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Please ask for: J Beverley
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Date: 2017

Dear Neighbourhood Plan Group

RE: Clawson, Hose & Harby Neighbourhood Plan 2016 - Pre-submission Consultation

Thank you for Submitting the Clawson, Hose and Harby Neighbourhood Plan 2017 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. Melton Borough Council's comments to this consultation can be found below. We will publish all responses to this consultation on our website. Moreover, we will start the process of recommending examiners in due course, however we would appreciate early indication if you feel you need additional consultation arising from changes you intend to make to the Neighbourhood Plan.

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;**
- D. Whether the Plan complies with various European Obligations;**

It is important to note that in the past months there has been some development of the Melton Local Plan and where we are able we will direct you to these. It must be remembered that as a part of the Development Plan and a legal planning document, the policies proposed must be appropriate for the determination of planning applications, either in granting or refusing. We note your responses to our Reg 14 comments. The Examiner can view our previous comments if they are inclined to do

so, including both common ground and areas of dispute. This correspondence therefore relates to the most significant outstanding issues and those arising from changes between Pre-submission and Submission versions. For ease, we have structured our comments into themes.

Housing Requirement

The Borough Council would like to raise concern with the approach pursued by the group in basing its housing requirement on the HEDNA 170 p.a. figure which as you know is lower than that proposed by the Local Plan to date (245 p.a.). Neighbourhood Plans are not examined against emerging Local Plans, the evidence and reasoning within them may be material to the examination.

‘Basic Condition A) states that “Neighbourhood plans should have regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)” (NPPG).

The NPPG goes on to explain that to meet this condition, Neighbourhood Plans must have due regard for Paragraph 16 of the NPPF, which sets out that Neighbourhood Plans should support the “strategic development needs” set out in the Local Plan. Moreover the NPPG clearly directs Neighbourhood Plan Groups to Paragraph 184 of the National Planning Policy Framework which states

“Neighbourhood plans should reflect these policies (as contained in a Local Plan) and neighbourhoods should plan positively to support them. **Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.**” (NPPF Para 184).

Furthermore, the Framework is clear in its intent at Para 47 it states (our emphasis added)

“To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their **Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.** “

Comparison of Housing Tables 1 and 3 on pages 21 and 23 does not appear to demonstrate that the NP proposes a significant boost to the supply housing, and table 3 appears to show that less development is being promoted than set out in the Local Plan. The Group may wish to give this attention in order to consider the risk of this not being seen to be compatible with the NPPF.

As you are aware the Borough Council has concluded that the to the use of the OAN alone to identify housing requirements is insufficient. It is suggested that if the

approach of basing upon OAN is to be pursued, a stronger reasoned justification may be desirable in order to justify the approach and demonstrate its compatibility with the objectives of the NPPF. This could address why the other conclusions within HEDNA (for example the figure of 280 p.a., at Table 40) and other available evidence (for example 'Towards a Housing Requirement' published in 2017), are less appropriate and explain why the approach promoted in the NP is most appropriate against these alternative conclusions.

The NP Group should be wholly confident therefore if they wish to advance to Examination, that they can justify to the Examiner why it is acceptable for the group to deliver less housing in the Parish and therefore making a lesser affordable housing, given the need identified in the Borough.

Other, more advanced Neighbourhood Plans have met fully their housing requirement as prescribed in the Spatial Hierarchy of the Emerging Local Plan, despite not always agreeing with them and the Borough Council sees no reason to treat this Neighbourhood Plan as different to those. Furthermore, in both Neighbourhood Plan examinations to take place in the Borough thus far, both examiners were satisfied that the housing requirement as per the Local Plan represented a reasonable target and failure to meet these targets in both cases would likely have led to those plans failing at examination. That does not mean an examiner would not be minded to approve less, subject to them agreeing with the justification given, however for these reasons we would recommend changing the reserve allocations to allocations to meet this target.

It is also questionable whether the approach to distribution by means of an 'extrapolated' version of that set out in the Local Plan is appropriate. The approach in the Local Plan is integral to the 'starting point' of 6125 (245 p.a.) but if this is substituted by the 170 there is a strong likelihood that an entirely different approach to distribution would arise, and it is impossible to estimate what the effects of this would be for the Parish area. We do not believe the overall housing quantity and approach to housing distribution can be separated in this way.

