

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	23rd SEPTEMBER 2021	CATEGORY: (See Notes) DELEGATED or RECOMMENDED
REPORT FROM:	ALLISON THOMAS – STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
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SUBJECT:	MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN REGULATION 16 CONSULTATION	
WARD(S) AFFECTED:	MELBOURNE	TERMS OF REFERENCE: EDS 03

1.0 Recommendations

- 1.1 That the Committee authorises the Melbourne Neighbourhood Development Plan Regulation 16 Consultation to be conducted in accordance with as much of the adopted Statement of Community Involvement as practicable, allowing for the restrictions due to COVID-19.
- 1.2 That the Committee approves the outstanding matters from the Council’s Regulation 14 comments (at Appendix 1), together with the comments made in paragraphs 4.4 to 4.6 below, to be made on behalf of the Council to the Regulation 16 Consultation.

2.0 Purpose of the Report

- 2.1 To enable the Melbourne Neighbourhood Development Plan (NDP) to proceed to the publicity consultation in accordance with Regulation 16 of the Neighbourhood Planning Regulations (2012) (as amended) notwithstanding that full compliance with the Council’s Statement of Community Involvement may not be possible due to the restrictions in place due to COVID-19.
- 2.2 To endorse the proposed Council response to the Regulation 16 consultation, which is to be included with the documents submitted to the Examiner for independent examination.

3.0 Executive Summary

- 3.1 The Council’s Statement of Community Involvement (SCI) includes a requirement that hard copies of documents (listed in the Appendices) are made available in the Council Offices and in libraries within the District. Due to Covid-19, the usual

guarantees for documents to be available in public buildings cannot be made and it is unlikely the Council will be able to comply to the letter with this aspect of the SCI. It will be possible for appointments to be made for members of the public to inspect the documents at the Council offices, provided Covid-19 restrictions allow. All of the necessary documents will be available on the Council's website and are also currently available on Melbourne Parish Council's website.

- 3.2 The Council provided comments to the Parish Council at four stages during the NDP's production, including the formal Regulation 14 consultation stage; the latter are attached at Appendix 1.

4.0 Detail

- 4.1 Melbourne Parish was formally designated as a Neighbourhood Area on 29 January 2015. Following this designation, Melbourne Parish Council carried out various consultations with the local community, culminating in a draft NDP for consultation in accordance with Regulation 14 of the Neighbourhood Planning Regulations. Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the development of NDPs and as such, officers have advised Melbourne Parish Council in drafting the NDP to facilitate a successful examination, referendum and ultimately a 'made' NDP.
- 4.2 The Regulation 14 consultation commenced on 20 May 2019 and closed on 2 July 2019. The prescribed statutory bodies were consulted, including the Council and the County Council, together with local residents and other organisations. Summaries of the consultation responses, together with how these comments have been addressed in the submitted NDP, have been compiled by the Parish Council in the Consultation Statement at Appendix 4.
- 4.3 In advising Melbourne Parish Council in the drafting of their NDP officers have sought to shape the NDP so that it complies with all the relevant policy and legislation. At the Regulation 14 consultation stage various concerns remained outstanding and these were set out to the Parish Council. The NDP has been amended in response, prior to its formal submission to the Council, and the outstanding comments on the NDP are set out below:
- 4.4 Notwithstanding the second paragraph of the explanatory text to Policy DP1 (formerly HP1), the Regulation 14 comment made on the then Policy H1 remains outstanding because the explanatory text continues to refer to no new homes being built outside of settlement boundaries, which does not accord with Policies H1 and BNE5 of the Local Plan nor the other policies referred to in Policy BNE5 (i).
- 4.5 The wording for Policy DP2 (formerly HP2) has been amended following the Regulation 14 consultation, however, whilst the Policy refers to the area of separation "being shown and identified on the map attached at para. 8.4.2" there is no boundary to the area of separation on the map; instead the Policy appears to rely on the explanatory text's wording that "the area has clear physical boundaries".
- 4.6 Comments were made regarding Policy DP3 (formerly HP3) and the appointed Examiner will need to consider whether the Policy is compatible with the Local Plan's strategic policy, Policy H20: Housing Balance. Policy OS2 is not substantially altered following the Council's Regulation 14 comments.

- 4.7 A NDP attains the same status as a Local Plan following approval at referendum; at this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.0 Financial Implications

- 5.1 The financial cost of conducting a Regulation 16 consultation will be met from existing budgets within Planning Services.

6.0 Corporate Implications

Employment Implications

- 6.1 A Neighbourhood Plan will have beneficial impacts as it will improve the attractiveness of Melbourne as a place to live, visit and invest.

Legal Implications

- 6.2 The Neighbourhood Plan will be subject to an independent examination during which compliance with the Neighbourhood Planning regulations will be assessed.

Corporate Plan Implications

- 6.3 The Neighbourhood Plan contains a number of policies consistent with the Corporate Plan. These include:
- to enhance biodiversity across the District (Our Environment)
 - to improve public spaces to create an environment for people to enjoy. (Our Environment)
 - Promote health and wellbeing across the District. (Our People)

Risk Impact

- 6.4 None.

7.0 Community Impact

Consultation

- 7.1 Subject to Committee approval, a publicity consultation in accordance with Regulation 16 of the Neighbourhood Planning Regulations (2012) (as amended) will be arranged.

Equality and Diversity Impact

- 7.2 None

Social Value Impact

- 7.3 The NDP has been prepared by Melbourne Parish Council involving volunteers from the local community. This community involvement is encouraged by the 2011 Localism Act.

Environmental Sustainability

7.4 The NDP seeks to encourage biodiversity and promote sustainability.

8.0 Conclusions

8.1 The Melbourne NDP has been subject of a great deal of work led by the Parish Council. Following the independent examination process and the inclusion of any resulting modifications to the NDP, the Plan will be a valuable addition to the Planning Policy framework applicable to Melbourne.

9.0 Background Papers

Appendix 1 – South Derbyshire District Council Regulation 14 consultation response to Melbourne NDP

Appendix 2 – Submitted Melbourne Neighbourhood Development Plan 2016 - 2028

Appendix 3 – Basic Conditions Statement

Appendix 4 – Consultation Statement

Appendix 5 – Strategic Environmental Assessment and Habitats Regulations Screening Determination for Melbourne NDP