

Bottesford Parish Council's Response to the Examiner's Clarification Note on the Bottesford Neighbourhood Development Plan

Please find Bottesford Parish Council's response to specific parts of the examiners clarification note below.

Policy 1

In general terms this is a well-developed policy.

However as currently proposed it is not in general conformity with the strategic policies in the adopted Local Plan in relation to proposed development adjoining settlements. I am minded to recommend a modification to remedy this issue.

Does the Parish Council have any comments on this proposition?

The PC understand the need for flexibility to allow for development adjoining the village framework in Muston and Normanton – as these settlements do not have site allocations in the Melton Local Plan and the PC believe that the wording for NPP 1 (3) and (4) is appropriate allowing for development within or on the edge. However, Bottesford and Easthorpe have site allocations. The reasoning in the Ab Kettleby Examiners Report at para 4.14 and para 4.15 is as follows.

'Site A and Site B have been allocated for new housing at Ab Kettleby under AKNP Policy H1 and the LTD has been defined in order to protect the nearby open countryside from unnecessary development. Therefore, windfall development beyond the LTD at Ab Kettleby would not normally be supported.

Consequently, I shall reword Policy H3 to enable windfall development within the LTD of Ab Kettleby for not more than five dwellings and within and on the edge of Wartnaby and Holwell for no more than three dwellings.'

Ab Kettlebys Policy H3 which was amended to allowed for infill development within the limit of development for Ab Kettleby because it had site allocations, but within or on the edge of Wartnaby and Holwell (because they had no site allocations.)

The PC suggest this approach could be applied to Bottesford Parish.

In particular does it have any comments on the proposed changes to the policy suggested by the Borough Council?

The PC does not seek to redefine sustainable development and does not consider that the wording of NPP1 seeks to do that. The wording 'development will be supported provided' is acceptable and the PC supports MBCs reference to proven local need.

The dwelling numbers referenced in NPP1 are based on the Local Plan 'development on unallocated sites in the rural area' para 4.2.17.

Policy 2

As part of my visit to the neighbourhood area, I looked at the various identified significant green gaps. In addition, I have looked at the details of Appendices F and L carefully.

To what extent do the second and third parts of Policy 2 add value beyond the approach in the fifth part of Policy 1?

Parts 2 and 3 relate specifically to the Significant Green Gaps and provide a framework to contribute to the assessment of the suitability of development if it is proposed in the Significant

Green Gaps. NPP1 part 5 is a general statement about development in the countryside across the whole parish.

As I read the second part of Policy 2 it would allow some development within the significant green gaps. Is this correct?

Yes, it is accepted that Significant Green Gaps do not stop development per se but they are areas that contribute to the landscape character, are closely related to the built settlement and are sensitive to change. If development is proposed in these locations the policy intention is to ensure the scale, layout and boundary treatment retains a sense of openness in these locations.

If so, could the policy be reconfigured so that it identifies (in general terms) the types of development which would be acceptable in such locations (and as such be positively worded)?

The layout, scale and boundary treatment of development in these locations would need to retain a sense of openness and/or allow a soft transition from open countryside to the built up area as appropriate.

In several cases the proposed significant green gaps are located immediately adjacent to the identified village envelopes. How would their proposed designation overlap with the Melton Local Plan which supports development adjoining settlements (and with my proposition with regard to Policy 1 of the Plan)?

Significant Green Gaps do not stop development per se but they are areas that contribute to the landscape character, are closely related to the built settlement and are sensitive to change. The layout, scale and boundary treatment of development in these locations would need to retain a sense of openness, allow for views through the site and/or allow a soft transition from open countryside to the built up area as appropriate.

Policy 4

The work on the proposed local green spaces (LGSs) in Appendix I is very thorough and detailed.

What are the respective sizes of LGSs 1, 10 and 13?

Information provided by MBC with thanks

LGS 1: 2.30ha

LGS 10: 2.87ha

LGS 13: 6.13ha

During the visit I saw that the housing development at BOT 4 was on-going. From what I could see of the site the associated open space (and intended to be designated as LGS) is not yet provided along the southern and eastern boundaries. Please can the Parish Council advise on this matter?

If this is the case did the Parish Council submit the Plan on the basis that the open space/LGS would be available once the development is completed?

Yes, the LGS area was based on the PCs understanding of the landscape area remaining as shown on the maps in the landscape management plan for the planning app ref 19/00588REM.

