

John Slater Planning Ltd

Frisby on the Wreake Neighbourhood Plan 2017 - 2036

Submission Version

A Report to Melton Borough Council on the Examination of the Frisby on
the Wreake Neighbourhood Plan

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Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Melton Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Frisby on the Wreake Parish Council. A Neighbourhood Plan Group Advisory Committee (NPAC) was appointed to undertake the plan's preparation. Frisby on the Wreake Parish Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Frisby on the Wreake Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Melton Borough Council, the Local Planning Authority (LPA) for the neighbourhood plan area.

For ease of writing, I will throughout the report refer to the village of Frisby on the Wreake by its shortened form, Frisby. I will also be referring to the land to the south of the village as The Cook Land, which is owned, I understand, by Mr & Mrs D Cook.

The Examiner's Role

I was formally appointed by Melton Borough Council in August 2017, with the agreement of Frisby on the Wreake Parish Council, to conduct this examination. My role is known as an Independent Examiner.

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Melton Borough

Council, and Frisby on the Wreake Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Frisby on the Wreake Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Melton Borough Council, for the Frisby on the Wreake Neighbourhood Plan on 8th February 2016.

I can also confirm that it does specify the period over which the plan has effect namely the period from 2017 up to 2036.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Frisby on the Wreake Parish Council as a parish council is a “qualifying body” (QB) under the terms of the legislation.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I carried out an unaccompanied visit to the village of Frisby, and the surrounding countryside on 10th October 2017. I spent over two and a half hours driving and walking around the area. I did have some questions that arose from my site visit, which I referred to the Local Planning Authority on 17th October 2017. I received a reply on 24th October 2017. I then issued a document, called Initial Questions, which I issued on 1st November 2017. This indicated that I had decided to call a public hearing and set out the matters that I wished to hear additional evidence. On 16th November 2017, I prepared a subsequent Guidance Note on 16th November indicating the arrangements for the hearing, the parties I wished to invite and the questions that I wished to see addressed. The hearing took place over two separate sessions in part due to the unavailability of key participants. The first session took place on 12th December 2017 and concentrated on housing issues and the proposed site allocations. This was followed up by an accompanied site visit, on the morning of 13th December, when we walked the three allocation sites, and returned to Great Lane, through the main part of the village. There was a second session held on 11th January 2018, again held in the Village Hall, in Water Lane, which concentrated on the question of the designation of land as Local Green Space.

The Consultation Process

The submitted Consultation Statement merely summarises the Regulation 14 responses and the NPAC's response. However, that was just part of the public consultation that took place on the neighbourhood plan, and I have been able to piece together the chronology of the public engagement process from various documents that have been submitted with the plan.

Frisby Parish Council initially took the decision to prepare a neighbourhood plan in 2015. In January 2016, an open public meeting was held which led to the

establishment of the Neighbourhood Plan Advisory Committee. The first public consultation event was held in March 2016, which was prompted by the need for the village to be making recommendations to the Borough Council on the preferred location of new homes.

It appears at that stage that the open meeting came up with no clear preference expressed to any particular sites. This was then followed up by a village survey which produced 251 responses. 28% of the responses wished to see the housing delivered on a combination of sites, in which case 33% voted for the Cook land, 15% voted for Water Lane and 24% for the Great Lane site. Those voting for all the housing to be delivered on a single site, voted 48% for the Cook land, 21% for Water Lane and 31% for Great Lane.

Following that exercise, which had the Cook land as the preferred location, the Parish Council rather than NPAC, instructed the consultants "Your Locale" to conduct a site sustainability appraisal. It appears that an initial report was produced but following a meeting between representatives of the Parish Council and NPAC members, a revised report was prepared. This concluded that the Water Lane site was the most environmentally sustainable location, although the Cook land was a viable option in sustainability terms. The Your Locale consultant concluded that the Great Lane site was the least sustainable option.

This report was presented and rejected at a public meeting of the Parish Council because of "perceived errors and inconsistencies in the scoring". It however concluded that the assessment process was sound. Around this time planning applications were submitted on each of the three possible allocation sites, namely the Cook land, Water Lane and Great Lane. It appears that around the late summer 2016, there was a change in the leadership and the membership of the NPAC. The group then conducted a village survey aimed at re-establishing the "Limits of Development" boundaries. This put forward a number of sites including the Wood family land at Rotherby Lane known as FRIS4. This consultation exercise put to the village a combination of possible sites. I heard criticisms of the options put forward, with some sites appearing in four out of the five options and some sites only appearing twice. Some combinations of sites were not included. I also heard criticisms of some of the suggested levels of development, in particular, the Cook land was suggested that it could produce housing numbers, in the range 48 – 311 units.

