

FULL COUNCIL

30TH APRIL 2014

REPORT OF HEAD OF REGULATORY SERVICES

**MELTON LOCAL PLAN – LOCAL DEVELOPMENT SCHEME AND STATEMENT
OF COMMUNITY INVOLEMENT**

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval of the recommendation of the Melton Local Plan Working Group for the adoption of the Melton Local Development Scheme (LDS) and the Melton Statement of Community Involvement (SCI).
- 1.2 The report also seeks approval for associated amendments to the Local Plan Phasing Plan and Timetable that were previously approved by Full Council on 17 July 2013.

2 RECOMMENDATION

- 2.1 **It is recommended that the following documents appended to this report are adopted:-**
 - a) **The Melton Local Development Scheme April 2014**
 - b) **Local Plan Phasing Plan and Timetable April 2014 update**
 - c) **The Draft Melton Statement of Community Involvement April 2014 for a six week consultation, with authority delegated to the Head of Regulatory Services to approve any minor amendments following the responses received.**

3 BACKGROUND AND CONTEXT

- 3.1 On the 17 July 2013 members approved a report on the review of the Melton Local Development Framework - Core Strategy and Preparation and Inspection. This report sets out a course of action to develop the Melton Local Plan including a phasing plan and timetable.
- 3.2 Significant progress has been made on Local Plan preparation including visioning and evidence gathering and preliminary stages of consultation. However this progress and detailed project planning have highlighted a number of areas which will impact upon on the Local Plan phasing plan and timetable agreed in July 2013.
- 3.3 It is a requirement of the Planning and Compulsory Purchase Act (as amended) 2004 and the Town and Country Planning Regulations 2012 to publish and prepare a Local Plan in accordance with a Local Development Scheme (LDS) and a Statement of Community Involvement (SCI)

- 3.4 The LDS sets out a formal public timetable and a work programme for the preparation of Local Plan documents and the SCI sets out how and when members of public will be engaged in Local Plan preparation as well as in deciding planning applications. The SCI therefore naturally follows the key stages of plan preparation that are set out in the LDS.
- 3.5 The stages of work proposed in the LDS are influenced by when key stages of work are completed. For Melton Borough Council this particularly relates to the Local Plan evidence base, achieving meaningful public engagement and matters relating to joint working across Leicestershire known as the Duty to Cooperate.
- 3.6 When the Local Plan is submitted for public examination, a Planning Inspector will test it for legal compliance and soundness in accordance with the National Planning Policy Framework (NPPF).
- 3.7 Legal compliance is tested at the point of submission. Non-compliance will mean the plan will not be examined. Whether the plan has been prepared in accordance with the SCI, LDS and the Duty to Cooperate are part of the tests for legal compliance. The need to cooperate on cross Local Authority issues and achieving meaningful public engagement also thread through the tests of soundness.
- 3.8 Meeting the Duty to Cooperate requires cooperation and delivery of strategic priorities across Leicestershire. Strategic priorities include matters such as housing, the economy and infrastructure. Agreeing joint actions and a work programme to achieve cooperation on these matters will have significant implications for the content and development of the Melton Local Plan. This work all has to be in place prior to the examination and cannot be rectified during it.
- 3.9 The Leicestershire Authorities have been working jointly on housing numbers through the Strategic Housing Market Assessment (SHMA). However the SHMA only establishes the housing need. Discussions about how that need should be met including how it should be distributed across Leicestershire are currently in progress through the Members Action Group and the Housing and Planning Infrastructure Group.
- 3.10 However, at the present time there is not a clear timetable for a resolution. The initial timetable suggested March 2015, however due to the suspension of the Charnwood Examination in Public to allow these issues to be resolved a timetable may be agreed for completion in January 2015.
- 3.11 Until agreements on the distribution of housing and other matters relating to the Duty to Cooperate are reached, it is difficult for Melton to develop the Local Plan, specifically set out and plan for a preferred growth strategy.
- 3.12 For a plan to be found sound in accordance with the NPPF it needs to be;
- Positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- Justified – the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.13 The NPPF tests of soundness are clear in that Local Plans need to be founded on robust evidence. The Planning Policy Team have been scoping the evidence required in some detail and a number of studies are underway or in the process of being commissioned. However some projects are more complex than others and can require data which can only be collected at specific times of the year. Examples include studies of Biodiversity and Transport Assessments.

3.14 Transport Modelling is one of the most complex components of the evidence base. Work is underway to scope the modelling needed to inform the Local Plan and a report was approved at the Policy, Finance and Administration Committee on 16th April, which secured the necessary funding. Following a scoping exercise, it is suggested by Leicestershire County Council that the required work could take up to January 2015 to complete. Beyond January 2015, time would be needed to consider the findings. Modelling is always a complex exercise and is an area where slippage has occurred in the past.

