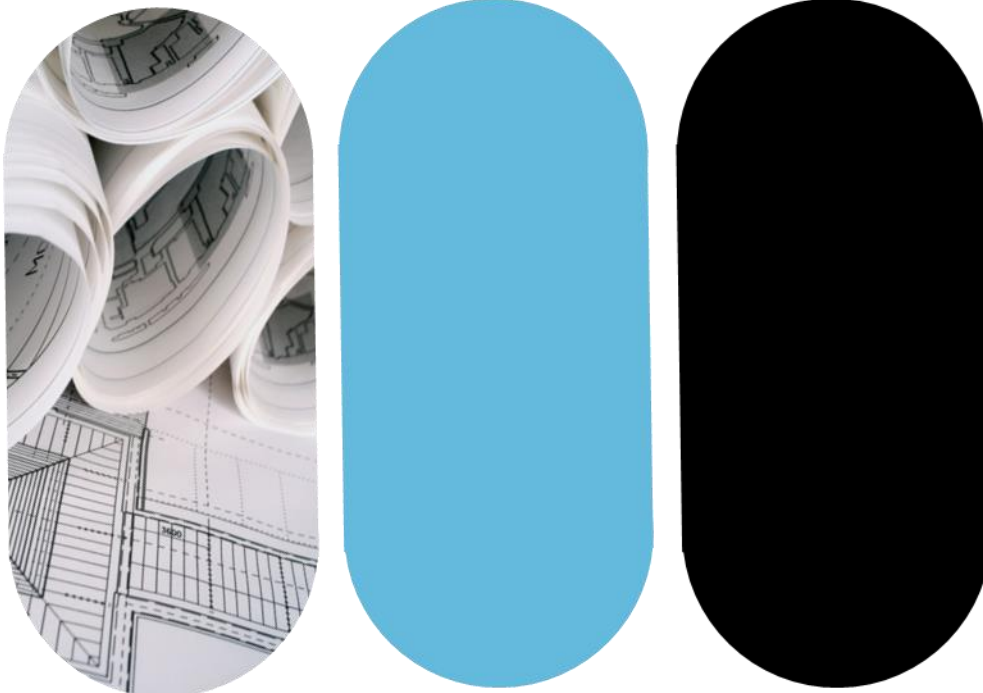


Representations

Stathern Neighbourhood Plan - Submission Draft

Mr Matthew Atton

December 2020





1. The following representations are made in response to the Submission Draft Stathern Neighbourhood Plan (November 2020), on behalf of our client Mr Matthew Atton. They should be read alongside the submitted representations form.

Introduction

2. Our client owns land within the Neighbourhood Plan area, including land at the edge of Stathern, which the Melton Borough Local Plan allocates as a reserve housing site (reference 'STAT3').
3. These representations follow those made to the Parish Council at the Regulation 14 consultation stage. Those comments were made in connection with the following policies:
 - Policy H1 (Limits to Development)
 - Policy H2 (Windfall Sites)
 - Policy ENV3 (Sites and Features of Natural Environmental Significance)
 - Policy ENV5 (Biodiversity and Habitat Creation)
 - Policy ENV8 (Ridge & Furrow)
4. In summary, the Regulation 14 submission observed that the plan, as then drafted, did not meet the Basic Conditions tests, in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. Draft policies H1 and H2, in particular, were not in general conformity with the strategic policies of the development plan for the area (the Melton Borough Local Plan, adopted in October 2019) for the purposes of basic condition 8(2)(e).
5. The draft plan and its constituent policies did not, therefore, meet the Basic Conditions, as it was not consistent with national planning policy and contribute towards sustainable development, for the purposes of basic conditions 8(2)(a) and (d). The submission also highlighted defects and gaps in the evidence for policies ENV3, ENV5 and ENV8 as drafted, in relation to our client's land. A copy of the Regulation 14 consultation response is appended to this document (Appendix 1), for ease of reference.



6. The submission version of the Neighbourhood Plan has not materially changed in response to the comments made as part of the Regulation 14 consultation. The Neighbourhood Plan still does not properly recognise the STAT3 reserve site allocation at Stathern and seeks to prevent sustainable small-scale development on sites adjoining of the settlement boundary. The plan therefore breaches the Basic Conditions and modifications must be made before it can proceed to referendum.