This work led to the preparation of the Pre-Submission Version of the plan, known as the Regulation 14 consultation. That plan was proposing the Great Lane site and an additional site, which the local plan had indicated as a reserve site in the Local Plan, FRIS4, the Wood land at Rotherby Lane. The landowner of Rotherby Lane withdrew

his land from the process on 24th March 2017, three days after the Regulation 14 consultation ended on 21st March 2017. This produced a problem for the NPAC Group, with the removal of one of its preferred sites. Rather than prepare a revised Regulation 14 version of the plan and consulting on the whole revised plan, NPAC following consultation with MBC and Your Locale conducted a one-week site selection parish consultation exercise within the Parish, which ran from 21st April to 28th April 2017. This looked at the possible inclusion of the Water Lane site, the Cook land, and the extension to the Great Lane site, which had been put forward by the landowner during the Regulation 14 process. Planning permission had at that stage already been granted for the Great Lane phase 1 site. This exercise was conducted by the distribution and collection by NPAC Committee members, of leaflets throughout the village and out of 240 were issued and 151 were returned. There was no other consultation carried out. This favoured the Great Lane extension site, receiving 59% of the votes, with Water Lane - 24% and the Cook land - 17%. The results of the survey were published on 30th April and the Parish Council considered the response on 9th May and the Regulation 15 version of the plan was formally submitted to Melton Borough Council on 17th May 2017.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 20th July 2017 and 30th August 2017. This consultation was organised by Melton Borough Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 11 individual responses were received from non-resident organisations namely, Natural England, Melton Borough Council, Highways England, Environment Agency, The Coal Authority, Gladman Developments Ltd, Leicestershire County Council, planning consultants Landmark Planning on behalf of the Noble Family, Fisher German on behalf on Mr David Cook, Nexus Planning on behalf of Richborough Estates and Plan-it Town and Country Planning Services on behalf of on behalf of Mr and Mrs Halford. In addition, responses were received from 49 local residents.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Melton Local Plan adopted, as long ago as 1999. The majority of these policies are no longer relevant, whilst others have been “saved”. Work is underway on a new Local Plan which has been the subject of its Pre-Submission consultation. At the July 2017 meeting of the Borough Council, the Council agreed to an Addendum of Focussed Changes to a number of policies based on updated evidence. These focussed changes have been subject to further consultation which ended in September. These formed the Proposed Modifications to the emerging

Melton Local Plan and was the subject to a public examination before the Examiner Mary Travers, which ran from 30th January 2018 to 9th February 2018. The examination is now closed and the Inspector will be preparing her report.

For the basis of the basic conditions test, it is not possible to place great reliance on the evolving local plan in terms of the statutory requirements for the neighbourhood plan to be in compliance with its strategic policies. However, the Borough Council is basing its emerging policies on up to date evidence. I will be discussing the relevance of the provisions of the emerging Local Plan, in the relevant section of the Overview Section of this report. For the purpose of this section Frisby is designated as a rural hub with a housing allocation of 72 based upon the percentage of population then adjusted to reflect 2 properties that have been built and 2 that have planning permission approved, to give a net residual allocation of 68 as set out in Table 4. As part of Policy SS2, but the plan also allocates 3 housing sites in the village, Great Lane (Phase 1), the Cook Land and Water Lane.

Compliance with European and Human Rights Legislation

Melton Borough Council prepared a Screening Opinion Report on the Pre-Submission Version of the Plan and also based their decision on information provided by the NPAC Group, on what was to be included in the Final Version of the plan and produced a report dated 9th May 2017. The report concluded that it is unlikely that there will be any significant effect arising from the Plan and a full Strategic Environmental Assessment (SEA), as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.

The Borough Council, as competent authority, in the same report dated 9th May 2017, issued a screening opinion under the Habitat Regulations. The assessment concluded that the Plan will not likely have any significant effects on any internationally protected wildlife sites, the nearest of which is the Rutland Water Special Protection Area, which is also a Ramsar site nor any Natura 2000 protected sites.

I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act. However, I would expect the LPA to re screen the neighbourhood plan based on the changes that I am recommending, which changes some of the site allocations and the numbers of houses that could be delivered in the village.

The Neighbourhood Plan: An Overview

Relationship with the emerging Melton Local Plan

Much of the neighbourhood plan activity has, understandably, focused on the question of housing in the village, both in terms of the quantity of development and where the new housing should be allocated. Whilst this topic has been central to the Frisby Neighbourhood Plan, it is but one element of the plan which also covers in 23 policies, addressing a range of other topics which are clearly on importance to the parish.

The issue of housing numbers and their location has been complicated by the fact that work on the neighbourhood plan has proceeded in parallel with the preparation of the new Melton Local Plan. The adopted Melton Local Plan is out of date and does not give strategic guidance as to the amount of development that the neighbourhood plan needs to be providing for. However, it is against the provisions of that plan, that general compliance with its strategic policies is one of the basic conditions test.

The absence of an up-to-date local plan is not a barrier to progressing the neighbourhood plan.

Specific advice is given in paragraph 009 of the Planning Practice Guidance. The relevant sections are: –

“where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between the policies in the emerging neighbourhood plan, the emerging local plan, and the adopted neighbourhood plan, with appropriate regard to the national policy and guidance.

The local planning authority should take a proactive approach, working collaboratively with a qualifying body, showing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan as the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complimentary neighbourhood and local plans. It is important to minimise any conflict between policies in the neighbourhood plan and the emerging local plan, including housing supply.”

