

Frisby on the Wreake Neighbourhood Development Plan

Guidance Notes and Agenda for Public Hearings

Amended Version dated 22nd November 2017

Changes shown in red

Prepared by the Independent Examiner

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1. Following my initial consideration of the Plan, I have decided that a public hearing is required to assist my examination of this Neighbourhood Plan. I propose to hold two sessions of the hearing. The first session will commence at **9.30am on Tuesday 12th December 2017** at The Village Hall, 15 Water Lane, Frisby on the Wreake, LE142NP I anticipate that will be a full day session during which I propose to deal with the majority of the questions. In addition, I propose to hold a second session on **Thursday 11th January 2018, commencing also at 9.30 am.** This will be also held at The Village Hall. This is likely to be only a half-day hearing looking specifically at the proposed designations of Local Green Space.
2. This Note provides guidance as to how the hearing will be conducted, and includes an agenda and questions.
3. According to the Localism Act, the general rule is that the examination of issues by the Examiner is to take the form of the consideration of written representations. However, the Act does allow the calling of a public hearing.
4. I have decided to hold the hearings so as to allow the further exploration of certain issues arising from my initial consideration of the plan and some of the representations made at Regulation 16 Stage. The issues that I have asked to receive oral submissions on, were generally set out in the document "Initial Comments of the Independent Examiner" dated 1st November 2017. I can assure all parties that I have considered, and will continue to consider, all the written representations submitted at Regulation 16 stage including those made by persons, who I have invited to the hearing to address my specific questions, but whose comments covering other issues as well.
5. The hearing is open to the public to attend; however, the conduct of a neighbourhood plan hearing is set out in Paragraph 9 of Schedule 10 of the Localism Act 2012 and that specifies the parties who can participate.

The legislation specifically provides for oral representations at the hearing to be made by the Qualifying Body, namely Frisby on the Wreake Parish Council and the Local Planning Authority, Melton Borough Council. In addition, I have issued invitations to the first session to representatives from Nexus Planning on behalf of Richborough Estates, who are promoting development at Great Lane, along with Fisher German, who represent the Cook Family who own land on the south side of the village, Landmark Planning who represent the owner, Mrs Noble, of land at Water Lane. and also, a local resident Mr Rogers.

6. To the second session I have invited, in addition to the Local Planning Authority and the Qualifying Body, Mrs Hayward who represents a family who own land at the eastern side of the village which is proposed to be designated as Local Green Space and also a representative of the **Dawson Family**, to discuss the designation of land at **Dawson's Field** as Local Green Space.
7. It is not my intention to invite representations from other parties at the hearing. I have no objections if any party wishes to film or record any part of the proceeding or to use social media.
8. Each participant party is requested to provide an outline Written Statement in response to the questions I have raised, where it is relevant to their duly submitted Representation. Not all questions will be relevant to every participant. Where an organisation is represented by more than one participant, only one written Statement is to be submitted on behalf of that party. The Statements must be no longer than one side of A4 per relevant question. Participants are requested to use their Statement to outline their position in response to relevant questions raised, and will still be able to draw on the information set out in their duly submitted Representations. Statements must be submitted by email to planningpolicy@melton.gov.uk by 12noon on Tuesday 5th December 2017. I will then ask the LPA and the QB to published the statements on the website page on Wednesday 6th December 2017.

9. It is for the Examiner to decide how the hearing is conducted. In particular, I shall decide the nature and extent of any questions, and the amount of time for oral representations. The principle to be applied, is that questioning will be done by myself, except where I feel that questioning by other parties should be allowed to ensure either adequate examination of a particular issue, or to ensure that a party has a fair chance to put their case. We will take a short break during the morning session and the afternoon session. I will have an adjournment for lunch at a suitable moment in the proceedings.

