

# Agenda

<b>Meeting name</b>	<b>Meeting of the Council</b>
<b>Date</b>	<b>Thursday, 28 September 2023</b>
<b>Start time</b>	<b>6.30 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Council are summoned to the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	A. Hewson (Chair)	J. Adcock
	P. Allnatt	I. Atherton
	S. Atherton	M. Brown
	R. Browne	S. Butcher
	S. Carter	R. Child
	H. Cliff	S. Cox
	P. Cumbers	C. Evans
	A. Freer	M. Glancy
	M. Gordon	M. Graham MBE
	L. Higgins	S. Lumley
	J. Mason	J. Orson
	S. Orson	D. Pritchett
	R. Sharp	A. Thwaites
	T. Webster	

**Quorum:** 14 Councillors

<b>Meeting enquiries</b>	Democratic Services
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 20 September 2023

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the Minutes of the previous meeting held on 27 July 2023.	1 - 10
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	11 - 12
4.	<b>MAYOR'S ANNOUNCEMENTS</b>	
5.	<b>LEADER'S ANNOUNCEMENTS</b>	
6.	<b>PUBLIC QUESTION TIME</b> In accordance with the Constitution, Members of the Council may answer questions from the public of which notice has been given.  No questions have been received.	
7.	<b>QUESTIONS FROM MEMBERS</b> In accordance with the Constitution, a Member may ask the Leader, the Chair of the Council or a Committee Chair, a question on any matter in relation to which the Council has powers or duties or which affects the Borough.  No questions have been received.	
8.	<b>MOTIONS ON NOTICE</b> In accordance with the Constitution, motions on notice must be signed by at least two Members and be about matters for which the Council has a responsibility or which affect the Melton Borough.  No motions were received by the deadline.	
9.	<b>RECOMMENDATIONS AND REPORTS FROM COMMITTEES - APPOINTMENT OF MONITORING OFFICER</b> To receive a report from the Employment Committee on the appointment of a Monitoring Officer.  <b>Report to follow.</b>	

10.	<p><b>MELTON LOCAL PLAN (2011 - 2036) 5 YEAR REVIEW</b>  The Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader) is to provide the Melton Local Plan (2011 – 2036) 5 Year Review.</p>	13 - 62
11.	<p><b>LOCAL DEVELOPMENT SCHEME UPDATE (SEPTEMBER 2023)</b>  The Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader) is to provide the Local Development Scheme Update.</p>	63 - 78
12.	<p><b>LOCAL PLAN UPDATE - ISSUES AND OPTIONS CONSULTATION</b>  The Portfolio Holder for Governance, Environment and Regulatory Services (and Deputy Leader) is to provide a report on the Local Plan Update – Issues and Options Consultation.</p>	79 - 90
13.	<p><b>PROPOSED AMENDMENTS TO CONSTITUTION</b>  The Monitoring Officer is to provide a report on the proposed amendments to the Constitution.</p>	91 - 96

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# Minutes

<b>Meeting name</b>	<b>Council</b>
<b>Date</b>	<b>Thursday, 27 July 2023</b>
<b>Start time</b>	<b>6.30 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH</b>

## Present:

**Chair** Councillor A. Hewson (Chair)

**Councillors**

J. Adcock	P. Allnatt
I. Atherton	S. Atherton
M. Brown	R. Browne
S. Butcher	S. Carter
R. Child	H. Cliff
S. Cox	P. Cumbers
C. Evans	A. Freer
M. Glancy	M. Gordon
M. Graham MBE	L. Higgins
S. Lumley	J. Mason
J. Orson	S. Orson
D. Pritchett	R. Sharp
A. Thwaites	T. Webster

**Officers**

- Chief Executive
- Monitoring Officer
- Deputy Monitoring Officer
- Director for Corporate Services
- Director for Growth and Regeneration
- Senior Democratic Services and Scrutiny Officer
- Democratic Services Officer (CB)

The Reverend Ruth Simpson offered prayers.

<b>Minute No.</b>	<b>Minute</b>
CO13	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>An apology for absence was received from Councillor Pitt Miller.</p>
CO14	<p><b>MINUTES</b></p> <p>The Minutes of the meeting held on 24 May 2023 were confirmed.</p>
CO15	<p><b>DECLARATIONS OF INTEREST</b></p> <p>An other registerable interest in respect of Councillor J Orson was noted as being on record for any matters which related to the Leicestershire County Council.</p> <p>An interest in respect of Councillor M Gordon was noted as being on record as she is a member of the Waterfield Leisure Centre and a Council tenant.</p>
CO16	<p><b>MAYOR'S ANNOUNCEMENTS</b></p> <p>The Mayor informed Council that he attended the following events:</p> <ul style="list-style-type: none"> <li>• Loros Annual Lunch.</li> <li>• The opening of the Heritage Garden at Parkside with Melton in Bloom.</li> <li>• Birchwood School</li> <li>• The opening the Original Factory Shop.</li> <li>• IMEC</li> <li>• Gretton Court for a tenant's 100<sup>th</sup> birthday.</li> <li>• Dove Cottage Open Day.</li> </ul> <p>Deputy Mayor informed Council that he attended the following on behalf of the Mayor:</p> <ul style="list-style-type: none"> <li>• 50th Anniversary of Ragdale Hall.</li> <li>• The Lion's 49th Charter Lunch.</li> <li>• Judging of the Puppy Show at Belvoir Castle.</li> <li>• Keep Melton Active Weekend.</li> </ul>
CO17	<p><b>LEADER'S ANNOUNCEMENTS</b></p> <p>In beginning his speech, the Leader gave way to the Deputy Leader. The Deputy Leader then paid tribute to Jean Forbes of the Friends of Melton Country Park who had recently died.</p> <p>The Leader thanked the Deputy Leader for her tribute.</p> <p>The Leader informed Council that there had been a request from Jillian Milner to return the Millenium Quilt to public display and that work was underway to place it on public display in Parkside.</p> <p>Members were informed that on 26 May, the Council along with the Department for Work and Pensions hosted a successful recruitment day, where 140 people</p>

attended, 19 job applications were completed and five on the spot job offers were made.

The Leader informed Council that the Let's Get Moving Melton day was held in early July where over a thousand people participated with 40 different opportunities to try different sports and physical activities.

Members were informed that the Leader joined the Mayor at the annual Armed Services Day in June. The Leader then listed the following events for the diary:

- A charity football match will be held on 3 August, 7pm between Melton Borough Council and Leicester City Community at the All England Ground, Saxby Road. Monies raised will go to Lives versus Cancer.
- A service at St Mary's Church, Melton on 24 August for Ukrainian Independence Day.
- Melton District Money Advice Centre are hosting an open day on 13 September between 12pm and 3pm.
- The annual Battle of Britain Service will be held at St Mary's Church, Melton on 17 September between 10am and 12pm.
- The Summer Social event will be held on 7 September between 5pm and 7pm at Parkside.

The Leader then outlined the events and meetings he had attended:

- The Local Government Chronicle Awards, where the Council had been shortlisted as the most improved Council in the country.
- The Management Journal Awards, where the Chief Executive had been nominated as Chief Executive of the Year.
- Members Advisory Group, which is the county-wide strategic planning forum.
- Attended the Police and Crime Panel Annual General Meeting on behalf of Councillor Cox who was not able to attend.
- The East Midlands Council's Annual General Meeting.
- Along with the Deputy Leader, addressed staff at a specially arranged meeting.
- A meeting with the Harborough Council Leader.
- Attended a meeting with three local facility user groups.
- Along with the Chair of Scrutiny, met the manager of the Waterfield and MSV sites.
- Went on a walk around with tenants to view refurbishment and repair work in void properties.

The Leader also stated that he has responded to the East Midland Railways consultation on the proposed ticket office closure.

Members were reminded that it had only been two months since the Annual Meeting and that it had been an intense and hectic time for both Councillors and staff. The Leader thanked everyone for their efforts at a time of adjustment and

preparation for the future. The Leader reminded Members that the new administration would take time to analyse and address any issues. The new administration would seek to build on areas where useful and worthwhile work had been done and achieved in the past by previous administrations and also establish a more collegiate and collaborative approach.

The Leader informed Members that the Social Housing Regulation Act 2023 received Royal Assent on 20 July 2023 and that Officers are preparing to implement the changes. The Leader thanked Councillor Browne for his input in this area.

The following were outlined as areas of focus for his administration:

- Climate Change Emergency
- Food waste recycling
- Response of statutory consultees in the area of planning.

In addressing the proposed doctors surgery at the Melton Sport Village, the Leader stated that this particular proposal did not pass best value or viability tests. There were two possible alternative sites, one of which was the Parkside building and that technical evaluation would begin soon.

Regarding converting a section of Parkside into a hotel, the Leader stated it was off his agenda, however the member working group on assets would be free to consider all options.

In relation to the governance arrangements for the Council, the Leader stated that his administration was committed to migrating away from the current strong leadership model of Cabinet and that a governance review had been commissioned. The Leader assured Members that whatever approach is taken, there would be clear accountability, transparency and clarity of action.

Members were informed that the process of developing the Corporate Strategy had begun and the report on the agenda sets out the approach and timescales for development. All Members would have an opportunity to contribute to shape the Council's priorities and focus for the next four years and that this would begin via the establishment of two policy development working groups.

The Leader informed Council that it is an aim that the community are more connected to the Council and to the decision-making process. A community co-ordinator will be recruited to help strengthen the relationship between the town and the rural parishes. A program of six patch walks for key locations across the Borough would be introduced and the parish liaison would be transformed by creating area-based forums. The Council would also work with communities to plant 500 trees and recognise and acknowledge the contribution of volunteers and community groups.



	<p>The Leader also committed to making Melton cleaner and greener. There would be a campaign to tackle fly tipping and the administration would also deliver targeted environmental enhancements and cleanups in five key locations. Council tenants who maintain their gardens will also be recognised.</p> <p>In addressing the issue of the swimming pool at Waterfield and its future, the Leader stated that it was clear it would need to be replaced, but that meeting the financial burden of any alternative provision would require the development of a feasible programme over the next eight to ten years. The Leader added that in the meantime the current pool would be maintained.</p>
CO18	<p><b>PUBLIC QUESTION TIME</b></p> <p>No questions from the public had been received.</p>
CO19	<p><b>QUESTIONS FROM MEMBERS</b></p> <p>There were two questions received.</p> <p>The Leader of the Opposition, Councillor Malise Graham asked the following question:</p> <p><i>“The Leader was quite rightly proud to represent our Council at a recent award ceremony to acknowledge the achievements of the past Council. The mantra of the current Leader is a requirement for change. Can the Leader please advise the Council, what this means and what changes he envisages?”</i></p> <p>In responding to the question, the Leader stated that the change he is committed to make the Council more open and involve more Members before decisions are made.</p> <p>The Leader added that a change of direction regarding some projects, e.g. GP Surgery and the swimming pool, were required due to the funding position local government finds itself in. However, the Leader stated that the change of direction would benefit the community in the long run.</p> <p>Leader of the Opposition asked the following supplementary question.</p> <p><i>“Does the Leader realise that as a group we're unable to blindly support uncoded ideas and aspirations as they occur and it is unfair to ask us to do.”</i></p> <p>In responding to the question, the Leader stated that he agreed that projects have to be fully coded before implementation. That is why the doctor’s surgery proposal is being reviewed. The Leader acknowledged the proposal was reasonable at the outset but now recognises that it is not financially viable.</p> <p>The Leader also stated that approved existing budgets can be reallocated. The Council had also been awarded various grants and that money was being utilised.</p>

	<p>Councillor Ronan Browne asked the following question:</p> <p><i>During the election campaign a number of Labour and Independent candidates stood on a platform of stating that you would both change the Levelling up Fund monies that had been secured by the previous administration and monies would be moved to be more town centre focused (although the cattle market and theatre are part of the town centre).</i></p> <p><i>A number of candidates in both groups commented on Facebook at various times that they felt the cattle market investment was not something they could support, and monies should be spent in the town centre.</i></p> <p><i>Can you let the Council know what you are planning to change as per comments and commitments made to the public, businesses and can you confirm if you will be investigating investment in the cattle market as commented by some candidates during the May 2023 election campaign?</i></p> <p>In responding to the question, the Leader stated that the main issue he had with the Levelling Up Fund was the process whereby civil servants located in Whitehall are making decisions impacting localities before funds are released.</p> <p>In addressing the comments of whether monies would be taken out of the cattle market (Stockyard) investment, the Leader stated that the LUF funding was secured for a specific project and central government had imposed restrictions on how the monies were spent which would of course be complied with, but that the administration would ensure that the project works for the people of Melton.</p> <p>Councillor Browne asked the following supplementary question.</p> <p><i>“Just be absolutely clear, are you going to move forward to see the project through and we're going to put to bed all the negativity that's been had from any group around it around this issue and we're going to move forward.”</i></p> <p>The Leader confirmed that the project would proceed. There are some elements in the details that need to be reviewed and that Council would be informed of those deliberations at the appropriate time.</p>
CO20	<p><b>MOTIONS ON NOTICE</b></p> <p>The following motion was received from the Leader (Seconded by the Leader of the Opposition).</p> <p>The following motion was received from Councillor Allnatt (Seconded by Councillor Graham).</p> <p>Abuse and personal attacks on elected members is unacceptable and there is evidence that these experiences are forcing good councillors out of local politics</p>

and deterring others from running for election. Abuse and unfair criticism of officers fulfilling their duties on behalf of the council is equally unacceptable.

In 2022, the LGA found that seven out of 10 councillors had experienced abuse from the public in the previous year. Further research by the LGA in 2022 reinforced concerns that abuse in public life and public discourse is becoming normalised and seriously impacting civic life and local democracy.

The LGA has been working for some time to build a better understanding of the issue of abuse and intimidation of elected members and what individuals, local organisations and national government can do to reverse this trend. Their Debate Not Hate campaign aims to raise public awareness of the role of councillors in their communities, encourage healthy debate and respectful challenge, and improve the responses and support for local politicians facing abuse and intimidation.

**I request that Members join me in supporting the following motion:**

**That Melton Borough Council joins Councils across the country in supporting the Local Government Association's Debate Not Hate campaign. In so doing, the Council is setting a clear and positive expectation regarding acceptable behaviour, both within the Council, but also from members of the Community, and wishes to make clear that abuse of Members or Officers, in any form, and directed to any person, is not acceptable.**

During the debate the following points were raised:

- Debate is better than hate, including on social media. It is important that Members stand up to hate and call it out wherever it occurs.
- All Members have been elected and all Members must respect each other and their mandate. There has been too much nastiness over the last few years.
- Abuse can originate from any source but there must be no hiding place. Let's debate not hate.
- It is hoped that Members would stop 'liking' abuse of other Members on social media.

In pursuant of the General Procedure Rule 17.5b, Councillors Browne, Higgins and J Orson requested that a recorded vote takes place.

**RESOLVED**

**Council**

**Has joined Councils across the country in supporting the Local Government Association's Debate Not Hate campaign. In so doing, the Council is setting a clear and positive expectation regarding acceptable behaviour, both within the Council, but also from members of the Community, and wishes to make**

	<p><b>clear that abuse of Members or Officers, in any form, and directed to any person, is not acceptable.</b></p> <p>FOR THE MOTION (27) Adcock, Allnatt, I Atherton, S Atherton, Brown, Browne, Butcher, Carter, Child, Cliff, Cox, Cumbers, Evans, Freer, Glancy, Gordon, Graham, Hewson, Higgins, Lumley, Mason, J Orson, S Orson, Pritchett, Sharp, Thwaites, Webster.</p> <p>AGAINST THE MOTION (0)</p> <p>ABSTAINING FROM THE MOTION (0)</p>
CO21	<p><b>CABINET RECOMMENDATIONS TO COUNCIL - TREASURY MANAGEMENT AND ACTUAL PRUDENTIAL INDICATORS 2022/23</b></p> <p>The Portfolio Holder for Corporate Finance, Property and Resources introduced the Treasury Management and Actual Prudential Indicators 2022/23 report and moved the recommendations. The Leader seconded the motion.</p> <p>In response to the question on whether the Council is looking to move investments into short dated government gilts, the Portfolio Holder stated that she would raise the suggestion with Officers who would then advise.</p> <p><b>RESOLVED</b></p> <p><b>Council</b></p> <p><b>(1) APPROVED the Treasury Management Annual Report for 2022/23.</b></p> <p><b>(2) NOTED the actual position on Prudential Indicators for 2022/23.</b></p> <p>(Unanimous)</p>
CO22	<p><b>RECOMMENDATIONS AND REPORTS FROM COMMITTEES - SCRUTINY ANNUAL REPORT 2022/23</b></p> <p>Councillor Child introduced the Scrutiny Annual Report 2022/23 and proposed that Council notes the report. The Scrutiny Committee Chairman, Councillor Mike Brown, seconded the motion.</p> <p><b>RESOLVED</b></p> <p><b>Council</b></p> <p><b>(1) NOTED the Scrutiny Annual Report 2022/23.</b></p>
CO23	<p><b>INQUORATE PARISH COUNCIL</b></p> <p>The Deputy Monitoring Officer introduced the Inquorate Parish Council report.</p>

	<p>The Leader moved the recommendations and the Deputy Leader seconded the motion.</p> <p><b>RESOLVED</b></p> <p><b>Council</b></p> <p><b>(1) APPROVED the Order attached at Appendix A, to appoint temporary Parish Councillors to Garthorpe and Coston Parish Council, so that the Parish Council is quorate and can continue to operate;</b></p> <p><b>(2) DELEGATED authority to the Returning Officer, in consultation with the relevant Ward Member(s) and Parish Clerk, to make such orders under Section 91 of the Local Government Act 1972, should a similar situation arise in future in respect of any Parish Council in the Borough area;</b></p> <p><b>(3) AUTHORISED the Monitoring Officer to make the relevant updates to the Scheme of Delegation, subject to approval of the delegation at 2 above; and</b></p> <p><b>(4) ADOPTED the procedure set out at Appendix B which shall be used by the Returning Officer when exercising the delegation set out above.</b></p> <p>(Unanimous)</p>
CO24	<p><b>LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND - ELECTORAL REVIEW</b></p> <p>The Chief Executive introduced the Local Government Boundary Commission for England Electoral Review.</p> <p>The Leader moved the recommendations and the Deputy Leader seconded the motion.</p> <p><b>RESOLVED</b></p> <p><b>Council</b></p> <p><b>(1) NOTED the next steps and timetable for the Local Government Boundary Commission for England Electoral Review of Melton Borough Council as set out in the report and Appendix A.</b></p> <p><b>(2) NOTED the Constitution Review Working Group (as the appropriate Cross Party Working Group) will develop the Council’s submissions in relation to the review, such submissions to be approved by Council before being formally provided to the LGBCE.</b></p>
CO25	<p><b>CORPORATE STRATEGY 2024-2028</b></p>

The Leader introduced the Corporate Strategy 2024-2028 report and moved the recommendations. The Deputy Leader seconded the motion.