4 LOCAL PLAN TIMETABLE AND LOCAL DEVELOPMENT SCHEME

4.1 The timetable and phasing plan approved at Full Council in July 2013 is included at Appendix 1 for reference. A revised timetable and phasing plan is provided at Appendix 2. This translates into the timetable set out in the Draft LDS included as Appendix 3.

4.2. The July 2013 timetable proposed combining the stages of assessing options and arriving at a preferred option broadly into one key stage of work. With options appraised and preferred options reached between Summer 2014 and Autumn 2015. The Full Council report of July 2013 made it clear that it was always the intention to continuously review the programme as and when circumstances required it and in accordance with good project management practices.

4.3 The ability to arrive at the preferred option is dependent on key pieces of evidence being completed and all matters relating to the Duty to Cooperate being resolved to the appropriate level. The July 2013 timetable anticipated that all matters relating to the Duty to Cooperate would be resolved between August and September 2014. As set out previously this is now looking impossible and January 2015 is suggested as the earliest possible date, but it could be longer, for reasons outside of the control of Melton Borough Council. This is a reflection of the developing understanding of the statutory Duty to Cooperate across Leicestershire.

4.4 Transport Modelling work was programmed for completion and proposed to be fed into the selection of options between August and September 2014 to assist with arriving at the preferred option. Due to the magnitude of the task and the Highway Authority's work programme, this work will not be concluded until January 2015, this is based on a greater awareness of the work needed to update the Leicestershire

and Leicester Integrated Transport Model as well as providing the extra layer of detailed analysis, provided by PARAMIC's modelling needed to inform a Local Plan rather than a Core Strategy.

- 4.5 If the existing combined options and preferred options stage remains and these delays are built into the programme it would be the spring/summer 2015 before any of the appraised options and preferred options could be published for consultation.
- 4.6 It is felt that this would risk disengaging the Reference Groups and other stakeholders with an interest in the work. The Melton Local Plan Working Group and membership of the Reference Groups themselves have also indicated their desire for more significant and tangible issues to be discussed as soon as possible.
- 4.7 It is therefore suggested that the July 2013 programme is revised to allow for separate stages of work as follows:
 - a) Local Plan Issues and Options (summer 2015) – This would draw on the NPPF and the current evidence base and provide the opportunity to consult on the main issues facing the development of the Borough, together with a range of reasonable policy options to address them. This would include site options, spatial policy options e.g. the distribution of development and policy options for managing development such as design, development in the countryside and the approach to village envelopes.
 - b) Preferred Options/Draft Local Plan (summer 2016) – This would set out and consult on our preferred options and draft growth strategy and policies. Crucially it would provide the opportunity to consult and revise the plan accordingly in advance of the pre submission draft plan, where no further changes can be made by the Local Authority. However reaching this stage is dependent on all matters being resolved with regard to the Duty to Cooperate and the Local Plan evidence base.
- 4.8 These proposals are set out in the proposed revised phasing plan and timetable at Appendix 2 and translate into the LDS included at Appendix 3 to this paper.
- 4.9 The Issues and Options would be a formal consultation stage in the Summer 2014 rather than Autumn 2014 as it would not be as dependant on the outcomes of the factors set out above. If Members were minded to support an extended consultation period e.g. 12 weeks, this could also allow for the Reference Groups to be more effectively engaged on the Issues and Options as part of a formal consultation process. It could also allow more direct engagement with other stakeholder such as the Parish Councils. This is reflected in the SCI.
- 4.10 This approach would allow the Reference Groups to have a more effective input and would generate vital feedback and challenge to feed into the Preferred Option/Draft Plan Consultation which could potentially take place in May 2015 taking account of the May 2015 Local and General Elections and following resolution of the issues set out above. Although it is accepted this would be a sensitive time to be undertaking consultation on the plan, it is suggested to aim for the earliest opportunity for the following the elections. However we may need to review our position closer to the time.

- 4.11 Beyond May 2015, the existing programme has been rolled forward to reflect these proposed changes, but the time to undertake future stages of the work has been kept as tight as possible to reduce slippage, but this not without risk.
- 4.12 The changes proposed are essentially 'front loading' much of the work required. Consultation on Preferred Options, prior to a Pre Submission consultation, would hopefully mean less time may be required for negotiation on changes in the lead up to the examination.
- 4.13 Overall these revisions, for reasons outside of the control of the Council, will mean the plan is submitted in July 2016 and potentially adopted in May 2017.
- 4.14 In conjunction with the Local Plan timetable, the LDS sets out a programme of work for the preparation of the Policies Map and the Melton Community Infrastructure Levy. These will be prepared alongside the Local Plan and their progress is dependent on progress with the Local Plan and the issues set out above.

