

NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD

Proof of Evidence LCC 05:
Planning

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1. Introduction

1.1.1 Qualifications

1.1.2 My name is Alison Leeder and I am presenting a proof of evidence in relation to the North and East Melton Mowbray Distributor Road (NEMMDR). I have been appointed by Leicestershire County Council (LCC) to provide expert planning evidence for the Compulsory Purchase Order (CPO) and Side Roads Order (SRO) Public Inquiry in September/ October 2021.

1.1.3 I am Chartered Planner and have been a full member of the Royal Town Planning Institute for 13 years. I hold a Master of Science Degree (Distinction) in Town and Country Planning from the University of Newcastle-upon-Tyne and a Bachelor of Science Degree (2:1 Hons) in Psychology from the University of Sheffield.

1.1.4 Experience

1.1.5 I am an Associate Director in the Planning Practice Area at Aecom, where I have worked since 2017. I am the central region lead for planning, overseeing Aecom's planning teams across our offices in Chesterfield, Nottingham, Birmingham and Bristol. Prior to my appointment at Aecom I was employed as an Associate Planning Consultant at ADAS (now part of RSK), a Research Associate at University of Manchester and a Planning Consultant at Ove Arup and Partners.

1.1.6 I have 15 years planning experience, specialising in the provision of advice on planning applications and planning appeals for infrastructure projects submitted for consent under the Town and Country Planning Act 1990 and the Planning Act 2008. I have particular experience leading applications for highways projects. I sit on Highways England's¹ forum of industry experts advising on consenting for their portfolio of projects.

1.1.7 Examples of recent project experience on highway schemes consented under the Town and Country Planning Act 1990 include:

¹ On 19 August 2021 Highways England announced that the organisation will change its name to National Highways. The name of this forum will change accordingly. Given that most references in this Proof refer to a period before the re-branding the name Highways England has been retained for the purpose of this Proof of Evidence.

- York Outer Ring Road Dualling Scheme: project involving dualling the A1237 and five roundabouts around York. Application due to be submitted in 2021. I am the Project Director for Aecom working on behalf of York City Council, with oversight of the planning application deliverables.
- North and East Melton Mowbray Distributor Road: 7.1 km new road with six junctions consented by LCC in 2019. I led the planning application on behalf of LCC from April 2018 and remain involved in the discharge of planning conditions and providing planning advice during the CPO/ SRO process.
- Avenue Southern Access: new roundabout junction on the A61 and access road to service the large 'Avenue' regeneration site south of Chesterfield. I led the planning application for the project, consented in 2019.
- Buxton Roundabout: a new roundabout, cycleway, verge, landscaping and realignment of a BOAT on the A6 near Buxton. I was the Project Director for the application, which was consented in 2019.
- Woodville Link Road: 2km link road in South Derbyshire. I led preparation of application documents, with the Scheme consented in 2019.

1.1.8 In 2018 I was the planning expert witness appointed by Doncaster Metropolitan Borough Council to appear at the Public Inquiry organised to examine the planning appeal for a new Moto Service Station at Junction 37 of the A1(M) near Doncaster. The Inspector in the case and the Secretary of State agreed with my opinion on the lack of compliance with planning policy articulated in my Proof of Evidence and orally at the Public Inquiry. The appeal was dismissed in 2019.

1.1.9 Examples of recent experience on applications for highway schemes under the Planning Act 2008 include:

- M54 to M6 Link Road Development Consent Order (DCO): New link road between the M54 Junction 1 and M6 Junction 11 promoted by Highways England. I led preparation of the application for the DCO, including managing the DCO application overall and leading all planning deliverables. I was also the planning expert witness at the DCO Hearings held in December 2020. A decision is due on the application in October 2021.
- A428 Black Cat to Caxton Gibbet DCO: 19km of new dual carriageway and grade separated junctions between A1/A421 Black Cat Junction and the A428/A1198

Caxton Gibbet. I am a consents advisor/ reviewer on the A428 project. The DCO application was submitted in February 2021.

1.1.10 Scope of Involvement in the NEMMDR Scheme

1.1.11 The evidence I present relates to the planning application process and the compliance of the Scheme with planning policy. AECOM was first appointed by LCC Highways (as applicant) to carry out design work on the Scheme in April 2017, with the scope of services expanded to include planning services in April 2018. I began work on the Scheme in April 2018. In this Proof of Evidence (PoE) I have used the term 'LCC Highways' to refer to the applicant and 'LCC Planning' to refer to LCC as planning department. This provides an important distinction between the different roles performed by LCC.

1.1.12 I provided advice on the development of the Scheme throughout finalisation of preliminary design to increase compliance with planning policy, including leading the assessment of the Scheme design options in the area around the River Eye. I also led consultation with LCC Planning, the coordination of the planning application and production of the Planning Statement for the application. I attended public consultation events on the project and meetings with numerous statutory consultees. I continued to lead the application following submission, including processing and managing LCC Highways' responses to consultee comments.

1.1.13 Since consent was granted in June 2019, my role has been to oversee the work required to discharge planning conditions attached to the consent and provide planning advice during the CPO and SRO process. None of the planning conditions are onerous and I have provided a progress update on the discharge of conditions in Table 2-3 below.

1.1.14 Statement on this Proof of Evidence

1.1.15 The evidence provided in this PoE has been prepared and is given in accordance with the guidance of my professional institute, the Royal Town Planning Institute, and I confirm that the opinions expressed are my true and professional opinions.

1.1.16 References in this document provided in brackets refer to documents on the Statement of Case document list compiled by LCC Highways, located here: [North and East Melton Mowbray Distributor Road scheme : Statement of Case documentation list | Leicestershire County Council](#).

2. Planning Application Process

2.1.1 Introduction to Planning Application

2.1.2 The planning application for the NEMMDR was submitted on 1 October 2018, validated on 8 October 2018 and consented on 4 June 2019 (application number: 2018/1204/06). The Decision Notice (document P6) is provided in Appendix A for ease of reference. The description of development as presented in the Decision Notice is provided below:

'North and East Melton Mowbray Distributor Road. New distributor road and 3m shared cycle/footway around Melton Mowbray from west of A606 Nottingham Road at St Bartholomew's Way to west of the A606 Burton Road at Sawgate Road including: six new roundabouts; bridges at Scalford Brook, Thorpe Brook, River Eye and the Leicester- Peterborough railway line (to the east of Lag Lane Brentingby Junction); and ancillary development including works to connecting roads, diversion of River Eye, creation of new and enhanced habitats, landscaping, demolition of Sysonby Farm, works to cycleways and footpaths, development of an NMU route along Lag Lane/ Sawgate Road and flood risk/ drainage works (including but not limited to culverts and balancing ponds).'

2.1.3 The planning application process was followed robustly and correctly by LCC Highways as Applicant and LCC Planning as the determining authority. As far as I am aware, no party has suggested that this is not the case.

2.1.4 The development of the NEMMDR was supported by local transport and planning policy when consented and remains strongly supported by policy in 2021. Further information on policy compliance is provided in Section 3 of this PoE.

2.1.5 The planning consent requires development to commence within 3 years of the date of permission, so works must commence by 4 June 2022. The consent has 24 conditions attached, of which 11 must be discharged prior to commencement of development. An update on the status of planning conditions is provided in Table 2-3 of this PoE, demonstrating that all conditions are on track to be discharged prior to the consent expiration date. LCC owns some of the land required for the Scheme, enabling works to commence when relevant conditions are discharged².

² Some areas of the scheme will also need additional consents before works can start, for example Natural England licences for Protected Species.

2.1.6 Since the application was consented, developers have continued to submit planning applications to gain outline and full consent for residential developments around Melton Mowbray, including within the Northern Sustainable Neighbourhood, where planning policy requires the NEMMDR to be constructed before the neighbourhood can be fully built out. The NEMMDR remains crucial for the delivery of housing in the area and delays in its development will delay the occupation of housing needed in the Borough. An Outline application has recently been submitted to Melton Borough Council (MBC) that conflicts with the NEMMDR consent. This application is pending and, in my view, is unlikely to be consented as proposed. A review of this application and others relevant to the Scheme is provided in Section 4 of this PoE.

2.1.7 Decision Making Body

2.1.8 The NEMMDR is situated within the area covered by MBC and LCC. The majority of planning applications in this area are determined by MBC with the exception of those that are deemed to be ‘county matters’, such as minerals and waste applications. However, due to LCC being the applicant, this application was determined by LCC’s Planning department under Regulation 3 (Town and Country Planning General Regulations 1992).

2.1.9 Regulation 3 states that:

‘3. Subject to regulation 4, an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.

4.—(1) Regulation 3 does not apply in the case of an application for planning permission to develop land of an interested planning authority where—

(a) the authority do not intend to develop the land themselves or jointly with any person, and

(b) if it were not such land the application would fall to be determined by another body.

2.1.10 The project is being developed by LCC and involves some land owned by LCC. LCC is therefore an ‘interested’ planning authority and is intending to develop the land

themselves. The application therefore meets the requirements of Regulation 3 and the exceptions in regulation 4 do not apply. The application was therefore determined properly by LCC rather than MBC.

2.1.11 MBC were in agreement with the above, confirming in their consultation response to the NEMMDR application submitted on 26 November 2018 that: *'Members acknowledged that the County is the authority determining the application, and that they are providing their comments only regarding the application.'* (See Appendix E of this PoE).

2.1.12 Pre-Application Consultation

2.1.13 Extensive pre-application consultation was carried out prior to submission of a planning application including:

- meetings with landowners and other key stakeholders;
- launch event for local councillors, local authority staff and Parish Councils;
- letters issued to residents;
- three public exhibitions (September/ October 2017);
- information stall at 2017 Melton Mowbray Food Festival; and
- a workshop at a primary school.

2.1.14 A questionnaire was made available to gather feedback with 226 responses received. A further 80 emails and letters were received. In total 51% of respondents agreed with the recommended route for the distributor road, with 34% disagreeing.

2.1.15 Following the consultation period, the design team held meetings to review consultation responses and identify where the Scheme could be improved to address comments received. The Statement of Community Engagement (document P3, Statement of Community Engagement) submitted with the planning application provides a full overview of consultation carried out, feedback received and how the design was influenced by consultation.

2.1.16 Application Documents

2.1.17 The planning application was a 'major' application and constituted Environmental Impact Assessment (EIA) development. The application was therefore accompanied by an Environmental Statement in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs). The EIA was

completed in accordance with the Scoping Opinion received from LCC Planning department in December 2017.

- 2.1.18 The application was also accompanied by the documents listed in Table 2-1. The amended column specifies whether the document was amended following submission of the application. The documents included all those required for validation of the application and additional detail to aid decision making.

Table 2-1: Documents submitted with the application

Document	Author	Contents	Amended
Application form & certificates	AECOM/ LCC Sept 2018	Planning application form, ownership certificates, notices and agricultural holding declaration.	N
Environmental Statement	AECOM Sept 2018	Volume 1: chapters on Scheme, alternatives, air quality, cultural heritage, landscape, nature conservation, geology, materials, noise and vibration, climate change adaptation, greenhouse gas impact assessment, health impact assessment, people and communities, road drainage and water, and cumulative impacts. Volume 2: figures Volume 3: appendices including but not limited to a Written Scheme of Investigation for Archaeological Trenching, Protected Species Survey Reports, Geotechnical Investigation Report, Agricultural Land Classification Report, Flood Risk Assessment, Water Framework Directive Assessment and Surface Water Drainage Plan.	Y (Two Addendums)
ES: Non-technical summary.	AECOM Sept 2018	Non-technical summary of the Environmental Statement	N
Arboricultural Impact Assessment	AECOM Sept 2018	Survey of trees and hedgerows in the vicinity of the Scheme including Tree Constraints Plans.	N
Transport Assessment	AECOM Sept 2018	Transport Assessment of the Scheme, including results of traffic modelling, summary of existing highway conditions, assessment of the impact on the town centre and junction performance.	N

Document	Author	Contents	Amended
Statement of Community Engagement	LCC Sept 2018	Statement setting out the strategy taken on community and stakeholder engagement, feedback received and how the Scheme design has been shaped by input received.	N
Construction Traffic Management Plan	AECOM Sept 2018	Outline Construction Traffic Management Plan including an indicative construction programme, construction vehicle numbers and vehicle routing.	N
Location Plan	AECOM Sept 2018	Plan showing the Scheme boundary and land controlled by LCC in the vicinity of the Scheme	N
General Arrangement Plans	AECOM Sept 2018	Detailed set of plans showing the proposed highway alignment, balancing ponds, the River Eye diversion and ancillary works. Includes a Key Plan that provides a quick reference to the detailed General Arrangement plans.	Y (12 March 2018)
Typical Cross Sections	AECOM Sept 2018	Ten indicative typical cross sections (displayed in five plans) taken at points along the alignment.	N
Structures Plans	AECOM Sept 2018	Structures plans showing plans for the River Eye bridge, Thorpe Brook bridge, Scalford Brook bridge, the bridge over the railway line and culverts.	Y (Scalford Brook and Thorpe Brook only)
Outline Lighting Plan	AECOM Sept 2018	Plans showing outline proposals for lighting along the route.	N
Landscape Masterplans	AECOM Sept 2018	Plans showing the proposed measures to landscape the new road and ancillary development.	Y (part of ES Addendum)

2.1.19 Post Submission Process

2.1.20 Following validation of the application, LCC Planning undertook a 30-day public consultation exercise on the planning application, from 16 October to 19 November 2018. In addition to the statutory process undertaken by LCC Planning, LCC Highways held non-statutory information events in October 2018 to give local people the opportunity to ask questions about the application and understand it in more depth prior to the end of the statutory consultation period on the application.