**RESOLVED**

**Council**

- (1) NOTED the process/timeline to produce the new Corporate Strategy 2024 - 2028.**
- (2) NOTED the terms of reference for the Member Policy Development Working Groups.**
- (3) NOTED and endorses the setting up of a governance review to consider the most effective decision-making structure and arrangements for the Council.**
- (4) APPROVED the commissioning of the Constitutional Review Working Group to oversee and support the governance review and agrees to the amendment to the terms of reference for the Constitution Review Working Group to increase the membership from 5 to 7 members.**

(Unanimous)

The meeting closed at: 7.48 pm

Mayor

## MEMBER INTERESTS

### Do I have an interest?

#### 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

#### 2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

#### 3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

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**In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.**

# Declarations and Participation in Meetings

## 1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
  - b) not participate in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
  - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
  - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
  - c) must not remain in the room unless you have been granted a Dispensation.

## 4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
  - b) you should state that your position in this matter prohibits you from taking part
  - c) you should leave the room.

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**In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.**



### Melton Local Plan (2011-2036) 5 Year Review

<b>Report Author:</b>	<b>Sarah Legge</b> , Assistant Director for Planning 01664 502380 SLegge@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Pranali Parikh</b> , Director for Growth and Regeneration 01664 504321 PParikh@melton.gov.uk
<b>Lead Member/Relevant Portfolio Holder</b>	<b>Councillor Margaret Glancy</b> - Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader)

<b>Corporate Priority:</b>	3: Delivering sustainable and inclusive growth in Melton 4: Protect our climate and enhance our rural, natural environment
<b>Relevant Ward Member(s):</b>	All Members – Borough Wide
<b>Date of consultation with Ward Member(s):</b>	Melton Local Plan Working Group meetings: September 2022, February 2023 and July 2023.
<b>Exempt Information:</b>	No

#### 1 Summary

- 1.1 At the meeting on 26<sup>th</sup> April 2022, the Council agreed to commence the 5-year review of the Melton Local Plan noting its incumbent risks and impacts upon resources.
- 1.2 The formal review of the Plan is the first stage of the process towards updating the Local Plan. The review takes into consideration how the existing policies perform against the most recent national planning policy (as advised within the National Planning Policy Framework), and whether they are performing and remain fit for purpose.
- 1.3 Officers have been working with the Members Working Group over the last 12 months to inform the outcome of the Review. That review has now been completed and is presented to members in Appendix A to this report.
- 1.4 This report is the first of three reports to Council in respect of the Melton Local Plan Review (and Update). Members will only proceed to considering papers relating to the revised Local Development Scheme and Draft Issues and Options if they are content with the detail within and appended to this report as the issues are intrinsically linked.

- 1.5 There are risks and benefits associated with the Review and its Update. Those risks lie substantially in the areas of either delaying the review (and update) to allow for the Plan Period to be extended beyond 2036 (risking having no up-to-date Local Plan in place due to the 30<sup>th</sup> June 2025 submission date), or proceeding at pace (meaning that the Plan will only have a period of 11/12 years remaining at submission). These risks are set out in detail in the main body of the report below.

## 2 Recommendations:

### That Council:

- 2.1 **Approves the details as set out in Appendix A of the outcome of the Melton Local Plan (2011-2036) 5 Year Review.**
- 2.2 **Approves the revised Terms of Reference and Membership of the Melton Local Plan Members Working Group (Appendix B).**
- 2.3 **Delegates authority to the Melton Local Plan Members Working Group to scrutinise and publish new evidence relating to the Local Plan on the Local Plans website to inform future policy making.**

## 3 Reason for Recommendations

- 3.1 Formal decisions relating to the Development Plan for the area (of which the Melton Local Plan forms part) are made through Council.
- 3.2 There is a requirement to maintain an up-to-date Local Plan and for its review every 5 years (maximum). This is derived from national planning policy in the National Planning Policy Framework (NPPF), the latest iteration was in September 2023. The Melton Local Plan was adopted in October 2018 and will be 5 years old next month. The timeframe to complete the Review and Update of the Local Plan is c. 36 months. Following approval at Council in April 2022 to commence the Review, this paper sets out the outcomes of that Review before proceeding to Updating the Plan.
- 3.3 Feedback from the Members Working Group has been fundamental to the detail now presented to Council. It is considered that it is now necessary to expand the membership of the group to ensure resilience and that a greater range of experience and knowledge can be considered going forward. It is therefore proposed that the membership of the group is expanded to 9 members with immediate effect.
- 3.4 The evidence base that will inform the Update of the Local Plan does not in itself make policy, it informs future policy development. To ensure updated evidence is transparent, is published in a timely manner and can be used to inform policy creation going forwards it is proposed that the Local Plan Member Working Group can scrutinise and agree to the publication of new/revised evidence to the Local Plans website. Decisions relating to the Development Plan remain with Council.
- 3.5 The Levelling Up and Regeneration Bill (which is likely to become law in Autumn 2023) proposes that the last date for the submission of Local Plans under the current regulations is 30<sup>th</sup> June 2025. The Review and Update of the Melton Local Plan is working towards this date for submission to ensure that the Council has an up-to-date Local Plan in place, as required by the Government.

3.6 The risks of not proceeding with the Review and Update of the Local Plan have been set out in detail below. It is considered the best option now to finalise the outcome of the Review as set out in this report.

## **4 Background**

4.1 The Melton Local Plan was adopted formally by the Council in October 2018 and forms part of the Development Plan for the Borough. Formal decisions on the Development Plan are made through Council.

4.2 Whilst the requirement to maintain an up-to-date Local Plan derives from the National Planning Policy Framework rather than a legal requirement, the process to be followed for a Review is governed by the Town and Country Planning (Local Planning) (England) Regulations 2012. This determines the stages to be followed, the minimum consultation requirements, and the arrangements for its examination and adoption.

4.3 In common with all decision making, decisions at each stage of the process can be legally challenged under Judicial Review, and therefore proper decision making, led by evidence is essential to a successful outcome.

4.4 Since its adoption in October 2018 the Local Plan has performed well. The latest position shows that that Council can demonstrate 9.1 years housing land supply against a requirement of 5 years. This is an enviable position, and shows the confidence that having an up-to-date local plan has given to the industry to deliver housing in the Borough.

4.5 In 2022/23 368 dwellings were completed, exceeding the target by 123. The cumulative surplus over the Plan Period (2011-2036) is now 186 dwellings, and the Plan has been delivering more homes every year than the target since its adoption in 2018. The Local Plan gives a secure foundation to development in the Borough, and gives the Council a strong position to finalise the Review.

4.6 The Local Plan has ensured substantial levels of investment in the Borough to support housing delivery. The Melton Mowbray Distributor Road (MMDR) North and East is now under construction, representing around £120 million of investment in the town. New schools will add to this investment, alongside other planned developments as part of the Sustainable Neighbourhoods to the north and south of the town. The MMDR South remains essential to the delivery of the Local Plan and the South Sustainable Neighbourhood, representing a further c. £60 million investment. Only by having an up-to-date Local Plan can we continue to lever in investment to deliver vital infrastructure to support development and growth of the town.

4.7 A letter from Leicestershire County Council (LCC) in general support of the overall strategy of the Melton Local Plan is appended to this report at Appendix C. The letter details LCC's previous involvement in the Local Plan through to its examination and setting out the context in which the Local Plan was adopted in regards to transport infrastructure.

4.8 Government has been clear that local planning authorities should not delay the Local Plan process whilst waiting for any changes proposed to the wider planning system nationally to come into force.

4.9 Following the publication of the Levelling Up and Regeneration Bill (LURB) in May 2022, the transition period has now been set out for the shift towards new-style Local Plans. The LURB is expected to gain Royal Assent in Autumn 2023.

- 4.10 The Government has stated that the final submission date for Local Plans under the existing legislation will be 30<sup>th</sup> June 2025, but has yet to announce the regulations that will underpin the creation of new-style Local Plans. If Melton Borough Council cannot submit its Local Plan Review & Update by 30<sup>th</sup> June 2025 it will not have an up-to-date Local Plan in place and will need to start the process under the new regulations when they are announced.

## **5 Main Considerations**

- 5.1 The Melton Local Plan was adopted in October 2018, following a detailed, extensive period of work by the Local Plans team. It took approximately 5 years from commencement to adoption. As stated above in paragraph 3.2 there is a requirement to maintain an up-to-date Local Plan, and to do so it must be reviewed at least every 5 years, or when it is rendered 'out of date'. The Melton Local Plan has performed well to date, so falls into the former category.
- 5.2 Next month (October 2023), the Plan will be 5 years old. The Review of the Plan commenced in April/May 2022 and this report and its appendices set out the outcome of that Review. Additional papers presented to Cabinet advise the next steps should Council approve the outcomes of the Review.
- 5.3 A Review of the Local Plan does not need to equate to wholesale re-writing of the Plan, and can (and should) be contained only to those elements that require refreshing, updating or changing for a variety of reasons.
- 5.4 Based on the evidence compiled for the Authority Monitoring Review (AMR), the Housing Delivery Test, appeal decisions and various other means by which performance is monitored, it is considered that the Local Plan is not significantly out-of-date in many respects. This includes its overall spatial approach and delivery strategy.
- 5.5 As set out in Appendix A, there are aspects that will require updating owing to:
- Policy and/or legislative changes since adoption.
  - The revised corporate context, i.e. the Climate Emergency etc.
  - Enhancements that can be identified from officer and Member experience of the practical application of the policies through the planning application process.
  - Wider members and Planning Committee aspirations (i.e. housing mix, affordable housing etc.)
- 5.6 Officers undertook desktop analysis whereby each policy of the Plan was assessed against the following criteria:
- Strategic and contextual issues, including Leicester City's unmet needs.
  - Conformity with amendments to legislation, the National Planning Policy Framework and Practice Guidance including changes to the Use Classes Order.
  - Performance and delivery achievements and reliability going forwards (i.e. delivery of the policy objectives)
  - Internally driven desire for change and improvement, including alignment with other strategies.
  - Officer, Member and Applicant useability.
  - Appeal Performance

- The validity of the existing evidence base, and any issues that would be revealed by its updating.
- 5.7 Planning Policy Officers also ran detailed consultation events with Development Management Officers to further understand issues relating to the day-to-day usability of policies, highlighting issues and how policy could be clearer.
- 5.8 Under the Duty to Cooperate (DtC), Planning Policy Officers engaged with prescribed bodies and relevant authorities during two consultation periods that were held in June/July 2023 and July/August 2023. Work under the DtC will continue as the Update goes through various consultation stages.
- 5.9 Work has commenced on the update of the evidence base, and Members of the Working Group will shortly be presented with the updated Playing Pitch Strategy and Indoor Sports Facilities Strategy which was commenced c. 12 months ago. Work is currently underway to gain up-to-date Local Housing Needs Assessment (following the Leicester and Leicestershire Housing & Economic Needs Assessment, 2022). Work has also commenced on the Sustainability Appraisal and Strategic Environmental Assessment and Habitats Regulation Assessment work which will run alongside the Local Plan Review and Update until its adoption, and a new Employment Land Study.
- 5.10 Finalisation of the Local Plan Review presents various risks (elaborated upon below at 15), however it also presents a significant range of benefits from the exercise to both the Council and our communities. Primarily, the Council is being proactive and dealing with the issue of the legal status of the Plan 'head-on'. By finalising the Review, the Council is taking control of its course and can therefore be better prepared to manage the risks.
- 5.11 There are a significant number of Neighbourhood Plans that have been 'made' prior to and since the adoption of the Melton Local Plan in 2018. Those Neighbourhood Plans are not directly affected by the outcome of the Review, however as new evidence is produced and the policies of the Melton Local Plan are updated there may be elements of Neighbourhood Plans which become out of date.
- 5.12 Neighbourhood Plan groups will be informed of new evidence as it is published. They will need to decide if the evidence demonstrates that their policies are out of date and require update. Neighbourhood Plans are not required to be updated in a similar way to Local Plans, but can be updated when communities consider that an update is required. It may be pertinent for those Neighbourhood Plan groups to wait until the entire evidence base has been updated to prevent abortive work, in addition to monitoring the changes proposed by government under the Levelling Up & Regeneration Bill.
- 5.13 The Review and Update is considered to be a positive work stream for career development for staff in the Local Plans team, which will assist with career progression, retention and development. The Review has provided a good opportunity to listen to the views of Members, applicants and colleagues to understand what is not working well for them within the current version of the Plan and to note where changes will be necessary.

## **6 Options Considered**

- 6.1 Option 1 – Delay the finalisation of the Review: It is an option for the Council to not finalise the Review now and wait for further guidance and/or changes to the planning legislation. The main risk with this option is that the Plan will be 5 years old next month, and the Council has a duty to review the Plan within 5 years of the date of its adoption.



- 6.2 Option 2 – Council could conclude that the adopted Local Plan is still up-to-date and therefore an Update is not required at this stage. This option is not recommended as officers, the Planning Advisory Service and members have identified areas that may benefit from an update. Updating the Local Plan represents an opportunity to enhance its relevance to decision-makers.

## **7 Consultation**

- 7.1 Full public consultation does not form part of the Local Plan Review. Formal consultations will commence to formally update the Plan should Members agree with the recommendations of this report.
- 7.2 Internal consultations have taken place with Development Management Planning Officers for the reasons as set out above.
- 7.3 External consultations have commenced with prescribed bodies and neighbouring local authorities and county councils under the Duty to Cooperate (DtC) which is a legal requirement continuing for the entire plan-making process.
- 7.4 The Local Plan Members' Working Group has met three times since the Review commenced and have informed the outcomes of the Review to date.

## **8 Next Steps – Implementation and Communication**

- 8.1 Should Members approve this paper, the Local Development Scheme set out in the next paper outlines the future stages of the preparation of the Local Plan Review & Update. The Local Development Scheme sets out the work plan for the Local Plans Team, and was last approved by the Cabinet in December 2022. Its update is intrinsically linked to the outcome of this report, hence it will be presented to Council on this occasion.

## **9 Financial Implications**

- 9.1 The Local Plan budget has a reserve which is used to smooth the financial impact of the local plan over the medium term. It is expected at the present time (based on soft market testing for the required evidence) that there may be insufficient funding in the reserve to fund all the work required and that between £80-£100k may be needed to cover the work over a 3 year period which will leave a funding shortfall which as a revenue cost the council would not be able to borrow for.
- 9.2 Officers will continue to work with finance and procurement colleagues to ensure best value for money in the procurement of the evidence base and will advise Members accordingly to ensure that the scope of the Local Plan Review & Update remains carefully managed to minimise financial risks.
- 9.3 Officers will continue to investigate income streams (such as grant funding) to assist with the preparation of the evidence base but ultimately if there is funding shortfall this will need to be found from savings elsewhere or use of reserves.

**Financial Implications reviewed by: David Scott, Assistant Director for Resources**

## **10 Legal and Governance Implications**

- 10.1 Formal decisions on the Development Plan (of which the Local Plan forms part) are made through Council.
- 10.2 The requirement to maintain an up-to-date Local Plan and for its review every 5 years (maximum) derives from National Planning Policy in the NPPF rather than a legal requirement. However, the process to be followed is governed by the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 which determines the stages to be followed, minimum consultation requirements, arrangements for Examination etc.
- 10.3 Government has been clear that local planning authorities should not delay the Local Plan process whilst waiting to see what changes may be proposed to the wider planning system. The last date for the submission of the Local Plan under the current regulations has been advised as 30 June 2025.
- 10.4 In common with all decision making, decisions at each stage of the process can be legally challenged under Judicial Review and therefore proper decision making, led by evidence, is essential.

**Legal Implications reviewed by: Assistant Director for Governance & Democracy (Monitoring Officer)**

## **11 Equality and Safeguarding Implications**

- 11.1 EIA's will be undertaken as policy is formed, taking into consideration the evidence and responses from consultees. Also, closer to submission, an EIA will be produced for the whole of the local plan update. There is no EIA required in reviewing policies to assess which require update.

## **12 Data Protection Implications (Mandatory)**

- 12.1 A Data Protection Impact Assessment (DPIA) has not been completed for the following reasons:
- There are no data protection implications involved in the review of the existing Local Plan

## **13 Community Safety Implications**

- 13.1 None as a result of this decision.

## **14 Environmental and Climate Change Implications**

- 14.1 The Local Plan is directly affected by government targets related to climate change (and its impacts). The Local Plan is also directly affected by the Council's 2019 declaration of a Climate Emergency, and is one of the reasons for the recommendations within this Council report (see Appendix B). The Local Plan should have positive impacts on the environment, in direct relation to natural resources, pollution, biodiversity, heritage, archaeology etc. This forms part of Sustainability Appraisals that take place alongside the production of the Plan, and any harms are proposed to be mitigated through policy.

## 15 Other Implications (where significant)

- 15.1 All interested parties will have the opportunity to comment on the Local Plan Review & Update to inform future policy through formal, public consultations.
- 15.2 The Local Plan fully assesses environmental and health & wellbeing implications in its evidence and examination of evidence and policy development.

## 16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Acceptance of the findings of the Review and proceeding to Update will mean a weakened policy position, affecting the weight that can be attributed to the existing Local Plan at various stages of the Update period.	Low	Marginal	Low
2	The impact of elections on the decision making process (national and local)	Very High	Marginal	Moderate
3	Further uncertainty of Government announcements regarding ongoing changes to planning legislation	Low	Critical	Moderate
4	The changed constituency boundaries (Melton & Rutland will no longer exist once the next general election is called)	Very High	Marginal	Moderate
5	Missing the deadline for Plan submission of 30 June 2025	Significant	Critical	Moderate
6	Pressure from interested parties for a wider reshaping of the Local Plan beyond the limited scope proposed.	Very High	Critical	High
7	The Review & Update itself has a significant impact on the Council's finances. If due to external reasons, the work becomes abortive, it could cause financial challenges.	High	Critical	High
8	Exposure to legal challenges that could cause delays and could be costly	Low	Critical	Moderate
9	Staff capacity for the work considering it is a sizeable (and long term) exercise, and the team will be unlikely to contribute to wider corporate activities whilst undertaking the Update	High	Marginal	Moderate
10	Increasing the base budget mid-year could lead to savings having to be made from other service areas when the 2024/25 budget is set in order to achieve a balanced budget	High	Critical	High



		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
<b>Likelihood</b>	Score/ definition	1	2	3	4
	6 Very High		2, 4	6	
	5 High		9	7, 10	
	4 Significant			5	
	3 Low		1	3, 8	
	2 Very Low				
	1 Almost impossible				

<b>Risk No</b>	<b>Mitigation</b>
<b>1</b>	As at July 2023, the Council can demonstrate 9.1 years housing land supply. It is unlikely that this will have diminished to such an extent in 2024 that the Plan could be considered out of date. The conclusions of the Review are being presented to Council before the 5 <sup>th</sup> anniversary of the adoption of the Local Plan. Therefore the Council is being proactive in dealing with the status of the Plan 'head-on'.
<b>2</b>	To ensure more input from Members, the Working Group is proposed to be expanded to 9 members to mitigate for the risk of any changes post-election. The calling of a general election (unknown timings, but needs to be before December 2024) may impact the work plan going forward depending upon when the election is called.
<b>3</b>	The LURB is expected to receive Royal Assent in autumn 2023. The date has been set for the last submission of plans under the existing regulations of 30 June 2025. The Government has stated that work on Local Plans should be continued. We will continue to monitor for any legislative changes and advise members at the appropriate time of their impact.
<b>4</b>	The Members' Working Group will be able to provide steer and direction.
<b>5</b>	Keeping the scope of the Update narrow and shallow to ensure that we can stay on track for submission.
<b>6</b>	The Members Working Group should lead to consensus being reached in the approach and help managing the scope with clear understanding of implications.
<b>7</b>	Regularly reviewing budgets and requirement for evidence base will be undertaken throughout the process. The scope of the works will need to consider financial implications.
<b>8</b>	Legal support will be sought at every stage of the review process to manage this risk. Any changes to the scope of works will need to consider any legal implications.

