



# Cabinet

14 December 2022

**Report of:** Councillor Rob Bindloss - Portfolio Holder for Growth and Prosperity

## Local Development Scheme

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No
<b>Key Decision:</b>	Yes c) Has significant impact on two or more wards in the Borough and on communities living or working in those areas
<b>Subject to call-in:</b>	Yes

### 1 Summary

- 1.1 A Local Development Scheme (LDS) is a project plan which sets out the timetable to produce new or revised development plan documents such as Local Plans. Following the Council's decision to undertake the Local Plan Review (Full Council on the 26<sup>th</sup> of April 2022), this LDS sets out a work programme for Melton Borough Council's Local Plan Review over the period to Spring 2026.
- 1.2 The Planning and Compulsory Purchase Act 2004 (as amended) places a statutory duty on the Council to maintain an up-to-date Local Development Scheme (LDS). The updated LDS (Appendix 1) would fulfil this requirement as it sets out an initial timetable for the Local Plan Review. This LDS supersedes the 2017 LDS.
- 1.3 It should be noted that there is a high degree of uncertainty relating to the scope (and consequential timetable) of the Local Plan Review. The Planning Advisory Service have reviewed the LDS, and have highlighted the uncertainties around the necessity for further evidence and/or critical infrastructure decisions and how they might imply the need for an early update of the LDS.
- 1.4 The LDS presented before Cabinet therefore represents the most optimistic of timelines, and further updates to the LDS are likely in the coming months.

## 2 Recommendation(s)

### That Cabinet:

- 2.1 Approves the updated Local Development Scheme in Appendix 1 covering the period 2022-2026.
- 2.2 Notes that the Local Development Scheme as presented at Appendix 1 could be subject to change, given the challenges surrounding infrastructure provision to support the delivery of the existing Local Plan.

## 3 Reason for Recommendations

- 3.1 To ensure that the Council acts in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended).

## 4 Background

- 4.1 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). The LDS must specify the documents that will comprise the Local Development Documents for the area (i.e., Local Plan, Supplementary Planning Documents, and the Statement of Community Involvement).
- 4.2 This LDS covers the period from 2022 to 2026 and supersedes the previous version published in June 2017. It sets out an initial timeline for the review of the Local Plan and, once approved, it will be made publicly available on the Council's website.
- 4.3 Although Local Plan consultations will be advertised in accordance with the adopted Statement of Community Involvement, the LDS provides information about when these consultations are likely to happen.
- 4.4 The LDS covers the following sections:

### The (current) Development Plan

- 4.5 As defined by the National Planning Policy Guidance 'the development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise'. Strategic and non-strategic policies are defined by adopted local plans and neighbourhood plans. The current development plan for the area is covered by:
  - 4.5.1 The Melton Local Plan 2011-2036 (adopted 2018)
  - 4.5.2 The Leicestershire Mineral and Waste Local Plan to 2031
  - 4.5.3 'Made' Neighbourhood Plans (i.e., Ab Kettleby; Bottesford; Clawson, Hose and Harby; Frisby; Gaddesby; Hoby with Rotherby; Broughton and Dalby; Scalford; Somerby' Stathern; Waltham on the Wolds; and Wymondham).

## **Other relevant documents**

4.6 There are other documents that must be covered in the LDS, such as any Supplementary Planning Documents (SPD) and the Statement of Community Involvement. In addition to the three adopted SPDs (Housing Mix and Affordable Housing; Design of Development; and Developer Contributions) and the adopted SCI the LDS also refers to the approved masterplans, the Authority Monitoring Report, the Five-Year Housing Land Supply Report, the Infrastructure Funding Statement, the Strategic Growth Plan, the Statements of Common Ground, the Policies Map and the evidence base. These documents have a direct impact in the plan-making process.

## **Melton Local Plan Review**

- 4.7 In April 2022 Council approved the decision to begin the Review of the Local Plan. Since then, a Member Working Group has been formed to help and guide the review on an informal basis.
- 4.8 The indicative timescales for the review are given in the last section of the report, and they include the following key dates:
- 4.8.1 'Issues and Options' (Regulation 18) consultation by mid-2023
  - 4.8.2 'Preferred Options' (Regulation 19) consultation by mid-2024
  - 4.8.3 'Submission' to the Planning Inspectorate in the first half of 2025
  - 4.8.4 'Adoption' in the first half of 2026
- 4.9 It should be noted that this timetable is subject to changes as it is intertwined to the scope of the review which is still in its early stages, the pre-election periods or changes in the policy framework at a national level. Additionally, this timetable assumes full staffing in the Planning Policy team and an equitable distribution of workload to provide an expected level of focus on the Local Plan.
- 4.10 It should also be noted that the original timetable (Full Council 26<sup>th</sup> of April) has been modified in order to address several uncertainties that have emerged since that decision was made, and in accordance with the advice received from the Planning Advisory Service (PAS). These caveats are covered in section 5.

