

Local Plan Regulation 19 Consultation

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Lead Member/Relevant Portfolio Holder	Councillor Margaret Glancy , Portfolio Holder for Governance, Environment & Regulatory Services (& Deputy Leader)

Corporate Priority:	Theme 1: Healthy communities and neighbourhoods Theme 3: Tourism and town centre regeneration and vitality Theme 4: Sustainable growth and infrastructure Theme 5: Right conditions to support delivery
Wards Affected:	(All Wards);
Date of consultation with Ward Member(s):	Melton Local Plan Working Group meetings: monthly since January 2024
Exempt Information:	N

1 Summary

- 1.1 This report seeks to start the second Local Plan Update consultation, known as the 'Regulation 19 consultation' on the Pre-Submission Local Plan Update. The consultation is the second opportunity for the public to make formal representations in relation to the pre-submission local plan, and more specifically, the policies that are being updated as part of the partial local plan update.
- 1.2 The consultation document will follow a similar structure to the adopted Local Plan to minimise the number of documents needed to understand the Development Plan for the borough of Melton. This consultation document will be the version of the draft local plan update which the Council intends to submit to the Secretary of State to be examined by an independent planning inspector in due course.
- 1.3 In addition to the consultation document (Pre-Submission Local Plan Update), the publication of a Sustainability Appraisal (including a Habitat Regulations Assessment), an

updated policies map, an Equalities Impact Assessment, a Duty to Cooperate Statement and a Consultation Statement, alongside our updated evidence base will be published as supporting documents.

2 Recommendations

That Council:

- 2.1 **Notes the importance of proceeding to the Regulation 19 Consultation on the Pre-Submission Local Plan Update.**
- 2.2 **Approves launching the Regulation 19 consultation in respect of 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.**
- 2.3 **Approves launching a consultation for the Sustainability Appraisal alongside the Regulation 19 consultation on the Pre-Submission Local Plan Update document.**

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 Regulation 19 refers to the consultation stage prior to submission of the Plan under section 20 of The Town and Country Planning (Local Planning) (England) Regulations 2012. This paper seeks to meet the requirements of Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 to allow the Council to start the consultation on the pre-submission 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 The local plan vision, the draft policies and the supporting text accompanying these policies have been drafted in discussion and agreement with the Melton Local Plan Members' Working Group. Changes prior to the publication of the pre-submission plan are expected to relate to evidence updates including viability and climate change considerations. These changes will be discussed with the Melton Local Plan Members' Working Group and any substantial changes prior to the publication of the consultation document will be made in agreement with this Working Group which is chaired by the Portfolio Holder.

4 Background

Issues and Options Consultation

- 4.1 On the [28th September 2023, Council](#) approved three papers in relation to the Local Plan review and its consequential update. These related to the [outcomes of the Melton Local Plan Five-Year Review](#), the publication of an [updated Local Development Scheme](#) and the [commencement of the Issues and Options \(Regulation 18\) consultation](#).

