

**MELTON LOCAL PLAN EXAMINATION
STATEMENT OF MELTON BOROUGH COUNCIL**

8th January 2018

MATTER 1

**Legal requirements and
Duty to Co-operate**

Matter 1: Legal requirements and Duty to co-operate

QUESTION 1.1

- 1.1 The Melton Local Plan will be the main local development document that sets out the Council's policies relating to the use and development of land for the period up to 2036. Once adopted, it will completely replace the saved policies of the Melton Local Plan, adopted in 1999¹.
- 1.2 Policies dealing with minerals and waste are the responsibility of Leicestershire County Council. The existing policy framework is set out on the following County Council webpage:
<https://www.leicestershire.gov.uk/environment-and-planning/planning/minerals-and-waste-local-plan/policy-documents>
and the current stage of work to replace those documents with a plan up to 2031 can be found on the following webpage:
<https://www.leicestershire.gov.uk/environment-and-planning/planning/minerals-and-waste-local-plan/pre-submission-consultation>
- 1.3 The Melton Local Plan (MLP) is specified in the Council's Local Development Scheme (LDS), June 2017 (**[MBC/G1](#)**). As submitted, it accords with the description of its spatial coverage and scope indicated. In brief, it:
- i) identifies housing and employment needs, rolling forward the housing requirement to 2036;
 - ii) defines sustainable urban extensions and development sites;
 - iii) reviews and proposes other designations;
 - iv) sets out policies for Melton Mowbray Town Centre; and
 - v) sets out development management policies.
- 1.4 The MLP includes strategic policies, development site allocations and policies for their delivery for the whole Borough.
- 1.5 The MLP has been prepared in accordance with the timetable published in the LDS; a second regulation 19 consultation on an Addendum of Focused Changes took place in July-August 2017, the MLP was submitted for Examination in Autumn 2017 and the Examination is due to take place in early 2018.
- 1.6 The Melton Local Plan Policies Map has been prepared alongside the MLP, sharing all the same publication milestones. In accordance with the LDS, it shows all relevant policies of the MLP on an Ordnance Survey base. The Policies Map includes 33 inset maps.
- 1.7 The MLP has been prepared in compliance with the Council's adopted Statement of Community Involvement (SCI), April 2014 (**[MBC/G2](#)**). Full details of the community involvement that took place in preparing the MLP can be found in the Council's community consultation and engagement statements (**[MBC/G6a](#)** and **[MBC/G6b](#)**), covering the period up to publication of the Pre Submission

¹ Para 1.12.2 of the Pre Submission Draft MLP

Draft MLP, and the period from Pre Submission Draft MLP stage respectively. In accordance with the SCI (para 1.10), in the early stages of plan preparation, a number of Local Plan Reference Groups were an important vehicle for meaningful community engagement. At Pre Submission Draft stage onwards, and as referred to in the SCI (e.g. para 1.13 and 1.16), the Council made much use of electronic means of engagement and consultation alongside traditional means, consulting and informing via www.meltonplan.co.uk, a website subscriber list, and posts on Twitter and Facebook. Evidence of all the statutory notices about consultations and the availability of documents that were published on the Council's website and in the newspapers circulating the area (Melton Times, Leicester Mercury and Grantham Journal) are provided in the appendices to [MBC/G6a](#) and [G6b](#) referred to above.

