



**MELTON LOCAL PLAN – ADDENDUM OF FOCUSED CHANGES
(JULY 2017)**

For official use only
Respondent Ref:
Date Received:

The focused changes being proposed in the Melton Local Plan have been split into the main themes that are being addressed since our last consultation in November 2016:

FOCUSED CHANGE DESCRIPTION	FC NUMBER
1. Spatial strategy FC1.1 to FC1.3 (see schedule of the proposed focused changes)	FC1
2. Sustainable neighbourhoods FC2.1 Policy SS4 FC2.2 Policy SS5	FC2
3. Growth strategy	FC3
4. Housing site allocations** FC4.1 Section 5.4, C1 (A) & C1 (B) FC4.2 Appendix 1	FC4
5. Housing mix	FC5
6. Affordable housing	FC6
7. Gypsies and travellers	FC7
8. Economy	FC8
9. Indoor sports & recreation	FC9
10. Infrastructure delivery plan	FC10
11. Melton transport strategy	FC11
12. Developer contributions	FC12
13. Policies map 13.1 Revised boundary of southern sustainable neighbourhood 13.2 Addition of corridor of investigation/interest for the Melton Mowbray Distributor Road	FC13

****PLEASE SUBMIT 1
REPRESENTATION FORM
PER FOCUSED CHANGE
(FC)****

****To comment on HOUSING SITE ALLOCATIONS, please scroll down to the end of this form****

To view more specific policy numbers, please refer to the relevant FC number using the reports on the website at:
www.meltonplan.co.uk/focussed-changes-to-plan

What 'soundness' means

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.



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Melton Borough Council proposes to submit the Melton Local Plan (MLP) to the Secretary of State of Communities and Local Government for independent examination. Before submitting the MLP, the Council is required to publish the document and invite the public to make representations on its 'soundness'. An addendum of 'Focused Changes' (FC) has been published since the last consultation in November 2016, and the Council is now consulting on this addendum. The MLP, once adopted will be the development plan for Melton Borough.

This form has two parts:

- Part A: Personal Details
- Parts B and C: Your representation(s).

When making representations, **please use a separate Part B form for focused change you wish to comment on. Before completing the form you should read the accompanying Guide to Making Representations.** Please ensure that your representation relates to the correct test of soundness (details can be found in the Guide to Making Representations)

Completed forms should be returned to the address below no later than **23rd August 2017. Representations received after this deadline will not be accepted.**

Planning Policy Team
Regulatory Services
Melton Borough Council
Parkside, Station Approach
Melton Mowbray
Leicestershire
LE13 1GH

Alternatively, you can access this form on the Council's website <https://www.meltonplan.co.uk/focussed-changes-to-plan> & print it out or complete it electronically and e-mail your response to planningpolicy@melton.gov.uk

Representations can also be made via the Council's on-line consultation portal -

<https://meltonboroughcouncil.citizenspace.com/planning-policy-team/copy-of-focussedchanges-addendum-consultation-s/>

PART A: ABOUT YOU/YOUR ORGANISATION (If you are an agent, please complete the personal details of your client in 1 and complete agent's details in 2).

Personal Details
Full Name:
<input type="text"/>
Organisation (if applicable)
Rotherhill (Asfordby) Limited
Address:
c/o Agent
Postcode:
<input type="text"/>
Email:
<input type="text"/>
Contact Number:
<input type="text"/>

2. Agent's Details (if applicable)
Full Name & Company:
Mr Steve Lewis-Roberts
Organisation/Client Representations on Behalf Of
Pegasus Group
Address:
4 The Courtyard Church Street Lockington Derbyshire
Postcode:
DE74 2SL

Number of Representations Enclosed:

Signature:

Date:

(PART B)

PART B: YOUR REPRESENTATION (This section will need to be completed for each representation made. Please photocopy or download from the council's website Part B of the form as required.)