I have seen some evidence that there has been an element of dialogue between the

Qualifying Body and the LPA, but I suspect that the process has not been as collaborative as the Secretary of State's advice had envisaged. I could point to a number of different areas, where it must have felt to the community, that "the goalposts were constantly moving". That is especially the case in the matter of housing numbers, but this is, to a large extent, inevitable as work progressed on the local plan, with elements of policy and the resultant housing numbers, changing in response to evolving evidence and circumstances. One area of obvious overlap is the question of site allocations. I understand that Melton BC has sought to allocate housing sites in the local plan, irrespective of whether there is a neighbourhood plan in preparation. Similarly, the Local Plan has chosen to designate Local Green Space and identify Areas of Separation, which is often the territory of a neighbourhood plan.

Site Selection and Allocations

It does appear, from an outsider's perspective, that the process adopted through the Frisby neighbourhood plan making process, to make the choice of site(s) has been somewhat fluid, to say the least. Initially it appeared that Cook land was a preferred location, and then the main focus moved to the Water Lane site. However, once planning permission had been granted for residential development at Great Lane, the community appears to have seized the opportunity presented by the developers, to extend that development into a second phase and in consequence moving all the new housing development away to the south-east fringe of the village.

At the hearing, and in a number of representations, I was presented with criticisms as to the objectivity of the site selection exercise and indeed we examined the comparative assessment of different sites. Having spent a great deal of time during this examination, considering the site allocation question, I share some of the concerns expressed, both by some local residents and also on behalf of some land owners, regarding the overall rigour of the selection process. Indeed, I would agree with those that made the point, that some of the information that was presented by the NPAC group, to the village, when they were asked to express a view as to their preferred location, was based on somewhat misleading information. I was not surprised that there was public opposition to the Cook land, when it was described that it could provide for over 300 units when the landowner's aspirations were for scheme of 48 units.

Level of Housing Development

At the hearing, there was a discussion as to whether the neighbourhood plan allocations would replace, or be in addition to the proposed site allocations in the emerging local plan. The response from the LPA representative, was that it was unlikely that the local plan allocations would be withdrawn, as the allocation of the three sites in the Local Plan delivered approximately 120 units, compared with the

neighbourhood plans proposals. These are essentially based on meeting the figure, set out in Table 4 after draft Policy SS2 of the emerging plan, which was, for the village to provide a proportionate figure of 72 dwellings. The reason quoted, was that in part, the allocations in Frisby would be contributing to achieving the overall districtwide housing requirement, which was for a **minimum** figure of 6,125 dwellings over the period 2011– 2036. It was also explained that the allocations in some villages may not be able to meet the pro rata figures set out in Table 4.

There was a debate as to what the appropriate overall scale of development that should be taking place in Frisby. Frisby is designated as a Rural Hub in the emerging local plan, due in part to the fact that it has a primary school, a village shop and post office, bus service, a pub, two churches and a village hall. As such, it is identified as one of the more sustainable locations for new development, outside the district's urban areas. Service Centres and Rural Hubs, according to the emerging local plan, are expected together to provide approximately 35% of the district's housing need, on the proportionate basis. That housing need is set at a **minimum** level of 6,125 dwellings. It is on the basis of the village's current size, that its proportion of that allocation, is a figure that should be 72, which leaves a residual requirement of 68. There was a discussion as to whether this should be a target figure or whether it should be a minimum figure. My conclusion is that it should **not** be seen as a *ceiling* figure or indeed a *target* figure, as many have argued. There was a good deal of discussion, led by my questioning at that hearing, as to whether there were any constraints on the quantum of development that could be accommodated in Frisby. Issues were raised as to the capacity of the village related to traffic movements or indeed sewage capacity. However, when pressed no one was able to point to evidence as to what the limits to development would be. In the Regulation 16 representations, I received conflicting messages on this issue. Many residents expressed a desire to retain the village feel and character and that 72 was too high, whilst others argued that growth was both inevitable and desirable, as it would help sustain local facilities and services.

I do not consider that is appropriate for a neighbourhood plan to be arbitrarily placing a cap on development. Paragraph 16 of the NPPF states that neighbourhood planning should “plan positively to support local development, shaping and directing development in their area, that is outside the strategic elements of the local plan”. I acknowledge that the new Melton plan is still emerging policy, but it is now at an advanced stage where it has completed its examination and the Inspector will be preparing her Report. I am also reinforced in this view, by the government's clear direction that the planning system should be looking to “boost significantly the supply of housing”. I do not see that the government's priority to increase housebuilding throughout the country, as set out in the White Paper “Fixing the Broken Housing Market” would it be assisted by a policy that places an arbitrary limit on new homes, built in a sustainable location, when there are deliverable sites, that are capable of

delivering housing numbers in a sustainable fashion.

In any event, it is not within the scope of the neighbourhood plan examination to remove, or indeed even to recommend the removal, of sites which are proposed to be allocated in an emerging local plan. I also note, in terms of the three local plan allocations, that the Great Lane site already has outline planning permission for residential development, (after an initial request that the application be called in), The Borough Council's Planning Committee has also passed a resolution to grant planning permission on the Cook land, although the Secretary of State has placed a holding direction which prevents that planning permission from being issued. I understand that the Section 106 agreement has been completed and should the Article 31 Direction be lifted, then permission will also exist for up to 48 additional units. There is also an undetermined planning application on the Water Lane site. That scheme has now been amended so as to remove that part of the housing which had previously being located within Flood Zone 2.