- 1.8 In preparing the MLP, the Council has had regard to national policy and guidance issued by the Secretary of State, particularly the National Planning Policy Framework, National Planning Policy for Traveller Sites and National Planning Practice Guidance. Preparation of the MLP has also had regard to the Melton Borough Sustainable Communities Strategy, 2015 ([MBC/G5](#)), to the extent that the MLP relates to the objectives of the community strategy². Six of the seven draft priority outcomes in the Leicestershire Sustainable Community Strategy, May 2008, published by Leicestershire Together, for the Melton Mowbray Community Forum Area³ are also reflected in the MLP strategic objectives. These cover the town centre, transport links to the town centre, traffic reduction in the centre of Melton, the employment base, land and buildings to meet employment needs, and the heritage and tourism potential of area.
- 1.9 In preparing the plan, the Council has had regard to the resources likely to be available for implementing the proposals in the document. In particular, the Infrastructure Delivery Plan ([MBC/INF1](#)) sets out the costs and likely sources of funding for key pieces of infrastructure, and the whole plan and CIL viability study indicates that it is viable for the development proposed to come forward ([MBC/WP5](#)). The Council has indicated it will be introducing a Community Infrastructure Levy to help fund infrastructure, and undertook consultations on a preliminary draft charging schedule in summer 2017⁴. As is outlined in the Council's Matter 10 Examination Statement, the Council, County Council and partners have very recently submitted bids to Government for significant road infrastructure around Melton Mowbray, to facilitate and accelerate the growth envisaged by the MLP.
- 1.10 In accordance with the Act and regulatory requirements, the Council has also carried out an appraisal of the sustainability of the policies and proposals in the MLP, and prepared reports of the findings. These were undertaken by Land Use

² Para 3.3.2 of the Pre Submission Draft MLP

³ See Page 77 of the strategy, <http://politics.leics.gov.uk/documents/s28980/SCS%20Draft%202008.pdf>

⁴ See <https://www.meltonplan.co.uk/cil>

Consultants at each key stage of local plan preparation ([MBC/WP2a-h](#)), with the findings shaping the choices made at the next stage of plan preparation.

- 1.11 Taking all the above and the submitted documents referred to into account, the Council's view is that the MLP is compliant with requirements set out in the Planning and Compulsory Purchase Act (2004) as amended and the 2012 Town and Country Planning (Local Planning) (England) Regulations.

QUESTION 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?

- 1.2.1 A Sustainability Appraisal report has been prepared by LUC on behalf of the Council as part of the integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) of the draft Melton Local Plan. SA has been undertaken at all stages of plan preparation. The SA for the Issues and Options stage of the Local Plan was undertaken in-house by Melton Borough Council ([MBC/WP2a-c](#)), and thereafter by LUC, from the Emerging Options stage onwards ([MBC/WPC2d-2h](#)). All of the SA reports and the non-technical summaries are included in the supporting evidence base documents on our website
- 1.2.2 HRA screening was first undertaken at Emerging Options stage of local plan preparation, which was published for consultation alongside the plan in January 2016 (MBC/WP3). Subsequently, Habitats Regulation Assessment (HRA) was undertaken by LUC and reported on separately to the SA. The findings have been taken into account in the SA where relevant. The HRA was carried out from the Emerging Options stage through to the Focused Changes stage. The methodology is explained in detail in Section 3 of the HRA for PSD stage report ([MBC/WP3a](#)). The HRA of the proposed focused changes is included in the report [MBC/WP3b](#).
- 1.2.3 For the HRA, two tests were applied – a 'Significance Test' (screening) followed by an Appropriate Assessment informing the 'Integrity Test'. These two tests help ensure that potential adverse effects are identified and addressed through the inclusion of mitigation measures within the Plan to avoid or reduce effects. The third stage 'Assessment where no alternatives exist and adverse impacts remain taking into account mitigation' should be avoided if possible. The stages of the full HRA are explained in paras 1.8-1.11 on pages 2-3 of the report ([MBC/WP3a](#)). The HRA report summarises the content of the Melton Local Plan PSD document, followed by the screening test summarising the findings of the screening stage, followed by the 'Appropriate Assessment' and finally summarising the overall HRA conclusions.