Policy 7

This policy helpfully addresses an extensive range of connectivity matters.

However, points 4-7 appear to be wider improvement projects (for the Parish Council and/or others to pursue) rather than development management policies.

Please can the Parish Council advise about its thinking on this matter?

All points are based on findings from reports and/or consultations with the community and relevant organisations.

Part 4 reflects the community view (supported by the Canal Trust at Reg 14) about the potential for the Grantham Canal to play a greater role in providing walking/cycling routes and the value of providing more access points.

Part 5 relates to a feasibility study and presentation given by Sustrans to the NP working group in 2015 that costed up the installation of a foot/cycle bridge over the A52.

Parts 6 and 7 relate to the findings and actions identified in the Hamilton Bailie Study and work the NPSG did in 2015 around identifying road safety improvements

Policy 8

This is a good policy underpinned by the submitted Design Guide.

Policy 9

This policy helpfully addresses an extensive range of renewable energy/sustainability matters.

However, its third section proposes detailed sustainability standards which do not take account of the guidance in the ministerial statement of March 2015 on this matter. Please can the Parish Council advise on how it has considered this matter in general terms, and the extent to which it has regard to national policy in particular?

The NPPF sees the planning system as crucial in supporting the transition to a low carbon future to 'shape places in ways that minimise vulnerability and improve resilience' (para 148). New development should be planned in ways that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design' (para 148).

NPPF para 149 and footnote 48 provides that 'Plans should take a proactive approach to mitigating and adapting to climate change, in line with the objectives and provisions of the Climate Change Act 2008.' The amendments to the Climate Change Act 2008 have set a net zero target for UK carbon emissions by 2050.

Para 149 says Plans should take a proactive approach to mitigating and adapting to climate change and that 'Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts'.

The government has consulted on a new Future Homes Standard which supersedes the ministerial statement of March 2015. The consultation proposed to make changes to Part L and Part F of the Building Regulations for new dwellings to reduce permitted carbon emissions from dwellings with an interim standard to be brought into force in 2022, and tighter yet standard to be brought into force in 2025.

The government has now confirmed its intended approach:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956094/Government_response_to_Future_Homes_Standard_consultation.pdf.

The response (summarised on p. 5.) confirms that homes built under the interim standard (expected to be brought into force in 2022) will be expected to produce 31% less CO2 emissions compared to current standards. The Future Homes Standard to be brought into force in 2025 will ensure that an average home will produce at least 75% lower CO2 emissions than one built to current energy efficiency requirements.

NPP 9 is proactive and seeks to set standards that reflect more recent statements of government policy.

NPP 9 encourages the use of materials, layout and orientation that will build resilience in the design of new development.

The NPPF requires Local Authorities to support renewable and low carbon energy initiatives; the planning system should support this transition. NPP 9 provides a policy framework that sets out how the opportunities for supporting renewable energy can be balanced with the wider landscape sensitivity. NPP 9 provides a positive strategy to help increase the use and supply of renewable and low carbon energy.

Part 3 of the policy was drafted with the assistance of the Policy Manager at the Centre for Sustainable Energy. (Dan.Stone@cse.org.uk) He advised that the 19% carbon reduction is a conservative 'standard' and considerably less onerous than the revisions to the building regulations coming into force in 2022, and which features in numerous adopted local plans including Ipswich Local Plan (Adopted 2017) Milton Keynes Local Plan (Adopted 2019) Reading Local Plan (Adopted 2019).

See <https://www.ukgbc.org/wp-content/uploads/2020/03/The-Policy-Playbook-v.1.5-March-2020.pdf>

The PC advise that there is a typing error in part 3 a) the 19% carbon improvement is against Part L 2013 (not part G 2016.) If part 3 remains please can this be amended.

Policy 10

Is there any detailed evidence to support the fourth section of the policy (on Part M 4.2)?

The evidence relates to the needs of the local ageing population and the importance of creating homes that are sustainable. Both themes are referenced throughout the BPNP. This ensures new dwellings are flexible to the changing needs of the population. The PC support the comments made by MBC in their response to you 'that the Council would apply a positive weight to schemes that display this quality'.

How would the 'preference' in the fifth section of the policy (on Part M4.3) be applied by the Borough Council through the development management process?

The PC supports MBCs response (please see above).