9	Staff capacity will be monitored through the process and retention, incentives and motivation for the staff will be prioritised to ensure optimum resource levels.
10	This will be considered as a priority in the budget setting process for the year 2024/25.

## 17 Background Papers.

17.1 None

## 18 Appendices

18.1 Appendix A – Melton Local Plan Review Conclusions

18.2 Appendix B – Melton Local Plan Working Group Terms of Reference

18.3 Appendix C – Letter from LCC September 2023



# Outcomes of the Melton Local Plan five-year review

September 2023

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# 1. Introduction

## 1.1. Decision to review

1.1.1. Section 17 of the Planning and Compulsory Purchase Act 2004 and Regulation 10A of the Local Planning Regulations require that councils carry out a review of their local plan within five years of the plan's adoption. Such a review is focused on deciding whether the policies of the adopted local plan remain relevant and effective in addressing local needs. Where policies are considered to be no longer effective or relevant the plan should be revised in whole or part.

1.1.2. The Melton Local Plan was adopted in October 2018, just under 5 years ago. The Local Plan was examined against the 2012 National Planning Policy Framework (NPPF). This report contains assessments of its policies as required by the regulations and NPPF. The outcome of these reviews will guide the scope of the forthcoming Melton Local Plan update.

1.1.3. Considering the above, a Full Council meeting was held on the 26<sup>th</sup> of April 2022 which agreed to formally commence the review. Anticipating that at least some of the local plan policies would require updating, a timetable for updating the local plan was agreed in December 2022, culminating in adoption forecast during 2026.

1.1.4. A detailed review of the existing policies has been undertaken. This review considered the following elements:

- Conformity with the National Planning Policy Framework
- Alignment with the Planning Practice Guidance
- Alignment with the Council's Corporate Strategy
- Performance based on the Authority Monitoring Reports
- Performance based on Development Management's feedback, and appeals performance.
- Consideration of an independent gap analysis of the evidence base
- Changes to local circumstances (e.g., Local Housing Needs)
- Housing Delivery Test performance, and having more than 5 years' worth of housing land supply
- Deliverability of key site allocations
- Changes to higher tier plans
- Cross-boundary issues (e.g., unmet housing and employment needs)
- Significant economic changes that may impact on viability
- New social, economic or environmental priorities may have arisen.

## 1.2. Objective of this paper

- 1.2.1. Considering all the above, this paper attempts to provide some high-level commentary on the review and sets out the outcomes of this work. The potential outcomes are divided in two categories:
- **Update needed;** or
  - **Update not needed,** but likely to be required in the medium term.
- 1.2.2. These outcomes are expected to inform any update(s) of the Melton Local Plan and they are summarised in [Appendix 1](#). Further analysis of the issues affecting those policies categorised as ‘update needed’ is expected to be undertaken as part of the most immediate regulation 18 consultation. Therefore, this paper is primarily focused on the justifications behind those policies where an ‘update is not needed at this stage.
- 1.2.3. It needs to be noted that it is not the objective of this paper to establish what updates are needed to any policies, but instead to assess whether further work to update the policies is merited, taking account of the factors set out above.
- 1.2.4. For those cases where the outcome indicates that an update is not needed at this stage, we commit ourselves to keep them under review to ensure that they remain effective.
- 1.2.5. Finally, it needs to be noted that this paper does not seek to address the need for additional policies. The work on the local plan update may conclude that existing policies are no longer needed in their entirety and/or that new policies are required.

## 2. Review outcomes (conclusions)

### 2.1. Policy SS1. Presumption in favour of Sustainable Development

2.1.1. This policy would benefit from a light touch update to align with the National Planning Policy Framework and to amend some typographical errors. The principles behind this policy remain unaltered and no evidence is required to update the policy, therefore the update, simple in its implementation, should focus on minor alterations.

2.1.2. **Outcome: update needed**

## 2.2. Policy SS2. Development Strategy

2.2.1. Policy SS2 provides the adopted local plan with an overarching development strategy, designed to deliver the plan's vision and strategic objectives. In summary, it contains:

- Development targets of 6,125 dwellings and 51 hectares of employment land covering the period 2011 – 2036;
- A stepped housing trajectory which increases from 170 dwellings per annum through 245 to 320, averaging 245 overall;
- A broad spatial strategy which distributes housing growth approximately 65% to the Melton Mowbray Main Urban Area and the remaining 35% to the Service Centres and Rural Hubs;
- Guidance for development allocations and windfalls in accordance with the strategy; and
- Support for Neighbourhood Plans.

2.2.2. The current housing need remains broadly consistent with calculations embedded in the local plan. The latest Standard Method result (2023) is 185 dwellings per annum, a reasonably close match to the Objectively Assessed Need of 170 referred to in the local plan, and in any case, leaving considerable margin below the SS2 trajectory. The Standard Method continues to be central to government advice on local plans. The Council intends to commission further work on housing need.

2.2.3. The targets in SS2 incorporate the issue of unmet need from other local planning authorities, and more specifically Leicester City. Recent evidence provides broad support for the plan's housing target; the 2022 Leicester and Leicestershire Housing & Economic Needs Assessment indicates a need of 300 dwellings per annum through to 2036 to include an element of Leicester's unmet housing need. This is reflected in the Statement of Common Ground between the Leicestershire authorities from the same year.

2.2.4. The delivery of homes between 2011 - 2023 was 186 dwellings above trajectory. This small excess hides a more significant recent trend, with delivery since 2018 exceeding the trajectory by 599, indicating an acceleration of housing development since the plan was adopted. The forecast housing provision for the plan period is 1,750 dwellings more than the local plan target, which represents a significant headroom. Further, the local plan contains reserve housing sites with additional potential capacity of over 500 dwellings if required. This indicates significant flexibility



inherent in the existing local plan should there be a dramatic and unexpected increase in housing need before 2036.

- 2.2.5. Overall, therefore, the targets contained within policy SS2 continue to be appropriate without the need to update, and the housing allocations in the local plan appear to be on track to meet these targets.
- 2.2.6. However, it is acknowledged that the policy provides guidance through to 2036 only, and therefore is currently silent about growth rates to be delivered beyond that date. As of 2023, the time of the statutory local plan review, the policy looks 13 years ahead, which is below the 15 years recommended in the NPPF. Allowing for the time required to take a local plan update through to adoption, the time remaining before 2036 could be down to 10 years.
- 2.2.7. Clearly it would be theoretically possible to undertake an individual assessment of housing need for Melton Borough, whether using the Standard Method or another appropriate calculation, and then to use this to roll forward the end date of the plan's target. From this, the need for additional housing allocations could be assessed, and appropriate provision made through the plan's update. However, this would only deal with housing need in the Borough in isolation. The situation is more complex than that and the issue of unmet needs from Leicester City, referred to above, will continue to require consideration beyond 2036, the limit of the current agreement between the Leicestershire authorities, to which Melton Borough Council is a signatory. It is Melton Borough's view that this can only be effectively undertaken through further joint work with Leicester and the other Leicestershire authorities leading to a formal agreement across the County and a further Statement of Common Ground. Until this is completed, providing certainty, it would be inappropriate to undertake further work on housing targets post 2036. Rather, a full update of the local plan can be undertaken when the strategic position becomes clear through agreement.
- 2.2.8. There is nothing to indicate that the 65% to 35% split of housing provision in favour of the Main Urban Area is now an inappropriate response to the spatial geography of Melton Borough, with its single main urban area and network of much smaller and less well served villages of varying scales.
- 2.2.9. Delivery has, so far, not conformed with the strategy, being weighted more strongly towards the rural areas. However, this is an inevitable reflection of the reliance on large urban extensions (Sustainable Neighbourhoods) to deliver Melton Mowbray's housing and significant infrastructure benefits. Large, complex sites take time to get up to speed. Development on the Sustainable Neighbourhoods has commenced, and the forecast split over

the plan period is 61% to 39% in favour of the Main Urban Area so the strategy appears to be on track.

2.2.10. The policy includes an employment land target of 51 hectares over the period 2011 – 2036. Completions through to 2021 total 6.5 hectares, leaving 44.5 hectares to deliver. The 2022 Housing and Economic Needs Assessment indicated a need for 40.1 hectares between 2021 – 2036 in the Borough, a similar level to the remaining local plan requirement. Accordingly, the evidence indicates that the local plan target remains appropriate and there is no need to update this element of the policy.

## Conclusions

2.2.11. Latest evidence on housing and employment need supports the view that the local plan targets continue to be broadly appropriate. The strategy in relation to the distribution of development is similarly appropriate, and development of the Sustainable Neighbourhoods will start to bring delivery in line with the strategy over the remainder of the plan.

2.2.12. It would not be sensible to seek to extend the policy beyond 2036 at this time, as the joint work on the Strategic Growth Plan for Leicester and Leicestershire is not yet complete and therefore there remain unresolved issues relating to Leicester City's unmet housing needs across the Housing Market Area.

2.2.13. It is therefore considered that the policy continues to provide a sound basis for the local plan strategy and the delivery of new development. It is therefore concluded that the policy remains up to date and should not be further considered in the local plan update.

2.2.14. **Outcome: update not needed**

## 2.3. Policy SS3. Sustainable Communities (unallocated sites).

2.3.1. The policy still accords with the NPPF. However, in practice it has not provided a clear and consistent framework for applicants, the local community, or decision-makers in how to define the policy's criteria, in particular how to justify 'housing which meets a proven local housing need,' or what 'sustainable infrastructure' is required to satisfy the policy.

2.3.2. A review of planning and appeal performance suggests that it is proving difficult to apply the policy as written, it is considered that the policy needs to be updated as a consequence, to provide a clear criteria-based framework for consistent decision making.

- 2.3.3. The rural settlements for which SS3 is largely applied typically lack basic services and facilities to meet everyday needs, are therefore more car dependent and viewed as less sustainable places for new housing. There is misalignment within the current policy with community perceptions of what 'sustainable development' is because the policy is failing to adequately consider wider social, economic and environmental sustainability, including tackling climate change.
- 2.3.4. There is opportunity for the policy to be realigned to ensure that such housing development is as sustainable as possible and contributes to making settlements more sustainable places in the widest sense for not just the applicant but for generations to come, by considering sustainability criteria from low carbon homes to adding more local housing choice, to better meet the needs of our ageing population over the long term.
- 2.3.5. SS3 is only expected to provide a very small amount of 'windfall' development in line with the overall spatial pattern set out in the local plan, any modifications to SS3 would need to ensure that they do not overly disrupt this. The update of this policy also provides an opportunity to take into consideration feedback from growth in local Neighbourhood Planning since the adoption of the local plan, to aid them to help to improve the sustainability of rural communities in a way that aligns with what local communities want.
- 2.3.6. Outcome: update needed**

## **2.4. Policy SS4. South Melton Mowbray Sustainable Neighbourhoods**

- 2.4.1. The Melton South Sustainable Neighbourhood (Strategic Development Location) is a site-specific policy, but contains references to other policies within it, and is the policy for the delivery of housing, employment land, community facilities, transport improvements (including a strategic road link) and environmental protection and enhancement.
- 2.4.2. Planning permission was granted on a large site which forms part of the South Melton Mowbray Sustainable Neighbourhood prior to the adoption of the Local Plan. The site is situated between Kirby Lane and Leicester Road, and following an additional consent, now has permission for 555 dwellings that are currently under construction.
- 2.4.3. Following the adoption of the Melton Local Plan, the Local Education Authority (LEA) advised that there was not sufficient education provision in Melton Mowbray and the wider Borough to support the delivery of the Plan as a whole, rendering sub-policy c1 of SS4 out of date. To date, the LEA

have advised within statutory consultation responses that housing development in the wider Borough (including the town) will require the provision of a new secondary school (in addition to extending an existing secondary school). We were advised that this must be provided within the South Melton Mowbray Sustainable Neighbourhood. In addition, rather than the provision of one new primary school (2.5ha) in the South Sustainable Neighbourhood, the development would need to provide for three forms of entry (FE), requiring a total land take of 3ha across two sites in the Neighbourhood for primary schools (1x1FE and 1x2FE).

2.4.4. Working with the Local Highway Authority, Melton Borough Council supported Leicestershire County Council to submit a bid for Housing Infrastructure Funding (HIF) from Homes England to bring forward the delivery of the Melton Mowbray Distributor Road South (MMDR South). The MMDR South would provide the strategic link road between the A607 Leicester Road and the A606 Burton Road to support the delivery of the Sustainable Neighbourhood in accordance with policy SS4 and the 2018 approved Strategic Growth Plan. This is in addition to the Melton Mowbray Distributor Road North and East (MMDR N&E) which is currently under construction. The bid was submitted in 2019 and was successful in securing £15m forward funding to deliver the road, subsequently uplifted to £18.5m.

2.4.5. In order to ensure the Homes England Funding was forthcoming and the County Council could sign the Grant Determination Agreement, various alterations were considered and made within an approved Masterplan (late 2021) for the South Sustainable Neighbourhood, principally to ensure:

- The housing delivery projections and numbers were consistent with the original grant funding application;
- The required education infrastructure (see paragraph 2.4.3 above) could be accommodated;
- A deliverable route for the MMDR South could be achieved (taking into consideration more detailed constraints including land ownership, flood risk etc.);
- A deliverable Masterplan with public sector, developer, and landowner buy-in could be achieved.

2.4.6. To facilitate the above requirements, additional land was identified as a potential supply for future housing development and employment provision. An update of the policy is required to reflect this position, alongside the provision of additional education facilities as required by the Local Education Authority. We consider it appropriate to adjust the extent

of the South Sustainable Neighbourhood to reflect an updated deliverable position in general alignment with the latest approved Masterplan.

2.4.7. It can be concluded that the policy needs to be updated, to reflect deliverability evidence now available – it is not expected that further site-specific evidence will be needed, but this will be kept under review.

2.4.8. **Outcome: update needed**

## 2.5. Policy SS5. Melton Mowbray North Sustainable Neighbourhood

2.5.1. The Melton North Sustainable Neighbourhood (Strategic Development Location) is a site-specific policy, but contains references to other policies within it, and is the policy for the delivery of housing, small scale employment land, community facilities, transport improvements (including a strategic road link) and environmental protection and enhancement.

2.5.2. Planning permission has been granted on various parts of the North Sustainable Neighbourhood, including 200 dwellings on Melton Spinney Road and a total of 690 dwellings between Nottingham Road and Scalford Road (of which 159 are currently under construction). Planning applications are currently under consideration for a further 1,230 dwellings on land between Scalford Road and Melton Spinney Road which would conclude the delivery of the Sustainable Neighbourhood in terms of housing, community facilities, environment and transport.

2.5.3. The Melton Mowbray Distributor Road North & East (MMDR N&E) is currently under construction following a successful bid to the Department for Transport through the Local Large Majors Fund for £49.5m and is principally forward funded by Leicestershire County Council. The total costs are estimated to be in the region of £125m, and some costs are being re-couped from developers via S106 agreements.

2.5.4. As noted above at paragraph 2.4.3, following the adoption of the Melton Local Plan, the Local Education Authority advised that there was not sufficient education provision in Melton Mowbray and the wider Borough to support the delivery of the Plan as a whole, rendering sub-policy c1 of policy SS5 out of date. The LEA have advised within statutory consultation responses that housing development in the wider Borough (including the town) will require the provision of a new secondary school (in addition to extending an existing secondary school). The new secondary school would be provided for in the South Sustainable Neighbourhood. The extended secondary school would be John Ferneley which borders the North Sustainable Neighbourhood, and land should be set aside for this within a Masterplan (in addition to financial contributions). In addition,

rather than the provision of 1 new primary school (2.5ha) in the North Sustainable Neighbourhood, the development would need to provide for 3 forms of entry (FE), requiring a total land take of 3ha across two sites in the Neighbourhood for primary schools (1x1FE and 1x2FE).

2.5.5. A Masterplan was approved for the North Sustainable Neighbourhood which was created in consultation with the developers of the various sites in the Neighbourhood, taking into consideration the amendments required by the Local Education Authority. The Masterplan was approved in late 2021, however an update of the policy is required to reflect this situation.

2.5.6. It can be concluded that the policy needs to be updated, to reflect deliverability evidence now available – it is not expected that further site-specific evidence will be needed but this will be kept under review.

2.5.7. **Outcome: update needed**

## 2.6. Policy SS6. Alternative Development Strategies and Local Plan Review

2.6.1. The reviewing mechanisms in this policy require updating in order to address updated positions in areas such as Leicester City's unmet needs (and the associated Statement of Common Ground).

2.6.2. The update of this policy does not require new evidence and should be relatively simple to undertake.

2.6.3. **Outcome: update needed**

## 2.7. Policy C1 (A). Housing Allocations

2.7.1. Housing allocations are the primary element to provide enough supply of housing to meet the housing requirement. In the adopted Local Plan, allocations represent approximately 73% of the housing supply. Completions, permissions (unallocated) and the windfall allowance are the other elements.

2.7.2. In accordance with policy SS2, provision for 6,125 homes will be made for the period covering 2011 to 2036 in the borough of Melton. 5,325 homes were allocated as part of policy C1(A) with 3,200 from the Sustainable Neighbourhoods. This position remains unaltered based on the conclusions for policy SS2 contained in this paper.

2.7.3. Using data from April 2023, there are 2,065 dwellings expected to be built from housing allocations with planning permission and there are 2,331

dwellings expected to be built from allocations without planning permission yet. The total supply, including allocations (with and without permission) completions (2,376), non-allocated sites with permission (825) and windfall allowance (278) is 7,875 dwellings compared with the target of 6,125.

2.7.4. There is no evidence that the suitability/sustainability conclusions which led to the allocations within C1(A) has changed significantly, and therefore this review concludes that the sites continue to provide suitable locations for housing delivery. However, it is also relevant to consider whether the site allocations continue to provide a deliverable/developable supply of housing land sufficient to meet SS2 targets. The NPPF indicates that for a site to be considered developable, it needs to be suitable, available, and viable. Since the adoption of the Local Plan, there are no signals to indicate that the suitability and viability of the allocations has changed. This evidence includes the 2019 SHELAA.