- 1.2.4 The HRA screening has been undertaken in accordance with the guidance and is based on a 'precautionary approach' as required under the Habitats Regulations. Although none of the policies in the local plan were assessed to have significant effects on European sites, a number of policies were assessed to result in likely significant effects. These were examined in more detail through Appropriate Assessment which identified that with the implementation of the mitigation identified within the Plan, no adverse effects on the integrity of any of the European Sites are expected. This was reviewed for the Focused Changes stage of the Plan to establish whether any individual or combination of the focused changes could result in additional likely significant effects of the Plan, or alter the conclusions of the Appropriate Assessment of the PSD local plan. It was concluded that the focused changes would not have any implications for the HRA screening assessment and the mitigating effects provided by the plan policies would not be affected by the focused changes. A detailed review can be seen in the [MBC/WP3b](#) report.
- 1.2.5 The SA has appraised and assessed the policy options and the reasonable alternatives through the iterative stages of the plan. This is explained in paragraphs 2.11-2.35 of the SA report of the PSD stage ([MBC/WP2e](#)), and is included in chapters and appendices of the report. The SA work carried out under different stages of the Local Plan is explained in paragraphs 1.8-1.12 of the Non-technical summary of the SA report of the PSD stage ([MBC/WP2f](#)).
- 1.2.6 An updated and consistent SA framework of 17 headline objectives with associated sub-questions as well as SEA topics has been used across the iterations of the local plan SA work, encompassing likely environmental, social and economic effects. The Council has taken into account the findings of the SA as well as other relevant factors when deciding which site options to select for inclusion in the Pre-Submission Draft version of the Local Plan. The reasonable alternative options that have been considered for the Melton Local Plan have included alternative policy approaches as well as potential sites for new housing development. The SA includes sections on large scale site options, small scale site options including the assessment of the reasonable alternatives within Appendix 8 of the main SA report of PSD stage ([MBC/WP2e](#)). Section 5 includes details of large scale reasonable alternative options. The reasonable alternatives for the spatial strategy for the Borough, as well as the options for the location of potential Sustainable Neighbourhoods at Melton Mowbray, have been subject to SA during the PSD stage, building on the SA work carried out by the Council at the Issues and Options stage. The spatial strategy options have been assessed and tested throughout the SA work and are included in Chapter 4 and Appendix 9 of the main SA report of the PSD stage. Table 4.1 includes the scores of the Spatial Strategy options. The housing requirement number was further assessed during the Addendum of Focused Changes stage as explained below. The process involved at different stages and the sections within the SA are described within paras 1.13-1.30 of the NTS of the PSD stage SA work in [MBC/WP2f](#). Also, appendix 8 of the main SA report of PSD stage ([MBC/WP2e](#))

lists the site options considered and explains the reasons for selecting or rejecting them.

- 1.2.7 A SA addendum has been prepared building on the findings of the SA Report of the PSD stage. The SA addendum for the focused changes was done with the four purposes – (i) considering the implications for SA findings as a result of the housing requirement arising from new evidence, (ii) findings of the appraisal of two options for Melton Mowbray Distributor Road (MMDR), (iii) appraising additional sites, and, (iv) likely sustainability effects of policy changes. These are described in detail in the SA addendum report ([MBC/WP2g](#)) and the Non-technical summary of the SA addendum ([MBC/WP2h](#)) published in July 2017.
- 1.2.8 The SA has been carried out in accordance with Government guidance and has met the requirements of the European Strategic Environmental Assessment Directive⁵. The SA/SEA has been carried out in line with the integrated approach of the NPPG (para 1.11-1.13 of the main SA report of the PSD stage, [MBC/WP2e](#)). The methodology has been explained in section 2 of the report [MBC/WP2e](#).
- 1.2.9 Taking into account all of the above, the Council considers that, taken together, the HRA and SA have adequately assessed the likely environmental, social and economic effects of the Melton Local Plan, and that the SA work undertaken demonstrates that the Plan has been tested against all reasonable alternatives.

QUESTION 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?

- 1.3.1 Yes, the Plan as a whole and the policies as such contribute to the mitigation of and adaptation to climate change, as the policies accord with NPPF.
- 1.3.2 Section 19(1A) of PCPA 2004 states, “development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.”
- 1.3.3 The term ‘mitigation’ refers to efforts to reduce or prevent the emission of greenhouse gases, or any action taken to permanently eliminate or reduce the long-term risk and hazards of climate change to human life, property. ‘Adaptation’ refers to actions taken to manage the unavoidable impacts of climate change.

⁵ European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'.