- 4.2 Following this approval, the Council launched the Issues and Options Consultation from the 6th November 2023 until the 7th January 2024. The consultation material also included the Sustainability Appraisal Scoping Report.
- 4.3 A total of 66 representations were received, redacted and uploaded to the Local Plan's [website](#). These representations have been individually responded to on a question-by-question basis and included, along with a general analysis of the consultation, on a Consultation Statement.
- Draft Local Plan Update**
- 4.4 Following the feedback received during the consultation, the Planning Policy Team has worked closely with members, consultants, stakeholders and statutory consultees to produce sound draft policies.
- 4.5 Draft policies have been discussed with the Development Management team and the Melton Local Plan Members' Working Group in a number of workshops and sessions. These meetings have been happening on a monthly basis since January 2024 and, in addition to the consideration of the draft policies, they also included an officer assessment of the Issues and Options consultation that has been used to align the policies with the outcomes of the consultation.
- 4.6 The draft policies and their supporting text are also being informed by several evidence updates. Relevant studies can be found in our ['local plan update evidence base' page](#) and include:
- a) General evidence such as Authority Monitoring Reports, Infrastructure Funding Statements and Five-Year Housing Land Supply reports.
 - b) Advice on retail needs
 - c) Strategic Economic Land Availability Assessment
 - d) Employment Land Study
 - e) Local Housing Needs Assessment
 - f) Playing Pitch and Indoor Sports Facilities Strategies and Action Plans
 - g) Local Green Spaces Assessment
 - h) Sustainability Appraisal Scoping Report
- 4.7 In addition to the above, the following studies are being produced and are underway:
- i) Open Spaces Strategy and Action Plan
 - j) Green Infrastructure Strategy and Action Plan
 - k) Climate Change Study
 - l) Strategic Flood Risk Assessment
 - m) Site Selection report (employment sites)
 - n) Melton South Sustainable Neighbourhood Masterplan update
 - o) Whole Plan Viability Assessment
 - p) Equalities Impact Assessment
 - q) General updates on the Authority Monitoring Reports and Infrastructure Funding Statement

r) Sustainability Appraisal (including Habitat Regulation Assessment)

- 4.8 Except for the Sustainability Appraisal, these reports will be published prior to the commencement of the consultation (the Sustainability Appraisal will be published alongside the consultation documents). Policy recommendations from these ongoing draft studies have been taken into consideration when consultants have been able to provide advice in earlier stages. Recommendations in the final documents will inform the draft policies.
- 4.9 The role of the Members' Working Group has been critical in the production of the draft policies by providing political steer and policy feedback to the Planning Policy Team during the production of the draft policies and evidence studies. Equally, the draft local plan vision has been drafted to align with the ambitions established by the recently published [Corporate Strategy 2024-2036](#).

Regulation 19 consultation

- 4.10 A Regulation 19 Pre-Submission Local Plan is the version of the draft Local Plan which the Council intend to submit to the Secretary of State to be examined by an independent inspector. This Regulation 19 Consultation refers to the consultation stage prior to the submission of the Local Plan Update under Regulation 20 of the Town and Country Planning Act.
- 4.11 The Pre-Submission Plan Update seeks to address those issues identified during the Issues and Options consultation and broadly aligns with the conclusions of the Local Plan Review. The update seeks to, among other things, update most of the development management policies in the adopted Local Plan, re-assess employment needs and allocate employment land as appropriate, provide an appropriate framework to support the delivery of strategic allocations and key infrastructure, embed Climate Change and Health within the Local Plan (core threads) and update policies based on new evidence.
- 4.12 The Regulation 19 consultation provides an opportunity for representations to be made on the Pre-Submission Local Plan Update before the plan is examined by a planning inspector. The local plan, as published for consultation should be the plan intended to be submitted for examination.
- 4.13 Given the technical nature of the consultation, the questions are limited to three categories:
- 4.13.1 **Legal compliance:** The plan needs to meet the legal requirements made under various statutes. This relates to, for example:
- a) Compliance with the Council's [Statement of Community Involvement](#).
 - b) Compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.
 - c) Compliance with the Conservation of Habitats and Species Regulations 2017 (to which the Habitat Regulations Assessment relates).
 - d) Compliance with the Environmental Assessment of Plans and Programmes Regulations 2004, transposed into national law EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA), to which the Sustainability Appraisal relates.
- 4.13.2 **Soundness:** based on paragraph 35 of the National Planning Policy Framework, the local plan needs to meet the following tests:

- a) Positively prepared: providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- b) Justified: an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this National Planning Policy Framework and other statements of national planning policy, where relevant.

4.13.3 **Meeting the duty to cooperate:** The Council must engage and work effectively with neighbouring authorities and statutory bodies. The Council is in the process of preparing a Duty to Cooperate Statement of Compliance which describes in detail how the Council has complied with this duty. This test also helps to ensure that the Local Plan Update has been positively prepared and is justified.