2.7.5. In terms of availability, and based on the latest detailed trajectory, a summary for those allocations without planning permission is given below:

- Sites with application submitted: BOT1, BOT3, HOS2 (part), LONG2, NSN, SSN (part), WYM3
- Sites with active engagement/progress recorded: MEL4, MEL9, MEL10, SSN (part), THOR1, THOR2 and WYM2
- No response in the last questionnaire and no progress recorded: CROX2, CROX3, MEL6, SCAL1, SOM2.

2.7.6. The lack of response and/or progress for those sites in the last category does not necessarily indicate that these sites will not be delivered. For example, promoters for some of these sites have suggested that they will provide further information in due course. Sites in the last category, in any case, have a total capacity of just 122 dwellings, approximately 1.6% of the total supply (7,875 dwellings).

2.7.7. This review has considered a number of factors including the robust site-selection and allocation process as undertaken in the adopted Local Plan, the limited impact of these sites to the overall housing trajectory, and the existing control mechanisms such as the 5% buffer or the lapse rate as applied to the 5-year's housing land supply calculations. Considering all the above, we conclude that the policy is performing well.

2.7.8. Additionally, other elements such as reserve sites (policy C1(B)) and new housing allocations and reserve sites as part of neighbourhood planning designation, provide further flexibility to the inherent link between C1(A) and SS2.

2.7.9. Understanding the importance of the policy, we commit ourselves to keep this position under review with the publication of an annual 5-year's housing land supply report and a detailed trajectory.

2.7.10. **Outcome: update not needed**

## 2.8. Policy C1 (B). Reserve Sites

2.8.1. The policy remains in line with the NPPF and policy guidance. In fact, the evidence underpinning this policy and the assessment undertaken during the review of the policy follows the same principles applied to C1(A).

2.8.2. For the policy to be actioned, some criteria need to be met. So far, this criterion, as specified in points a) to c) in the policy, has not been met and consequently no reserve sites have been actioned.

2.8.3. The flexibility given by policy C1(B) remains relevant and helps to ensure resilience in the Local Plan and the delivery of housing without influencing indicators such as the 5-year housing land supply. It also needs to be noted that some 'made' neighbourhood plans have identified some additional reserve sites to those identified in the 2018 Local Plan, adding additional headroom (approximately 23 dwellings) to policy C1(B) and indirectly to policy C1(A).

2.8.4. The policy was considered as part of an appeal for an application submitted for part of the reserve site STAT3. As explored in the appeal, the policy could benefit from further clarity in relation to the development of smaller parcels of land: 'I find that the proposal goes against the objectives of Policy C1(B), albeit that the positive wording of the policy does not explicitly indicate that permission should be refused for the development of part of a reserve allocated site (Appeal Ref: APP/Y2430/W/20/3256174).

2.8.5. This same appeal provides the additional clarity that is needed for the interpretation of this policy. This clarification alongside the reasonable mix of size of the sites and their use by the local community through neighbourhood planning seem to indicate that the policy does not need an immediate update; however, as indicated for policy C1(A), we will keep this position under review, and more specifically, we will reassess this position if policy C1(A) needs updating.

2.8.6. **Outcome: update not needed**



## 2.9. Policy C2. Housing Mix

- 2.9.1. The main aim of the policy is to achieve an overall balanced mix of different size and types of properties to meet the diverse needs of the Borough's population. Since the adoption of the Local Plan, the housing mix of the delivery of new housing has continued to be balanced more towards a larger supply of 4+ bedroom open market properties than the ideal housing mix, as shown in Local Plan table 8. There also continues to be an undersupply of accessible and adaptable dwellings and wheelchair user dwellings.
- 2.9.2. The HENA 2022 has provided a new housing mix, which aligns with the new identified overall housing requirement of 300 dwellings per annum, rather than 245 dwellings per annum, which was required when the Local Plan was adopted, based on the HEDNA 2017.
- 2.9.3. A discussion took place about consideration needing to be given to how we deal with applications which try to demonstrate meeting the policy requirements for smaller properties by including an office/study or hobby room, rather than stating these as a bedroom. For example, stating a 3-bedroom property is a 2-bedroom property with an office.
- 2.9.4. We consider that an update is required in order to add clarity to the wording, by for example, exploring the idea to reduce the number of exception clauses, including the housing mix table as part of the policy or adding clarity to the supporting text.
- 2.9.5. **Outcome: update needed**

## 2.10. Policy C3. National Space Standard and Smaller Dwellings

- 2.10.1. The main aim of the policy is to achieve housing stock which is of a sufficient internal space size to have adequate circulation, storage and living space. It is not possible to achieve this via the NPPF and regulations.
- 2.10.2. The policy currently supports only the open market housing to deliver housing to the National Described Space Standards (NDSS) where there are dwellings with up to and including 3 bedrooms.
- 2.10.3. Homes England expects homes funded through their Affordable Homes Programme to meet the Nationally Described Space Standards wherever possible.
- 2.10.4. An update is recommended to change the policy for the affordable housing from using Housing Quality indicators to using the NDSS. This is

also a good opportunity to give additional clarity to the policy in relation to conversions and extensions.

#### 2.10.5. **Outcome: update needed**

### 2.11. Policy C4. Affordable Housing Provision

2.11.1. Affordable housing provision is a priority for the Council. Changes have been made to both, the NPPF and policy guidance regarding affordable housing and it would be beneficial to update the policy to reflect these changes to make it clearer.

2.11.2. Since the Local Plan was adopted, 383 new affordable dwellings have been delivered, mainly through planning gain and the enabling of affordable housing in partnership with affordable housing registered providers. The total number of affordable dwellings delivered includes 10 acquisitions and 1 conversion by the Council. Over 5 financial years (2018-2023), this equates to 76.6 dwellings per annum, which is above the planned average of 52 dwellings per annum. It is also above the overall identified need for affordable housing of 70 dwellings per annum.

2.11.3. Based on the target delivery of affordable housing, identified by the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA, 2017) for the Melton Borough, the target split of 80% affordable housing for rent and 20% affordable home ownership has been met: affordable housing for rent target amount between 2018-2023 was 170 dwellings and 197 dwellings delivered. The affordable home ownership target amount between 2018-2023 was 42 dwellings and 172 dwellings delivered.

2.11.4. The 2022 HENA identifies a need of 149 affordable homes per annum. The evidence base gap analysis has concluded that bespoke evidence is required for Melton Borough to ascertain the level of affordable housing need and the applicable housing mix (tenure, type and size). In light of this, a Local Housing Needs Assessment is being commissioned and the affordable housing trajectory is being updated.

2.11.5. An update to the policy is needed in order to align it with the changes in the NPPF and policy guidance. New evidence will help understand in what form affordable housing is required, and the conclusions of the Local Housing Needs Assessment will help us refine the affordable housing needs of the Borough.

2.11.6. The Local Housing Needs Assessment will show the extent to which entry level housing will be needed across the Borough. This will then

determine whether or not a separate entry level exception site housing policy will be needed (as set out in paragraph 72 of the NPPF).

**2.11.7. Outcome: update needed**

**2.12. Policy C5. Affordable Housing through Rural Exception Sites**

2.12.1. Since the adoption of the Melton Local Plan, affordable housing has been delivered in many of our rural settlements via allocations rather than on 'rural exception sites'.

2.12.2. The reason that rural exception sites have not been developed is not due to an issue with the policy. Instead, it is due to a lack of sites which can be developed and a lack of appetite from partner affordable housing registered providers to deliver small sites. This situation is also experienced in other local authorities across the country.

2.12.3. A two-year contract with a rural affordable housing enabler ran from 1<sup>st</sup> April 2021 until 31<sup>st</sup> March 2023, operating across Leicestershire, for which Melton Borough were a part. The main objective was the sourcing of sites for the development of rural affordable housing. During this time, the number of deliverable sites across Leicestershire was limited and the contract was not renewed.

2.12.4. Work in-house continues to be undertaken with the aim of enabling the development of sites in villages where allocated sites are unlikely to deliver at all or within the next 5 years and/or on appropriate unallocated sites. This work is exploring alternative options for delivery, such as the Council developing/acquiring sites and the use of land owned/controlled by other public bodies for housing delivery.

**2.12.5. Outcome: update not needed**

**2.13. Policy C6. Gypsies and Travellers**

2.13.1. The evidence gap analysis indicated that a new Gypsy and Traveller Accommodation Assessment (GTAA) is undertaken for the Local Plan update.

2.13.2. The current evidence is the Leicester and Leicestershire Gypsy and Traveller Accommodation Assessment from 2017 and it identified that there was no additional need for pitches or plots.

2.13.3. Consequently, even though the outcome of the review is that an update for this policy is not needed, we are committed to update the evidence

base. If the conclusions from an up-to-date GTAA differ from the outcomes in this paper we will update the policy accordingly.

**2.13.4. Outcome: update not needed**

**2.14. Policy C7. Rural Services**

2.14.1. The policy is performing well and aligns with the NPPF and policy guidance. However, as identified by development management officers, the policy could benefit from additional clarity in relation to the evidence that is needed, particularly in relation to marketing evidence and timescales.

2.14.2. Equally, this policy is linked to policy EC7 and the production of an employment land study and a retail study, might involve consequential updates to this policy.

**2.14.3. Outcome: update needed**

**2.15. Policy C8. Self Build and Custom Build Housing**

2.15.1. The policy broadly aligns with the NPPF and policy guidance, however several issues were identified as part of the review. The policy is not effective in the Sustainable Neighbourhoods due to the uncertainty around the development of these type of homes and their implications on viability. Additionally, the policy (5% of plots to be delivered serviced for self and custom builders) is only relevant for large sites (of 100 dwellings or more), but it is silent for smaller rural schemes. The policy would also benefit from further clarity in relation to its link to the Self/Custom Build Register and the housing mix policy.

2.15.2. Using data from October 2022, there are a total of 77 individuals and 3 groups in the register; and the Council has identified a total of 59 serviced plots. Even though the need is currently being met (36 entries in the register by October 2019 against 59 serviced plots in October 2022), it is clear that the demand, as identified by the number of entries in the register, is increasing.

2.15.3. We consider that the policy would benefit from an update in order to enhance its relevance and address specific needs. This update will help the Council to meet the future needs for self-building and custom-building in the Borough.

**2.15.4. Outcome: update needed**

## 2.16. Policy C9. Healthy Communities

- 2.16.1. The policy largely conforms to updated national planning policy and guidance. Updates to building regulations are considered to have superseded some content relating to housing standards, including overheating and energy efficient 'warm' homes. The policy was developed at a point in time when local health responsibilities were shifting to new forms of local control. A local public health team is now embedded within Leicestershire County Council and new local area Integrated Care Boards set up. With this there has developed more collective local responsibility for managing resources to improve health and wellbeing and new local strategic health resources to assist the Council to review and update health within the local plan and the evidence base that supports it to meet existing needs and future demands. An update of this policy will ensure that the local plan is delivering outcomes that align well with local health needs, including those set out in the 2022 Public Health Strategy for Leicestershire.
- 2.16.2. The existing policy in practice acts in part as a strategic objective, making reference to outcomes which are important to health and creating healthy places (such as active travel, access to green spaces and overheating) which are dealt with across a wide range of other local plan policies, including those for design, housing standards, green spaces, open spaces, transport, developer contributions and climate change. In particular, the local plan recognises that considering health at the design stage of a development proposal can help to realise significant health benefits, with Active Design and Building for Life (now branded as Building for a Healthy Life) forming a key consideration as part of local plan policy D1 for the design of development. These issues are further supported with guidance within the Design of New Development and Developer Contributions Supplementary Planning Documents that support the local plan.
- 2.16.3. The consequence of this is that policy C9 largely replicates guidance found elsewhere within the local plan, it does not in itself set out specific goals nor add significantly to achieving any local health outcomes. Its function is poorly understood and subsequently it is not widely referenced or used by applicants, the local community and decision makers. There is an opportunity to update the policy, to remove replication and duplication within the local plan and to ensure that criteria which relate to improving health outcomes is placed where it will be most effective across the whole plan. The criteria for health quality impact assessment would also benefit from update, to ensure that this tool is used appropriately, reflects updated best practice in this area and assists in delivering outcomes in accordance with the local Public Health Strategy.

2.16.4. **Outcome: update needed**

**2.17. Policy EC1. Employment Growth in Melton Mowbray**

2.17.1. The use class order has changed since the adoption of the Melton Local Plan with the removal of the B1 category and the creation of the E use class, which incorporates a wider range of business types. Therefore, the specificity of the policy towards B1 is considered redundant as buildings can now change between office, retail, restaurants, medical and other commercial uses without the need of planning permission.

2.17.2. The main evidence base for this policy is the Employment Land Study from 2015 and would benefit from an update to account for the present economic market conditions and to ensure compliance with the policy guidance.

2.17.3. There is evidence that the policy is not performing well, due to the identification of a shortfall (HENA 2022) in the development of employment land by the end of the adopted Local Plan period. The need for an update and production of new evidence also represents an opportunity to reassess existing employment allocations and understand their developability, and the consideration for additional allocations if needed (a call for sites for employment land was launched in June 2023). The aim of the policy appears to be detached from the policy title itself, meaning that an update is also a good opportunity to amend this.

2.17.4. To summarise, the policy should be updated to reflect the changes in the use class order and to add clarity to its purpose. Further updates might be expected depending on the conclusions of a new Employment Land Study including those related to the assessment of the developability of existing allocations.

2.17.5. **Outcome: update needed**

**2.18. Policy EC2. Employment Growth in the Rural Area (Outside Melton Mowbray)**

2.18.1. Since the adoption of this policy in 2018, the NPPF has changed and the revised wording from 2021 places an emphasis on the “sustainable growth and expansion of all types of business in rural areas”.

2.18.2. The current policy stipulates which type of rural employment developments are acceptable, therefore it is considered that there should be a greater alignment with the NPPF. In addition, the Framework also highlights that sites should meet local business needs in rural areas;

therefore, we consider that a new Employment Land Study will enable us to understand what the current local business are.

2.18.3. The outcomes of the Employment Land Study should influence the updated policy. Equally, as identified by development management officers, the policy would benefit from further clarity as to how the policy should be used in decision-making, especially regarding points 7 and 8 of the policy.

2.18.4. **Outcome: update needed**

### 2.19. Policy EC3. Existing Employment Sites

2.19.1. The Use Class Order has changed since the adoption of the Local Plan with the removal of the B1 category and the creation of the E use class, which includes a wide range of commercial and retail uses, therefore the specificity of the policy towards B1 is considered redundant.

2.19.2. The policy has been performing adequately since its adoption, with the change of use within employment sites to other uses being limited, albeit a number of uses within the former D2 use class being permitted to provide supporting uses for the wider site. However, under the new use class order, both uses would have been classified as E use class.

2.19.3. It is considered that the list of employment sites may need a refresh and an assessment carried out to understand the current use class mix. This assessment is proposed to be carried out within a new Employment Land Study.

2.19.4. A reassessment of whether non-B employment uses create a more economic viable employment site is recommended to ensure employment growth is not hampered. A degree of flexibility in relation to the use classes would be preferred to ensure the policy is operative if any future use class changes occur nationally.

2.19.5. Consequently, the policy should be updated to ensure compliance with the new Use Class Order or the inclusion of flexibility within the policy to avoid future issues. The Employment Land Study should assess existing sites and an update will be provided as appropriate. Finally, the wording of the policy would benefit from an update to enable employment sites that provide for a range of employment uses as covered in the revised NPPF.

2.19.6. **Outcome: update needed**



## 2.20. Policy EC4. Other Employment and Mixed-use Proposals

- 2.20.1. A key consideration for updating this policy is providing a definition of mixed-use developments, especially with the growth of working from home and running businesses at home since the COVID-19 pandemic. It is considered important to provide a clear definition of when this policy applies.
- 2.20.2. The policy is deemed to be repeating elements of policy EC2, therefore it is considered that a greater distinction between EC2 and this policy is necessary to enhance their usability.
- 2.20.3. There have been recent changes to the Planning Policy Guidance, over the matter of home working and running a business from the home. The policy would need to align with this guidance.
- 2.20.4. Additionally, the NPPF also acknowledges that not all employment needs can be met within the settlements and has stated that they may be found in locations not well served by public transport, which it is contrary to point 3 of the policy.
- 2.20.5. **Outcome: update needed**

## 2.21. Policy EC5. Melton Mowbray Town Centre

- 2.21.1. The policy is not performing well and requires alignment with the updated NPPF, policy guidance and the new use classes. The Authority Monitoring Reports (AMR) show that retail and business spaces in Melton Mowbray are falling in spatial terms.
- 2.21.2. The main evidence base for this policy is the Melton retail Study, this was produced in 2015 and is considered out of date, especially as there have been socio-economic challenges since the policy was written (e.g., Covid-19, Brexit, Cost of Living Crisis, war in Ukraine), which have had a negative impact in town centres.
- 2.21.3. Consequently, the production of a new retail study in order to understand how the policy can help achieve growth in the town centre through planning is needed.
- 2.21.4. **Outcome: update needed**

## 2.22. Policy EC6. Primary Shopping Frontages

- 2.22.1. Similar to policy EC5, the policy would benefit from an update following the recommendations of a new retail study. This update will aim to address



some of the issues identified during the review such as the policy's alignment with the NPPF and policy guidance.

2.22.2. Equally, the production of this retail study will give us the opportunity to gain further understanding of the current level of vacant units within the town centre, the implications of the change of use class, the lack of footfall compared with pre-pandemic levels and the implications of changes to Permitted Development Rights.

2.22.3. **Outcome: update needed**

### 2.23. Policy EC7. Retail Development in the Borough

2.23.1. This policy would benefit from further clarity in relation to the sequential testing and its alignment with the policy guidance. This update will aim to ensure that the policy is clearer on when an impact assessment is required.

2.23.2. Equally, rewording is needed to add clarity for those applications out of the town centre or service centres and whether they need a retail assessment regardless of the 200sqm threshold as stated in the policy.

2.23.3. A new retail study would provide some insight into retail needs in the town centre and the whole of the Borough. The outcomes of this study will inform the update of this policy.

2.23.4. **Outcome: update needed**

### 2.24. Policy EC8. Sustainable Tourism

2.24.1. As written, the policy aligns with the NPPF and guidance, however, as identified by development management officers, an update is desirable in order to add further clarity for decision-makers and applications as to how the policy operates.

2.24.2. This update also represents an opportunity to define/re-define 'sustainable tourism'.

2.24.3. **Outcome: update needed**

### 2.25. Policy EN1. Landscape

2.25.1. The policy continues to align with the NPPF and Practice Guidance. The Local Plan Inspector considered the wording carefully and introduced a number of changes via a Main Modification.

2.25.2. The original evidence dates from 2006 but has been supplemented by more recent reports such as the 'Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' from 2016. The evidence review indicates that an evidence update is "desirable", but not a priority.