- 1.3.4 The draft Local Plan addresses the mitigation and adaptation to climate change through its Vision and high level strategic objectives – “prepare for, limit, and adapt to climate change and promote low carbon development” (Strategic objective no. 23 in Chapter 3 of the Pre-submission draft Local Plan). Other strategic objectives, such as no.9, to reduce the need to travel by car and no. 24, to minimise the use of energy are also part of efforts to cut the emission of greenhouse gases.
- 1.3.5 The draft Melton Local Plan supports mitigation and adaptation through several policies. Policy SS1 reflects the presumption in favour of sustainable development contained within the NPPF. The spatial strategy (Policy SS2) which concentrates growth around Melton Mowbray and the most sustainable locations available where existing sustainable transport infrastructure can be utilised and expanded, and access to services, facilities and employment is favourable, helps in mitigating the effects of climate change (para 7.16.6 of the Pre-submission draft Local Plan, Chapter 7). Sustainable Neighbourhood policies (SS4 and SS5) both encourage adaptation of buildings and spaces to future climatic conditions and flood alleviation measures (clauses en7 and en8 of SS4 and SS5). Policy SS3 also encourages mitigation through the criteria 4, 5 and 6 as amended in the Addendum of Focused Changes. Section 7.16 of the Pre-submission draft Local Plan describes how climate change mitigation and adaptation can be addressed through local planning. Policy EN8 of the draft Local Plan requires new development to demonstrate how the need to mitigate and adapt to climate change has been considered through a series of methods. The individual site assessments have been adjusted to take account of flood risk and have been the subject of a Sequential Test (details are provided in the Council’s response to Matter 9, paragraph 9.7.6). Policy EN9 encourages use of sustainable methods maximising the use of energy efficiency in future developments. Policy EN10 encourages energy generation from renewable sources in the context of sustainable development and climate change. Policies EN11 (Minimising the Risk of Flooding) and EN12 (Sustainable Drainage Systems) both reduce the effects of climate change through mitigation and adaptation. Paragraph 8.3.3 in the Addendum of Focused Changes refers to Leicestershire County Council’s transport priorities in the Leicestershire Local Transport Plan 3 (LTP3) which lists ‘reduction in carbon footprint of Leicestershire’ amongst its set of priorities (Focused Change 11, page no. 111 in Addendum of Focused Change – [MBC/G4e ii](#)). New Policy IN1 for delivering the Melton Mowbray Transport Strategy (MMTS) includes a ‘package of measures’ including enhanced pedestrian, cycling and public transport facilities and distributor road which will reduce traffic congestion and associated emissions. Policy IN2 encourages measures to reduce the need to travel by car and encourages use of walking, cycling and public transport. Design Policy D1 includes a list of measures that help minimise the effects of climate change.
- 1.3.6 Also the SA has the ‘adaptation to climate change’ as one of its objectives which has been tested as part of the framework for all the stages of the Local Plan (SA Objective 16).

1.3.7 Taking into account all of the above, the Plan as a whole accords 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.

QUESTION 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 Cooperate? 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?

- 1.4.1 Yes, the Council has engaged constructively, actively and on an on-going basis with the relevant organisations. The relevant organisations are listed in the Duty to Cooperate Statement ([MBC/G7](#)), published in October 2017.
- 1.4.2 The strategic matters relevant to the Plan's preparation as required by the Duty to Cooperate are listed in paragraph 6.4 of the DtC statement. The themes that were pursued under the Duty were selected systematically in consultation with the partners by identifying cross border matters that were judged most likely to impact on strategies for the sustainable development of the Borough. These matters were then explored throughout plan preparation.
- 1.4.3 The strategic matters identified during the plan making process include strategic housing need and land supply, general employment, Gypsy, traveller and travelling showpeople accommodation needs, transport and other infrastructure, green infrastructure and flood risk. The reasons for the selection of the strategic issues for compliance with the Duty to Co-operate relevant to Melton Local Plan from the outset of the plan-making process are described in paragraphs 5.1, 6.3 and 6.4 of the Statement. Neighbouring authorities and other relevant bodies were consulted on a framework which identified the strategic issues and set out how and when we involved them in considering these issues as the plan has progressed. This is explained in detail in the Appendix 1 of the Statement ([MBC/G7](#)).
- 1.4.4 For example, in respect of strategic housing needs, in the initial stages of plan preparation, the Council worked jointly with the HMA partners on a Strategic Housing Market Assessment study and associated Memorandum of Understanding to establish the Objectively Assessed Need (OAN) and housing requirement across the HMA, and this was followed more recently by similar working on the HEDNA, and a Joint Statement of Co-operation. These are described in detail in the Statement, [MBC/G7](#).
- 1.4.5 The Council has complied with the Duty in accordance with the guidance in the NPPF and PPG. Relevant planning policy issues considered under the Duty to

Cooperate align with paragraphs 178-181 and 156 and are explained in paragraph 6.4 of the Statement ([MBC/G7](#)).

