

Melton Local Plan: Main Modifications suggested to ensure alignment of the local plan with those neighbourhood plans at an advanced stage prior to local plan adoption

23/02/18

At the Inspector's request, the Council has considered further the opportunities to align the Melton Local Plan and those Neighbourhood Plans in the Borough that will be at an advanced stage prior to local plan adoption. This document sets out the Council's discussion of the difficult issues presented and its suggested approach moving forward. It updates and clarifies views expressed during the Examination Hearings, and takes account of material changes in circumstances since the Hearings closed. For the most part however, the Melton Local Plan and Neighbourhood Plans are fairly well aligned; there are only 4¹ Melton Local Plan allocations not included in advanced Neighbourhood Plans, in only 3 settlements, equating to only 177 dwellings, or 8% of the 2150 allocated to villages by the Local Plan. This does not include additional dwellings delivered by Neighbourhood Plans.

This document is now being circulated for consultation to all those who submitted matters statements to Matter 1.5 and Matter 5, and to all Neighbourhood Planning Groups.

Please note, this note should not be taken as confirmation that the Local Plan has passed examination nor that the Inspector has finalised any particular views and is intended to aid the Inspector in her deliberations.

Context

There are 14 designated Neighbourhood Plan Areas in Melton, with NP preparation for these at different stages, broadly summarised below.

Neighbourhood Plan	Stage
Wymondham and Clawson Hose & Harby.	Successfully passed Referendum
Waltham, Broughton & Dalby and Frisby	Successful examination of plan
Asfordby (following legal challenge)	Examination (subject to APC and MBC consideration of next steps)
Ab Kettleby, Bottesford, Burton & Dalby, Croxton Kerrial & Branston, Hoby with Rotherby, Somerby, Scalford and Gaddesby	Designated area. Yet to proceed to Regulation 14.

Information correct as of the 23rd February, 2018

Of these Neighbourhood Plans, there are varying degrees of alignment with the emerging Local Plan with some Neighbourhood Plans having very close alignment (Wymondham) whilst others align less neatly with the Local Plan in its submitted form (e.g. Clawson, Hose & Harby). The Borough Council have considered a number of approaches to deal with the issue of alignment, explained below.

¹ ASFH1, ASFH2, LONG4 and HOS2

Approach 1: Local Plan Takes Precedence

This first scenario is perhaps the most simple. It is that the Local Plan remains in its current form, thus rendering some policies in Neighbourhood Plans out of date when the local plan is adopted, where they conflict with policies contained within the Local Plan. This is by virtue of the provisions of s.38(5) of the Planning and Compulsory Purchase Act 2004. This approach would also mean that subsequent Neighbourhood Plans must broadly conform with the Strategic Policies within the Local Plan.

This approach would mean housing sites and allocations would be as set out in the final adopted Local Plan. This would provide clarity with regards to the housing trajectory, and the best certainty regarding the suitability and achievability of the five year land supply and site specific policies (as contained in Appendix 1 of the MLP). It would ensure all sites included in the Plan have been assessed by the more robust and comparable Local Plan process rather than the 'lighter touch' and varied Neighbourhood Plan processes. The approach would also minimise the risk associated with uncertain progress and timescales of NP preparation. By way of an example of this real risk, one of the Borough's Neighbourhood Plans, the Asfordby NP, has recently been quashed as a result of a legal challenge; had the Local Plan relied upon this plan, it would now be silent in that area.

However, this approach is likely to be unpopular with local communities and it could be regarded as contrary to the spirit of localism. It would diminish the value of many hours of hard work put in by community groups to date, and may result in them needing to review their neighbourhood plans sooner than they might have anticipated, if specific policies are not to be regarded as out of date.

Approach 2: Local Plan sits alongside NDP's

The second approach would see the Local Plan sitting alongside Neighbourhood Plans, with a policy inserted in the Local Plan (if possible within the applicable legal framework), to override the provisions of s38(5), to ensure Neighbourhood Plans are not ruled out of date by virtue of primacy. A result of this would be that there would be more allocated housing sites in NP areas where NPs allocate different sites to the Local Plan, as sites in both the NP and LP would retain their full 'standing' under the law as Development Plan documents (s38(6) of the Planning and Compulsory Purchase Act 2004). This would align with the Government's ambition for NPs to plan for at least the level of housing set out in local plans². Likewise for the designation of Local Green Spaces (LGSs), both those within the Local Plan and Neighbourhood Plan would remain. This would avoid conflict between LGSs and housing allocations across the LP and NPs and they would sit alongside one another with equal – rather than competing – standing.

² NPPF para 184 "Neighbourhood plans should not promote less development than set out in the Local Plan nor underline its strategic policies'.

