

# AGENDA ITEM 3A

## EXTRAORDINARY MEETING OF FULL COUNCIL

20<sup>th</sup> OCTOBER 2016

### REPORT OF THE HEAD OF REGULATORY SERVICES

#### MELTON LOCAL PLAN (PRE SUBMISSION VERSION)

#### 1.0 PURPOSE OF REPORT

1.1 This report seeks approval of the written content of the Local Plan (Pre Submission version) for the purpose of publication for consultation for a 6 week period.

#### 2.0 RECOMMENDATIONS

##### 2.1 That Council :

- (i) **Approve the content of the Melton Local Plan (Pre Submission version) and Appendices 1 - 5 for the purposes of publication and consultation from Tuesday 8<sup>th</sup> November to Monday 19<sup>th</sup> December 2016 inclusive, along with other submission documents described in this report.**
- (ii) **That Council notes the findings of the Habitats Regulations Assessment and Sustainability Appraisal as set out in paras 3.10 – 3.20 below and authorises their publication alongside the Plan.**
- (iii) **Delegates authority to the Head of Regulatory Services to make any necessary changes required for clarification or typographical corrections to the text of the plan which do not change the overall sense or purpose of the document, prior to publication.**
- (iv) **Approves the approach to consultation set out in section 11.**

#### 3.0 KEY ISSUES

##### Context and background

- 3.1 The Planning and Compulsory Purchase Act (as amended) 2004 requires Local Planning Authorities to prepare a development plan for their area. At present this development plan is provided by the saved policies of the Melton Local Plan 1999, read in conjunction with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 3.2 The NPPF makes clear that Local Plans must be founded on a robust and credible evidence base. The Local Plan evidence base will be used to demonstrate to an Inspector that the Local Plan is sound i.e. whether it is positively prepared, justified by the evidence, effective and consistent with national policy. The Local Plan evidence base comprises a number of technical studies which look in detail at all

issues to be addressed by the Local Plan including, the local housing market, economy, environment and infrastructure needed to support growth.

- 3.3 Preliminary engagement on the Local Plan was completed in February 2014 and on 30 April 2014 Council approved a draft vision for the Borough. Between October 2014 and January 2015 extensive consultation was undertaken on the Melton Local Plan Issues and Options. This consultation generated approximately 300 responses and 9,000 comments on the key issues and choices facing the development of the Borough.
- 3.4 Consultation on the Melton Local Plan (Emerging Options) took place between the 11th January and the 4th April 2016. The consultation documents were held at the Council Offices, along with various other locations across the borough, including libraries, Parish Council Offices, local Cafes, Deli's and newsagents and at community consultation events and online.
- 3.5 Representations were received from 456 individual respondents, who made more than 10,000 qualitative comments about the policies and proposals. All comments have been collated and analysed and where comments are considered to be appropriate an action has been outlined as to whether the Plan needs to be amended, how and what impact that will have.
- 3.6 Each of the representations received were considered by the Working Group and subsequently by Full Council at meetings held on 27<sup>th</sup> July 2016, 1<sup>st</sup> September 2016 and 19<sup>th</sup> September 2016. At these meetings the content of the Plan was amended to reflect the Council's consideration of representations. This varied in nature from making no amendments through to a wholesale review of the approach to the distribution of development in the rural parts of the Borough.
- 3.7 Additional evidence has been collated which influences the position further. Such evidence has been reported to meetings of the Working Group and Full Council with consideration of its impact on the plan (in terms of content or the configuration of policies) and these amendments (including those proposed in this agenda under item 3B are included in the Plan).
- 3.8 The Local Plan (Pre Submission version) is presented in 9 Chapters, following the format of the Emerging Options document and contains several Appendices providing details on site selection, village categories, infrastructure delivery and a proposed monitoring framework.
- 3.9 The draft plan includes policies and proposals for the Borough for the plan period 2011 – 2036 which cover the following key areas:
  - the Vision of the Borough and the Strategic Priorities and objectives required to deliver that vision;
  - Establishes the amount of new Housing and Employment Growth needed in the Borough during the 25 year period;
  - Establishes a Spatial Strategy which distributes the majority of the housing (approximately 65% of the requirement) and employment growth to Melton Mowbray, and the remaining 35% of the housing requirement shared between the villages, through an allowance for 'windfall' development (small sites accounting for 15%) and site allocations.
  - The Spatial Strategy also identifies specific housing targets for the villages

identified as Service Centres and Rural Hubs based on their population but also influenced by the availability of suitable sites. Sites themselves are included in Appendix A10 (which relates to Policies C1 (A) and C1 (B) of the Plan) along with policies specific to their selection and/or location, and 'reserve sites' selected to maintain supply in the event of the preferred sites failing to come forward.