Background

7. Our client is seeking to deliver housing on his land at the edge of Stathern at the earliest opportunity, which will in due course contribute to the Borough's housing land supply and to the need for homes within Stathern and locally. He has therefore been promoting the land for development for several years.
8. On 21.12.18, our client submitted an outline planning application (reference 18/01533/OUT) to develop the full 'STAT3' reserve site allocation of 45 dwellings to the Borough Council. This application was withdrawn following discussions with planning officers, to bring forward a smaller application for 9 dwellings on a smaller part of the reserve site allocation (reference 19/01193/OUT).
9. On 16.01.20, planning officers issued their Committee Report recommending that that second application should be approved, as it comprised sustainable development in accordance with policies SS1 and SS2 of the adopted Local Plan. The Committee Report is appended to these representations (Appendix 2).
10. On 23.01.20, the Members of the Planning Committee resolved to refuse the application, in contradiction to the advice of Officers. The Reason for Refusal referred to a perceived conflict with the reserve site allocation policy C1(B). The application was subsequently refused on 24.01.20.
11. The decision to refuse planning application 19/01193/OUT is the subject of an appeal to Secretary of State (Planning Inspectorate reference APP/Y2430/W/20/3256174). The appeal has not yet been determined.



Basic Conditions

12. Under paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. The basic conditions, as they are relevant to neighbourhood plans, are:
- (a) 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);
 - (d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development;
 - (e) 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);
 - (f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations; and
 - (g) prescribed conditions are met in relation to the order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
13. The Submission version of the Neighbourhood Plan has now been accompanied by the Parish Council’s Basic Conditions Statement. This is required to be a detailed statement setting out how the basic conditions have been met, in respect of each policy. We have had regard to this in drafting this consultation response.
14. We have also had regard to the submitted Consultation Statement, which sets out the Parish Council’s response to the comments it received during the Regulation 14 consultation. Whilst the Consultation Statement seeks to address the main points raised in our previous submission, the schedule does not attribute comments to individual parties.



15. It is unclear, therefore, whether the Parish Council considered our full consultation response. There is no sign within the text of the plan that this has been done. In preparing its Neighbourhood Plan, the Parish Council has not sought to engage with my client as a key landowner and stakeholder in the future development of the village. This is concerning, not least because the land is an allocated reserve site in the Melton Local Plan. It has therefore been identified as a sustainable location for residential development and the location received positive feedback from local people during the consultation process.

Section 4 (Housing and the Built Environment)

16. The Neighbourhood Plan's Section 4, as drafted, describes an intention to introduce a Limit to Development at Stathern.
17. This entire Section of the Neighbourhood Plan (and the consequent policies) fail to take account of the STAT3 reserve site allocation at Stathern. Indeed, the Neighbourhood Plan seeks to prevent its delivery. This is a serious flaw in the Plan which will require considerable modification, before there can be compliance with basic conditions 8(2)(a), (d) and (e).
18. Policies SS1, SS2, SS3 and C1 are contained in chapters 4 and 5 of the Local Plan and are strategic policies. Paragraph 1.8.5 of the adopted Melton Local Plan makes clear that,

“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 to determining planning applications, they are not viewed as strategic policies for the purpose of testing Local Plan conformity.”

19. The Neighbourhood Plan should, therefore, be in general conformity with the strategic policies. However, the Neighbourhood Plan directly conflicts with Policy C1, which refers to the STAT3 allocation. It further conflicts with Policies SS1, SS2 and SS3, in seeking to prevent small-scale residential development adjoining Stathern, where this would represent sustainable development.



20. Both the reserve sites and windfall sites are important elements of the Local Plan strategy to meet housing need at Stathern and in the wider Borough, and so secure sustainable development.

