

Melton Borough Council - Regulation 16 Response Form

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, **Asfordby Parish Council** has submitted its draft Neighbourhood Plan to Melton Borough Council. In accordance with Regulation 16, Melton Borough Council would like to invite comments from organisations and individuals on the submitted Neighbourhood Plan. All background documents are available to view on the <https://www.meltonplan.co.uk/asfordby> webpage.

Please use this form to submit your comments for the Neighbourhood Plan and return the form to: planningpolicy@melton.gov.uk. For each representation, please use a separate form and mark clearly which document and part your representations relates to.

PART A: About you & Examination

1. What is your name?

Tim Evans

2. What is your email?

tim.evans@avisonyoung.com

3. Please enter your address

Avison Young, 3 Brindleyplace, Birmingham, B1 2JB

4. Are you a resident of the area that this Neighbourhood Plan relates?

Yes No

5. If you answered 'No' above, please select from the appropriate option below

Agent

Developer

Landowner

Stakeholder

Consultee

Other

If you have selected any of the above, please give additional information here, including who you represent.

Avison Young act on behalf of Jelson Homes

Do you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan? Yes

NOTICE: Melton Borough Council will process the information you provide in a manner that is compatible with the General Protection Regulations (GDPR), 2018. Please be aware that all representations received by the authority will be made publicly available (in due course). These will be identifiable by name and organisation (if applicable).

Please make sure any additional pages are clearly labelled/addressed or attached

PART B: Representation Form (1)

1. Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates (e.g. submission plan, policy map)

Submission Plan

Page number (if applicable)

11

Paragraph/policy (if applicable)

Policy A1 & paragraphs 3.1 - 3.6 inclusive

2. Do you believe that this policy/section of the Neighbourhood Plan:

	Yes	No	Unsure
Meets European Obligations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has regard to national Planning policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is in general conformity with the Strategic policies of the Local Plan/is compatible with adjoining Neighbourhood Plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contributes to the achievement of sustainable development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Do you?

Support this
policy/part of the
plan

Support this
policy/part of the
plan subject to
modifications

Object to this
policy/part of the
plan

Neither support or
object to this
policy/part of the
plan

Please provide your comments here:

Avison Young is planning advisor to Jelson Homes and is instructed by it to make representations to the Submission Draft version of the Asfordby Neighbourhood Plan 2011-2036 (ANP). Our Client welcomes the opportunity to engage in, and contribute to, the process and it has therefore made comments on the various component parts of the Submission version of ANP, insofar as they relate to the circa 12.5ha (20.5 acres) of land that it owns to the rear of the existing houses on Valley Road, in Asfordby Valley. A site location plan is appended to these representations (**Appendix 1**).

Under the provisions of the adopted Melton Local Plan Jelson's site is located beyond the defined limits of development for Asfordby Valley, within the Asfordby / Asfordby Valley Area of Separation, to which Policy EN4 of the Local Plan already applies. Policy EN4 identifies a number of Areas of Separation (AoS) and is based on a detailed assessment through the

Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study - undertaken by Influence on behalf of Melton Borough Council in 2015.

Local Plan Policy EN4 provides that

“New development proposals will be required to:

- a. Avoid the coalescence of settlements by maintaining the principle of separation between them*
- b. Retain highly tranquil part of the landscape between the settlements; and,*
- c. Safeguard the individual character of settlements*

New development proposals will be support where they respect the areas of the separation as identified in the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study a shown on the Proposal Map...In addition, new development proposals will be supported where they respect any Areas of Separation identified in a Neighbourhood Plan.”

It is clear from the above, that the objectives of the AoS are to avoid the coalescence of settlements, retain the highly tranquil parts of the landscape between settlements and safeguard the character of individual settlements. But it is important to note that Policy EN4 is not intended to prevent development from taking place within the identified AoS, instead it aims to ensure that any development that does take place will respect the policy's objectives. Indeed, the supporting text to Policy EN4 states, at paragraph 7.4.2, that

“Some development may be acceptable within the AoS provided that the principles of maintaining separation and tranquillity are maintained. The Study therefore provides guidance for each area. This should be used to inform the masterplanning of future development proposals and the consideration of planning applications in the identified AoS. These principles provide advice about how development can be accommodated in the sensitive locations in way which maintains the sense of separation, and where appropriate landscape settings and areas of tranquillity.”

It should also be noted that the Inspector who examined the Melton Local Plan recommended that for this reason, it would be entirely appropriate for the AoS policy designation to be annotated as zig-zag lines on the Policies Map that accompanies the Local Plan, as opposed to establishing defined boundaries for them. As a consequence, the supporting text to Policy EN4 confirms, at paragraph 7.4.3 that:

“AoS do not have a defined boundary because their purpose is not to prevent all development within the AoS, but rather to prevent development that would result in coalescence and harm to individual settlement character.”