However, NP groups are unlikely to be happy with this approach. Furthermore, there could be wider sustainability and infrastructure issues as the combined quantum of development will not have been considered through either the LP or the NP preparation processes in terms of either the spatial strategy or site selection processes (e.g. capacity of infrastructure and services). Furthermore, there is a risk that policies could clash, such as in Asfordby where Local Plan sites are allocated outside the limits to development in an area designated as an 'Area of Separation' in the Neighbourhood Plan. As such, housing which is allocated through one plan may be ruled out by policies of the other and consistency and coherence would be lost.

Approach 3: Local Plan to defer to post examination NP's

This approach proposes to treat those Neighbourhood Plans which have reached examination stage prior to LP adoption differently to those which reach that stage subsequently, on the basis that there is a strong degree of certainty associated with NP's which have progressed to this stage. Under this approach, the Local Plan would be modified to align (where possible) to match advanced Neighbourhood Plans (Wymondham, Clawson Hose & Harby, Broughton and Dalby, Waltham, Frisby and potentially Asfordby, depending on its progress). Neighbourhood Plans that reach Examination stage after the Local Plan is adopted would need to be in broad conformity with the strategic policies of the Local Plan, as set out in NPPF (para. 184).

This approach is popular with Neighbourhood Plan groups and has been suggested consistently. It would require modifications to the MLP to match the Neighbourhood Plan, except in cases where there is no reasonable prospect that NP allocations will be delivered. In this case, Local Plan allocations not identified in the Neighbourhood Plan could become reserve sites to ensure delivery of numbers and the spatial strategy over the plan period.

This approach may not be supported by those NP groups that have waited for the result of the Local Plan before progressing their plans. Furthermore, there are Neighbourhood Plan allocations which the Borough Council consider do not have a reasonable prospect of delivery; to include these sites as LP allocations without comparable evidence (e.g. sites which were promoted only through and NP and not the LP) could open the Council's local plan up to legal challenge, and weaken confidence in the five year housing land supply. Therefore a measured approach is advisable.

Approach 4: Local Plan to defer to NP's whenever they are made (regardless of current status)

This would largely operate as per the above Approach 3. However, Neighbourhood Plans would be able to supersede LP policies such as housing allocations, as and when they arise and applicable Local Plan policies would become silent at that point in such locations. A variant on this approach is for the Local Plan to be silent for the outset on site specific

allocations, leaving that entirely to NPs, provided that those NPs provide enough suitable and achievable land for all the housing that the local plan requires it to provide.

This approach is preferred by those who are at an earlier stage of preparing Neighbourhood Plans. However, either variant of this approach would cause undue uncertainty to developers, and could deter a developer from progressing planning applications. Under the first variant, there would be uncertainty on LP allocated sites if they could relatively quickly become unallocated by an NP, and this could threaten LP housing delivery overall. Under the second variant, there is even greater uncertainty over housing land allocations in areas where NPs are being prepared, as their the timetable for their progress cannot be prescribed, nor can it even be certain that a made NP will be the outcome of a NP process. Both variants of this approach could therefore potentially undermine the Council's ability to deliver the wider LP strategy and priorities, such as delivery of housing and improving the sustainability of villages in the Borough. It would also potentially undermine the housing land supply trajectory as different site selections would create a different site configuration and delivery timetables. Finally, this approach would be incompatible with the NPPG, in particular Paragraph 009 (Reference ID: 41-009-20160211) which states that for a Neighbourhood Plan to meet the Basic Conditions, it must be in general conformity with the Strategic Policies of the Development Plan if in force.

Conclusion

Taking account of all of the above, the Borough Council considers Approach 3 to be the most appropriate, with one exception (see Hose). The Borough Council do not believe it practicable or effective to leave elements of the plan open to change via Neighbourhood Planning at a later date. In particular, housing allocations should be finalised through this Examination to provide the certainty the development industry needs to invest in housebuilding in the Borough and to satisfy the national planning policy requirement of maintaining a five year land supply.

The changes to the Local Plan required should this approach be adopted are explained on a settlement by settlement basis below.

Asfordby and Asfordby Hill: No change to submitted LP. Insufficient NP evidence of deliverability and recent quashing means the NP is now back to Examination stage and there is uncertainty whether the Neighbourhood Plan will remain in its current form or progress with different content (including site selection). Furthermore there is difficulty related to the anticipated timetable for its progress.

Wymondham: No change, as plans broadly aligned. Additional sites promoted in Neighbourhood Plan should remain allocations in the NDP but are below the threshold for inclusion in the LP.

Long Clawson: suggest LP allocation LONG 4 becomes a reserve site and is renamed LONG5, and LONG 5 to become an allocation and be renamed LONG4. The recent resolution to grant planning permission on the Neighbourhood Plan and Local Plan reserve site (LONG5/NPLONG5) means LONG5 would rank higher than LONG4 if the method for ranking sites that was carried out to underpin Policy C1(a) and C1(b) was undertaken now, i.e. a site with planning permission/commitment is ranked above those without. The effect of this would be to 'demote' the lowest ranked allocated site to 'reserve' status in the MLP.

