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Date: 27th April 2020

Dear Neighbourhood Plan Group,

RE: Gaddesby Neighbourhood Plan – Regulation 16 Consultation

Thank you for submitting the Gaddesby 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 and now published on line at <https://www.meltonplan.co.uk/gaddesby> 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 at:
<https://www.meltonplan.co.uk/abkettleby>.

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

Page number	Reference (policy/paragraph/section)	Importance (Minor, Moderate, Important or Critical)	Comment from officer ('Quotation', Insertion , Deletion , Important)
General			
6	1	Minor	<p><i>Whilst planning applications will still be determined by Melton Borough Council, and in special circumstances Leicestershire County Council, the production of a Neighbourhood Plan will mean that they <u>must have regard to the provisions of the Plan</u> and the relevant locally formulated criteria when reaching planning decisions that affect Gaddesby Parish. This means that the residents of the Parish will have far greater control over where development takes place, and what it looks like.</i></p> <p>This could be strengthened if you wish by quoting s38(6) and stating it will have equal standing to the Local plan in law and decisions taken <u>must</u> be in accordance with the plan unless material considerations indicate otherwise</p>
6	1	Moderate	<p><i>Also important is the National Planning Policy Framework (NPPF) which was updated in <u>2018</u>.</i></p> <p>Correct, but we are now operating under the <u>2019</u> update</p>
7	Sustainable development, Social (a)	Minor	Suggest a 4 th bullet point could be added to highlight the contribution the allocated sites and windfall in Gaddesby make to overall housing need?
Housing			
15, final paragraph	Policies	Moderate	<p><i>Barsby and Ashby Folville are classed as Rural Settlements, which are expected to contribute a percentage of new housing on small unallocated developments within or at the edge of the settlement which are well related in scale and character:</i></p> <p>Suggest this sentence is expanded to more closely reflect policy SS3 to which it is referring, i.e.in order to meet exceptional local needs</p>

16, second paragraph	Settlement Boundaries	Minor	<p><i>They have been used to define the extent of a developed part of a settlement and to distinguish between areas where, in planning terms, development would be acceptable in principle, such as in the main settlements, and where it would not be acceptable.....</i></p> <p>Suggest amended wording for precision, e.g <i>They have been used to define the extent of a developed part of a settlement and to distinguish the types of development that would be acceptable in principle, such as in the main settlements, and the areas outside.</i></p>
17	POLICY HBE1: SETTLEMENT BOUNDARY	Minor	<p>Pleased to see the second aspect of this policy regarding outside Settlement Boundaries This is a helpful feature of other NPs where it is present and we have experienced a little difficulty in Frisby where it is not explicitly stated. May we request the NP includes the Local Plan site allocations within the maps. It could be just a contextual map in page 15 or as part of the settlement boundaries.</p>
Affordable Housing and Housing Mix			
19	POLICY HBE 3: WINDFALL SITES	Important	<p>Concerned that the inclusion of Barsby and Ashby Folville is a generally ‘permissive’ policy such as this is incompatible with Local Plan policy SS3 and as a consequence HBE1 above which refers to ‘in line with local and national strategic planning Policies’. SS3 is applicable to Barsby and Ashby Folville has a ‘proven need’ element which is not reflected here</p>
19	POLICY HBE 3: WINDFALL SITES (text before the policy)	Important	<p><i>To help protect the nature of the villages’ character, development beyond the housing allocations identified in the Local Plan will be restricted to windfall sites <u>within the Settlement Boundary.....</u></i></p> <p>A further potential incompatibility as above. Local Plan policy SS2 allows development ‘within <u>or adjacent</u>’ to Rural Hubs such as Gaddesby. We consider criterion f) needs to be modified accordingly.</p>
20	POLICY HBE 4: AFFORDABLE HOUSING PROVISION	Minor	<p><i>If it is not possible to provide affordable housing on site, in exceptional circumstances it will be acceptable to provide funding in lieu of affordable housing if this leads to the provision of additional affordable housing in the Parish.</i></p> <p>Just a query whether additional wording is needed if, for example, needs have been met in Parish or there are not needs –should the policy make provision to ‘transfer’ provision to where needs persist?</p>

Environment			
26	Policy ENV1	Moderate	Local Green Space - Due to its detachment and size Fields 148, 197 and 198 may be considered extensive tracks of land. National guidance advises that LGS will not be appropriate for most green areas or open space. The designation should only be used where the green space is reasonably close to the community it serves; where it is demonstrably special to the local community, where it is local in character and is not an extensive area of land.
26	Policy ENV1	Important	The site numbered 501 is identified within Appendix 5 as scoring 17/25 not the required 18/25.
29	Policy ENV3	Moderate	G4 and G7 seem to have been included in Policy ENV3 as local heritage assets and have then also been included within Policy ENV6 – Biodiversity, field ponds, woodland and habitat connectivity.
33	Policy ENV4	Moderate	This Policy seems to contradict itself. The first element comments that loss and damage is to be avoided whilst the second element comments about the balancing exercise.
N/A	Appendix 4	Important	The field survey does not have any names or addresses of the sites, making it very difficult to compare the survey results to the sites within the Neighbourhood Plan.

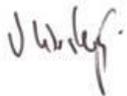
Strategic Environmental Assessment (SEA)

The SEA Screening was issued the 29th November 2019, 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 www.meltonplan.co.uk/gaddesby

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 Delivery
Melton Borough Council