Which part of the Melton Local Plan: focused changes addendum does your representation relate to? (Please enter the policy number)

FC number:

4

Policy number:

Policy C1 (A) –
Housing Allocations

Do you believe that this policy/section of the Melton Local Plan focused change is? (Please tick the appropriate box)

1. Legally Compliant: Yes No
2. Sound: Yes No
3. Complies with Duty to Co-operate: Yes No

*The considerations in relation to the Local Plan being "sound" are explained in paragraph 182 of the National Planning Policy Framework. If you have entered "No" in relation to 4(2), please go to question 5. In all other circumstances, please go to question 6

Do you consider that the focused change is unsound because it is not any of the following? (Please tick the appropriate box)

1. Positively Prepared 2. Justified 3. Effective 4. Consistent with National Policy

Please give details of why you consider this focused change is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of this policy or its compliance with the Duty to Co-operate, please use this box to set out your comments. (Please continue onto a separate sheet if you require more space)

Focused Change FC 4 includes new housing allocations at Policy C1(A) – Housing Allocations and Policy C1(B) – Reserve Sites. The focused change at FC 4 includes the deletion and addition of housing sites, as well as amendments to boundaries and capacities, and some recategorisation. Land at Asfordby Business Park is an allocation for residential led mixed use development in the Referendum Version Asfordby Neighbourhood Plan (June 2017) and therefore should be included within the additional allocations at FC 4. The site is referenced as EC3(iii) Holwell Works (Melton Mowbray Business Park) within the Melton Pre-Submission Version Local Plan, and proposed to be retained for employment uses.

Pegasus Group act on behalf of Rotherhill (Asfordby) Limited in relation to their land interests at Asfordby Business Park. The site is a residential led mixed use allocation in the Asfordby Referendum Version Neighbourhood Plan (June 2017) for some 3.23 hectares of business, general industrial and storage or distribution uses, along with up to 100 dwellings, provision for a new general store, a new or replacement community meeting place and play space. The emerging proposals for the site and Neighbourhood Plan Policy A27: Holwell Business Park of the Referendum Version Neighbourhood Plan have evolved together following extensive consultation with the Parish Council and local community. The site is referred to as Holwell Business Park in the Neighbourhood Plan allocation at Policy A27, however the site is referenced as part of Policy EC3(iii) Holwell Works (Melton Mowbray Business Park) within the Pre-Submission Version Local Plan, and is proposed to be retained solely for employment use in the Local Plan.

Asfordby Parish Council received formal area designation for the purposes of preparing a Neighbourhood Plan in January 2013, and several rounds of public consultation took place prior to the submission of the Neighbourhood Plan to Melton Borough Council in October 2016, and the Council then conducted a formal consultation until November 2016. The Examiners final report was issued to Melton Borough Council on 8th June 2017 and recommended that, subject to modifications, the Asfordby Neighbourhood Plan could proceed to referendum.

Neighbourhood Plan Policy A27 confirms the allocation of Asfordby Business Park for residential led mixed use development. The site is a significant brownfield redevelopment opportunity for the Neighbourhood Plan area, and the mix of uses proposed provides a viable and deliverable development opportunity which will deliver the additional services and facilities required to enhance the sustainability of Asfordby Hill. The site can be developed to ensure that there is no significant adverse impact on the amenities of existing or new residents in the area, and no overriding physical constraints that would prevent the development of this site have been identified through technical work undertaken.

A report was taken to the Melton Borough Council Rural, Economic and Environmental Affairs Committee on 12th July 2017, to seek agreement that the Asfordby Neighbourhood Development Plan should proceed to referendum. The Decision Statement (14th July 2017) confirms the unanimous decision to approve the Neighbourhood Plan to go forward to referendum, including all of the recommendations made by the Examiner. Following publication of the decision, the Local Planning Authority then has 56 working days to run the referendum, meaning the referendum should take place on or before 28th September 2017. Subject to a majority being achieved at referendum, Melton Borough Council will then adopt the Asfordby Neighbourhood Plan as part of the development plan.