21. National Planning Policy makes clear at paragraph 13 of the NPPF,

“The application of the presumption [in favour of sustainable development] has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

22. Further, paragraph 29 of the NPPF specifies,

“Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”

23. These paragraphs are supported by a number of references in the Planning Practice Guidance (PPG) to the same effect, notably paragraph 41-004, which states,

“A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies”

24. As both paragraph 41-005 and 41-070 of the PPG make clear, a neighbourhood plan cannot undermine strategic policies. Under 41-044, a qualifying body can only propose the allocation of an *alternative* site in consultation with the local planning authority. The imposition of a settlement boundary, which excludes an existing allocation, is a clear breach of basic condition 8(2)(e).

Policy H1 (Limits to Development) (Section 4.2, pages 18-20)

25. Within Section 4 of the Neighbourhood Plan, draft Policy H1 proposes a ‘Limits to Development’ at Stathern. The Policy states that development proposals will be supported on sites within the Limits.



26. The Limit to Development proposed is not consistent with the Local Plan development strategy as it only takes into account the site allocations contained in Part A of Local Plan Policy C1 (i.e., STAT1 and STAT2). It ignores the reserve site allocation in Part B of the same policy, namely 'STAT3' - 'Land west of Blacksmiths End, Stathern' with a capacity of 45 dwellings.
27. A draft neighbourhood plan cannot ignore the allocated reserve site in this way. Paragraph 5.4.7 of the Local Plan clearly sets out the rationale for reserve sites generally, stating that,

"Whilst the Local Plan as a whole includes a methodology for monitoring and trigger points for review... it is considered good practice to build in flexibility within the plan itself to allow for a more robust approach and 'insulate' the need for review arising from relatively minor shortcomings on delivery, e.g. if an allocated site should become unavailable, or problems of a detailed nature are identified at application stage resulting in delay or non-delivery, or if sites cannot deliver as many new homes as envisaged. The Plan therefore includes 'reserve sites' in Melton Mowbray and Service Centre settlements where there are further suitable, available, and deliverable / developable sites to offer this flexibility and additional resilience..."

28. Local Plan Policy C1(B) sets out the circumstances in which proposals for the development on the plan's reserve sites would be permitted. These include where it would help to meet the housing requirement and development needs of the settlement and would secure the sustainability of the settlement, in the event that this cannot be achieved through the site allocations or other permissions granted.
29. The principle of development of this reserve site is supported by the Local Plan's strategic policies. The Neighbourhood Plan acknowledges the STAT3 allocation at section 4.1, but the draft policies effectively seek to deny the allocation. Policy H1, as currently drafted, is an attempt to treat all land beyond the Limits to Development as open countryside, including the STAT3 land. This ignores the strategic policy context.



30. This also ignores the specific Local Plan mechanism designed to safeguard housing delivery at Stathern, with consequences elsewhere across the plan area. The reserve sites have a combined capacity of 562 dwellings across Melton Borough. This undermines the effectiveness of the Local Plan, by removing its built in flexibility. It could possibly contribute towards an early review, to identify additional site allocations.
31. The Neighbourhood Plan as drafted is not planning positively for additional housing in line with the Local Plan, in direct conflict with national planning policy.
32. In disregarding the reserve site allocation, the draft Neighbourhood Plan further assumes that the site allocations at Stathern will come forward, which is not certain.
33. The planning application for STAT1 (Point Farm, Main Street for 74 dwellings, reference 19/01302/FUL) has a resolution to approve, but has not yet been granted planning permission. There is no guarantee that if planning permission is granted, the allocated sites would provide housing envisaged during the plan period. The Neighbourhood Plan proposes to remove the Local Plan's ability to deal with that eventuality which could cause housing need at Stathern to go unmet, to the detriment of the local community.
34. In the table within the Basic Conditions Statement, the Parish Council states

"The Neighbourhood Plan satisfies the requirement of policy SS1 of a 'presumption in favour of sustainable development' and add Limits to Development as a matter of local detail to help determine the most appropriate locations for development.... Examinations in other LPA areas where the NP has retained Limits to Development and where the LPA has removed them have always recognised that the limits to development are a matter for local detail. See Saddington NP Examination which states in relation to a local plan removing the limits to development 'that it does not set boundaries does not automatically mean that neighbourhood plans may not.'"



