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Date: 10th November 2022

Dear Neighbourhood Plan Group,

RE: Asfordby Neighbourhood Plan – Regulation 16 Consultation

Thank you for submitting the Burton and Dalby Neighbourhood Plan (regulation 16 version) 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. The advice contained within this letter is intended to assist the Neighbourhood Plan Group / Parish Council 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 Regulation 16 consultation documents provided and now published online at [Asfordby Neighbourhood Development Plan \(meltonplan.co.uk\)](http://Asfordby_Neighbourhood_Development_Plan_(meltonplan.co.uk)). 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; and**
- D. Whether the Plan complies with various European Obligations;**

The Melton Local Plan 2011-2036 was adopted by Full Council on October 10, 2018. It sets out the Council policies for the use and development of land across the whole of the Borough. The Local Plan is the main part of the development plan for the Borough and will be given full weight by the Council in making decisions on planning applications. This also means that, as stated above, Neighbourhood Plans must be in general conformity with the strategic policies within the adopted Local Plan. Also, as specified in para 1.8.5 of the Local Plan:

'For the purpose of testing conformity of Neighbourhood Plans with the Local Plan, all policies included in the Local Plan up to and including Chapter 8 are regarded as strategic policies. Whilst the remaining policies will be relevant for determining planning applications, they are not viewed as strategic policies for the purpose of testing Local Plan conformity.'

These issues were subject of scrutiny and debate during the independent Examination of the Local Plan and the wording cited here follows the process of assessment and adjudication by the Inspector.

Additionally, we recommend to the Neighbourhood Plan Group access to the Examiner's report for the Bottesford, Gaddesby, Hoby with Rotherby, Scalford, Somerby and Stathern Neighbourhood Plans, these can be found at:
<https://www.meltonplan.co.uk/neighbourhood-plans>

To help your understanding of our comments, we have structured our comments into themes.

Page number	Reference (policy/paragraph/section)	Importance (Minor, Moderate, Important or Critical)	Comment from officer ('Quotation', <u>Insertion</u> , Deletion, Important)
General			
4	Paras 1.26 to 1.28	Minor	To be deleted/reworded in the referendum version of the document
22	Map 5 Biodiversity	Moderate	The Local Wildlife Site layer is not fully correct (as per LCC data), more specifically the site just above Asfordby Hill (39257, which also appears to be the wrong reference – 39275 being the correct number), also a couple of small missing areas which should lie just above Welby Lane and three small areas west of Asfordby (these appear to be hidden by the labels).
25	Map 6 Heritage	Minor	Scheduled Monuments are listed on the key but there are none on the map.
N/A	General note	Minor	All the policies refer to the Policies Map rather than their own specific map (i.e. why does POLICY A4: Local Green Spaces refer to the Policies Map and not Map 3 Local Green Space?)
N/A	General note	Minor	As mentioned on the previous note regarding the Local Wildlife Site (LWS) layers, several sites/layers on the policies map would benefit from a labelling revision. Many layers are being hidden partially or sometimes fully by the labels, making it hard to distinguish areas (Brownfield Housing Sites for example). Please see attachment for further clarification on the above comments regarding maps.
Housing			

35	Policy A10 and A22	Important	<p>How the settlement boundaries and the second part of the policy aligns with policy A22? In other words is the proposal in A22 covered by one of the exceptions listed in the second part of policy A10?</p> <p>Policies SS2 and SS3 in the Local Plan indicate that development could take place within and adjoining Service Centres, Rural Hubs and existing settlements. In the case of unallocated sites, as long as there is a proven need, would contribute to the protection of existing services and facilities. Consequently, recommend the modification of the policy and make explicit reference to the 'local proven needs' and to the land adjacent to the Settlement Boundaries.</p>
36	Policy A11	Minor	Whitlock Way site would provide a good opportunity for development and the Council hope to work on an affordable housing scheme there soon.
37	Policy A12	Moderate	The site has a number of constraints including flood zone 2, adjacent to flood zone 3, and potentially contaminated land. Without the participation of the owner, the site is not available. New opportunities and constraints may arise once the site is considered available. Conditions stated in the policy could add unnecessary barriers to its redevelopment of the site; whilst a general brownfield-sites policy could be more supportive.
38	6.28	Moderate	Recommendation for a sub heading under the Housing Mix heading focusing on newly forming households needing to access housing through smaller and more affordable dwellings, with text emphasising the importance of this, rather than just being a paragraph under the sub heading Housing Needs of Older People.
Affordable Housing and Housing Mix			

38 and 39	6.30 and 6.31	Moderate	<p>These sections need explaining in more detail because currently they are not clear and would be difficult to use for planning applications. Para. 6.30 references an older housing needs study from 2015 and seems to use the results from this for the dwelling size mix table on page 39 but it is not clear. This and 6.31 talks about existing housing stock but it is unclear at what date this is at. In the dwelling size mix table, the percentages given for the number of new developments with different size dwellings seem to be incorrect eg. it is stated that only 4% of new builds are 3-bed dwellings, whereas the figure is higher.</p> <p>The housing type table at 6.31 is unclear eg. what is meant by 'upsizing houses'; 'bungalows etc' (is this to include lifetime homes and dormer bungalows) and 'with care' (is this to include eg. extra care, supported housing, care homes)?</p>
39	Policy A13	Moderate	<p>Recommendation for this to be expanded to reflect more closely with the Melton Local Plan Housing Mix (C2) Policy and include sizes and tenures.</p>
39	6.32	Minor	<p>This paragraph is perhaps not needed as it talks about market housing in the affordable housing section.</p>
Design			
30	Policy A9	Minor	<p>We are pleased to see the inclusion of Policy A9. It aligns with policy D1 (Raising the Standard of Design) of the MLP along with the Design of Development SPD and is supported by chapter 6 of the NPPF.</p>
Transport and infrastructure			
45	7.11 – Map 10	Moderate	<p>The map boundary shows the horseshoes (pub) on Main Street however it is for Bradgate Lane shops, please check/amend if this should be included. If so please clarify why the Indian restaurant (The Empress of India) and the pub (The Crown) are not also included, which are situated on Main Street.</p>