2.25.3. The policy has been used frequently since the local plan was adopted and has generally been supported at appeal.

2.25.4. **Outcome: update not needed**

## 2.26. Policy EN2. Biodiversity and Geodiversity

2.26.1. While the policy remains broadly in line with national policy and guidance, there are some areas where alignment could be improved. These areas include:

- Statutory and policy requirements on Biodiversity Net Gain;
- Work on the Local Nature Recovery Network; and
- The mitigation hierarchy.

2.26.2. The evidence is from 2016, but its comprehensive updating is not considered a priority.

2.26.3. There are some practical issues of interpretation and application in development management use where the policy would benefit from redrafting. This may be reflected in its limited use during refusals of planning applications.

2.26.4. **Outcome: update needed**

## 2.27. Policy EN3. The Melton Green Infrastructure Network

2.27.1. The policy remains in line with national policy and guidance. However, the main green infrastructure evidence is from 2011 and would benefit from updating to consider a wider range of green infrastructure assets and the need for greater connectivity between open spaces, reflecting the conclusions of the 2020 Melton Mowbray Open Space Strategy and Action Plan. Equally, further consideration should be given to the extension of the Melton Mowbray Open Space Strategy to the whole of the Borough, but also to discussions with adjoining local planning authorities.

2.27.2. An analysis of refusals and appeals since the local plan adoption, indicates that the policy is not referenced often in refusals. However, this is likely because it is a more positive policy which guides design and layout, rather than one used to determine the principle of development.

2.27.3. The policy is long, and it would be worth considering whether it could become more concise in any update.

2.27.4. **Outcome: update needed**

## 2.28. Policy EN4. Areas of Separation

2.28.1. The policy continues to comply with national policy and guidance, which is supportive of local landscape designations and protection of settlement character.

2.28.2. Two appeals considered this policy, one dismissed and one allowed. The latter, however, for development on an allocated site.

2.28.3. The need to update the evidence has been assessed as optional, and it is open to Neighbourhood Plans to define additional areas of separation if considered appropriate.

2.28.4. Overall, the only concern, usually explored in neighbourhood plans, is the balance between the flexibility given in the policy by the broad areas, shown as “zig-zag lines”, against the benefits of blocked areas. This matter was considered by the Local Plan Inspector who supported the current approach.

2.28.5. **Outcome: update not needed**

## 2.29. Policy EN5. Local Green Spaces

2.29.1. There has been no change to the NPPF or Practice Guidance on Local Green Spaces. However, *Lochailort v Mendip* (2020) found that the meaning of the NPPF was that policies for managing development in Local Green Spaces should be substantially the same as those for Green Belts. At present, the policy does not follow such an approach.

2.29.2. In terms of alterations to or designation of new areas, the evidence review found that updating this evidence was only “optional”. If communities consider additional Local Green Spaces are needed, these can also be designated through a Neighbourhood Plan.

2.29.3. The policy has not been tested at appeal, so can be considered to work effectively; however, an update is required to bring the development management element in line with Green Belt policies.

2.29.4. **Outcome: update needed**

### 2.30. Policy EN6. Settlement Character

- 2.30.1. The policy continues to be in line with national policy and guidance, which is supportive of development with a high quality of design and which protects heritage assets, including non-designated assets, and their settings.
- 2.30.2. The policy is now supported by the Council's Design Guide 2021 and accordingly there is no need for new evidence.
- 2.30.3. It is working well in relation to planning applications and an analysis of appeal decisions since the plan was adopted indicates that its guidance has been given weight by Inspectors.
- 2.30.4. **Outcome: update not needed**

### 2.31. Policy EN7. Open Space, Sport and Recreation

- 2.31.1. The importance of open space continues to be recognised in national planning policy and guidance. The council has published the Melton Mowbray Open Space Strategy and Action Plan which recommends improved open space standards for new development.
- 2.31.2. The Council plans to extend this study to cover the whole of the Borough. The Council is also updating the Playing Pitch and Indoor Sports Facilities Strategies as recommended by Sport England in order to address the outdated playing pitch requirements. Accordingly, the policy needs to be updated where necessary to reflect the new evidence.
- 2.31.3. The policy has not been quoted in any refusals or appeals since the local plan was adopted, and no issues aside from the need to update the evidence were raised in discussion with Development Management officers. However, based on the need for updated evidence, an update is considered appropriate.
- 2.31.4. **Outcome: update needed**

### 2.32. Policy EN8. Climate Change

- 2.32.1. This policy would benefit from a significant review and update to align with the amended Climate Change Act and the national carbon reduction framework, which have realigned national planning policy to reach net zero by 2050. This is especially apparent as there have been advances in our collective knowledge and in the adoption of new technologies since the adoption of the Local Plan.

- 2.32.2. The existing policy acts as a strategic objective, signposting to other local plan policies. It omits to mention any specific and measurable outcomes and is misaligned with local community expectations for the local plan to use local planning powers as effectively as possible to reduce carbon emissions and enable us to be resilient to the impacts of our changing climate.
- 2.32.3. There is a need for additional evidence to refocus and update this policy to ensure the local plan achieve and deliver this.
- 2.32.4. **Outcome: update needed**

### 2.33. Policy EN9. Ensuring Energy Efficiency and Low Carbon Development

- 2.33.1. This policy would benefit from a significant review and update to align with the amended Climate Change Act and the national carbon reduction framework. Some parts of the policy require update because they have largely been superseded by national changes to building regulations in relation to overheating, electric vehicle charge points and energy efficiency.
- 2.33.2. The impacts of forthcoming additional regulations, including the Future Homes and Future Buildings standards also need to be considered.
- 2.33.3. The classification of the entire Melton borough water scarce in 2021 is a justification to update this part of the policy. An update may allow parts of the policy which relate to transport and design standards to be more effectively positioned within alternative more relevant plan policies.
- 2.33.4. The current wording of the policy has limited impact in practice and elements of the policy may be more effective if considered and added to other policies within the plan.
- 2.33.5. There is a need for additional evidence to refocus and update this policy to ensure the local plan uses its powers effectively to align with local community aspirations.
- 2.33.6. **Outcome: update needed**

### 2.34. Policy EN10. Energy Generation from Renewable and Low Carbon Sources

- 2.34.1. The policy still largely accords with national planning policy, however the amended Climate Change Act and the national carbon reduction

framework increase the need for this policy to perform well and appropriately encourage renewable energy generation within the Melton borough.

2.34.2. The policy was written with a significant focus on onshore wind turbine energy generation, the dominant type of renewable energy scheme at the time of writing the local plan. Onshore wind turbines have been indirectly restricted due to changes in national policy since the adoption of the local plan, which means the policy has not been tested in this context. Advances in technology and falling costs mean that in practice the policy has largely been used for large solar PV schemes, and although it has been a generally useful framework for considering such applications, it is clear that some of the criteria may benefit from modifications to clarify different considerations required for different types of renewable energy schemes, to ensure it work wells in all contexts and increase community clarity in terms of where schemes are and are not acceptable. An update of the policy would also provide an opportunity to widen its scope to better promote community benefits from such development and support cooperative and local community energy initiatives, inline with emerging government policy in this area.

2.34.3. The evidence base that supports this policy is equally heavily focused on local wind energy, so it would also benefit from updating to ensure that it fully reflects all types of renewable energy generation. This includes local geothermal energy opportunities, which have been identified recently as potential energy sources that should be considered due to the local geology as well historic mining and other groundworks in the area, which was not considered within the original evidence base. The evidence base and policy is written with a focus on large scale energy generation and would benefit from widening to consider the role of smaller scale solar schemes delivered on roof spaces, which accounts for a large overall proportion of local low carbon energy generation and fits well with local community preferences to increase supply. The evidence base and scope of the policy may also benefit from being increased to consider how future energy demands are changing due to the electrification of local energy, for heating buildings and powering vehicles, and the need for responsive energy demand and storage infrastructure alongside local low carbon energy generation.

2.34.4. Overall although not critical this policy would benefit from an update and update to widen its scope and improve its performance.

**2.34.5. Outcome: update needed**

### 2.35. Policy EN11. Minimising the Risk of Flooding

2.35.1. The NPPF policies on flooding were updated in 2018 and 2022 and the Practice Guidance received a “significant refresh” in 2022. In this context, a new Strategic Flood Risk Assessment is a priority for new evidence.

2.35.2. The policy is long and includes fairly detailed technical guidance, which may be considered unnecessary in a local plan policy, and cause problems if and when national policy changes between local plan updates. It has not been used often to refuse an application and there are no relevant appeals to consider.

2.35.3. **Outcome: update needed**

### 2.36. Policy EN12. Sustainable Drainage Systems

2.36.1. While the policy is broadly in line with the NPPF and Practice Guidance, there are certain elements of the Guidance which the policy does not incorporate and which would enhance its effectiveness. These include:

- The need to ensure adoption and maintenance for the lifetime of the development;
- The need to justify the types of Sustainable Drainage Systems (SuDS); and
- Support to multifunctional SuDS design.

2.36.2. There is no specific need for additional evidence, but it is possible that the Strategic Flood Risk Assessment will provide additional locally-based guidance for the policy which could be beneficial.

2.36.3. **Outcome: update needed**

### 2.37. Policy EN13. Heritage Assets

2.37.1. The policy continues to provide guidance to developments affecting heritage assets in accordance with the NPPF and Practice Guidance. No significant changes to national policy and advice have occurred on this subject since the plan was adopted.

2.37.2. Whilst no mention is made in the plan of the “special regard” contained in legislation and national policy this has not hindered the relevance and weight that has been given to the policy.

2.37.3. Its use in considering planning applications since the adoption of the local plan has not thrown up any concerns in relation to its wording or application. Analysis of appeal decisions citing the policy indicates that the policy is quoted and given appropriate weight by Inspectors, backed up by national policy and legislation.

2.37.4. **Outcome: update not needed**

### **2.38. Policy IN1. Melton Mowbray Transport Strategy (MMTS)**

2.38.1. Policy IN1 details how the Council will work with Leicestershire County Council and others to deliver a transport strategy for Melton Mowbray. The Melton Mowbray Distributor Road (MMDR) North and East is a substantial element of the policy, in addition to the MMDR South that together form the first element of the policy. The MMTS is seeking to ensure that there are opportunities for encouraging a shift to more sustainable transport usage to take advantage of the benefits of changes to traffic movements caused by the MMDR.

2.38.2. The wider MMTS has been in progress for some time, and to a degree has been overtaken by the MMDR projects following successful grant funding applications. The MMTS could therefore be considered to primarily relate to part (b) of the policy.

2.38.3. In order to support the Full Business Case for the MMDR North & East, in July 2021 the County Council adopted an Interim MMTS. They state that this provides a framework for determining decisions on transport priorities, ensure the coordination of investment, support the Local Plan and build on joint work taking place.

2.38.4. Delivery of a wider MMTS is dependent upon funding. The County Council acknowledge that there is very little funding available in the most recently approved Highways and Transport Capital Programme to materially contribute towards MMTS delivery, which will rely on 3<sup>rd</sup> party funding (including developers, and other government / public funding through grants).

2.38.5. The policy will need to be updated to reflect the wider status regarding the MMDR (North, East and South), and the ongoing preparation of a wider MMTS. The policy could also be updated to reflect the strategy to continue to support the delivery of MMDR and better reflect the stronger emphasis within the National Planning Policy Framework in respect of sustainable modes of travel.

2.38.6. **Outcome: update needed**



## 2.39. Policy IN2. Transport, Accessibility and Parking

- 2.39.1. Since the adoption of this policy in 2018, significant changes have been made within national policy as the revised NPPF has placed a greater focus on attractive walking and cycling networks and EV charging. Additionally, the publication of the National Design Guide (2019) and Design Code (2021) provides information about the design of streets, highways, cycleways, etc.
- 2.39.2. It is considered that the current policy would benefit from an update to align with the changes in the national policy. In addition, a revised Leicestershire Highways Design Guide has been published, and reference to this document, and/or relevant updates, should be referenced within the policy.
- 2.39.3. Equally, development management officers consider that the policy could benefit from further detail for it to be applicable and relevant to site-specific circumstances. Greater requirements on developers to provide/implement/enhance transport and accessible infrastructure will be explored during the updated.
- 2.39.4. **Outcome: update needed**

## 2.40. Policy IN3. Infrastructure Contributions and Community Infrastructure Levy

- 2.40.1. The policy is considered to be performing well as the Council has consistently requested and collected substantial developer contributions to support the provision of infrastructure in the Borough in line with the infrastructure Priority List. For example, over the last 3 years we have received £594,094.91 in developer contributions based on Infrastructure Funding Statement (IFS) data.
- 2.40.2. There have been no significant changes to the Community Infrastructure Levy (CIL) regulations and the three tests set out in the NPPF.
- 2.40.3. It should be noted that central Government have proposed the removal of the CIL and the majority of section 106 agreements by proposing a new Infrastructure Levy.
- 2.40.4. Considering the proposed timetable to implement this new Infrastructure Levy, and the good performance of the policy, it is considered that the policy should not be updated at this stage. We will

keep this position under review via the annually published IFS and by monitoring the progress of the proposed Infrastructure Levy.

**2.40.5. Outcome: update not needed**

**2.41. Policy IN4. Broadband**

2.41.1. The policy is primarily covered by the NPPF and building control regulations; however, an update may be beneficial in order to address the recent updates with the NPPF in relation to electronic communication, 5G and full fibre.

2.41.2. It is difficult to measure how the policy is performing as only one appeal has referred to it. We are expecting to investigate in further detail the extent of which communication infrastructure is an issue in the Borough and to explore whether the policy could extend beyond building control regulations.

**2.41.3. Outcome: update needed**

**2.42. Policy D1. Raising the Standard of Design**

2.42.1. There has been significant change at a national policy level around design and design policy since the adoption of the local plan, this includes significant changes to the NPPF, a new national design guide and model design code. Raising the standard of design has become a much more prominent policy consideration within planning. These changes alongside new requirements around developing local design codes are sufficient in themselves to warrant an update of the policy, to ensure it is fit for purpose within the revised planning context.

2.42.2. Part J of the policy D1 makes reference to good practice design guidance documents, 'Active Design' and 'Building for (a Healthy) Life', however in practice these guidance document has had limited impact on applications and decision making, this is largely considered due to how the policy is worded, because specific design issues are set out differently within different documents. This is considered to be confusing for applicants and decision makers. In a local context, greater correlation with the Design SPD would be desirable from the update of the policy.

2.42.3. It needs to be noted that policy D1 is the most commonly cited policy within appeal, although it is a wide-ranging policy that covers a many different issues and is just one of several reasons given to refuse planning permission in around half of refusal decisions.

2.42.4. Many of the ways to ensure new development brings with it the best outcomes, including for health and wellbeing and tackle climate change effectively, relate to design. An update of D1, in line with comments made in relation to other plan policies within this document, is considered required to ensure that such opportunities are being taken appropriately and in a cohesive manor.

2.42.5. **Outcome: update needed**

### 2.43. Policy D2. Equestrian Development

2.43.1. The policy continues to conform with national policy and it is considered to provide an useful and appropriate framework for making decisions at a local level which is reported to be working well in relation to planning applications. No appeal decisions have been made in relation to this policy. Additional guidance may be useful to provide additional clarity, including what 'the sustainability credentials' used for decision making are, however this could be provided within additional supplementary or technical guidance to promote good practice equestrian development (including that which does not require planning permission), if deemed necessary, rather than there being a need to update the policy.

2.43.2. **Outcome: update not needed**

### 2.44. Policy D3. Agricultural Workers' Dwellings

2.44.1. The policy continues to conform with national policy, and it is considered to provide an useful and appropriate framework for making decisions at a local level which is reported to be working well in relation to planning applications and appeal decision making.

2.44.2. **Outcome: update not needed**

### 2.45. Site specific policies

2.45.1. Appendix 1 includes a number of site-specific policies which are directly linked to policy C1(A) in the adopted Melton Local Plan.

2.45.2. No significant issues have been identified. Moreover, feedback received from development management officers suggests that this policy helps decision-makers by identifying specific considerations for the allocations to be delivered.

2.45.3. **Outcome: update not needed**

## Appendix 1. Review outcomes (summary)

Policy	Outcome
Policy SS1. Presumption in favour of Sustainable Development	Update needed
Policy SS2. Development Strategy	Update not needed
Policy SS3. Sustainable Communities (unallocated sites)	Update needed
Policy SS4. South Melton Mowbray Sustainable Neighbourhoods	Update needed
Policy SS5. Melton Mowbray North Sustainable Neighbourhood	Update needed
Policy SS6. Alternative Development Strategies and Local Plan Review	Update needed
Policy C1 (A). Housing Allocations	Update not needed
Policy C1 (B). Reserve Sites	Update not needed
Policy C2. Housing Mix	Update needed
Policy C3. National Space Standard and Smaller Dwellings	Update needed
Policy C4. Affordable Housing Provision	Update needed
Policy C5. Affordable Housing through Rural Exception Sites	Update not needed
Policy C6. Gypsies and Travellers	Update not needed
Policy C7. Rural Services	Update needed
Policy C8. Self Build and Custom Build Housing	Update needed
Policy C9. Healthy Communities	Update needed
Policy EC1. Employment Growth in Melton Mowbray	Update needed
Policy EC2. Employment Growth in the Rural Area (Outside Melton Mowbray)	Update needed
Policy EC3. Existing Employment Sites	Update needed
Policy EC4. Other Employment and Mixed-use Proposals	Update needed
Policy EC5. Melton Mowbray Town Centre	Update needed
Policy EC6. Primary Shopping Frontages	Update needed
Policy EC7. Retail Development in the Borough	Update needed
Policy EC8. Sustainable Tourism	Update needed
Policy EN1. Landscape	Update not needed
Policy EN2. Biodiversity and Geodiversity	Update needed

Policy	Outcome
Policy EN3. The Melton Green Infrastructure Network	Update needed
Policy EN4. Areas of Separation	Update not needed
Policy EN5. Local Green Spaces	Update needed
Policy EN6. Settlement Character	Update not needed
Policy EN7. Open Space, Sport and Recreation	Update needed
Policy EN8. Climate Change	Update needed
Policy EN9. Ensuring Energy Efficiency and Low Carbon Development	Update needed
Policy EN10. Energy Generation from Renewable and Low Carbon Sources	Update needed
Policy EN11. Minimising the Risk of Flooding	Update needed
Policy EN12. Sustainable Drainage Systems	Update needed
Policy EN13. Heritage Assets	Update not needed
Policy IN1. Melton Mowbray Transport Strategy (MMTS)	Update needed
Policy IN2. Transport, Accessibility and Parking	Update needed
Policy IN3. Infrastructure Contributions and Community Infrastructure Levy	Update not needed
Policy IN4. Broadband	Update needed
Policy D1. Raising the Standard of Design	Update needed
Policy D2. Equestrian Development	Update not needed
Policy D3. Agricultural Workers' Dwellings	Update not needed
Site specific policies	Update not needed

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## **Melton Local Plan Review Working Group**

### **Terms of Reference – September 2023**

The Local Plan Review Working Group is a group of elected members who meet periodically with officers to look in detail at the direction of the Local Plan Review or at specific topic areas.