4.14 Considering the above, the consultation will be limited to the following questions (based on the [model representation form for local plans](#) produced by the Planning Inspectorate):

- a) Stating the part of the Plan, Policies Map, Sustainability Appraisal or Habitat Regulations Assessment that the representation relates to.
- b) Whether that section is (a) Legally compliant, (b) Sound, (c) Complies with the Duty to Cooperate.
- c) If any response to the tests is 'no', then further details and recommendations to potential modifications to pass the test will be sought. This needs to be supported by evidence.
- d) If a modification is sought, whether the representee's participation during the hearing session is necessary and why.
- e) Personal details, diversity monitoring and whether the representee wants to be informed at different stages of the process.

Local Plan Update submission (next steps)

4.15 Following the consultation, the Council will be in a position to consider whether the Local Plan Update is sound (i.e., positively prepared, justified, effective and consistent with national policy) and consequently can be submitted for examination. A summary of the representations will need to be produced.

4.16 All comments will be sent to the Secretary of State who will appoint an Inspector to carry out an independent examination. This process will be dealt with by the Planning Inspectorate.

4.17 Further changes to the local plan may only be made in accordance with section 23 off the Town and Country Planning Act, which allows for Main Modifications to be made to the plan only if they are necessary to make the plan sound and/or legally compliant. Sometimes it would be possible to submit to the examination a list of proposed changes to the published plan that have not been the subject of consultation. If this is the case, the Inspector will not treat these changes as part of the plan to be examined but could

consider that some or all the proposed changes to be discussed during the hearing sessions and, if appropriate, form the basis for Main Modifications.

Sustainability Appraisal

- 4.18 Representations received during the Regulation 18 consultation were sent to the consultants and, where appropriate, these have been considered as part of the final report. Alongside the Pre-Submission Plan, a Sustainability Appraisal report will be published for consultation following the requirements on The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).

5 Main Considerations

- 5.1 The timetable to submit the Local Plan Update remains challenging, but it is still realistic. In this context, the Planning Policy team is seeking the approval of the recommendations in this paper to give the Council enough flexibility to launch the Regulation 19 consultation on a timely manner.
- 5.2 The consultation document is expected to be legally compliant, meet the Duty to Cooperate requirements and meet all the soundness tests. It needs to be noted however, that the policy position and the publication of new evidence might evolve during the consultation and examination, meaning that changes might be required for the Local Plan Update to be considered *sound* after the examination. It also needs to be noted that the Duty to Cooperate must be fulfilled when preparing the plan and any failure in this regard cannot be rectified after submission (the Inspector would recommend non-adoption if this is the case).
- 5.3 If the Council wish to make changes to the plan following the Regulation 19 consultation and before submission, and wish for the changes to be considered as part of the submitted plan, then an addendum to the plan containing the proposed changes must be prepared. The addendum, together with a Sustainability Appraisal and Habitats Regulation Assessment of the proposed changes if they are significant, should be published for consultation, on the same basis as the Regulation 19 consultation, before the plan is submitted for examination.
- 5.4 The consultation is expected to go live before the end of the year, subject to timely progress with the production and publication of evidence, successful progress to enable the delivery of strategic sites and critical infrastructure, and consideration of external factors such as the publication of a revised National Planning Policy Framework which is currently being consulted upon.
- 5.5 The publication of the consultation paper needs to be considered in the context of further changes in the National Planning Policy Framework and planning agenda. At the time this report was produced the potential implications of the updated National Planning Policy Framework had not been fully analysed, and the knock-on effect, particularly on cross-boundary matters is still to be determined in collaboration with other districts and Leicestershire County Council. Section 5 below explains the different options that have been considered in the context of the consultation document for a revised National Planning Policy Framework as published on the 30th of July 2024.