35. This is the only such example cited. We disagree strongly with the suggestion that this is a general rule and that it is relevant in this case. Whilst it may be open to a neighbourhood plan to include limits of development in other contexts, this is not permissible in this instance, given the requirement for the plan to be in general conformity with the strategic policies of the development plan, and the structure and wording of policies C1, SS1, SS2 and SS3.
36. The Local Plan does not impose settlement boundaries, in favour of strategic policies that provide for development in a more flexible way. The Borough Council expressly rejected an earlier commitment to set such settlement boundaries, because of the need for flexibility and ability to adapt to changing circumstances. The strategic policies enable sustainable development adjacent to the Service Centres and Rural Hubs. Draft Policy H1 conflicts both with individual strategic policies, and the way in which they are intended to operate together.
37. In the first instance, it is noted that many of the recent examination reports for neighbourhood plans in the Borough (in respect of the neighbourhood plan examinations at Scalford, Gaddesby, Hoby with Rotherby, Ab Kettleby and Somerby), focus on compliance with Local Plan Policy SS3 (Sustainable Communities (unallocated sites) in determining whether limits of development are in general conformity with the Local Plan.
38. Policy SS3 includes a requirement to demonstrate a local need for additional housing, which could be achieved through a Neighbourhood Plan. The draft Neighbourhood Plan policies clearly ignore the ability, under Policy SS3 as adopted, for other evidence of housing need to be provided at the application stage under Policy SS3. The Local Plan policies provide for that evidence to be assessed at the planning application stage, whereas the limits of development do not.
39. Critically, the approach also ignores the alternative route to planning permission available within Policy SS2, that is to say development at the edge of Service Centres can also be approved where it is sustainable development, as assessed against Policy SS1. Specifically, Policy SS2 of the Local Plan states,



*“Service Centres and Rural Hubs will accommodate approximately 35% of the Borough’s housing residual requirement (1822) on a proportionate basis. This will be delivered by planning positively for the development of sites allocated **within and adjoining** the Service Centres and Rural Hubs by 2036, **and by encouraging small scale residential development**, where it would represent sustainable development under Policy SS1 above **or** would enhance the sustainability of the community in accordance with Policy SS3 - Sustainable Communities.”* (all underlining and bold emphasis added both here and below)

40. Importantly, Policy SS2 allows for small-scale development at service centres such as Stathern, either as sustainable development **or** under the additional provisions of Policy SS3. This is reiterated in paragraph 4.2.17 of the Local Plan which states (in relation to unallocated sites),

*“...**schemes may be permitted where they represent sustainable development or demonstrably meet identified needs and/or help to sustain local services or facilities. Schemes of up to about 10 dwellings may be appropriate within or on the edge of Service Centres....**”*

41. This analysis of the policy position is consistent with the Planning Committee report for our Client’s application for 9 houses (Planning application reference 19/01193/OUT, see Appendix 2) on part of the allocated STAT3 reserve site.
42. The proposed Limits of Development, contained in the draft Neighbourhood Plan, seek to prevent Local Plan Policy SS2 operating in the way that they are intended, which is to allow development at Service Centres under two routes, either as sustainable development when assessed against Policy SS1, **or** as enhancing the sustainability of the community in accordance with Policy SS3. Accordingly, as currently drafted, Neighbourhood Plan Policy H1 is not in general conformity with the strategic policies of the development plan.



43. The Basic Conditions Statement merely states that the proposed Limit to Development will protect the countryside and setting of individual settlements, which it identifies as one of the core principles of the National Planning Policy Framework (NPPF).
44. However, as the NPPF sets out, the Framework must be read as a whole. Paragraph 8 of the NPPF makes clear that achieving sustainable development means that the planning system needs to pursue economic, social and environmental objectives in mutually supportive ways.
45. In the instant case, the critical part of the NPPF is Chapter 5, and in particular Paragraph 59, which seeks to boost significantly the supply of housing. To this end, Paragraph 65 of the Framework makes clear that the Local Plan housing figure is a minimum requirement and not a cap or upper limit. This is supported by the PPG (specifically paragraphs 41-009, 41-101 and 41-103).
46. Paragraph 41-0103 of the PPG expressly encourages neighbourhood planning bodies to plan to meet any housing apportionment to their area and to exceed it where possible. It further states that a sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to date over a longer time scale.
47. In this case, given the strategic policies of the development plan, the most appropriate way to assess the suitability of individual sites is at the planning application stage, rather than through limits to development drawn as part of a neighbourhood plan policy.
48. **The ‘Limits to Development’ in Policy H1 should be deleted from the Neighbourhood Plan, as it is not in conformity (general or otherwise) with strategic policies SS1, SS2 and C1 of the Local Plan and would breach basic conditions 8(2)(a), (d) and (e).**



