



Melton Local Plan 2011-2036 - Review

Corporate Priority:	3: Delivering sustainable and inclusive growth in Melton 4: Protect our climate and enhance our rural, natural environment
Relevant Ward Member(s):	All Members – Borough wide
Date of consultation with Ward Member(s):	None to date, this is the start of the review
Exempt Information:	No

1 Summary

- 1.1 This report sets out the details regarding the commencement of the Local Plan Review, its incumbent risks and impact upon resources.
- 1.2 The report outlines expected timetables to progress the review, including the key stages and governance processes related to the formal Review of the Local Plan.
- 1.3 The report presents the initial high-level findings of the desktop policy review indicating the initial intended depth and breadth of the Review, which is subject to the changing policy landscape at both a national and local level.
- 1.4 The report details the additional resourcing proposed to give greater resilience and capacity to the wider planning team to provide a better service within the planning development process.

2 Recommendation(s)

That Council:

- 2.1 Approves the commencement of the Review of the Melton Local Plan;
- 2.2 Approves the attached proposed timetable and program, noting the dependencies;
- 2.3 Approves the Terms of Reference and Membership of the Melton Local Plan Review Members Working Group;
- 2.4 Delegates authority to the Director for Growth and Regeneration to:

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| 2.4.1 | make in-year amendments and updates to the draft timetable and program in consultation with the Portfolio Holder for Growth & Regeneration; |
| 2.4.2 | appoint consultants as necessary to undertake work on behalf of the Council in respect of the Local Plan Review; |
| 2.5 | Approves the creation of a Planning Enforcement Officer post within the Planning Development Team funded from a supplementary estimate of £25,640 in 2022/23 from the corporate priorities reserve and that the additional ongoing cost of £38,460 be incorporated into later year budgets. |

3 Reason for Recommendations

- 3.1 Investing in planning services is an area of focus under the priority 4 of the Corporate Strategy 2020-22.
- 3.2 Formal decisions relating to the Development Plan for the area (of which the Melton Local Plan forms part) are made through Council.
- 3.3 There is a requirement to maintain an up-to-date Local Plan and for its review every 5 years (maximum) which is derived from national planning policy in the National Planning Policy Framework, the latest iteration was in 2021. The Melton Local Plan was adopted in October 2018 and is now 3.5 years old. The timeframe to complete a review is 18-30 months, and it is considered that the time is right now to formally commence the Review.
- 3.4 The Member Working Group was considered to be fundamental to the successful creation of the Local Plan, guiding the Local Plans Team towards its adoption. Whilst the Group does not make decisions (which can only be made at Council) it can guide the general direction of the Review on a more informal basis, away from the timelines associated with Council meetings which would lead to delay of the Review.
- 3.5 There are risks and benefits associated with the Review, both in terms of delaying and commencing now. These should be noted by members who will be regularly informed of any major changes that will impact upon the Review. The report details these risks and potential threats.
- 3.6 Priority 4 of the Corporate Strategy focuses on protecting our climate and enhancing our rural, natural environment. There is clear focus in the Corporate Strategy for investing in enforcement to tackle environmental and place-based issues. The creation of the Planning Enforcement Officer post within the Development Management Team will ensure that there is greater capacity to enforce conditions and address community concerns, whilst enabling planning officers to deliver a better service for the planning development process.
- 3.7 Priority 4 also emphasises on improving processes and customer experience in planning services. Following recent changes in leadership in this area, it is considered appropriate to learn from high performing neighbouring authorities and receive support for mentoring, coaching and training our teams to deliver excellent customer service.