2.1.21 In total 102 consultation responses were received during or slightly after³ the deadline for this consultation exercise, of which 24 were from statutory consultees and 78 were from members of the public or landowners⁴. Notable responses from consultees included:

- Highways England response stating that the Scheme will provide ‘massive benefits’ and will not affect the Strategic Road Network.
- Melton Borough Council response stating that the Council had voted unanimously to support the application.
- Historic England objection to the Scheme on the grounds of the layout of roundabout 6.
- Melton and Oakham Waterways Association, Inland Waterways and public objections due to severance of the historic route of Oakham Canal.

2.1.22 A number of more detailed comments were received requesting further information and/ or design changes. Following the close of the consultation period, I reviewed all responses with the team, including LCC Highways, and we agreed a number of changes to the Scheme to address comments raised. Revisions made to the Scheme are detailed below.

Scalford Brook Bridge

2.1.23 The span of the bridge at Scalford Brook was widened from 9 metres to 14.5 metres to include a farm accommodation track to east of the brook. The proposed crossing point, with refuge island on the new carriageway, was replaced with an underpass.

³ A small number of responses were received between 19 November and 30 November and were considered fully by LCC Planning and LCC Highways (as applicant) alongside those received before 19 November 2018.

⁴ The numbers here reflect total number of responses and include responses where a respondent provided more than one response so differ slightly from the numbers presented in the Statement of Case.

This maintains connectivity of the Jubilee Way (footpath E18) to Melton Country Park where it crosses the Scheme.

Public Rights of Way

2.1.24 Several other changes were made to proposed public rights of way including:

- Footpath E17 was re-routed to the east to avoid the balancing pond and culvert. The revised plans re-routed the footpath to the west, crossing the carriageway via the pedestrian crossing.
- Footpaths F2 and F4 were to be extinguished.
- Footpath E1 was realigned to follow a more direct route west of the NEMMDR, making use of the existing farm track.
- A controlled Pegasus crossing was added at the B676 Saxby Road west of Roundabout 5 in place of an uncontrolled equestrian crossing.

Water Framework Directive and Flood Risk Assessments

2.1.25 The Flood Risk Assessment was updated to reflect the changes to Scaford Brook Bridge and to provide details of emergency and maintenance access arrangements for Brentingby Dam at the request of the Environment Agency.

2.1.26 The Water Framework Directive Assessment was updated with new baseline modelling and the results amended as necessary throughout.

Biodiversity

2.1.27 An indicative Ecology Mitigation & Enhancement Plan was submitted setting out the general principles for ecological mitigation and enhancement to be delivered through the Scheme. Key measures included:

- Mammal tunnels at three locations to maintain ecological connectivity, particularly for badgers.
- Creation of two new waterbodies for Great Crested Newts to mitigate the potential functional loss of a waterbody with a known population.
- Safe passage of mammals, such as otter and bats along existing riparian corridors, through open span bridge structures, sensitive planting/lighting and access levels at heights above flood levels.
- Fencing to prevent mammals accessing the carriageway at strategic points along the Scheme and encouraging use of underpasses.

- Widespread sowing of diverse grasslands and planting of native woodlands and hedges.

Landscaping and Arboriculture

2.1.28 The following additional landscaping was included throughout the Scheme:

- Addition of grass verge separating the cycle way from the carriageway.
- Additional planting at roundabout 6.
- Addition of shrub planting at woodland edges throughout to enhance biodiversity.
- Species rich grassland added to embankment slopes and roundabouts throughout.

2.1.29 Two separate submissions were made to LCC Planning to address comments received and make the changes detailed above. Both submissions were accompanied by an ES Addendum. Given that the Addendums included ‘further environmental information’, in line with the EIA Regs LCC Planning carried out additional 30-day consultation periods for each Addendum received, the first concluding on 24 April 2019 and the second on 21 May 2019. Detail of documents submitted during the post submission period is provided in Table 2.2.

Table 2-2: Documents submitted to LCC post submission of the application in response to consultation comments

Document	Contents and Response
Documents submitted on 18 March 2019⁵	
Revised General Arrangement Plans (P03)	Revised plans to remove details of Non-Motorised User routes (now on separate plans), add the track off roundabout 6 to Sawgate Road and change the notes. (Version P03)
Non-Motorised User Plans	NMU route plans including works to existing Public Rights of Way

⁵ The majority of this information was initially submitted to LCC Planning on 12 March, however, given that a small number of additional documents followed on 18 March 2019, LCC Planning requested that all documents were re-submitted as one package on 18 March 2019.

Document	Contents and Response
Scalford Brook Bridge General Arrangement Plan	Revised plan (Version P02).
Thorpe Brook Bridge General Arrangement Plan	Revised plan (Version P02).
Canal response letter	Response to objections received on the severance of the historic alignment of the Oakham Canal (P3, 'Additional Information - Letter Responding to Consultee Responses on the Canal'). The response noted that the canal was also severed by the railway, Brentingby Dam and a number of roads so the restoration was not sufficiently likely to justify the provision of a bridge over a historic alignment or other significant changes to the Scheme.
Ecology response letter and ecological mitigation and enhancement plan	Response letter to outstanding comments received from LCC's Senior Ecologist including Ecological Mitigation and Enhancement Plan (P3, 'Additional Information - ES Addendum Appendix F - Response to LCC Ecologist Comments').
ES Addendum (1)	In summary, the Addendum assessed/ included: <ul style="list-style-type: none"> • Changes to NMU routes • Inclusion of Pegasus crossing west of roundabout 5 • Summary of changes to consider revised bridge designs • Revised Flood Risk Assessment to address Environment Agency comments • Summary of revisions to Water Framework Directive report to address Natural England comments • Ecological Mitigation and Enhancement Plan to incorporate comments from landowners and LCC's ecology and landscape teams • Revised landscape masterplan to incorporate comments from landowners and LCC's ecology and landscape teams.

Document	Contents and Response
	<ul style="list-style-type: none"> • Revised ES Figure 11.8 (noise) to correct minor error • Information on noise levels at future properties at the Northern Sustainable Neighbourhood to answer queries from the Environmental Health Officer • Information on Tree Protection Orders within the Scheme boundary
Revised Water Framework Directive Report	Submitted as standalone document with revisions addressing Natural England's comments.
Lux plans	Set of Lux plans requested by LCC's ecologist to show which areas will have levels above 1 Lux.
Road Safety Audit	Road Safety Audit: Submitted previously to LCC by e-mail in December 2018 but resent for completeness
Historic England response letter ⁶	<p>Applicant's response to Historic England's (HE) concerns regarding the impact of the Scheme on Sysonby Grange, Spinney Farm and St Mary and St Lazarus Hospital (the Hospital) Scheduled Monuments. The ES concluded that there would be no impact on the significance of either Sysonby Grange or Spinney Farm.</p> <p>HE's main concern was the impact on the Hospital. In summary, HE's view was that the southern part of the MMDR, which would join the NEMMDR at roundabout 6, would have an unacceptable impact on the Hospital. Their objection to the NEMMDR was that the position of roundabout 6 and the arm that would serve the Southern Sustainable Neighbourhood (SSN) meant the southern section of the MMDR would harm the Scheduled Monument.</p> <p>HE objected to the Melton Local Plan (MLP) on similar grounds, arguing that the impact of the SSN (including the southern section of the MMDR) on the Hospital would be unacceptable. The Planning</p>

⁶ Response letter was submitted to Historic England and LCC Planning by LCC Highways on 14 January 2019. The letter was then re-submitted at LCC Planning's request on 18 March 2019.

Document	Contents and Response
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Inspector examining the MLP supported allocation of the SSN concluding that:

‘there is a 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’ (paragraphs 77-80 Inspectors Report into the MLP). The SSN was subsequently allocated in the MLP.

The NEMMDR itself would have a ‘slight adverse’ effect on the Hospital as reported in the ES. The SSN would have a greater impact on the Hospital than the NEMMDR and this greater impact was considered at the MLP Examination and considered acceptable.

The NEMMDR team considered alternative designs to roundabout 6 to move the arm that would enter the SSN, as reported in the letter, but these options were rejected. As a result of HE’s comments the planting was increased at roundabout 6 to reduce the impact of the Scheme on the Hospital.

The letter also responded to comments on the archaeological potential of the River Eye valley.

Documents submitted on 12 April 2019

Archaeological Impact Assessment (ES Addendum)	Archaeological Impact Assessment to address comments raised by the Principal Archaeologist at LCC.
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2.1.30 Following completion of the final consultation period on further information submitted, the Report and Supplementary Report to the Development Control and Regulatory Board (May 2019) was produced by the planning officer dealing with the application on behalf of LCC Planning. The report recommended approval and concluded that (paragraph 125-126):

‘In principle the proposal is in accordance with the policies and strategies of the Development Plan, which makes provision for an allocated corridor of investigation for the MMDR. There are no overriding objections to the proposal and the matters highlighted in the consultation responses and in the majority of representations have been addressed through the submission of the further information.

126. Subject to the control of the matters raised in the consultation process by planning condition, and given the significant public benefit likely to result from the construction of the MMDR, it is concluded that the proposal, as set out in the application, accompanying ES, the further information provided in the two Regulation 25 submissions is in accordance with national planning policy and the policies of the development plan.’

2.1.31 The report was presented to the Planning LCC’s Development Control and Regulatory Board on 23 May 2019, with the Board resolving to approve the planning application in accordance with the application and plans submitted and subject to conditions. The Decision Notice was published on 4 June 2019.

2.1.32 Planning Conditions

2.1.33 Planning permission was granted with 24 conditions attached. No conditions act as an impediment to the Scheme proceeding. Applications to discharge conditions should be determined within 8 weeks of receipt of a valid application and all applications are scheduled to be submitted by the end of 2021. This means all pre-commencement conditions should be discharged by end February 2022 at the latest.

2.1.34 Table 2-3 provides an update on the work being undertaken to discharge conditions, which is correct as of 25 August 2021. Conditions highlighted in blue are those that must be discharged prior to commencement of development.

Table 2-3: Progress update on discharge of planning conditions

No.	Condition Summary	Update
1	Commence by June 2022	On track to commence work by June 2022. First phase likely to be demolition of buildings/ structures at Sysonby Farm, owned by LCC.
2	Develop in accordance with plans	No documents required for submission.

No. Condition Summary

Update

3	Construction Environmental Management Plan required	Draft complete and being reviewed. Aim to submit application to discharge in August/ September 2021.
4	Biodiversity Management Plan required	Draft submitted to Environment Agency (EA) & Natural England (NE) in Spring 2021. Comments now addressed. Revised document sent to EA/NE on 16 July. Aim to submit application to discharge in August/ September 2021.
5	River Eye Mitigation, Compensation and Enhancement Scheme required. Scheme must provide compensatory habitat creation and its management and monitoring.	Draft submitted to EA/NE in Spring 2021 and comments have been addressed. Revised document sent to EA/NE on 16 July. Aim to submit application to discharge in August/ September 2021.
6	River Eye Management and Monitoring Plan required prior to completion of construction works	Draft submitted to EA/NE in Spring 2021. Aim to submit application to discharge in August/ September 2021.
7	Lighting in line with Lux Plans in River Eye crossing areas	No documents required for submission.
8	Final landscaping plans submitted prior to implementation of landscaping works and should provide for biodiversity net gain.	Not required pre-commencement of development but are in progress. Expected submission early 2022.
9	Prior to implementation of each construction phase updated protected species surveys required and mitigation plans revised	There are buildings at Sysonby Farm that can be demolished without any further ecology surveys so works can commence prior to discharge of this condition. We are in the process of agreeing this with the County Ecologist and LCC Planning.

No. Condition Summary

Update

	<p>Scope of surveys to be carried out agreed by e-mail with County Ecologist on 19 February 2021. All surveys agreed were carried out in Spring/ Summer 2021 including surveys for Bats⁷, Great Crested Newts (GCN), Badgers, Water Voles and Otters, Kingfisher and Barn Owls. All surveys and revised mitigation plans (if required) will be submitted in August/ September 2021 so that all phases <i>can</i> start by April/ May 2022 if desired (8 weeks to discharge condition plus 6 months period specified in condition⁸), with the exception of works at the railway bridge.</p> <p>Protected Species licences are also required for phases of work affected by Bats, Great Crested Newts and Badgers. The application for the GCN licence is anticipated to be submitted in August/ September 2021 so work to create new ponds for translocation can be developed early in the construction programme. The licence applications for Bats and Badgers are anticipated to be submitted by end November 2021.</p>
<p>10 Otter protection and mitigation plan</p>	<p>Otter surveys carried out in Spring 2021 and mitigation measures considered. Further surveys being carried out in Summer/ Autumn 2021.</p> <p>Application to discharge condition anticipated for submission by November/ December 2021.</p>

⁷ The only exception is that the County Ecologist recommended bat surveys at the railway bridge but unfortunately it has not been possible to gain access to carry out those surveys to date. The original request for bat surveys was based on the assumption that the railway bridge would be demolished but due to bat presence, demolition is no longer proposed. Any works at the railway bridge would be in a late phase of development and therefore there is no urgency for the bat surveys and potentially no necessity.