At the hearing, there was an acceptance that the village potentially faced a scenario whereby planning permission had been granted, or was close to be granted, for two of the three Local Plan allocation sites and that planning permission could also be granted on the Water Lane site, notwithstanding the fact that two of the three sites are not allocated in the neighbourhood plan. This possibility created the situation whereby the neighbourhood plan could be proposing extra development beyond that which was already being promoted by the local plan, through its proposal to allocate the additional phase of development at the Great Lane site. The possibility of a neighbourhood plan delivering additional homes above a local plan is allowed for in the PPG and the NPPF, but I do not consider that is the intention in this instance. The neighbourhood plan group had always expected that its allocations would replace the local plan allocations. It now appears that that will not necessarily be the case and indeed matters have somewhat been predetermined by the submission and the consideration of planning applications.

Having looked at all the sites, I consider that the three locations which have been allocated in the emerging local plan, would be more logical extensions to the built-up area of Frisby, providing new homes which will be much closer to village facilities.

Great Lane Phase 2

I do have reservations about the neighbourhood plan's proposals to extend the Great Lane site, into a second phase. Whilst an extension to a consented site, I have concerns that this extra development will be a further incursion of development into the countryside, extending the built-up area of the village, to the south east and is in a location which could be particularly intrusive in landscape terms from long distance views across the Wreake Valley.

The Cook Land

I have reviewed the reasons set out in the evidence for rejecting the Cook land and I do not find the arguments set out to be compelling. This was reinforced by the site visit when we walked the land. I believe that the issues of run-off can be dealt with by an appropriately designed surface water management scheme, incorporating SUDS. I heard that flooding already occurs from this undeveloped site and it may well be that a residential scheme can produce some betterment. Similarly, I do not consider that the relationship between the houses which back onto this field from the Hall Orchard estate, who have private views across this land, will suffer any unacceptable loss of privacy or overshadowing. The separation from the rear of these properties will prevent them from over dominating the existing houses. Clearly the County Council as Highway Authority is satisfied that an acceptable access can be achieved and there is the possibility of a new footpath link which will leave residents with easy access to the centre of the village. I also consider in landscape terms that this development will be seen as a rounding off and will be seen against the background of the existing village, rather than a new arm of housing extending into the open countryside as is the case of Great Lane Phase 2. It is regrettable that the primary school rejected the possibility of providing a new access for the school.

Water Lane

Similarly, I was not persuaded that Water Lane is an unsuitable location for some new housing, which will be located even closer to the centre of village. I have read that the surface water flooding issue has been investigated as part of the flood risk assessment that accompanied the extant planning application and that the lead flood authority has not ruled out development on this site. Again, the Highway Authority does not oppose the proposed access, even having regard to the proximity of the railway crossing. I noted that housing on the opposite side of Water Lane are even closer to the railway. I have to say that I was surprised to read comments in Appendix F Site Selection Methodology which quoted the findings of the Developer Panel who were advising the SHLAA process, that the land may not be “deliverable due to flood risk, drainage, noise, highways, aquifer, sewage constraints. However, site considered suitable for social housing with good design, all above constraints could be overcome”.

Conclusions on Site Allocations

My conclusion is that the three local plan allocations will continue to take their course through the local plan making process. I believe that the inclusion of an additional allocation of land for a second phase of the Great Lane development would be undesirable in terms of extending development further into the countryside in an area which would have adverse landscape impacts. I also consider that the

neighbourhood plan's approach to site selection has been less than rigorous and objective, as required by Secretary of State advice, but more a response to public polling, albeit not necessarily backed up by objective evidence or assessment. To give some examples of where the site selection methodology is of dubious value, I would point to the Cook Land being rated red in terms of topography, as it requires raft foundations or require other technical solutions. That does not render the land any less unsuitable for housing, just by virtue of the type of foundation required. Similarly, the fact that Great Lane Phase 2 scored amber on landscape impact compared to the Cook land which was a red, when the Great Lane extension site is visible across a broad open landscape of open fields, as opposed to be seen against the built-up foreground of the village. Finally, I found most surprising, having walked the site, the red rating of the Cook Land site in terms of the impact on the privacy of the existing buildings. There are few houses that directly face the Cook land and the distances are such as not to cause any serious overlooking, overshadowing or indeed a dominating effect, in my opinion.

I have considered a number of options as to how I should deal with this issue. One would be to conclude that the plan as a whole should not proceed to referendum, based on my concerns regarding the site selection process. I have discounted that as an option as I consider that the plan is capable of modification, which would allow the plan to proceed, covering all other issues in the plan. I could remove all the allocations from the neighbourhood plan by deleting just Policy H2 and rely upon the emerging Local Plan allocations. However, I am conscious that there are special provisions for neighbourhood plans that make housing allocation, in the consideration of planning applications when a LPA cannot demonstrate a 5-year housing land supply. That follows the Minister of State, Gavin Barwell's Written Statement to the House of Commons dated 16th December 2016. The Frisby Neighbourhood Plan has sought to "grasp the nettle" of site allocations and I believe that this should be recognised. I have therefore concluded that the plan should continue to allocate housing land.