The Rural, Economic and Environmental Affairs Committee report (12th July 2017) (**Appendix 1**) summaries the concerns pertinent to Melton Borough Council's decision to proceed to referendum on the Asfordby Neighbourhood Plan; the delivery of dwellings on protected employment land, the delivery of additional dwellings at Asfordby Hill and highways implications, and differing choices on site selection and implications at the Local Plan Examination. The report acknowledges that these concerns may not be sufficient to persuade the Committee to reject the officer recommendation, but that the Committee needs to understand the effects on the Local Plan moving forward.

In order to be found sound, the Melton Borough Local Plan should be consistent with the relevant policies contained in the Asfordby Neighbourhood Plan. The National Planning Practice Guidance (NPPG) states that "*where a neighbourhood plan has been made, the local planning authority should take it into account when preparing the Local Plan strategy and policies and avoid duplicating the policies that are in the neighbourhood plan*" (Paragraph 013 Reference ID 12-013-20140306). Furthermore, at Paragraph 009 Reference ID 41-009-20160211 makes clear that where a Neighbourhood Plan is brought forward before an up-to-date Local Plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan and the emerging Local Plan. The local planning authority should work with the qualifying body to produce complementary neighbourhood and local plans. The guidance states that it is important to minimise any conflicts between policies in the Neighbourhood Plan and those in the emerging Local Plan.

In order to avoid duplicating the policies of the Asfordby Neighbourhood Plan, the Melton Local Plan should rely on Policy A27 of the Neighbourhood Plan to deliver a residential led mixed use development on the site, and include the relevant policies contained in the Asfordby Neighbourhood Plan in the Site Allocations and Policies section of the emerging Local Plan. This will ensure that any potential conflicts between the neighbourhood and local plans are minimised and that the policies within the Neighbourhood Plan are not overridden by the new Local Plan.

The NPPG confirms that Neighbourhood Plan attains the same legal status as the Local Plan once it has been approved at a referendum, and at this point it comes into force as part of the statutory development plan (Paragraph 006 Reference ID 41-006-20170728). Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. As the Neighbourhood Plan is at a more advanced stage than the Local Plan, the Neighbourhood Plan is likely to be 'made' prior to the adoption of the Local Plan. This could lead to recently made Neighbourhood Plans becoming out-of-date following the adoption of the Local Plan and undermine the credibility of the Neighbourhood Plan process. To ensure that the Local Plan and Neighbourhood Plan will operate effectively together, with both being part of the Development

Plan, the conflict in relation to the Holwell Works site should be resolved between the Neighbourhood Plan and emerging Local Plan, prior to the Local Plan Examination.

The site has been allocated for employment purposes in the development plan for almost 20 years. Saved Policy EM4 of the Melton Local Plan 1999 supports employment development on the site, and a Development Brief for employment development was adopted by the Council in June 2000. Outline planning permission reference 09/00356/OUT for employment development was granted on 30th June 2010. Planning permission to extend the time period for implementation of the outline planning permission was granted on 15th April 2013. An application for the approval of reserved matters was not submitted and the outline planning permission lapsed in April 2016. Throughout this period the site has been marketed for employment purposes, without success.

The planning history demonstrates that there is no realistic prospect that employment development will be delivered on all of the Holwell Works site during the Plan period.

Furthermore, there is no evidence that the allocation of the whole site for employment purposes is required to meet the employment land requirements across the Borough. The Report to the Rural, Economic and Environment Affairs Committee dated 12th June 2017 (**Appendix 1**) confirms at Paragraph 4.6 that in calculating the need for employment land a buffer was provided to allow for flexibility and non-delivery. This approach is to allow for the loss of employment land over the plan period. The report confirms that an additional 6.39 hectares of employment land has been granted since the Employment Land Report produced by the BE Group in 2015. The Report concludes that there is evidence and reasoned justification for allowing the Neighbourhood Plan to advance with respect to the loss of employment land on this site.