⁸ Condition 9 on the application is unusually worded, requiring updated Protected Species surveys to be carried out, with mitigation plans revised, submitted and approved by LCC Highways at least 6 months prior to the commencement of the phase of construction to which the surveys relate. This has been taken into account when developing the construction programme.

No. Condition Summary	Update
11 Timetable of landscaping works to be submitted prior to commencement of landscaping	Not required pre-commencement of development but are in progress. Expected submission early 2022.
12 Surface water drainage scheme required	Application to discharge condition was submitted on 21 July 2021 and validated on 26 July 2021 (2018/1204/06/CS/12). The statutory period for a decision finishes on 20 September 2021.
13 Surface water in construction details required	Draft prepared and under internal review. Aim to submit application to discharge condition in August/September 2021.
14 Mitigation measures in the Flood Risk Assessment to be implemented	No documents required for submission.
15 Scheme to provide compensatory floodplain storage required	Scheme development ongoing. Aim to submit application to discharge condition in November/December 2021.
16 Design required for EA access to Brentingby Flood Storage Reservoir	Scheme design ongoing. Aim to submit application to discharge condition in November/ December 2021.
17 If contamination found during construction works cease in that area until remediation strategy developed.	No documents required for submission.
18 Construction Traffic Management Plan required	Plan in preparation. Aim to submit application to discharge condition in November/ December 2021.
19 Scheme required for surfacing and access arrangement for NMU routes prior to completion highway construction.	Detailed design matter, with work likely to commence in Spring/ Summer 2022.

No. Condition Summary

Update

20	Restricted working hours	No documents required for submission.
21	Requirements for construction activities to minimise noise.	No documents required for submission.
22	Low noise surfacing will be required.	No documents required for submission.
23	Detailed lighting scheme required prior to installation of lighting	Detailed design matter, with work likely to commence in Spring/ Summer 2022.
24	Written scheme of investigation required for archaeological works, informed by initial stage of exploratory investigation to target the River Eye diversion and associated works.	The initial exploratory work at the River Eye comprised a geophysical survey and was completed in November 2019. Report is finalised for submission. Draft of WSI for follow on work at the River Eye has been produced and under internal review. Aim to submit application to discharge condition in September 2021.

3. Compliance of the Scheme with Planning Policy

3.1.1 Introduction

3.1.2 Planning permission was granted for the Scheme in June 2019. In 2019 LCC Planning determined that the application complied with planning policy and this Public Inquiry is on the Compulsory Purchase Order and Side Roads Order rather than the planning application. Therefore, there is no need for the planning application to be reassessed or the decision revisited. Compliance of the Scheme with planning policy was explored in detail in the Planning Application Supporting Statement (P3, 'Supporting Statement') and by LCC Planning in the Report of the Chief Executive for the Development Control and Regulatory Board (P4) so will not be revisited in great detail here.

3.1.3 However, given that the understanding of the Scheme in the context of transport and planning policy assists in understanding the case in the public interest for the Scheme, this section sets out how the Scheme complied with policy in 2019 and whether this assessment would be any different if carried out in August 2021.

3.1.4 Development Plan and Material Considerations

3.1.5 The development plan for the NEMMDR area in June 2019 comprised the MLP (adopted 10 October 2018) and the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (W&TA NP) (approved on 12th April 2018). Both the MLP and the W&TA NP were in force when a decision was made on the application and remain in force in August 2021.

3.1.6 Key material considerations in decision making included the National Planning Policy Framework (February 2019)⁹ (NPPF), National Planning Policy Guidance (various dates) (NPPG) and the Local Transport Plan 3 2011-2026 (2011) (LTP3). Implementation Plans for the LTP were due to be published every three years, with the first published for the period 2011-2014 and the second for 2014-2017. Following this date, Implementation Plans were no longer produced as the Capital

⁹ The LCC Statement of Case incorrectly stated that the NPPF was published in June 2019 rather than February 2019. February 2019 was the correct date and consequently the NPPF (2019) was in force when the decision was taken on the planning application for the NEMMDR. The February 2019 version has now been superseded by the July 2021 version of the NPPF discussed in section 3.3.

Programme is now taken forward annually for political approval in place of Plan production. LTP3 remains in force.

- 3.1.7 The NPPF (2019) was adopted after submission of the application so is not mentioned in application documents. The previous version of the NPPF, published in July 2018, was reviewed in application documents. The 2019 version of the NPPF has now been superseded by the NPPF (July 2021). However, changes since July 2018 are limited and do not introduce any changes that would lead to the application for the NEMMDR to be determined differently if submitted in August 2021.

3.1.8 Local Authority Views of Planning Policy Compliance

- 3.1.9 The LCC Planning report on the application (P4) reviewed the compliance of the application with planning policy in detail and stated:

'In principle the proposal is in accordance with the policies and strategies of the Development Plan, which makes provision for an allocated corridor of investigation for the MMDR. There are no overriding objections to the proposal and the matters highlighted in the consultation responses and in the majority of representations have been addressed through the submission of the further information.

Subject to the control of the matters raised in the consultation process by planning condition, and given the significant public benefit likely to result from the construction of the MMDR, it is concluded that the proposal, as set out in the application, accompanying ES, the further information provided in the two Regulation 25 submissions is in accordance with national planning policy and the policies of the development plan.'

- 3.1.10 MBC provided a response to the NEMMDR planning application on 26 November 2018 that stated (my emphasis) (see Appendix E for full response):

'The scheme aims to improve Melton's quality of life and the environment of Melton Mowbray town centre by addressing congestion, air quality and noise issues, whilst supporting economic development and the delivery of housing to meet the needs of the local population. It will provide new transport infrastructure to access proposed new residential sites whilst ensuring that the new development does not worsen traffic conditions in the town. It will reduce congestion and air pollution in the town, improve access to the town centre, reduce HGV movements in the town, improve

walking and cycling facilities, deliver environmental measures and enhancements and improve highway safety for all road users in Melton Mowbray.

*It is considered that **the proposal underpins the successful and timely delivery of the objectives of the adopted Melton Local Plan, providing much needed transport infrastructure, meeting the objectives of Local Plan policies SS1, SS2, SS4, SS5, IN1 and the relevant environmental policies, in addition to the WoW&TA Neighbourhood Plan.***

3.1.11 I agree with the statements above on policy compliance made by the planning departments at LCC and MBC. Further detail is provided below.

3.1.12 Principle of the Scheme

The Scheme When Consented

3.1.13 The NEMMDR is essential to the delivery of the MLP, contributing to meeting the MLP's vision, strategic objectives, housing and employment delivery. MLP Section 8 describes the MMDR as being 'crucial' to the delivery of the Borough's transport strategy. The LTP3 recognises that Melton Mowbray is one of the most congested towns in the County and one of its priority actions in the 2014-2017 Implementation Plan is to address this congestion.

3.1.14 The MLP vision envisages that in 2036:

'There will be improved connectivity and ease of movement within and across the town, and to and from the nearby larger centres'.

3.1.15 The MLP Section 8 states that extensive research and consultation has shown that development of a distributor road to the north and east of the town is the most effective way to improve connectivity, reduce congestion and facilitate improvements to the environment of the town. The MLP thereby recognises that the NEMMDR is the most effective way of delivering this aspect of the MLP vision.

3.1.16 The MLP states that to deliver the vision MBC will facilitate a sustainable pattern of high-quality development which, amongst other aims:

'Provides the necessary infrastructure to support economic and population growth; [and]... Raises the quality, interest and diversity of Melton Mowbray's town centre and reduces the impact of traffic'.

- 3.1.17 The NEMMDR provides necessary¹⁰ infrastructure, will support economic and population growth and will reduce traffic in the city centre compared to a scenario where the road is not constructed. It will directly contribute towards the achievement of this aim.
- 3.1.18 The MLP key diagram shows a proposed distributor road running around Melton Mowbray from the A606 Nottingham Road to the A607 Leicester Road including the route of the NEMMDR and the southern section of the MMDR (which is not part of the NEMMDR). Section 8 of the MLP recognises that new highway infrastructure is essential to facilitate growth and alleviate congestion in Melton Mowbray and that the 'MMDR' is a crucial element of this strategy.
- 3.1.19 MLP policy IN1: Melton Mowbray Transport Strategy states that:
'The Borough Council will work with Leicestershire County Council, landowners, developers and others to deliver a transport strategy for Melton Mowbray. The MMTS will comprise the following key components, to be funded and delivered by private developers and the public sector:
(a) A Melton Mowbray Distributor Road (MMDR) from the A606 Nottingham Road to the A607 Leicester Road around the east of the town, in accordance with the broad design standards and requirements outlined in paragraph 8.3.17, for which a 'corridor of investigation' is shown on the Policies Map; and
(b) A package of complementary measures, including enhanced pedestrian, cycling and public transport facilities and access to the town centre and the other main local journey attractors from the southern and northern urban extensions...
Where necessary, the Council and/or the Local Highway Authority will use its compulsory purchase powers to deliver section(s) of the MMDR.'
- 3.1.20 The MLP Policies Map shows a 'Corridor of Investigation' that encompasses a wide strip from A606 Nottingham Road to A607 Leicester Road. This area was drawn to provide protection for the route of the new road from development. The route of the NEMMDR broadly follows the Corridor of Investigation but is located to the north of the Corridor for the majority of the section between the A606 Nottingham Road and Melton Spinney Road. The route in this location was moved north to increase the separation between the Scheme and Melton Country Park and maximise the

¹⁰ As recognised in the MLP itself when the project is described as 'crucial'.

amount of housing that could be developed in the Northern Sustainable Neighbourhood (NSN). The alignment was developed in this way to respond to pre-application consultation comments and to increase compliance with planning policy. Given that the purpose of the Corridor of Investigation was to facilitate development of the MMDR rather than restrict the route to a particular alignment, the differences between the red line boundary for the NEMMDR and the Corridor of Investigation did not present a conflict between the Scheme and the MLP.

- 3.1.21 The design of the NEMMDR accords with all five principles set for the overall design standard set out in Section 8 of the MLP.

Changes Since June 2019

There have been no changes to the MLP or LTP3 since the application was consented and there is therefore no change to the assessment above.

3.1.22 Traffic Impacts

Scheme When Consented

- 3.1.23 Congestion in the centre of Melton Mowbray has been a long-standing issue recognised in successive Local Transport Plans, including LTP3. The issue is predicted to worsen due to continuing trends in traffic growth and the significant levels of development planned for Melton Mowbray as part of the MLP.
- 3.1.24 Analysis of traffic levels in the town has shown that Melton Mowbray experiences (see Transport Assessment, Aecom, 2018 (P3, 'Transport Assessment') for further details):
- Highly significant levels of congestion, with several junctions experiencing very high delays.
 - Network resilience issues; with limited route choice, and no alternatives across the town centre that are not already congested.
 - A high level of through traffic, for example through traffic along the A606 axis accounts for more than 40% of total traffic on that route.
 - Rat-running during busy periods, especially through the historic centre via routes such as Chapel Street and King Street.
 - A significant number of HGV movements originating from the industrial areas to the east and south west of the town centre and HGV through traffic.

- 3.1.25 Without the NEMMDR, congestion in the town centre is predicted to worsen. Through traffic has detrimental impacts on residents and affects the attractiveness of the town. The high proportion of HGV traffic contributes to the noise, safety, severance and air quality issues experienced by people living near the highways and would continue to worsen without action.
- 3.1.26 The congestion has continued to worsen despite investments in highway improvements. In recent years the lack of capacity on the highway network has become a constraint on the town's growth; with MBC having been advised by LCC, as the Local Highway Authority, to consider refusing a number of planning applications on the grounds of severe traffic impacts.
- 3.1.27 The traffic forecasting showed that the NEMMDR would result in an average decrease in traffic of approximately 18.6% in town centre locations, with reductions of over 40% along A607 Thorpe Road and over 25% at the A606 Burton Street/ Burton Road and A606 Thorpe End. This represents a significant reduction in traffic in the town centre, reducing journey times (and delay related rat-running). This in turn is projected to lead to a material improvement in environmental conditions, particularly in terms of air quality, noise and pedestrian experience, when compared to a scenario where the Scheme were not constructed.
- 3.1.28 Whilst existing bus services are not expected to divert to the NEMMDR, the existing services would experience an improvement in journey time reliability and speed arising from the distributor road's traffic relief effects. Quieter and safer roads around the town centre could also encourage more walking trips. There is little formal cycle infrastructure within Melton Mowbray town centre; however, reductions in road traffic could make the road environment more attractive to cycling. The delivery of new cycle and pedestrian infrastructure around the town as part of the NEMMDR could also potentially encourage walking and cycling in these areas.
- 3.1.29 Overall, the Scheme will assist in managing traffic issues identified in the LTP3 and the MLP.

Changes Since June 2019

Since 2019 the most significant change affecting traffic has been the Covid-19 pandemic rather than policy change. The pandemic placed temporary restrictions on travel and temporarily reduced traffic. Some of these changes may become more

permanent, such as increased levels of homeworking. However, as stated in LCC's Statement of Case (OL4, paragraph 1.7) it has not changed LCC's long term expectations in respect of traffic. Further detail on this is provided in Janna Walker's PoE as the Promoter and Mark Dazeley's PoE on Traffic Modelling.

