



*Direct Line:* 01664502502

*Please ask for:* A Coy

*e-mail:* [planningpolicy@melton.gov.uk](mailto:planningpolicy@melton.gov.uk)

*Date:* 15<sup>th</sup> January 2021

Dear Neighbourhood Plan Group,

**RE: Bottesford Parish Neighbourhood Plan – Regulation 16 Consultation**

Thank you for submitting the Bottesford Parish 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 via email to Jorge Fiz Alonso on 30th November 2020. 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 reports associated with the latest Neighbourhood Plan's examinations. These include the parishes of Ab Kettleby, Scalford, Gaddesby, Hoby with Rotherby and Somerby and they can be accessed here:

<https://www.meltonplan.co.uk/neighbourhood-plans>

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

Page number	Reference (policy/paragraph/section)	Importance (Minor, Moderate, Important or Critical)	Comment from officer ('Quotation', <del>Insertion</del> , Deletion, Important)
<b>General</b>			
1	Title	Minor	'without appendices' is not needed when you submitting the final version
7	Para 20	Minor	This paragraph needs rewording firstly to ensure that the paragraph numbers mentioned within it correlate to the correct paragraphs (18 & 19).
8	Footnote 7	Minor	Recommend changing 'national policy' to <u>NPPF</u>
10	Figure 1	Minor	It may be useful to create a new map to show just Bottesford alone and update the key, MBC may be able to help with this.
19	Footnote 19	Minor	'See Design Code under supporting documents at: <a href="https://www.meltonplan.co.uk/bottesford">https://www.meltonplan.co.uk/bottesford</a> ' once made the design code will be placed on the same website as the plan therefore it is best that they refer to one page.  This is something that should be noted throughout the document, where reference is made to any document that will be part of the final submission then the following website should be the link; <a href="https://www.meltonplan.co.uk/bottesford">https://www.meltonplan.co.uk/bottesford</a> This ensures that all the documents are stored in one place and is easy to refer to and responsibility of Melton Borough Council. This would remove the remote risk of having the same document with different content.
Full Document	Figure, Maps and Table References	Minor	We recommend that the documents text is checked to ensure the correct number maps are referenced; there are a few minor issues throughout the document.
Full Document	Maps	Minor	It may be worth checking over each map within the Neighbourhood Plan, to make sure it is clear and easy to read especially when printed.
<b>Housing</b>			
21	Para 80	Moderate	Point e) states ' <i>analysis from the Melton and Rushcliffe</i> ' what is the reference for the documents that have been used for the analysis this should be placed within the footnotes.
27	Policy 1 2, 3, 4	Important	We think that it is not suitable for the NP to start redefining sustainable development which it is seeking to do in points 2, 3 and 4. What we think would be more suitable is to change the wording from ' <del>sustainable development means</del> ' to 'development will be supported provided...'

27	Policy 1. 2 a) and c)	Important	<p>Policies SS2 and SS3 in the Local Plan indicate that development could take place within and <u>adjoining</u> Service Centres, Rural Hubs (SS2 – Bottesford and Easthorpe) and existing settlements (SS3 – Muston and Normanton). Unallocated sites, as long as there is a proven need, would contribute to the protection of existing services and facilities. Consequently we recommend the modification of the policy accordingly and, if possible to make specific reference to the ‘local proven needs’ element associated with policy SS3 (see also para 4.2.17 of the Local Plan). Same for the village of Easthorpe.</p> <p>Additionally the policy makes references to three Maps, the numbers of the Maps have now been changed therefore we recommend amending the wording of the policy to match the new Maps 5a, 5b, 5c.</p>
27	Policy 1. 2. d); 3. c) and 4. b)	Minor	This element seems to be covered in point 1.b)
27	Policy 1. 2. c) 3. b) 4. a)	Important	We feel that setting a limit on the number of dwellings within a development makes the policy very restrictive, as it does not account for site specific limitations and is not supported by evidence.
43	Policy 3	Minor	We question whether the requirement of the policy to apply to all development proposals are appropriate. These aspirations and may not be suitable to some circumstances, e.g. house extensions
24,25,26	Map 5a, 5b, 5c	Moderate	Some sections of the village envelopes on all three maps cuts through properties/gardens, and therefore should be redrawn to accommodate a more inclusive boundary.
<b>Affordable Housing and Housing Mix</b>			
76	Policy 10, point 2	Important	The first sentence states “in accordance with MBC policy” and so to reflect this it should read “ <u>a target of 32% of dwellings on all developments of 11 or more dwellings and/or where the floor space exceeds 1000 m2 should be affordable, having regard to market conditions, housing needs, housing mix (in regard to tenure, type and size), economic viability and other infrastructure requirements</u> ”.
76	Policy 10, point 3	Important	This sentence refers to “ <i>First Homes (or equivalent)</i> ”. We recommend for this to be changed to the more generic ‘ <u>affordable home ownership</u> ’, in accordance with the NPPF glossary affordable housing definition. The sentence also refers to “ <i>and dwellings for social rent</i> ”. I recommend for this to be changed to “ <u>affordable housing for rent</u> ”, in accordance with the NPPF glossary affordable housing definition and because Homes England funding is currently only sufficient to support the development of affordable rent not social rent dwellings. This will allow flexibility for dwellings to be either social or affordable rent.
76	Policy 10, point 8	Important	I recommend the wording of this sentence is changed to incorporate that <u>the space for a home office does not substitute a bedroom.</u>
78	Policy 11 1 and 2	Moderate	Both Points 1 and 2 states ‘other neighbourhood plan policies’, which policies is this referring to.