It should be emphasised that a residential-led mixed use allocation, will unlock development opportunities on this site brownfield site and will deliver up to 3.23 hectares of employment land, in addition to the delivery of 100 dwellings in a sustainable location and associated community benefits.

To ensure consistency with the Neighbourhood Plan, Policy C1(A) should be modified to include an allocation for the Holwell Works site for mixed use development, comprising approximately 3.23 hectares of business, general industrial and storage and distribution uses, along with up to 100 dwellings, provision for a new general store, a new or replacement community meeting place and play space. Furthermore, Policy EC3(iii) Holwell Works (Melton Mowbray Business Park) should be modified to make it clear that the site is only allocated in part for employment uses and comprises part of a wider mixed use development.

Please set out what change(s) you consider necessary to make the focused change legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the suggested focused change legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. *(Please continue onto a separate sheet if you require more space)*

- Focused Change 4 seeks to include additional housing site allocations. The Melton Local Plan should rely on Policy A27 Asfordby Business Park of the Referendum Version Asfordby Neighbourhood Plan in relation to EC3(iii) Holwell Business Park. Policy A27 of the Asfordby Neighbourhood Plan should be included as part of Focused Change 4 and therefore within the Site Allocations and Policies section of the emerging Local Plan to ensure consistency.

This will ensure that there is no duplication and that any potential conflicts between the Referendum Version Neighbourhood and the emerging Local Plan are minimised and that the policies within the Neighbourhood Plan are not overridden upon the adoption of the Melton Local Plan.

FC4 HOUSING SITE ALLOCATIONS COMMENTS

The following questions will relate to housing site allocations. Please only use 1 form for each site you wish to submit a comment on. You may copy this page for additional site representations.

Please note: site references may have changed since the previous Local Plan edition, so please use this document to quote any references to sites:

Table 1: Schedule and Summary of the proposed Focused Changes FC4: Housing site allocations, reserve sites and site specific policies				
FC4.1	Section 5.4 Policy C1(A) Policy C1(B)	Reflecting and referencing the findings on suitability, sustainability, site capacity, availability and deliverability, which are set out in updated site and sustainability assessment work. Affects the reasoned justification and policy on housing allocations overall and the associated site specific policies and preamble. Includes deletions, additions, revised site boundaries and capacities, and some recategorisation.	- 11 site allocations deleted - 3 reserve sites deleted - 16 site allocation boundaries amended - 22 allocated sites with capacity changes - 1 reserve site with a capacity change - 8 new site allocations, and 2 extended existing sites - 2 new reserve sites - 14 allocated sites and 2 reserve sites renumbered.	
FC4.2	Appendix 1	Amended site specific policies. New reasoned justification and site specific policy for Scalford and Great Dalby.	- Reflects FC4.1 above. - Amended criteria setting out development conditions for some site specific policies.	

SITE SETTLEMENT *(Please select the site that you interested in (additional sites will need to be entered on another form))*

SITE					
Ab Kettleby	<input type="checkbox"/>	Asfordby	<input type="checkbox"/>	Melton Mowbray	<input type="checkbox"/>
Asfordby Hill	<input type="checkbox"/>	Croxton Kerrial	<input type="checkbox"/>	Old Dalby	<input type="checkbox"/>
Bottesford	<input type="checkbox"/>	Easthorpe	<input type="checkbox"/>	Scalford	<input type="checkbox"/>
Frisby	<input type="checkbox"/>	Harby	<input type="checkbox"/>	Somerby	<input type="checkbox"/>
Gaddebsy	<input type="checkbox"/>	Hose	<input type="checkbox"/>	Stathern	<input type="checkbox"/>
Great Dalby	<input type="checkbox"/>	Long Clawson	<input type="checkbox"/>	Thorpe Arnold	<input type="checkbox"/>
		Wymondham	<input type="checkbox"/>	Waltham	<input type="checkbox"/>