The Group has no decision-making powers, as decisions relating to the Development Plan (of which the Local Plan forms part) are a function of the Council.

The group will report to Council at the appropriate points through the Local Plan Review where decision making is required.

### **Objectives**

- To keep Members informed about progress on the Review and Update of the Melton Local Plan
- To actively involve Members in the Review and Update of the Melton Local Plan, drawing upon their local knowledge and abilities to inform from the perspective of the Planning Committee
- To champion the Local Plan Review and Update within respective groups

### **Membership**

- 9 Members including the Portfolio Holder for Governance, Environment and Regulatory Services who will chair the Working Group meetings.
- The Working Group will be politically balanced.
- Membership will be appointed to give a representative balance of political mix of the elected Members of the Council.
- The Members appointed to the Group will be agreed by their respective group leader.
- The group will be supported by the Assistant Director for Planning, the Local Plans Manager and the Local Plans Team.

### **Authority**

- The working group is advisory and has no decision making powers. Officers will make the views of the group known to the Cabinet and Council through the formal decision making processes.

## **Frequency of Meetings**

- The frequency of meetings will be informed by the key stages in the Local Plan Review and its subsequent Update.



Sarah Legge  
Melton Borough Council  
via email

Date: 19 September 2023  
My Ref: JW/MMDR  
Contact: Janna Walker  
Email: [janna.walker@leics.gov.uk](mailto:janna.walker@leics.gov.uk)  
Telephone: 0116 3050785

Dear Sarah

**Re: Melton Local Plan and MMDRS**

Following recent discussions regarding the funding challenges related to the Housing Infrastructure Fund (HIF) and Melton Mowbray Distributor Road South (MMDRS), I write to confirm that, as Local Highway Authority support for the Local Plan Strategy including Melton South Sustainable Neighbourhood (MSSN) is not dependent on HIF funding, it is an opportunity to accelerate delivery.

As LHA Leicestershire County Council (LCC) supported Melton Borough Council (MBC) on the development of the Melton Local Plan (the Plan) and the development of a transport evidence to aid the successful delivery of the objectives set out within the Plan. It understands and supports the transport strategy including the need for a Melton Mowbray Distributor Road in order to deliver the planned growth in Melton to 2036. It worked closely with Melton Borough Council on developing a robust evidence base that identified the transport issues in the town and the impact of those issues on Melton's ability to accommodate future growth. In recognition of this, LCC and MBC developed the Melton Mowbray Transport Strategy, which includes the MMDR both the Northern Eastern (NE) section and the Southern (S) section as key components.

It is important to note that at the time when the Plan was being considered at Examination in Public (EiP), no public funding of any kind had been secured towards delivery of an MMDR (NE, or S). The County Council's position as the Local Highway Authority (LHA) was, as set out in the report to its Cabinet of 11<sup>th</sup> September 2015, predicated on the recognition that a scheme of this scale would likely take the lifetime of the Plan to deliver (i.e. to 2036). It would accept a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of an MMDR, on the condition that such developments are contributing to the delivery of the MMDR and wider strategy.

The LHA gave evidence to that effect at the EiP, including expressing the view that it was reasonable to suppose that the scheme was deliverable within the Plan period. In coming to the view that the Plan was sound fundamentally, the Inspector concurred with the LHA's position.

Con't...

Environment and Transport Department  
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RJ  
Telephone: 0116 305 0001 Fax: 0116 305 0006 Minicom: 0116 305 0007  
Email: [etd@leics.gov.uk](mailto:etd@leics.gov.uk)

Ann Carruthers, Director

[www.leicestershire.gov.uk](http://www.leicestershire.gov.uk)

It is further important to note that at the time of the Plan's adoption, HIF, unlike the Large Local Majors Funding used to support delivery of the MMDR NE (only secured post EiP), had not been made available and was not a key consideration in Leicestershire County Council's ongoing support for the local plan. However, when the opportunity arose, LCC applied for the forward funding element of HIF as a potential delivery mechanism for the MMDRS. Leicestershire County Council resolved to accept the HIF award at a meeting of the Cabinet on the 22<sup>nd</sup> November 2019 and noted that the funding was sought on the basis that the primary focus of this scheme was to **facilitate/accelerate** the full potential of the planned development and additional development potential on the south side of Melton Mowbray, comprising the Melton South Sustainable Urban Neighbourhood, and this would bring forward the **early delivery of the southern section** of the MMDR.

LCC remains committed to maximising opportunities for appropriate external funding into Leicestershire and as such will take all possible steps to retain HIF investment in MMDRS, providing funding conditions are reasonable, within the financial constraints currently affecting the Council as a whole. However, HIF should be viewed as a vehicle to accelerate delivery for part of the MMTS, not as the strategy itself. If, for any reason, LCC and MBC are unable to take forward the HIF opportunity, LCC is committed to seeking alternative delivery mechanisms for the MSSN and MMDRS in line with the local plan policies SS4 and IN1 and the IMMTS. In accordance with the position set out in its September 2015 Cabinet Report and the position set out at the Plan's EiP, LCC still remains of the view that there is a reasonable prospect of delivery within the Plan's timeframe to 2036.

Kind regards

Janna



Janna Walker  
Assistant Director  
Development and Growth  
Highways & Transport  
Environment & Transport Department

Environment and Transport Department  
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RJ  
Telephone: 0116 305 0001 Fax: 0116 305 0006 Minicom: 0116 305 0007  
Email: [etd@leics.gov.uk](mailto:etd@leics.gov.uk)

Ann Carruthers, Director

[www.leicestershire.gov.uk](http://www.leicestershire.gov.uk)

### Local Development Scheme update (September 2023)

<b>Report Author:</b>	<b>Sarah Legge</b> , Assistant Director for Planning 01664 502380 SLegge@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Pranali Parikh</b> , Director for Growth and Regeneration 01664 504321 PParikh@melton.gov.uk
<b>Lead Member/Relevant Portfolio Holder</b>	<b>Councillor Margaret Glancy</b> - Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader)
<b>Corporate Priority:</b>	3. Delivering sustainable and inclusive growth in Melton 4. Protect our climate and enhance our rural, natural environment
<b>Relevant Ward Member(s):</b>	All Members – Borough wide
<b>Date of consultation with Ward Member(s):</b>	Melton Local Plan Working Group meetings: September 2022, February 2023 and July 2023.
<b>Exempt Information:</b>	No

#### 1 Summary

- 1.1 The updated Local Development Scheme (LDS) sets out the timetable for the Melton Local Plan Update covering the period from 2023 to 2028.
- 1.2 Following two formal public consultations (proposed to be in October-November 2023 and September-October 2024), the updated Melton Local Plan is expected to be submitted to the Planning Inspectorate for Examination in March-May 2025. Adoption is expected by December 2025.
- 1.3 The report also provides information about the scope of the update and the conclusions of the five-year review by indicating that most of the development management policies require revision, whilst the overall strategic policies relating to housing targets and allocations continue to be appropriate.

- 1.4 The report also addresses the likely need for a full update of the Local Plan (or commencement of a new style Local Plan) as soon as possible after the adoption of the Partial Local Plan Update.

## 2 Recommendation(s)

**That Council:**

- 2.1 **Approves the publication of the updated Local Development Scheme (LDS)**
- 2.2 **Delegates authority to the Director for Growth and Regeneration to make in-year updates to the Local Development Scheme, in consultation with the Portfolio Holder for Governance, Environment & Regulatory Services and the Melton Local Plan Working Group.**

## 3 Reason for Recommendations

- 3.1 Having an up-to-date Local Development Scheme is a statutory duty. This update, which also establishes the scope of the Melton Local Plan Update, addresses minor delays, and provides a more accurate timeline when compared to the December 2022 version.
- 3.2 Updating the Local Development Scheme provides reassurance to stakeholders in relation to the Council's progress towards the submission of the Local Plan Update prior to the end of June 2025. Equally, providing a high-level timetable in relation to a new Local Plan/new Local Plan Update (after the current Local Plan Update) proves the Council's commitment to update those policies that are not subject to the current Local Plan Update (as determined by the 5-year review paper in the previous Full Council item).
- 3.3 Delegated authority to update the Local Development Scheme is sought in order to accelerate the approval process and add flexibility to make changes to the timetable. Changes will be consulted with the Melton Local Plan Working Group, including the Portfolio Holder for Governance, Environment & Regulatory Services.

## 4 Background

- 4.1 Having an up-to-date Local Development Scheme is a statutory duty. This updated Local Development Scheme will supersede that approved in [December 2022](#).
- 4.2 The Local Development Scheme contains information and links to the following documents:
- Development Plan documents, including the Melton Local Plan 2018, the Leicestershire Mineral and Waste Local Plan to 2031 and Neighbourhood Plans.
  - Supplementary Planning Documents, Masterplans, Authority Monitoring Reports, Statement of Community Involvement, Infrastructure Funding Statement, Open Spaces Strategy and Action Plan, Five-year Housing Land Supply Report, Strategic Growth Plan, Statements of Common Ground, Policies Map and the evidence base.
- 4.3 The Local Development Scheme provides an overview of the conclusions in the 5-Year Review document and establishes the scope of the Partial Melton Local Plan Update:
- All the policies require an update, apart from policies SS2, C1(A), C1(B), C5, C6, EN1, EN4, EN6, EN13, IN3, D2, D3 and the site-specific policies in Appendix 1 of the Melton Local Plan.
  - Policies SS2, C1(A), C1(B), C5, C6, EN1, EN4, EN6, EN13, IN3, D2, D3 and the site-specific policies in Appendix 1 of the Melton Local Plan do not require an update at this stage.
  - The Vision and Objectives require an update.
  - During the Update, it will be explored whether new policies would be needed in order to produce a sound Local Plan.
- 4.4 In broad terms, the timetable provided in this document aligns with the one given in the 2022 Local Development Scheme. However, it addresses minor delays linked to the local elections and capacity challenges.
- 4.5 The updated timetable covering the Melton Local Plan Update is more accurate and provides details on a monthly basis (rather than quarterly as the December 2022 version does). It also identifies the dates when key consultations are expected to take place.
- 4.6 The updated timetable, which continuous to be extremely ambitious, has the following milestones:
- 'Issues and Options' consultation – in October-November 2023 (Regulation 18)
  - 'Preferred Options' consultation – in September-October 2024 (Regulation 19)
  - Submission to the Planning Inspectorate – in March-May 2025
  - Adoption – December 2025.
- 4.7 Based on the [Government's consultation](#) in relation to the planning reform at the end of 2022, 'old style' local plans need to be submitted by the end of June 2025. This means that there is little margin to delay the submission of the Melton Local Plan Update (currently estimated by March-May 2025) to the Planning Inspectorate (PINS).
- 4.8 Finally, the updated Local Development Scheme incorporates a broad, quarterly based, timetable for the next update of the Melton Local Plan. This is expected to commence as

soon as reasonably practicable after the adoption of the Partial Local Plan Update. This is anticipated to be a full update covering strategic policies and housing needs.

## **5 Main Considerations**

- 5.1 Based on the assumption that Council approves the recommendations from the previous item (Melton Local Plan Five-Year Review), the timetable proposed in this Local Development Scheme update, represents a realistic, yet challenging, roadmap for the adoption of the Melton Local Plan Update.
- 5.2 The timetable in the updated Local Development Scheme indicates that no more than 20 months (from the start of the Issues and Options consultation (regulation 18) to submission) are required to submit the Melton Local Plan Update. Based on the transitional arrangements referred in paragraph 4.7, this timetable cannot be delayed. The risks associated with potential delays are covered in section 16 of this report.
- 5.3 The December 2022 Local Development Scheme (the version that would be superseded by the one covered in this paper), was peer reviewed by the Planning Advisory Service. The update proposed in Appendix A incorporates minor modifications to the previous timetable.
- 5.4 The updated Local Development Scheme also incorporates a broad timetable for the early stages of a new Local Plan Update, which it is expected to commence as soon as reasonably practicable after the adoption of the current Local Plan Update. The inclusion of this additional timetable addresses two matters: (a) providing the reassurance in relation to those policies that are not going to be updated in the current Local Plan Update that they will be covered in the next update; and (b) addressing a suggestion made by the Planning Advisory Service to include a high-level programme post 2026.
- 5.5 As addressed in the previous paper presented to Council (Melton Local Plan Five-Year Review conclusions), the proposed timetable also reflects the Melton Local Plan Working Group's aspirations for the Council to focus on a limited and partial Local Plan Update at this stage, primarily covering Development Management policies.
- 5.6 Consideration has also been given to the parallel production of a Sustainability Appraisal. The policy team will work with consultants to meet the legal requirements and minimise potential impacts in the timetable as addressed in section 16 of the report.
- 5.7 The procurement of suitable consultants to produce relevant evidence studies is taking place. The production of the Sustainability Appraisal (and Strategic Environmental Assessment and Habitats Regulation Assessment), Local Housing Needs Assessment and Employment Land Study has been prioritised. The publication of the Playing Pitch Strategy and Indoor Sports Facilities Strategy is expected shortly. The production of these studies on time is essential to meet the proposed timetable.
- 5.8 Under the Duty to Cooperate, the Council engaged with prescribed bodies and neighbouring local authorities and county councils during the production of the Melton Local Plan Five-year Review paper. Engagement in early stages reduces the risks of critical objections later in the process.

## **6 Options Considered**

- 6.1 Option 1: opt for a less intense and more realistic timetable, able to accommodate risks such as those derived from national changes or pressure on existing resources. This option was dismissed due to the need to submit a Local Plan under the current planning system by the end of June 2025. Opting to move the Local Plan Update to the new system



is not advisable given (a) the advice from the Government to continue our work to produce Local Plans and (b) the uncertainties around the timely implementation of several measures associated with the planning reform.

- 6.2 Option 2: opt for a shorter timetable to submission. This option is unrealistic due to all of the risks covered in section 16.
- 6.3 Option 3: omit references to the post-adoption period. Providing commitment and certainty to the planning sector in relation to those policies that will not be updated is considered a reasonable option, therefore this option has been dismissed.
- 6.4 Option 4: Council does not approve the updated Local Development Scheme. This is not recommended as having an updated Local Development Scheme is a statutory duty.

## **7 Consultation**

- 7.1 Internal consultations have taken place with members. The scope of the Local Plan Update (and consequently, the timetable in the updated Local Development Scheme) has been defined in consultation with the Melton Local Plan Members Working Group.
- 7.2 External consultations have taken place with prescribed bodies, neighbouring local authorities and county councils under the Duty to Cooperate in relation to the outcomes of the Melton Local Plan Review. This has helped to define the scope of the Local Plan Update, and consequently the timetable in the updated Local Development Scheme.
- 7.3 The updated Local Development Scheme proposes two public consultations. One in October-November 2023 and one in September-October 2024. Approval for these consultations to go ahead will be sought at Council.
- 7.4 The next item on the Council's agenda covers the first public consultation, referred to as 'Regulation 18' consultation or 'Issues and Options' consultation. Further information about this consultation is included in that specific item.

## **8 Next Steps – Implementation and Communication**

- 8.1 Should members approve this paper, the Issues and Options consultation set out in the next paper outlines the implications of the first public consultation in relation to the Local Plan Update.

## **9 Financial Implications**

- 9.1 The Local Plan budget has a reserve which is used to smooth the financial impact of the local plan over the medium term. It is expected at the present time (based on soft market testing for the required evidence) that there may be insufficient funding in the reserve to fund all the work required and that between £80-£100k may be needed to cover the work over a 3 year period which will leave a funding shortfall which as a revenue cost the council would not be able to borrow for.
- 9.2 Officers will continue to work with finance and procurement colleagues to ensure best value for money in the procurement of the evidence base and will advise Members accordingly to ensure that the scope of the Local Plan Review & Update remains carefully managed to minimise financial risks.

- 9.3 Officers will continue to investigate income streams (such as grant funding) to assist with the preparation of the evidence base but ultimately if there is funding shortfall this will need to be found from savings elsewhere or use of reserves.

**Financial Implications reviewed by: David Scott, Assistant Director for Resources**

## **10 Legal and Governance Implications**

- 10.1 The preparation of a Local Development Scheme and the Local Plan are statutory requirements of the Planning and Compulsory Planning Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012. The Local Development Scheme demonstrates how the council is progressing with the Local Plan Review. There is a duty to demonstrate that the Local Development Scheme is updated, therefore failure to produce and update this scheme would result in a failure to meet the Council's legal obligations.
- 10.2 The process to approve the previous Local Development Scheme followed a Cabinet route. However, in this occasion, given the connection between this item and the previous and following items, it seems appropriate for it to be a Council decision.
- 10.3 Government has been clear that local planning authorities should not delay the Local Plan process whilst waiting to see what changes may be proposed to the wider planning system. The last date for the submission of the Local Plan under the current regulations has been advised as 30<sup>th</sup> of June 2025.

**Legal Implications reviewed by: Assistant Director for Governance & Democracy (Monitoring Officer)**

## **11 Equality and Safeguarding Implications**

- 11.1 The publication of the Local Development Scheme does not have Equality and Safeguarding implications. Any impact on these issues which might arise during the update of the Local Plan will be covered separately through specific assessment processes including the Sustainability Appraisal that will be carried out as part of the plan preparation process.
- 11.2 It should be noted that in addition to the Sustainability Appraisal, the Local Development Scheme recognises the need for an Equalities Impact Assessment to analyse the impacts of the proposed policies on equality and inclusion.

## **12 Data Protection Implications (Mandatory)**

- 12.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons as part of the publication of the Local Development Scheme.

## **13 Community Safety Implications**

- 13.1 The publication of the Local Development Scheme will not have Community Safety implications. It is expected for the Sustainability Appraisal to analyse social impacts of reviewed policies.

## **14 Environmental and Climate Change Implications**

- 14.1 Similar to the sections above, the publication of the Local Development Scheme will not have Environmental and Climate Change Implications. The Sustainability Appraisal, which



includes a Strategic Environmental Assessment, and the Habitat Regulation Assessment are expected to cover these implications for updated policies.

14.2 It should be noted that the updated policies will aim to prioritise Climate Change objectives in response to existing projects related to Climate Change.

## 15 Other Implications (where significant)

15.1 The Local Development Scheme does not have any further implications. However, the documents listed in this document and progress with the Local Plan Update will have procurement implications for the evidence base to support the Update.

15.2 Additionally, the Local Plan Update timetable assumes full staffing levels and an equitable distribution of workload to provide an expected level of focus on the Local Plan. As acknowledged by the Planning Advisory Service, there are many demands being made on the team beyond Local Plan duties which could adversely affect the timings of the Update.