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, the arrangements for its examination and adoption.
- 4.3 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 nationally. Any changes will inevitably have long lead-in times due to the time taken to create a new Local Plan, and there would need to be transition periods to do so.
- 4.4 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 to a successful outcome.
- 4.5 Since its adoption in October 2018 the local plan has performed well. The latest position shows that that Council can demonstrate 11.6 years housing land supply. 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. In 2020/21 310 dwellings were completed, exceeding the target by 140. Early indications show that housing delivery has been beyond the target of 245 dwellings per annum in 2021/22 further demonstrating the overall success of the Plan to date. The Local Plan gives a secure foundation to development in the Borough, and gives the Council a strong position to commence the Review from.
- 4.6 In the last 3 years the Council has adopted three Supplementary Planning Documents (SPDs). These are the Housing Mix and Affordable Housing SPD, the Design of Development SPD and the Developer Contributions SPD. These documents give additional detail beyond that contained within the Local Plan to aid decision-making.
- 4.7 Additionally, substantial amounts of work has been undertaken within Local Plans to ensure that investment in infrastructure within the Borough to support housing delivery is brought forward. We have worked in detail with Leicestershire County Council, Homes England and the developers in the Borough to ensure that the Melton Mowbray Distributor Road can be delivered in full (north, east and south sections), in addition to the required education provision. This represents around £160m investment in the Borough. Masterplans for both the North and South Sustainable Neighbourhoods have been approved with the agreement of all parties, which have been viability tested.
- 4.8 Since the Local Plan was adopted, we have supported 6 Neighbourhood Plan Groups to complete their Neighbourhood Plans. We continue to work with a further 5 groups towards them completing their Neighbourhood Plans.
- 4.9 Corporately, since the adoption of the Local Plan, the Council has moved to a Cabinet System which represents a substantial difference in the governance and decision making processes.
- 4.10 In 2019 the Council declared a Climate Emergency and work has commenced on a Climate Strategy and baseline studies. The Council has also recently approved a Housing Strategy which provides a strategic overview of local housing issues and sets out what both the Council and its partners will need to do to address them.
- 4.11 The implementation of the Planning Services Review also commenced in 2019, and has focussed on improvements to:

- a) Engagement with applicants and the experience of the planning application process;
- b) Staff skill, experience and capacity;
- c) Achievement of good outcomes with effective performance management;
- d) Business process re-engineering;
- e) The operation of the Planning Committee and engagement with Ward Councillors;
- f) Recruitment, retention and staff development.

4.12 In Spring 2021 the Planning Advisory Service undertook independent assessment of the performance of the planning service, and concluded that in the main it was delivering well with the ability for some small improvements in terms of consistency of reports etc.

4.13 The creation of the Planning Enforcement Officer role will aid in the final implementation of the recommendations of the Planning Services Review. The role will ensure that the policies of the Local Plan are implemented accordingly, and that there is sufficient resource for proactive enforcement of conditions of development which is regularly highlighted by the community as an issue.

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 The Local Plan is currently 3.5 years old, and to ensure that it is reviewed (or sufficiently progressed along the process) by the 5 year anniversary it is considered right to commence that Review now.

5.3 A Review does not need to equate to a wholesale re-writing, 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 evidence compiled for the Authority Monitoring Review (AMR), the Housing Delivery Test, appeal decisions and various other means by which performance is measured, 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. There are however aspects that will require amendments owing to:

- a) Policy and/or legislative changes since its adoption;
- b) The revised Corporate context (e.g. the Climate Emergency as a priority, and key community infrastructure projects underway such as the Health, Leisure and Wellbeing Hub);
- c) Enhancements that can be identified from experience of the practical application of the policies of the Local Plan through the planning application process;
- d) Wider Member and Planning Committee aspirations (e.g. housing mix (C2) and affordable housing (C4).

5.5 Officers have commenced work on a desktop assessment to consider the initial scope of the Review (i.e. an evidence based approach to justify which parts of the Local Plan

require amendment due to policy or legislative changes, or are seen to remain effective). This has been summarised in Appendix C to this report, and will be shared fully with the Working Group, acting as a basis to guide the Review.

5.6 This preparatory stage has comprised a chapter by chapter (and policy by policy) review of the Local Plan, addressing which parts of the Plan are 'out of date' and/or require change, including:

- a) Strategic and contextual risks such as the Council's revised Corporate Priorities and wider housing supply issues, such as Leicester City's unmet need;
- b) Changes brought about by amendments to legislation and the NPPF;
- c) The performance and delivery achievements of the policies and their reliability going forward;
- d) Internally driven desire for change and improvement, including alignment with other strategies;
- e) The validity of the existing evidence base and issues revealed by its updating.

5.7 Examples of the kind of evidence that may be required are:

- a) Analysis of housing delivery comprising the overall position against the trajectory and spatial dimensions; site by site review of future site effectiveness, impact of Housing Market Area work including Leicester City's unmet need (policies SS2, C1(a));
- b) Strategic and contextual updating, e.g. climate change and biodiversity net gain (Environmental Policies);
- c) NPPF / Legislative changes, including the changes to the Use Classes Order on policies EC1, EC6 etc.
- d) Reliability of the evidence base in some areas, e.g. sports facilities, open space provision outside of Melton, retail study, Gypsy & Travellers;
- e) Improvement informed by experience of application of the plan day-to-day by Development Management (SS3 rural settlements, EN9 low carbon development, C2 housing mix, C4 affordable housing, IN2 developer contributions, EC2 employment development);

5.8 It is important to note that various key requirements of the Local Plan (for instance housing targets), can be updated relatively frequently and are subject to external factors beyond the Council's control. These can alter the direction and content of the Review during the time that it will take to complete it and may lead the Council to modify the depth and breadth of the Review, and the timetable and programme. These can include, but are not limited to:

- a) Updates to affordability ratios (workplace based earnings / median house price), where a larger ratio requires a higher housing supply (see para 5.9 below);
- b) Unmet need in the Housing Market Area (i.e. Leicester City), which requires Melton Borough Council to cooperate in its redistribution if necessary.