Agendas

10. The Agenda for the First Session will generally be as follows

- (1) **Opening remarks-** by myself as Examiner
- (2) **Opening statement** by Frisby on the Wreake Parish Council – I would like to offer the opportunity to the Qualifying Body to set out its overall approach to the neighbourhood plan.
- (3) **Discussion based on my individual questions:** These will look in turn at the questions 1 – 10 which I have attached to this and are based on the matters I raised in my Initial Comments paper.
- (4) **Examiners Closing Remarks**

11. The Agenda for the Second Session will be:

- (1) **Opening remarks** – by myself as Examiner
- (2) **Discussion based on my individual questions** – this is likely to concentrate on question 11.
- (3) **Examiners Closing Remarks**

Site visits

12. I have already carried out a site visit to the Neighbourhood Plan area. I consider that it will be highly probable that I will want to carry out further visits to a number of sites and locations within Frisby on the Wreake depending on the discussions at the Hearing. It is likely that if there be insufficient daylight after the conclusion of the first session, for the site visits to take place on the Wednesday morning - 13th December 2017. I will confirm arrangements at the end of the first day of the hearing. I propose to visit the sites discussed at the second session on the same day i.e. that Thursday 11th January 2018.

13. The purpose of any site visit is simply to identify matters which have already been presented in the representations. No further evidence will be given on site.

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17^h November 2017

Question 1

Should Policy H1 be setting the figure of 78 as a “target” or should it be set as a “minimum” figure, particularly having regard to the fact that Policy SS2 in the emerging Melton Local Plan is referring to a “minimum” figure of 6,125 new units to be built? Would the setting of the figure as a “target” artificially limit the supply of new homes that could be built in the village, perhaps even within the allocation sites themselves. Does having a target figure mean that the allocation sites would not be making the most efficient use of land, particularly having regard to the Government’s desire that the planning system should be looking to “boost significantly the supply of housing”?

Question 2

Planning permission has been granted for the phase 1 of the Great Lane site and a resolution to approve planning application 16/00704/OUT has been passed in respect of the Cook land. I would wish to hear views as to how much weight I should be giving that resolution, bearing in mind the request made to the Secretary of State to use his “call in powers”. Should the Secretary of State not intervene and the planning permission is issued, would it still be appropriate for the extension to the Great Lane site (FRIS1A) to be allocated in Policy H2, as there would be planning consent under that scenario to 96 new homes in the village.?

Question 3

I would wish to hear the reasons behind the Neighbourhood Plan changing its preferred location for new residential development as the plan has progressed and I will invite representations as to the “objectivity” of the site selection exercise.

Question 4

The emerging Local Plan is currently allocating 3 sites for residential development in the village, Great Lane (Phase 1), land south of the village (the Cook land) and land at Water Lane. What are the relative merits of these sites in terms of how they would deliver sustainable development. How do they compare to Great Lane Phase 2 proposal? The text in the plan seems to acknowledge that there are issues with the Phase 2 site, in terms of distance the new residents will be from village amenities, public transport and the school. I need to understand why this development, which seems to extend the village into the countryside to the south east, is preferable to the Cook land which has apparent community benefits, not only in terms of walking distance to the village shop, pub, school, church and other village facilities but also offers the opportunity to address some of the problems set out in the plan currently experienced at the village school, by providing additional parking and dropping off facilities for parents.

In this context to what extent is the Water Lane site affected by flooding and are the other sites preferable in terms of the sequential test as set out in the NPPF?

Question 5

In view of the suggested changes in the affordable housing policy as now set out in Policy C4 of the emerging local plan, should the percentage of affordable housing proposed Policy H8 be changed to 40%?

Question 6

Should the definition of affordable homes include retirement homes and starter homes?

Question 7

Why should the allocation of affordable homes in the Plan area be limited to people with a local connection, where is the evidence to support this and in any event, is this an appropriate planning policy or is it a housing allocation policy which is the responsibility of the Housing Authority?

Question 8

In view of the proposed changes in the latest version of the emerging local plan should the neighbourhood plan seek to limit the capacity of windfall sites to 5 units or should their capacity be dependent upon the size of the site and the type of housing being promoted.?

Question 9

Should the allocation sites be included within the proposed Limits of Development?

Question 10

Would the Qualifying Body please clarify the sites that are identified in Policy ENV2 will also be covered by Policy ENV4 and is the level of protection offered by Policy ENV2 consistent with Paragraph 113 and 118 of the NPPF?

Question 11

Is the proposed designation as Local Green Space of land at Mill Lane Fields and also Dawson's Field, justified having regard to the criteria in Paragraph 77 of the National Planning Policy Framework and the advice set out in the Planning Practice Guidance?