Policy H2 (Windfall Sites) (Section 4.3 page 21)

49. Draft Neighbourhood Plan Policy H2 relates to the development of non-allocated 'windfall' sites over the course of the plan period.
50. The neighbourhood plan (page 21) defines these as, "...small infill or redevelopment sites that come forward for development unexpectedly and have not been specifically identified for new housing in a planning document". The plan goes on to describe how windfall sites "...often involve redundant or underutilised buildings, including former farm buildings, or a restricted gap in the continuity of existing buildings and will usually comprise capacity for only a single dwelling, although Local Plan thresholds on page 30, para 4.2.17 of the Local Plan will apply".
51. The draft Neighbourhood Plan therefore seeks to limit development at Stathern to small sites within the village, that would either only deliver a single dwelling or re-use existing buildings. This policy is not positively prepared and would not provide for the housing need of the village.
52. The Neighbourhood Plan description of windfall sites is not consistent with the NPPF Glossary definition, which simply states that they are "*Sites not specifically identified in the development plan*". There is no requirement for development on windfall sites to secure the redevelopment of redundant or underutilised buildings, and no limit on the number of dwellings that windfall sites can deliver.
53. Furthermore, Paragraph 4.2.17 of the Local Plan, as referenced in the Neighbourhood Plan, does not impose a specific limit to the number of homes that can be provided, it simply explains that as part of the spatial strategy for the Borough, schemes of up to 10 dwellings may be appropriate within or on the edge of Service Centres.
54. The draft Policy itself goes on to support only "*small residential development proposals*" subject to a series of criteria, the first of which is that the development "*a) is within the Limits to Development of the village of Stathern*".



55. As set out above in respect of Section 4 and Policy H1, this is not consistent with Local Plan Policy SS2 (Development Strategy) which encourages small-scale residential development at Service Centres, either where:
- it would represent sustainable development under Policy SS1 (Sustainable Development), which commits the Council to a positive approach that reflect the presumption in favour of sustainable development when considering development proposals; or
 - where it would enhance the sustainability of the community in accordance with Policy SS3 (Sustainable Communities), which encourages sustainable residential development on sites **within or on the edge of existing settlements** in the rural area (including Stathern), subject to criteria including local need.
56. This is an attempt to make small-scale sustainable schemes on the edge of Stathern contrary to the development plan, which is wholly inconsistent with strategic Local Plan policies SS1, SS2 and SS3.
57. The Basic Conditions Statement states: *“The preference for small scale windfall development is in general conformity with the Local Plan (Policy SS3) which seeks to restrict unallocated sites.”* This is not a correct interpretation of Policy SS3. The Local Plan policy is instead positively worded to grant planning permission where a scheme complies with stated criteria.
58. The draft Neighbourhood Plan Policy completely ignores the alternative route to planning permission being granted in accordance with policy SS2 and having regard to the requirements of Policy SS1. Draft Policy H2, in conjunction with draft Policy H1 and the proposed Limits to Development, is an attempt to frustrate the intended operation of the strategic policies in combination. Policy H2 as drafted cannot, therefore, be in general conformity with the strategic policies of the development plan.