- The Plan identifies two new Sustainable Neighbourhoods (as urban extensions) to the North and South of Melton Mowbray, to accommodate the housing and employment growth identified for the town which will also deliver sections of the distributor road;
- Identifies potential sites for employment development in Melton Mowbray and as an extension to the Asfordby Business Park;
- Provides a set of policies to ensure the delivery of an appropriate housing mix, affordable housing, gypsy and traveller accommodation, healthy and sustainable communities, a vibrant town centre, tourism, and a suite of environment, landscape, heritage, open space and design policies designed to protect and enhance our built and natural environment;
- The draft plan also considers the infrastructure and facilities which will be needed to support the development and growth of our communities. It includes a draft Infrastructure Delivery Plan which has been informed by the infrastructure and utility providers. This identifies essential new or improved infrastructure which will be required to support the spatial strategy and pattern of distribution included in the plan (Appendix A13 to this report). This relates directly to item 3D of this agenda which explains the background and evidence relating to the Infrastructure Delivery Plan

### **3.10 Sustainability Appraisal (SA)**

- 3.11 National and European regulations require documents such as the Local Plan to be assessed to consider the potential effect of policies and proposals on sustainability objectives (which include environmental, social and economic factors). This is called a Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA).
- 3.12 The previous stages of the Plan were accompanied by an SA Scoping Report which identified the key SA/SEA objectives and assessed the options included in that consultation. A full SA was undertaken for the 'Emerging Options' stage addressing the spatial strategy and pattern of distribution, together with the reasonable alternative site options for both large and small sites.
- 3.13 This process is repeated in full for the Local Plan Pre - Submission version and is the subject of a separate report on this agenda (item 3C). This has similarly reviewed all of the policy content of the report, the 'spatial strategy' and site selections in Melton Mowbray and village locations (including 'reserve sites').
- 3.14 The SA explains that the plan performs well against the sustainability criteria set out in legislation and that alternative options would have performed more weakly. Where the most suitable option is not pursued, the SA identifies how this can be justified and has influenced plan making, including the purpose of the plan, its objectives and specific local issues, by identifying mitigation, where possible and necessary, in relation to proposed development (see Item 3C of this agenda for

details).

3.15 The SA contains a non technical summary that is appended to this report (Appendix B) and is also addressed in greater detail in Item 3C on this agenda.

### 3.16 **Habitat Regulations Assessment (HRA)**

3.17 Melton Borough Council is required by law to carry out a Habitats Regulations Assessment (HRA) of the Local Plan. The requirement to undertake HRA of development plans is set out by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010 and again in 2012.

3.18 The initial stage of HRA is to assess whether a full HRA is needed. This 'screening' process essentially asks if the Local Plan is likely to have a significant effect on a European (wildlife) site, either individually or in combination with other plans and projects. The two relevant European sites are Rutland Water SPA/Ramsar site, and Grimsthorpe SAC. The screening assessment section of the report concludes that most of the policies, together with the vision and strategic priorities are not expected to have significant effects on European sites, but 12 policies may have a significant effect on one or more European site(s). Because the HRA takes a 'precautionary approach', the uncertain effects are treated as significant effects, until further information indicates they can be ruled out.

3.19 In respect of Rutland Water SPA/Ramsar site, the findings were that that, taking account of mitigation, the Local Plan would not be expected to have adverse effects on its integrity as a result of disturbance or damage to offsite habitat, or as a result of non-physical disturbance (offsite), or as arising from increased recreation. It is also not expected that the stretches of strategic road within 200m of Rutland Water SPA and Ramsar site would see significant increases in vehicle traffic as a result of the development proposed within the Local Plan and adverse effects on the integrity of Rutland Water SPA/Ramsar site from increased air pollution are not expected. In respect of Grimsthorpe SAC, the report concluded that the local plan is not expected to give rise to increased recreation that adversely affects the integrity of Grimsthorpe SAC.

3.20 In conclusion, the HRA indicates that the local plan being prepared by the Borough Council is expected to be compliant with the EU Habitats Directive, and as such, will play its part in safeguarding natural habitats and wild species of European importance. The Assessment is included as Appendix C to this report.

