

## WALTHAM ON THE WOLDS AND THORPE ARNOLD

### SUBMISSION DRAFT NEIGHBOURHOOD PLAN 2017-2036 (JULY 2017) – REGULATION 16 CONSULTATION

#### REPRESENTATIONS ON BEHALF OF DAVIDSONS DEVELOPMENTS LTD.

## 1.0 INTRODUCTION

- 1.1 GraceMachin Planning & Property act on behalf of Davidsons Developments Ltd ('Davidsons'), in respect of their land interests off Bescaby Lane, Waltham-on-the-Wolds, Melton Mowbray, which falls within the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan Area and within the administrative area of Melton Borough Council (MBC). These representations are submitted to the present consultation under Regulation 16 of the Neighbourhood Plan (General) Regulations 2012.
- 1.2 Grace Machin Planning & Property submitted an outline planning application to MBC on 31<sup>st</sup> October 2016 for the development of 2.21 hectares of land off Bescaby Lane, Waltham on the Wolds. The outline planning application (ref: 16/00793/OUT) proposes the erection of up to 45 no. dwellings, associated landscaping, public open space, access, drainage, associated infrastructure, earthworks and other ancillary and enabling works. The Application is awaiting determination by the Planning Committee, with a recommendation for approval.
- 1.3 The Site is considered to offer a sustainable location for the proposed development. The scheme will also deliver a number of wider benefits for the future and existing local community. These will include:
  - High quality new homes including affordable properties;
  - High quality designed development;
  - New public open space;
  - The protection and enhancement of existing landscape features and biodiversity habitats;
  - Improved linkages to the surrounding area, including to the primary school; and
  - Commensurate contributions to community facilities and services, including primary education and local highway improvements.

- 1.4 The Site is accessible by a range of sustainable modes of transport, including pedestrian and cycle access, and has access to a good public transport service. The sustainability will be further increased through the introduction of new pedestrian linkages throughout the Site and to the primary school. The Masterplan for the scheme has been informed by the detailed Landscape and Visual Impact Assessment and Ecological Surveys produced by specialist consultants, which have assessed the existing landscape/biodiversity features present at the site and the likely impact that the proposed development would have upon its surrounding environment. The proposed development will sit within the existing landscape features which will screen the development from long distance views.
- 1.5 The proposed development will deliver a high quality environment and a mix of housing types that vary in size, type and tenure to provide choice for the local and future community. The proposed development will also deliver a range of affordable houses in accordance with the identified need.

## 2.0 LEGISLATIVE FRAMEWORK AND CONFORMITY WITH THE LOCAL PLAN

- 2.1 Before addressing our specific objections to the policy content of the draft Neighbourhood Plan and its evidence base, we wish to emphasise the following points about the basic conditions set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.
- 2.2 Sections 38A to 38C of the Act provide for the making and content of Neighbourhood Plans. Sections 38A(3) and 38C(5) and Schedule 4B (of the 1990 Act as modified) govern the process by which such plans are prepared and ultimately brought into force. The Examiner must consider whether the “basic conditions” in paragraph 8(2) of schedule 4B are met. In that regard he or she must be satisfied that (inter alia) it is appropriate to make the plan “having regard to national policies, and that the plan contributes to the achievement of sustainable development” and is “in general conformity with the strategic policies” of the development plan.
- 2.3 Paragraph 184 of the National Planning Policy Framework adds that:  
“... Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.”
- 2.4 Thus one of the basic conditions that neighbourhood plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area. In this case, the adopted Local Plan for Melton Borough is now demonstrably out of date and the emerging Local Plan has not yet been submitted for formal examination (see Section 3 below).

2.5 The statutory requirement under paragraph 8(2) (a) requires an Examiner (and a qualifying body in preparation) to carefully and systematically assess the accordance and consistency of each draft neighbourhood plan policy with identified national planning policy. A qualifying body in producing a draft neighbourhood plan and a Basic Conditions Statement for Regulation 16 consultation must clearly identify for each neighbourhood plan policy:

(a) what the relevant NPPF paragraphs are;

(b) what the relevant provisions of the PPG are, with express reference back to the lead policy wording within the NPPF;

(c) whether the proposed neighbourhood plan policy is in specific accordance with those NPPF and PPG paragraphs;

(d) finally, whether the neighbourhood plan policy is in accordance with the NPPF's overarching approach to neighbourhood planning at paragraphs 14, 16 and 184, read as a whole.

The finalised Basic Conditions Statement is the key document for demonstrating compliance. In this case, a Basic Conditions Statement has not yet been completed in respect of the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan.