Affordable Housing

For similar reasons, it is not considered that application of the Local Plan's percentages for Affordable Housing within allocated sites is ideal. In the Local Plan the percentages are derivative of the relationship between identified needs as a proportion of all supply (adjusted to consider deliverability) based on 245 d.p.a. The recently consulted upon 'Focussed Changes' proposes an amendment from the original 37% policy due to viability considerations, but this still relates back to the overall supply based on 245 d.p.a.



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Relating the same %age provision to a smaller 'starting point' of 170 and the overall quantities of housing proposed by the NP exacerbates further the under supply in the Borough overall, with no remedy proposed.

This could be addressed by assigned a different percentage based policy, or by a further analysis of need. However either of these approaches would need supporting evidence to address the resultant consequences for deliverability. Melton BC would regard the affordable housing policy (Policy C4 of the emerging Local Plan) as a 'strategic policy'.

Allocations

Given the rationale given by the group in assessing Housing Requirement, there is a difference in sites (as per Reg 14) between the emerging Neighbourhood Plan and Local Plan. These are shown by settlement below.

<u>LP Ref and capacity</u>	<u>NDP Ref and capacity</u>	<u>Notes</u>
Harby		
HAR 1 (15 dwellings)	NPHAR1 (15 dwellings)	Outline permission granted
HAR 2 (10 dwellings)	NP HAR 2 (10 dwellings)	Full permission granted
HAR3 (53 dwellings)	NPHAR6 (53 dwellings)	Outline permission granted on appeal
HAR 4 (61 dwellings)	NPHAR4 + 5 (50 dwellings)	Outline permission granted
Total: 139	Total:139	Difference: 0
Hose		
HOS1 (42 dwellings)	NPHOS1 (36 dwellings)	Outline on part with application on remainder.
HOS2 (35 dwellings)	NPHOS2 (15 dwellings)	Application for part of the site.
Total:77	Total:51	Difference: 26
LONG1 (10 dwellings)	NPLONG1(10 dwellings)	Outline permission granted
LONG2 (35 dwellings)	NPLONG6 (32 dwellings)	Site included in NDP, slightly different estimation of dwellings.
LONG3 (41 dwellings)	NPLONG3 (45 dwellings)	Site included in NDP, slightly different estimation of dwellings. Application received.
LONG4 (55 dwellings)	N.A	Not included in NDP
Total:141	Total:87	Difference: 54
Reserve Sites are present in both Hose and Long Clawson for the Neighbourhood Plan and Long Clawson and Harby for the Local Plan.		

The main differences are within Hose and Long Clawson, with most of the allocations in Hose already subject to planning permissions. If the Examiner is minded to agree with your approach to housing requirement, the Borough Council does not object to the above allocations. However the Group should be aware that the current applications are close to being determined and whilst this Neighbourhood Plan will have weight in its determination, if it was to be approved this would have a material effect on the plan.



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Furthermore, you should be aware that ultimately any alignment required between the Local Plan and Neighbourhood Plans will occur through IEP of the Local Plan and to ensure alignment, a member of the Group may be invited to participate at the hearings. Furthermore, whilst a Neighbourhood Plan Examiner may be content that the approach taken is in accordance with the basic conditions, a Local Plan Inspector may not, in which case they may suggest that additional land is allocated to deliver greater housing numbers in the settlement through the Local Plan.

Local Green Spaces

Given the number of disagreements at regulation 14, the Borough Council is content that the examiner is the best person to mediate. The Borough Council is aware of the ambiguity around some of the LGS criteria and agree that the community are entitled to apply localised knowledge to deliver LGS designations, however we would again point to our evidence and regulation 14 comments and reiterate that the NPPF states Local Green Spaces should not be comprised of **“extensive tracts of land”**.

Building for Life

Whilst you are correct that BfL is included within the Local Plan Policy D1, and as general rule it is not good practice to duplicate policies, if this is something there is community support for, it may be beneficial to have it in the CHH NDP, as it is likely this will be ratified planning document before the LP, therefor its inclusion could effect planning applications received before the LP is adopted.

SEA

The SEA Screening of the site is complete, with all three statutory consultees concurring with Melton Borough Council's Screening Report of 12th July, 2017 that a full SEA is not required.

Should you wish to discuss any of the points made in this correspondence, please do not hesitate to get in contact.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jim Worley'.