## 16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Extending the timetable in the Local Development Scheme beyond the June 2025 deadline	Low	Critical	Moderate
2	Delays in the production of a Sustainability Appraisal alongside the Issues and Options Consultation.	High	Marginal	Moderate
3	Delays appointing consultants	High	Critical	High
4	Increase the scope of the Update	Very High	Critical	High
5	Inability to deliver key infrastructure projects	High	Critical	High
6	Impact on Council's finances – inability to appoint appropriate expertise.	High	Critical	High
7	Staff capacity for the work associated with the Update of the Local Plan.	High	Critical	High
8	Legal challenges	Low	Critical	Moderate
9	Impact of national/local elections in decision-making	Very High	Marginal	Moderate
10	Changes in the planning reform	Low	Critical	Moderate

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High		9	4	
	5 High		2	3, 5, 6, 7	

4 Significant				
3 Low			1,8, 10	
2 Very Low				
1 Almost impossible				

Risk No	Mitigation
1	The Local Development Scheme is clear about the deadline to submit the Local Plan Update. Slippage from this timetable would automatically mean for the Council to be unable to meet the June 2025 target. If this is the case work would have to be adapted to the 'new' planning system and the scope of the Update will need to be reviewed.
2	Conversations with experts have already taken place. Priority has been given to procurement processes for this specific study. Minor delays on the first consultation due to this reason are acceptable as the Policy team can focus on post-regulation 18 consultation tasks.
3	The procurement, legal and finance teams are aware of this being a priority. Briefs for key evidence studies is or has been produced. A soft market testing exercise took place earlier in the year in order to identify potential risks and have a better idea of the financial implications.
4	The assessment of the policies that require of an update has been robustly undertaken by the planning policy team, in consultation with members, development management, the Planning Advisory Service (in some stages), prescribed bodies, neighbouring local authorities and county councils. No major concerns have been raised at this stage; however we acknowledge that implications from the next point could intrinsically mean that the scope of the Update is widened.
5	The non-delivery of key infrastructure has a critical implication in the delivery of the overall strategy, which it is currently considered appropriate and not in need of an update. Conversations with key stakeholders are taking place in order to avoid this impact.
6	A soft market testing exercise took place earlier this year. Key evidence studies have been prioritised and other relevant studies will be given priority based on the available budget. Frequent conversations with finance are ongoing in order to mitigate this risk.
7	The Local Plan Update has been identified as a priority. Staff capacity is being monitored and access to additional resources/funding is being sought.
8	Legal support will be sought at every stage of the review process to manage this risk. Any changes to the scope of works will need to consider any legal implications.
9	To ensure more input from Members, the Working Group is proposed to be expanded to 9 members to mitigate for the risk of any changes post-election. The calling of a general election (unknown timings, but needs to be before December 2024) may impact the work plan going forward depending upon when the election is called.

**10**

The LURB is expected to receive Royal Assent in autumn 2023. The date has been set for the last submission of plans under the existing regulations of 30 June 2025. The Government has stated that work on Local Plans should be continued. We will continue to monitor for any legislative changes and advise members at the appropriate time of their impact.

## **17 Background Papers**

17.1 None

## **18 Appendices**

18.1 Appendix A – Local Development Scheme, September 2023

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**Melton Borough Council**  
**Local Development Scheme**  
September 2023

## 1. Background

- 1.1. Local Planning Authorities are required to produce a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 1.2. The LDS must specify the documents which, when prepared, will comprise the Development Plan Documents for the area. This essentially means the Local Plan. This LDS also includes other planning documents for information, including Supplementary Planning Documents (SPDs) and the Statement of Community Involvement (SCI).
- 1.3. This LDS covers the period from 2023 to 2028 and supersedes the previous LDS published in December 2022. The LDS reflects the Council's progress made since the adoption of the Melton Local Plan in October 2018 and sets out the timeline for its update following the statutory five-year review undertaken in 2023.
- 1.4. The Council's most up to date LDS can be found on the website: <https://www.meltonplan.co.uk/lds>.

## 2. Current position

### 2.1. Current Development Plan

<a href="#">Melton Local Plan (2011-2036)</a>	Adopted in October 2018
<a href="#">Leicestershire Mineral and Waste Local Plan to 2031</a>	Adopted in September 2019
<b>Neighbourhood Plans</b>	
<a href="#">Ab Kettleby</a>	Adopted in November 2019
<a href="#">Bottesford</a>	Adopted in October 2021
<a href="#">Burton and Dalby</a>	Adopted in January 2023
<a href="#">Clawson, Hose and Harby</a>	Adopted in June 2018
<a href="#">Frisby</a>	Adopted in August 2018
<a href="#">Gaddesby</a>	Adopted in June 2021
<a href="#">Hoby with Rotherby</a>	Adopted in June 2021
<a href="#">Broughton and Dalby</a>	Adopted in June 2018
<a href="#">Scalford</a>	Adopted in June 2021
<a href="#">Somerby</a>	Adopted in June 2021
<a href="#">Stathern</a>	Adopted in June 2022
<a href="#">Waltham on the Wolds</a>	Adopted in June 2018
<a href="#">Wymondham</a>	Adopted in June 2018

### 2.2. Other Documents

<a href="#">Housing Mix and Affordable Housing SPD</a>	Adopted in July 2019
<a href="#">Design of Development SPD</a>	Adopted in February 2022

<a href="#">Developer Contributions SPD</a>	Adopted in September 2021
<a href="#">Statement of Community Involvement</a>	Adopted in March 2023
<a href="#">Open Spaces Strategy and Action Plan</a>	Adopted in November 2020
<a href="#">South Sustainable Neighbourhood Masterplan</a>	Adopted in December 2021
<a href="#">North Sustainable Neighbourhood Masterplan</a>	Adopted in October 2021
<a href="#">Authority Monitoring Report 2022</a>	Published in December 2022
<a href="#">Five-year housing land supply &amp; trajectory 2023</a>	Published in July 2023
<a href="#">Infrastructure Funding Statement 2022</a>	Published in December 2022
<a href="#">Strategic Growth Plan</a> (non-statutory plan)	Approved in December 2018
<a href="#">Policies Map</a>	Adopted in October 2018
<a href="#">Evidence Base</a>	N/A (various documents)
<a href="#">Statement of Common Ground Warehousing &amp; Logistics Needs</a>	Signed in November 2021
<a href="#">Statement of Common Ground Housing and Employment Land Needs</a>	Signed in July 2022

### 3. Melton Local Plan review

3.1. There is a requirement to maintain an up-to-date Local Plan and a statutory requirement to review the contents of a local plan within five years of its adoption to decide whether any or all of its policies require updating. In April 2022, the Council took the decision to begin the review of the adopted Local Plan.

3.2. Since then, a Member Working Group has been formed and the first meeting was held on the 5<sup>th</sup> of September 2022, with additional meetings in February and July 2023. Whilst the group does not make decisions, it guides the direction of the review on an informal basis.

3.3. The conclusions for the five-year review of the Local Plan are expected to be approved by Council on the 28<sup>th</sup> of September 2023. The review considers each of the adopted Local Plan's policies and assesses whether they are still effective and suitable and therefore whether they required an update. The review concludes that most of the development management style policies require revision. Conversely, the plan's overall strategic policies relating to housing targets and allocations (specifically SS2, C1(A), C1(B) and Appendix 1) continue to be appropriate and do not need an update. The subject matter of the local plan update will therefore be partial, and consist of:

- Updates to Local Plan's policies with the exception of SS2, C1(A), C1(B), C5, C6, EN1, EN4, EN6, EN13, IN3, D2, D3, Appendix 1;
- Any necessary changes to the Plan's reasoned justification;
- An update of the Plan's vision and objectives; and
- The potential incorporation of new development management policies considered necessary for the soundness and effectiveness of the local plan.

3.4. The updated Local Plan will continue to provide the strategic framework for the borough of Melton, and where appropriate, will also set out non-strategic policies in accordance with the NPPF. These non-strategic policies can also be set out in neighbourhood plans.

3.5. The review will cover the whole of Melton Borough and it is not a joint production, although it has regard to the Duty to Cooperate and the production of appropriate Statements of Common Ground (SoCG) to cover cross-boundary issues.

3.6. The indicative timetable is specified in Section 7 of this LDS.

3.7. Once this partial update is concluded, it will be necessary to carry out a further review of the Local Plan, and it is expected that this will conclude that a full update of the Plan will then be needed, including extending the Local Plan horizon, revising the housing targets, and considering additional and/or replacement development allocations. An indicative update of the first few stages of the potential full update is also included in Section 7.

## 4. Supplementary Planning Documents (SPDs)

4.1. An update of the Housing Mix and Affordable Housing SPD is likely to be undertaken after the adoption of the Partial Review in order to provide further clarity to the policy.

## 5. Neighbourhood Plans (NPs)

5.1. The Asfordby Neighbourhood Plan has been considered by an Examiner whose report was received in June 2023. A referendum is expected to be held on the 28<sup>th</sup> of September.

5.2. Most of the currently 'made' NPs include monitoring mechanisms linked to the review of the Local Plan. It is expected that a high number of 'made' NPs will be reviewed shortly after the Local Plan is updated or whenever key neighbourhood planning policies are considered outdated as result of the publication of new evidence.

## 6. Other Documents

6.1. **Policies Map:** The Local Plan Policies Map and the associated interactive version will be revised and updated as appropriate during the review of the Local Plan.

6.2. **Sustainability Appraisal (SA):** As specified by Section 19 of the Planning and Compulsory Purchase Act 2004, a new SA will be carried out during the plan preparation. This work is expected to start during the initial stages of the review. The SA will incorporate the Strategic Environmental Assessment (SEA).



- 6.3. Habitat Regulation Assessment (HRA):** If the review of the Local Plan is likely to have significant effects on European habitats or species, then a HRA will be prepared. At this stage, no significant effects on European habitats or species are identified as part of the Local Plan review, but this will be kept under review in every stage of the local plan review. Production of Appropriate Assessments will be carried out where potential significant effects are identified in HRA screening reports.
- 6.4. Equalities Impact Assessment (EqIA):** Under the Equality Act 2010 it is required to assess the impacts of planning policy on equality and inclusion. An analysis of social impacts of policies is undertaken by the SA, but it will be strengthened by an updated EqIA to consider likely effects of updated policies on people with protected characteristics.
- 6.5. Authority Monitoring Reports (AMR):** Annual AMRs will be produced during this period. They will provide information on the implementation of this (and subsequent) LDS. Reports can be found at: <https://www.meltonplan.co.uk/amr>.
- 6.6. Infrastructure Funding Statement (IFS):** Annual IFSs will be produced during this period. They will provide updated information about the contributions sought and received from developers for the provision of infrastructure to support development in Melton, and the subsequent use of these by Melton Borough Council. The latest version can be found at: <https://www.meltonplan.co.uk/ifs>.
- 6.7. Five-year Housing Land Supply and Trajectory (5YHLS):** Annual 5YHLS reports will be produced during this period. They will provide updated information about the supply of deliverable sites against the housing requirement. The latest version can be found at: <https://www.meltonplan.co.uk/5yhls>.
- 6.8. Evidence Base:** The existing evidence base will be updated as appropriate during the review of the Local Plan. Additional evidence will be prepared when required. All the relevant documents will be uploaded in the <https://www.meltonplan.co.uk/evidencebase/pr> webpage.
- 6.9. Duty to Cooperate:** Statements of Common Ground (SOCGs) and other relevant documents will be prepared to ensure effective collaboration with local authorities within the Housing Market Area, neighbouring authorities and other public bodies.

## 7. Local Plan Update timetable

- 7.1. A timetable for the Partial Local Plan Update was approved at the Full Council that authorized the Local Plan review. However, it was noted that there are dependencies, such as for example the scope of the review, that will determine the complexity and length of the process. The timetable was amended slightly for inclusion in the December 2022 Local Development Scheme. The timetable set



### Local Plan Update - Issues and Options Consultation

<b>Report Author:</b>	<b>Sarah Legge</b> , Assistant Director for Planning 01664 502380 SLegge@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Pranali Parikh</b> , Director for Growth and Regeneration 01664 504321 PParikh@melton.gov.uk
<b>Lead Member/Relevant Portfolio Holder</b>	<b>Councillor Margaret Glancy</b> - Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader)

<b>Corporate Priority:</b>	3: Delivering sustainable and inclusive growth in Melton 4: Protect our climate and enhance our rural, natural environment
<b>Relevant Ward Member(s):</b>	All Members – Borough Wide
<b>Date of consultation with Ward Member(s):</b>	Melton Local Plan Working Group Meetings: September 2022, February 2023 and July 2023
<b>Exempt Information:</b>	N/A

#### 1 Summary

- 1.1 Following the approval to publish the Melton Local Plan Review Five-Year conclusions and the approval to publish an updated Local Development Scheme, this paper seeks to start the first Local Plan Update consultation known as the ‘Issues and Options Consultation’ or ‘Regulation 18 Consultation’.
- 1.2 The Issues and Options Consultation is the first opportunity for the public to make formal representations in relation to the Melton Local Plan Update preparation. The consultation document will be designed to gain general direction from the public and stakeholders. The Council will take account of comments when moving forward and drafting the Updated Plan.
- 1.3 The Issues and Options document summarises those ‘Issues’ identified in the Five-year Review document (for those policies that require an update), proposes some ‘Options’ to be considered, and asks for any views for updating or introducing policy. The document is primarily focused on the update of adopted policies, but also covers other amendments such as a potential update of the Vision and Objectives.

- 1.4 Local authorities also need to carry out a Sustainability Appraisal to inform the preparation of local plans and demonstrate that potential environmental, economic, and social impacts have been considered. A consultation needs to be undertaken for this document too.

## 2 Recommendations

### That Council:

- 2.1 **Approves launching the Issues and Options consultation (Regulation 18 consultation) in relation to the Local Plan Update once the consultation document is finalised and delegates authority to the Portfolio Holder for Governance, Environment and Regulatory Services to finalise the consultation document in consultation with the Local Plan Members' Working Group.**
- 2.2 **Approves launching a consultation for the Sustainability Appraisal alongside the Regulation 18 consultation.**

## 3 Reason for Recommendations

- 3.1 Formal decisions relating to the Development Plan for the area (of which the Melton Local Plan forms part) are made through Council.
- 3.2 Following the approval of the conclusions of the Melton Local Plan Five-Year Review and the approval to publish an updated Local Development Scheme, this paper seeks to meet the requirements of the regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 to allow the Council to start the first public consultation in relation to the Local Plan Update.
- 3.3 Local authorities also need to carry out a Sustainability Appraisal to inform the preparation of local plans and demonstrate that potential environmental, economic, and social impacts have been considered. The Council must consult on the Sustainability Appraisal in accordance with The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).
- 3.4 A draft Issues and Options document has been produced. Changes prior to its publication are expected to be undertaken based on progress in relation to the Council's Corporate Strategy and other recent updates including evidence production and publication. Substantial changes will be approved in consultation with the Melton Local Plan Members' Working Group.

## 4 Background

- 4.1 The Five-year Review Conclusions (item considered by Council in this same meeting) for the [adopted Melton Local Plan](#) addresses the need for some adopted policies to be updated. The updated Local Development Scheme (previous item in this meeting) establishes the scope of the Local Plan Update and provides a timetable to adoption. Now, this paper, seeks Council's approval to start the Issues and Options Consultation (along with a consultation for the Sustainability Appraisal).

- 4.2 This first consultation provides a considerable degree of flexibility as to how a policies update is produced. As a minimum, relevant organisations of the subject of the policies update must be notified and invited to make representations.
- 4.3 This consultation will be followed by a 'Regulation 19' consultation in late 2024, where the policies update will be published and a new opportunity to submit representations will be given.
- 4.4 The Issues and Options consultation document contains the following general structure:
- a) The specific policy that needs updating as adopted and written in the 2018 Melton Local Plan.
  - b) A summary of the 'Issues' as identified in the Five-year Review document for that specific policy.
  - c) A minimum of two 'Options' to be considered for that policy. In some cases, we highlight a recommended option.
  - d) Several questions associated with these 'Options' or with the intention to gain further insights on a specific matter.
- 4.5 The options considered for each of the policies are high-level options and, in general terms, do not contain specific policy wording. These 'Options' contain the potential deletion of a policy as a standard alternative for each of the updated policies. Other options vary from minor amendments to the text, to the inclusion of local criteria or the inclusion of new policies as result of splitting the existing policy.
- 4.6 In addition to the work on the adopted policies, the Issues and Options consultation document also explores changes made to the Vision and Objectives in the adopted Local Plan. Although drafted, this work is in progress and is expected to align (as reasonably possible) with an updated Corporate Strategy.
- 4.7 The Issues and Options consultation is expected to run from mid/late-October for a minimum of 6 weeks. Representations received during this period will be analysed and taken into consideration when producing the draft Local Plan Update.
- 4.8 Once representations are considered and further evidence is produced, the Council will start a new formal consultation process (Regulation 19 Consultation) before submitting the proposed plan to the Secretary of State for Levelling Up, Housing and Communities who will appoint an independent Planning Inspector to examine the plan and decide if it is sound and can be adopted by the Council.
- 4.9 Changes to the adopted policies, including the production of new policies, must be supported by robust and proportional evidence. This evidence will be published on our [website](#) as soon as it is finalised and agreed to be published by the Melton Local Plan Members' Working Group. In addition to existing evidence, the following updates are expected:
- a) Publication of a Playing Pitch Strategy (to be published soon)
  - b) Publication of an Indoor Sports Facilities Strategy (to be published soon)
  - c) Production of a Strategic Economic Land Availability Assessment (work in progress)
  - d) Production of an Employment Land Study (work in progress)
  - e) Production of a Local Housing Needs Assessment (work in progress)

f) Publication and production of a Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulation Assessment (work in progress)

4.10 A Sustainability Appraisal Scoping Report has to be the subject of consultation with prescribed statutory bodies (giving at least 5 weeks for a response). We are proposing to take the opportunity to consult on the Sustainability Appraisal Scoping Report (incorporating the Sustainability Appraisal Scoping) in order to enable a wider group of statutory consultees and stakeholders (including neighbouring authorities) to comment on the proposed scope and approach to be taken to plan production, as well as the proposed Sustainability Appraisal objectives. Representations made in relation to the Sustainability Appraisal will be responded to by consultants.

## 5 Main Considerations

- 5.1 The timetable to submit and adopt the Local Plan Update (as approved in the last Council's item) is ambitious and tight, with little room for delays. In this context, the Policy team has worked towards a first draft of the Issues and Options consultation document. Changes are expected to happen to this document prior to publication based on progress made with the emerging Corporate Strategy, progress made with the production of evidence studies and the publication of new information.
- 5.2 To avoid unnecessary delays (next Full Council is in December) the final consultation document is expected to be published by mid/late-October, although this will depend on the extent of the changes made to the document and the progress made with the publication of the Sustainability Appraisal. Minor changes (e.g., additional options, formatting, additional detail to the introduction chapter) will be made by the Planning Policy team in consultation with the Portfolio Holder, whilst substantial changes (e.g., different scope for a policy update) will be approved by the Portfolio Holder and published following consultation with the Melton Local Plan Members' Working Group.
- 5.3 It should be noted that this Issues and Options consultation is the first opportunity to receive feedback in relation to the Local Plan Update. A new opportunity to comment, focused on the specific policy wording and policy creation (the draft Local Plan Update), will be given in late 2024.
- 5.4 The Issues and Options consultation will be undertaken in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 and the recently published [Statement of Community Involvement 2023 update](#). More details about the consultation are given in section 7 below.
- 5.5 The draft consultation document has not been shared yet, but the conclusions of the Melton Local Plan Five-Year Review document (setting out those policies that require an update) was shared under the Duty to Cooperate and minor modifications were undertaken as result of this exercise. No major concerns were raised by statutory consultees or neighbouring local authorities and county councils in relation to cross-boundary matters.
- 5.6 We understand that this situation could change, and special attention needs to be given to the provision of key infrastructure. If substantial changes to the overall strategy need to be undertaken (for example, to deliver key infrastructure), the scope of the Local Plan Update would have to change. This conclusion automatically means that the Local Plan Update timetable, as identified in the Local Development Scheme, will be out of date. In the context of a tight timetable, as addressed in paragraph 5.1., this scenario is likely to



involve the production of a detailed Local Plan Update (or a new Local Plan) including an update of the Spatial Strategy and Housing Allocations. If this is the case, it would be unrealistic to produce an update of the Local Plan prior to the transitional arrangements' deadline at the end of June 2025.