This very deliberate approach in the adopted Local Plan strikes the much-needed balance between protecting areas that are required to fulfil the Area of Separation objectives whilst enabling development to continue to take place in the most sustainable locations which, by definition, are most likely to be on the edges of existing settlements. This approach accords fully with the principles of sustainability and flexibility outlined in the NPPF.

However, the approach now being suggested in the draft Neighbourhood Plan (i.e. to supplement the Local Plan by the addition of set AoS boundaries) is inconsistent with the

aims of Policy EN4 of the Local Plan and indeed could undermine the very deliberate flexibility that is built into it.

Section 3 (Green Spaces) of the ANP explains that over 70% of households who responded to the Parish Council's request to identify the three most important issues for the ANP, said that they wished to see the countryside between settlements protected because they had concerns about development leading to the loss of community identity through the coalescence of settlements. That may well be the case but the position as it stands (in terms of the separation between Asfordby & Asfordby Valley at least) is that this protection already exists in the Local Plan. There is simply no need for any duplication of this policy.

Insofar as the definition of the AoS boundaries is concerned, it is unclear to us why the ANP seeks to do this, in the light of what Local Plan Policy EN4 says. The only justification that we can find is a sentence in paragraph 3.6 of the supporting text to draft NP Policy A1, which states that

"The Areas of Separation identified on the Local Plan Proposal Map are vague and some parts have already been developed. Our Neighbourhood Plan adds clarity to the Melton Local Plan by defining boundaries of the Areas of Separation as shown on Map 2."

This comment suggests a lack of understanding of Policy EN4 and how it is intended to operate. Rather than 'vague' the policy is clearly intended to be 'flexible' and allow the implications of development on the purposes of the Area of Separation to be assessed on its merits in each case. Parts of the AoS may well have been developed previously but this will have been found acceptable under the terms of Policy EN4. That is its role and there is nothing objectionable in that. The Neighbourhood Plan perhaps sees the Areas of Separation as providing a blanket ban on development, hence the desire to create a hard boundary.

Whilst it is noted the Neighbourhood Plan does not seek to alter the tests in Policy EN4 it is clear that in seeking to set firm boundaries for the AoS it is creating at the very least an expectancy that areas within the boundary will be protected from development and those outside will not. This is presumably the 'clarity' that the ANP believes the establishment of detailed boundaries will provide.

The additional problem is that if this is to be the case then it is clear that the Parish Council has not undertaken any robust assessment of where the boundary should be drawn to secure the aims of the policy. It merely floods all of the undeveloped land between the settlements with the AoS designation. No consideration has been given to the impact of potential development in any specific location. The flexibility specifically built into Policy EN4 would therefore be removed.

Not only therefore is the setting of firm boundaries unnecessary under the terms of Local Plan policy, but those boundaries that are suggested in the ANP are without a shred of evidence.

The difficulty of the proposed approach is highlighted by our Client's land interests in Asfordby Valley. As the attached plan shows (**Appendix 2**) this is a site, the development of which we consider would not result in Asfordby Valley and Asfordby coalescing. There would

remain an open gap between the settlements on completion (both actual and perceived), which would be no less than the gap already set by the houses fronting the main road behind which any development would be sited. Accordingly, were there a future need for development in this area then the tests under Policy EN4 could be satisfied. Under Policy EN4 as it stands this could be tested in response to any planning application by the Borough Council or an Inspector as decision makers. The ANP approach would potentially pre-determine this assessment without any evidence having been presented or tested.

In summary we do not consider that there is any need for the Neighbourhood Plan to seek to duplicate or supplement Policy EN4 by the introduction of fixed AoS boundaries. This is not only unnecessary but would also threaten to undermine the flexibility deliberately built into that policy and demanded by the NPPF.

Just to be clear Jelson has no objection to the proposal to add an additional AoS between Asfordby Valley and Asfordby Hill but this should be reflected in the ANP in the same way as the existing areas – i.e. through the extension of the ‘zig-zag’ annotation.

Please provide your suggestions below:

In our view the Parish Council needs to take into account the following points as it prepares its NP.

- a) The proposal to identify fixed boundaries for the AoS should be removed and Map 2 updated to reflect the Local Plan Proposals Maps (and annotations) with the addition only of a new area between Asfordby Valley and Asfordby Hill.
- b) If the Parish Council does intend to seek to define the detailed boundaries of the AOS in the ANP (which we consider would be in conflict with Policy EN4 of the Local Plan and therefore not necessary or appropriate) then it must provide robust evidence for those boundaries, including an assessment of why each part of the AoS is necessary to be included for the objectives to be met. The exercise must be to determine the minimum area necessary to preserve settlement identity not simply wash over all land between the settlements as presently proposed.

Appendix 1 – Site Location Plan

Appendix 2 – Plan Showing How the Development of Jelson’s Land Would Not Result in the Coalescence of Asfordby Valley and Asfordby



Area of Separation

Area of Separation