3.1.30 Supporting Housing Delivery

Scheme When Consented

3.1.31 MLP Policy SS2 Development Strategy states that provision will be made for at least 6,125 homes in Melton Borough between 2011 and 2036. Over half of the Borough's housing needs of the MLP period are expected to be met through housing delivered at the NSN and the SSN; two strategic allocations to the north and south of Melton Mowbray providing 1,500 and 1,700 homes respectively by 2036. The locations of these allocations are shown in green in Appendix B of this PoE. The MLP supporting text in 4.3.5 states that:

'The Melton Mowbray Transport Studies have made clear that for the town to grow sustainably, there will be a need for strategic investment in the highway network that improves the north/south connectivity. The transport evidence has appraised options to address traffic congestion within the town and has concluded that an outer distributor road is the best long-term deliverable solution.'

3.1.32 In total, including other allocations and sustainable sites, at least 3,980 homes are expected to be delivered in Melton Mowbray by 2036, which constitutes 65% of the housing delivered in the Borough as a whole. In 2011, there was a total of 21,490 dwellings in the Borough, so the new housing in Melton Mowbray would exceed 10% of the existing housing in the Borough, representing significant growth.

3.1.33 The NSN is allocated for development under MLP Policy SS5, comprising 100 hectares of land to the north of Melton Mowbray between the A606 Nottingham Road and Melton Spinney Road. The allocation borders the Melton Country Park to the south and is proposed to deliver 1,700 houses (1,500 in the plan period) comprising 25% of the Borough's housing needs. The NEMMDR travels through the area allocated for the NSN but has been designed to be mostly located along its northern boundary or north of the allocated area to reduce its impact on the amount of land available for development.

3.1.34 On transport, MLP Policy SS5 states that the NSN will deliver a comprehensive package informed by a transport assessment including:

‘A: A strategic road link connecting A606 Nottingham Road to Melton Spinney Road forming part of the Melton Mowbray Distributor Road as part of a wider agreed scheme’.

3.1.35 During the Examination of the Local Plan, a Statement of Common Ground was submitted by the Melton NSN Consortium, LCC and MBC. The SoCG stated that:

‘Whilst the MMDR is required to facilitate the full MNSN, the principle of delivering dwellings in parallel with the construction of the MMDR could be acceptable, subject to the following:

- *Appropriate trigger point testing to allow development to occur;*
- *Agreement of appropriate developer contributions;*
- *Agreement of any necessary ‘interim’ mitigation in the absence of the MMDR; and*
- *Required Grampian conditions.’*

3.1.36 The NEMMDR is required to facilitate delivery of the NSN and ensure its delivery avoids unacceptable impacts on the highway network. If development of the NEMMDR is delayed or curtailed, this would undermine the ability of MBC to deliver the housing urgently needed in the Borough.

3.1.37 MLP Policy SS4 allocates 120 hectares of land for creation of the SSN, an allocation located to the south of Melton Mowbray between the A606 Burton Road and the A607 Leicester Road. The SSN is predominantly allocated for housing, delivering 1,700 homes by 2036, alongside 20 hectares of employment land at the western end of the SSN adjoining the existing Leicester Road Business Park, extra care housing, a new primary school and a local centre. The SSN is directly to the west of the NEMMDR roundabout 6 at A606 Burton Road.

3.1.38 On transport, policy SS4 states that the SSN will deliver a comprehensive package of transport improvements informed by an appropriate transport assessment including:

‘A: A strategic road link connecting the A606 to the A607 forming part of the Melton Mowbray Distributor Road as part of a wider agreed scheme’.

3.1.39 The NEMMDR will also facilitate the sustainable delivery of the SSN through its connection to the southern section of the MMDR. The SSN is set to provide another 28% of the borough’s housing needs as set out in the MLP. The NEMMDR will enable

new residents to travel north and east in the borough without passing through the heavily congested town centre.

3.1.40 MLP Policy C1(A): Housing Allocations allocates ten sites (MEL1-10) for housing in Melton Mowbray in addition to the Sustainable Neighbourhoods. Together these sites are expected to deliver 476 homes over the plan period.

3.1.41 MLP Policy C1(B) also allocates a number of Reserve housing sites, including Snow Hill (MEL11) in Melton Mowbray, which is expected to be capable of delivering 240 dwellings.

3.1.42 Overall, the NEMMDR facilitates delivery of the two largest housing allocations in Melton Mowbray. Without the NEMMDR, there will be insufficient housing in the Borough to meet housing needs identified in the MLP.

Changes Since June 2019

3.1.43 The NPPF 2021 introduced a new sentence to the NPPF stating: *'Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.'* This lengthens the timescales for policies associated with large housing developments such as those at the NSN and SSN from 15 years to 30 years.

3.1.44 There have been no changes to national or local policy since June 2019 that would suggest Melton needs significantly less housing than identified in the MLP, that those needs could be met elsewhere or that the housing can proceed without infrastructure improvements. This coupled with the recency of MLP adoption and recent planning applications within Sustainable Neighbourhoods meant that a change in policy away from development of the NSN, SSN and the MMDR was always very unlikely. The change in timescales for policies on large housing sites in the NPPF (2021) gives even more certainty that this is not likely to change.

3.1.45 Employment

Scheme When Consented

3.1.46 MLP Policy EC1 allocates 20 ha of employment land as part of the SSN and 10 ha as extensions to the Asfordby Business Park, both targeted towards the manufacturing and industrial sectors. A further 1 hectare of employment land for B1(a) office space within or adjacent to Melton Mowbray town centre and/or including PERA Business

Park. Therefore, all the allocated sites for employment uses in the Borough are in and around Melton Mowbray.

- 3.1.47 The NEMMDR could also help facilitate delivery of the Borough’s allocated employment sites, particularly if the southern section of the MMDR is completed to connect the NEMMDR to Leicester Road Business Park

Changes Since June 2019

- 3.1.48 There have been no changes to local or national policy that would change the position above.

3.1.49 Environmental Impacts of the Scheme

Scheme When Consented

- 3.1.50 The Environmental Impact Assessment for the NEMMDR (P3, various) provided a comprehensive assessment of the environmental impacts of the Scheme and the Planning Application Supporting Statement (p3, ‘Supporting Statement’) provided an assessment of the compliance of the Scheme with planning policies, including those related to environmental impacts. I will therefore not repeat this information here. However, Table 3-1 provides a summary of the impacts and policy compliance, as well as specifying whether I have identified any policy changes that would change this assessment if carried out in August 2021.

Table 3-1: Policy compliance when consented and in August 2021

Topic/ Policy Aim	Policy	Compliance in June 2019	Change in August 2021
Improve air quality	LTP3	The Scheme would significantly improve air quality in the most polluted areas in the town centre, in some cases reducing air pollution from levels that are harmful to health to those that are not.	None
Retain and protect trees and hedgerows.	WW&TA NP	Trees and hedgerows will be retained and protected where possible, with significant planting proposed to	NPPF (2021) new para 131 encourages more tree retention/

Topic/ Policy Aim	Policy	Compliance in June 2019	Change in August 2021
Net gain in length.		mitigate any loss and a net gain provided.	planting. NEMMDR complies with this.
Establish protection zone between Melton Country Park and new development	a MLP SS5	The road has been located 275m from the Country Park, with only development of features such as a balancing pond between the road and the Country Park.	None
Protection of Important Views in and out of Thorpe Arnold	WW&TA NP policy and ENV12	The Scheme is located in close proximity to Thorpe Arnold and given that some viewpoints are very close to the road alignment, they would be affected by it. Mitigation is proposed to limit impacts. The Scheme may have a positive impact on the view along Lag Lane through the removal of traffic from the route.	None
Character of landscape and countryside conserved and where possible enhanced	MLP EN1	The NEMMDR creates a road around Melton Mowbray on existing agricultural land. However, the impacts have been minimised by good siting and design and a Landscaping Masterplan to reduce impacts.	None
No unacceptable impact on tranquillity & sense of place	MLP EN1	The road has been situated away from towns and villages, with lighting only located on the approaches to roundabouts and designed to be	None

Topic/ Policy	Policy	Compliance in June 2019	Change in August 2021
(including dark skies)		directional (and avoid impacts on dark skies in the area).	
Should not adversely affect sites designated for nature conservation importance		In the long term the Scheme will have a significant positive effect on the River Eye SSSI, the only nationally designated site in the vicinity. The Scheme will avoid adversely affecting LWSs near the Scheme and will improve cycle and pedestrian access to the LWS at Melton Country Park.	None
No net loss in biodiversity and net gains if possible. (NPPF	MLP EN2 NPPF (2019 174 & 179	The Scheme will deliver a net gain in biodiversity overall. Retaining and enhancing biodiversity has been a key consideration in the Scheme design throughout the process	Environment Bill set to make net gain mandatory. NEMMDR set to achieve net gains of over 20%.
Avoid harm to significance of historic sites, buildings or areas	MLP EN13	The Scheme will not directly affect any listed buildings or Scheduled Monuments. There will be a 'slight' impact on the setting of the Hospital Scheduled Monument and one Grade II Listed Building. Impacts on archaeology will be mitigated through investigations carried out to date and prior to construction.	None
Encourage walking and cycling avoid adverse impacts on	MLP SS5; WW&TA and ENV13	The Scheme will deliver a new 7.1km shared way around Melton Mowbray; a 3.4km new NMU route along Lag Lane/ Sawgate Road; and a new NMU route north of Thorpe Arnold. Adverse	None

Topic/ Policy	Policy	Compliance in June 2019	Change in August 2021
footpaths without mitigation		impacts on Public Rights of Way are mitigated through minor diversions and road crossings. Less congestion could improve the environment for walkers and cyclists in the town centre.	
Do not increase flood risk elsewhere, avoid areas with high flood risk and include appropriate drainage	MLP SS5 & EN11; WW & TA NP ENV15	The Scheme will have no more than a 'negligible' impact on flood risk due to extensive design iterations and mitigation. The Scheme has been located away from the Brentingby Storage area and mostly in zone 1. The Scheme incorporates appropriate drainage, with surface water drainage to be submitted to discharge Conditions 12 and 13 on the consent.	Minor changes have been made to flood risk text in the NPPF and its Annexes. However, the principles of policy on flood risk remain the same and none of the changes suggest that the Scheme would not comply with NPPF policy.
Mitigate and adapt climate change		The Scheme will increase CO ₂ emissions when considered in isolation. Measures could be delivered alongside the Scheme to reduce this impact through using the reduction in congestion to help deliver improvements to walking, cycling and public transport and encourage more sustainable fuels.	Area of policy change with publication of UK's sixth carbon budget ¹¹ and Decarbonising Transport: A Better, Greener Britain (DfT, 2021) ¹² .

¹¹ Introduction of the 6th carbon budget through the Carbon Budget Order 2021 requiring a 78% reduction in carbon emissions by 2035.

¹² Note that this document continues to support new road building, stating in the forward that: *'Our ambitious roads programme reflects – and will continue to reflect – that in any imaginable circumstances the clear majority of longer journeys, passenger, and freight, will be made by road; and that rural, remote areas will always depend more heavily on roads.'*

Topic/ Policy Aim	Policy	Compliance in June 2019	Change in August 2021
		The Scheme drainage has been designed to allow for a 50% increase as a result of climate change.	Whilst climate change has risen in prominence in policy since 2019, the necessity of the Scheme and acceptability of the emissions would be assessed similarly. More detail is provided in the PoE produced by Ian Davies.

4. Planning History Update

4.1.1 Introduction

4.1.2 Since the planning application for the NEMMDR was consented in June 2019, planning applications for housing within the NSN and SSN have progressed. The progression of applications show that developers are moving forward with housing developments despite the Covid-19 pandemic. The need for the NEMMDR to support this housing remains clear and urgent. A brief update is provided below. Where the update in 2021 is 'none' this means there have been no more applications on the site, not necessarily that no progress has been made to deliver the development.

4.1.3 Appendix B shows the location of the planning applications described below in the context of the application boundary for the NEMMDR and key allocations in the MLP.

4.1.4 Northern Sustainable Neighbourhood

4.1.5 The NSN seeks to deliver 1,700 houses in total, including 1,500 over the Local Plan period (2011-2036). The below housing sites are located within the allocation SS5 North Melton Mowbray Sustainable Neighbourhood, with the NEMMDR providing infrastructure to enable development and/ or reduce the impact of these developments on the surrounding road network.

Land East of Scalford Road, Melton Mowbray (21/00973/OUT)

4.1.6 **2021 Update:** An outline planning application was received by Melton Borough Council on 13 August 2021 for 575 dwellings, community, retail and/ or health uses, community hall, green infrastructure and other ancillary works at Land East of Scalford Road. The site is located to the south of the NEMMDR, to the east of Scalford Road and to the north west of Melton Country Park. The applicant is Barwood Development Solutions Ltd (Barwood). The site is part of a wider section of the NSN which also includes areas being promoted by Taylor Wimpey and William Davis Homes. A

4.1.7 The Illustrative Masterplan submitted with the Barwood application is provided in Appendix C of this PoE. The Illustrative Masterplan shows the NEMMDR roundabout 2 at Scalford Road with four arms rather than the five arms consented in the NEMMDR planning application. The red line boundary for the Barwood application overlaps the red line boundary for the NEMMDR and conflicts with proposals for the

NEMMDR, particularly at roundabout 2. This conflict would be a material consideration in the determination of the application for the residential development and could be a reason to either refuse the application or request that the applicant amends the application to ensure it is consistent with the consented NEMMDR.

