

Local Development Scheme update (September 2023)

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Lead Member/Relevant Portfolio Holder	Councillor Margaret Glancy - Portfolio Holder for Governance, Environment and Regulatory Services (Deputy Leader)
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):	Melton Local Plan Working Group meetings: September 2022, February 2023 and July 2023.
Exempt Information:	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:
- a) Development Plan documents, including the Melton Local Plan 2018, the Leicestershire Mineral and Waste Local Plan to 2031 and Neighbourhood Plans.
 - b) 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:
- a) 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.
 - b) 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.
 - c) The Vision and Objectives require an update.
 - d) 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:
- a) 'Issues and Options' consultation – in October-November 2023 (Regulation 18)
 - b) 'Preferred Options' consultation – in September-October 2024 (Regulation 19)
 - c) Submission to the Planning Inspectorate – in March-May 2025
 - d) 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 30th 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