

Broughton and Old Dalby Neighbourhood Plan 2017 - 2036

Submission Version

A Supplementary Report to Melton Borough Council on the Examination
of the Broughton and Old Dalby Neighbourhood Plan

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Introduction

I submitted my report to Melton Borough Council on the examination of the Broughton and Old Dalby Neighbourhood Plan, on 15 December 2017.

On 9 January 2018, I was informed that a properly made representation, submitted as part of the Regulation 16 consultation has not been sent to me, as part of packages of Regulation 16 responses. That submission had been made by Mr Fox of RBS Planning Consultants, on behalf of Horton Estates Limited, who owns the Old Dalby Industrial Estate on Station Road, Old Dalby.

In the interests of fairness and equity, I have decided that this is duly made representation should be properly considered, as part of my examination. I have accordingly been invited by Melton Borough Council to reopen my examination and in particular, to consider the representation submitted on behalf of Horton Estates Ltd and consider whether it changes my views on the question of the basic conditions and my recommendations set out in my Final Report.

The Parish Council has been made aware of this issue, as has Mr Fox, and have both been advised that I will be explicitly considering this representation.

Consideration of Regulation 16 Representation from Horton Estate Ltd

Representation 1

The plan period should be 2011-36 to coincide with, and be in general conformity with the emerging local plan.

Response

Section 38 B of the Planning and Compulsory Purchase Act 2004, as amended by Schedule 9 Part 2 of the Localism Act 2011 requires that a neighbourhood plan must specify the period for which it is to have effect. Importantly the Broughton and Old Dalby Neighbourhood Plan does that so the legislative requirement is satisfied.

Furthermore, the basic conditions require that the making of the plan has to be in general conformity with the strategic policies contained in the development plan. That is a reference to the *adopted* plan, not an *emerging* plan which has not been through its public examination.

Recommendation

No change.

Representation 2

The Vision on page 14 should not refer to” significant mainly *light* industrial presence”

Response

The Vision does not refer just to the Station Road site, but the Parish as a whole. I consider the wording implies that the community’s aspirations for the area in 2036, will be that it will have a significant, but not exclusively light industrial presence. That is not a matter that affects my consideration of the basic conditions.

Recommendation

No change.

Representation 3

The supporting text refers only to the designation of limits of development for villages/settlement, but does not refer to the proposed limits of development for the Old Dalby Industrial Estate and Crown Business Park.

Response

This is part of the supporting text and is not part of my consideration, in terms of compliance with the basic conditions.

Recommendation

No change.

Representation 4

Support the proposed Limit of Development in Figure 3.

Response

Noted.

Recommendation

No change.

Representation 5

Policy H1 should be reworded to reflect the housing requirements, as set out in the emerging local plan.

Response

Much of the suggested revisions are descriptive in nature. My amendment set out the policy for the plan and I am not persuaded that my recommendation needs to be changed, in the light of this representation.

Recommendation

No change.

Recommendation 6

The final paragraph on page 26 should be reworded to align with Policy SS2 and Table 4 of the emerging local plan.

Response

My report rehearsed in detail the issue of housing numbers. However, this is not policy, but the justification for the policy. In any event the local plan policy referred to is only a draft policy, which could potentially change as a result of the examination.

Recommendation

No change.

Representation 7

Reference to the reserve side should acknowledge that the adjoining site is not just light industrial, but also general industrial, warehousing, without any restrictions on hours.

Response

My report acknowledged that the reserve side was adjacent to industrial uses. I also highlighted the need to secure appropriate noise protection for residents from the adjacent industrial units. This is incorporated into my revised wording of the policy. The actual capacity of the site will need to reflect the constraints from the adjacent land uses, and this will most appropriately be considered at the development management stage.

Recommendation

No change.

Representation 8

Policy H3 should be reworded to allow infill development within built-up areas, which would include the Limits of Development for Employment shown in Figure 3.

Response

I have noted the wording of the draft Policy EC3, but as this is an emerging policy, which is critical in terms of compliance with the basic conditions. I have reflecting on whether changes required to deliver sustainable development or weather changes are required to reflect usual compliance with national policy. Paragraph 22 of the NPPF seeks to avoid long-term protection of sites allocated for an employment uses where there is no reasonable prospect of the site being used for that purpose. If I were to agree to this suggestion, I will firstly need to be satisfied that any areas within the employment limits which are likely to be incapable of continued use for employment purposes. From

my site visit, when I drove around the industrial estate, I was not struck by the areas that, clearly would not be suitable for continued employment use or redevelopment for commercial purposes.

I would not consider that this industrial estate would be a suitable residential environment and I am satisfied that there are more suitable locations for residential development elsewhere in the plan area. I note the intention of the Parish Council is to keep the plan under review and this could be a matter that is reassessed in the light of future circumstances. In the meantime, I am not minded to change my recommendation, in respect of policy H3 which would allow the introduction of infill housing in the middle of this industrial estate, mindful of the potential amenity impact complaints which had been well articulated elsewhere in this representation.

Recommendation

No change.

Representation 9

The second paragraph of section 6.6.1 refers to permissions being granted for *light* industrial or storage and distribution use. The representation points to the fact that the planning consent 00/001/REB, confirmed the existing use of the site for warehousing and *industrial* purposes.

Response

As this reference lies within the supporting text, it is not really within my remit as examiner, to be recommending changes to the supporting text. However, in my report, I did refer to the need for the Qualifying Body in conjunction with the LPA to consider amending the text, to produce a coherent document. In the interest of clarity, I will be making a suggestion that reference to “*light*” be removed before the term “*industrial*” in the interests of factual accuracy. However, this change is not required to ensure compliance with basic conditions so I am referring to this as a “Suggested Change”.

Suggested Change

Remove “light” before “industrial” in the second paragraph of Section 6.6.1.

Representation 10

Policy DC1 should provide a clear breakdown of the specific infrastructure priorities for the parish, to align with Melton Local Plan Policy IN2.

Response

I have already recommended that this policy be deleted and this representation does not change my recommendation.

Recommendation

No change.

Summary

Apart from the one suggested change, in respect of Representation 9, the representations made by Horton Estates Ltd do not change my views on the Broughton and Old Dalby NP as to matters of the basic conditions and there is no need to change my recommendations as set out in my report dated 15th December 2017.

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