

6th July 2017**BY EMAIL**

Dear Sirs

FRISBY ON THE WREAKE – NEIGHBOURHOOD PLAN

I am writing on behalf of my client, Mr David Cook, to object to the Frisby on the Wreake Neighbourhood Plan. As set out in our previous representations (attached to this letter), we raise significant concerns over the proposed site allocations, and the decision-making process associated with their allocation.

It should be noted that my client has no objection to the principle of the Neighbourhood Plan, or the overarching policies within it, but strongly objects to the way in which the proposed allocations have been brought forward.

Neighbourhood Plan Site Selection History

Over the course of the plan preparation the 'preferred sites' for allocation in Frisby have been the subject of 'ad hoc' and unjustified allocation, lacking transparency and subject to change. The most recent consultation being no exception to this with the allocation of land at Rotherby Lane (Zion House), a preferred site in the March 2017 consultation document now deleted as it is not available. An extension to the consented scheme at Great Lane (FRIS 1) is proposed; FRIS 1A. This has not previously been considered in any version of the Neighbourhood Plan but is now proposed as an allocation within the current consultation paper.

Robust and Credible Evidence

Whilst it is recognised that during the most recent village survey (April 2017) FRIS 1A received the highest number of votes, an allocation needs to be made on the basis of detailed site assessment, supported by site specific information, not just on the basis of public popularity alone. Residents were making a decision with no evidence available to inform their decisions. As detailed below, there is no site-specific evidence available to support the allocation and confirm the suitability of developing the site.

Our representations have previously expressed concern over the basis of the decision making for the proposed allocations contained within the various iterations of the emerging Neighbourhood Plan. Any site allocations need to be based on robust and credible evidence. This requires extensive evidence, comparable to the evidence base which the Borough Council has prepared in formulating the emerging Local Plan.

There is very little evidence relied on by the Neighbourhood Plan Advisory Committee (NPAC) to support the site allocations proposed in the Neighbourhood Plan; the evidence base for the Plan comprises Guidelines for Building; a Traffic Survey; a document setting out Local Green Spaces, Views and Areas of Separation; a Tree Survey; and, Wildlife Survey, all of which have been prepared by residents. On the basis of such limited evidence, it is impossible to see how a fully informed assessment of the site options for

allocation has been undertaken. Serious concerns are raised over the use of this evidence in informing the site allocations.

As referred to above, the Borough Council in preparing its Local Plan, has undertaken a robust assessment of all the possible development sites around Frisby; drawing conclusions on those which should be allocated. This assessment identifies FRIS 1 (the consented Great Lane site), FRIS 2 (Water Lane) and FRIS 3 (Land to the South of Frisby, my clients land) as proposed site allocations in Frisby.

It is worth noting that the identification of FRIS 3 has been supported by Members on a number of occasions now, with Members, most recently voting in favour of the site at the Full Council meeting on 4th July 2017. Interestingly, at this Committee, Members sought to represent the views of Frisby Parish Council, seeking the delivery of 48 dwellings on the site (the Officers had been suggesting a higher figure). Members did not however object to the inclusion of the site, which some Ward Members representing other parts of the Borough did, nor did Members request a substitution of FRIS 3 with FRIS 1A; this is despite being aware of the Neighbourhood Plan.

FRIS 3 – Land to the South of Frisby

FRIS 3, has been assessed in full through the Borough Council's Local Plan process. As referred to above the site has most recently been considered by Members at the Full Council meeting on 4th July 2017. Members reported the views of the community to the meeting, but not report an objection to the inclusion of the site, nor did Members request a substitution of FRIS 3 with FRIS 1A; this is despite being aware of the Neighbourhood Plan.

FRIS 3 has been also been tested through the Planning application process which has confirmed:

- **Highways and Transportation** – There is no objection to the proposed development and associated access arrangement from the Highways Authority.
- **Ecology** – There are no objections in respect ecology. The illustrative masterplan, submitted with the planning application has been prepared to ensure that opportunities to retain, create and enhance ecological habitat on the site will be taken.
- **Flood Risk** – The site is within flood zone 1; the development of the site will not increase the risk of flooding on the site, or within the village.
- **Landscape and Visual Impact** – The LVIA submitted with the planning application demonstrates that the development can be successfully assimilated into the landscape.
- **Heritage and Archaeology** – A geo-physical survey has been produced. The County Archaeologist has confirmed that the any further investigation works can be dealt with by means of a condition to the planning application.

There is good market interest in the site. This has been confirmed through the receipt of a number of expressions of interest from housebuilders.

FRIS 3 also presents the opportunity to deliver tangible community benefits including, the provision of land for future expansion of the Primary School; a new car park and drop off are for the Primary School; a new publicly accessible equipped play space; extensive open space and a potential new community orchard, accessible to all. These are benefits which no other site in Frisby is able to deliver, nor willing to deliver.



Figure 1: Illustrative Masterplan, FRIS 3, Land to the south of Frisby

Alongside the delivery of the above, the development will also provide for policy compliant affordable housing. This will be secured through a S106 agreement, which will also provide for the management and maintenance of the open space, primary and secondary school contributions, library contributions and travel pack.

The site is available, suitable and achievable.

- **Available** – The site is available now. It is under single ownership with the landowner have demonstrated his commitment to delivering the site through the considerable investment that has been made in submitting a planning application for the site. It should be noted that the landowner's commitment to the delivery of the site seeks to provide tangible benefits, which really benefit the community, as discussed above, these are benefits which none of the other sites can deliver, or are prepared to deliver.
- **Suitable** - The site is in a sustainable location, well related to the existing village of Frisby on the Wreake. This is supported through the proposed allocation of the site in the Borough Council's emerging Local Plan, which reinforces the suitability of the site for housing. The supporting documentation submitted with the planning application further demonstrates the suitability of the site for housing.
- **Deliverable** – The site has been fully assessed in respect of its physical characteristics. Other technical considerations have also been considered which confirms that the site is commercially

viable. Indeed, expressions of interest have been received from housebuilders wishing to acquire the site.

Conclusion

It is considered that the preparation of the Frisby Neighbourhood Plan, in respect of the site allocations, is fundamentally flawed. Robust and credible evidence, prepared by the Borough Council, and which the Council has used to inform the site allocations in its emerging Plan, has been disregarded in preparing the Neighbourhood Plan.

The assessment of sites undertaken throughout the preparation of the Neighbourhood Plan is based on extremely limited evidence. As such it is not possible that the NPAC have been able to undertake a fully informed assessment of the site options for allocation, without bias.

For the reasons set out above, serious concerns are raised over the site allocation contained within the Neighbourhood Plan. It is considered that in order to ensure a sound Plan, the site allocations should be removed. The remaining policies within the Plan could be progressed, with the site allocations left to the emerging Melton Borough Local Plan, which is based on robust and credible evidence.

I trust the above comments will be taken into consideration by the NPAC and the Inspector in progressing the Neighbourhood Plan. If you would like to discuss any aspect of the above in more detail, please do let me know.

Yours sincerely

For and behalf of Fisher German LLP

A handwritten signature in blue ink, appearing to read 'Liberty Stones'.

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cc. James Beverly, Planning Policy Officer, Melton Borough Council