- 1.4.6 The DtC statement describes in detail the involvement and the effective outcomes with the relevant organisations on the cross-boundary strategic matters in various sections – particularly sections 9-10, page nos. 8-20 of the statement. The engagement with the partners has been at Senior Officer level through the Strategic Planning Group (SPG), Planning Officers’ Forum, and Development Plans Forum. These groups have met regularly to carry out the joint work, for example the Housing and Economic Development Needs Assessment, and have provided a high level forum for discussing common strategic issues. The work of SPG and the subsidiary officer groups has been overseen by a Member Advisory Group (MAG) which comprises of one representative from each local authority, plus an observer from the LLEP. The MAG has met regularly and its role has been advisory, its recommendations being endorsed individually by each partner body under their own governance processes and procedures. The roles of these groups and MAG are described in detail in paragraphs 7.3-7.6 of the Statement. The recommendations of MAG with respect to Joint Statement of Cooperation in January 2017 was agreed by the Full Council on 4th July 2017, details of which are included in the minutes of the Full Council meeting (Minute CO22⁶); and that for Joint Statement of Cooperation in November 2017 to authorise Head of Regulatory Services to agree the Statement as per MAG’s recommendations was agreed by the Full Council on 27th September 2017 meeting (Minute CO50⁷).
- 1.4.7 The Council has actively and constructively engaged with the partners on the preparation of the Local Plan and its supporting evidence base. Key outcomes of this include the county/HMA wide housing and economic needs assessment, HEDNA ([MBC/HN1](#)), and a joint Statement of Co-operation with Leicester and Leicestershire partners published in November 2017 ([MBC/HN3A](#)). The Council has also engaged with Leicester City, Charnwood Borough Council and Historic England to prepare a Statements of Common Ground ([SCG1 to 3](#)).
- 1.4.8 The processes for and outcomes of active and constructive dialogue on cross boundary issues during the plan making process are described in detail for each strategic issue in the DtC Statement in section 9 on pages 8-19.
- 1.4.9 The Council has also been working in partnership with the other Leicester and Leicestershire authorities and the L&L Local Enterprise Partnership on the preparation of the Strategic Growth Plan (SGP). The SGP will guide future development in the county up to 2050, addressing its development needs and infrastructure requirements and providing a resolution to the limited capacities of some areas to satisfy needs (‘unmet need’) . A draft Plan has been published

⁶ <https://democracy.melton.gov.uk/ieListDocuments.aspx?CId=133&MId=303&Ver=4>

⁷ <https://democracy.melton.gov.uk/ieListDocuments.aspx?CId=133&MId=308&Ver=4>

for public consultation in January 2018 ([MBC/SS1a](#)), following consultation on a Strategic Growth Statement in Summer 2016 ([MBC/SS1](#)). Details of the SGP are included in section 10 of the DtC Statement.

1.4.10 There has been active, effective and constructive joint working on other strategic and cross boundary issues. For example the findings of Gypsies and Travellers needs assessment update undertaken jointly in 2017 have informed the permanent pitch requirements in the Borough. Effective joint working with Leicestershire County Council and partners has resulted in successfully securing funding to prepare the outline business case for the Melton Mowbray Distributor Road (MMDR), leading to its submission to DfT on 22 December 2017. Joint studies with partners have been undertaken to produce the Green Infrastructure (GI) strategy, the Landscape Sensitivity Study: Wind Energy Development, and the Strategic Flood Risk Assessment reports, all of which have informed the policies and site assessments of the draft Melton Local Plan. The Plan is deliverable over its period and has been based on effective joint working on cross-boundary strategic priorities and as such, is considered sound based on the definition in para 182 of the NPPF.

