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Date: 22nd December 2020

Dear Neighbourhood Plan Group,

RE: Stathern Neighbourhood Plan – Regulation 16 Consultation

Thank you for submitting the Stathern Neighbourhood Plan (regulation 16 version) to Melton Borough Council.

Melton Borough Council fully supports the community's initiative to produce a Neighbourhood Plan and recognises that this is a community-led process. The advice contained within this letter is intended to assist the Neighbourhood Plan Group / Parish Council in ensuring a submission version Neighbourhood Plan is developed that will withstand examination and any possible legal challenge.

Melton Borough Council's response is based on the Regulation 16 consultation documents provided via email to Jorge Fiz Alonso on 5th November, 2020. This response is structured with regard to the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to Neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004):

- A. Whether the Plan has regard to National Planning Policy and advice;**
- B. Whether the Plan contributes to Sustainable Development.**
- C. Whether the Plan is in general conformity with the Council's own development plan; and**
- D. Whether the Plan complies with various European Obligations;**

The Melton Local Plan 2011-2036 was adopted by Full Council on October 10, 2018. It sets out the Council policies for the use and development of land across the whole of the Borough. The Local Plan is the main part of the development plan for the Borough and will be given full weight by the Council in making decisions on planning applications. This also means that, as stated above, Neighbourhood Plans must be in general conformity with the strategic policies within the adopted Local Plan. Also, as specified in para 1.8.5 of the Local Plan:

‘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.’

These issues were subject of scrutiny and debate during the independent Examination of the Local Plan and the wording cited here follows the process of assessment and adjudication by the Inspector.

Additionally, we recommend to the Neighbourhood Plan Group access to the examiner’s reports associated with the latest Neighbourhood Plan’s examinations. These include the parishes of Ab Kettleby, Scalford, Gaddesby, Hoby with Rotherby and Somerby and they can be accessed here:

<https://www.meltonplan.co.uk/neighbourhood-plans>

To help your understanding of our response, we have structured our comments into themes.

Page number	Reference (policy/paragraph/section)	Importance (Minor, Moderate, Important or Critical)	Comment from officer ('Quotation', <u>Insertion</u> , Deletion , Important)
Housing			
20	Policy H1	Important	We note that the Reserve Site in the Melton Local Plan (STAT 3) is not included within the Limits to Development boundary. We suggest an approach here so the Limits to Development policy is not an impediment to develop this site if needed (as per the trigger mechanisms indicated in the Local Plan). So for example the policy can include an additional paragraph saying: ' <i>Development outside the defined Limits to Development on the Reserve Site identified in the Local Plan will be acceptable subject to complying with the terms of C1(B) Local Plan policy.</i> ' By adding this sentence the release of the land for development (when needed) will not have an additional barrier.
20 & 21	Policy H1 and H2	Important	We recommend a more flexible approach in order to comply with policy SS2 in the Local Plan. The SS2 policy (and SS3 for unallocated sites) indicate that development is allowed within and adjoining the built up area (and not just within). We are concerned that the current approach would be in conflict with the potential development of the reserve site (if needed) and consequently the strategic policies C1(B) and SS2. The examiners' recommendations for three recent examinations (Gaddesby, Hobby with Rotherby and Ab Kettleby) issued after the adoption of the Local Plan seem to suggest this approach. Also, we would welcome a reinforcement of the 'proven local needs' element from SS3 in policy H2.
21	Policy H2	Moderate	We suggest the inclusion of the threshold of 'up to 10 dwellings' in the policy as an indication of what 'small residential development proposals' means.
21	Policy H2	Moderate	Some of the points in this policy could need minor tweaks in order to be more flexible and appropriate for Development Management processes. For example, c) <u>where practicable</u> provides safe..., or modify d) to read <u>it does not unacceptably harm the character of the area</u> , or d) <u>where practicable</u> has roof...., or f) does not result in an <u>unacceptably</u> loss of amenity..., or g) <u>where practicable</u> retains existing...
Affordable Housing and Housing Mix			
23	4.5	Minor	We recommend that in the local connection section, reference to "Stathern" and "Parish" is consistent and that all references are changed to the "Parish of Stathern" for clarity.
23	4.5	Moderate	Local connection section part c) where is reads at the end of the paragraph "...main occupation has been in the parish for a continuous period of not less than twelve months immediately prior to occupation" change to "...main occupation has been in the parish for a continuous period of not less than twelve months immediately prior to occupation " This will enable households who have a local connection through employment rather than residence to be considered for housing.

Businesses and Employment			
66	POLICY BE2	Important	Part d of the policy ' <i>not involve the loss of dwellings</i> ' seems to firstly contradict part b ' <i>where possible, be sited in existing buildings or on areas of previously developed land</i> ' and also would not comply with the NPPF para 83 that illustrates in rural areas economic opportunities should also involve conversion of existing buildings. Therefore a recommendation would be to add <u>where possible not involve the loss of dwellings</u> . Especially as mix use properties may be useful in rural economies.
69	Policy BE6	Minor	The broadband speed as suggested in 'a)' seems arbitrary. We suggest the deletion of this part of the policy.
Environment			
35 & 38	ENV3 & ENV5	Minor	Replace 'will be expected' with 'should'
36, 38, 39	Figure 6, 7 and 8	Minor	Would recommend producing these maps in higher detail. Dense information such as shown on Figure 6 makes it hard to decipher spatially, especially at the scale used.
40	Policy ENV7	Moderate	MLE 24087 – This area indicates Listed Buildings which are designated heritage assets and therefore already have protection. Therefore, it may not be necessary for this to be included within Policy ENV7
41	Figure 10	Minor	Flood Zone 2 and 3 are mentioned in the policy but not shown on the maps.
45	Policy ENV9	Moderate	We would suggest a reassessment of important view 8 due to its proximity to the reserve site STAT3 that has been designated in the Local Plan.
48	Policy ENV10	Moderate	We recommend the modification of the policy to refer not just to footpaths (or footpath network) but other public rights of way (PRoW) too.
Community Sustainability			
60	Policy CFA4 and supporting text	Important	We consider whether this section would be better placed within the environment section due to the detail it goes into from an environmental aspect. The policy CFA4 seems to mix two levels of protection: landscape and community value. We recommend to protect the area through other policies in the Neighbourhood Plan, for example, to incorporate a new Landscape policy and/or to include the area as Local Green Space if it meets the criteria. Views are already protected in policy ENV 9. Meaning that elements of the CFA4 would become part of other environmental policies. Due to the unusual nature of the policy as currently written we have little to guide us in terms of how such a policy would fare at Examination. The approach above is more conventional and has a strong track record from numerous NP Examinations. Alternatively, a design code for that specific area could be developed by the community. If this was the case a distinct boundary for the area would have to be drawn.

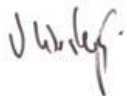
Strategic Environmental Assessment (SEA)

The SEA Screening report was issued the 23rd September 2020, in relation to the Neighbourhood Plan in its regulation 14 consultation stage. The nature of the changes from regulation 14 to regulation 16 makes this document still valid for this consultation. The document is available at <https://www.meltonplan.co.uk/stathern>.

The community are congratulated for making considerable progress on the draft Neighbourhood Plan. Melton Borough Council again welcomes the opportunity for continued communication on the interlinking relationship between the Neighbourhood Plan and Melton Local Plan.

Should you wish to discuss any of the points made in this correspondence, please do not hesitate to get in contact so that together we can progress towards a Neighbourhood Plan that will stand the test of examination and responds accordingly to the community's desire for suitable, sustainable development.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Worley'.

Jim Worley

Assistant Director for Planning and Delivery
Melton Borough Council