## **Other relevant documents to be considered**

- 4.11 The LDS covers progress and expectations for other pieces of work. These are listed below:
- 4.11.1 Supplementary Planning Documents (SPDs). At this stage no additional SPDs are expected to be published.
  - 4.11.2 Statement of Community Involvement (SCI). An update is expected to be published in December 2022 following Full Council approval.
  - 4.11.3 Neighbourhood Plans (NPs). The Burton and Dalby NP is expected to be 'made' in the following weeks (by mid-December or early January) following referendum. The Asfordby NP is expected to go to examination soon and be 'made' in the first half of 2023. 'Made' NP groups and Parish Councils might decide to review their documents when they are considered outdated as result of the publication of new evidence.
  - 4.11.4 Policies Maps. Are expected to be updated in accordance with the Local Plan Review updates.

- 4.11.5 Sustainability Appraisal (SA). To be carried out during the Review.
- 4.11.6 Habitat Regulation Assessment (HRA). To be carried out if significant effects on European habitats or species are identified.
- 4.11.7 Equalities Impact Assessment (EqIA). To be carried out in addition to the analysis of social impacts of policies undertaken by the SA
- 4.11.8 Authority Monitoring Reports (AMR). Annual publication expected by the end of each natural year.
- 4.11.9 Infrastructure Funding Statement (IFS). Annual publication expected by the end of each natural year.
- 4.11.10 Five-year's Housing Land Supply and Trajectory (5YHLS). Annual publication expected by the beginning of the second half of each natural year.
- 4.11.11 Evidence base. To be updated as appropriate. It should be noted that further advice from PAS is currently being explored to assist with this.
- 4.11.12 Duty to Cooperate. Statements of Common Ground and other relevant documents to be prepared to ensure collaboration with local authorities within the Housing Market Area, neighbouring authorities and other public bodies.

## **5 Main Considerations**

- 5.1 The Melton Local Plan was adopted in October 2018. 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 it is then considered 'out of date'.
- 5.2 Based on initial consultation with the Members Working Group, a partial and limited review of the well-performing adopted Melton Local Plan is expected at this stage. The Local Development Scheme sets out the expected timetable for this review on best information available at this time.
- 5.3 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) places a statutory duty on Local Planning Authorities to prepare an up-to-date Local Development Scheme setting out the Local Development Documents that will be prepared over the Local Development Scheme timeframe.
- 5.4 The 2017 Local Development Scheme is considered to be out of date; therefore, the Council is not meeting the legal requirements and a new LDS is needed.
- 5.5 As approved by Full Council on 26<sup>th</sup> April 2022, the Council delegates authority to the Director for Growth and Regeneration to, among other functions, make in-year amendments and updates to the draft timetable and program in consultation with the Portfolio Holder for Growth and Regeneration.
- 5.6 In relation to the original draft timetable (produced following an assessment of other authorities' programmes to update local plans) shown at Full Council in April, the following considerations have been addressed in order to provide more accurate timeframes:
  - Internal consultations have taken longer than expected and this delay has been factored.
  - As per the Planning Advisory Service's (PAS) advice (initial meeting on the 17<sup>th</sup> of November), additional time has been allowed for the analysis of Regulation 18

consultation responses, given the emphasis on these to establish the scope of the Local Plan Update.

- As per PAS' advice, further consideration has been given to the implications of the County Council's decisions in relation to strategic infrastructure projects in the Borough which are fundamental to the delivery of the existing Local Plan. The analysis of these decisions has been factored in the timetable.
- As per PAS' advice, further consideration has been given to the Local Plan team's significant workload above and beyond the production of the Local Plan. As covered in their advice note 'the programme in the emerging draft LDS could be somewhat overoptimistic given the resources available.'