6 Options Considered

- 6.1 Based on the proposed revised National Planning Policy Framework (NPPF), the following scenarios could apply if the proposed changes are formalised. The Council:

- a) would need to use the new NPPF (and updated housing targets) if the Council does not reach Regulation 19 by one month after the publication of the new NPPF. In this scenario, submission of the Plan will be required by December 2026.
- b) would need to use the new NPPF if the Council is at Regulation 19 by one month after the publication of the new NPPF, but the annual housing requirement in the Plan is more than 200 dwellings per annum below the new Local Housing Need for the authority. In this scenario, submission is required by June 2026.
- c) could use the current NPPF if the Council is at Regulation 19 by one month after the publication of the NPPF, but the annual housing requirement is not more than 200 dwellings per annum below the new Local Housing Need for the authority. The submission date is unknown, but it is assumed that it would be as soon as possible, and potentially keeping June 2025 as deadline (as has previously been stated), although it could be December 2026. This is unknown at the present time.
- d) could use the current NPPF if the Council has reached examination. It is expected to start a new local plan using the new NPPF if the annual housing requirement is more than 200 dwellings per annum below the new Local Housing Need for the authority.

6.2 The Melton Local Plan Update could fall under the first three categories. 'a' above could apply if there are delays in the publication of evidence or delays launching the Regulation 19 consultation, or the revised NPPF is published more than one month before the publication of our Regulation 19 consultation.

6.3 Scenario 'b' should not apply based on the published [outcomes of the new standard method](#). These show a difference of 178 dwellings between the current standard method and the proposed one. This difference is even lower based on our current housing requirement. This means that the 200-dwelling threshold is not met, but this could change based on updated figures, a revised method or a revised threshold, therefore, although unlikely, scenario 'b' could apply.

6.4 Scenario 'c' should apply if the Council continues with the current timetable and the criteria covered above for 'a' does not apply (e.g., the Council launches the Regulation 19 consultation in December and the revised NPPF is published in (or after) December too).

6.5 Considering the options above, the uncertainty about the revised NPPF, the financial and staffing efforts to submit by June 2025, the production of evidence related to the current NPPF and the limited scope of our Local Plan Update, scenario 'c' is the most practical and reasonable scenario to assume at this stage, understanding that a new Local Plan will be produced based on the revised NPPF after this Local Plan Update is adopted. This scenario still aligns with our Local Development Scheme.

6.6 Based on the above, and for the avoidance of doubt, the Pre-Submission Local Plan Update will be based on the 2023 update NPPF.

7 Consultation

7.1 Regulations 19 and 20 of The Town and Country Planning (Local Planning) (England) Regulations 2012 set up the basis for this consultation and the [2023 Statement of Community Involvement](#) provides additional clarity to the regulations and specific details in relation to the consultation arrangements for the Regulation 19 Consultation.

7.2 The Statement of Community involvement indicates the following in relation to this consultation:

7.3 In terms of process requirements:

- a) The consultation will publish the proposed submission document and Sustainability Appraisal report
- b) Consultation period for a minimum of 6 weeks
- c) Consideration of representations by the Inspector during the examination
- d) The Council will consider the representations and may propose further amendments to be considered by the Inspector
- e) General compliance with the legislative provisions

In terms of engagement, it will be identical to the Issues and Options consultation, involving:

- f) Documents will be available for inspection primarily at the Council offices and on www.meltonplan.co.uk
- g) Public notices in local press and news release
- h) Notifications will be sent to relevant groups and organisations, including statutory consultees and relevant bodies identified in Appendix 2 of the Statement of Community Involvement
- i) Notifications will be sent to Parish and Town Councils
- j) Notifications will be sent to adjacent authorities
- k) Drop-in online public consultation events and stakeholder events will be offered

7.4 Finally, as identified in Regulation 19, the Council must make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35; and ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

8 Next Steps – Implementation and Communication

8.1 Should members approve this paper, the next step is the production of the Pre-Submission Local Plan Update and the consultation material. To do this, evidence will need to be finalised and considered by officers and members in the next few weeks. Meetings with the Members' Working Group will take place to cover changes to the draft policies prior publication, particularly if substantial changes have been made since the discussions about a specific theme or draft policy.