Have the in-combination effects of the policy on development viability been assessed?

No which is why the M(4)3 in particular was expressed as a preference.

Policy 11

What is the detailed justification for a lower self-build threshold as set out in paragraph 269 of the Plan? In particular on what basis was the 40-dwellings threshold chosen?

The justification for this policy is provided in para 264-270 of the BPNP. The community were keen to encourage self-build in Bottesford given the scale of growth. However, the NPSG recognised that MBCs threshold for this to apply to sites of 100 dwellings or more would mean in reality only BOT 3 would be required to provide self-build plots. The planning permissions for the site allocations are likely to deliver approx. 475 houses (see table 2). On that basis reducing the threshold to 40 would open up the opportunity for one self-build plot on sites over 40. The proposal is time limited to 12 months and was considered a reasonable approach proving more opportunities for those wanting a self-build plot without holding up the development of the site if the perceived local interest did not materialise.

Given that BOT 4 is built out and half of BOT 2 is at reserved matters, this policy may in fact have limited impact given the advanced stage of the larger scheme (with the exception of BOT 3 which would need to provide self build homes in accordance with MBCs policy in any event.)

Have the in-combination effects of the policy on development viability been assessed?

No, but the 12 month limit was intended to ensure that the policy would not delay the delivery of houses to meet local and wider housing need.

Policy 12

Is the first part of the policy necessary?

Part 1 was intended to make explicit to the local community that the existing protection for listed buildings etc applies as this was a matter of concern given the scale of growth in the village and the concern to protect the historic character of Bottesford village and the Parish.

Should the fourth part of the policy acknowledge that some 'restoration' projects may need listed building consent but not planning permission?

Yes agreed

Policy 13

In the third part of the policy does 'encouraged' mean 'supported'? In policy terms 'encouraged' has little, if any, effect.

Yes, agreed the proposals in part 3 are supported by the community.

Is the eighth part of the policy needed given the contents of paragraph 301 of the Plan?

At time of writing the car park had not in fact been provided and there was some concern locally that the developers may seek to remove this obligation, consequently it was considered appropriate to include part 8.

Policy 14

The second part of the policy is more a statement of process rather than a policy. Is its intention to support new community facilities which accord with other policies and are acceptable on a site-specific basis?

Yes, this is the intention

The fourth part of the policy is a statement of fact. Is its intention to support the development of new allotments? If so, I am minded to recommend a modification to the policy to this effect and to highlight the preferred site in the supporting text. Does the Parish Council have any comments on this proposition?

Yes, the PC support the development of new allotments and would like them to be on BOT 3.

Policy 20

I am minded to recommend a modification to the policy so that it is clearer on the relationship between the Community Infrastructure Levy regulations and the need or otherwise for developer contributions. As submitted the policy is unclear on its intentions. Does the Parish Council have any comments on this proposition?

This section and policy were included to identify the key issues that the community considered needed addressing to make the development proposed in the Local Plan acceptable. Subsequently discussions have taken place with MBC, local councillors and the PC.

In a more general sense has the Parish Council given any consideration to the development of a functional link between this policy and the list of community projects in Appendix A? As I read the policy it provides no guidance on how any developer contributions would be used or applied. Similarly, Appendix A it is not otherwise rooted into the wider Plan.

The PC support the approach suggested in MBC's response to this clarification note.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan in general?

In particular does the Parish Council wish to make any comments on the following representations (the numbers in brackets are the reference numbers used on the Borough Council's website)?

- AJM Norris and Sons (6);
- Earl of Rutland and Dr Fleming Hospital Trust (7);
- Rectory Land (8);
- The Belvoir Estate (9);
- The Taylor Family (10);
- Davidson Developments Limited (17); and
- Melton Borough Council (22)

AJM Norris

The information provided in the Consultation Statement in response to the AJM Norris was given by the Parish Council in good faith and based on their understanding of the situation.

The response to the idea of the new access road remains that this has been discussed for a long time but is not in the adopted MBC Local Plan. The PC has taken a long time to prepare the BPNP because of the community concerns about the MBC site allocations proposals. Accepting that these sites are allocated, the remit of the NP was to seek to provide locally specific planning policies to ensure they were designed to the highest standard. The reference to the BPNP being at an advanced stage reflects the time, effort and resources spent on the NP by the PC and the need to submit the NP to ensure it can have some influence over the submission of major planning applications in the Parish.

