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Your ref:

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FAO Planning Policy  
Melton Borough Council  
Parkside  
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By email to: [planningpolicy@melton.gov.uk](mailto:planningpolicy@melton.gov.uk)

Dear Sir/Madam

## **MELTON LOCAL PLAN UPDATE ISSUES AND OPTIONS (REGULATION 18) CONSULTATION**

1. Marrons is instructed on behalf of Bildurn Estates Limited to prepare representations to the Melton Local Plan Update Issues and Options (Regulation 18) Consultation. On behalf of our client, we offer the following comments, which we trust the local planning authority will find helpful.

### **SCOPE & PLAN PERIOD**

2. The Issues and Options Consultation Document (dated November 2023) makes it clear that only certain policies will be updated. The decision to undertake only a partial review update to the adopted local plan has been influenced by the “Outcomes of the Melton Local Plan Five Year Review” report (the “Five Year Review”) dated September 2023. The Five Year Review concluded that Policy SS2 of the adopted local plan, which relates essentially to development needs and growth strategy did not require updating. The decision was also made not to extend the plan period beyond the current end year of the adopted local plan (2036).
3. As per the December 2022 Local Development Scheme (LDS), the Local Plan Update is not forecast for adoption before 2026. Accordingly, it will only look ahead a maximum of 10 years from adoption, considerably less than the 15 year period required by paragraph 22 of the National Planning Policy Framework (NPPF). That issue is discussed at paragraph 2.2.7 of the Five Year Review but extending the plan period was rejected on the basis that it would only deal with housing need for Melton in isolation and would not include consideration of unmet needs from Leicester City Council, which has only been

quantified and apportioned between the Leicester and Leicestershire Housing Market Area (HMA) authorities to 2036. Whilst this may be the case, it does not obviate the need for the Local Plan Update to respond to long-term requirements and opportunities, which is the fundamental purpose of the 15 year timespan articulated within the NPPF. We would strongly suggest that the local planning authority consider using the opportunity presented by the Local Plan Update to extend the plan period beyond 2036 to 2041 as a minimum, in order to comply with paragraph 22 of the NPPF and to take account of longer-term requirements and opportunities within the Borough and across the wider HMA. In terms of accommodating unmet needs arising from Leicester, this matter could be dealt with via sufficient contingency built into the Local Plan Update's housing requirement, which can then be refined through ongoing dialogue during the plan preparation process in accordance with the Duty to Cooperate (DtC).

4. We note the commentary of the Five Year Review that the Borough's latest Local Housing Need (LHN) figure calculated using the Standard Method (185 dwellings per annum) is similar to the housing requirement of the adopted local plan (170 dwellings per annum). However, as the LPA will be aware and as confirmed by the Planning Practice Guidance (PPG), the LHN provides a minimum starting point for calculating housing needs. It does not produce a housing requirement. The PPG confirms that there are a wide variety of other inputs that should be taken account in the formulation of the housing requirement, such as growth strategies for the area; strategic infrastructure improvements; unmet needs from neighbouring authorities; and where previous levels of housing delivery or assessments of need are significantly greater than the outcome from the Standard Method. This is not an exhaustive list and other matters should also be taken into account, including levels of economic growth to ensure an integrated approach between homes and jobs, as well as the need to maximise affordable housing delivery and the delivery of other specialist housing types and tenures. This appears to be implicitly acknowledged within the Five Year Review which states at paragraph 2.2.2 that "the Council intends to commission further work on housing need." Clearly, the conclusion cannot be drawn that the adopted housing requirement is still up-to-date before housing needs have been fully considered through the evidence base.
5. The Leicester & Leicestershire Housing & Economic Needs Assessment (HENA) dated June 2022 considers overall housing needs for the wider HMA. It does so to both 2036 and 2041. Paragraph 3.18 states that there are no factors which might indicate an upward adjustment to the overall housing need across the entire Housing Market Area. The rationale behind this statement is not explained, but since the HENA only makes this statement in relation to the HMA as a whole, it does not capture authority specific circumstances. In addition, plainly Leicester's unmet need is a key factor that could require an upward adjustment to housing requirements, in general terms. This is not, as the HENA claims, a matter for consideration in relation to the distribution of development, but rather a matter that must be considered in the formulation of housing requirements underpinning local plans within the HMA. As a result, the assertion that there are no requirements for an uplift above baseline housing need across the HMA is wrong on its face.