There is no issue regarding Great Lane Phase 1, which is common both to the neighbourhood plan and the emerging local plan, but I have concluded that the proposed allocation of Great Lane Phase 2 would not pass basic conditions, due to the extent of the incursion into the wider countryside and landscape in particular. As such, I do not consider that it delivers sustainable development. I will however be proposing the inclusion of two sites, that had previously been considered in the neighbourhood plan – the Cook Land and Water Lane, albeit with reduced area for the reasons I will set out in my report. I am conscious that reintroducing these two sites will not necessarily reflect the wishes of some local residents, which the NPAC group has clearly tried to reflect. However, I am mindful of the PPG advice that "It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies."

Environmental Inventory Methodology

I also have some reservations regarding the neighbourhood plan's approach to the identification of green space and also sites of ecological interest as well as historical sites. My concerns relate to the methodology used and is set out in Appendix C – Environmental Inventory. This adopts a scoring mechanism, with a range of potential scores of 0–4 (except in case of beauty, which has a range of 0-2, for some reason). However, my concerns stem from the fact that the table includes as scoring opportunities, a list of factors which the NPPF in paragraph 77, gives as examples as to why a green area may be demonstrably special to a local community. An area of green space could hold particular local significance, for example, because of its historical significance, or it can be special because of its richness of wildlife. The way the steering group has set out all the possible examples, creates an opportunity for cumulative scoring for sites against the number of criteria, which would produce a higher score than an individual site that could have a maximum score for one particular reason, for example because of the site's recreational value to the community, as opposed to another site that score lower against a number of the possible alternative attributes but would attain a higher score. I do not believe that the NPPF suggests that the *examples* should be counted as individual characteristics but really are illustrations of alternative reasons that some communities can give, to why they value of an area of green space.

These problems then appear to be compounded, by the same methodology also used to score sites for *other environmental significant significance* e.g. a site which is possible local wildlife site is also scored on its recreational value or the fact that the site is bounded.

The Protection of Green Spaces

This has produced some strange conclusions based on the threshold of 24 points. At the hearing, it was discussed why some other green spaces have not been protected by the green space policy. It subsequently appears that the plan seeks to identify important open spaces but does not promote a specific development plan policy to protect them. However, analysing Appendix C, it appears that some of the other important open spaces are attempting to be covered by Policy ENV2, which is a policy for the protection of “other sites of environmental significance for their natural or historical reasons”. However, some of these open spaces are not shown on the Figure 23, which is the identifying plan referred to in the policy.

I consider that it is appropriate for the plan to be protecting some of the other open spaces, which have a status below that of Local Green Space and in my recommendations, I will propose a new additional policy, that can protect these green spaces, albeit with a lower level of protection that offered by paragraph 77 of

the NPPF. I do not consider, however, that these protected open spaces should include highway land, such as verges and greens within the highway boundary. Equally I will not be recommending the inclusion of the grounds of Frisby Primary School, as that is already covered by Policy CF1. I also do not consider a blanket protection should be extended to include areas defined as a floodplain.

Sites of Ecological Importance

Having removed the LGS and the other protected open-space from Policy ENV2, it can then become a policy that covers areas of ecological interest and archaeological importance. However, in line with paragraph 113 of the NPPF, the level of protection should be commensurate with the site's status. Accordingly, the Frisby Marsh SSSI will enjoy a higher level of protection than a candidate Local Wildlife Site. As written the policy offers the same level of protection to all of these sites, irrespective of their comparative importance.

Concluding Remarks

My examination has to be focused entirely on the question of the basic conditions. In a number of instances, I have recommended revisions to the wording of policies to bring the plan into line with national policies and I have not been faced with sufficient sound reasons to depart from national policy. In a number of cases I have not been able to modify the policy to meet basic conditions and I have had to recommend individual policies or parts of policies to be deleted.

My consideration of the plan has concentrated on the development plan policies and I consider it beyond my remit as examiner to be proposing changes to the supporting text, which are not used for the determination of planning applications. However, for the final version of the plan to read as a coherent document, it will be necessary for some of the supporting text to be amended or removed or indeed added to in relation to my recommended new allocations. This is a matter for the Qualifying Body in conjunction with Melton Borough Council planners.

The Neighbourhood Plan Policies

Policy H1: Housing Provision

The policy, as written, is out of date, in that it does not take account of the fact that planning permission has been granted for the residential development on the Great Lane site, and a resolution to allow residential development on the Cook land has been passed. It may have been an appropriate form of wording at the time it was originally written. I conclude there is a role for a policy that establishes a minimum amount of new residential development to be built in the plan area between 2017 and 2036.

As previously referred to, I do not consider that a policy that establishes the target figure from the number of houses to be built in the village over in 19-year period, is appropriate. My recommendation is that the policy should be for a minimum level of development to be provided for. I note that the Qualifying Body has expressed concern that by not setting a maximum figure could lead to too much development within the village. However, that will depend on the development of the allocation sites and will be constrained by the settlement boundary. I note that Policy SS2 and in particular Table 4 sets out a figure of 72 based upon the settlements requirement v's population, this figure is then amended to reflect completed and approved permissions (4 in total) to give a residual requirement of 68, but that is a figure to be achieved by site allocations. I consider that a slightly higher figure is appropriate of 78 in that it reflects both the figure put forward in the plan, albeit as a target but also it allows for some windfall development.