8.2 Once the Pre-Submission Local Plan Update is finalised, a minimum of a 6-week consultation period will be agreed with internal teams. A minimum of two online consultation events can be expected in weeks three and five of the consultation period. In addition to the information in the Melton Local Plan website, publicity needs to be given using local press and news release. In the event of the consultation taking place over Christmas / New Year, it is likely that the consultation period will be extended to 8 weeks to allow for additional time.

8.3 An online consultation software platform (CitizenSpace) will be used to process online representations. Representation forms, paper copies of the Pre-Submission Local Plan

Update and paper copies of the Sustainability Appraisal will be available at the Council offices, although online responses are encouraged.

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. The reserve currently has circa £180,000 following a cash injection agreed previously at Council to commence the Local Plan Review. It is projected at present that the LP Update can be undertaken within the resources available in the current reserve. Should a new Local Plan be required whether under the existing Local Plan system or the new post Levelling-Up and Regeneration Act system, the reserve would need a substantial uplift in order to update the remaining evidence base, assess new development sites, and extend the plan period. This reserve has been used to procure experienced consultants to produce a number of evidence studies in the past year. Only essential evidence has been produced in order to minimise financial risks. The final payments to consultants will be made prior to the commencement of the consultation.
- 9.2 The consultation has limited financial implications beyond those associated with the external publicity that will be given to the consultation. These advertisement costs should be similar to the ones that were needed during the Regulation 18 consultation.
- 9.3 Following the analysis of the consultation responses further evidence might be required in preparation for the hearings. An estimate of the Inspector's costs and the appointment of an independent Programme Officer have been considered for the 2025/26 financial year. Some limited estimates have been set aside from the Local Plan reserve for consultants appearing as expert witnesses during the hearings, legal fees and advertising.

Financial Implications reviewed by: Director for Corporate Services, 9 September 2024

10 Legal and Governance Implications

- 10.1 Formal decisions to commence consultation on the Development Plan (of which the Local Plan forms part) are made by Council in accordance with the Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 (as amended), which excludes that function from being the responsibility of Cabinet.
- 10.2 Regulations 19 and 20 of The Town and Country Planning (Local Planning) (England) Regulations 2012 apply to this consultation:

19. Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

(a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and

(b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

20.—(1) Any person may make representations to a local planning authority about a local plan which the local planning authority propose to submit to the Secretary of State.

(2) Any such representations must be received by the local planning authority by the date specified in the statement of the representations procedure.

(3) Nothing in this regulation applies to representations taken to have been made as mentioned in section 24(7) of the Act.

- 10.3 The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) provides the legal framework in relation to the consultation of the Sustainability Appraisal.
- 10.4 The Localism Act 2011 inserted a Duty to Cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004 which requires local authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross-boundary matters. This will be the basis for the preparation of the Duty to Cooperate work and consequential statement.
- 10.5 The Equality Act 2010 provides the legal framework for the Equalities Impact Assessment.
- 10.6 The National Planning Policy Framework (2023 update) sets the plan-making framework for the Pre-Submission Local Plan Update. The Planning Practice Guidance has been used to complement the national policy framework.
- 10.7 The Statement of Community Involvement 2023, Figure 1: stage 3, indicates that the Council will have to undertake the following processes:

Stage	Process and Requirements	Engagement
3. Pre-submission (Regulations 19 & 20 – publication)	<ul style="list-style-type: none"> • Publication of Proposed Submission Document and SA report • Statutory consultation where a minimum of six weeks is provided to make representations on the plan, the SA and supporting evidence • These representations will be considered by the Inspector at the Examination • Council considers the representations and may propose further amendments to be considered by the Inspector • General compliance with legislative provisions (e.g., Planning and Compulsory Purchase Act and Local Plan regulations) 	Engagement as for the Draft Plan Above