PLEASE INDICATE THE SITE REFERENCE HERE (If you wish to comment on the approach or policy as a whole please do so in the boxes below):

Do you believe that this policy/section of the Melton Local Plan focused change is? *(Please tick the appropriate box)*

1. Legally Compliant:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2. Sound:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3. Complies with Duty to Co-operate:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

*The considerations in relation to the Local Plan being "sound" are explained in paragraph 182 of the National Planning Policy Framework. If you have entered "No" in relation to 4(2), please go to question 5. In all other circumstances, please go to question 6

1. Do you consider that the focused change is unsound because it is not any of the following? (Please tick the appropriate box)

1) Positively Prepared

2) Justified

3) Effective

4) Consistent with National Policy

Please give details of why you consider this focused change is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of this policy or its compliance with the Duty to Co-operate, please use this box to set out your comments. *(Please continue onto a separate sheet if you require more space)*

No comments.

Please set out what change(s) you consider necessary to make the focused change legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the suggested focused change legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. *(Please continue onto a separate sheet if you require more space)*

No comments.

Can your representation seeking a change be considered by written representations or do you consider it necessary to participate at the oral part of the examination? *(Please tick the appropriate box)*

Written Representations

Participate at the Oral Examination

If you wish to speak at the examination, please outline why you consider this to be necessary:

Pegasus Group act on behalf of Rotherhill (Asfordby) Limited, as the owner of Holwell Business Park. It is therefore important that they take part in the examination hearing sessions, in order to address any issues in relation to Holwell Business Park.

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

To help us collate the responses to this consultation, we would be grateful if you could tell us which category best describes who you are representing (Please tick the appropriate box)

- | | | | |
|-------------------------|-------------------------------------|------------------------------------|-------------------------------------|
| Melton Borough Resident | <input type="checkbox"/> | Planning Agent/Planning Consultant | <input checked="" type="checkbox"/> |
| Developer | <input checked="" type="checkbox"/> | Utility/Service Provider | <input type="checkbox"/> |
| Government Organisation | <input type="checkbox"/> | Amenity Group | <input type="checkbox"/> |
| Other Organisation | <input type="checkbox"/> | Residents Group | <input type="checkbox"/> |
| Business | <input type="checkbox"/> | Town/Parish Council | <input type="checkbox"/> |
| Other (Please state) | <input type="text"/> | | |

Do you want to have further involvement in the Melton Local Plan? (Please tick the appropriate boxes)

- If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is submitted to the Secretary of State for Communities & Local Government
- If you wish to be notified at the address/e-mail provided in Part A when the Inspector's Report is available to view
- If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is adopted
- If you/your organisation wish to be included in future consultations on the Melton Local Plan
- If you/your organisation **do not** wish to be included in future consultations on the Melton Local Plan

Thank you for taking the time to submit representations on the Melton Local Plan: Addendum of Focused Changes 2017. It should be noted that representations cannot be treated as confidential.

Would you like to be kept informed of other council services? We will not share this data with another provider (Please tick the appropriate boxes)

- | | | | | | | | |
|----------------------|--------------------------|------------|--------------------------|------------------|--------------------------|---------------------|--------------------------|
| All council services | <input type="checkbox"/> | Community | <input type="checkbox"/> | Tourism & events | <input type="checkbox"/> | Town Centre | <input type="checkbox"/> |
| Benefits | <input type="checkbox"/> | Local Plan | <input type="checkbox"/> | Online services | <input type="checkbox"/> | Waste and recycling | <input type="checkbox"/> |

Appendix 1: Rural, Economic and Environmental Affairs Committee Report 12th July 2017

RURAL, ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

12TH JULY 2017

REPORT OF HEAD OF REGULATORY SERVICES

ASFORDBY NEIGHBOURHOOD DEVELOPMENT PLAN

1.0 Purpose of Report

1.1 The purpose of this to inform members of the progress of the Asfordby Neighbourhood Development Plan (2017) and determine whether it should proceed to referendum.