Recommendation

Replace the current policy with the following:

“Planning permission will be granted for a minimum of 78 new dwellings in Frisby on the Wreake during the period 2017 – 2036 through the development of the allocation sites set out in Policy H2 and windfall sites within the Limits of Development as set out in Policy H3”

Policy H2: Site Allocation

For the reasons previously rehearsed, I have concluded that the plan should be allocating the 3 sites as set out in the Local Plan but I have decided not to recommend the inclusion of the Great Lane extension site.

I do however need to look carefully at the extent of the development limits rather than just transpose the full extent of the allocation sites from the neighbourhood plan as this could permit developments in the areas which are not necessarily appropriate to be developed, although part of the housing allocation.

Firstly, with regard to the Water Lane site, I was advised at that hearing that the planning application had been revised so as to exclude housing from land that falls within Flood Zone 2. I propose to recommend that the boundary follows the red line of that application and therefore excluding land which is liable to flood, as if that land has been included in the neighbourhood plan, it would be necessary to demonstrate that a sequential test has been carried out. I also consider that the reduced site area will minimise the impact of new development on the valued open views across the land towards the west, which are protected by Policy ENV6.

In terms of the Cook Land I note that the allocation in the Focused Changes version of the Melton Local Plan includes a strip of non-residential area to north of the houses in Hall Orchard and to the rear of the Primary School, which marks the steepest part of the slope. I again conclude that it will be appropriate for the limits of development to coincide with the envelope of the proposed housing area as shown on the illustrative master plan. I acknowledge that this is illustrative only but I consider it forms of sound basis for establishing the most appropriate location for houses on the site.

Recommendations

Replace all the policy after “housing development at” and add “3 locations as set down below and as shown on the Limits of Development Map

Great Lane – for approximately 48 dwellings

Land South of the Village- for approximately 48 dwellings

Water Lane – for approximately 22 dwellings”

Policy H3: Limits to Development

In view of my conclusions on the inclusion of the allocation sites, I consider that the proposed limits of development should include the sites which area allocated in local plan, so that they will be included within the village’s limit of development. Once the new homes are built, any planning application related to the new scheme will be treated as development within the built-up area, rather than being subject to policies for the control of development in the countryside.

I did receive representations at Regulation 16 stage, that the limit of development should include all the property known as Owl End, 24 Mill Lane. Now the planning permission has been granted for a new house at the far end of the plot, I consider that it is now appropriate to extend the limit of development to incorporate the whole curtilage of that property. I did consider whether to include the curtilages of the properties to the south of Owl End, including the former agricultural buildings, but I am not persuaded that the case exists.

I propose to insert “Residential” at the start of the policy, as some other forms of development would be acceptable outside of the settlement boundary in accordance with other development plan policy”. I also propose to change “supported” with “approved” to give the certainty expected of a development plan policy used for the determination of a planning application. Planning applications have to be determined having regard to all policies in the development plan which includes the local plan as well as the neighbourhood plan and it is not necessary to highlight particular other policies.

Recommendations

Insert “Residential “before “development”.

Replace “supported” by “approved”.

Replace “this Neighbourhood Plan “with “the development plan” and delete the rest of the sentence.

Amend the Limits to Development Map to show the full extent of the Cooks Land as allocated in the emerging Local plan but excluding the area shown as “non-residential”

Include the full curtilage of Owl End, 24 Mill Lane into the Limit to Development

Reduce the extent of the Water Lane site as shown on the emerging local plan site so as to accord with the following site boundary shown within the red line.



Policy H4: Building Design Principles

The NPPF refers to plans having strong design policies. The drafting of the policy needs to be strengthened and in order to clarify matters for a future decision maker, who has to consider whether a proposal “will need to be in line with Appendix A Guidelines for building design”. I have reviewed the document and it purports to set out what it describes it as *guidelines* rather than principles that require strict adherence. For example, it suggests that sites should have two points of access, which it says integrates better into villages, yet the plan’s proposed allocation site’s indicative layout, is promoting a single point of access into the development. Equally, some of its contents extend beyond design matters, including, for example, comments on the mix of housing. Having said that, the document includes useful guidance as to matters which are considered to be of importance to the community. I

therefore propose to change the wording so it provides for proposals to have “regard” to the contents of the appendix.

In terms of the second paragraph, I consider that this is sound advice and I noted on my three visits to the village the variety of house designs, layouts and materials. I believe that the elements regarding heritage assets needs to make it clear that it is referring to a designated heritage assets that are to be *preserved* (rather than *conserved*) and could usefully be extended to include the “setting” of the heritage asset, which would reflect national guidance.

