

Planning Policy
Melton Borough Council
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By email only to: PlanningPolicy@melton.gov.uk

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the first draft version of the Frisby on the Wreake Neighbourhood Plan (FWNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the FWNP must meet are as follows:

(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.

(d) The making of the order contributes to the achievement of sustainable development.

(e) The making of the order 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 does not breach, and is otherwise compatible with, EU obligations.

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the FWNPs ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

Adopted Local Plan

The current adopted plan that covers the Frisby on the Wreake Neighbourhood Plan area and the plan that the FWNP needs to be in general conformity with is the Melton Local Plan 1999, this plan covered the period to 2006. Melton Borough Council are currently undertaking the production of a new Local Plan due to the withdrawal of the Core Strategy in 2013 following Inspectors advice about a failure to meet the objectively assessed need and inconsistencies with the National Planning Policy Framework.

Emerging Local Plan

The Council are now progressing work on the Melton Local Plan which will establish the over-arching strategic policies for the Melton Borough, including the Frisby on the Wreake Neighbourhood Plan Area. Whilst the FWNP will not be tested about conformity with this plan efforts should be made to align the ANP with the proposals of the emerging MLP to ensure that policies within the FWNP are not in conflict with the MLP, and therefore superseded upon adoption of the MLP. S38(5) of the Planning and Compulsory Purchase Act is clear;

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).'

Frisby on the Wreake Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the FWNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Policy H3: Limits to Development

This policy seeks to define a limit for development for Frisby on the Wreake. Gladman opposes the use of development limits if these would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of development limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

Further, the emerging MBLP does not define settlement boundaries instead preferring a more flexible approach to development in the open countryside. Introducing a more restrictive development limit would be superseded upon adoption of the MBLP and as such Gladman question the use of following this policy as it does not have regard to the strategic direction being taken through the emerging MBLP.

Policy H4: Building Design Principles

Policy H4 sets out the design principles that will be applied to residential development proposals in the Neighbourhood Plan Area.

The Parish Council should ensure that the design principle adhered to are not overly onerous to render development unviable. The Framework is clear 'design policies should avoid unnecessary prescription or detail and should

concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.' Plans should not contain such policies that would add financial burdens to a scheme which would render a scheme unviable. The objectives of the Framework are for good design whilst still enabling sustainable development to come forward viably.

Policy ENV1: Protection of Local Green Spaces

This policy is seeking to designate 4 parcels of land as Local Green Space (LGS). Due to the lasting nature of this designation and the level of protection of these designations, similar to that of Green Belt, Gladman contend that some of the proposed designations do not meet all the requirements for LGS designation.

A Local Green Spaces, Views and Area of Separation report has been produced to support the designations of LGS however Gladman suggests that this evidence does not support all the designations and instead demonstrates how Dawson's field and The Horse are extensive tracts of land and therefore do not meet the requirements of the Framework.

The issues surrounding LGS designations have been considered in a number of other Examiner's reports across the country and we highlight the following decisions:

- The Seldlescombe Neighbourhood Plan Examiner's Report¹ recommended the deletion of a LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report² recommended the deletion of a LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner's Report³ identifies that both sites proposed as LGS in the neighbourhood plan '*in relation to the overall size of the Alrewas Village*' to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.
- The Freshford and Limpley Neighbourhood Plan Examiner's Report⁴ identified that the six LGS proposed did not meet the criteria required by the Framework either collectively or individually. Indeed, the Examiner identified that the combination of sites comprised of an extensive tract of land. The Examiner also considered that the protection of fields to 'prevent agglomeration between the settlement areas... is not the purpose of Local Green Space designation'.
- The Eastington Neighbourhood Plan Examiner's Report⁵ recommended the deletion of three LGS (16ha and 2ha) considered to be extensive tracts of land. The third proposed LGS was deleted due to the lack of evidence demonstrating its importance and significance to the local community.
- The Tattenhill and Rangemore Neighbourhood Plan Examiner's Report⁶ recommended the deletion of 2 LGS comprising of 4.3ha and 9.4ha.
- The Norley Examiner's Report⁷ identified a total of 13 parcels of land to be designated as LGS. The Examiner recommended at \$4.98 that the identification of these extensive tracts of agricultural land was contrary to NPPF policy and recommended that the policy should be deleted. The proposed LGS measured in the range of 1ha – 4.3ha.

¹ <http://www.rother.gov.uk/CHttpHandler.ashx?id=22996&p=0>

² <https://www.basingstoke.gov.uk/content/doclib/1382.pdf>

³ <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Neighbourhood-plans/Downloads/Alrewas/Alrewas-Neighbourhood-Plan-Examiners-Report.pdf>

⁴ http://www.wiltshire.gov.uk/freshford_limpley_examination_final_report.pdf

⁵ <https://www.stroud.gov.uk/media/2596/2016-04-28-eastington-examiners-report-final.pdf>

⁶ <http://www.eaststaffsbc.gov.uk/sites/default/files/docs/planning/planningpolicy/neighplanning/tattenhill/02%20Tattenhill%20Neighbourhood%20Plan%202015.pdf>

⁷ <http://consult.cheshirewestandchester.gov.uk/file/3626372>

Policy ENV3: Important Woodland, Trees and Hedges

This policy states that development proposals that impact upon trees, woodland and hedges of environmental significance will be resisted.

Whilst Gladman support the overall thrust of this policy, we consider the *'three-for-one'* tree replacement requirement, impractical in implementation terms. It is not considered reasonable to expect the planting of three trees to compensate for the loss of one tree. The Parish Council should ensure that the policy is not overly restrictive and would render development unviable.

Policy ENV5: Ridge and Furrow Fields

Policy ENV5 states that there are 19 surviving areas of well-preserved Ridge and Furrow fields within the Neighbourhood Plan Area and any harm arising from development will need to be balanced against the significance of the non-designated heritage assets.

Gladman submit that ridge and furrows are often truncated by modern farming practices leaving little archaeological value remaining on site. Further, this policy is not in accordance with the requirements of national policy. Paragraph 132 to 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached to it. This policy will need to make a distinction and recognise that there are two separate balancing exercises which need to be undertaken for designated and non-designated heritage assets.

Policy ENV6: Protection of Important Views

This policy states that development that impacts locally important views will be strongly resisted.

New development can often be located in areas without eroding the views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views.

Gladman consider that this policy lacks sufficient evidence to demonstrate why these views are of such value to the local community. Opinions on landscape are highly subjective, therefore, without further evidence to demonstrate why these views are considered special will likely lead to inconsistencies in the decision-making process.

The Guidance states that "Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan".

Accordingly, Gladman consider that this matter should be investigated and based on appropriate evidence prior to the Plan being submitted for Examination.

In addition, Gladman consider that to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contains physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. An area's pleasant sense of openness to open countryside cannot on their own amount to a landscape which should be protected.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the FWNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development. Gladman formally request to participate at the hearing session(s) should the Examiner decide it necessary to discuss these issues in a public forum.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,



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Gladman Developments Ltd.