6. Paragraph 3.20 of the HENA states that the distribution of development in the sub-region will be informed by the review of the 2018 Strategic Growth Plan (SGP). This will likely cover a longer time horizon than the “interim” distribution of housing across the HMA to 2036. As part of the SGP review, as with the current iteration, it is expected that it will identify major strategic sites and growth locations to plan for new growth at scale and with associated major infrastructure improvements. As such, the delivery of growth strategies and major infrastructure items are further factors which should be taken into account in formulating the housing requirement in relation to whether an uplift is required on the baseline LHN figure. The overall conclusion to be drawn from the wider strategic planning context within the HMA is that whilst the LPA make take some comfort in respect of the adopted local plan’s performance against the LHN figure, this is not the whole story and does not remove the need for plan-making to grapple with the key strategic issues in the HMA over a suitable time period.
7. In relation to locally specific matters, the HENA reports a considerable need for affordable housing across the HMA. Within Melton the HENA confirms a need for 149 dwellings per annum. Earlier work set out in the Affordable Housing Development Plan produced by Melton Borough Council suggests there is currently a shortage of affordable homes in the Borough and forecasts a net deficit of 95 affordable homes per annum from 2011-2036 or 2,375 homes over 25 years. The position is likely to have deteriorated against the more up-to-date affordable housing needs figures reported in the HENA. The Local Plan Update offers an opportunity to review the housing requirement to ensure that more affordable housing is delivered to meet substantial local needs. That opportunity has not been taken up and the limited scope of the update is likely to contribute further to the deterioration of affordable housing delivery in the Borough.
8. The direction of travel in relation to both the Five Year Review and the Consultation Document suggests that additional employment allocations will be made through the Local Plan Update. This is due to an identified shortfall of employment land against the figures presented within HENA and the datedness of the existing evidence base in respect of employment land needs. In making additional allocations for employment land, consideration should be given within the housing needs evidence base as to the relationship between overall employment land provision and the housing requirement to ensure an integrated approach between homes and jobs. It is also noteworthy that the figures presented within the HENA consider employment land needs up to 2041. Given that the HENA is an important evidence base document which should influence plan-preparation, it is unclear why the Local Plan Update does not appear to be responding to it in terms of the plan period and aligning the provision of homes with that of jobs.

### **POLICY SS3: SUSTAINABLE COMMUNITIES (UNALLOCATED SITES)**

9. The Consultation Paper proposes to review Policy SS3 of the adopted local plan. Policy SS3 in brief states that new residential development in the rural area within or on the edge of existing settlements will be supported if it is in keeping with scale and character provided that it, amongst other things, provides housing which meets proven local needs as



identified by substantive evidence such as a community-led strategy, a housing needs assessment or other evidence provided by the applicant. The Five Year Review found that Policy SS3 is not clear for decision makers and the policy fails to adequately consider wider social, economic and environmental sustainability, including the need to tackle climate change.

**Questions 6/7:**

10. We do not agree with any of the options presented in the Consultation Document and consider that Policy SS3 should remain as drafted. Policy SS3 is a criteria-based policy which was only recently found sound as part of the adopted local plan. The Inspector conducting the examination into the now adopted local plan found that Policy SS3 embodied a suitably flexible approach to development proposals, in keeping with national planning policy (paragraph 47).
11. Paragraph 2.3.3 of the Five Year Review states that the settlements in relation to which Policy SS3 is largely applied typically lack basic services and facilities to meet every day needs. This statement is hard to understand when Policy SS3 itself states that it applies to all rural settlements outside of the urban area. There are a variety of rural settlements such as the Service Centres and Rural Hubs identified in the adopted local plan which are capable of accommodating development sustainably (Bottesford being a case in point), as reflected by the level of growth already apportioned to these locations. These settlements will have their own growth needs for market and affordable housing as well as specialist housing types and tenures that will not be met through the Local Plan Update, which does not intend to review housing needs or allocate additional land for housing. Allowing these settlements the flexibility to accommodate further growth where the need for this can be evidenced is an important element in providing the local plan with the ability to respond to changing circumstances, noting that there will be no substantive review of housing needs or distribution as part of the local plan update.
12. Option 2 would, as the Consultation Draft acknowledges, provide too rigid an approach that would take away the very flexibility that Policy SS3 should provide, as it would set out detailed criteria for what local housing need is and how it can be proven.
13. The justification Option 3, the preferred approach, is unclear. In essence, Option 3 would result in a policy that requires, even where there is an immediate proven housing need, for corresponding development to “enhance local sustainability.” Whilst there is little clarity of what this would look like, examples provided are the provision of “exemplar development” and “low energy green homes.” In our opinion, the provision of housing for which there is a demonstrable local need contributes to the enhancement of local sustainability in and of itself and there should be no rigid requirement for new development that is justified through this route to deliver other benefits, beyond the meeting of housing need. Clearly the provision of such benefits may be required in some instances depending on the circumstances of the individual case and these can be weighed in the planning balance, but they won’t always be viable, deliverable or even necessary. Option 3 is