59. Were the Policy to be adopted in its current form, and the practice followed in other settlements, it would prejudice the ability of windfall development to contribute to the delivery of homes. The Local Plan makes clear that allocated sites are expected to deliver only 5,325 dwellings of the 6,125 dwelling minimum requirement, and so smaller, non-allocated 'windfall' sites are a key component of the Melton Housing Trajectory. The Neighbourhood Plan's approach would therefore undermine the Local Plan's ability to deliver its housing requirement over the plan period.
60. As set out in paragraph 4.2.13 of the Local Plan: *"National planning policy advises that an allowance for windfall development should only be included in the five year housing land supply and assumed to make a contribution toward meeting the Borough's housing requirement where there is strong evidence that such sites will continue to come forward"*.
61. The paragraph concludes by stating *"Past delivery and the 'relaxing' of restrictions on small site development in the smaller villages brought about by Policy SS3 provide that"*. Whilst the Council currently claims a housing land supply in excess of five years, this serves to emphasise the importance of allowing the policies that enable appropriate windfall development to operate as intended.
62. **Policy H2 should be modified so that it is consistent with Local Plan Policy SS2, to provide clear support for small-scale sustainable development from windfall sites in accordance with Local Plan Policy SS1, and development that can demonstrate it would enhance the sustainability of the community in accordance with Local Plan Policy SS3 at the planning application stage. As a designated Service Centre, this includes land at the edge of Stathern. In the alternative, the Policy should be deleted.**

Section 5 (The Natural and Historic Environment)

63. Paragraph 3.4 of the draft Neighbourhood Plan states its policies are based on "robust evidence". However, insofar as they relate to our Client's land at Blacksmith End, the biodiversity and heritage constraints identified in policies ENV3, ENV5 and ENV8 are not supported by evidence.



64. The Melton Local Plan evidence base did not identify any in principle issues in identifying the Blacksmith End site as a reserve site allocation. Further assessment of planning applications 18/01533/OUT and 19/01193/OUT did not identify any technical constraints to prevent development at the site.

Policy ENV3 (Sites and features of Natural Environmental Significance)
(page 35-36, including Figure 6)

65. Draft Policy ENV3 states that development proposals that affect sites of natural environment significance will be expected to protect the identified habitats and/or species, according to their status, and give appropriate weight to the contribution they make to the wider ecological network.
66. The Basic Conditions statement only cites paragraphs 83 and 96 of the NPPF as support for this approach, although neither provision supports the designation of sites in this manner – the policies are confined to supporting recreation opportunities and open space. The designation of sites for wildlife/habitats protection reasons is a technical process that must be supported by robust evidence, as per paragraphs 174 and 175 of the Framework. There is no evidence of this having taken place in this case.
67. The Policy references Figure 6 of the Neighbourhood Plan, which identifies “*sites of natural environmental significance*”. Figure 6 identifies our client’s land at Blacksmith End (reference 111) with the reference “*Sites with local wildlife value, this Plan*”. However, the Neighbourhood Plan does not provide any justification for this designation, which is not supported by evidence.
68. The submitted Biodiversity Survey Report for Planning Application reference 18/01533/OUT (Appendix 3) concludes that the land at Blacksmith End is intensively managed and so contains very limited biodiversity. The survey found no evidence of rare or unusual plant species or plant communities and no evidence of protected species being present. The Biodiversity Survey Report is appended to these representations, for ease of reference.
69. **Figure 6 should be amended to remove the reference to land at Blacksmith End as being of Local Wildlife Value.**
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Policy ENV5 (Biodiversity and Habitat Connectivity) (page 37-38, including Figure 7)

70. Draft Policy ENV5 states that all new development proposals will be expected to safeguard habitats and species, including those of local significance. The Policy goes on to reference the requirement set out in paragraph 175 of the NPPF. The Basic Conditions Statement, however, only cites paragraphs 109 (highways) and 117 (effective use of land) of the NPPF, which appears to be an error.
71. The Policy states further that development proposals should not damage or adversely affect the habitat connectivity provided by the wildlife corridors identified in Figure 7. This Figure shows the Blacksmith End reserve site and adjoining land in the same ownership shaded in green. The key to the Figure simply refers to this area as *"Habitat areas, all types"*.
72. Whilst neither the Policy nor the supporting text explain what is meant by this term, Figure 7 appears to suggest that the whole of the site and adjoining field has biodiversity value. The Neighbourhood Plan does not provide any justification for this designation, which is not supported by evidence. As set out above, the designation of a site such that NPPF 175 can be applied, requires robust evidence. No such evidence has been provided in the preparation of the Neighbourhood Plan. The origins of Figure 7 are entirely unclear.
73. The submitted Biodiversity Survey Report for application reference 18/01533/OUT demonstrates that due to it being intensively managed, the site is of very limited biodiversity value and that the value present is limited to the hedgerows at its edge. The Biodiversity Survey Report is appended to these representations, for ease of reference (Appendix 3).
74. **Figure 7 should be modified to remove the green shading from land parcels 110 and 111 at Blacksmith End.**



