified and effective? Together with the Plan policies as a whole, is there reasonable assurance that the development of the allocations will be sustainable and in accordance with national planning policy?
- 5.4 Is the identification of 'reserve sites' in Policy C1 (B) appropriate in principle?
- 5.5 Has the basis for their identification been robust? Is there clear justification for the identification of the individual sites as reserve sites?
- 5.6 Are the policy criteria of Policy C1(B) justified and effective? How will criteria iii) and iv) be assessed?

Matter 6: Housing Land Supply

- 6.1 Apart from a housing trajectory for the Plan period, what other summary and tabular information about the components of the housing land supply, the five year land supply and the implementation strategy for housing should be included in the Plan?
- 6.2 Is there robust evidence underpinning the calculation of the land supply for the Plan period? In particular:
- i) are the allowances for existing commitments and for windfalls adequately justified? Has appropriate consideration been given to lapse rates for planning permissions?
 - ii) is there any dispute that a 20% buffer should be added to the supply to address persistent under-delivery?

- iii) is it justified to make good the shortfall in delivery since 2011 over the remainder of the Plan period (the 'Liverpool approach')?
- iv) does the evidence indicate that reasonable conclusions have been drawn about site capacities, having regard to any specific viability, infrastructure or other barriers to delivery? [*Note: the details of individual sites will be considered under Matters 4 and 5*]

6.3 Is the housing trajectory as set out in MBC/HS1 (dated 30 May 2017) based on robust evidence about deliverability and achievability of development of the sites over the Plan period? In particular, has it been shown that it is realistic to plan for delivery of an average of 347 dpa over the five year period starting 2017/18 or an average of 359 dpa over the 5 year period starting 2018/19? Is there robust, credible evidence demonstrating the capacity of the development sector to complete and sell this quantity of housing in the Borough in the next 5/6 years? If not, how should the Plan be changed to ensure that it is deliverable and therefore effective?

Matter 7: Other Policies for Communities

- 7.1 Does the Plan adequately address the needs for all types of housing [*apart from overall need for affordable housing which will be considered under Matter 3*] and the needs of different groups in the community? In particular:
- i) does Policy C2 (Housing Mix) give clear and sufficient guidance about the basis on which planning applications will be determined in order to meet the Plan's expectations in this regard?
 - ii) is Policy C3 consistent with the Written Ministerial Statement (March 2015) (the Planning Update statement) and Planning Practice Guidance on optional technical standards for housing?
 - iii) having regard to the robustness of the evidence, does the Plan make adequate provision for the housing needs of the Gypsy and Traveller and Travelling Showpeople communities? Will the committed sites meet these needs? How will the needs of people who have permanently ceased to travel be addressed?

- iv) are the criteria in Policy C6 justified and consistent with national planning policy?
- v) are the requirements of Policy C8 for self-build and custom-build housing justified and deliverable?
- vi) in all other respects are the Plan's policies for communities soundly based?

Matter 8: Employment, Retail, Town Centre and Tourism Development

- 8.1 Do Policies EC1, EC2 and EC3 provide clear, justified and deliverable proposals for employment land development in Melton Mowbray and the Rural Areas and for the protection of existing employment sites? What is the distinction in policy terms, if any, between the 'Employment facilities listed for retention' and 'Other key employment sites'? Does Policy EC4 provide appropriate guidance and encouragement for development outside existing or allocated employment sites?
- 8.2 As required by Policy EC5, why is it appropriate to seek retail impact assessments for development of main town centre uses in excess of 200sq m (gross) in edge of centre or out of centre locations in Melton Mowbray? How will the adequacy of car parking provision be assessed in Melton Mowbray town centre?
- 8.3 Why would it be appropriate to require a retail impact assessment for all retail proposals in the locations set out in Policy EC7?
- 8.4 Taken together with other policies in the Plan, does Policy EC8 provide a sound basis for sustaining and encouraging tourism and related development in the Borough?

Matter 9: Policies for the Environment

[Note: representations that site allocations in the Plan are inconsistent with certain EN policies will be considered as part of Matters 4, 5 and 8 as appropriate]

- 9.1 Do Policies EN1, EN2, EN3 and EN6 provide clear, justified and effective guidance for the protection and enhancement of the Borough's landscape, its biodiversity and geodiversity, and delivery, protection and enhancement of the green infrastructure network, and protection of settlement character?

- 9.2 Is Policy EN4 (Areas of Separation) soundly based? Is its definition/notation on the Policies Map sufficiently clear?
- 9.3 Is Policy EN5 (Local Green Space) soundly based? Should the designated areas be identified in the policy?
- 9.4 Regarding Policy EN7 (Open Space, Sport and Recreation), are the threshold of 10 dwellings or more, the quantity standards and requirements and the policy criteria soundly based?
- 9.5 In the case of Policy EN9 (Ensuring Energy Efficient and Low Carbon Development), is the proposal to apply almost all of the policy criteria to all development, regardless of its size or type, reasonable and consistent with national planning policy and guidance? Is the requirement for a statement as set out in the 7th bullet point reasonable and proportionate? What would constitute 'major development' in the 11th bullet point?
- 9.6 Is Policy EN10 (Energy Generation from Renewable Sources) consistent with the Written Ministerial Statement concerning wind energy development (June 2015) and with Planning Practice Guidance? Does the policy require clarification to refer to the identification of the LCUs on the Policies Map and to explain how criterion 17 of the policy will be applied? Is clarification also required about the point at which criterion 18 will need to be addressed by an applicant?
- 9.7 Are Policies EN11 (Minimising the Risk of Flooding) and EN12 (Sustainable Drainage Systems) soundly based? Are the policy criteria clearly expressed, justified and consistent with national planning policy?
- 9.8 Does Policy EN13 (Heritage Assets) provide appropriate protection for the Borough's heritage assets, consistent with national planning policy? Is the need to update conservation area appraisals an impediment to effective application of the policy?

Matter 10: Infrastructure Delivery

- 10.1 In the light of new policy IN1 on the Melton Mowbray Transport Strategy and the policy for Transport, Accessibility and Parking (old policy IN1), does the Plan provide an evidence-based, integrated and effective policy framework for transport that will support the implementation of the spatial strategy? How will any impacts on areas beyond the Borough boundary be addressed?

- 10.2 Taking account of the Infrastructure Delivery Plan, the delivery schedule in Appendix 4 and the processes for updating them, Policy IN2 and other supporting policies in the Plan, are there grounds for reasonable confidence that the necessary infrastructure will be provided to support the timely implementation of the spatial strategy?
- 10.3 Is there robust evidence to support the requirements of Policy IN3 (Broadband) and are they deliverable, subject to viability?

Matter 11: Managing Development

- 11.1 Should criterion b) of Policy D1 (Raising the Standard of Design) be amended to remove the expectation that the principles in any accompanying supplementary planning document will be met?
- 11.2 Is the reference in criterion j) to Building for Life 12 unduly prescriptive having regard to national planning policy and the Planning Practice Guidance?
- 11.3 Is paragraph 9.4.8 justified as a policy requirement? If so should it be moved to Policy D1 to replace criterion a)?
- 11.4 Does the Plan as a whole make sufficient provision for inclusive design and accessible environments, consistent with paragraphs 57, 58, 61 and 69 of NPPF?
- 11.5 In the context of Policy D3 (Agricultural Workers' Dwellings), is paragraph 9.5.5 in effect a policy statement? If so should it be included in the policy?
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