

ITEM 6

MELTON ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

24th JANUARY 2018

REPORT OF HEAD OF STRATEGIC PLANNING AND REGULATORY SERVICES

BROUGHTON AND DALBY NEIGHBOURHOOD DEVELOPMENT PLAN

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this to inform members of the progress of the Broughton & Dalby Neighbourhood Development Plan (2017) and determine whether it should proceed to Referendum.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:

Approve the examiners recommended modifications and agree that the Broughton & Dalby Neighbourhood Development Plan (as amended by said modifications) (2017) (Appendix 1 to this report) should proceed to Referendum.

3.0 BACKGROUND

- 3.1 Broughton and Dalby Parish Council (Qualifying Body – QB) received formal area designation for the purposes of preparing a NP the 23rd November, 2015, after a formal statutory 6 week consultation,
- 3.2 Before submitting its plan proposal to the local authority, the group have, as best as they were able, publicised details of the proposals to everybody who lives or works in the Parish. The group consulted with other interested bodies that were affected by the proposals and the Neighbourhood Plan through a Regulation 14 Consultation (April to May, 2017) and a number of consultation events.
- 3.3 Following this, Broughton and Dalby PC formally submitted the plan to Melton Borough Council in July, 2017. The Council conducted a 'Regulation 16' 6-week formal public consultation on the Plan, lasting from the 20th July 2017, until 30th August 2017. As per the Regulation 14 consultation, Melton Borough Council submitted formal representations to this Plan. After going through the responses to the Regulation 16 consultation, Broughton and Dalby Neighbourhood Plan group agreed to continue to Examination without amendment.
- 3.4 Melton Borough Council formally appointed independent Examiner to examine this Plan. He is independent of both Melton Borough Council, and the Parish and had no interests in any land that was affected by the Neighbourhood Plan. The Examination of the Neighbourhood Plan began in October, 2017.

- 3.5 On the 14th October, the Examiner emailed the Council and QB with a number of questions. The QB and LPA responded within the two week deadline. The examiner raised further questions from this, which were responded to quickly also. There were further exchanges in the following weeks, including a letter from Gladman. The Examiner however was able to produce a report for fact checking in early December, 2017. Following this exercise, he was able to issue his final report in the 15th December, 2017 (**see Appendix 2**). This report stated that, subject to selected modifications the plan could precede to Referendum (All correspondence is viewable on the Broughton & Dalby Neighbourhood Plan page on the MeltonPlan site¹). .
- 3.6 This decision, when issued to the LPA, set in motion statutory timescales by which the Local Authority has to, in the first instance, decide whether to advance the Neighbourhood Plan to referendum. Then, following its decision (if positive), the LPA has to set a date for a referendum and ultimately conduct it. In the first instance, the LPA has to decide within 5 weeks of receiving the Examiner's report whether it agrees to advance the Plan to Referendum. Following publication of this decision, the Authority has 56 working days to run the Referendum. This Committee falls within the statutory deadline. **The Local Authority has received confirmation from Broughton and Dalby Parish Council that the Parish Council are content with the Examiners recommended modifications.**
- 3.7 On Monday the 8th September, it was brought to the authority's attention that an administration mistake had been made meaning one of the regulation 16 responses had not been published for the Examiner, nor been subject to his consideration. This meant that, if unrectified, the plan would be vulnerable to judicial review as a legitimately submitted response had not been considered during the Examination. Having liaised with the Examiner and the QB, officers arranged for the examination to be reopened so the representations could be taken into account. Whilst not available at time of writing, this report will be available prior to the committee, allowing officers to update verbally any potential changes arising. Officers are of the opinion that there are unlikely to be fundamental changes arising from this exercise. The missing rep, and thus the issues to be considered by the Examiner, can be found at **Appendix 3** of this report.
- 3.8 Neighbourhood Plans, unlike Local Plans do not have to pass the same tests as Local Plans. In particular of note is that neighbourhood plans are not tested for soundness. Instead, neighbourhood plans are tested against specific caveats known as 'Basic Conditions'. For Neighbourhood Plans the relevant basic conditions are listed below;
- i. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - ii. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development
 - iii. the making of the order (or neighbourhood plan) is in general

