

ITEM 7

MELTON ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

24th JANUARY 2018

REPORT OF HEAD OF REGULATORY SERVICES

WALTHAM ON THE WOLDS AND THORPE ANROLD NEIGHBOURHOOD DEVELOPMENT PLAN

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this to inform members of the progress of the Waltham on the Wolds & Thorpe Arnold 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 Waltham on the Wolds & Thorpe Arnold Neighbourhood Development Plan (as amended by said modifications) (2017) (Appendix 1 to this report) should proceed to Referendum.

3.0 BACKGROUND

- 3.1 Waltham on the Wolds & Thorpe Arnold Parish Council (Qualifying Body – QB) received formal area designation for the purposes of preparing a NP on the 26th February, 2014, after a formal statutory consultation, lasting 6 weeks from 10th January to 21st February 2014.
- 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 are affected by the proposals and the Neighbourhood Plan through a Regulation 14 Consultation (2nd April, 2017) and a number of consultation events.
- 3.3 Following this, Waltham on the Wolds & Thorpe Arnold 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 27th July 2017, until 6th September 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, Waltham on the Wolds & Thorpe Arnold Neighbourhood Plan group agreed to continue to Examination without amendment.
- 3.4 Melton Borough Council formally appointed independent Examiner Edward Cousins 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 this Neighbourhood Plan began in October, 2017.

- 3.5 On the 3rd November, the Examiner emailed the Council with his draft conclusions. This was then responded to by the QB through the LPA. The Examiner, being satisfied with the response, issued his final report for fact checking on the 22nd November, 2017. This report stated that, subject to selected modifications the plan could proceed to Referendum (Appendix 2 to this report). The Authority received the final report in mid January, 2017.
- 3.6 This report, when issued to the LPA, sets 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 is well within these statutory timescales, however, due to the progression of the Broughton and Dalby Neighbourhood Plan, there is benefit in both plans being advanced together, both in terms of process (such as this committee) and the running of the referendum. The Local Authority has received confirmation from Waltham on the Wolds and Thorpe Arnold Parish Council that the Parish Council are content with the Examiners recommended modifications.
- 3.7 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 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.
- 3.8 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, and with the examiners recommended modifications the plan is now very closely aligned to the Local Plan in regards to housing allocations, including

the delivery of a reserve site, which had previously been resisted by the group. This means that the Neighbourhood Plan mirrors the Local Plan insofar as housing allocations go. The wording of Neighbourhood Plan policy H1 states that it is the Local Plan which allocates housing. This does add flexibility as it means the policy would still be in date if the Local Plan allocations were changed, however the Limits of Development Policy may be outdated somewhat.

- 3.9 One potential issue arising from the Examiners report is that he queries the Authority's challenge to the implementation of village envelopes and its potential incompatibility with Policy SS3 of the Emerging Local Plan. The Authority has raised concerns to all Neighbourhood Plan Groups that there may be a potential conflict with the reintroduction of the village envelopes (often referred to as Limits to Developments), and warned of the status of these post the adoption of the Local Plan. However, The Examiner was of the opinion that there is not a necessary contradiction between Neighbourhood Plans reintroducing village envelopes and emerging LP Policy SS3. This may be an issue that may have to be considered further through EiP of the Local Plan. Post adoption of the Local Plan, the Council may need to take a formal stance on the legitimacy and weight of such policies to ensure there is clarity moving forward.
- 3.10 Beyond the inclusion of limits to development and housing allocations, the Neighbourhood Plan adds further policies for housing, including policies relating too housing mix, affordable housing and housing design. The Neighbourhood plan adds greater protection to non designated heritage assets and lists the assets this protection applies too. Like most Neighbourhood Plans, there are a swathe of policies to protect the environment, including the designation of additional Local Green Space within the Parish. There are policies concerned with the protection and creation of community facilities and employment, including an emphasis on homeworking. 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, including the provision of the requisite quantity of housing on the allocated sites.. 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.

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 has very strong 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 Waltham on the Wolds and Thorpe Arnold 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 Strategic Planning and Regulatory Services J Beverley – Planning Policy Officer
Appendices	1: Waltham on the Wolds & Thorpe Arnold Neighbourhood Plan (Referendum Version) 2: Examiners Report
Date	15 th January 2018