5.7 Missing this deadline and moving to the new local plans' system, may involve a need to pause any local plan production work in order to:

- a) Assess/reassess realistic alternatives.
- b) Stop potentially abortive work in relation to the production of new evidence.
- c) Stop unnecessary consultation events.
- d) Revisit existing contracts for evidence production.
- e) Assess and mitigate potential impacts from new Government's updates such as a revised National Planning Policy Framework or the publication of National Development Management Policies.
- f) Wait for the 'new local plan system' to be in place.
- g) Refocus development opportunities for members and staff.

5.8 However, considering the Government advice is to continue with the production of local plans under the 'old system', the Council aims to continue with the work programme as specified in the updated Local Development Scheme.

5.9 Finally, the Council is expected to have a specific consultation software to run this consultation meaning that online representations will be encouraged. Alternative formats will be provided and a minimum of two online consultation events will be undertaken during the consultation period using Microsoft Teams.

## **6 Options Considered**

6.1 Option 1: The Issues and Options consultation could be more detailed and focussed on specific wording modifications of the adopted policies or the creation of draft policies. The production of evidence, the uncertainties around different stages of Government's publications and the main objectives of this update (e.g., focussed on Climate Change) does not allow for the document to have this level of detail at this stage. Priority has been given to pursue a consistent approach across the document.

6.2 Option 2: The Issues and Options consultation could have contained information in relation to those policies that are not going to be updated. This option was dismissed based on the production of a specific document (the Five-Year Review document) to address the need for an update for adopted policies. Our approach considers the 'Five-Year Review document' as the last document linked to the Review of the adopted Local Plan and the 'Issues and Options consultation' document as the first document linked to the production of the Local Plan Update.

6.3 Option 3: The Issues and Options consultation document could had been finalised. The possibility to have the document ready for Full Council was not possible as the Policy Team has been working towards the publication of other documents and the procurement and production of key evidence studies. Delaying the approval linked to this decision to December's Council implies an unacceptable delay in the timetable.

## 7 Consultation

- 7.1 Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 indicates that the Council must notify relevant bodies or persons (in relation to the local plan) and invite them to make representations. These notifications will be sent to specific consultation bodies, general consultation bodies and residents/persons carrying on relevant businesses in the area. The notifications will also be sent in relation to the Sustainability Appraisal consultation that will run in parallel to the Issues and Options consultation.
- 7.2 The recently published Statement of Community Involvement 2023 provides additional clarity to the regulations and specific details in relation to the consultation arrangements for the Issues and Options consultation. For the avoidance of doubt, the first consultation as set out in this paper will be the formal Regulation 18 consultation, not a pre-Regulation 18 consultation.
- 7.3 The Statement of Community Involvement 2023 indicates the following (in relation to the consultation):
- a) The consultation will take place over a minimum of a 6-week period.
  - b) Notifications will be sent to those bodies or persons as covered in Appendix 2 of the Statement of Community Involvement. These include statutory consultees, relevant bodies, parish councils and adjacent local authorities.
  - c) The Council will prepare a consultation summary and statement.
  - d) The Council will consider comments and make amendments to the Plan.
  - e) Documents will be available for inspection at the Council offices.
  - f) The Council will use local press and news release to give publicity.
  - g) Drop-in online public consultation events and stakeholder events will be undertaken during the consultation period.
- 7.4 Finally, as per Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012, the Council must consider any representations made within the consultation period. As identified above, a consultation summary and statement will be published after the Issues and Options consultation.

## 8 Next Steps – Implementation and Communication

- 8.1 Should members approve this paper, the next step is the finalisation of the Issues and Options consultation document. This is expected to take 1-3 weeks depending on the need for consultation and approval from the Local Plan Members' Working Group.
- 8.2 Once the document is finalised, a minimum of a 6-week consultation period will be agreed with internal teams. A minimum of two online consultation events will be offered; these are expected to be in weeks 3 and 5 of the consultation period. In addition to the information in the [Melton Local Plan's website](#), publicity needs to be given using local press and news release.
- 8.3 The content on the document will be transferred to the online consultation software. Representation forms need to be produced. Paper copies of the consultation document, the Sustainability Appraisal and representation forms will be available at the Council offices, although online responses are encouraged.



## 9 Financial Implications

- 9.1 The financial implications associated with this decision are those related to the procurement of a consultation software as specified in [decision CEX354](#) and the publicity given to the consultation.
- 9.2 The Local Plan budget has a reserve which is used to smooth the financial impact of the local plan over the medium term. It is expected at the present time (based on soft market testing for the required evidence) that there may be insufficient funding in the reserve to fund all the work required and that between £80-£100k may be needed to cover the work over a 3 year period which will leave a funding shortfall which as a revenue cost the council would not be able to borrow for.
- 9.3 Officers will continue to work with finance and procurement colleagues to ensure best value for money in the procurement of the evidence base and will advise Members accordingly to ensure that the scope of the Local Plan Review & Update remains carefully managed to minimise financial risks.
- 9.4 Officers will continue to investigate income streams (such as grant funding) to assist with the preparation of the evidence base but ultimately if there is funding shortfall this will need to be found from savings elsewhere or use of reserves.

**Financial Implications reviewed by: David Scott, Assistant Director for Resources**

## 10 Legal and Governance Implications

- 10.1 Formal decisions on the Development Plan (of which the Local Plan forms part) are made through Council.
- 10.2 Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 establishes that for the preparation of a local plan:
- (1) A local planning authority must—
    - (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and
    - (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.
  - (2) The bodies or persons referred to in paragraph (1) are—
    - (a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
    - (b) such of the general consultation bodies as the local planning authority consider appropriate; and
    - (c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.
  - (3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

- 10.3 The Statement of Community Involvement (Figure 1, stage 2), indicates that the Council will have to undertake the following processes:
- a) Publication of Draft of revised/amended Plan
  - b) Consult over minimum of six week period and notify bodies or persons as covered in Appendix 2 in this document
  - c) Prepare consultation summary and statement
  - d) The Council considers the comments made and may make amendments to the plan
  - e) Preparation of a Sustainability Appraisal (SA) report, a Habitats Regulation Assessment report (as necessary) and a report of the findings.
  - f) General compliance with legislative provisions (e.g., Planning and Compulsory Purchase Act and Local Plan regulations)

And the following engagement:

- g) Documents made available for inspection primarily at Council offices and on [www.meltonplan.co.uk](http://www.meltonplan.co.uk)
  - h) Public Notices in local press and news release
  - i) Notifications will be sent to relevant groups and organisations. This includes statutory consultees and relevant bodies identified in Appendix 2 in this document
  - j) Parish and Town Councils will be notified
  - k) Adjacent Authorities to MBC will be notified
  - l) Drop-in online public consultation events & stakeholder events
- 10.4 The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) provides the legal framework in relation to the consultation of the Sustainability Appraisal.

**Legal Implications reviewed by: Assistant Director for Governance & Democracy (Monitoring Officer)**

## **11 Equality and Safeguarding Implications**

- 11.1 Equality Impact Assessments will be undertaken as policy is formed, taking into consideration the evidence and responses from consultees. Also, closer to submission, an Equality Impact Assessment will be produced for the whole of the local plan update.
- 11.2 Any impact on these issues which might arise during the update of the Local Plan will be covered separately through specific assessment processes including the Sustainability Appraisal that will be carried out as part of the plan preparation process.

## **12 Data Protection Implications (Mandatory)**

A Data Protection Impact Assessments (DPIA) has not been completed for the following reasons: because there are no risks/issues to the rights and freedoms of natural persons.

## 13 Community Safety Implications

- 13.1 The publication of the Issues and Options consultation document will not have Community Safety implications. It is expected for the Sustainability Appraisal to analyse social impacts of reviewed policies.

## 14 Environmental and Climate Change Implications

- 14.1 The Issues and Options consultation itself has limited environmental and climate change implications. Consultation events are expected to be online events in order to reduce carbon emissions and paper copies will be minimised.
- 14.2 The consultation document explores different options to update policies in the adopted Melton Local Plan. It should be noted that, subject to viability and other priorities, the updated policies will aim to prioritise Climate Change objectives in response to existing projects related to Climate Change.
- 14.3 The Sustainability Appraisal, which includes a Strategic Environmental Assessment, and the Habitat Regulation Assessment are expected to cover these implications for updated policies.

## 15 Other Implications (where significant)

- 15.1 Some options as proposed in the Issues and Options consultation document will have environmental and health and wellbeing implications. These impacts are expected to be positive or seek to be as neutral as reasonably possible.
- 15.2 The Sustainability Appraisal, which includes a Strategic Environmental Assessment, and the Habitat Regulation Assessment are expected to cover these implications for updated policies.

## 16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Delays on the start of the Issues and Options consultation based on substantial changes to the document. Increasing the scope of the Local Plan Update.	High	Critical	High Risk
2	Delays on the start of the Issues and Options consultation based on minor changes to the document.	Very High	Marginal	Medium Risk
3	Delays in the production of a Sustainability Appraisal alongside the Issues and Options consultation document.	High	Marginal	Medium Risk
4	Delays in the procurement of a consultation software.	Significant	Marginal	Medium Risk
5	Inability to deliver key infrastructure projects.	High	Critical	High Risk
6	Abortive work as consequence of Government's publications.	Low	Critical	Medium Risk

7	Legal challenges	Low	Critical	Medium Risk
8	Staff capacity for the work associated with the Update of the Local Plan.	High	Critical	High Risk
9	The updated Local Housing Needs Assessment shows a substantially different Housing Needs for the Borough	Very Low	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High		2		
	5 High		3	1, 5, 8	
	4 Significant		4		
	3 Low			6, 7	
	2 Very Low			9	
	1 Almost impossible				

Risk No	Mitigation
1	The Planning Policy Team has worked with members from the Melton Local Plan Members' Working Group in order to produce the Review document, which has directly informed the Issues and Options consultation document. Consultations with relevant bodies and neighbouring local authorities and county councils has taken place under the Duty to Cooperate to identify cross-boundary matters at early stages (during the preparation of the Review document). The high-level nature of the consultation document reduces the need for detailed wording for individual policies.
2	Minor changes have been factored in the timetable.
3	Conversations with experts have already taken place. Priority has been given to procurement processes for this specific study. Minor delays on the first consultation due to this reason are acceptable as the Policy team can focus on post-regulation 18 consultation tasks.
4	This decision is already in place and the contract and appropriate training will be resolved in the next few weeks.
5	The non-delivery of key infrastructure has a critical implication in the delivery of the overall strategy, which it is currently considered appropriate and not in need of an update. Conversations with key stakeholders are taking place in order to avoid this impact.

6	This risk is only applicable if the Local Plan needs to move to the 'new system'. However, consideration will need to be given to new publications in order to minimise the distance between this Local Plan Update and the next local plan/local plan update.
7	Legal support will be sought at every stage of the review process to manage this risk. Any changes to the scope of works will need to consider any legal implications.
8	The Local Plan Update has been identified as a priority. Staff capacity is being monitored and access to additional resources/funding is being sought.
9	Internal work in relation to the changes in the Standard Method has been undertaken the latest Affordability Ratios for the Borough have been contested. The Housing and Economic Needs Assessment for Leicester and Leicestershire was undertaken 2 years ago and it is unlikely to depart drastically from the outcomes of the Local Housing Needs Assessment.

## 17 Background Papers.

17.1 Melton Local Plan Five-Year Review conclusions

17.2 Updated Local Development Scheme

## 18 Appendices

18.1 None

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## Proposed Amendments to Constitution

<b>Report Author:</b>	<b>Natasha Taylor</b> , Deputy Monitoring Officer
<b>Report Author Contact Details:</b>	01664 502441 ntaylor@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Alison McKane</b> , Monitoring Officer
<b>Chief Officer Contact Details:</b>	01664 502543 amckane@melton.gov.uk
<b>Lead Member/Portfolio Holder Responsible</b>	N/A
<b>Corporate Priority:</b>	Ensuring the right conditions to support delivery (inward)
<b>Relevant Ward Member(s):</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 To seek approval for proposed amendments to the Constitution.

### 2 Recommendation(s)

**That Council:**

- 2.1 **Approve the proposed amendments to the Constitution as detailed in Appendix A.**

### 3 Reason for Recommendations

- 3.1 The Constitution should be regularly reviewed and updated to ensure that it remains relevant and fit for purpose to ensure the Council is able to continue to work efficiently and quickly to meet its ambitions.
- 3.2 Several proposed amendments were taken to the Constitution Review Working Group in August 2023 as detailed at Appendix A.

## **4 Background**

- 4.1 The current version of the Constitution, including the Officer Scheme of Delegation can be found at the link below:

<https://democracy.melton.gov.uk/ieListDocuments.aspx?CId=201&MId=1006&Ver=4&Info=1>

- 4.2 It is important to ensure that Constitution remains under review to ensure it is up-to-date and that it enables efficient decision making to support the Council's priority for being an agile Council.

## **5 Main Considerations**

- 5.1 The proposed amendments have arisen as a result of:
- 5.1.1 changes to the staffing structure;
  - 5.1.2 anomalies and provisions which either do not currently exist or have proved to be difficult to apply in practice and require amendment to ensure that the constitutional provisions can be applied to achieve the outcomes originally intended; and
  - 5.1.3 to create clarity and efficiency in decision making.

## **6 Options Considered**

- 6.1 Not to amend the Constitution – not recommended as this would result in an out of date document which would impact the Council's ability to make decisions.

## **7 Consultation**

- 7.1 The proposed amendments were taken to the Constitution Review Working Group on 1 August 2023. Feedback received is recorded at Appendix A.

## **8 Next Steps – Implementation and Communication**

- 8.1 If approved, amendments will be completed by the Democratic Services team and the Constitution will be republished.

## **9 Financial Implications**

- 9.1 There are no direct financial implications from the changes proposed. However some of the proposed changes provide for greater clarity leading to improved financial control. Others enable improved flexibility operationally with respect to financial transactions which enables actions to be completed in a more timely manner and therefore lead to more accurate financial reporting.

**Financial Implications reviewed by: Director for Corporate services**

## **10 Legal and Governance Implications**

- 10.1 It is a legal requirement to have a constitution. The Council would be unable to make decisions without proper governance arrangements in place.
- 10.2 The adoption and approval of amendments to the Constitution is a matter reserved to Council.



10.3 The Monitoring Officer has delegated authority to make “such changes as she deems to be necessary and which are in the Council’s interests and not major in nature, including but not limited to: changes amounting to routine revisions; to provide appropriate clarity; to correct typographical and other drafting errors; to reflect new legislation; to correct inconsistencies in drafting Officer Delegations; to reflect new officer structures and job titles, properly approved through Council processes”. The Monitoring Officer keeps a record of all changes made in accordance with her delegated authority.

**Legal Implications reviewed by: Assistant Director for Governance & Democracy (Monitoring Officer)**

## 11 Equality and Safeguarding Implications

11.1 There are no equality and safeguarding implications arising from this report.

## 12 Data Protection Implications

A Data Protection Impact Assessments (DPIA) has not been completed because there are no data protection issues arising from this report.

## 13 Community Safety Implications

13.1 There are no community safety implications arising from this report.

## 14 Environmental and Climate Change Implications

14.1 There are no environment and climate change implications arising from this report.

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to have an up-to-date Constitution	Very Low	Marginal	Low
2	Lack of clarity over delegations due to poorly worded provisions in the constitution	Low	Marginal	Low

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		2		
	2 Very Low		1		
	1 Almost impossible				

Risk No	Mitigation
1 and 2	Regular reviews of the Constitution to ensure it is up-to-date and fit for purpose.

## 16 Background Papers

16.1 None

## 17 Appendices

17.1 Appendix A – Proposed Changes to Constitution

## TABLE OF PROPOSED AMENDMENTS

Constitution Reference (Chapter/Part)	Proposed amendment (see attached documents for tracked changes)	Reason for change	CRWG Feedback 01/08/23
<p>Officer Scheme of Delegation</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 95</p>	<p>Para 12.3 – changes to the Head of Paid Service delegations:</p> <p>Delete – para 4:</p> <p>In consultation with the Leader and/or Deputy Leader to access and spend the Regeneration and Innovation Fund up to £50,000 for any single item.</p> <p>Amalgamate with para 15:</p> <p>In consultation with the Leader or Deputy Leader, to incur one-off expenditure to support the needs of the organisation and corporate priorities from earmarked and general reserves up to an overall annual limit of £150,000.</p>	<p>There were two delegations which enabled the Chief Executive to access reserves. To eliminate conflict between the two and to provide clarity the two have been combined into one delegation and an overall annual limit has been added.</p>	<p>Agreed to go forward for Council approval with the added wording as highlighted.</p>
<p>Officer Scheme of Delegation</p>	<p>Para 12.3 – changes to the Monitoring Officer delegations:</p> <p>Amendments to para 40</p>	<p>Correcting an administrative error as this should reflect the key decision limit</p>	<p>Agreed to go forward for Council approval</p>
<p>Officer Scheme of Delegation &amp; Financial Procedure Rules</p>	<p>Para 12.3 – changes to the Chief Finance Officer delegations - Amendments to para 63</p> <p>Amendments to paragraph 16.7(b) &amp; (c)</p>	<p>To ensure greater flexibility in writing off debts in order to more effectively manage the Council's debt levels.</p>	<p>Deferred - to come back to CRWG with further detail on controls and reporting. Agreed to increase level of authority of s.15 Officer to write off debt from £2500 to £5000 and for this to go forward to Council for approval</p>

Financial Procedure Rules	Amendments to para 6.9 - to allow in-year virements between a programme of works within the capital programme	To provide flexibility to meet emerging needs and demands to deliver capital requirements in line with objectives of previous schemes approved e.g. moving funds within the HRA programme to maintain decent homes when priority investment may change in year.	Agreed to go forward for Council approval
Financial Procedure Rules	Paragraph 17.4 – Amendments to the authorised limits for Purchase Orders	To reflect recent structural changes (addition of Assistant Director roles) and also the values within the capital programme specifically the HRA where orders are of a higher value.	Agreed to go forward for Council approval