¹ <https://www.meltonplan.co.uk/broughton-and-dalby>

conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

iv. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

- 3.9 As the Local Plan is not yet made, the Neighbourhood Plan has not been strictly examined against its emerging policies, however the evidence and reasoning has been relevant to the examination (as can be seen in the examiners report). Regardless, the Neighbourhood Plan at submission was broadly in alignment with the Local Plan.
- 3.10 This Neighbourhood Plan has followed the trend of all its Melton predecessors in that it designates a Limit to Development policy. Unlike other parishes however, the group have additional Limits to Development for the employment areas, including the industrial estate. The plan includes within the limits to development the extant planning permissions which make up the Local Plan allocations, meaning that while they are not directly allocated, the plan remains in conformity with the Local Plan with regards to Housing provision. Unlike the Local Plan however, the NDP, through the current recommendations of the Examiner allocated an additional site of Station Road, between the Old Dalby test track and industrial estate. This site, is not included in the emerging Local Plan, but does adjoin an existing planning commitment, its development would be seen as a windfall at Borough level, and could help to ensure a five year housing land supply. There are further policies with regards to housing mix, affordable housing, windfall and design.
- 3.11 Like other Neighbourhood Plans, this NDP contains a number of policies relating to the environment, including but not limited to the delivery of a number of LGS designations and second tier of protected open spaces called ' Other sites of Environmental (Natural and Historical) Significance. There is also the inclusion of a policy protecting wildlife corridors and habitat connectivity. There are policies concerned with the protection and creation of community facilities, including a specific policy relating to Play Areas. The plan includes policies relating to employment, including a policy relating to proposals to enable home working. The plan also includes a policy relating to the Old Dalby Test Track. It is the view of officers that these policies fall comfortably within the remit of general conformity of the policies contained within the Emerging Local Plan. Finally, and sensibly the Neighbourhood Plan Group commits to reviewing the plan on a five year cycle to coincide with the review cycle of the Melton Local Plan. Furthermore, whilst the plan accepts it is not the correct document to make a decision on Six Hills, it does commit to review should a proposal at Six Hills be granted.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The decision of this Committee, subject to successful referendum, may have limited policy implications on the development of the Local Plan. However the NP already benefits from good alignment with the content of the Local Plan to date and it is not considered that there is a significant risk to examination of the Local plan. There are also clear links to corporate priorities contained

within Neighbourhood Planning.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 There has already been significant resource put into the Neighbourhood Plan by both the Parish and Borough Council. For the Borough Council resource has been spent on;
- Advertisement of the NDP in Melton Times.
 - Examination of the Neighbourhood Plan (examiners fees)
 - Significant staff time
- 5.2 Previously Councils could apply for grant funding amounting to £20,000 in instalments. Firstly when a Neighbourhood Plan Area was designated, then when Examination was set and finally for the referendum. Now however claims can only be made for the full amount after a date for examination has been set.
- 5.3 The Borough Council received £5,000 in funding when the Neighbourhood Plan Area was designated and the old funding regime was in place, however since then the above restrictions have come into force. This means the Borough Council can only claim when a referendum date is set and during one of two claims windows per year. This means there is financial advantage in Neighbourhood Plans advancing to this stage, as costs such as those listed above will still be incurred without any opportunity to claim for funding. In accepting the recommendation, this will allow the Borough Council to set a date for Referendum allowing a claim to be made for £20,000 during the next window. This has been accounted for in relevant budget setting and reporting.
- 5.4 There are additional costs incurred in running the referendum. These are ran in the same way as a, for example a general election or the EU Referendum, with polling cards, polling station and staff. The costs incurred would be transferred from the Neighbourhood Planning budget.

6.0 LEGAL IMPLICATIONS/POWERS

- 6.1 The Act specifies timetables for the Referendum following publishing of a decision to agree it should proceed to that stage. This is 56 working days to arrange the referendum. There are various other duties to publish the result of this decision and to notify interested parties.
- 6.2 Section 1 of The Neighbourhood Planning Act 2017 requires the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan to be taken into account in relation to planning applications once it has been accepted through the Examination process.

7.0 COMMUNITY SAFETY

- 7.1 There are no direct community safety implications arising from this report, as safety, especially on highways and access, will form the basis of any future planning application.

8.0 EQUALITIES

- 8.1 There are no foreseen equalities issues. This issue has been discussed by government and can be viewed here - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6042/1830054.pdf.

9.0 RISKS

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

IMPACT

Risk No	Risk Description
1	Inability to progress to Referendum within required timetable
2	Legal challenge from dissatisfied interested parties
3	Impact on Melton Local Plan

10.0 CLIMATE CHANGE

- 10.1 The Broughton & Dalby Neighbourhood Plan has been assessed by an independent Examiner as contributing to sustainable development.

11.0 CONSULTATION

- 11.1 The Neighbourhood Plan has been through various stages of consultation, totalling 12 weeks over the past couple of years. If the decision of this Committee is to ratify the recommendation, then a referendum will ensure it is the community who have the final say on whether or not the Neighbourhood Plan should be made.
- 11.2 The NP was considered by the Melton Local Plan Working Group on 18th January 2018 and its comments and recommendations will be reported verbally.

Contact Officers	J Worley – Head of Regulatory Services J Beverley – Planning Policy Officer
Appendices	1: Broughton & Dalby Neighbourhood Plan (Referendum Version) 2: Examiners Report
Date	15 th January 2018