Jim Worley

Head of Regulatory Services
Melton Borough Council

Appendix A – MBC Regulation 14 Response

Dear Neighbourhood Plan Group

RE: Clawson, Hose & Harby Neighbourhood Plan 2017 - Pre-submission Consultation

Thank you for sending the pre-submission Clawson, Hose & Harby Neighbourhood Plan 2017 to Melton Borough Council for comment.

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 Steering Group 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 pre-submission consultation documents provided via email to the Council on the 27th March, 2017. 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).

- E. Whether the Plan has regard to National Planning Policy and advice;**
- F. Whether the Plan contributes to Sustainable Development.**
- G. Whether the Plan is in general conformity with the Council's own development plan;**
- H. Whether the Plan complies with various European Obligations;**

Please could I refer you to two important areas of national guidance that describe the needs to which the points in this correspondence relate. 'Basic Condition A states that

“Neighbourhood plans should have regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)” (NPPG).

The NPPG goes on to explain that to meet this condition, Neighbourhood Plans must have due regard for Paragraph 16 of the NPPF, which sets out that Neighbourhood Plans should support the “strategic development needs” set out in the Local Plan. Moreover the NPPG clearly directs Neighbourhood Plan Groups to Paragraph 184 of the National Planning Policy Framework which states

“Neighbourhood plans should reflect these policies (as contained in a Local Plan) and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.” (NPPF Para 184)

Whilst we appreciate the Local Plan is not adopted, the contents of the Pre Submission Plan have been available since the end of 2016, accompanied by an body of up to date evidence.

Notwithstanding concerns to be raised below, It is recognised and appreciated that this Neighbourhood Plan makes full allocations for housing required by the Melton Local Plan Pre Submission Draft Spatial Hierarchy in all settlements.

To ease your understanding of our comments and its relation with your Draft we have structured this letter to follow your draft. Moreover we have not commented wherein we are content that the plan is sound and meets the criteria above. It must be remembered that as a part of the Development Plan and a legal planning document, the policies proposed must be appropriate for the determination of planning applications, either in granting or refusing and must be reasonably enforceable from the view of the Development Management team here at MBC who will be tasked with utilising it.

1. Vision Statement, Page 15 CHH NDP

Concern that the aspect of the Vision statement that reads “supports development that is in keeping with the architecture and vernacular of the villages (iron stone and red brick farmsteads) and which is proportionate to the demographics of each village and the capacity of its infrastructure to support;” could be out of conformity with the Local Plan, if interpreted to mean the level of growth should be guided by the existing demographics of the village. The approach of the Local Plan is to focus development within the more sustainable locations in order to improve the sustainability of the pattern of development in the future. This approach results in the allocation of development being determined by the quantity required by the Borough overall rather than buy the exiting demographic needs of individual locations.

2. Policy S2, Page 14 & 30 CHH NDP

The LPA has recognised the ability for Neighbourhood Plans to reintroduce Limits for Development policies, given the removal of village envelopes from the Local Plan. However, the NDP group are reminded why this decision was made. Namely the negative effects of village envelopes on issues such as house prices and ‘garden grabbing’, notwithstanding compatibility with the NPPF and its aims. The Limits to Development whilst allowing room for the

allocations, may not allow for 'breathing room' for the village, which could lead to urbanisation of the village centre from windfall development and place pressure on valued green spaces in the centre of the village. The LPA would also take this as an opportunity to point out potential conflicts with Policy SS3, which is considered by the LPA to be a strategic policy. Moreover delivery of windfall sites slowed when the previous LP was out of date and the village envelopes contained in the 1999 Local Plan are likely to have had some impact on this, though it is correct to cite other factors such as the economic crash.

Settlement	Spatial Hierarchy Target	LP Housing Allocations	NDP Housing Allocations
Harby	98	115	98
Hose	57	57	57
Long Clawson	127	141	127
Total	282	313	282

3. 5th Para, Page 24 CHH NDP

The statement "any completions and commitments after 31st March, 2016 will come off the target" is incorrect. Completions and commitments after this time have already been calculated and removed from the totals by the windfall allowance place in the Local Plan Spatial Hierarchy, page 29.

4. Final Para, Page 24 CHH NDP

Point of clarification, the SHLAA process is completed annually.

5. First Para, Page 25 CHH NDP

When citing evidence, its useful to highlight each document and there respective dates, so for each Housing Needs Survey for each settlement and date for clarity.