Again, there is loose language around the need for a design to “fit well” as this implies a degree of judgement, and I propose to use the phrase “pay regard” to the local area so that it needs to be demonstrated that consideration has been given to the constituted elements. I am reinforced in this view as the previous paragraph promoted a “varied street scene”, rather than necessarily “fitting in”. Equally I do not consider it is helpful to require that the density of the development must be in line with the Hall Orchard estate, as that will depend on the local context which the application has to relate to. I also note that the final element of the sentence is to require that “provision must be made for the storage of unsightly items”. That implies that “slightly” items could be allowed to be left in full view. It also begs the question as to what are “unsightly” items. In reality, the requirement should be that new development should make provision for the storage of “domestic items and paraphernalia” perhaps by the construction of appropriately designed sheds.

While it is desirable that hedges and native trees are retained, I consider that the requirement that they “must” be retained, is too onerous. What if the trees were in poor condition or did not contribute to the amenity of the area. I will propose appropriate wording.

I consider that the penultimate paragraph is too vague, in terms of its wording, to be able to be used “with confidence” by the decision maker. How would applicants know whether their proposal “performed well” against Building for Life 12 criteria? Again, the policy can point to the guidance and it can be applied where it would be particularly appropriate to the scheme. This policy deals with a single house or an extension where it would not necessarily be appropriate to require the provision of play areas or benches or indeed, buffers to existing house.

Recommendations

In the first sentence replace “be in line with” “have regard to the guidance set out in”.

In the second paragraph insert “and their setting” after “Heritage assets” and replace “conserved” with “preserved”.

In the third paragraph remove “(in line with Hall Orchard estate)” and replace” fit with” and replace with “have regard to the characteristics of”. Replace “unsightly items” with “domestic items and paraphernalia”.

In the fifth paragraph insert at the end of the second sentence “where they are in good condition and contribute to the amenity of the area”.

In the penultimate paragraph replace “supported where they perform well against” with “encouraged to have regard to” and insert at the end “where appropriate”.

Policy H5: Noise Mitigation

This policy merely repeats the requirements of national policy and offers no locally distinct element to it. In any event, all planning applications are required to be determined having regard to national advice.

The policy is also vague in that it does not make clear in what circumstances a noise assessment will be required. It is imprecise and does not meet the basic conditions as set out in the PPG, for the way that neighbourhood planning policy should be drafted. This requires that a neighbourhood plan policy “should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which is prepared”. Accordingly, I will recommend that the policy be deleted from the neighbourhood plan.

Recommendation

That the policy be deleted

Policy H6: Housing Mix

I considered that, in general, this is an appropriate policy but my concern revert is that the wording refers to “identified local needs”. Apart from the parish survey, where residents expressed a preference for detached and semi-detached properties and for them to be 1 to 2 or 2 to 3 bedrooms, I do not consider that this consultation constitutes evidence of a local need. I propose to keep the policy, but remove reference to the need which has been “identified”. That will then put the onus on the applicants to demonstrate how their proposal meets local need.

A further concern is that it refers to priority been given to homes suitable for “younger” and “older people”. This begs the question as to what type of housing that priority will be given over. I consider that is too vague and I will recommend that it be removed from the policy and put into the supporting text.

Recommendations

In the first sentence delete “identified”.

Delete “and to homes suitable for younger and older people”.

Policy H7: Windfall Sites

Again, I have concerns that the language of policy does not give the certainty expected of a development plan policy. The PPG advice refers to the drafting for a planning policy to be “clear and unambiguous”. I do not consider that the test is whether decision maker will “sympathetically consider a planning application”. The policy should be worded positively to state that planning permission will be granted to applications that meet the requirements of the policy.

Turning now to the specifics of the policy, the latest version of the emerging local plan no longer limits the extent of infill development to five units. I consider that is a sensible amendment, as the number of units that can be accommodated on a windfall site will depend upon its size and also the mix of units proposed, especially as this plan is encouraging the building of small units within the village. I propose to also remove reference to *small-scale* development, as again, there is uncertainty as to what constitutes *small-scale*.

I do not have major issues with the nine criteria, although a large number of these duplicate other policies in the plan, but I do not consider that would breach the basic conditions test. My only issue is that it only relates to areas *not being a high flood risk*. This implies that development on other than land in the highest risk to flood may be acceptable. This could, for example, cast doubt on whether the development in Flood Zone 2 will be classed as a “high flood risk”. I propose to clarify the matter by saying that development should not be “within an area at risk of flooding”.

Recommendations

In the first sentence remove “small” and “of 5 dwellings or less”. Replace “sympathetically considered” with “approved” and insert “Development” before “Plan” and delete the rest of the sentence.

In i) replace “of high flood risk” with “at risk of flooding”.

Policy H8: Affordable Housing

The policy in the latest version of the Melton Local Plan now refers to a need to provide 40% affordable housing components within this part of the district. I propose to bring the policy into line with that.

There are elements of affordable housing quoted in the policy that do not fall within the definition of affordable housing as set out in the glossary to the NPPF. This

currently excludes starter homes and retirement homes. I proposed to remove the first sentence of the second paragraph as it is not capable of amendment in a meaningful way.