Hose: Suggest NPHOSE2+3 are identified as additional reserve sites in the local plan. The Council remains unconvinced of the deliverability of these (they were removed at LP Focused Changes stage because of multiple ownership, access issues, etc.), so whilst NP allocations, it does not consider they can be elevated to allocations in the Local Plan, without reducing 5 year housing land supply and creating an avenue for a potential legal challenge to the Local Plan.

Harby - No change: Allocations are the same, and all have planning permission. Reserve site in the Melton Local Plan will remain as contingency.

Broughton and Dalby

Suggest Station Lane site to become an allocation under reference OLD2. OLD2 site to remain a reserve but renumbered to OLD3. Neighbourhood Plan and local plan already aligned on allocation of OLD1. Station Lane site included in Neighbourhood Plan to become an allocation, thus its suggested allocated in the Local Plan. The reserve site OLD2 to be retained, despite not appearing in the Neighbourhood Plan but renumbered to OLD3.

Waltham No Change: Commitment to align with Local Plan sites set out in Neighbourhood Plan.

Frisby No Change other than to redraw the Water Lane site to match the planning application and Neighbourhood Plan boundary: Sites to remain as set out in the Local Plan sites, reflecting the NP Examiner's report.

Further modifications suggested

Page and Para/Fig/Policy No.	Modification Suggested
Page 5 1.9.2	1.9.2 There are currently 12 <u>14</u> Neighbourhood Plan areas designated in the Borough. Each area is at a different stage in the preparation of their plan. Asfordby <u>Wymondham and Clawson, Hose and Harby</u> have progressed the furthest having submitted a draft plan to the Council in October 2016 <u>having both had successful Referendums.</u> The

Page and Para/Fig/Policy No.	Modification Suggested
	<p>designated areas, shown on Figure 2, are:</p> <ul style="list-style-type: none"> • Asfordby • Bottesford • Waltham on the Wolds and Thorpe Arnold • Wymondham and Edmondthorpe • Ab Kettleby • Hoby, Rotherby, Brooksby and Ragdale • Croxton Kerrial and Branston • Nether Broughton and Old Dalby • Somerby • Clawson, Hose and Harby • Frisby on the Wreake • Great Dalby • <u>Gaddesby</u> • <u>Scalford</u>
Page 6 1.9.3	<p>1.9.3 Melton Borough Council is working with these communities to align timetables and aspirations. <u>This will include:</u></p> <ul style="list-style-type: none"> • <u>sharing evidence to ensure NDP's can make the fullest use of the most up to date available information;</u> • <u>providing advice and assistance in respect of the content of the NPPF and NPPG and any updates to these as it relates to the preparation of Neighbourhood Plans</u> • <u>sharing its experience of how Examinations have informed earlier Neighbourhood Plans;</u> • <u>providing comprehensive responses to consultations at 'Regulation 14' and 'Regulation 16' stages of Neighbourhood Plan preparation; and</u> • <u>engaging positively in constructive discussions regarding innovative approaches to housing supply and other issues.</u> <p>1.9.4 <u>In accordance with the Neighbourhood Planning Act (2017), the Council will work with communities in ensuring Neighbourhood Plans stay up to date and functional, including if necessary supporting any reviews of Neighbourhood Plans. The Council will strongly encourage Neighbourhood Plan Groups to align review periods and content with</u></p>

Page and Para/Fig/ Policy No.	Modification Suggested
	<p><u>that of the Local Plan, to ensure continued alignment as and when Local Plan review is necessary. This will allow Local Plans and Neighbourhood Plans to respond positively to changing needs, for example for housing or infrastructure. The Council will also use Local Plan Reviews as an opportunity to align Local Plan content to Neighbourhood Plan content where possible.</u></p> <p>1.9.5 For the purpose of testing conformity of Neighbourhood Plans with the Local Plan, all policies included in the Local Plan up to and including Chapter 8 are regarded as strategic policies. Whilst the remaining policies will be relevant for determining planning applications, they are not viewed as strategic policies for the purpose of testing Local Plan conformity.</p>
Page 55 Policy C1(A)	<p>Housing proposals will be supported where they provide:</p> <ol style="list-style-type: none"> 1. A mix of dwellings in accordance with Policy C2; 2. Affordable housing in accordance with Policy C4; 3. The necessary infrastructure required to support development in accordance with Policy IN1 and IN2; and 4. High quality design in accordance with Policy D1. 5. The requirements as set out in Appendix 1 <u>or relevant Neighbourhood Plan.</u> <p><u>The development of sites allocated in Neighbourhood Plans that have reached post examination status prior to the adoption of this local plan and which are not identified in Policy C1(A) or C1(B) may also be permitted, subject to the conditions and criteria above.</u></p>