46	Policy A16: Bradgate Lane Shops	Moderate	We recommend the removal/rewording of ' <i>Class E (commercial, business and service uses) should remain dominant use and development leading to an over-concentration of any other uses (such as hot food takeaways) will not be permitted.</i> ' By stating ' <i>will not be permitted</i> ' it makes the policy very restricted and would not align with the NPPF (2021); Chapter 6, paragraph 84 a). By being too prescriptive it wouldn't align with policy EC2 of the MLP, specifically points 5 and 7. We therefore recommend the policy is amended.
47	Policy A17: Children's Play Areas	Important	It may be useful to provide evidence of anti-social behaviour and intimidation at the play parks (page 46; 7.18). If the data was collected from 2011 consultation (page 7), this may be outdated.
48	Policy A18: Travel Packs	Minor	We are pleased to see the inclusion of policy A18. It aligns with policy IN3 (Infrastructure Contributions and Community Infrastructure Levy) and policy EN8 (Climate Change) of the MLP. In accordance with NPPF - Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
48-49	Policy A19: infrastructure	Minor	We are pleased to see the inclusion of policy A19. It aligns with policy IN3 (Infrastructure Contributions and Community Infrastructure Levy) and policy EN8 (Climate Change) of the MLP. In accordance with NPPF - Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
52-53	Policy A20: Asfordby Business Park and Old Dalby Test Track	Critical	Policy A20 does not align with policy EC1 (Employment Growth in Melton Mowbray) and Policy EC3 (existing employment sites) of the MLP as it states it wants to have mixed use not just large scale development. However, we note that if an application for the site came in for mixed use, it would be decided on own merits.
54	Policy A21: Holwell Works	Critical	Policy A21 does not align with Policy (EC1 Employment Growth in Melton Mowbray) and Policy EC3 (existing employment sites) of the MLP as it states it wants to have mixed use not just large scale development. However, we note that if an application for the site came in for mixed use, it would be decided on own merits.

55	8.14 and 8.16	Important	It would be helpful to have the planning viability and marketing report (2021) as supporting evidence to show the site is not viable as a standalone employment site.
55-56	Policy A22: Holwell Business Park	Critical	Policy A22 does not align with policy EC3 (Existing Employment Sites), as it states provide no more than 100 dwellings which would conflict with MLP policy EC3 for employment only. In addition, it does not align with policy (EC1 Employment growth in Melton Mowbray) and Policy EC3 (existing employment sites) as wants to have mixed use not just large scale development. However, if application for site came in for mixed use would be decided on own merits.
57	Policy A23: Frisby Water Parks	Critical	We suggest amending policy A23 as it is very restrictive. Point C – <i>there is no increase in holiday accommodation above the 59 lodges already permitted.</i> Also, this would not align with point 8.20 which states it wants to contribute to the local economy. Policy A23 does not align with Policy EC2 (Employment Growth in the Rural Area (outside MM)) and EC8 (Sustainable Tourism) of the MLP. Furthermore, it does not align with NPPF – Chapter 6, paragraph 81 and 82.
Environment			
10, 11 and 12	Policy A1, Paragraph 3.2 and Policies Map.	Important	The inclusion of the Area of Separation between the settlements of Asfordby Hill and Asfordby Valley does not seem to be supported by evidence. The 'Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' recommends in para 4.71 (page 102) the following: 'The area identified within the ADAS (2006) report is considered to have limited sensitivity to development. The settlements have similar characteristics to each other and are perceptibly seen as one settlement. It is not necessary to designate this area'. This is the most up to date evidence we have, therefore this recommendation (used during the production of the Local Plan) seems to be relevant. Consequently, we recommend the removal of this Area of Separation.

11 and 12	Paragraph 3.6 and Policies Map	Important	The Areas of Separation (AoS) do not seek to prevent development and defining the boundaries could have a counterproductive effect. Our approach was supported in the Local Plan's examiner report (para 184): <i>'The resulting policy does not seek to prevent development in the identified areas; rather it aims to ensure that any development will respect the policy's objectives. It is appropriate therefore that the policy designation is shown as zig-zag lines on the Policies Map instead of a defined boundary. The policy is sound.'</i> With this in mind, we recommend the removal/rewording of some misleading information (i.e., 'some parts have already been developed') as it could be interpreted as the AoS will prevent development. We also recommend the retention of the zig-zag lines rather than the use of defined boundaries.
11	Paragraph 3.9	Moderate	The Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study (this is just the first part of five, the others can be viewed at our environmental evidence base) includes more detailed and updated information and divides the landscape around the three settlements in 'Landscape Character Zones', with detailed information about the areas and a summary of their sensitivity. You can have an overview of these in our policies map (or the interactive version).
11 to 13	Landscape Character Section	Moderate	The Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study, includes more detailed and updated information and divides the landscape around the three settlements in 'Landscape Character Zones', with detailed information about the areas and a summary of their sensitivity. You can have an overview of these in our policies map.

Strategic Environmental Assessment (SEA)

The SEA Screening was issued the 5th April 2022, in relation to the Neighbourhood Plan in its regulation 14 consultation stage. The nature of the changes from regulation 14 to regulation 16 makes this document still valid for this consultation. The document is available at [Asfordby Neighbourhood Development Plan \(meltonplan.co.uk\)](http://meltonplan.co.uk).

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.

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

Planning Policy Team
Melton Borough Council