Where the engagement in the previous stage is defined as follows:

- Documents made available for inspection primarily at Council offices and on www.meltonplan.co.uk
- Public Notices in local press and news release
- Notifications will be sent to relevant groups and organisations. This includes statutory consultees and relevant bodies identified in Appendix 2 in this document
- Parish and Town Councils will be notified
- Adjacent Authorities to MBC will be notified

- Drop-in online public consultation events & stakeholder events

And Appendix 2 covers the following potential consultees:

[...]

The parties we will consult will include, as appropriate: Relevant 'prescribed bodies' as defined by The Town and Country Planning Regulations. Section 33A, part 2b of the Planning and Compulsory Purchase Act 2004 states that Local Planning Authorities must have regard of 'prescribed bodies' so far as they are relevant to the preparation of the document.

Specific consultation bodies: • Central and local government (including neighbouring local authorities) • The Secretary of State for Transport (in relation to the Secretary of State's functions with regard to railways and highways) • Statutory advisory bodies (the Coal Authority, the Environment Agency, Historic England, and Natural England) • Parish Councils within or adjacent to Melton Borough • Infrastructure and utility providers • Leicestershire Fire and Rescue Service • East Leicestershire and Rutland Clinical Commissioning Group • Police authorities operating within or adjacent to Leicestershire

The local community: • the general public • community area partnerships • resident/community/civic societies and associations • local businesses and business groups • charity and voluntary organisations • under-represented groups within the community • landowners

The extended community: • developers and agents • national interest groups • general business and industry bodies • housing bodies • transport bodies

Legal Implications reviewed by: Monitoring Officer, on 11 September 2024.

11 Equality and Safeguarding Implications

- 11.1 An Equalities Impact Assessment will be produced prior to the consultation for the pre-Submission Plan. It will provide a systematic approach to identifying and recording gaps and actions to avoid or mitigate any negative impacts on protected groups.
- 11.2 The Equalities Impact Assessment will be produced in accordance with the Equalities Act 2010.

12 Data Protection Implications (Mandatory)

- 12.1 A Data Protection Impact Assessment (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 Regulation 19 consultation document will not have Community Safety Implications. It is expected for the Sustainability Appraisal to analyse social impacts on different alternatives to the local plan update.

14 Environmental and Climate Change Implications

- 14.1 The Regulation 19 consultation has limited environmental and climate change implications. Consultation events are expected to be hosted online in order to reduce carbon emissions and paper copies will be minimised.
- 14.2 The consultation document includes pre-submission policies that are expected to update policies in the adopted Melton Local Plan. The Council has aimed to maximise Climate

Change mitigation and adaptation objectives across the local plan update (subject to viability and competing priorities), making 'Climate Change' a core thread embedded within the pre-submission vision, supporting text and policies.

- 14.3 The Sustainability Appraisal, which includes a Strategic Environmental Assessment, and the Habitat Regulation Assessment are expected to cover these implications too.

15 Other Implications (where significant)

- 15.1 The Regulation 19 consultation does not have additional impacts.
- 15.2 The pre-submission local plan update aims to minimise and mitigate the negative impacts on health and wellbeing. Most of the policies are expected to have a positive impact and, similar to 'Climate Change', 'Health' objectives are expected to be reinforced as part of this local plan update.
- 15.3 The Sustainability Appraisal, which includes a Strategic Environmental Assessment, and the Habitat Regulation Assessment are expected to cover these implications too.