78	Policy 11 3	Minor	Point 3 states ‘on sites of 40 dwellings or more’ is there specific evidence to how this figure was produced and used, if so the evidence should be referenced.
78	Policy 11 5	Moderate	Point 5 is very prescriptive and we recommend it be removed as the variation of plot sizes is more useful to the self-build process.
<b>Connectivity</b>			
59	Para184	Minor	Change of map number in text ‘ <i>national cycle route shows in the Map 21 17</i> ’
63	Policy 7	Medium	Points 4, 5 and 6 seem to act as more community aspirations or objectives rather than offering guidance and policy to development proposals. Therefore we recommend that these be reviewed.
<b>Heritage Assets</b>			
78	Para 271	Minor	‘ <i>Maps 22,23 and 24 show the heritage assets</i> ’ should be ‘Maps 18a, 18b, 18c’
82	Policy 12	Minor	Point 2 – ‘ <i>Is subject to approval by MB</i> ’. Needs to state <u>is subject to approval by MBC</u>
<b>Design</b>			
68	Policy 8 1	Minor	Point f) states that developments need to meet the character of the whole Parish, we recommend that this be changed as different palettes within the village. Therefore it may be better to use the character of its immediate surroundings.
68	Policy 8 4	Moderate	Point 4 describes a very prescriptive and restrictive process that is not in line with the Local Plan or NPPF/ In addition what are acceptable thresholds.
<b>Environment</b>			
30	Para 100	Minor	‘significant green gaps on Maps 9a, 9b and 9c.’ needs to be amended to say ‘significant green gaps on Maps 7a, 7b and 7c.’
30	Map 7a	Minor	It would be beneficial to include a note saying that significant green gaps 22 and 23 are fully shown in map 7c.
33	Map 9a	Moderate	Views 2 and 4 seem to conflict with Local Plan allocations. We suggest the re-assessment/removal of these key views.
34	Policy 2,	Moderate	In point 1 Rather than ‘ <i>reinforce</i> ’ the character, <u>development should conserve and, where practicable, enhance it.</u>  In point 2 applications will not be supported when they have an unacceptable detrimental effect on landscape or significant green gaps as developments are expected to have some sort of impact, which is partly covered by point 3.  In Point 2 we feel that “ <i>adversely affect the visual character.....</i> ”Or “ <i>significantly affect the undeveloped character.....</i> ” may need more explanation to be clear and usable.  Point 7 might not be appropriate for all sorts of developments. <u>Specific applications will be assessed accordingly.</u>
43	Policy 3	Moderate	In the first sentence: <del>Must</del> <u>Should</u>