2.0 Recommendations

2.1 It is recommended that the Committee:

- (i) **Agrees that the Asfordby Neighbourhood Development Plan (2017) (Appendix 2 to this report) should proceed to referendum.**

3.0 Background

3.1 The Asfordby Neighbourhood Development Plan was not only the frontrunner Neighbourhood Plan in the Borough, but also one of the earliest established in the country through the Central Government 'Vanguard' Scheme. Early Neighbourhood Plans (NP) coming through Vanguard received grant funding of £20,000. To put this in perspective, most NP's receive a grant funding from Locality of up to £9,000.

3.2 Asfordby Parish Council received formal area designation for the purposes of preparing a NP the 30th January, 2013. The first formal consultation was a Regulation 14 consultation which was held by the Neighbourhood Plan Group in February 2015. However, amendments were made in response and a further iteration of the Neighbourhood Plan emerged. Another Regulation 14 consultation was undertaken on the Plan. This was because of material changes arising since publication of the first draft. Namely the decision by Melton Borough Council to approve 100 dwellings at Station Lane, Asfordby and largescale proposals for the use of Holwell Works in Asfordby Hill which would require more work and consultation. In January 2016, a revised neighbourhood plan was published for Regulation 14 consultation.

3.3 Following this, Asfordby PC formally submitted the plan to Melton Borough Council in October, 2016. The Council conducted a 'Regulation 16' 6-week formal public consultation on the Plan, lasting until Wednesday 7th November 2016. As per previous consultation, Melton Borough Council submitted formal representations to this Plan which will be discussed later in this report. After going through the responses to the Regulation 16 consultation, Asfordby Neighbourhood Plan group agreed to continue to Examination.

3.4 The Examination of the Neighbourhood Plan resulted in a series of questions from the Examiner. This led the Examiner, in the first instance, to recommend the NP not to proceed to referendum. When he issued his report, a fact checking exercise was completed in which the Borough Council worked quickly and effectively with the Neighbourhood Plan Group to clarify a number of issues to the Examiner.

3.5 The issues of concern were the agreement of landowners and the issue of housing numbers and upon receipt of responses the Examiner reconvened the Examination. This led to further questions being asked of parties involved in the Examination and when concluded, ultimately led to a new conclusion in his judgement of the Neighbourhood Plan. This final report issued to the LPA on the 8th June, 2017 recommended that, subject to modifications, the Asfordby Neighbourhood Plan could proceed to referendum (**Appendix 1 to this report**).

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 inspectors 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. Therefore, if approved by this Committee, the result will be published by Friday the 14th July, meaning the referendum should take place on or before Thursday the 28th September, 2017.

4.0 Key Issues

4.1 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). Read more details.
- ii. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. Read more details.
- 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). Read more details.
- iv. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations. Read more details.

4.2 In determining the Authority's decision on whether or not to advance the Neighbourhood Plan, it is important to understand how the above basic conditions relate to the examination of the Asfordby Neighbourhood Plan, and in particular Basic Condition E (iii above). This Basic Condition is fundamental to the relationship between the Neighbourhood Plan and the Local Plan. Where an up to date made Local Plan is present, all Neighbourhood Plans must be within strategic conformity with it. However, wherein the Local Plan is not yet adopted, and still emerging (as is the case with the Melton Local Plan), there is no requirement of Neighbourhood Plans to conform in this way, this is discussed later in the report.

4.3 This affects how Neighbourhood Plans develop, as it offers greater freedoms in development and fewer restrictions in Examination then those in areas with an

adopted local plan. Whilst the NPPG states that the evidence base and reasoning informing emerging local plans may be relevant to the examination of a NP, it is difficult to apply thresholds to this. However, in most cases Neighbourhood Plans use Local Plan evidence or bespoke evidence, for the former differing conclusions can emerge from the same evidence depending on judgement and in the second case, this localised evidence is likely to override that of Borough-wide evidence.