unlikely to improve the clarity or consistency of Policy SS3 as currently drafted and is in our view unsound for want of justification.

## **POLICY SS6: ALTERNATIVE DEVELOPMENT STRATEGIES AND LOCAL PLAN REVIEW**

14. The Consultation Document proposes to revise Policy SS6, which relates to Alternative Development Strategies and Local Plan Review. The preferred approach (Option 2) is to reduce the criteria for such a local plan review to locally specific criteria only, such as significant changes to the Strategic Growth Plan, delivery issues associated with large-scale strategic allocations or failure to deliver the Melton Mowbray Distributor Road. As noted within the Consultation Document, whilst Policy SS6 articulates situations where a local plan review would be appropriate, it does not commit the LPA to doing so or impose any consequences if such a review is not carried out beyond that which is already provided for by national planning policy in relation to the five year housing land supply requirements and the Housing Delivery Test (HDT).

### **Questions 14/15:**

15. Committing to a review to respond to the wider changes within the HMA whether due to overall development needs or spatial strategy is generally a sound one, given that it will provide the local plan with flexibility to respond to changing circumstances to meet development needs arising from other administrative areas. These issues have already been dealt with over the timespan of the adopted local plan to 2036 and purely on a numerical basis, no further housing growth is required in Melton to respond to Leicester's unmet needs as apportioned in the June 2022 Statement of Common Ground (SoCG). That said, the LPA has determined that the local plan including its strategic policies require updating and so it should consider the necessary strategic issues over the relevant period to respond to the evidence base and not defer this to a future review. As set out above, the Local Plan Update should as a minimum look ahead to 2041 to comply with the NPPF and to respond to the content of the HENA. That will require a robust approach to dealing with issues of unmet need from other areas across an appropriate time horizon. This aspect should not be deferred to future reviews of the plan but rather be dealt with within the current update against the framework of an up-to-date evidence base.

## **LAND OFF ORSTON LANE, BOTTESFORD**

16. Bildurn Estates is promoting Land off Orston Lane, Bottesford for a residential allocation. The site is not currently identified as an allocation or as reserve. The Local Plan Update does not envisage reviewing the status of allocations or reserve sites, but the Five Year Review notes the flexibility that such sites provide in terms of shoring up the deliverable supply of housing land over the plan period.



17. The release of reserve sites for development is controlled by Policy CB1(B) of the adopted local plan which will remain unchanged as part of the update. In effect, the key issue to consider is the extent to which the allocated housing requirement is unmet within the relevant settlement and the likelihood of it being met through adopted allocations. In the case of some settlements, all of the allocations made for residential development have been completed or at least consented. Given this, there is apparently little scope for reserve sites to come forward as a response to changing circumstances either at the local or Borough-wide level, outside of the circumstances of the NPPF's titled balance being engaged. Should the intended adjustments to Policy SS3 as discussed above come into effect, there would be even less flexibility for such sites to come forward.
18. The sustainable neighbourhoods at Melton Mowbray have made progress in coming forward, but their delivery as a whole is contingent upon complex infrastructure requirements including in relation to both highways and education provision. Given Melton Mowbray plays such a large role in the delivery of the spatial strategy, it is only prudent to ensure sufficient contingency is available at other settlements should unforeseen delays and complications result in a drop in delivery and/or deliverable supply. The Five Year Review reports that delivery of housing so far in the Borough has been weighted more strongly towards the Borough's rural settlements which is suggestive of the fact that the stock of smaller and medium sized sites in the adopted local plan are becoming depleted and delivery of the housing requirement going forward will be heavily weighted towards Melton Mowbray. Reserve sites that may come forward to address this situation could be hampered by the settlement-level apportionment of housing growth already being delivered. Given these facts, the Local Plan Update should consider making additional allocations for residential development to provide flexibility and contingency.
19. The Five Year Review also reports that a number of adopted allocations in the local plan have stalled with some showing no progress at all. As a result, it would be sensible and consistent with the deliverability of the local plan and its housing allocations to review those sites where "no progress" has been recorded to assess whether they are still available and deliverable. If these sites are not available or deliverable for residential development or if evidence has emerged that they are unsuitable, the allocations should be deleted and alternative allocations made within the Local Plan Update.
20. Bildurn's landholding at Bottesford is available, suitable and deliverable for residential development. A variety of technical work has been undertaken to demonstrate this, the results of which are summarised within the enclosed Promotion Document by Marrons alongside emerging proposals for the site. Whilst we will not rehearse all the content of the Promotion Document within this letter, the following points are of note:
- Bottesford is the most populous Service Centre in the Borough and benefits from a railway station and a number of other key services and facilities. It can therefore accommodate new residential development sustainably.
  - Given the sensitivities associated with alternative directions of growth at the settlement such as heritage assets and an area of separation, as well as a number of scheduled