### 3.21 **Consultation and Engagement Statement**

3.22 The Town and Country Planning Regulations 2012 require a summary of all consultation and engagement to be submitted as part of the examination into the Local Plan. The Melton Local Plan Consultation and Engagement Statement has been updated to reflect outcome of the 'Emerging Options' consultation and Reference Group meetings held during 2013 - 2016, and the Council's consideration of the outcomes. A copy of this statement will be made available in the Members Room and will be published alongside the Pre Submission Draft Plan.

3.23 This document will continue to be developed as the Local Plan progresses through Pre Submission so that the Examination and interested parties can understand how their engagement is influencing Local Plan preparation prior to Examination.

### **3.24 Duty to Co-operate Statement**

- 3.25 Local Planning Authorities are required to undertake the Duty to Co-operate throughout the plan making process. The Duty to Co-operate is a legal test and is one of the tests of soundness of the Plan (positively prepared, justified, effective and consistent with national policy). If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan examination will not be able to proceed further (NPPF and NPPG).
- 3.26 The Duty to Co-operate statement explains how Melton Borough Council has been engaging with partners and the 'prescribed bodies' on strategic and 'cross border' issues from the onset of the Local Plan making and has followed the guidance in NPPF.
- 3.27 Similar to the Consultation and Engagement Statement, the Duty to Co-operate statement document will continue to be developed as the Local Plan progresses through Pre Submission, and will be submitted as complete for the Examination process. A version of this Statement – addressing the Plan process up to the current stage – has been considered by the Working Group and is available in the Members Room. This will also be published alongside the Pre Submission Draft Plan.

### **3.28 Other Documents and information**

- 3.29 The Regulations and NPPF also require that other documents are published alongside the Plan and these have been prepared alongside the pre Submission Local plan itself. This includes:
- All evidence collated to inform the production of the Plan
  - A housing development trajectory
  - A 'statement of representation procedure' explaining where all the documents can be viewed and inspected, and how representations can be made.

### **3.30 Next Steps**

- 3.31 The Plan will be published for the statutory six week consultation during the remainder of 2016 (8<sup>th</sup> November – 19<sup>th</sup> December 2016). Members will be aware that the Government has required Local Plans to be deposited by 2017 and has created powers of intervention to achieve this if necessary. This timetable accords with this requirement. Following receipt of representations it is intended that the Local Plan will then be submitted for examination. It is currently anticipated that submission will be in February 2017. Once the Local Plan is submitted an independent Planning Inspector will be appointed by the Planning Inspectorate to consider whether the Local Plan is 'sound'.
- 3.32 At this point the Council will no longer be in control of the timetable as this will initially be determined by the Planning Inspectorate and then by the Planning Inspector appointed to hold the examination.  
To be "sound", the Local Plan should be:
- Positively prepared – the plan should be 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 plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be 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 National Planning Policy Framework.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

4.1 The Melton Local Plan Pre Submission version sets out the Council's preferred approach to addressing the issues and challenges which need to be dealt with through the Local Plan, to deliver the development the Borough requires and to deliver the vision and objectives of the Plan.

4.2 The document has been prepared taking account of all relevant Corporate Plans and Policies. As the Local Plan moves through its stages of preparation it will need to take account of any changes to other Corporate plans and policies.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 There are no significant unknown financial or resource implications arising from this report. The Local Plan Pre Submission publication and consultation are core elements of the existing budget provision. Whilst will have a significant resource implication on the staffing resources and expenditure relating to statutory notices and publicity, this will be met through the existing Local Plan budget provisions.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

6.1 The preparation of the Local Plan is governed by legislation (The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) and also Regulations (The Town and Country Planning (Local Planning) (England) Regulations 2012).

6.2 The Local Plan which Council is being asked to approve is the 'publication' stage Local Plan (Regulation 19). This represents the Local Plan which the Council considers should be submitted for examination. Before it can be submitted it must be published for a six-week period for representations to be made.

6.3 Preparing a Local Plan in accordance with a Local Development Scheme and a Statement of Community Involvement are requirements of the Planning and Compulsory Purchase Act (as amended) 2004 and the Town and Country Planning Regulations 2012. Consultation on the Pre Submission Draft Plan fulfils the requirements of Regulation 19 of the Town and Country Planning Regulations 2012 and as consultation documents they do not yet form Council policy. They are therefore not at risk of any legal challenge at this stage.