6. Housing and Allocations, Page 24 onwards CHH NDP

The LPA note and appreciate that the NDP makes allowance for the full required housing requirement as outlined in the Local Plan Spatial Hierarchy. The LPA also notes and acknowledges the difference between the LP and NDP allocations and will discuss these in turn. The NDP Group are reminded that whilst the LP through the spatial hierarchy distributes housing numbers, these numbers change slightly through the process of allocation. This is because whilst a settlement may through the Spatial Hierarchy be allocated a certain number, this may change when specific sites are site specific opportunities and constraints considered. It is rare therefore for the LPA to allocate the exact numbers as per the spatial hierarchy as it is rare for the sites within said settlements to be a 'perfect fit'. It is the view of the LPA to restrict a site which could be developed for 30 dwellings, to 20, purely to suit

the spatial hierarchy could be seen as arbitrary and even as incompatible with the aims of the NPPF. Furthermore, restricting sites may affect their deliverability and viability, or their ability to bring forward infrastructure and affordable housing. It is hoped therefore that these decisions were made with the knowledge and support of the respective landowners.

For the most part the changes and rationale from the Local Plan to Neighbourhood Plan allocations is understood. Many of the sites allocated in the Local Plan have current planning applications. Whilst the NDP will have some weight as Pre-submission consultation, the group must be aware that the NDP can only be afforded limited weight in determining current applications, though the evidence collected could support any arguments the group may wish to make. Therefore the Borough Council will not be making detailed comments until the outcome of these applications is known.

Harby

Harby has the same sites as the Local Plan however HAR5 and HAR3 are reserve sites. The Council will be invited to consider a modification to the Local Plan to swap HAR6 to be an allocated site as permission was granted at appeal, and that HAR3 be moved to a reserve site as the Parish Council advise that they do not intend to bring it forward unless the requirement is not met on other sites. However this will dependant upon the Council's consideration and, at present, the approach on the NP is inconsistent with that of the LP. HAR5 is as an allocated site in the Local Plan. In general terms HAR4 and HAR5 are one site and there is a current planning application on these as a comprehensive development for 50 dwellings. The decision is still pending on this but the site if developed comprehensively links well with appeal site HAR6. With the appeal decision however, Harby 5 is not required to make the Spatial Hierarchy totals, however the LPA's comments earlier in this correspondence still stands.

Hose

Hose has exactly the same sites as the Local Plan so no issues of conformity. However there is a current planning app for the remainder of the field where HOS1 is located. Again, as with sites in Harby, the decision is still pending. There are issues over HOS3 as it is dependent on HOS2 coming forward to gain an access in. The LPA is aware of issues in gaining a comprehensive scheme for this site, therefore it has been moved beyond the first five years in the trajectory.

Long Clawson

Conformity with LONG1 and LONG3. It is noted that the LP reserve sites has

been upgraded to a allocation (LONG5). This is due to the removal of LONG2 and LONG4 from allocations. LONG2 has a current planning application on it (16/00709/OUT), however the group wish to protect this site as LGS (discussed later). Likewise, LONG4 is also omitted on visual impact, impact on nearby listed building and flooding issues. Again LONG4 is subject to a current planning app (16/00032/OUT).

The additional site promoted by the group to make up the shortfall created by the removal sites above, is LONG6, which was assessed in the LPA's original site assessments and was found to be potentially suitable, but scoring (using the LPA's criteria) lower than other sites in the settlement. There is again also a planning application (16/00810/OUT) pending decision on this site.

7. First Para, Page 33 CHH NDP

Reference is made to a Leicestershire Housing Needs Assessment, this should be corrected to be Leicester and Leicestershire HEDNA, being the most up to date evidence on this subject matter.

8. Policy H6, Page 35 CHH NDP

Have the group considered intermediate housing, along with starter and shared ownership options?

9. Policy H7, Page 37 CHH NDP

Inclusion of reference to BFL welcomed, however this could be within the actual policy, as well as the supporting text, to avoid confusion and for clarity. Many of the aims within this policy are laudable, but the group are reminded that such requirements must not prevent development by virtue of making housing unviable.

10. Policy H8, Page 39 CHH NDP

Whilst the LPA has no objection to the aims of this policy, the LPA is unsure whether as a county matter, a NDP has jurisdiction to apply such policies. Therefore the NDP group are advised to ensure that LCC have commented in support of this policy before keeping it in any Submission Plan. Moreover, the group are again reminded of the effects on such requirements in terms of viability and then management.