2.6 NPPF, paragraph 14 makes clear that "local planning authorities should positively seek opportunities to meet the development needs of their areas and should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change." NPPF, paragraph 15 confirms that this requirement also extends to neighbourhood plans:

"All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally."

2.7 NPPF, paragraph 16 then confirms that:

"The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development..."

2.8 It is also clear from the NPPF, (paragraph 47) that the assessment of full, objectively assessed needs must proceed on the basis of adequate, up-to-date and relevant evidence. Under NPPF, paragraph 49, a policy which cannot provide for objectively identified need and instead imposes a housing constraint will automatically become out-of-date from the moment of adoption, thus engaging the presumption in favour of sustainable development set out within paragraph 14.

- 2.9 NPPF, paragraph 156 provides: “Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver the homes and jobs needed in the area”
- 2.10 Paragraph 184 is central to the correct assessment of basic condition 8(2)(a). It clearly requires that if a neighbourhood plan seeks to constrain housing delivery, there must be an up-to-date Local Plan in order for a neighbourhood plan to be able to reflect the policies of the Local Plan and for it to plan positively to support those policies. The third sentence states that “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan”, and the fourth sentence states that “To facilitate this, [i.e. to make it possible for neighbourhood plans to be in general conformity] local planning authorities should set out clearly their strategic policies for the area and ensure that an up to date Local Plan is in place as quickly as possible.” The fifth sentence ties neighbourhood plans to policies in up to date local plans: “Neighbourhood plans should reflect these policies [i.e. policies in up to date local plans] and neighbourhoods should plan positively to support them.”
- 2.11 PPG 069 makes clear that the central consideration is that “a neighbourhood plan must not constrain the delivery of national policy objectives”. It has now been established by the High Court and the Court of Appeal that paragraph 47 contains a “policy imperative” to boost significantly the supply of housing. PPG 070 makes clear that NPPF, paragraph 16 requires that neighbourhood plans must support strategic development needs set out in Local Plans, including housing needs.
- 2.12 Where, as here, certain policies within the plan have been included with the express intention to shape the delivery of housing within the neighbourhood plan area for the full plan period, but the qualifying body’s apparent intention in making the Plan is thereby to prevent further housing provision beyond existing permissions in a time of recognised shortfall in five year supply of housing land, then paragraph 8(2)(a) requires full regard to national policy on housing development. (i.e. NPPF, paragraphs 14, 16, 47, 49, 156, 159, 184).
- 2.13 Paragraph 8(2)(e) also demands a structured approach. Parliament’s clear intention in legislating for paragraph 8(2)(e), through the Localism Bill (as expressed by the Minister of State promoting the Bill, Greg Clark MP, in unambiguous terms in the Commons Committee debates) was that “the development plan” was to be an up-to-date development plan with strategic policies which had been examined against up-to-date national planning policy contained in the NPPF.
- 2.14 Mr Clark MP observed in the Committee debate 17th sitting: House of Commons 1st March 2011:
- “it was clear from our extensive discussions that the national planning policy framework and its responsibility for lower-tier plans should be explicit and in the Bill. It is absolutely our intention that everything conforms to that, so that there is a trickle-down through the whole process.

One test of the soundness of a neighbourhood plan—as the hon. Gentleman knows, that is a requirement for it even to go to a referendum—is that it has to be consistent with the local plan, which itself has to be consistent with national policy. We are clear, therefore, that that thread needs to run through everything, and the examination arrangements need to reflect that.”

- 2.15 The qualifying body must therefore begin by clearly identifying for each policy:
- (a) what the relevant “development plan” is;
  - (b) whether there are “strategic policies”, with which conformity can actually be assessed
  - (c) what those policies state;
  - (d) finally, it must demonstrably assess conformity between the neighbourhood plan policy and those relevant strategic policies.
- 2.16 In this case, and for the reasons set out below in Section 3, we do not believe that the above approach advocated by Mr Clark MP has been followed and therefore, the requirements for the qualifying body, as clarified through paragraph 2.15 above cannot be adhered to in respect of the Waltham on the Wolds and Thorpe Arnold Submission Draft Neighbourhood Plan.