6.4 The publication stage plan should be the document that the Local Authority

considers ready for examination. This Plan must be published for representations by the local planning authority, together with other “proposed submission documents”, before it can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider the Local Plan, which the local planning authority would like to adopt. The specific publication requirements are set out at Regulations 17, 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 6.5 “Proposed submission documents” is given the following meaning in the legislation:
- (a) the local plan which the local planning authority propose to submit to the Secretary of State,
  - (b) a submission policies map,
  - (c) the sustainability appraisal report of the local plan,
  - (d) a statement setting out—
    - (i) which bodies and persons were invited to make representations under regulation 18,
    - (ii) how those bodies and persons were invited to make such representations,
    - (iii) a summary of the main issues raised by those representations, and
    - (iv) how those main issues have been addressed in the local plan, and
  - (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan;

These details ((d) above) will be published alongside the Local Plan in the form of the Consultation and Engagement Statement.

- 6.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 and the NPPF require that plans are prepared based on evidence.
- 6.7 Under the Guidance of the NPPF para 216, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies*

The publishing of the Pre Submission Draft Plan is clearly a step forward in the advancement of the local plan. It has been prepared in accordance with the Guidance of the NPPF and it is considered can attract weight in decision making. However the position is far from clear cut and the extent to which it can influence decisions will need to be considered on a case by case basis depending upon the policies engaged by a specific proposals and the extent to which they are contested.

## 7.0 **COMMUNITY SAFETY**

- 7.1 There are no direct community safety implications as a direct result of this report.

## 8.0 EQUALITIES

8.1 The Local Plan is being subject to a detailed Equalities Impact Assessment (EIA) through each stage of preparation. The pre submission Local plan has been the subject of an EIA which is now published in accordance with the Council's policy.

## 9.0 RISKS

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>		3		
	<b>C</b>	<b>Significant</b>	2			
	<b>D</b>	<b>Low</b>			1	
	<b>E</b>	<b>Very Low</b>		3	4,5	
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible</b> 1	<b>Marginal</b> 2	<b>Critical</b> 3	<b>Catastrophic</b> 4

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
1	Scale and nature of representations received through consultation demonstrate the plan is unsound
2	Responses received do not reflect the Borough's demographic profile and therefore skew the perception of the communities response to the plan
3	Evidence is challenged and scrutiny as part of the Local Plan Examination.
4	Evidence becomes out of date
5	Evidence is challenged as part of the Duty to Cooperate

## 10.0 CLIMATE CHANGE

10.1 There are no direct climate change issues arising from this report.

## 11.0 CONSULTATION

11.1 The plan, evidence and other 'submission documents' will be published alongside the Pre-Submission Draft Melton Local Plan in accordance with Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012 as



amended.

11.2 Consultation of proposed for a six week period commencing on the 8<sup>th</sup> November. The statutory consultation, comprised of public notices explaining where the Plan can be inspected and how comments can be made, will be supplemented by voluntary additional measures as follows:

- Newspaper adverts and press releases
- Notifications to parties registered on the Local Plan consultee database and to Local Plan Reference Group Members
- Meeting(s) of the Local Plan Reference Groups
- Public drop in sessions (4) at locations spread across the Borough. Locations not previously visited at 'Emerging Options' stage will be prioritised.
- An overhaul of the Melton Local Plan Website, and enhanced use of Twitter feeds and updates to the Melton Local Plan Facebook site, as supported by PF and A Committee on 28<sup>th</sup> September 2016.
- All documents will be produced in electronic and paper format. They will be available for inspection at the Council Offices and distributed to Local Access points.

## 12.0 WARDS AFFECTED

### 12.1 All.

Contact Officer J Worley, Head of Regulatory Services

Date: 12<sup>th</sup> October 2016

Appendices :

- A1 to A9 – content of the Pre Submission Draft Local Plan, by chapters 1-9
- A10- Appendix 1 of the Pre Submission Draft Local Plan - site allocations and polices
- A11- Appendix 2 of the Pre Submission Draft Local Plan – Saved Policies **TO FOLLOW**
- A12- Appendix 3 of the Pre Submission Draft Local Plan – Settlement Hierarch (Village categories under policy SS2)
- A13- Appendix 4 of the Pre Submission Draft Local Plan – Infrastructure Delivery Schedule
- A14- Appendix 5 of the Pre Submission Draft Local Plan – Monitoring Framework and Glossary **TO FOLLOW**
- B – Sustainability Appraisal (non technical summary): **TO FOLLOW**
- C- Habitats Regulations Assessment

Background Papers: Sustainability Appraisal  
Melton Local Plan Consultation and Engagement Statement October 2016  
Duty to Co-operate Statement October 2016  
Housing Delivery Trajectory  
Statement of representation procedure  
Equalities Impact Assessment  
(copies of the above to be placed in the Members Room)