11. Environment Chapter, Page 40 onwards CHH NDP

The NDP Group are reminded that the LPA holds extensive up to date evidence which the group are free to use to support their policies and evidence base. It is noted that none of the Borough Council's evidence was cited in the review of environmental designations, and in particular the SFRA, Local Green Space, Areas of Separation and Settlement Fringe and the

Biodiversity reports are highly relevant to the policies promoted in the NDP.

12. Policy ENV1, Page 43 onwards CHH NDP

As per above, no reference to Borough Council Evidence, in particular the Influence study which forms the basis of the Borough Councils understanding of Local Green Spaces Local Green Space designations comments are listed below, however the group are reminded of the NPPF restrictions on LGS.

“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.”

Comments on various LGS designations are provided below:

Harby

7053 – It is the view of the LPA that this would equate to being a “extensive tract of land” and as per NPPF should not be designated as LGS.

167 – Local Plan evidence suggests that this site does not meet the criteria to be designated as LGS. If the community wish for it to be designated, a response directly citing why the Local Plan evidence is insufficient or citing improvements made since this conclusion was reached would be beneficial for both the LPA and any eventual Examiner.

X077 – Designated LGS in LP.

Hose

Z065, Z100 & Z126 - It is the view of the LPA that all of these sites would equate to being a “extensive tract of land” and as per NPPF should not be designated as LGS.

Long Clawson

Mel19 - It is the view of the LPA that this would equate to being a “extensive tract of land” and as per NPPF should not be designated as LGS.

MH02, T129 (partially), T127 - Local Plan evidence suggests that this site does not meet the criteria to be designated as LGS. If the community wish for it to be designated, a response directly citing why the Local Plan evidence is

insufficient or citing improvements made since this conclusion was reached would be beneficial for both the LPA and any eventual inspector.

The NDP group are reminded that whilst some of the above sites may not be designated as Local Green Space, they may be included in another NDP designation, such as an expanded Policy EN2. Moreover, greater clarity in the maps may aid understanding and avoid confusion.

13. 4th Para, Page 54 CHH NDP

Council evidence states that an Area of Separation is not required between Long Clawson and Hose. If the group wishes to maintain this designation it should be accompanied by appropriate evidence. In particular if this designation is to remain, it must be shown that the area in question is under threat and that coalescence therefore a possibility.

14. Policy ENV8, Page 68 CHH NDP

It is the opinion of the LPA that this policy is difficult to implement as currently worded. Moreover, it is also the view of the LPA that this Policy may be deemed as too restrictive and therefore would not constitute 'positive planning'. There is no problem in principle however to a policy protecting important views, but the wording should be more positive.

15. Policy ENV9, Page 72 CHH NDP

It is the view of the LPA that this policy as currently worded is confusing and potentially very onerous on smaller schemes. A rewrite of this policy is recommended, in particular with reference to the Borough Councils SFRA. In particular the first paragraph seems to be confusing site-specific flood risk assessments with the sequential test. A definition of 'appropriate and relevant assessments and documentation' would also be beneficial.

16. Policy ENV10, page 74 onwards

Would be helpful to include a location map for the Dalby Energy Park.

17. The justification appears to contradict itself. It supports turbines of less than 25m in height, but doesn't support development in areas of low-moderate sensitivity, as set out in the Rushcliffe and Melton Landscape Sensitivity and Capacity Study 2014. The LCU Vale of Belvoir is of low-moderate sensitivity to turbines of less than 25m, and hence the policy justification does not support any wind energy development in the NP area.

18. Transport Chapter, Page 83 onwards CHH NDP

Again an issue for LCC to comment.



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19. Policy E1, Page 91 CHH NDP

This policy as currently worded is very restrictive and could lead to redundant buildings being left which could otherwise be put to use. A further criterion be added, for example one that states something like “d) or can be proven to be no longer economically viable”

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 as both continue to advance towards examination.

We have begun the process of SEA screening. We reserve the right to comment on any changes arising from this consultation or if there are changes at a strategic level arising from HEDNA or the Local Plan Consultations or subsequent IEP.

Should you wish to discuss any of the points made in this correspondence, please do not hesitate to get in contact, as stated previously we are more than happy to meet with you at your convenience to discuss any matters in more detail 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

A handwritten signature in black ink, appearing to read 'Jim Worley'.

Jim Worley
Head of Regulatory Services