5.9 On 23rd March 2022 the Office for National Statistics published the revised Housing Affordability data for 2021. The data confirms that in 2021 new dwellings remained less affordable than existing dwellings in both England and Wales. In England in 2021, full time employees could typically expect to spend around 9.1 times their workplace-based annual

earnings on buying a home; this is an increase since 2020, when it was 7.9 times their workplace-based annual earnings.

- 5.10 In Melton, average house prices in 2021 were 12.27 times average earnings, compared to 8.87 in 2020. **This is the highest rise in affordability ratio in the country, out of 331 local authority areas.** Officers are exploring the causes of this, which could be due to a data reporting issue in what is a relatively small statistical area. Alternatively, it could be due to the amount of new homes delivered that are generally more expensive than existing homes. This is an unfortunate consequence of the successful housing delivery in the Borough to date in accordance with the development strategy within the Local Plan. It is important to note that the statistic relating to work-place based earnings relates to wages earned from employment in Melton, rather than the work-place based earnings of those living in the Borough (many of which will be employed outside of the Borough).
- 5.11 It is not expected at this time that the revised housing need calculated from this increased affordability ratio will require additional housing land to be allocated as part of the Local Plan Review. However, it demonstrates practically the points highlighted above at paragraph 5.8 in regard to the Review being vulnerable to external factors beyond the Council's control, and consequently the draft indicative timetables and programmes at Appendix B demonstrate how the timeline of the Review could be subject to change according to these factors.
- 5.12 Appendix B demonstrates a 'best case' scenario timetable, alongside an 'evidence based' timetable. The best case represents a potential timetable for the Review that is relatively narrow in its depth and breadth, whilst the evidence based timetable represents the typical timeframe of other Local Plan Reviews in other authorities around the country. There are many variables which will influence the progress of the review, including consultation responses, member decisions, changes to the depth and breadth (as discussed at paragraph 5.8 above), and any legislative changes. In practise, it is considered likely that the Review timetable be will somewhere in between the two cases illustrated.
- 5.13 The Melton Local Plan was developed under the supervision of an informal, non-decision-making and cross-party Member working group ('Local Plan Working Group'), with decisions made by Council. This was intended to engender Member buy-in and a degree of consensus to move smoothly through the various stages of development to the final version. This is considered to represent a desirable approach to the Review; the alternative being that the Review and its general direction is the sole preserve of officers, with decisions then presented directly to Council, albeit via briefings etc.
- 5.14 Commencement 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 commencing the Review and setting out achievable timescales, the Council is taking control of its course and can therefore be better prepared to manage the risks. Additionally, the Review 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 of staff. It provides 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 make changes where necessary. It also represents an opportunity to refer and respond to recent projects for community infrastructure, such as the town centre masterplan, health and leisure hub, country park enhancements and development of additional cemetery spaces.

6 Options Considered

- 6.1 Option 1 Delay the Review – it is an option for the Council not to commence the review straight away, and wait for further guidance and/or changes to planning legislation, or until approvals for all allocated sites are sought. The risk with this option is that this could take at least a couple of years, and the current Local Plan will be considered out of date in October 2023. This would mean that the borough will be exposed to applications for unplanned developments and there won't be sufficient policy cover to defend them. Not having a reviewed Local Plan is therefore considered a bigger risk than the plan being under review with limited scope. Therefore, this option is not recommended.
- 6.2 Option 2 Not adequately resourcing the Review – this will likely lead to the Local Plan becoming significantly out of date if staff are not resourced appropriately to deliver the Review. This could mean that the Borough would be exposed to applications for unplanned developments without sufficient policy cover to develop them. Additionally, this could lead to staff becoming disillusioned and causing resourcing issues. Furthermore, the longer the Review takes, the more likely that national policies and direction may change, potentially leading to work becoming out of date before it can be completed. This option is therefore not recommended.