### 3.0 PREMATURITY

- 3.1 Before addressing the specific policy wording and content of the Submission Draft Neighbourhood Plan, we wish to emphasise that there is a significant issue of prematurity in the submission of the Neighbourhood Plan at all at this stage. By seeking to progress the Neighbourhood Plan (NP) ahead of the Council’s own Development Plan process, the NP is leaving itself open to early obsolescence. As the Submission Draft NP acknowledges, it needs currently to demonstrate compliance with the Development Plan; in this case, that is the 1999 Melton Local Plan. That Local Plan has a time horizon for strategic housing policies of 2006 (based upon the requirements of the now-revoked Regional Spatial Strategy) and is therefore already out-of-date.
- 3.2 Whilst PPG 009 contemplates that there may be circumstances where a NP may come forward alongside an emerging Local Plan, there is a high risk of potential conflict between plans and consequent abortive work. This is especially so in the circumstances pertaining to Melton Borough, whereby the current Development Plan is out of date and provides no strategic guidance for emerging NP’s. The emerging Local Plan is still the subject of significant unresolved objection and may need to be altered in ways material to the Waltham on the Wolds and Thorpe Arnold NP before it can be adopted.

- 3.3 Attention is drawn to s38(5) of the Planning and Compulsory Purchase Act 2004, which makes it clear that in the event of conflict between plans of equal Development Plan status, then the most recently adopted plan will take precedence. PPG 009 makes express reference to the importance of minimizing conflicts between the Local and Neighbourhood Plans to avoid the operation of s38(5).
- 3.4 Therefore, if the Waltham on the Wolds and Thorpe Arnold NP is pushed forward and adopted ahead of emerging Local Plan being resolved there is a real risk that upon any subsequent adoption of the Local Plan the NP may be immediately out of date where there is a conflict in objectives. In any event, given the 'basic conditions' for adoption of a NP, it is difficult to see how the NP could be adopted, given that it is patently not in conformity with the out of date Development Plan's Housing Spatial Strategy. This is more than a point of legal technicality; it is fundamental in testing the soundness of the NP if it does not address the housing requirement aspects of its own plan period. Indeed it cannot do so while the emerging Local Plan remains untested. It is therefore impossible to assess how the NP's housing requirement policy meets the Basic Condition test of general conformity to the Development Plan.
- 3.5 This goes to the heart of the appropriateness of making the NP for the purposes of basic condition 8(2) (a): the Plan does not address the housing requirement aspects of its own plan period and therefore it cannot be appropriate having regard to NPPF 16, 47 and 187 to impose any policies that restrict the total quantum of housing that can be delivered.
- 3.6 In all these regards, the Parish Council and the Borough Council, properly exercising their statutory responsibility under paragraph 3 of Schedule 4B of the Town and Country Planning Act are strongly urged to place the progression of the NP on hold until the emerging Local Plan is settled, and then to progress the NP against the settled policies of a current and recently adopted Development Plan, thus producing a robust NP which will meet the needs of the Parish for the full plan period. Failure to do so leaves the emerging plan at risk of early obsolescence and legal challenge.

#### 4.0 PLANNING POLICIES OF THE WALTHAM ON THE WOLDS AND THORPE ARNOLD NEIGHBOURHOOD PLAN

- 4.1 Without prejudice to the above submissions, we set out our representations on the drafting of the policies contained within the Submission Draft NP as follows.

- 4.2 Strategic Policy S1 (previously Strategic Policy S2) continues to set out the proposed 'Limits to Development' for both Thorpe Arnold and Waltham on the Wolds. The Policy seeks to restrict development beyond the limits to development (aside from in particular exceptional circumstances) and is permissive of an appropriate amount of suitably designed and located development within the defined limits to development. It is confirmed that the updated Limits to Development have been determined using certain criteria, including the provision of "scope to relax the boundary to allow for future expansion to meet the need for housing and business growth over the Plan period."
- 4.3 The inclusion of 'Limits to Development' is however, wholly at odds with the approach being taken by Melton Borough Council itself through its emerging Local Plan, which seeks to remove 'Village Envelopes' and instead seeks to advance a presumption in favour of sustainable development, in accordance with the requirements of the NPPF. The inclusion of Limits to Development therefore does not comply with the emerging Local Plan and seeks to introduce a barrier to the consideration of sustainable development proposals, within or adjoining a settlement as appropriate. We would also support and echo the comments made by Melton Borough Council in its response to the Regulation 14 Consultation with regard to this Draft Policy and would stress the reasons given by the Borough Council for removing Village Envelopes in the Emerging Local Plan.
- 4.4 Whilst the supporting text to Draft NP Policy S2 does allow scope for the relaxation of the boundary to allow for future expansion to meet housing and employment needs, this process of review cannot be undertaken in a sufficiently prompt and timely manner to allow the consideration of development proposals which are required to deliver the sustainable development required by the Borough.
- 4.5 With this in mind, it is our submission that this Policy and the associated plans which demark the Limits to Development should be deleted, in accordance with the emerging Local Plan and instead, development proposals should be considered in accordance with the National Policy presumption in favour of sustainable development.
- 4.6 Draft NP Policy H1 addresses Housing Provision and indicates that, owing to the high number of dwellings already constructed and existing sites with planning permission since April 2016, it is not intended to identify any further land for future housing development across the NP area.
- 4.7 On the basis of our concerns set out above within Sections 2 and 3 of this submission, we remain of the view that this restrictive policy should not be advanced, until a set of clear strategic policies have been established and formalised through the Melton Borough Local Plan. There remains a significant degree of uncertainty with regard to the Objectively Assessed Housing Needs of the Borough, as well as in respect of the deliverability of a 5 year housing land supply. These issues will clearly need to be resolved through the Local Plan Examination process and this is the correct arena to determine these overarching, strategic matters.