1.4.11 Taking all the above into account, the Council considers it has 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 Cooperate. Taking into account paragraphs 1.4.4-1.4.7 above, the Council considers that the Plan provides for effective outcomes in terms of cross-boundary issues.

QUESTION 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?

1.5.1 The Council's commitment to supporting the preparation of NPs is set out clearly in the last clause of Policy SS2, in all cases where NPs are consistent with the strategic objectives and proposals included in the local plan. Its commitment to date is reflected in the advanced stage of preparation of six Neighbourhood Plans in the Borough, and a further eight at earlier stages⁸.

1.5.2 In accordance with paragraph 184 of the NPPF, the local plan sets out clearly (at paragraph 1.9.4) which policies the Council considers are strategic; it states that all policies up to Chapter 8 should be considered strategic for the purposes of developing a Neighbourhood Plan. Elsewhere in NPPF (para. 156), the matters that strategic policies should include are set out, namely to deliver:

- i) the homes and jobs needed in the area;
- ii) the provision of retail, leisure and other commercial development

⁸ See ID1B for up to date list

- iii) the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
- iv) the provision of health, security, community and cultural infrastructure and other local facilities
- v) climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape’.

1.5.3 All these matters are encompassed in the policies in the local plan up to and including Chapter 8, except for the provision of infrastructure and the provision of minerals; the former is included in Chapter 8, whilst the latter is not included at all, because there is a separate Minerals and Waste local development document is being prepared by the County Council⁹.

1.5.4 To comply fully with NPPF, a minor modification to the wording of paragraph 1.9.4 is suggested:

1.9.4 For the purpose of testing conformity of Neighbourhood Plans with the Local Plan, all policies included in the Local Plan up to and including Chapter 8 are regarded as strategic policies.

1.5.5 Subject to the minor modification to clarify paragraph 1.9.4 suggested above, the Council is satisfied that the Plan sets out a clear strategic policy framework for the preparation of Neighbourhood Plans.

Inconsistencies

1.5.6 There are two scenarios under which inconsistencies between emerging NPs and the LP may arise - before the LP is adopted, and after the LP is adopted.

1.5.7 National guidance is clear on the latter. Once the local plan is adopted, in complying with Basic Condition E¹⁰ which states that Neighbourhood Plans should be ‘in general conformity with the strategic policies contained in the development plan for the area’, NPs will have to be in conformity with the all policies up to (and including) Chapter 8 of the local plan. NPs that are not in general conformity would not meet the basic condition test and so would fail at Examination, unless the Examiner can introduce modifications which would align the Neighbourhood Plan sufficiently so as to meet the basic conditions.

1.5.8 Should a local plan review take place that alters any of the strategic policies, then the Council would support the review of any NP that was needed to re-establish general conformity with the LP.

⁹ See paragraph 1.2 above.

¹⁰ NPPG Neighbourhood Planning; Paragraph 065 ID: 41-065-20140306

- 1.5.9 Because the MLP has not been adopted yet, the NDPs that have been prepared so far have not had to be prepared in general conformity with it¹¹, and may therefore exhibit some differences, particularly with regards to housing allocations. The Council has kept NP groups informed about the emerging strategic policy content throughout the plan preparation process, and explained to NP Groups that any NPs adopted in advance of the Local Plan may have elements of them rendered out of date on adoption of strategic policies that may differ in their content, and that in those circumstances, the adopted policies of the LP would prevail¹². There is however opportunity through the LP Examination process to improve alignment by allocating additional, or alternative, LP sites or not allocating them at all.
- 1.5.10 The Council is generally content to consider modifications to the emerging MLP that help to bring NDPs which have reached Examiners Report stage or later¹³ into general conformity with the strategic policies of the MLP. In respect of differences in proposed housing allocations¹⁴, the Council considers that overall, its process of site selection, based on evidence of suitability, availability and deliverability, is more robust than that advanced in support of NP allocations and would recommend the MLP allocations to the Inspector on that basis. However, should the Inspector disagree in any specific instances, and alternative sites are proposed in NPs to those in the MLP, the Council would be content with modifications that allocate those sites, either as well as the proposed MLP sites or with the proviso that the lowest priority MLP sites be identified instead as a 'reserve' site. This approach is suggested to ensure that overall plan housing numbers are delivered, reflecting that there may well have been less detailed scrutiny and therefore less certainty about the delivery of sites identified in NPs.
- 1.5.11 Where alternative capacities are proposed in NPs for MLP sites, the Council would be content with minor modifications to these, as they are only intended to be indicative, and do not preclude schemes of different numbers that satisfy all other planning requirements.
- 1.5.12 The Council recognise that some Neighbourhood Plans propose less housing development than the submitted Local Plan suggests should be accommodated in those areas. It is content to work with the Inspector in achieving greater alignment, but would prefer that this did not result in lower levels of housing growth being proposed in the Local Plan, if this would undermine the ability to deliver the housing requirement overall or affect the integrity of the spatial distribution exercise completed by the Council. The Planning Act is clear that overall housing numbers and spatial strategy are the role of a local plan, and NPPF is clear (para 184) that NPs should not promote less development than