7 Consultation

- 7.1 The Local Plan was subject to substantial consultation over a period of approximately 5 years, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. It was subject to an examination in public in January and February 2018, further consultations on modifications in the summer of 2018, and was subsequently adopted by Council in October 2018.
- 7.2 The process to be followed for a Review is governed by the same regulations; the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.3 The first proposed consultation under Regulation 18 for the scope of the Review is programmed to take place in September 2022, taking the form of an 'Issues and Options' equivalent document. It would invite views on our initial conclusions on the need for amendments to policy content, for what purpose and what the proposed approach could, or should, be.
- 7.4 Feedback from the consultation would be reported to Council for a final decision on the scope of the Review, and the direction that it should take in terms of policy content and amendment. This is where the timetables may deviate, as illustrated within Appendix B to this report (as described at paragraph 5.12 above).
- 7.5 A Regulation 19 'Submission Version' for approval and consultation would comprise the revisions derived from Council, formulated into a revised Local Plan update (or alternatively an addendum to be read in conjunction alongside the existing Plan). Publicity and consultation then follows as prescribed by legislation (Regulation 19 of the Local Planning Regulations) for a minimum period of 6 weeks. Stakeholders and communities would be engaged via a series of events, and via digital platforms etc.
- 7.6 Officers would then consider representations received and decide whether the Review should be submitted to the Planning Inspectorate for Examination. Thereafter, the timetable will be determined by the Planning Inspectorate, including the arrangements for the Examination.

8 Next Steps – Implementation and Communication

- 8.1 See Draft Timetables at Appendix B and reasoning at paragraph 5.12.
- 8.2 A communications plan will be drawn up in consultation with the Communications Team after approval to start the Local Plan Review.

9 Financial Implications

- 9.1 A detailed assessment has been undertaken of the range of tasks anticipated based upon our anticipated understanding of the scope of the Review as we understand it at present, based on initial desktop assessments undertaken by Officers. It is estimated that this is likely to cost circa £250k.
- 9.2 On this basis it is concluded that the exercise can be conducted within the provisions currently made in the Local Plan budget and the Local Plan Reserve. There is a peak year anticipated in 2023/24 which is supported by lesser expenditure in the years before and after.
- 9.3 Based on current projections, the Local Plans Reserve would be at its lowest (c £36k) at the end of 2022/23 and would then start to recover. This does not provide for any contingencies.
- 9.4 The Planning Enforcement Officer post would sit within the Development Management team and would be part of the Enforcement Officer Job Family which has been evaluated at Band 9. With on cost the annual cost of this additional post based on current salaries would be £38,460. rising to £45,122 in 2025/26 assuming annual progression within the band. There is no budget provision for this additional post and therefore this would increase the current base budget. This results in an additional cost of £25,640 in 2022/23 financial year based on an estimated commencement date of August 2022. As such a supplementary estimate from the corporate priorities reserve of £25,640 is requested and the ongoing cost of £38,460 needs to be incorporated into the base budget from 2023/24.
- 9.5 The future financial position of the council is currently unknown due to the future funding from central government remaining unresolved following frequent delays in the funding review. The medium term financial strategy approved in February 2022 indicates a potential deficit in 2023/24 of £568k but depending on the funding review could be within a range of a balanced budget to over £1.1m deficit. As such any approval of additional ongoing expenditure increases the pressure on the budget and the potential for savings to be made from other areas as part of the 2023/24 budget process or later years with this proposal not being assessed against other priorities.
- 9.6 The (up to) £10k for mentoring support from a high performing neighbouring authority will be funded from the existing Development Management team budget.

Financial Implications reviewed by: Director for Corporate Services

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. Any changes will inevitably have long lead-in times due to the time taken to create a Local Plan.
- 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: Monitoring Officer

11 Equality and Safeguarding Implications

- 11.1 The Review of the Local Plan will likely require Equalities Impact Assessments prior to each stage of policy formation. The decision to commence the review does not however require EIA.

12 Community Safety Implications

- 12.1 There are no particular considerations relating to community safety associated with the commencement of the Local Plan Review, however there may be implications revealed during the Review which will be assessed at decision making points.

13 Environmental and Climate Change Implications

- 13.1 Part of the Review of the Local Plan will be to assess the impact of the Council's declaration of a Climate Emergency, and to ensure that the Local Plan correctly represents the Council's position and ambition.
- 13.2 At present the Local Plan includes policies related to climate change, but this is in a more general chapter relating to the environment rather than being embedded throughout the whole of the Local Plan.
- 13.3 There are various ways that can be explored during the Review to ensure that Climate Change is brought into further focus and prominence within the Plan. The route that the Council decides to take will be informed by consultation responses, the Member Working Group and Council.
- 13.4 The commencement of the Local Plan Review therefore can be considered to have a positive effect on the environment as it will allow for the Plan to become more focussed on the climate change implications of development.