Only once these matters are resolved, can this information filter through, to steer the level and direction of growth for the rest of the Borough.

- 4.8 Given the ongoing need to provide a 5 year supply of housing and furthermore, given the recognised sustainability credentials of Waltham on the Wolds, we believe that the content of Draft NP Policy H1 is unduly restrictive and is short-sighted in its approach. It is our submission that the Parish Council should be taking a longer term view of the Neighbourhood Plan area, which considers the whole plan period and which conforms to the approach being taken in the emerging Melton Local Plan. In this regard, it is clear that Emerging Strategic Policy SS2 of the Melton Local Plan envisages the development of ‘at least 6,125 homes’ across the Borough throughout the Plan period – this figure is clearly intended as a minimum requirement, rather than a maximum or ceiling to development. In such circumstances, we believe that further Sites should be identified to accommodate future residential development needs or that suitable ‘Reserve Sites’ should be allocated, should the requisite housing delivery in Waltham on the Wolds not be forthcoming. In this respect, the landholding in which Davidsons have an interest, incorporating the Site off Bescaby Lane, Waltham on the Wolds, should be included as a proposed residential allocation, which offers the opportunity to deliver a sustainably located, carefully designed residential scheme of up to 45 dwellings, which also offers a range of community benefits.
- 4.9 Draft NP Policy H2 addresses Housing Mix and indicates that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Waltham on the Wolds and Thorpe Arnold. This element of the Policy does not appear to be necessary, given that this matter is comprehensively addressed through Emerging Local Plan Policy C2.
- 4.10 The second part of this Draft Policy has now been amended to indicate that dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported. This appears to be based upon the findings of the Housing Needs report prepared by YourLocale Ltd in October 2016 on behalf of the Parish Council (contained within Appendix D of the Submission Draft Neighbourhood Plan) – this report highlights an aging population across the Parish, a relatively high level of under-occupation and a need for the provision of smaller dwellings to meet the needs of residents wishing to downsize, small families and those entering the housing market. Whilst the amended wording to this Draft Policy is welcomed, it should be stressed that the final mix of dwellings on any Site will be determined primarily by demand from the market and the viability of the scheme and should not therefore be unreasonably restricted at a local level.

- 4.11 Draft NP Policy H3 considers the provision of affordable housing and now seeks to ensure the delivery of 32.4% affordable housing on all new housing developments of more than ten dwellings (or as prescribed by the Local Plan once Adopted), or on sites of more than 1,000 square metres. The Policy has been further amended to indicate that the achievement of Lifetime Homes Standards for affordable housing will be supported, as will the provision of affordable homes for people with a local connection. These changes to this Draft Policy are welcomed; however, it should be noted that the latest Focussed Changes to the Emerging Melton Local Plan indicate a requirement to provide only 32% affordable housing, rather than 32.4% and therefore Policy H3 of the Neighbourhood Plan should be amended to reflect this.
- 4.12 The Policy also indicates a requirement for the affordable units to be scattered throughout the development. This element of the Policy still goes significantly beyond the requirements of the emerging Melton Local Plan and National Planning Policy and places an unrealistic requirement upon developers. Indeed, it is now apparent that many Affordable Housing Providers, who are responsible for managing affordable dwellings, do not want affordable homes scattered across a development, but rather placed in small groups, which allows for easier management and maintenance. With this in mind, it is considered that this element of Draft Policy H3 remains too rigid in its approach and does not allow adequate flexibility to consider the requirements of Affordable Housing Providers or the particular characteristics of the development.
- 4.13 Draft NP Policy H6 sets out a range of design criteria and guidance for consideration in proposals for housing development. Whilst we support the general thrust of this Policy and stress that the scheme being advanced by Davidsons has sought to achieve the highest standards of design, which will deliver a development which enhances and is consistent with the special character of the locality, we do have concerns regarding the prescriptive wording of this Policy, which we believe should be re-worded to allow a more flexible approach. Indeed, again we would highlight the fact that this Policy introduces requirements far above those required by the emerging Melton Local Plan and the National Planning Policy Framework, including the need to achieve the Home Quality Mark for individual homes and Building for Life accreditation for developments – this is not a national or Borough-wide requirement and should not therefore be introduced or required at the local Parish level.
- 4.14 The list of design criteria to be adhered to in respect of draft NP Policy H6 includes ‘a maximum net density of 30 dwellings per hectare...except in exceptional circumstances’. We would stress that this requirement is unduly restrictive and does not allow the flexibility to consider the particular characteristics or circumstances of individual sites. National Planning Policy advocates an approach which seeks a high standard of design, but which allows innovation, thereby making the best use of the land available, in a manner which respects and reflects the character of the locality and preserves residential amenities.