¹¹ NPPG Local Plans; Paragraph 013 Ref ID: 12-013-207072

¹² NPPG Neighbourhood Planning, Paragraph 009 ID: 41-009-20160211

¹³ Asfordby NDP, Wymondham NDP, Clawson, Harby and Hose NDP, Broughton & Dalby NDP, Frisby NDP and Waltham and Thorpe Arnold NDP

¹⁴ See Appendix 1.

set out in the Local Plan or undermine its strategic priorities. Notwithstanding that the MLP is not yet adopted, it cannot be the intention of national planning policy and legislation that NPs for component parts of the Borough should affect the overall planning of the Borough as a whole.

- 1.5.13 The Council understands why some residents value Village Envelopes. However, the Council would prefer if they were not introduced into the Melton Local Plan. The Council considers that this policy tool unduly restricts development and could lead to undue pressure to overdevelop green spaces within villages. The Council considers that Village Envelopes would not be compatible with Policy SS3 and could limit windfall developments. The Council considers its Policy SS3 to be more appropriate, being robust, flexible and compatible with the aims of the NPPF, and its presumption in favour of sustainable development, particularly given that the Plan extends to 2036. It provides an opportunity for identified local needs to be met on an 'exception' basis, which a Village Envelope policy would not – as such, it is more sustainable in social and environmental dimensions.
- 1.5.14 Including the issues above, it is the view of the LPA that once adopted, the Local Plan in its current form will provide a robust clear policy framework for emerging Neighbourhood Plans. There are a number of policies within the Local Plan that specifically 'leave the door open' for Neighbourhood Plans to add further clarity and localised knowledge. In particular, policies EN1, EN2, EN4, EN5, EN6 and EN7 are examples of where the Local Plan and Neighbourhood Plans can function more harmoniously, and the Local Plan empowers residents to build upon the policies contained in the Local Plan. The LPA are prepared to work with Neighbourhood Planning Groups and the Inspector to resolve inconsistencies such as those identified above. The Local Plan Examination provides an opportunity to resolve any inconsistencies between NPs at an advanced stage of preparation and the strategic policies of the MLP. The Council suggest that the overriding principle of this should be that wherever possible, modifications are suggested that acknowledge or incorporate NP policies into the LP, where this does not either individually or cumulatively threaten the overall consistency and minimum quantitative development requirements of the LP, and where the Council has received a satisfactory response to its concerns about the deliverability of sites.

END

APPENDIX 1: HOUSING SITES PROPOSED IN NEIGHBOURHOOD PLANS

Advanced Neighbourhood Plans (post examination)

Sites within Neighbourhood Plans that are not included in the Local Plan

Site Reference	Address/Site Name	Capacity	Notes
Asfordby Neighbourhood Plan			
A13	Whitlock garages, Asfordby	10	Garage site in ownership of MBC. No objection to use for housing, but as yet no known interest in site.
A14	Asfordby Storage and Haulage, Asfordby	67	Currently in use by Asfordby Storage and Haulage Business.
A27	Holwell Business Park	100	Mixed use scheme promoted by Pegasus and Rotherhill. Protected employment land in BE Group Employment Land Report.
Wymondham Neighbourhood Plan			
Strawberry Farm	Strawberry Farm, Wymondham	5	
The Gollings	The Gollings, Wymondham	5	
Clawson, Hose and Harby Neighbourhood Plan			
NPHOS2	LAND OFF CANAL LANE (S)	15	Site formally allocated in LP.
NPHOS3 (Reserve)	REAR 41 BOLTON LANE	9	Site formally allocated in LP.