Policy ENV8 (Ridge and Furrow) (page 44-45, including Figure 11.3)

75. Draft Policy ENV8 states that area of ridge and furrow are non-designated heritage assets, and thus covered by paragraph 197 of the NPPF. It states that in assessing development proposals that would involve any loss or damage to such areas, the benefits of the development will be balanced against the significance of the feature. The draft Policy refers to Figure 11.3, which identifies 'Areas of ridge and furrow in Stathern in 2020' and includes land parcels 111 and 111.1, owned by our client.
76. The Policy describes ridge and furrow as a non-designated heritage asset. It goes on to state that in assessing development proposals which would involve any loss or damage to an identified area of ridge and furrow earthwork on Figure 11.3, the benefits of the development will be balanced against the significance of the feature concerned as a heritage asset.
77. Regarding significance, the potential development constraints affecting our client's land were assessed in preparing the Melton Local Plan and no 'in principle' issues found to prevent the Blacksmith End land being allocated as a reserve housing site. The Local Plan Inspector found the reserve site allocation to be sound as part of the examination process.
78. In the first instance, the Archaeological Desk Based report (Appendix 4), submitted for application reference 18/01533/OUT confirms the presence of ridge and furrow earthworks on only part of the site, rather than the whole area, as Figure 11.3 appears to suggest.
79. The Archaeology Assessment also notes that whilst the ridge and furrow has some associative and historic value in relation to the historic core of Stathern, the earthworks are severely degraded. This leads the report to conclude, *"Due to the degraded nature of the earthworks on the site and their lack of complexity, the impact of its loss on the heritage significance of the settlement is deemed negligible / nil"*.



80. The applicant discussed the presence of ridge and furrow with the planning archaeologist at Leicestershire County Council (LCC) who raised no objection to the application, subject to a written scheme of investigation and recording. LCC Archaeology's response is also appended to this consultation response (Appendix 5).
81. **Figure 11.3 should be modified to reflect the findings of the survey work carried out for Blacksmith End. This evidence clearly shows that only a small part of the land has ridge and furrow present.**

Evidence Base

Housing Allocations

82. As a Service Centre, Stathern is one of the most sustainable settlements in Melton Borough, and the Neighbourhood Plan fails to take the opportunity to plan positively for residential development. It does not allocate land to meet the minimum housing requirement, and seeks to prevent development on sustainable windfall sites on the edge of the village, that would otherwise be approved by Local Plan Policy SS2 and SS1.
83. In taking this approach, the Neighbourhood Plan does not embrace national policy, and does not properly reflect public views obtained at the consultation stage of plan preparation, where there was clear support expressed for the development of land at Blacksmith End for residential use.
84. Around 70 people attended the Neighbourhood Plan "Drop In" meeting in the War Memorial Institute on 20.09.19, when those attending were invited to indicate their preferred locations for new housing. The Parish Council's summary of the event records strong views that future residential development at Blacksmith End would be acceptable.