ancient monuments, the site is logically placed towards the least constrained end of the village.

- The site is not covered by any landscape, heritage or environmental designations that would suggest an increased value or sensitivity to change. The site and its immediate setting is of medium to low visual sensitivity due to the quality of the landscape, the site's contained form and the number and types of receptors.
- The landscape analysis presented in the Promotion Document results in a number of recommendations which have been filtered down into the Illustrative Concept Masterplan, which adopts a landscape-led strategy to seamlessly integrate the proposed development into the surrounding landscape and settlement form.
- Promotion of the site for development has been informed by a comprehensive access strategy for vehicles and pedestrians. A suitable access to the public highway can be delivered which can connect into a pedestrian footpath which provides a contiguous link into the settlement.
- The site lies wholly within Flood Zone 1 with limited parts in Flood Zones 2 and 3. As per the Illustrative Concept Masterplan, the proposed built form can avoid flood zones 2 and 3 with these areas being set aside for public open space. The underlying geology indicates that the site could be suitable for infiltration but if this is not the case, a sustainable urban drainage strategy can be brought forward in the form of balancing ponds which can discharge to the adjacent watercourse at greenfield rates.
- A preliminary ecological assessment has been undertaken. Whilst this has found evidence of several habitats on site such as that for nesting birds and bats, these are not unusual constraints and can be dealt with through future surveys and where necessary, through appropriate mitigation. The recommendation for a landscape buffer at the north-eastern extent of the site to safeguard the adjacent Local Wildlife Site has been carried forward in the Illustrative Concept Masterplan and offers the opportunity for biodiversity enhancements.
- The heritage work undertaken to date shows that the site has moderate potential for medieval or Post-medieval remains. This issue can be dealt with through appropriate and proportionate investigation at application stage and can be mitigated through suitable programme of archaeological works if required which can be secured by way of a suitably-worded planning condition.
- Taking the technical work and site constraints analysis into account, the illustrative concept masterplan shows a net developable area of 2.9ha is achievable for up to 100 dwellings based on a density of 35 dwellings per hectare. The place-making strategy identifies a landscape-led approach to development with the edges of the site buffered by a strong landscape framework which provides opportunities to filter views as well as for biodiversity enhancement and recreation.

21. The enclosed Promotion Document demonstrates that the site is available, suitable and deliverable for residential development with no technical or other barriers to coming forward acceptably.

## CONCLUSION

22. We consider that the Local Plan Update by virtue of its very limited scope is unlikely to be effective most notably because it will fail to look across the minimum 15 year time horizon from adoption required by the NPPF and as such, fail to engage with longer-term strategic planning issues, particularly in relation to unmet need from across the wider HMA, meeting affordable housing need and aligning the delivery of homes and jobs noting the local plan update will likely make employment land allocations. The retention of a “review mechanism” within the local plan is not a substitute for addressing these strategic issues across the appropriate time horizon.

23. In addition, the contingency and flexibility built into current local plan by way of reserve sites and small and medium sized should be addressed within the Local Plan Update to ensure that a sufficient stock of these remain available and deliverable throughout the remainder of the plan period to address risks to the overall spatial strategy and to provide flexibility to respond to changing circumstances.

24. Bildurn Estates’ landholding at Orston Lane, Bottesford is available, suitable and deliverable for residential development and should be allocated as such within the Local Plan Update.

25. We trust that the LPA will find these comments helpful.

Yours Sincerely,