Sites within the Local Plan that are not included in Neighbourhood Plans

Site Reference	Address/Site Name	Capacity	Notes
Asfordby Neighbourhood Plan			
ASFH1	Land Of Crompton Road, Asfordby Hill	40	Site allocated in part by the Neighbourhood Plan, but only because it benefits from an existing planning permission (15/00201/FUL) which has recently been finished. Developer still has aspirations to deliver rest of site but currently difficult due to standing of the Neighbourhood Plan, currently putting a policy block on this development.
ASFH2		47	Currently no application.
Wymondham – None			
Clawson, Hose & Harby			
LONG4	Sandpit Lane, Long Clawson	55	Application refused 04/12/2017
HAR6 (Reserve)		13	
HOS2		35	

Sites within both the Local Plan and Neighbourhood Plans

Site Reference	Address/Site Name	Capacity	Notes
Asfordby Neighbourhood Plan			
A12/ASF2	Land between Regency Road, Asfordby and the Bypass	55 (NDP) 60 (LP)	
A16/ASF1	Land to the West of Station Lane, Asfordby	100	Planning Permission in place, preliminary works started.
Wymondham			
WYM1/Glebe Road	Glebe Road, Wymondham	12	Site approved permission under (15/00832/OUT)
WYM3/Lower Brick Yard Lane	Lower Brick Yard Lane, Wymondham	20 (NDP), 22 (LP)	
WYM2/Lower Butt Lane & Station Yard	Lower Butt Lane & Station Yard, Wymondham	21	
Clawson, Hose & Harby			
NPLONG1, LONG1	Land at Melton Road, Long Clawson	10	Outline permission
NPLONG3, LONG3	Birleys Garage, Waltham Lane, Long Clawson	41 (LP) 45 (NP)	Approved (16/00560/OUT)
NPLONG6, LONG2	Hickling Lane/Broughton Lane, Long Clawson	35 (LP) (32)	Differed
NPLONG5 (Reserve Site), LONG5	Canal Farm, Long Clawson	40 (LP) 32 (NP)	Approved (16/00303/OUT)
NPHAR1, HAR1	Off Boyers Orchard	15	Outline
NPHAR2, HAR2	Langar Lane	10 (LP)	Full
NPHAR4& NPHAR5, HAR4	Colston Lane	61 (LP) 50 (NDP)	Outline
NPHAR6, HAR3	Colston Lane (Milway)	53	Outline granted on appeal
NPHOS1, HOS1	LAND OFF CANAL LANE	42 (LP) 41 (NP)	Part of site has application

Neighbourhood Plans undergoing examination

Sites within Neighbourhood Plans that are not included in the Local Plan

Site Reference	Address/Site Name	Capacity	Notes
Broughton & Dalby			
Station Road	Station Road	42	Examiner modification to allocate this site.
Frisby			
FRIS1A	Great Lane Extension	30	Extension to Local Plan Allocation site FRIS1

Sites within the Local Plan that are not included in Neighbourhood Plans

Site Reference	Address/Site Name	Capacity	Notes
Broughton & Dalby – (LP allocations listed as commitments.)			
OLD2 (Reserve)		23	Alternate reserve site preferred.
Frisby			
FRIS2	Water Lane	22	Application to be resubmitted to avoid the need for the sequential test
FRIS3	Land South of Frisby on the Wreake	48	Application has resolution to grant, but Article 31 direction placed by SoS

Sites within both the Local Plan and Neighbourhood Plan

Site Reference	Address/Site Name	Capacity	Notes
Broughton & Dalby - (LP allocations listed as commitments.)			
OLD1		28	Site has outline planning permission
Frisby			
FRIS1	Land off Great Lane	48	Site has outline planning permission, reserved matters recently received