45	Map 12a	Moderate	We are concerned about LGS 9 and 10. Although they could have value for the community they are deeply linked to the ongoing applications (and building process). It is not clear if once the schemes are complete these sites will have value or not for the community. LGS13 might be an extensive track of land.
46	Policy 4	Moderate	Point 2 – there seems to be no definitions as to what is classed as adverse effect and in addition no subject to which would aid the decision making.
56	Policy 6	Moderate	Point 1 – ‘Development in Flood Zone 2 and 3 or which exceed 0.25 of a hectare’ this statement does contradict <a href="#">Policy EN11</a> of the Local Plan which states ‘All planning applications for development in Flood Zones 2 and 3, or which exceed one hectare’. We recommend that be amended to comply with the local Plan
<b>Local Economy &amp; Community facilities</b>			
88	Policy 13 3C	Minor	Point 3c states the use of new business development should be for light industry, we feel this is a little restrictive and is not accommodating to other business uses that may come forward.
88	Policy 13 5	Minor	The inclusion of ‘residential’ is not appropriate in this policy as it deals with the commercial planning, therefore this point should be reiterated in a housing policy.
88	Policy 13 8	Moderate	This point would be better placed within the policy 14 as it deals with community facilities or as part of the site specific policies.
91	Policy 14 1b	Minor	Point 1b refers to other policies in the plan; it would be useful to know what these other policies are.
91	Policy 14 2	Minor	Point 2 refers to published evidence; it would be useful to have a reference to the current evidence to have an example of what is needed.
91	Policy 14 4	Moderate	We feel the inclusion of ‘The preferred location is in the north west of Bottesford village ideally (but not essentially) as part of the development of Rectory Farm (BOT 3)’ is not appropriate for this policy, may want to place it in the BOT3 site specific policy.
<b>Local Plan Site Allocations Development Framework</b>			
93	Para 320	Minor	We suggest that adding the follow may help the situation outlined within this paragraph <u>Consideration should be had at reserved matters stage to ensure that both schemes respect the one another</u>
93	Para 319 & Para 323	Minor	There is a slight contradiction here with the two different flood zones, looking at the MBC adopted policies map we would recommend stating that the sites lies within Flood Zone 2 & 3.
94	Policy 15	Moderate	Point 2e - requires boundaries to be low hedges or low wall/s fences, however if these are boundaries are around private gardens then there may be an issue with privacy impacts. Therefore the boundaries may need to be high. We suggest the removal of the word low.
95	Para 330	Minor	MBC currently have a reserved matters application 20/00972/REM (BOT2 West) which follows on from OUT 17/01577/OUT
95	Policy 16	Moderate	Point 1f - requires boundaries to be low hedges or low wall/s fences, however if these are boundaries are around private gardens then there may be an issue with privacy impacts. Therefore the boundaries may need to be high. We suggest the removal of the word low.

96	Policy 16 1h	Moderate	Point 1h – states that the development has to look at the flooding of Bottesford Village, however assessments should look at the site specific impacts and not be used to mitigate existing issues outside of the developers control
99	Policy 17	Minor	The numbering starts at 8 and not 1
99	Policy 17	Moderate	Point 9a – Is very prescriptive in nature – ‘ <i>orientation of homes to overlook the river</i> ’ – we suggest making this an aspiration rather than a prescriptive point. Therefore we recommend the replacing with <u>seek to maximise the natural river frontage with housing orientated to overlook wherever possible</u>
103	Policy 19 7	Minor	Point 7 - refers to the need for a play area, as this is a community benefit this is something that may want to be included within policy 15.
<b>Developer Contributions</b>			
104	Policy 20	Critical	<p>Point 1 – this point should be rewritten to account for viability especially as not all development will be required to contribute. We recommend it be replaced by; ‘<i>In accordance with MBC and national regulations (where applicable), <del>any</del> residential development proposals and <del>all</del> proposals for businesses and industrial premises, <del>will</del> may be required to contribute towards the provision of local infrastructure.</i>’ Or we would recommend applying a threshold to the policy i.e. ‘10 houses or more’?</p> <p>Point 2 – It is suggested that this point is reworded, as requests for developer contributions will have to be made by infrastructure provider not the developer. Therefore it is recommended that Point 2 and 3 is combined to read as follows;</p> <p><u>‘Developers must submit a viability assessment if they believe the requested contributions would be unviable. It should clearly demonstrate how the impact of the proposed development will be mitigated (this includes impact on the highways, drainage, services and facilities) without these contributions. MBC will assess the viability statement and if the proposals fail to provide sufficient mitigation of the impact the application may not be supported.’</u></p> <p>Adding this statement would make this policy more in line with the CIL regulations, which clearly state that viability is an important aspect of the developer contributions process.</p>
104	Policy 20	Minor	There is an opportunity to link the content of the policy to the kinds of mitigation that the community considers necessary. At present it is ‘open ended’ and could be made more specific, particularly with reference to community wide aspirations such as the connectivity section.

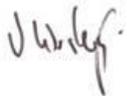
## **Strategic Environmental Assessment (SEA)**

The SEA Screening report was issued the 8<sup>th</sup> September 2020 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 <https://www.meltonplan.co.uk/bottesford>.

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,



**Jim Worley**

Assistant Director for Planning and Regulatory Services  
Melton Borough Council