The PC will monitor the effectiveness of the NP. If necessary, the NP will be reviewed and the scope may be widened to consider other matters such as the access road.

Bottesford Parish Council Response

The BPNP supports the expansion of local businesses including those at Acrelands, Orston Lane and considers Policy 13 of the BPNP and the Borough policies sufficient to provide a policy framework for the expansion of these businesses to be appropriately assessed.

Earl of Rutland and Dr Flemings Hospital Trust

A separate response was provided to this prior to examination as it was omitted in error from the Consultation Statement. All points raised here were addressed in this separate response. Attention is drawn particularly to the factual points about site ownership which the PC addressed in this response. Other matters raised in the Reg 16 response have been covered in the questions above.

Belvoir Estate

The community support in 2015 for a site allocation at Muston is noted. Since then major site allocations were proposed in Bottesford. The BPNP does not preclude limited development on the edge of the VE. The PC did not want to allocate additional sites for development as it was considered that sufficient sites had been allocated in the Local Plan, but the identification of the space as a Significant Green Gap does not prevent development – see above.

Based on the Reg 14 response the map numbering was amended in the Submission BPNP – the Church Lane site is area 14 but it has been noted that the description in Appendix F page 23 still includes references to the old numbering. It is requested that Appendix F be amended for clarity as follows:

Reference	Site	Criteria to Support significance to the Parish
14/15	Land north-west of Church Lane near Easthorpe 14 (16) Lane and land to the south east 15 (17)	Muston is a low density loose grained settlement and historically development was around the existing farms. These green gaps provide an important break between the development around Peacock Farm and the clusters of housing around the church. Here the countryside runs through the settlement across Church Lane with open views on both sides provided by 14 16 and 15 17 . The River Devon runs along the eastern boundary of SGG 15 17 with a LWS to the east.

The Taylor Family

The Significant Green Gap (that was number 25 and is now number 22 in the submission BPNP) has been reduced in size to respond to the objection raised at Reg 14. The Reg 16 response still questions the reasoning for its inclusion and quotes the Area of Separation Study 'It is not considered that the Area of Separation would need to extend as far south as the railway line, since this forms a natural and defensible check to development at Bottesford North in any case.' In fact this rather makes the point as the 2015 Area of Separation Study did not consider that development of Bottesford would go beyond the railway line to the north.

Bottesford Parish Council Response

In fact it has with the allocation and development of BOT 4. This justifies the identification of SGG 22. The suggestion that there is little justification for the designation of such spaces does not reflect the reality and the analysis is at Appendix F.

The SGG does not extend to the north of the railway line on both sides of Normanton Lane – it excludes BOT 4.

Please note that based on the collective responses at Reg 14 about the identification of the SGGs. Appendix L was added which provides the criteria used when the SGG analysis was undertaken.

Davidsons Developments Ltd

The conflict between NPP 3 (2) and NPP 16 (6) is acknowledged. Imminently the requirement will be for a net biodiversity gain, the draft NPPF para 79 shows the move to improve biodiversity that will be required when the Environment Bill comes into force.

The advanced stage of the Clay Pits application (being at reserved matters) is acknowledged by the PC.

Melton Borough Council

Minor amendments to map numbers are noted and accepted

Comments on Policy 1 have been addressed above.

Para 80 d should read Melton and Rushcliffe Landscape Sensitivity Study. This is at <https://www.meltonplan.co.uk/evidencebase-environment>

MBCs comments on the Village Envelope boundaries is as follows ‘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.’

The VE does not necessarily reflect property ownership - where gardens are long and stretch into open countryside it is custom and practice to cut across them where this is considered appropriate.

Policy 10 part 2, part 3, part 8 agreed

Policy 11 part 1 and 2 ‘other neighbourhood plan policies is a reference to the need for self-build housing to be located and designed in accordance with NPP 1 and 2 and 8.

Policy 11 part 3 addressed above

Policy 11 part 5 the PC would prefer part 5 to be amended rather than removed to support the provision of a varied size of self-build plots to accommodate houses of varying sizes.