4.4 The above points are pertinent to the decision the Authority now has to make, as due to this rule, concerns raised by the Authority could not be afforded the same weight as had the LP been adopted. In summary these concerns are as follows;

- Delivery of residential dwellings on protected employment land in the emerging local plan, as recommended by the BE Group Report;
- Delivery of additional dwellings at Asfordby Hill and its implications on the highway network and capacity at key junctions;
- Differing choices on site selection and its implications at Examination of the Local Plan.

Whilst these concerns may not be sufficient to persuade the Committee to reject the recommendation, the Committee needs to understand effects on the Local Plan moving forward, which are discussed in greater detail below.

4.5 The Local Plan evidence base document on employment land, completed by the BE Group in 2015, completed a calculation of required employment land for allocation in the Local Plan. Firstly a Borough-wide requirement was set over the whole plan period was set, sites delivered were deducted and then deliverable supply was removed leaving only the final requirement for allocation. This report recommended that 31ha of employment land be allocated in Melton Borough through the Melton Local Plan. Within the calculations used by the BE Group in calculating deliverable supply was the inclusion of Holwell Works and 12ha of employment land. Whilst the proposals in the Neighbourhood plan is a mixed use scheme including employment land, it equates to only 3.23ha, a little less of 10ha of the number used by the BE Group in calculating supply.

4.6 This shortfall in supply could lead to issues in that, at face value, the Local Plan is now 9ha short of its required employment land total to 2036. This issue could be remedied, in part by one or a combination of the following. Firstly by the inclusion of alternative, additional, employment land in the Local Plan. However, due to timings there was no scope to do so prior to the preparation of the Addendum of Focused changes considered by Council on 4th July. However, in calculating employment land a 'buffer' was provided to allow for flexibility and non delivery. This was not only just to ensure a range of sites in different locations on tenures, but also "makes some allowance for the loss of further employment land to non B-Class uses over the period to 2036". This is an example of 'non delivery' and while it does offer a potential solution it is very early in the plan's life (post adoption) to use the buffer for this purpose. Additionally, 6.39ha of employment land has been granted since the BE report through individual planning applications.. Therefore, the Authority does have some evidence and reasoned justification for allowing the Neighbourhood Plan to advance with respect to the loss of employment land. However it does add some risk to the eventual examination of the LP if the inspector is not minded that the aforementioned measures are appropriate and the shortfall of employment land equates to the Local Plan being classed as unsound through Examination.

4.7 On the second bullet point, Asfordby NP allocates a greater number of dwellings in

Asfordby Hill then the Local Plan. Whilst generally Neighbourhood Plans are fully within their remit to do so, especially given the growth agenda highlighted by the NPPF, that growth still has to be balanced against evidence and infrastructure requirements. Of concern to the LPA is how this development would effect the road network, in particular the A6006 coming into Melton Mowbray. Furthermore, the NPPF is clear in that whilst it is a 'pro-growth' document, this growth must be 'sustainable development'. The rationale in the Neighbourhood Plan is that this site will bring forward not only dwellings, but also remediation of the site to allow the employment element of development, as well as a shop and a community facility, increasing the sustainability of Asfordby Hill. However, the Local Authority and the Examiner were sceptical that a site of only 100 dwellings could sustain the cost of the above objectives, whilst still contributing to Section 106, affordable housing and even, depending on timings, CIL (CIL being especially important as it is non-negotiable). The Examiner even took the steps to recommend the policy be modified to state "that the requirement for a shop and community facilities may need to be reviewed as the scheme is worked up".