14 Other Implications (where significant)

- 14.1 Staffing Implications – the Local Plan Review will be resource intensive, and will require input from the whole team. This may mean that staff within the Local Plans Team will be unlikely to be able to contribute to wider corporate activities whilst undertaking the Review.
- 14.2 The recommendations contained within the report request the addition of 1FTE permanent Planning Enforcement Officer to the establishment within the Development Management Team. The creation of the Planning Enforcement Officer post within the Development Management Team will ensure that there is greater capacity to enforce conditions and address community concerns, whilst enabling planning officers to deliver a better service for the planning development process. All internal HR process in relation to recruitment

and selection will be followed to appoint the new position. There are no other HR implications as a result of the new post.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Triggering the review will mean a weakened policy position, affecting the weight that can be attributed to the existing Local Plan at various stages of the review period.	Low	Marginal	Low Risk
2	The impact of elections on the decision making process	Significant	Marginal	Medium Risk
3	Government announcements regarding ongoing work on changes to planning legislation	Low	Critical	Medium Risk
4	The Boundary Commission Review resulting in a potential shift in political direction, leadership and priorities	Low	Marginal	Low Risk
5	Impact of the timescales for Leicester City and Charnwood Local Plans and the approach to the question of 'unmet need' and its subsequent redistribution	High	Marginal	Medium Risk
6	Pressure from certain groups for a wider reshaping of the Local Plan, beyond the limited scope we hope to start with	Significant	Critical	Medium Risk
7	The trigger of review can mean uncertainty for developers for sites that haven't received planning permission, and therefore slow down the delivery	Low	Marginal	Low Risk
8	Exposure to legal challenges that could cause delays and could be costly	Low	Critical	Medium Risk
9	The review itself has a significant impact on the Council's finances. If due to external reasons as above, the work becomes abortive, it could cause financial challenges	Significant	Critical	Medium Risk
10	Staff capacity for the work considering it is a sizeable exercise, and the team will be unlikely to be able to contribute to wider corporate activities whilst undertaking the review.	High	Marginal	Medium Risk
11	Increasing the base budget mid year could lead to savings having to be made from other service areas when the 2023/24 budget is set in order for this to be balanced	High	Critical	High Risk

		Impact / Consequences				
		Negligible	Marginal	Critical	Catastrophic	
Li	kel	Score/ definition	1	2	3	4

6 Very High				
5 High		5,10	11	
4 Significant		2	6,9	
3 Low		1,4,7	3,8	
2 Very Low				
1 Almost impossible				

Risk No	Mitigation
1	As at April 2021 the Council could demonstrate 11.6 years housing land supply. It is unlikely that this will have diminished to such an extent in 2022 that the Plan could be considered out of date. The review is occurring before the Plan can be considered out of date, and therefore the risk is minimal as the Council is being proactive in dealing with the Plan's status 'head on'.
2	The Members Working Group should assist in good decision making process. The timescales for work programme consider the elections and relevant purdah period for consultation.
3	The Government has stated the work on Local Plans should be continued, and no new White Papers have been announced since August 2020. We will continue monitoring any legislative changes during the process and advise members at appropriate time of their impact.
4	The Members Working Group will be able to help provide steer and direction in this event.
5	This work is progressing well and early indications are that any declared unmet need will be able to be met within the existing headroom within the Local Plan. The Leicestershire wide Members Advisory Group (MAG) will provide steer and guidance the strategic direction in dealing with future housing need.
6	The Members Working Group should lead to consensus being reached in the approach and help managing the scope with clear understanding of implications.
7	The sites which do not yet have planning permission are mainly in the Sustainable Neighbourhoods where there is substantial external investment taking place into the MMDR and education facilities that should give developers certainty relating to their sites.
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	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.
10	Staff capacity will be monitored through the process and retention, incentives and motivation for the staff will be prioritised to ensure optimum resource levels.

11

This will be considered as a priority in the budget setting process for the year 2022-23.

16 Background Papers

16.1 None

17 Appendices

17.1 A: Melton Local Plan Working Group Terms of Reference

17.2 B: Proposed timetable and programme

17.3 C: Summary of Desktop Policy Review

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