5 STATEMENT OF COMMUNITY INVOLVEMENT

- 5.1 The SCI sets out how the community will be engaged through the development of Melton Local Plan, in accordance with the stages of work set out in the LDS. It also sets how the Council will consult on applications for planning permission.
- 5.2 This third Melton SCI is included as Appendix 4 to this paper. Whilst many of the principles from the previous two SCI's have been carried forward, this SCI takes account of reforms to the planning system introduced by the Localism Act as well as the programme of Local Plan preparation proposed in the LDS.
- 5.3 The Melton SCI sets out how new technology will be used to increase engagement. It also sets out how the Local Plan Reference Groups will be engaged in Local Plan preparation.
- 5.4 Subject to member's approval of the draft SCI, it will need to undergo public consultation for six weeks, to ensure that our methods of engagement and arrangements for public consultation best meet the needs of our community.

6 POLICY AND CORPORATE IMPLICATIONS

- 6.1 This report seeks approval for key documents necessary to progress the Local Plan and communicates the approach to engaging with the public on planning matters. The LDS sets out a clear work programme taking account of external factors which will influence the ability to adopt the Local Plan.
- 6.2 Having a clear programme of work in place will ensure that the Local Plan work can be more firmly aligned with the wider corporate work programme of the Council.

7 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report. The programme of work proposed in the LDS is designed to deliver a Local Plan which will be able to meet the legal and soundness tests at the Examination in Public. If the Local plan does not pass the tests at examination there would be significant financial and resource implications for the Local Authority.

8 LEGAL IMPLICATIONS/POWERS

8.1 Publishing and preparing a plan in accordance with a LDS and a SCI are requirements of the Planning and Compulsory Purchase Act (as amended) 2004 and the Town and Country Planning Regulations 2012.

9 COMMUNITY SAFETY

9.1 There are no significant community safety implications arising from this report.

10 EQUALITIES

10.1 There are no direct equalities impacts arising from the LDS or revised work programme.

10.2 The SCI has been designed to allow as much engagement as possible, through as many means as possible. It is therefore naturally inclusive and does not either, directly or indirectly restrict access to the planning process for any members of the community.

10.3 The Local Plan will be subject to a full detailed equalities impact assessment as part of the wider assessment of the effects of its policies.

11 RISKS

There are no significant risk arising from the proposed LDS and SCI. However there are risks to the ability to the deliver the Local Plan according to the programme set. These are out below:

Probability



Very High A				
High B				
Significant C		5,6	1, 2, 3, 4, 7	
Low D				
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

Impact →

Risk No.	Description
1	Delivery is dependent on the current staffing resource
2	The programme assumes no further significant changes to the planning system
3	The programme assumes the local political landscape will remain stable post May 2015
4	The programme requires the Duty to Cooperate to be met and the means of cooperation agreed within the timetable set out in this paper.
5	The programme assumes the examination will not involve any significant adjournments
6	The programme assumes no significant complications with any components of the Local Plan evidence base
7	The programme may need to be revised if any significant large scale planning applications come forward in advance of Local Plan adoption.

12 CLIMATE CHANGE

- 12.1 Part of the evidence base for the preparation of the Melton Local Plan will be relevant Climate Change Studies concerning appropriate Policies and land allocations/proposals will be undertaken as appropriate.

13 CONSULTAION

- 13.1 Extensive consultation is being undertaken on the preparation of the Local Plan. Whilst there is no formal requirement to consult on the LDS, early consultation on the Local Plan has influenced the Local Plan work programme proposed. Both the SCI and the LDS have been considered by the Local Plan Working Group at meetings held on 21st January and 15th April 2014 respectively, the Working Group has recommended their formal adoption by Full Council.
- 13.2 The SCI sets out our approach to consultation on planning applications and the Local Plan. It has been influenced by early engagement on the Local Plan. If the draft SCI is approved it will be subject to a six week period of consultation.

14 WARDS AFFECTED

- 14.1 This report refers to matters that affect the whole Borough.

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Date: 15th April 2014

Appendices: Appendix 1: Local Plan Timetable and Phasing Plan approved by Full Council 17 July 2013
Appendix 2: Draft Local Plan Timetable and Phasing Plan April 2014
Appendix 3: Draft Melton Borough Council Local Development Scheme April 2014
Appendix 4 Draft Melton Borough Council Statement of Community Involvement

Background Papers: None