16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Imminent publication of the revised National Planning Policy Framework (NPPF) and inability to launch Regulation 19 consultation in the first month after the NPPF publication. Linked to delays on risks 2, 3, 4, 5, 6 and 12.	Significant	Catastrophic	High
2	Delays in the publication of evidence studies resulting in a late start of Regulation 19 consultation, and consequently the potential need to re-start the Local Plan process based on a new NPPF.	Significant	Critical	Medium
3	Delays in the production of the Pre-Submission Local Plan Update resulting in a potential need to re-start the Local Plan process based on a new NPPF.	Significant	Critical	Medium
4	Delays in the production of the Sustainability Appraisal resulting in a late start of Regulation 19 consultation, and consequently the potential need to re-start the Local Plan process based on a new NPPF.	Low	Critical	Medium
5	Delays in the production of the Consultation Statement a late start of Regulation 19 consultation, and consequently the potential need to re-start the Local Plan process based on a new NPPF.	Very Low	Critical	Low

6	Delays in the publication of the Equalities Impact Assessment and the Duty to Cooperate Statement a late start of Regulation 19 consultation, and consequently the potential need to re-start the Local Plan process based on a new NPPF.	Significant	Catastrophic	High
7	Changes to the proposed standard method or threshold for the transitional arrangements covered in the proposed revised NPPF resulting in the need for the current Local Plan Update to use the revised NPPF.	Low	Catastrophic	Medium
8	Limited staff capacity to manage consultants, produce the statutory documents and organise the consultation may result on delays to reach Regulation 19 consultation on a timely manner (and in accordance with the regulations), resulting in the potential need to re-start the Local Plan process based on a new NPPF.	High	Critical	High
9	Outcomes of the Leicester City Local Plan examination could lead to an impact on the distribution of unmet needs or other critical Duty-to-Cooperate matters making our current adopted strategy, which it is not part of the Local Plan Update, out-of-date resulting in the need for a full Local Plan Update.	Low	Critical	Medium
10	Lack of agreement to ensure the deliverability of the South Sustainable Neighbourhood and South Melton Mowbray Distributor Road	High	Catastrophic	High
11	The need for additional evidence to make the Local Plan sound would result on a late start of Regulation 19 consultation, and consequently the potential need to re-start the Local Plan process based on a new NPPF.	Low	Critical	Medium
12	The need to reconsult shortly after (or during) the consultation might arise if essential information is missing resulting in a late start of Regulation 19 consultation, and consequently the potential need to re-start the Local Plan process based on a new NPPF.	Low	Catastrophic	Medium
13	Insufficient budget to finalise studies, produce the statutory documents and cover the examination costs resulting	High	Critical	High

	in abortive work an inability to submit the Local Plan to examination.			
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		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High			8, 13	10
	4 Significant			2,3,	1,6
	3 Low			4,9,11	7,12
	2 Very Low			5	
	1 Almost impossible				

Risk No	Mitigation
1	The Planning Policy team and the Council are giving the highest priority to the Local Plan progress. Even though the date of publication of the revised NPPF cannot be anticipated, the team will maximise efforts to avoid delays to launch the regulation 19 consultation. Additionally, the team will attend Government and Planning Advisory Service's workshops to be able to accurately anticipate the risk of an early publication.
2	The Planning Policy team keeps informing external consultants about pressing deadlines and no concerns have been raised yet. All the evidence studies are progressing as anticipated, but there is high dependency with the publication of an updated South Sustainable Neighbourhood Masterplan on a timely manner. One to three weeks' delays are acceptable depending on the potential impact on the Local Plan Update and the publication of the NPPF.
3	Delays in the production of the consultation document might occur. The Planning Policy team is solely focussed on the Local Plan work and will seek additional resources if unexpected delays occur. One to three weeks' delays are acceptable depending on the potential impact on the Local Plan Update and the publication of the NPPF.
4	Delays in the production of the Sustainability Appraisal consultation document might occur. The Planning Policy team is frequently engaging with the relevant consultants to minimise risks. This risk is co-dependant to risks associated with the production of other evidence studies.