- 4.1.8 The application for the residential development does not include the roundabout in the red line boundary and therefore does not seek consent for a revised roundabout design. Planning condition 2 on the NEMMDR consent requires that the NEMMDR be developed in line with the General Arrangement Plans, which show a five-arm roundabout at this junction. Therefore, there is no planning consent for the roundabout design as shown on the Illustrative Masterplan, nor has any application been submitted by any party to gain this consent.
- 4.1.9 The NEMMDR is essential for the delivery of the housing in the MLP, particularly the housing in the NSN. The Barwood application is within the NSN. Therefore, if the application proposes development that prevents or delays delivery of the consented NEMMDR it would call into question whether the housing would be deliverable as proposed.
- 4.1.10 For all the reasons above, I consider it unlikely that Melton Borough Council would consent the residential application as currently proposed and reasonably likely that MBC will request that the design be changed to comply with the consented NEMMDR.
- 4.1.11 It is noteworthy that both Framland Farm (landowners) and Barwood Land submitted responses to the planning application for the NEMMDR in November 2018. The consultation responses reviewed proposals in detail and commented particularly on the levels and earthworks at roundabout 2. Neither consultee requested removal of the fifth arm of the roundabout, which was put in place to facilitate the development on the site. These consultation responses are provided in Appendix D of this PoE.
- [Sysonby Farm, Nottingham Road, LE13 0NX \(18/00359/OUT\)](#)
- 4.1.12 Outline planning application for demolition of Sysonby Farm and development of up to 290 dwellings, local centre, B1 business floor space, primary school and associated infrastructure. Validated: 20/04/2018. Status in June 2019: Pending.
- 2021 Update:** Planning permission granted and the S106 agreement signed on 15 December 2020, there have been no subsequent reserved matters applications.

Sysonby Farm, Nottingham Road, LE13 ONX (18/00424/CM)

- 4.1.13 Change of use of a disused dairy farm to a temporary highways depot with winter maintenance activities. Validated: 6/04/2018 and withdrawn on 20/06/2018.

2021 Update: None

Sysonby Lodge, Nottingham Road, LE13 ONU (16/00926/OUT)

- 4.1.14 Outline Planning Application for development of up to 24 dwellings and associated access. Validated: 26/01/2017; Status: gained consent on 22 October 2018.

2021 Update: None.

Field No. 3310, Scalford Road (13/00497/FUL)

- 4.1.15 Erection of 91 dwellings with associated development. Consented: 30/01/2014.

2021 Update: Application (18/01248/DIS) to discharge condition 3 (landscaping) was consented 20 November 2018.

Field No. 3310, Scalford Road (15/00178/FUL)

- 4.1.16 Construction of 77 units and associated infrastructure works. Consented: 30/02/16. Subsequent applications submitted include:

- 3 additional dwellings (16/00291/FUL), consented: 14/10/2016.
- Application (17/00038/DIS) to discharge condition 2 of 15/00178/FUL, consented 19 April 2018.
- Application (16/00795/DIS) to discharge condition 7 and 8 of 16/00291/FUL, consented January 2017.

2021 Update: None

Field No 3968, Melton Spinney Road, Thorpe Arnold (14/00808/OUT)

- 4.1.17 Development of up to 200 dwellings including means of access, open space and associated development, application submitted by Taylor Wimpey. Consented: 02/09/2018.

2021 Update: Application (19/00208/REM) to resolve reserved matters sought for appearance, landscaping, layout and scale for 200 dwellings, open space, play area surface water attenuation works and associated development; consented 1 November 2019. Application (19/00385/DIS) to discharge conditions 15, 20, 23, 27 and 28 consented 12 August 2019. Application (19/01270/DIS) to discharge conditions 4, 5, 6, 9, 10, 11, 12, 13, 18, 22 consented 20 February 2020. Application (20/00446/DIS) to discharge conditions 16 and 19 consented 12 July 2020.

Field numbers 5855 and 6071, Nottingham Road (14/00078/OUT)

- 4.1.18 Development of up to 85 dwellings with associated infrastructure and open space. Consented at appeal: 06/01/2015. Reserved matters applications (16/00259/REM) consented August 2016 and (17/00711/REM) to replan previous application consented 31 Oct 2017.

Applications to discharge conditions :

- 17/01091/DIS condition 8 consented October 2017;
- 16/00260/DIS condition 16 consented 6 February 2018
- 17/00961/DIS condition 17 consented 25 May 2018
- 18/00231/DIS condition 7 consented 25 May 2018
- 18/00771/DIS condition 5 consented 27 August 2018
- 17/00835/DIS conditions 3, 4, 6 consented 20 June 2018
- 17/00828/DIS conditions 5, 6 10, 11, 12, 13, 14 consented 10 January 2019.

- 4.1.19 Application (19/00266/FUL) for four additional dwellings was consented on 28 May 2019.

2021 Update: None.

Land North of John Ferneley College, Scalford Road (18/00769/OUT)

- 4.1.20 Proposed development of 19.84 ha site to include residential development, open space, play area and associated infrastructure. Validated 27 June 2018, application submitted by Richborough Estates.

2021 Update: The Outline application was consented with a Section 106 agreement on 31/07/2020. Reserved matters application (20/01214/REM) for Bloor Homes' first phase comprising 159 dwellings was validated 12 October 2020 and remains pending in August 2021. Application (20/01238/DIS) to discharge condition 4 of outline application (18/00769/OUT) consented on 21 May 2021.

Land West of Bowling Green, Leicester Road (16/00290/FUL)

- 4.1.21 Development of 97 dwellings, employment land (B1a), and associated infrastructure. Consented: 06/02/2017. Ten applications addressing the discharge of condition requests have been submitted, the latest (19/00265/DIS) was permitted in April 2019.

Sysonby Lodge Nottingham Road Melton Mowbray, (16/00929/FUL)

- 4.1.22 Conversion and redevelopment of Sysonby Lodge and associated outbuilding to create 10 new dwellings (Use Class C3) with associated access, landscaping and car parking.

2021 Update: Application (21/00428/DIS) to discharge conditions 10 and 16 consented on 13 May 2021.

Land South of Hill Top Farm, St Bartholomews Way (19/00342/FUL)

- 4.1.23 **2021 Update:** New application for erection of 83 dwellings consented 3 February 2020. Various applications to discharge conditions have been permitted in relation to application.

4.1.24 Southern Sustainable Neighbourhood

- 4.1.25 The Melton Mowbray SSN seeks to deliver 2,000 houses, including 1,700 within the Local Plan period, and 20 ha of employment land. Housing sites within strategic allocation SS4 South Melton Mowbray Sustainable Neighbourhood include those listed below. The key applications considered at the time of the NEMMDR application submission and any subsequent updates are listed below:

Field OS 002 Leicester Road (15/00082/OUT)

- 4.1.26 Development of up to 520 dwellings and associated convenience shop, public open space and landscaping. Validated February 2015, with an appeal lodged for non-determination and the appeal held in abeyance.

2021 Update: Application and appeal withdrawn

Field OS 002 Leicester Road (15/00910/OUT)

- 4.1.27 Re-submission of 15/00082/OUT with amended site access arrangements. Consented: 13/10/2016.

2021 Update: Various applications to address variation of conditions and reserved matters submitted since the 2016 consent. The latest variation of condition application (20/01058/VAC) was consented on 9 November 2020.

Land South of Kirby Lane, Kirby Lane (16/00515/OUT)

- 4.1.28 Development of up to 1,500 dwellings, a new local centre, primary school, areas of public open space, drainage and a new link road between Burton Road and Dalby Road and Kirby Lane and Leicester Road. Validated: 28/07/2016; Status: Pending. This

application includes the southern section of the MMDR, although as it is only in outline the details of the road are not finalised.

2021 Update: Whilst no decision has been made on the application, it is still live, developer contributions are currently being negotiated.

Land adjacent to Childs Cottage, Melton Road, Burton Lazars (15/00127/OUT)

4.1.29 Erection of up to 175 dwellings and associated public open space, landscaping and drainage infrastructure. Validated: 19/02/2015 and remains pending.

2021 Update: Whilst no decision has been made on the application, it is still live, developer contributions are currently being negotiated.

5. Non-Material Amendment to the Scheme

- 5.1.1 Leicestershire County Council submitted an application to make a Non-Material Amendment (NMA) to the application for the NEMMDR on 18 August 2021.
- 5.1.2 The NMA seeks to realign the bridleway which runs under the Thorpe Bridge to move it further towards the west side of the bridge underpass. Separating the bridleway and having it pass under the structure on the opposite side of the brook will allow the safe simultaneous passage of livestock along the farm access path and equestrian users along the bridleway. The start and the end point of the bridleway remain unchanged.
- 5.1.3 In my view, the proposed change does not materially affect the design and is a very minor change. It is therefore being proposed through an application for a NMA under Section 96A of the Town and County Planning Act 1990. The amendment is proposed to address concerns raised by the affected landowner and I consider it to be a minor improvement to the Scheme.
- 5.1.4 The proposal to progress the change as a NMA was discussed to LCC Planning prior to submission of the application, with LCC Planning agreeing that the change is non-material.
- 5.1.5 The change would alter two plans listed in the Decision Notice and revised plans have been submitted with the application. These plans would replace versions P02 of the same plans and are:
- Thorpe Brook Bridge Indicative General Arrangement (60542201-ACM-STR-S3_BR_B02_Z -DR-T-0001 P03)
 - Indicative proposed NMU Routes Sheet 4 of 7 (60542201-ACM-ENM-S3_GEN_ZZ_Z -DR-T-0004 P03)
- 5.1.6 An application for a Section 96A change should be determined within 28 days unless a different timescale has been agreed. The fee for the application was not processed until 20 August 2021, so if the 28 days is taken from this date a decision would be expected by 17 September 2021.
- 5.1.7 As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory

consultation and publicity do not apply. Therefore, LCC Planning has discretion in whether and how they choose to inform other interested parties or seek their views. Given the nature of the change, it would not affect the conclusions or effects reported in the Environmental Statement so there are no requirements for assessments under the EIA Regs. Therefore, I have no reason to suspect that there will be any issue granting consent for the non-material amendment or that a decision would be delayed after the 28-day deadline.

6. Summary and Conclusion

6.1.1 This Proof of Evidence has been prepared by Alison Leeder BSc MSc MRTPI. I am a planner with 15 years-experience providing planning advice, predominantly on infrastructure schemes. I have been involved in the Scheme since 2018, including leading the planning application for the NEMMDR. This Proof of Evidence provides my view that:

- The planning application was consented in June 2019 and the consent remains extant. The project remains on programme to commence works in Spring 2022 before the consent expiration date.
- The planning application process was followed robustly and correctly by LCC Highways as Applicant and LCC Planning as the determining authority. As far as I am aware, no party has suggested that this is not the case.
- The NEMMDR is necessary for the delivery of the Melton Local Plan, which was adopted in 2018 and remains up to date. The NEMMDR complied with national and local planning policy as adopted in June 2019 and continues to comply with policy in August 2021. The policy context has changed very little since June 2019. There are significant public benefits associated with the Scheme.
- Developers have continued to progress planning applications associated with housing allocations in the Northern Sustainable Neighbourhood since June 2019 despite the pandemic. The need for the NEMMDR to support these applications remains clear.
- An application for a Non-Material Amendment to the Scheme has been submitted by LCC and will likely be determined prior to the start of the Public Inquiry. No applications have been submitted for material changes to the Scheme.
- There are 24 planning conditions attached to the consent. None of these conditions are onerous and a programme is progressing to discharge all conditions.

6.1.2 The NEMMDR gained planning permission in June 2019. The application was recommended for approval following consultation pre and post submission of the application, with the support of MBC and LCC. The Officer's report concluded that

the construction of the NEMMDR would likely result in 'significant public benefit' and the application is in accordance with national planning policy and the policies of the development plan (see P4, paragraph 126). The application went to the Development Control and Regulatory Board and Councillors voted for it to be approved. All statutory processes associated with the application were followed correctly.

- 6.1.3 I agree with the Planning Officers at LCC and MBC that the NEMMDR complies with relevant policies in the development plan and national policy. The NEMMDR is an essential prerequisite for meeting the policy requirements of the Local Plan, particularly to deliver the housing needs of the area. This is recognised in the Melton Local Plan, which was adopted in October 2018 and remains up to date. There have been no changes to the development plan since planning permission was granted and changes to national policy over this period have been limited. In my view, if the application was submitted in August 2021 the application would have been consented for the same reasons it was consented in June 2019. There are clear and compelling public benefits associated with the Scheme.
- 6.1.4 The application was consented with 24 conditions attached. None of these conditions are onerous and progress is being made to discharge conditions so that work can commence in Spring 2022. Some of the first works to be carried out will likely be at Sysonby Farm, which is owned by LCC.
- 6.1.5 A planning application has been submitted for housing at Land East of Scalford Road that includes a junction arrangement at roundabout 2 that differs from that presented in the application for the NEMMDR. The proposed arrangement differs from that in the plans submitted for the NEMMDR application and the Decision Notice states that the NEMMDR must be developed in accordance with those plans. LCC does not have planning permission to develop the junction arrangement proposed by the developer and the application does not seek consent for the alternative design. Therefore, the application conflicts with the NEMMDR consent. This conflict is likely to be a material consideration when considering the application.