4.8 The final point is that on the differing choices between the Local Plan and Neighbourhood Plan and this is not just pertinent Asfordby, as it is considered to be a signal to all other advanced Neighbourhood Plans in the Borough. In this context, it is only a requirement for neighbourhood plans to be in 'broad conformity' with the strategic policies contained in Local Plans. As described above, this requirement does not exist for emerging Local Plans such as the Melton Local Plan until it is adopted. Post adoption of the Melton Local Plan, it may be beneficial for the LPA to indicate which policies it considers to be 'strategic' for clarity. It is likely that strategic policies will include SS2, SS3, C1a/b for example. Therefore post adoption of the Local Plan, the emphasis will be on Neighbourhood Plans to align with Local Plans. Until this point the picture is less clear and this decision could be seen as setting a precedent moving forward.

4.9 Legal advice has been sought on this matter which advised that it should proceed with the Local Plan in its current form, and await the Neighbourhood Plan Group's response Local Plan 'focussed changes' addendum consultation. The advice was to allow the questions regarding alignment to be determined by the Examination of the Local Plan. However, this does give a degree of uncertainty to the Neighbourhood Plan, as the planning policy document that is newest supersedes those already in place. Therefore if the LP doesn't change during Examination, the Neighbourhood Plan could have elements of it superseded. However, despite this perceived risk, it is considered an acceptable way forward to balanced the respective progress of both plans. The Neighbourhood Plan Groups will be at liberty to argue at Examination that the NPs should take precedence, allowing the Inspector to make the decision with minimal risk to the Local Plan.

5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 The decision of this Committee, subject to successful referendum, will have policy implications on the development of the Local Plan as outlined above. There are also clear links to corporate priorities contained within Neighbourhood Planning.

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 There has already been significant resource put into the Asfordby 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.

- AECOM consultants to prepare SEA screening opinion.
- Examination of the Neighbourhood Plan (examiners fees)
- Significant staff time

6.2 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.

6.3 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 three claims windows per year. This means there is financial advantage in Neighbourhood Plans advancing to this stage, as costs such as those listed at 5.1 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 £15,000 during the next window.

6.4 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.

6.5 Given the duration of development, lengthy examination, costs incurred in SEA screening and it is likely to be the second most expensive referendum to run (following Bottesford), there is a chance that the final costs to the Borough in facilitating the development of the Asfordby Neighbourhood Plan outweigh the eventual grant funding claim. If this is the case, it is the expectation that smaller, less complex plans such as Wymondham will have sufficient financial headroom to ensure the Council is not financially disadvantaged and can continue to support Neighbourhood Plans in future.

7.0 LEGAL IMPLICATIONS/POWERS

7.1 The approach to the consideration of different site selections has been discussed with the Council's legal advisor assisting with the Local Plan and is considered to be that presenting the lowest risk to the progress of the Local Plan, given its stage of development.

7.2 The Act also specifies timetables for the Referendum following publishing of a decision to agree it should proceed to that stage. This is 56 days to arrange the referendum. There are various other duties to publish the result of this decision and to notify interested parties.

7.3 Section 1 of The Neighbourhood Planning Act 2017 requires the Asfordby Parish Neighbourhood Plan to be taken into account in relation to planning applications once it has been accepted through the Examination process..

8.0 COMMUNITY SAFETY

8.1 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.

9.0 EQUALITIES

- 9.1 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.

10.0 RISKS

RISKS

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

11.0 CLIMATE CHANGE

- 11.1 The Asfordby Neighbourhood Plan has been assessed by an independent examiner as contributing to sustainable development.

12.0 CONSULTATION

12.1 The Neighbourhood Plan has been through various stages of consultation, totalling 18-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.

Contact Officer	J Worley – Head of Regulatory Services J Beverley – Planning Policy Officer
Appendices	1: Asfordby Neighbourhood Plan Examiners Report 2: The Referendum Draft Neighbourhood Plan
Date	30 th June, 2017
Committee	X drive/Cttee/REEA/2017-18/