85. The Blacksmith End land performed well in comparison with the STAT1 and STAT2 Local Plan allocations at the event, with 30 out of 48 of the green dots (63%) placed to indicate residents would be happy to see the reserve site allocation (STAT3) developed, compared with just 13 (27%) for STAT1. Of the 73 red dots placed to identify where local residents would not wish to see development, 26 dots (36%) were placed on STAT1 and just 8 (11%) on reserve site STAT3 (see Appendix 6, page 9).
86. The support for the Blacksmith End site is reflected in the August edition of the Stathern Star newsletter (Appendix 7), which includes an update on the Neighbourhood Plan consultation, seemingly produced by the chair of the Neighbourhood Plan steering group. Specifically, the final bullet point on page 6, under the banner *“For Housing you said...”* records *“A preference for housing in the NE of the village not in the centre of the village, on Toft’s Hill or the bottom of Mill Hill”*.
87. The Borough Council’s housing needs survey identifies further community support for the development of land at Blacksmith End. The January 2020 *‘Detailed Investigation into Rural Housing Need in Stathern, Leicestershire’* report (Appendix 8) identified the STAT3 reserve site as a preferred location for residential development, alongside the Local Plan allocated STAT1 site amongst those respondents who were in favour of additional development at Stathern (see page 20 and Figure 8, page 21). The report records a response rate of 39% to the survey, which it describes as a “good level of response”.
88. The neighbourhood does not explain why it ignores the STAT3 Local Plan reserve site allocation at Blacksmith End, and the strong local support for development in this part of the village. In seeking to prevent sustainable development on the edge of Stathern, the Neighbourhood Plan goes against clearly expressed local views.
89. Those views are also reflected in objections to more recent planning applications for the larger housing developments, which have generated a greater number of individual objections from village residents than the Blacksmiths Lane site:



- 20/00309/FUL Red Lion Site (7 dwellings): 205 objections
- 19/01302/FUL STAT1 Site (74 dwellings): 52 objections
- 19/00741/FUL Tofts Hill Site (9 dwellings): 84 objections
- 19/01193/OUT Blacksmiths Lane Site (9 dwellings): 37 objections

90. **The Neighbourhood Plan should be modified to include Blacksmith End, Stathern as an additional housing allocation. This would increase choice within the housing market and deliver homes in a location preferred by local residents. It would help to support community facilities and contribute to the Government objective of significantly boosting the supply of homes.**

Conclusion

91. The Neighbourhood Plan as drafted breaches the Basic Conditions, on the basis that it does not contribute to sustainable development, as it is not consistent with the strategic policies of the development plan for the area.
92. The draft plan fails to recognise the status of land at Blacksmith End as a reserve housing site in the Melton Local Plan. By seeking to impose limits to development, and placing the allocated site beyond the limits, the plan seeks to prevent the allocated reserve site from coming forward as intended.
93. The draft plan seeks to prevent small-scale sustainable development on windfall sites at the edge of the village under Policy SS1, as provided for in Policy SS2. Compliance with policies SS2 and SS1 provide an alternative route to planning permission that does not require need to be demonstrated in accordance with Policy SS3.
94. The operation of the strategic policies SS1, SS2 and SS3 together mean that it is not appropriate for the Neighbourhood Plan to introduce limits to development. The Neighbourhood Plan as drafted is therefore, not consistent with the strategic policies of the Local Plan.



95. The Plan also implies that the reserve site is sensitive to development, in terms of local wildlife, biodiversity and habitat connectivity and in terms of ridge and furrow, which is not supported by evidence.
96. Further to our client's Regulation 14 consultation response, this submission again provides evidence to address the incorrect assumptions made in policies ENV3 (Sites and Features of Natural Environmental Significance); ENV5 (Biodiversity and Habitat Creation); and ENV8 (Ridge & Furrow). The Neighbourhood Plan should be updated to reflect this evidence, which has previously been accepted in the consideration of planning application reference 19/01193/OUT.
97. The draft plan does not plan for sustainable development in Stathern, but seeks to prevent land at Blacksmith End coming forward for development. In so doing it ignores the preference for housing in this part of the village, as expressed at the consultation events and in response to the Borough Council's local housing needs survey.



Appendices

1. Regulation 14 consultation comments (Mr Matthew Atton)
2. Committee Report (19/01193/OUT)
3. Biodiversity Report for land at Blacksmith End, Stathern
4. Archaeology Desk Based Assessment (18/01533/OUT)
5. Leicestershire County Council Archaeology Response (18/01533/OUT)
6. Stathern Neighbourhood Plan Consultation Summary (Sept 2020)
7. Stathern Star (August edition)
8. Detailed Investigation into Rural Housing Need in Stathern, Leicestershire