Appendix A Decision Notice

Planning permission

Part 1 - Particulars of application

Name and address of applicant	Date of application	Application no.
Andrew Jackson Leicestershire County Council County Hall Glenfield Leicester LE3 8RA	8 October 2018	2018/1204/06 (2018/Reg3Ma/0182/LCC)

Particulars and location of development:

NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD. NEW DISTRIBUTOR ROAD AND 3M SHARED CYCLE/FOOTWAY AROUND MELTON MOWBRAY FROM WEST OF A606 NOTTINGHAM ROAD AT ST BARTHOLOMEW'S WAY TO WEST OF THE A606 BURTON ROAD AT SAWGATE ROAD INCLUDING: SIX NEW ROUNDABOUTS; BRIDGES AT SCALFORD BROOK, THORPE BROOK, RIVER EYE AND THE LEICESTER-PETERBOROUGH RAILWAY LINE (TO THE EAST OF LAG LANE BRENTINGBY JUNCTION); AND ANCILLARY DEVELOPMENT INCLUDING WORKS TO CONNECTING ROADS, DIVERSION OF RIVER EYE, CREATION OF NEW AND ENHANCED HABITATS, LANDSCAPING, DEMOLITION OF SYSONBY FARM, WORKS TO CYCLEWAYS AND FOOTPATHS, DEVELOPMENT OF A NON-MOTORISED USER ROUTE ALONG LAG LANE/SAWGATE ROAD AND FLOOD RISK/DRAINAGE WORKS (INCLUDING BUT NOT LIMITED TO CULVERTS AND BALANCING PONDS) - NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD, MELTON MOWBRAY (MELTON BOROUGH)

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, and for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 the Leicestershire County Council resolved on 23rd May 2019 to approve the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions

Scope of Permission


Commencement

- The development hereby permitted shall be commenced within 3 years from the date of this permission.
- Unless otherwise required by the permission the development shall be carried out in accordance with the following details:

Document Name	Document Reference	Document Date
Application Form		01/10/2018
Arboricultural Impact Assessment (sections 6.1.3-6.1.6)	60542201-ACM-ARB-GEN_GEN_ZZ_Z-RP-LV-0001 P01 S2	Sept 2018

Date:

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CONDITIONS CONTINUED

Volume 1: Environmental Statement (as amended) mitigation and enhancement measures	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0003 P01 S2 as amended by:	Sept 2018
	Environmental Statement Addendum 60542201-ACM- EGN-GEN_GEN_ZZ_Z-RP-LE-0013; and	March 2019
	Environmental Statement Addendum (including Appendix 1) 60542201-ACM-EHR-GEN_GEN_ZZ_Z-RP-AG-0001	April 2019

Drawing Name	Drawing Number	Rev
Location Plan	60542201-ACM-GEN_GEN_GEN_ZZ_Z-DR-T-0002	P02
Red Line Boundary Annotated Sheet 1	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-0001	P06
Red Line Boundary Annotated Sheet 2	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-0002	P06
Red Line Boundary Annotated Sheet 3	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-0003	P06
Red Line Boundary Annotated Sheet 4	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-0004	P06
Red Line Boundary Annotated Sheet 5	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-0005	P06
Red Line Boundary Annotated Sheet 6	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-0006	P06
Red Line Boundary Annotated Sheet 7	60542201-ACM-HGN-S1_GEN_ZZ_Z-DR-CH-00017	P06
General Arrangement Key Plan	60542201-ACM-GEN_GEN_GEN_ZZ_Z-DR-T-0001	P02
General Arrangement Plan 1	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0001	P03
General Arrangement Plan 2	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0002	P03
General Arrangement Plan 3	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0003	P03
General Arrangement Plan 4	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0004	P03
General Arrangement Plan 5	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0005	P03
General Arrangement Plan 6	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0006	P03

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CONDITIONS CONTINUED

General Arrangement Plan 7	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0007	P03
General Arrangement Plan 8	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0008	P03
General Arrangement Plan 9	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0009	P03
General Arrangement Plan 10	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0010	P03
General Arrangement Plan 11	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0011	P03
General Arrangement Plan 12	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0012	P03
General Arrangement Plan 13	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0013	P03
General Arrangement Plan 14	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0014	P03
General Arrangement Plan 15	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0015	P03
General Arrangement Plan 16	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0016	P03
General Arrangement Plan 17	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0017	P03
General Arrangement Plan 18	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0018	P03
General Arrangement Plan 19	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0019	P03
General Arrangement Plan 20	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0020	P03
General Arrangement Plan 21	60542201-ACM-GEN-S1_ML_ZZ_Z-DR-T-0021	P03
Culvert C01 Indicative General Arrangement	60542201-ACM-STR-S1_CU_C01_Z-DR-T-0001	
Culvert C02 Indicative General Arrangement	60542201-ACM-STR-S1_CU_C02_Z-DR-T-0001	
Culvert C03 Indicative General Arrangement	60542201-ACM-STR-S4_CU_C03_Z-DR-T-0001	
Railway Bridge Indicative General Arrangement Sheet 1 of 2	60542201-ACM-STR-S5_BR_B04_Z-DR-T-0001	
Railway Bridge Indicative General Arrangement Sheet 2 of 2	60542201-ACM-STR-S5_BR_B04_Z-DR-T-0002	
River Eye Bridge Indicative General Arrangement	60542201-ACM-STR-S5_BR_B03_Z-DR-T-0001	
Revised Information - Scalford Brook Bridge Indicative General Arrangement	60542201-ACM-STR-S2_BR_B01_Z-DR-T-0001	P02

Date:

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CONDITIONS CONTINUED

Revised Information - Thorpe Brook Bridge Indicative General Arrangement	60542201-ACM-STR-S3_BR_B02_Z-DR-T-0001	P02
Highway Cross Sections - Section 1	60542201-ACM-HML-S1_ML_M01_Z-DR-T-0001	P02
Highway Cross Sections - Section 2	60542201-ACM-HML-S1_ML_M01_Z-DR-T-0002	P02
Highway Cross Sections - Section 3	60542201-ACM-HML-S1_ML_M01_Z-DR-T-0003	P02
Highway Cross Sections - Section 4	60542201-ACM-HML-S1_ML_M01_Z-DR-T-0004	P02
Highway Cross Sections - Section 5	60542201-ACM-HML-S1_ML_M01_Z-DR-T-0005	P02

EcologyConstruction Environmental Management Plan

3. Prior to commencement of construction works, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall include provision of mitigation of the effects of the development including proposed working hours.

Biodiversity Management Plan

4. Prior to commencement of construction works, a detailed Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the County Planning Authority. The BMP shall include provision for the ongoing management of biodiversity during the construction works including the full implementation of the approved landscaping works and for a five-year establishment period after completion of the landscaping works.

River Eye Mitigation, Compensation and Enhancement Scheme

5. A detailed mitigation, compensation and enhancement scheme for the River Eye as shown on the Indicative Ecology Mitigation and Enhancement Plan (60542201-ACM-EGN-GEN_GEN_ZZ_Z-DR-LE-0126 Rev P01) shall be submitted to and approved by the County Planning Authority prior to the commencement of any works on site.

The scheme shall make provision for compensatory habitat creation including its management and monitoring and shall be implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme.



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CONDITIONS CONTINUEDRiver Eye Management and Monitoring Plan

6. A detailed management and monitoring plan to mitigate for impact on the River Eye SSSI including hydro-morphological, ecological and surface water monitoring to ensure restoration to the objectives of the Water Framework Directive Report (including River Eye SSSI diversion and enhancement proposals) Update (March 2019) and to include appropriate management actions for a five-year establishment period after completion of the restoration works shall be submitted to and approved by the County Planning Authority prior to the completion of construction works. The plan shall make provision for annual monitoring visits and the submission of annual reports to the County Planning Authority during the five-year establishment period.

Lighting

7. Lighting shall be in accordance with the approved Indicative Lighting Lux Contour Layout plans 60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0011 and 60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0012 Rev P02 in the area of the existing and proposed River Eye crossings.

Landscaping

8. Landscaping of the application site shall be in accordance with the Indicative Ecology Mitigation and Enhancement Plan (60542201-ACM-EGN-GEN_GEN_ZZ_Z-DR-LE-0126 to 0131 Rev P01) with regard to the amount of wildflower grassland, diverse grassland and habitat enhancement. All above ground SUDs features shall be designed to maximise benefit to wildlife. The planting of all trees, wildflower grassland, scrub, hedgerows and marginal aquatic vegetation shall be locally native species. Final landscaping plans shall be submitted to and approved by the County Planning Authority prior to implementation of the landscaping works and provide for a biodiversity net gain.

Protected Species

9. Prior to implementation of each construction phase of the development a scheme of updated protected species surveys shall be agreed with the County Planning Authority. The surveys shall be completed, and the agreed mitigation plans revised, submitted and approved by the County Planning Authority at least 6 months prior to the commencement of that phase. All mitigation shall be implemented in accordance with the approved plans.
- the surveys shall include Kingfisher on the Scaford Brook, Roosting Bats at Sysonby Farm and the railway crossing, Water Voles on the River Eye, Otters on all watercourses and Barn Owl, Great Crested Newts, and Badgers throughout the whole scheme.
10. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of otter and its associated habitat has been submitted to and approved by the County Planning Authority. The plan must consider the whole duration of the development, from the construction phase through to development completion and shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:

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CONDITIONS CONTINUED

- details of how otters will be protected during the operational phase of the development.
- details of otter ledges within culverts used on the development.
- details of otter proof fencing to ensure that otters are not able to access the new road development and therefore prevent otter deaths.

Landscaping

11. Having regard to the requirements of Condition No. 8 the landscaping of the application site shall be in accordance with the revised landscaping plans referenced: 60542201-ACM-ELS S1_GEN_ZZ_Z-DR-T-0001-P04; 60542201-ACM-ELS-S2_GEN_ZZ_Z-DR-T-0002-P04; 60542201-ACM-ELS-S2_GEN_ZZ_Z-DR-T-0003-P04; 60542201-ACM-ELS-S3_GEN_ZZ_Z-DR-T-0004-P04; 60542201-ACM-ELS-S4_GEN_ZZ_Z-DR-T-0005-P04; 60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-T-0006-P04; and, 60542201-ACM-ELS S5_GEN_ZZ_Z-DR-T-0007-P04 and a timetable to be submitted to and agreed with the County Planning Authority prior to the commencement of any landscaping works.

Water Environment**Surface Water Drainage**

12. No phase of the development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. This drainage scheme shall be in accordance with Appendix 16.4 Flood Risk Assessment Report and Appendix 16.6 Surface Water Drainage Plan.
13. No phase of the development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the County Planning Authority.

Flood Risk

14. The development shall be carried out in accordance with the submitted flood risk assessment (ref: MMDR – 60542201, dated September 2018, produced by AECOM) and the following mitigation measures it details:
- The soffit level of the River Eye bridge is to be set no lower than 76.18mAOD (section 3.1.1 page 23).
 - The soffit level of any of the bridge spans are to be set no lower than 74.97mAOD (section 3.1.1 page 23).

These mitigation measures shall be fully implemented prior to first use of the development and then subsequently in accordance with the scheme's timing/phasing arrangements.

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CONDITIONS CONTINUED

15. The development hereby permitted shall not be commenced until such time as a scheme to provide compensatory floodplain storage (as detailed in section 4.2, p36 of the submitted FRA) has been submitted to, and approved in writing by, the County Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority.

16. The development hereby permitted shall not be commenced until the final designs for the scheme to provide Environment Agency access to the Brentingby Flood Storage Reservoir both during construction and post scheme completion (as detailed in Melton Mowbray Distributor Road – Addendum to Flood Risk Assessment and drawing number 60542201-ACM-EWE-S5_GEN_ZZ_Z-SK-HD-0002 Rev P01) has been submitted to, and approved in writing by the County Planning Authority. The scheme should include the following design details:

- a) The distance of the field access gates from the road (east carriageway edge);
- b) The width of the new access road;
- c) The visibility splay distances;
- d) The proposed new access road pavement detail/proposal; and,
- e) The proposed surface for the part of lag lane from the new access road to the reservoir site entrance.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority.

Contamination

17. If during construction works contamination not previously identified is found to be present at the site then no further works in the affected area shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been

submitted to, and approved in writing by, the County Planning Authority. The remediation strategy shall be implemented as approved.

HighwaysConstruction Traffic Management Plan

18. No works shall commence on the site until such time as an updated construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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CONDITIONS CONTINUED**Public Rights of Way****Surfacing of Routes and Access Details**

19. Prior to the completion of the highway construction works a scheme for the surfacing and access arrangement details of all Non-Motorised User routes as shown on Drawings referenced Indicative Proposed NMU Routes: 60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-T-0001_P01; 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-T-0002_P01; 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-T-0003_P01; 60542201-ACM-ENM-S3_GEN_ZZ_Z-DR-T-0004_P01; 60542201-ACM-ENM-S4_GEN_ZZ_Z-DR-T-0005_P01; 60542201-ACM-ENM-S5_GEN_ZZ_Z-DR-T-0006_P01; and, 60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-T-0007_P01 shall be submitted to and approved by the County Planning Authority.

Amenity Protection**Working Hours**

20. Apart from the following exemptions no operations shall be carried out at the site except between the following times: 0700 hours and 1900 hours Monday to Friday; and 0800 hours and 1300 hours Saturday. With the exception of work related to agreed possessions with Network Rail there shall be no operations on Sundays or public holidays.

Exemptions – Working outside of the normal working hours listed above shall be limited to:

- working to agreed possessions with Network Rail to undertake works associated with the bridge crossing; and,
- measures to minimise traffic disruption with prior notification to the County Planning Authority and in accordance with the approved Construction Traffic Management Plan.

