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Date: 7th August 2020

Dear Neighbourhood Plan Group,

RE: Hoby with Rotherby Neighbourhood Plan – Regulation 16 Consultation

Thank you for submitting the Hoby with Rotherby 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 12th and 22nd June, 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 report for the Ab Kettleby Neighbourhood Plan, Scalford Neighbourhood Plan or Gaddesby Neighbourhood Plan.

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)
General			
15	Developing an evidence base	Minor	In order to avoid the remote possibility of having different content in the appendices (for example, different versions), we suggest the deletion of the link (and associated text) to the Parish Council website as all these documents are appendices saved in the Council's website.
Housing			
83	3 rd paragraph	Important	The paragraph indicates that the Neighbourhood Plan excludes Brooksby as suitable place for residential development (except for the current permission) in reference to the "windfall policy" SS3 in the Local Plan. We consider this to be contrary to the aims of the strategic policies SS2 and SS3 in the Local Plan. Responding to our comments during the regulation 14 consultation, the Parish Council has now included a settlement boundary for Brooksby which seems to suggest that part of this paragraph can be removed.
83	Settlement Boundary	Moderate	The paragraph mentions that three of the settlements already have an existing limits to development boundary. This could be referring to the ones proposed in regulation 14 or the ones in the superseded 1999 Local Plan. In both cases, these limits to development are not adopted. Consequently we suggest an amendment of the wording.
88	Map 26a	Minor	The key is missing the settlement boundary (also, seems that the pre-1936 ward boundary is out of context and perhaps incorrectly labelled, as at the start of the document it is named 'pre-1936 parish boundary').
88	Map 26a	Important	The policy is restrictive to all kind of developments out of the settlement boundaries. This map for Brooksby only shows the limits to development linked to the planning application (in reference to policy 15). Although they are academic buildings, the college seems to be the core (or one of the cores) of the settlement and consequently we suggest to add these buildings to the settlement boundaries for Brooksby.

89	Policy 14	Important	<p>The policy indicates that all development will only be permitted within the settlement boundaries, however this seems to be contrary to policy SS2 in the Local Plan, which says: <i>Alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.</i></p> <p>As this is a strategic policy in the Local Plan we suggest the amendment of Policy 14 to include areas adjacent to the limits to development.</p> <p>Just for clarity, we also suggest a reference to SS2 (in the same way that it has been done for SS3) at the start of the policy. Also for clarity, but not necessary if there are references to SS2 and SS3, we recommend a reference to the element of proven need from SS2.</p>
89	Policy 14	Moderate	<p>We recommend some further clarity in how the policy is written. Does the second point depend on the first one? For example, the second point starts with <i>an exception will be made...</i> Is this an exception to point one or to the policy (including points 1 and 3)?</p>
89	Policy 14	Moderate	<p>Point 3 seems a little bit inflexible. There may be instances where the comments from the local community are contrary to the local or national policy and cannot be incorporated into the proposal. We recommend the deletion of this part of the policy as the Development Management process and the Neighbourhood Plan should meet the objectives pursued by this point.</p>
89	Policy 14	Moderate	<p>We recommend the addition of a paragraph to address the land out of the limits to development. Some suitable wording can be found in other Neighbourhood Plans: <i>Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.</i></p>
94	Policy 15	Moderate	<p>In relation to the second point (2), and similar to our comments above, there may be instances where it is not possible to incorporate the community's comments to the proposal (e.g. viability, contrary to local or national policy...). The Neighbourhood Plan and the Development Management process should be covering this point, and consequently we suggest its deletion.</p>
Environment			
47-52	Green spaces designation (leading to Policy 6)	Important	<p>No points table showing how the sites were compared for designation which makes it difficult to fully understand their significance. There is a text overview as to why they have been proposed but no evidence or scoring to back this up.</p>
27	Listed buildings	Minor	<p>Although it was acknowledged and the change was agreed in the Consultation Statement, the number of</p>

			listed buildings is still quoted as 26. We suggest amending to 24 as 2 of them are Scheduled Monuments.
33-36	Non-designated heritage assets	Minor	Maps 7-10 do not match those shown in appendix G, all have fewer listed within the appendix and mismatched references.

Strategic Environmental Assessment (SEA)

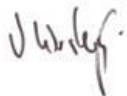
The SEA Screening report was issued the 7th May 2020, in relation to the Neighbourhood Plan in its regulation 14 consultation stage. The nature of the changes from regulation 14 to regulation 16 makes this document still valid for this consultation. The document is available at:

<https://www.meltonplan.co.uk/hobywithrotherby>

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,



Jim Worley

Assistant Director for Planning and Regulatory Services
Melton Borough Council