

## MELTON ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

4<sup>th</sup> DECEMBER 2017

### REPORT OF HEAD OF REGULATORY SERVICES

#### RECEIPT OF PETITION – LONG CLAWSON, HOSE AND HARBY

#### 1.0 PURPOSE OF REPORT

1.1 To advise Members of the receipt of a petition relating to the Neighbourhood Plan and Planning Applications in Long Clawson, Hose and Harby

#### 2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee:

- (i) Considers the Petition the details of which are set out in paragraph 3.1 below; and;
- (ii) Advises the petitioners that the Council has only a partial role in the production of the NP and is fulfilling its responsibilities in as timely a fashion as possible.

#### 3.0 KEY ISSUES

3.1 A petition has been received which contains 307 signatories, 297 from residents of Long Clawson and 10 from various other nearby villages. The petition requests that:

***“We the undersigned residents of Long Clawson, Hose and Harby are concerned about excessive development in our villages and the lack of concern shown by MBC about heritage and infrastructure issues focussing on traffic, flooding and schooling for which evidence has been formally presented to them but ignored. We “request” that MBC accelerates the process for determining the Clawson, Hose and Harby Neighbourhood Plan for which Regulation 16 will be completed at the end of August before determining ANY of the outstanding planning applications.”***

The petition itself is not appended to this report owing to the presence of information deemed sensitive by the Data Protection Acts. However, officers can confirm that the signatories and addresses appear legitimate and there is no reason to question the validity of the petition.

3.2 Under the Council’s Scheme for Petitions, the petition is required to be referred to the appropriate Committee for consideration of a response. The Neighbourhood Plan process is assigned to MEEA Committee to consider the request to accelerate the process for determining the Long Clawson, Hose and Harby Neighbourhood Plan (NP). The Planning Committee considered the request to postpone determination of any planning applications on 9<sup>th</sup> November 2017 and declined to do so.

3.3 The petition makes reference to the ‘Regulation 16’ consultation which took place in July and August 2017. The signatures are also dated August 2017. There is no information explaining the period of time between its compilation and submission. The NP has now progressed and completed its ‘Regulation 16’ consultation and was subsequently submitted

for independent Examination. The result of the Examination was received on 4<sup>th</sup> November 2017 and the Qualifying Body has advised that it is satisfied with the recommendations of the Examiner. The next stage is for the Council to consider whether to progress the NP to Referendum which forms item 4 of this agenda. The following stages are to:

- Arrange and hold the Referendum
- Finally 'make' (adopt as complete) the NP

(n.b. Recent changes in legislation have enabled NP's to obtain full Development Plan status once it has received a favourable Referendum result, i.e. a status in law equivalent to when it is finally 'made', in terms of decision making on planning applications).

3.4 The timetable for determining whether the NP should proceed to Referendum is limited in law to a maximum of 5 weeks, which in this case was 6<sup>th</sup> December. The Parish Council has accepted the Examiners recommended modifications at a Parish Council meeting on the 20<sup>th</sup> November (conveyed to MBC on the 21<sup>st</sup>), which was necessary to enable this decision to be made in the light of the complete necessary information, and it is considered this 'turnaround' is as quick as can reasonably be expected, particularly taking into account lead in times for the publishing of Committee reports, agenda etc.

3.5 The Referendum timetable is similarly governed and 56 working days after agreement to proceed is published. Assuming such agreement is secured on 4<sup>th</sup> December this would extend to mid February 2018. The Referendum must be held before then, but due to the intervening Christmas holiday and other commitments, most notably the Melton Local Plan Examination at the end of January, it is considered there is little scope to proceed much before this date.

3.6 A NP must be 'made' within 8 weeks of the Referendum result (subject to legal challenge). It is considered that there may be a limited scope to reduce this prospective timetable.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

4.1 Neighbourhood Plans operate alongside the Local plan to deliver growth for the area. Corporate Priority of Helping to Provide Homes that the Borough Needs is related to this subject matter.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 There are significant resource implications associated with arranging a Referendum with notice limited to 56 working days as required by law. The Referendum follows the same organisational requirements as other formal elections, and due diligence and care is required to ensure it is a fair ballot conducted correctly.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

6.1 The timetables set out derive from Neighbourhood Planning (General) (Amendment) Regulations 2015 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, which amend the Neighbourhood Planning (General) Regulations 2012.

#### **7.0 COMMUNITY SAFETY**

7.1 There are no Community Safety issues arising from this report.

#### **8.0 EQUALITIES**

8.1 There are no direct equality implications as a result of this report

9.0 **RISKS**

The risks identifies below are the potential outcomes should this report not receive support.

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>			<b>1</b>	
	<b>C</b>	<b>Significant</b>				
	<b>D</b>	<b>Low</b>				
	<b>E</b>	<b>Very Low</b>				
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
<b>1</b>	Impact on other 'core busies' – MLP Examination in particular

10.0 **CLIMATE CHANGE**

10.1 There are no direct implications or impacts resulting from, this report

11.0 **CONSULTATION**

11.1 No direct consultation has been carried out in regards to this report.

12.0 **WARDS AFFECTED**

12.1 All

Contact Officer            Head of Regulatory Services  
Date:                            23rd November 2017

Appendices :                None

Background Papers:        • Petition as submitted  
                                      • CHH Neighbourhood Plan and Examiner's report