Noise

21. Except as may otherwise be agreed in writing by the County Planning Authority, all plant, equipment and machinery used on site for the road construction, including vehicular traffic to and from the site, shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturer's instructions. All plant, equipment and machinery used on site, including vehicular traffic, which is capable of being fitted with the appropriate silencers, baffles, cladding, rubber linings and white noise reversing beepers shall be fitted and maintained.

Materials

22. The road shall be constructed utilising a low road noise surface material as proposed in the submitted application and all maintenance thereafter shall utilise construction materials that achieve the same or improved noise reduction properties.

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Application No. 2018/1204/06 (2018/Reg3Ma/0182/LCC)

CONDITIONS CONTINUEDLighting

23. All lighting provision related to the development hereby permitted shall be in accordance with a detailed scheme to be submitted to and approved in writing by the County Planning Authority prior to its installation. The scheme as approved shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use.

Archaeology

24. No development, operations or construction shall commence until a written scheme of investigation (WSI), informed by an initial stage of exploratory investigation to target the River Eye diversion and associated works has been submitted to and approved by the County Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to enable the development to be monitored to ensure compliance with this permission.
3. To ensure the visual and environmental amenity of the surrounding area is protected during the construction of the proposed development.
4. To provide for a biodiversity net gain as part of the development.
5. To ensure that the ecological interests of the River Eye are protected and enhanced during the construction period. There is an exceptional need here to ensure that the ecological interests of the River Eye are protected in accordance with approved measures that are in place for the commencement of development.
6. To provide for the management and monitoring of the River Eye SSSI post construction to ensure that its significance is not damaged.
7. To protect habitats at the River Eye crossings from the effects of light spill.

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REASONS CONTINUED

8. To ensure that the landscaping of the site has due regard to biodiversity enhancement and to protect the integrity of local ecological interests.
9. To afford appropriate protection to the protected species and to monitor the effects of the development on their status during the development.
10. There is an exceptional need here to ensure that appropriate protection for the otter and its habitat within the development site is available, and to avoid damaging the site's nature conservation value.
11. To ensure that the site is subject to appropriate landscaping treatments.
12. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. There is an exceptional need here to ensure that the surface water associated within the development site development does not contribute to flooding elsewhere.
13. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. There is an exceptional need here to ensure that the surface water associated with the development site development does not contribute to flooding or lead to effects on the surface water management system during construction.
14. To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere.
15. To ensure that there are no detrimental impacts to flood storage or flood flow routes. There is an exceptional need here to ensure that the surface water associated within the development site development does not contribute to flooding elsewhere.
16. There is an exceptional need here to ensure that the Environment Agency has access, both during the construction phase of the works and once the scheme has been completed, to undertake maintenance activities to the flood defence asset on the river Eye.
17. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.
18. There is an exceptional need here to protect local amenity and in the interests of highway safety by reducing the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and ensuring that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
19. To safeguard and enhance the rights of way network.
20. To ensure that the construction works can be carried out in a reasonable manner without significant effects on local amenity and the environment.

Date:

04 JUN 2019

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REASONS CONTINUED

21. To ensure that the operational noise from the construction activities has due regard to the protection of local amenity.
22. In the interests of protecting the local amenity having regard to the future use of the new carriageway and its maintenance.
23. To ensure that the illumination of the new carriageway is acceptable having regard to local amenity and highway safety.
24. To ensure satisfactory archaeological investigation and recording.

Informatives

Protected Species.

1. With regard to condition no. 4, the agreed mitigation plans are contained within section 8.13 to 8.18 and Tables 8.6 and 8.7 of the Environmental Statement, the Environmental Statement Addendum Appendix F and G (including the Indicative Ecology Mitigation and Enhancement Plans (60542201-ACM-EGN-GEN-GEN_ZZ_Z-DR-LE-0126 to 0131 Rev P01)) and it is these that will need to be referred to and revised prior to each phase following the resurvey programme.

Environmental Permitting

2. The Environmental Permitting (England and Wales) Regulations 2016 may require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Balancing Pond 09

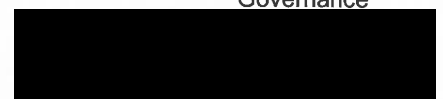
3. Balancing pond P09 appears to fall within Flood Zone 3. Creating the pond in this location may compromise its effectiveness during a flood event. We suggest that this pond is relocated to higher ground outside of flood zone 3.

Considerations in relation to gas pipeline/s identified on site:

4. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe

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Application No. 2018/1204/06 (2018/Reg3Ma/0182/LCC)

INFORMATIVES CONTINUED

on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588.

Archaeology

5. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Disability Discrimination Act 1995. You are advised to contact the County Council's Human Resources Department if you require further advice on this aspect of the proposal.

LEICESTERSHIRE ACT 1985 – ACCESS FOR FIRE BRIGADE

Where the permission granted is for or includes the erection or extension of a building and plans for the work are deposited with the district council in accordance with Building Regulations the district council will be obliged to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

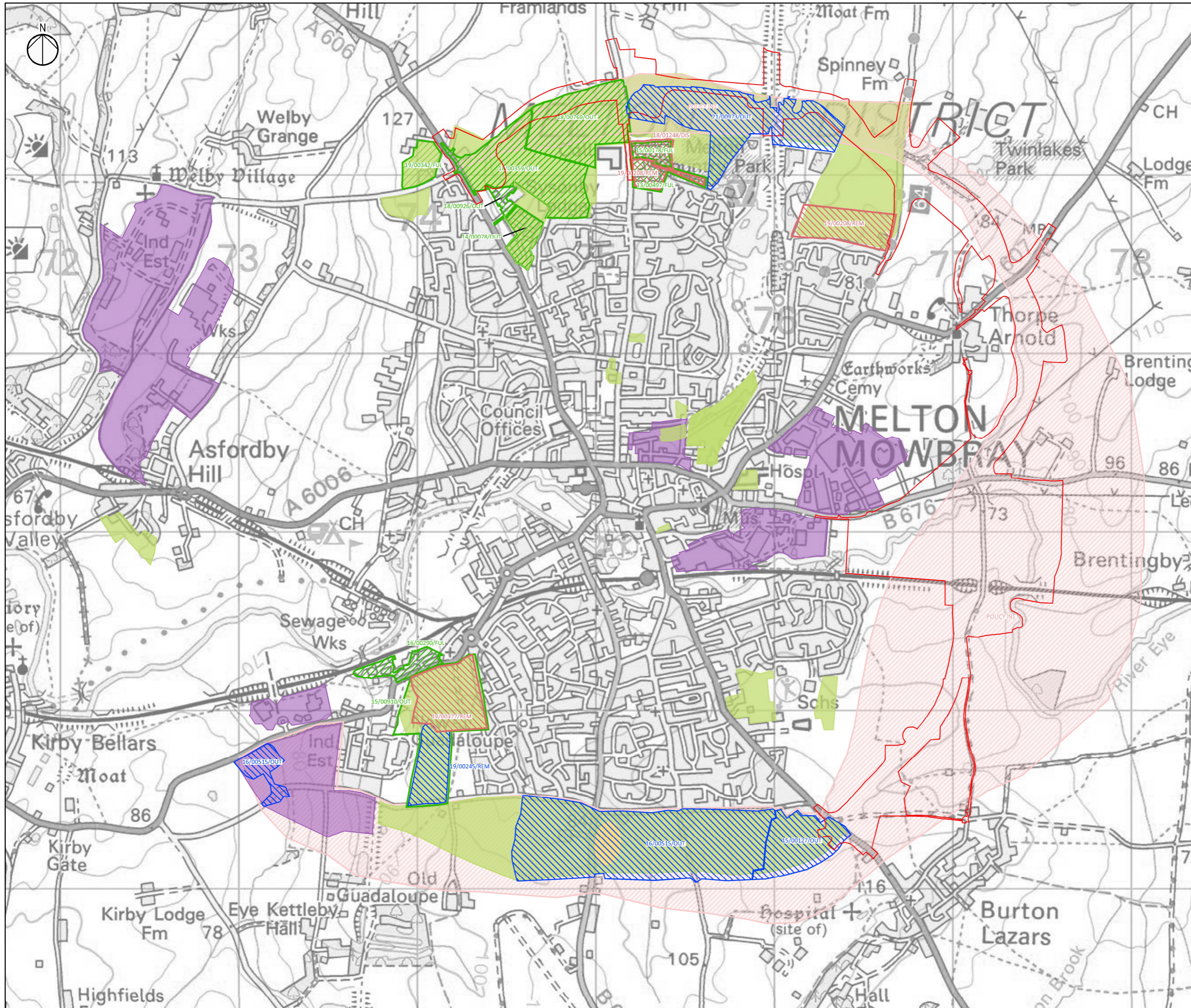
- (a) that there will be adequate means of access for the Fire Brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building or, as the case may be, the extension, will not render inadequate any existing means of access for the Fire Brigade to a neighbouring building.



Date: 04 JUN 2019

Director of Law &
Governance

Appendix B Plan showing planning applications in the consent of the NEMMDR consent and key allocations in the Melton Local Plan (2018)



PROJECT
NORTH & EAST MMDR



Leicester, LE3 8RA
tel: +44 (0)116 232 3232
www.leicestershire.gov.uk

CONSULTANT
AECOM
12 Regan Way
Chetwynd Business Park
Chilwell, Nottingham, NG9 6RZ
tel: +44 (0)115 777 0000
www.aecom.com

NOTES

- KEY**
- MMDR APPLICATION
 - PLANNING APPLICATIONS**
 - CONSENTED
 - CONSENTED - REVISED MATTERS APPLICATION
 - PENDING
 - LOCAL PLAN ALLOCATION**
 - FIMPI OYMFNT
 - HOUSING
 - NEW LOCAL CENTRE & PRIMARY SCHOOL
 - POLICY INT: MELTON MOWBRAY TRANSPORT STRATEGY

First Issue			
REVISION DETAILS	BY	DATE	SUFFIX
	CHECK		

PROJECT MANAGEMENT INITIALS

DESIGNED: AAO CHECKED: EP APPROVED: AL

INTERNAL PROJECT NUMBER **SCALE**

STATUS **BS1192 SUITABILITY**

SHEET TITLE

DRAWING NUMBER MMTS-PIN1-001 **REV**

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Appendix C Illustrative Masterplan submitted with the application for 575 dwellings on land east of Scalford Road (21/00973/OUT).



- Site Boundary: 30.00ha
- ➔ Vehicular access points
- ➔ Vehicular connection to Site
- ➔ Pedestrian connections
- ➔ Pedestrian recreational routes
- ➔ Jubilee Way
- ➔ Combined foot/cycle routes and connection
- ★ Proposed attenuation basins (SuDs)
- ★ Children's/young persons play provision: INO, LEAP
- ★ Community hall/changing rooms pavilion and sports pitches
- New dwellings
- Existing vegetation
- New planting

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Rev	Date	By	Description
Drawing Status			
FOR PLANNING			

CSA
 environmental

Dives Barns, High Street,
 Aishwell, Hertfordshire SG7 5HT

www.csaenvironmental.co.uk
www.csaenvironmental.co.uk

Project	Melton North
Drawing Title	Illustrative Masterplan
Client	Barwood
Scale @ A0	1:1250
Date	July 2021
Drawn	HG
Drawing No.	CSA/3316/128
Rev	-
Checked	RR

Appendix D Consultation responses from Framland Farm and Barwood Land submitted in response to the NEMMDR planning application

From: [REDACTED]
Sent: 20 November 2018 14:52
To: [REDACTED]
Subject: FW: Melton Mowbray

From: Andy Jackson [mailto:[REDACTED]]
Sent: 20 November 2018 10:23
To: Leeder, Alison <[REDACTED]>
Subject: FW: Melton Mowbray

Hi Alison
Please find below and attached
Thanks
Andy

From: Tom Bathurst [mailto:[REDACTED]]
Sent: 19 November 2018 17:07
To: [REDACTED]
Cc: [REDACTED]
Subject: Melton Mowbray

Dear Clare

Please find attached representations on behalf of Framlands in respect of the MMDR application.

Any queries, please let me know.

Richard

Sent on behalf of Richard in his absence

Tom Bathurst BSc (Hons) MSc MRICS
Associate Director



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Our Ref: RSW/ED/553

For the attention of Ms C Spokes
Leicestershire County Council
County Hall
Glenfield
Leicestershire
LE3 8RA

E [REDACTED]
T [REDACTED]
W www.hawksmoorps.co.uk

16 December 2018

Dear Sirs

**MMDR Planning Application (Application Ref: 2018/Reg3Ma/0182/LCC)
Consultation Response on Behalf of Framland Farm Limited, Framland Farm, Scalford Road,
Melton Mowbray**

We are writing on behalf of our clients, Framland Farm Limited, in response to the Melton Mowbray Distributor Road (MMDR) planning application. We attach a plan identifying the entire land holding under my client's control. Land to the south of the proposed MMDR route is being promoted by Barwood Strategic Land II LLP, for which we understand separate representations are being made. This land is being promoted as part of the Melton Mowbray North Sustainable Neighbourhood Housing Allocation.

The representations below therefore relate to my client's retained landholding to the north of the proposed MMDR alignment. We therefore comment as follows:

1. Roundabout Two (East of Scalford Road)

There is a clear level difference for the proposed roundabout over and above existing levels. This has the potential to impact on my client's property, which is located directly to the north of the roundabout as shown on the plan.

Substantial earthworks are proposed to accommodate this roundabout which will require mitigation to protect my client's retained land interests.