5.7 Additionally, there are other considerations that might trigger an early update of the Local Development Scheme. These are:

- The ongoing engagement with PAS in relation to the review of the Evidence Base and the consequential production of new evidence studies prior to the Regulation 18 consultation.
- Uncertainties related to County Council's decisions in relation to the delivery of key infrastructure projects in the Borough of Melton such as the Melton Mowbray Distributor Road and education facilities to support development. As addressed in the note from PAS, adverse decisions may result in an early review of the LDS.
- PAS has advised that the production of a full Project Plan and a full Risk Assessment are highly desirable. The Local Plans team are in the process of creating these. Their creation will give detailed information about the timeframes that will be required for specific projects and the time that will be required in the consideration and mitigation of risks associated with the review and update of the Local Plan.

5.8 Considering the above, this LDS needs to be seen as an 'initial LDS' to set out an initial work programme. There are several uncertainties that are likely to be resolved in the next few months, which will allow for a clearer picture of the next steps once these uncertainties are resolved. If the resolution of these uncertainties undermines the timetable as proposed in this document, a review of the LDS will be commenced.

## **6 Options Considered**

- 6.1 Cabinet approves the updated Local Development Scheme for publication. This is the recommended option.
- 6.2 Cabinet does not approve the updated Local Development Scheme. This is not recommended as the Local Development Scheme is a statutory requirement.
- 6.3 Cabinet delays the publication of the updated Local Development Scheme. This is a reasonable option, however, at this stage, we are not able to advise members as to when the uncertainties will be resolved to allow for a more comprehensive LDS to be presented.

## **7 Consultation**

- 7.1 Formal external consultation is not required as there is a statutory duty for the Council to publish the LDS which is in effect a work programme for the Local Plans team.
- 7.2 Internal consultation has taken place with the Director for Growth and Regeneration (Place) and the Portfolio Holder for Growth and Regeneration.

- 7.3 The draft Local Development Scheme has been progressed following a meeting with the Member Working Group on 5<sup>th</sup> September 2022.

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

- 8.1 Subject to the resolution of Cabinet to publish the Local Development Scheme, it is proposed that the documentation will be available on the Council's Local Plan website at <https://www.meltonplan.co.uk/lds>.

## **9 Financial Implications**

- 9.1 The production of documents addressed in this Local Development Scheme will be carried out by staff in the Planning Policy Team. It should be noted that this work may require additional specialist input and advice from consultants. The budget for the preparation of the review of the Local Plan will continue to be part of the annual Council's budget setting process. At present the Local Plan Reserve is expected to be able to meet the costs of the work, as presented to Council in April 2022. This may change if the scope of the Review alters radically due to external pressures and uncertainties as referred to above.

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

## **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.

**Legal Implications reviewed by: 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 review 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 Community Safety Implications**

- 12.1 Similar to the section above, 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.

## **13 Environmental and Climate Change Implications**

- 13.1 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 reviewed policies.
- 13.2 It should be noted that the reviewed policies will aim to prioritise Climate Change objectives in response to existing projects related to Climate Change.

## 14 Other Implications (where significant)

- 14.1 The Local Development Scheme does not have any further implications. However, the documents listed in this document and progress with the Local Plan Review are likely to have procurement implications for the evidence base to support the Review.
- 14.2 Additionally, the Local Plan review timetable assumes full staffing levels and an equitable distribution of workload to provide an expected level of focus on the Local Plan. The Planning Policy team is fully staffed at the present time, but as acknowledged by PAS, there are many demands being made on the team beyond Local Plan duties which could adversely affect the timings of the Review.

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Delaying publication of the Local Development Scheme to await the outcome of external decisions	Significant	Critical	Medium
2	Failing to keep the Local Development Scheme up to date	Low	Marginal	Low
3	The scope of the Review becomes wider than originally planned	Significant	Critical	Medium
4	The inability for key infrastructure projects to be delivered, negatively impacting upon the delivery of the existing Local Plan and affecting the timetable for the Review and depth and breadth of the Review (e.g., Melton Mowbray Distributor Road and education facilities associated with development)	Significant	Critical	High

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

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

Risk No	Mitigation
1	Cabinet's approval and publication of the Local Development Scheme on the website
2	Monitoring of significant delays. Local Development Scheme to be updated if these are identified.
3	Ongoing review of the evidence base with PAS in order to adjust the programme plan accordingly and/or update the Local Development Scheme as needed
4	The Council is not responsible for these decisions, but they will have a direct impact on the scope (i.e. a full review of the Local Plan is likely to be needed). Officers are working closely with infrastructure providers to support delivery.

## 16 Background Papers.

16.1 None

## 17 Appendices

17.1 Appendix 1. Local Development Scheme, December 2022

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