5	<p>The Consultation Statement is expected to be finalised in the next few weeks and it is being produced internally. It is a statutory duty to publish it and appropriate priority has been given to ensure its publication.</p>
6	<p>Both pieces of work are being produced internally and high priority has been given to them.</p> <p>In relation to the Duty to Cooperate, there is a good track record of collaborative planning with other districts in the Housing Market Area and the County Council, and even though the potential changes to the NPPF are having a significant impact on teams' capacity across the county, ongoing conversations are happening to ensure a positive Duty to Cooperate between districts. The impact of not publishing this could be catastrophic as failing this duty would force an Inspector to recommend 'non-adoption' before continuing with the hearings.</p> <p>In relation to the Equalities Impact Assessment, no significant concerns have been raised as part of the regulation 18 consultation, but further work is needed to ensure that the Local Plan Update do not have impacts in this regard.</p>
7	<p>The current analysis shows that there is significant headroom between the current threshold in the proposed NPPF (200 dwellings per annum) and our updated figure. This allows us to continue using the current NPPF for this Local Plan Update. An updated NPPF is unlikely to change the threshold or the outcome of the standard method significantly without the need for a further consultation.</p>
8	<p>The Council and the Planning Policy team are prioritising the work associated with the publication of the pre-Submission local plan update and a timely submission of the document to the Planning Inspectorate in accordance with the published Local Development Scheme. Given the current pressure on the team and the limited capacity, other non-statutory short-term projects will need to be re-prioritised.</p>
9	<p>Leicester City's examination (October 2024) could host critical conversations in relation to the Duty to Cooperate, unmet needs or local plan timeframes. The Council will attend the first days of the examination to ensure support to the City's Local Plan and anticipate risks linked to relevant discussions.</p>
10	<p>The deliverability of the Sustainable Neighbourhoods and the Distributor Road are essential to ensure the overall strategy of the Local Plan. Positive engagement with key stakeholders and the County Council is taking place to secure the deliverability of the urban extension and the road while maximising the benefits of the scheme. A new Masterplan will be published to update the South Sustainable Neighbourhood's position and the policy underpinning this. An externally facilitated workshop took place in early August to bring together key parties where issues were explored in detail. This was arranged and organised by Melton Borough Council and attended by County Council and the key developer interests in Melton South. It was facilitated by an ex-Planning Inspector, through a company called 'Independent Plans and Examinations' due to the importance of this development to the whole Local Plan. It is currently proposed that the work is undertaken in a concentrated / truncated manner w/c 23rd September to progress the masterplan at pace to prevent delays to the Regulation 19</p>

	consultation. All developer interests have advised that they can resource this week, and the County Council have initially advised that they can resource this during that week.
11	As part of the outcomes of evidence studies or the feedback received from the Planning Inspectorate advisory visit, the Planning Advisory Service or Duty to Cooperate conversations the Council might need to produce further evidence or addendums to existing evidence. The evidence that is being produced was informed by previous independent advice and addendums are expected to have limited impact on the timetable (reduced procurement times). An Advisory Meeting with the Planning Inspectorate has been scheduled at the end of October to cover critical issues and de-risk the submission of the Local Plan and associated documents.
12	If the Council wants to make amendments to the pre-Submission plan after the consultation, an addendum will need to be prepared. This addendum would need a new Regulation 19 consultation and the support of a Sustainability Appraisal and Habitat Regulation Assessment. The evidence base, consultants and officers' expertise, and engagement with external and internal groups reduces the likelihood of this risk, however the consequences could be either moving to the use of the revised NPPF or potentially missing the June 2025 target if this target is still in place.
13	The Council has identified the submission of the Local Plan Update as one of its priorities and efforts will be made to minimise this risk. Costs associated with the consultation and submission of the Local Plan Update were incorporated to the budget.

17 Background Papers

17.1 None

18 Appendices

18.1 None