With this in mind, we consider the requirement to provide a maximum density is unnecessary and not in accordance with the National Planning Policy approach.

- 4.15 Draft NP Policy ENV4 seeks to identify sites within the Parish which are worthy of protection, owing to their environmental (natural or historical) significance. The Policy indicates that 23 no. sites have been identified, which are considered important in their own right and which are locally valued. These Sites are assessed within Appendix E – ‘Environmental Inventory’, of the Submission Draft Neighbourhood Plan, which utilises a scoring system based on a range of criteria, as set out within the NPPF, 2012. Whilst we accept that the criteria based scoring system is an accepted methodology of assessing sites for their environmental importance, we continue to question the basis upon which these sites have been identified and seek confirmation that these sites have been assessed by a suitably qualified consultant for their wildlife / biodiversity value.
- 4.16 Indeed, one of the Sites currently identified within this draft Policy is our client’s landholding off Bescaby Lane, Waltham on the Wolds. As part of the Outline Planning Application made to Melton Borough Council in respect of this Site, Davidsons instructed suitable consultants (Middlemarch Environmental) to undertake detailed ecological assessments of the landholding. This work was undertaken alongside archaeological and arboricultural assessments, by the University of Leicester and AWA Trees respectively. This detailed work informed the Outline Planning Application submission and conclusively demonstrated that the landholding could accommodate the proposed residential development, without harm to protected species or other wildlife / biodiversity assets of significance. This position was supported by Natural England, a statutory consultee for the Planning Application process.
- 4.17 With this in mind, we question the evidence base which underpins Draft NP Policy ENV4 and we also question the ambiguity of the wording of this Policy, which indicates that “The protection and enhancement of the identified significant features will be supported.” It is wholly unclear which ‘identified features’ should be protected or enhanced and on what basis such protection is being made. We therefore submit that this Policy should be re-considered.
- 4.18 Similarly, Draft NP Policy ENV 6, which considers ‘Important Woodland, Trees and Hedges’ indicates that “Development proposals that will affect trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value, will be resisted.

Proposals for new-build housing should be designed to retain such trees and hedges wherever possible. Where destruction cannot be avoided developers will be required to plant replacement trees (on a two-for-one basis) and/or hedges, either on the site or elsewhere in the parish.”

The accompanying plan to this Policy (Figure 12) does highlight the location of a number of trees within client's land interest at Bescaby Lane, Waltham-on-the-Wolds, which are considered to have arboricultural or landscape significance. With this in mind, it should be stressed that the Planning Application in respect of this Site was accompanied by a Tree Survey and Arboricultural Survey of all trees and hedgerows within or adjoining the Site, in order to ensure minimum tree removal, to ensure the protection of trees to be retained and to inform new planting in association with the proposed development.

- 4.19 Draft NP Policy ENV 12 similarly seeks to protect 'Important Views' both into and out of the villages of Waltham on the Wolds and Thorpe Arnold and now states that:

"Development proposals should respect the open views and vistas identified below and in Figures 15 and 16".

- 4.20 We remain unclear on what basis these 'Important Views' have been identified and what assessments have been undertaken to support this Policy. With regard to the landholding off Bescaby Lane, Waltham on the Wolds, Davidsons have again undertaken a rigorous and detailed assessment, through consultants Ian Reid Landscape Planning, which sought to establish a Landscape Baseline and then to consider the full range of potential impacts of the proposed residential development upon the landscape character. Where necessary, a full mitigation strategy has also been established through the submitted Landscape and Visual Impact Assessment.

