

Local Plan Update - Issues and Options Consultation

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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:	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
 - 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