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<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>	<b>AGENDA ITEM:10</b>
<b>DATE OF MEETING:</b>	<b>12 MAY 2022</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>ALLISON THOMAS: STRATEGIC DIRECTOR - SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>STEFFAN SAUNDERS</b> <a href="mailto:Steffan.saunders@southderbyshire.gov.uk">Steffan.saunders@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>MELBOURNE</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That Council considers the draft Melbourne Neighbourhood Development Plan (Appendix 1), together with the Examiner's Report and recommended modifications (Appendix 2).
- 1.2 That Council agrees to each of the recommended modifications identified by the independent Examiner to ensure that the draft Neighbourhood Development Plan meets all necessary legal requirements at this stage to allow it to proceed to referendum.
- 1.3 That Council agrees to the modified Melbourne Neighbourhood Development Plan (Appendix 3) proceeding to referendum.
- 1.4 That Council agrees that, should the Melbourne Neighbourhood Development Plan be passed at referendum, the Plan should be deemed to be 'made' with immediate effect.

## **2.0 Purpose of Report**

- 2.1 To confirm that the community of Melbourne has prepared a draft Neighbourhood Development Plan (NDP/the Plan).
- 2.2 To enable Council to consider each of the recommended modifications following receipt of the independent Examiner's report and if satisfied, consider whether the Plan should proceed to referendum.

## **3.0 Executive Summary**

- 3.1 The Melbourne NDP, together with supporting documents, was submitted by Melbourne Parish Council, in its capacity as the designated qualifying body, to

the Council in July 2021. In accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, the Council publicised the Plan and invited comments from organisations and individuals. This consultation ran for six weeks, closing on 19 November 2021.

- 3.2 An independent Examiner, Derek Stebbing B.A. (Hons), Dip. E.P., MRTPI, was appointed to examine the NDP and recommend whether any modifications were required to enable the Plan to proceed to referendum, having met all the legal requirements. The Examiner recommends that, subject to the modifications set out in his report, that the Plan proceeds to referendum.
- 3.3 The Council as the Local Planning Authority is now required to decide whether to accept the Examiner's report, to consider each of the recommended modifications to the NDP (summarised in the report's appendix from page 26) and determine whether the Plan should proceed to referendum.
- 3.4 As soon as possible after considering the Examiner's recommendations and deciding how the NDP should progress, the Council must publish its decisions in a Decision Statement as required by the Town & Country Planning Act 1990, schedule 4B paragraph 12.

#### **4.0 Detail**

- 4.1 NDPs were introduced by the Localism Act 2011. Once a NDP is 'made' it forms part of the statutory development plan, along with the adopted Local Plan.
- 4.2 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Communities can set out where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. Neighbourhood planning provides a powerful set of tools for communities to get their preferred types of development, where these ambitions are aligned with strategic needs and priorities as set out in the adopted Local Plan.
- 4.3 Local communities can choose to set planning policies through a NDP to be used in determining planning applications. Neighbourhood planning is not a legal requirement but rather a right, which communities in England can choose to use.
- 4.4 Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because unlike the parish, village or town plans that communities may have prepared, a NDP forms part of the development plan and sits alongside the Local Plan prepared by the local planning authority. Decisions on planning applications will be made using both the Local Plan and the NDP, together with any other material considerations.

- 4.5 The draft Melbourne NDP has been submitted by Melbourne Parish Council. Subject to the modifications recommended by the Examiner, it is considered that the Plan meets the basic conditions of the 1990 Act Schedule 4B in that:
- It has regard to national policy and advice issued by the Secretary of State
  - It contributes to the achievement of sustainable development
  - It is in general conformity with the strategic policies contained in the Local Plan
  - It does not breach and is otherwise compatible with EU obligations.
- 4.6 The independent Examiner cannot recommend that the draft report goes to referendum if it does not meet the basic conditions or comply with the definition of a NDP.
- 4.7 As per the Town and Country Planning Act 1990, Schedule 4B paragraph 14, the Council is responsible for making the arrangements for the referendum to take place.
- 4.8 Council is asked to consider the submitted draft NDP (Appendix 1) and the Examiner's Report (Appendix 2). Further to this, Council is asked to confirm the modifications recommended in the Examiner's report and agree to allow the modified NDP (Appendix 3) to proceed to referendum. It should be noted that other modifications have been made for consistency, including the summary list of policy topics and page references.
- 4.9 As soon as possible after considering the Examiner's recommendations and deciding whether to take forward the draft NDP, the Local Planning Authority must publish its decisions in a Decision Statement, as required by the Town and Country Planning Act 1990, schedule 4B paragraph 12.
- 4.10 Rules covering the polls for the referendum are contained in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and the Neighbourhood Planning (Prescribed Dates) Regulations 2012.
- 4.11 A NDP attains the same development plan status as the Local Plan once it has been approved at a referendum. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **5.0 Financial Implications**

- 5.1 Costs of the referendum are initially met by the Council. Following the referendum, a fixed grant can be claimed from the Department for Levelling Up, Housing and Communities to defray the costs.

## **6.0 Corporate Implications**

### **Employment Implications**

6.1 None bar the staffing of the referendum.

### **Legal Implications**

6.2 There are no other legal, personnel or other corporate implications apart from those covered in the report.

### **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)
- Enable the delivery of housing to meet Local Plan targets (our Future)

### **Risk Impact**

6.4 None.

## **7.0 Community Impact**

### **Consultation**

7.1 None directly arising from this report.

### **Equality and Diversity Impact**

7.2 Taking the report to referendum will allow the people of Melbourne to be directly involved in setting policy for local planning decisions.

### **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 Plan, once made, will contribute to the sustainable development of the designated area.

## **8.0 Conclusions**

8.1 That the Melbourne NDP, once amended in accordance with the modifications set out in the Examiner's report, meets the necessary legal requirements and as such, it is recommended that the Plan proceeds to referendum and if passed, immediately considered to be 'made'.

## **9.0 Background Papers**

Appendix 1 - Submitted draft Melbourne Neighbourhood Development Plan, 2016 – 2028

Appendix 2 – Examiner's Report on Melbourne Neighbourhood Development Plan, 2016 – 2028

Appendix 3 – Proposed Modifications Version of Melbourne Neighbourhood Development Plan, 2016 - 2028