- 4.21 Overall, we continue to have genuine concerns regarding the Environmental Policies of the Submission Draft Neighbourhood Plan and consider that the scope of these policies seeks to go significantly beyond the requirements of the Draft Melton Local Plan or the NPPF. Clearly, the National Planning Policy Framework provides the overarching framework for planning policy, to which Local Plans must have due regard. Similarly, Neighbourhood Plans must then sit within the NPPF and Local Plan framework and cannot seek to introduce Policies which go beyond the scope of this established position. With this in mind, we believe that the content of Draft NP Policies ENV 11 – Ridge and Furrow and ENV 16 – Groundwater Flooding currently go significantly beyond the requirements of the NPPF and introduce new requirements which are not based upon recognised National Policies.

- 4.22 For example, Draft NP Policy ENV 16 introduces a requirement for development in areas potentially affected by the high and variable water table to provide effective mitigation, which should be engineered based on monitoring of the water table and the flow rate of water over a period of at least two years – it is clear that this is not a requirement of the NPPF and nor is there any evidence which would support the introduction of such a restriction. Similarly, Draft Policy ENV 11 seeks to introduce a level of protection over certain identified Sites, owing to their historic Ridge and Furrow; however, again it is unclear what evidence has been utilised to identify these Sites and therefore it is uncertain whether these Sites are indeed worthy of protection.

- 4.23 Finally, in respect of Draft NP Policy T1, part (e), we would just seek to highlight that ordinarily, a developer might be expected to provide a Travel Pack for each new dwelling, which would include applications for bus passes, rather than the bus passes themselves and therefore the wording of this element of the Policy should be amended to reflect this.
- 4.24 For the reasons highlighted above, we believe that the identified draft Policies must be re-visited and re-drafted, to ensure conformity and compliance with the NPPF and in order to ensure that requirements are not introduced at a local level which place an undue and unnecessary burden upon landowners / developers.

## 5.0 CONCLUSIONS

- 5.1 GraceMachin Planning & Property act on behalf of Davidsons Developments Ltd. in respect of their land interests off Bescaby Lane, Waltham on the Wolds. These representations to the Waltham on the Wolds and Thorpe Arnold Draft Neighbourhood Plan 2017-2036 Submission Draft July 2017 make reference to the relevant legal framework and legal and policy interpretation flaws within the draft Neighbourhood Plan.
- 5.2 The representations are made with reference to the Davidsons land interests at Bescaby Lane, Waltham on the Wolds and have reiterated the benefits of the current outline planning application (Ref: 16/00793/OUT) before the Council, for up to 45 no. dwellings, associated landscaping, public open space, access, drainage, associated infrastructure, earthworks and other ancillary and enabling works. The outline planning application is currently before the Council and will deliver up to 45 no. new homes in a sustainable location along with a number of wider benefits for the future and existing local community.
- 5.3 The Neighbourhood Plan has been shown to be premature in light of the emerging Melton Local Plan and by seeking to progress the Plan ahead of the Council's own Development Plan process, the Neighbourhood Plan is leaving itself open to early obsolescence and legal challenge.
- 5.4 The Parish Council and the Borough Council, properly exercising their statutory duty under paragraph 3 of Schedule 4B of the Town and Country Planning Act are strongly urged to place the progression of the NP on hold until the emerging Local Plan is settled, allowing a robust NP to then be pursued which will meet the needs of the Parish for the full plan period.
- 5.5 Alongside the comments made on the prematurity of the NP and the policy objections made within these representations, we have emphasised relevant points relating to basic conditions and their application to the formulation of policies within Neighbourhood Plans.

- 5.6 In particular, Draft Policies S1: Limits to Development; H1: Housing Provision; ENV4: Protection of Other Sites of Environmental (natural or historical) Significance; ENV11: Ridge and Furrow Fields; ENV12: Protection of Important Views and ENV16: Groundwater Flooding have been produced on such a flawed basis, without regard to national policy and the relevant legal framework that they raise fundamental obstacles to the lawful progress of the Plan.
- 5.7 If the NP does proceed then the policies should be deleted or subject to extensive modification, in order to ensure compliance with the legal framework and the national planning policy requirements.
- 5.8 We would request that, should the Neighbourhood Plan be subject to formal Examination, we have an opportunity to speak at any relevant sessions.