Policy 7 4-7 addressed above

Policy 8 part 1 agree

Policy 8 part 4 acceptable threshold means 9 out of 12 greens for Building for a Healthy Life – this could be added

Map 9a Key Views - MBC want to remove 2 and 4. Key View 1 and 2 are from a high point above BOT 4 with views looking towards Bottesford village – this is not considered to be in conflict with the LP. View 4 looks north across BOT 1. It demonstrates the importance of the view to the village from the public footpath. It is not seeking to prevent BOT 1 but is part of the

evidence base to require development here to be sensitively designed to allow for glimpses through to the existing settlement.

Policy 2 part 1 - agree with suggested wording amendment

Policy 2 part 2 - addressed above

Policy 2 part 7 - the wording is based on local experience of new development that has included hard boundaries (like 2 m close board fencing) up against footpaths and/or the edge of the village. MBCs suggestion does not clarify what 'specific applications' would require a different assessment and the PC suggest this would create uncertainty.

Map 12a LGS 9 and 10 are not intended to conflict with the site allocations and both sit outside the development footprint; LGS 9 is intended to be the open space as identified in the Landscape Management Plan. The western part of LGS 10 is a local wildlife site – the description (see Appendix I) and mapping are clear that they are both areas outside the development footprint. The site criteria for BOT 2 includes the importance of responding positively to this wildlife area (the western part of LGS 10) which the BPNP proposes as a LGS.

There is no definition of extensive tract of land in the NPPF LGS 13 is 6 hectares – it is a very sensitive site and highly valued the justification for its inclusion as a LGS is set out in Appendix I.

*Policy 4 part 2 - reference to 'adverse impact' is explained in the second part of the sentence in terms of anything that would see a loss to the sense of openness and that this will not be supported. Alternate wording that retains the meaning would be acceptable for example **'Development proposals within the designated Local Green Spaces will only be supported in very special circumstances.'***

Policy 6 part 1 – the PC agree with the proposed amendment

Policy 13 3c) – the PC accept that so long as the wording of 3d remains 3c is not required

Policy 13 part 5 the PC disagree with MBC – this policy is about supporting the local economy the provision of super fast broadband in residential or commercial buildings will still necessarily support the local economy given that so many people work and run businesses from home.

Policy 13 part 8 – the PC agree that this could move to policy 14 as it will deliver a public car park which will be a community facility

Policy 14 1 part 1b - to be located and designed in accordance with NPP 1 and 2 and 8

Policy 14 part 4 - has been addressed above

The PC agree with suggested amendments/additions to para 319,320 and 323

Policy 15 part 2e and policy 16 1f both relates specifically to those boundaries that back onto the open countryside or public footpaths - the issue of 2 m high close board fencing being put up and running along site boundaries next to footpaths and/or backing onto open countryside was raised by the NPSG. Agree that low walls or fences may be an issue re privacy but would seek a compromise that supports boundary treatment that includes planting to screen rather than close board fencing.

Policy 16 part 1h – the policy intends to ensure that there is no additional impact on surface water run off either within or beyond the site – in accordance with national policy – suggest phrase Bottesford village is replace with 'within or beyond the site'.

Policy 17 part 9a support suggested amended wording

Policy 19 part 7 agree that the provision of informal play space in Easthorpe should be mentioned in policy 14 – suggest move para 354 to before table 11 and add to the moved paragraph the underlined ‘Initial proposals for the development of East 2 included an open space ...’

*Policy 14 part 5 could be added ‘**The provision of informal play space in Easthorpe as part of East 2 would provide a wider community benefit and would be supported**’.*

Policy 20 – agree with MBCs amended wording

The PC would support a reference to the list of community projects at Appendix A which includes actions to improve connectivity amongst other things.

Additional Requested Amendment

Since the submission of the BPNP, the PC has become aware that it does not own the areas identified as SGG 2 and SGG3 on Map 7a. Both areas are highly valued and have been maintained by the PC for 20 years. Given the value placed on these small but important open spaces within Bottesford village, the PC requests that they become Local Green Spaces rather than SGGs. The analysis above has demonstrated that identifying an area as an SGG does not necessarily preclude development. The PC assumed that control due to ownership would ensure the areas remained open and green. Given this recent information (and the possibility that the owners may seek planning permission on these sites) it would be more appropriate for them to be identified as LGS’s instead.

The PC appreciate that it is not usual to seek to make a change of this sort at this stage in the progress of a Neighbourhood Plan and seeks the examiner’s advice on whether this would be possible.

Helen Metcalfe on behalf of Bottesford Parish Council 23.4.21.