It is therefore proposed that an alternative solution is considered to reducing the imposing impact of this roundabout on client's retained land. Such options may include (but not limited to) the following:

- a. A holistic approach including cut/fill balance associated with the MMDR proposals and any proposed development parcels that form part of the Melton North SUE.
- b. The re-grading of existing highways (notably the Scalford Road North arm) to reduce the level of the roundabout.

Regulated by RICS



2. **Landscape**

Subject to the point made in section 1 above, further detail is required on landscaping proposals that are proposed along the northern edge of the proposed section of the MMDR running through our client's land.

Given the raised nature above existing levels of Roundabout Two, the northern edge will be particularly exposed and the detail provided on the landscape masterplan (sheet 2) is not sufficient to demonstrate how the impact of the raised roundabout will be mitigated.

It is therefore requested that a stronger landscape buffer is provided along the northern edge in order to mitigate the impact of the road in this location and to also assist in potential noise attenuation.

3. **Noise**

Noise generated by traffic associated with the MMDR will have a significant impact upon our client's retained property.

Clearly, there is a need to reduce land take of our client's retained land when considering options for noise control measures, given the impact that this will have on their existing farming business.

We consider therefore that noise control measures should be incorporated into the road scheme in order to minimise traffic noise impact on the retained property to the north.

In the case of new roads, significant reductions in noise generations can be achieved by a specification of lower noise finishes such as stone mastic asphalt in place of the more common hot-rolled asphalt.

For road sections where the surface is at or close to, grade within retained land parcels, a significant screening effect can be achieved with low level earth bunding on the road edge. Consideration should be given to proposed bunding on the northern edge of the road together with associated landscape planting to ensure that the noise is mitigated appropriately.

For parts of the road sections that are elevated above existing site levels, there will be potential increased noise distribution across the retained land and therefore it may not be feasible to provide roadside bunding. On this basis, if the level of roundabout 2 and the section of MMDR which is also raised above existing levels, consideration should be given to noise control in the form of low level solid barrier fencing.

4. **Access to the North and South of the MMDR**

The planning application does not show any detail in respect of any proposed access solutions for agricultural purposes for clients to access land to the south of the MMDR from their retained land to the north.

Clearly, details in respect of access and any other accommodation works will need to be clearly identified and agreed as part of any future discussions. It would be helpful to understand what these would be at the earliest opportunity so that clients can plan their farming operations accordingly.

We trust the above is of interest and that the changes that are proposed are taken fully on board and incorporated in revised plans to ensure that our client's retained land and property is protected from the proposals.

Yours faithfully



Richard Wain BSc (Hons) MRICS

From: Planning Control <PlanningControl@leics.gov.uk>
Sent: 19 November 2018 15:07
To: Planning Control
Subject: New comments for application 2018/Reg3Ma/0182/LCC

New comments have been received for application 2018/Reg3Ma/0182/LCC from PJA on behalf of Barwood Land.

Comments:

The following files have been uploaded:
MMIDR Consultation Response Letter - Barwood Land.pdf

Claire Spokes
Leicestershire County Council
County Hall
Glenfield
Leicestershire
LE3 8RA

15/11/2018

Our Ref: 3785

Dear Sirs

MMDR Planning Application (Application Reference 2018/Reg3Ma/0182/LCC) – Barwood Land Consultation Response

Dear Claire,

On behalf of Barwood Land, please find below a response to the Melton Mowbray Distributor Road (MMDR) planning application.

Specifically, this response relates to the section of MMDR proposed within the vicinity of Barwood Land's land interests (plan appended for reference) between Scalford Road and land to the east of the disused railway line. The land forms part of the Melton Mowbray North Sustainable Neighbourhood (MNSN) Housing Allocation which has been allocated for 1,700 homes.

By way of background, Barwood Land is supportive of the principle of the MMDR, the delivery of which will be fundamental in realising the sustainable growth of Melton Mowbray, promoted via the adopted Local Plan. The overriding objective is therefore to ensure that there are no impediments to development being delivered during the plan period.

Notwithstanding this, upon review of the MMDR planning application submission, there are a number of matters which need to be addressed in order that the delivery of development is not jeopardised.

Highways Overview

It is understood that the MMDR route will be subject to extensive cut and fill operations. This includes a large section of the route between Nottingham Road and Melton Spinney Road. It is understood that the extent of cutting identified thus far is largely determined by LCC's desire to achieve cost efficiencies in the filling and regrading of land required along other parts of the route.

Whilst the need to engineer efficiency and reduce the cost of construction is recognised, it is important that any cut and fill strategy is applied in a holistic way, so that its impacts on the development of land parcels are balanced. As such, the extent of earthworks should be planned so as to minimise encroachment into the developable area. This is important to ensure that the recently adopted Local Plan can be realised and that no particular land parcel is disproportionately impacted upon.

Roundabout 2 (East of Scalford Road)

The primary concern is the level difference between 'Roundabout 2' (east of Scalford Road) and Barwood Land's development parcel. The submitted plans illustrate that the roundabout is raised well above the level of the development parcel and that substantial earthworks are proposed to accommodate this which, alongside the proposed landscaping, sterilises a large portion of the developable area.

Barwood Land has not been involved in the evolution of the detailed technical design, and without detailed information relating to existing constraints and proposed highway levels it is difficult to provide comprehensive comments. However, upon review it is clear that some alternatives that do not sterilise considerable areas of land are available, including (but not limited to):

- A holistic approach including cut/fill balance associated with the development parcels as well as the MMDR proposals (subject to an agreed phasing/construction strategy); and
- The regrading of existing highways (notably the Scalford Road north arm) to reduce the raised level of Roundabout 2.

Landscape

The emerging MMDR proposals run along the northern extent of the MNSN allocation, with the proposed distributor road and its associated embankments extending into the identified allocation land at multiple points.

In respect to land within the developable area and immediately adjacent to the MMDR, the potential road corridor and the associated roundabout will represent a significant engineered feature within the immediate setting of the housing allocation. It is considered that the elevated nature of the MMDR will likely result in a substantial effect on the residential amenity of the proposed properties, raising the road corridor above the ground level of the wider landscape to the south. Whilst it is acknowledged that a degree of landscape mitigation in the form of a pocket of native broadleaf woodland has been included around the potential junction and embankments, the level of mitigation illustrated is not considered to be appropriate to suitably mitigate the impact on residential amenity. Further mitigation would be required to create an appropriate interface between the road and the proposed dwellings which would further reduce the developable area within Barwood Land's control.

It is acknowledged that the implementation of the MMDR would aid the deliverability of the housing allocation, however, it is considered that its location immediately adjacent to and, at points, within the allocation boundary will result in the sterilisation of large tracts of land, resulting in the potential reduction in achievable housing numbers.

The proposed MMDR should be appropriately planted with native structural and tree planting that will mature to form a naturalised woodland belt and which will assist in the successful integration of both the MMDR and MNSN into the wider receiving landscape. Blocks of woodland characterise the landscape to the north of Melton Mowbray and it is considered that the creation of new woodland along the MMDR would contribute positively to the local green infrastructure as well as integrating the road corridor. It is noted that, if the proposed landscaped areas around Roundabout 2 within Barwood Land's control, could contribute towards the open space and green infrastructure provision of the site this could be acceptable. The planting could fall within the wider landscape provision of the site which would be managed by a site-wide management company. This could assist in providing a coherent and sympathetic approach to the site and the wider MNSN allocation.

Noise

Noise generated by traffic associated with the MMDR will have a significant impact upon the proposed residential development immediately to the south of the proposed route..

Guidance on acceptable noise levels for new residential properties is contained in ProPG 2017: 'Planning and Noise' and also in BS 8233: 2014 'Guidance on sound insulation and noise reduction for buildings'. These documents advise appropriate target levels for noise break-in to habitable rooms and to noise levels within gardens and external habitable areas such as balconies. It is expected that the Local Planning Authority will require the new residential development to fully comply with the guidance in these documents. In the case of habitable rooms, it is probable that the internal requirements will need to be achieved with partially open windows.

For residential plots adjacent to the new road, it is unlikely that the internal and external criteria would be fully achieved and specific noise control measures will be required to achieve a satisfactory development acceptable to the LPA. Where these control measures have to be achieved within the residential development, this will necessitate significant set back from the road to enable distance attenuation and it will also limit the site layout due to the need to screen garden areas from the road. These measures are likely to result in significant loss of developable land and, consequently, it will be preferable for noise control measures to be incorporated into the road scheme in order to minimise the traffic noise impact upon the residential development. Likewise, it should be noted that any noise attenuation should be complimentary to the landscaping proposals, therefore providing a holistic solution.

The majority of noise from the proposed road will occur from tyre 'roar' which is generated at the road surface. In the case of new roads, significant reductions in noise generation can be achieved by specification of lower noise finishes such as Stone Mastic Asphalt in place of the more common Hot Rolled Asphalt.



Any reductions achieved by specification of the road surface are likely to be limited to approximately 3dB which, alone, will not be sufficient to maximise the available developable land and it will be necessary for the road scheme to incorporate screening measures.

For road sections that are within cutting, there will be natural screening from the embankment (together with enforced set-back) which will minimise traffic noise impact and it is probable that additional control measures would not be required at these locations.

For road sections where the surface is at, or close to, grade with the residential site, a significant screening effect can be achieved with low level earth bunding at the road edge. Depending upon site layouts, it is probable that any such bunding would be in the height range 1-1.5m to provide effective screening of noise from the road surface.

For road sections which are elevated above site level, there will be potential increased noise distribution across the site and it may not be feasible to provide roadside bunding. The current proposed road layout indicates that the road will be elevated above the residential site immediately to the west and east of the disused railway line and at Roundabout 2 where it joins with Scalford Road. Given the density of traffic at the roundabout and the stop-start of vehicles, it is probable that this section of road will have the greatest noise impact upon the residential development. Given the likely difficulty in provision of bunding at these locations, it is considered that noise control would best be effected by means of low level solid barrier fencing. Such fencing would be expected to be of the order of 1.5m above the road surface and would need to extend along the length of the elevated section.

Summary

In summary, Barwood Land is supportive of the principle of the MMDR, the delivery of which will be fundamental in realising the sustainable growth of Melton Mowbray. However, we have substantial concerns relating to the levels, landscaping and noise associated with the MMDR proposals in the vicinity of their land interests (notably adjacent to Roundabout 2); which cumulatively could sterilise a large portion of developable land within the Melton Mowbray North Sustainable Neighbourhood if not addressed.

It is our view that changes will be required at detailed design stage to alleviate these concerns and we would welcome involvement in that process at the earliest opportunity.

Yours faithfully

Nigel Millington



Joint Managing Director



Appendix E Consultation response from MBC on the NEMMDR planning application

From: Sarah Legge <[REDACTED]>
Sent: 26 November 2018 11:59
To: Claire Spokes
Subject: RE: 2018/Reg3Ma/0182/LCC - Melton Mowbray Distributor Road

Hi Claire,

Apologies for the delay. The report went to our committee on 15th November 2018, but I've been on holiday so have only just been able to listen to the recording of the meeting.

Members acknowledged that the County is the authority determining the application, and that they are providing their comments only regarding the application.

The conclusion of my report to Members, and the recommendation that I made was as follows:

"Melton Borough Council has worked closely with colleagues at Leicestershire County Council, AECOM, WSP and Jacobs during the development of the Local Plan to collate the evidence required to bring forward transport improvements that will allow the town to grow and prosper. This application has come forward as a result of extensive consultation with local communities and key stakeholders, and a successful bid to DfT Local Large Majors Fund.

The scheme aims to improve Melton's quality of life and the environment of Melton Mowbray town centre by addressing congestion, air quality and noise issues, whilst supporting economic development and the delivery of housing to meet the needs of the local population. It will provide new transport infrastructure to access proposed new residential sites whilst ensuring that the new development does not worsen traffic conditions in the town. It will reduce congestion and air pollution in the town, improve access to the town centre, reduce HGV movements in the town, improve walking and cycling facilities, deliver environmental measures and enhancements and improve highway safety for all road users in Melton Mowbray.

It is considered that the proposal underpins the successful and timely delivery of the objectives of the adopted Melton Local Plan, providing much needed transport infrastructure, meeting the objectives of Local Plan policies SS1, SS2, SS4, SS5, IN1 and the relevant environmental policies, in addition to the WoW&TA Neighbourhood Plan.

As such, Members are asked to give their support to the proposal, and to urge Leicestershire County Council to approve the application."

Members voted unanimously in support of the above recommendation; 9 members were present.

Please accept this as Melton Borough Council's official comments in response of the planning application consultation.

Kind regards,

Sarah Legge
Lead Planning Officer
Development Control
Melton Borough Council
DD: [REDACTED]
Mobile: [REDACTED]

From: Claire Spokes [mailto:[REDACTED]]
Sent: 21 November 2018 14:28
Subject: 2018/Reg3Ma/0182/LCC - Melton Mowbray Distributor Road

I write in relation to the above planning application. The consultation deadline has now passed, therefore I would appreciate it if you could let me know by 30 November if you have any comments to make or not before this date.

Full details of the application can be viewed at: <http://leicestershire.planning-register.co.uk/Planning/Display?applicationNumber=2018%2FReg3Ma%2F0182%2FLCC>

Regards
Claire Spokes | Planning Officer
Planning, Historic & Natural Environment Team
Chief Executive's | Leicestershire County Council
County Hall | Glenfield | Leicestershire | LE3 8RA

 [REDACTED]

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