

12<sup>th</sup> April 2021

## **Melton Borough Council response to Examiner's Clarification note on Stathern Neighbourhood Plan**

Please find Melton Borough Council's response to specific parts of the Examiner's clarification note below.

### **Strategic Policies**

5. Can Melton Borough Council confirm which of Local Plan policies are, for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?

As specified in paragraph 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.*** This means that policies D1, D2 and D3 are the only ones that are not considered strategic.

### **Screening Assessments**

6. I would be grateful if Melton Borough Council could send me copies of its screening reports for both the SEA and HRA.

The document was incorrectly labelled as 'SEA screen report' in our website. This now has been amended and renamed as 'SEA and HRA screening report'. The document can be found under the 'Regulation 14' section of the Neighbourhood Plan website (<https://www.meltonplan.co.uk/stathern>) or through the following direct link (click [here](#)).

The Council considered that a new SEA and HRA screening report was not needed for the submission plan as there was not any significant change in comparison to the pre-submission version.

## **Policy H1 – Limits of Development**

9. Can Melton BC provide me with an update on the position with regard to STAT 1. Has planning permission been issued and is there a likely date for its implementation?

Planning application reference 19/01302/FUL has not been determined yet. In October 2020 the planning committee considered the application and it had resolution to grant planning permission subject to the completion of a legal agreement. The content of the s106 agreement has been agreed and it is currently being circulated for engrossments, anticipated to be complete week commencing 12.4.2021, at which point the planning permission will be issued. The developers advise they wish to make an early commencement of the scheme and are already addressing the requirements of the conditions with the Borough and Parish Councils.

## **Policy H2- Windfall Sites**

11. Can the Borough Council indicate how it would see rural exception sites being developed, under Local Plan Policy C5, if windfall development can be allowed on land adjoining but outside the settlement boundary under Policy SS3 of the Local Plan.

As specified in paragraph 78 of the NPPF the Council should be identifying opportunities for villages to grow and thrive, particularly where they support local services. In conjunction with SS3 where there is local need which we are still figuring out how to interpret. We will be writing a guidance note soon. The Council would support rural exception sites if there were a demonstrable need, as specified in C5 for Affordable Housing and in SS3, which has a broader remit in terms of 'need' (though still 'proven' beyond Affordable Housing), in the local area. Our understanding is that these sites need to be supported by the local authority regardless of their location (even in the Green Belt as stated in paragraph 145 of the NPPF) as their development would address the needs of the local community.

## **Policy ENV 1- Local Green Spaces**

13. If some spaces are already designated as LGS in the Melton Local Plan, what is the value in the Neighbourhood Plan duplicating that designation?

In planning policy terms, it seems redundant; however, the local community might perceive these duplications as a reassuring element to protect these areas.

15. Can Melton BC point me to the local plan policies that identify and protect the local plan designated spaces?

If this question refers to Local Green Spaces only (please let us know if this should cover other Local Plan's designations), the Policies Map is the tool used by the Local Plan to identify these spaces. Policy EN5 does not individually list the 61 sites identified that are identified, and as mentioned in the [Melton Local Plan Inspector's report](#) (paragraph 185) and previously suggested by the Council in [Matter Statement 9](#) (paragraph 9.3.6), the Policies Map makes this function to identify and then show the designated sites. Once allocated, policies EN5 (Local Green Spaces) and EN3 (The Melton Green Infrastructure Network) reinforce their protection.

#### **Policy ENV 8 – Ridge and Furrow**

17. The policy refers to Figure 13, but that is the Footpaths, Bridleways and other Walking Routes map – should the policy be referring to Figure 11.3?

I believe the Parish Council will provide clarification to this question. If they do not, we agree, it should refer to Figure 11.3 as it does further down in the same policy.

#### **Policy ENV11 – Flood Risk Resilience**

18. I note that the plan refers to areas observed to flood in 2019-20. How were these areas mapped, is there any documentary evidence of that flooding and has the flooding been notified to the Environment Agency and the Lead Local Flood Authority to update their records? Would Melton BC clarify whether on this basis, it would be requiring applicants for development on sites shown coloured mauve, to have to submit a Flood Risk Assessment?

As stated in footnote 50 of the NPPF: *a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.* With this in mind, development proposals within areas shown coloured mauve in figure 14.2 of the Neighbourhood Plan will not systematically require a Flood Risk Assessment.

19. Can Melton Borough Council confirm that the areas which are shown

within the allocation sites as being liable to flooding, was a matter taken into consideration during the local plan allocation process, as development plan allocation sites will not have to demonstrate a sequential approach, as is implied by criterion a) of the policy?

The Council took into consideration flooding in several stages of the site selection process. Since the early stages of assessment of 'SHLAA sites' to the "final" assessment of sites, where flooding was considered as part of the scoring system (documents under the 'Housing Site Allocations' section in our [evidence base](#)). Document [HA1b – Service Centres: Update to Site Assessments](#) provides this information in relation to Stathern and the sites that were identified as potential options during the Local Plan process. Most importantly the Council produced a [Sequential Test of the Flood Risk of Potential Development Sites](#) in 2017, which alongside its [appendices](#), shows how this aspect was taken into consideration (documents FR2a and FR2b under the *Flood Risk* section in the [environment evidence base](#)) in the site selection process.

#### **Policy CFA1- Retention of Community Assets and Facilities**

20. The village garage, café and shop are referred to in the supporting text but do not appear in the list of community facilities in the policy? Is that a deliberate omission?

Although this is not explicitly stated in the question, we consider that this clarification needs to be provided by the Parish Council.

22. Do proposals have to meet each of the criterion in the policy or just one?

Again, we think that this clarification needs to be provided by the Parish Council. If it is also addressed to the Borough Council, we would suggest that just one of the criteria has to be met as per the potential incompatibility of criteria c) with a) and b).

#### **Policy CFA4- Protection of Toft's Hill Environment**

22. Will not the aspirations of the policy, to prevent the existing pattern of development being extended up the hill be achieved by the Limits of Development Policy, Policy H1?

Although this question seems to be directed to the Parish Council, we would like to reiterate our uncertainties in relation to this policy. The Council, in the regulation 14 and regulation 16 consultation responses, suggested that its aspiration could be achieved through environmental policies and protections;

however, as suggested above, it could also be a redundancy of policy H1 and the consideration of areas beyond the limits to development and its adjacent land.

23. Can the Borough Council give any indication as to when a decision on the redevelopment of the dilapidated agricultural buildings on the early part of the footpath, is likely to be made. I saw a site notice during my muddy walk-up Tofts Hill.

If this refers to planning reference number 21/00038/FUL there is no firm date, but we anticipate it would be considered by the Planning Committee, but most likely not until May 2021 or later.

**Policy BE1- Support for Existing Business and Employment**

24. Will a proposal have to demonstrate compliance with just one, or both of the requirements in the policy?

This question seems to be addressed to the Parish Council, however, in case a response from the Borough Council is needed, we would suggest that both requirements should be considered independently (self-exclusive) in order to accelerate potential redevelopment proposals if needed.

Finally, the Council would like to highlight the position regarding the Blacksmith's End appeal decision. Melton Borough Council has applied to appeal this appeal decision under s288 of the Town and Country Planning Act 1990 and the Examiner will be advised as to progress and the eventual outcome.

Yours sincerely,

**Jorge Fiz Alonso**

**Planning Policy Officer**