It is a requirement that policies should be supported by evidence. I have seen no justification by, for example, a housing needs assessment that justifies the restriction on affordable housing being limited to local residents or persons employed within the parish. Furthermore, it is my view that the allocation of affordable housing is a matter for the Housing Authority rather than the Planning Authority. This element of the policy fails the test of being policy for *the development or use of land*. I propose that this element be deleted, as it does not meet basic conditions.

Recommendation

In the first paragraph change “37%” to “40%”.

Delete the first sentence of the second paragraph.

Delete the last paragraph.

Policy H9: Developer Contributions

This policy is not a policy *for the development and use of land* but an expression of the Parish Council’s budgetary priorities. Furthermore Section 106 contributions can only be spent only the specific infrastructure for which the financial contribution has been collected. The expression of spending priorities is a matter that can properly be included in a neighbourhood plan but should be set out as a Community Action, as it cannot be a factor used to determine planning applications.

Recommendation

That the policy be deleted.

Policy TR1: Traffic Management

I have major concerns with this policy. The first requirement “to minimise additional traffic generation and movement” is not a policy that could be used with confidence to determine the planning application. It would not be possible for a decision maker to ascertain whether a scheme has *minimised* its traffic movements without an alternative to assess it against. The determining factor is whether the access arrangements and the level of traffic generation and movements, which is a result of the development being sought, are acceptable in highways terms.

Equally the final paragraph is a commitment by the Parish Council to work with the Highway Authority to explore traffic management solutions to existing traffic issues in the village. This should be included within the plan, but as a Community Action.

The only element in the policy which is relevant to the consideration of new development is the requirement to consider, where possible, the creation of a footpath to key parish services. This is indeed a material planning consideration which is particularly relevant to the location of new housing sites, but rather than having it as the sole remaining element of the traffic management policy, I propose to expand the scope of the right of way policy, which is policy ENV7. I therefore propose to delete this policy.

Recommendation

That the policy be deleted.

Policy CF1: The Retention of Community Facilities and Amenities

The policy needs to be clear as to which premises are to be covered by the terms of the policy. I propose to refer to these facilities as being those facilities included in the policy within the parenthesis. Equally the requirement of policy needs to make clear that any of the three criteria could apply, rather than any combination. Finally, proposals need not just to comply with neighbourhood planning policies, but it could also be affected by policies in the local plan, which would be equally relevant. I therefore will recommend that reference is made to the “development plan”.

Recommendations

Replace “an existing community facility (including” by “the following community facilities”

In c. replace “Neighbourhood” with “Development”.

Policy CF2: New or Improved Community Facilities

I have no comments to make on this policy.

Policy E1: Broadband Infrastructure

The only issue is the second part of the policy which places the onus on the developer to engage with telecommunication providers to secure that superfast broadband is available, as soon as development is completed. That is an unreasonable requirement to impose upon a housebuilder. What is appropriate is to place the requirement on the developer to provide the necessary ducting and infrastructure, so as to allow the new homes to be connected to superfast broadband, when the telecom providers supply a service to the village and its surrounding area.

Recommendation

Replace the second paragraph with: “All new development shall be provided with the necessary ducting and infrastructure so as to allow the premises to be connected to the superfast broadband network.”

Policy ENV1: Protection of Local Green Space

The purpose of designation of areas of Local Green Space is to rule out development, except in very special circumstances. Designation mainly relate to the importance of the site to the community, for example, because of its special biodiversity or its amenity value. The purpose of the policy is to prevent the land being built on and the other policies can be used to protect its intrinsic value, such as Policy ENV2.

Time was spent at the second session of the Hearing, looking at the selection criteria used. I have covered this point within the Plan Overview section of this report. I did receive representations at Regulation 16, on behalf of the Haywood family, who objected to the designation of the Horse Field at Mill Lane fields, as local green space. I have also invited attendance from the Dawson family who had made representations, objecting to the inclusion of their land at Regulation 14 stage. Unfortunately, due to personal incapacity the family representative could not attend at the last minute, but she sent comments, which I read out to the hearing and I have had regard to my report. These two areas where I have raised concerns as to whether these agricultural fields meet the definition of what can be designated a local green space. It was established, in both cases, that there was no general right of access to these fields, beyond the use of the public rights-of-way which cross the sites. At the hearing, there was a general discussion about the landscape, ecological, archaeological value of these particular fields and how they were markedly different from other fields that surround the village. My conclusion having heard the evidence and having walked the footpaths is that both these two large fields do not fall within the definition of Local Green Space, as there are in my opinion *extensive* areas of land. This is a view shared by the Borough Council particularly in respect of Dawson’s Field. The fields are already protected from development, by virtue of their location outside the limits of development, and therefore are classed as in the countryside where restrictive policies apply. I do not consider that either are so demonstrably special, to justify designation as local green space.

At the hearing, we discussed the approach taken by the Borough Council who had sought to identify local green space in Frisby, in the context of the emerging local

plan. We heard that they had used consultants to carry out that work. The only site that the emerging local plan identifies is the Church yard. I accept that this does not prevent the local community identifying, through their local knowledge other sites which are a particular importance to the local community. Indeed, this is also recognised by Policy EN5 of the draft Local Plan.

Recommendations

The following sites are designated as Local Green Space, as shown on Figure 21, where new development will not be allowed, except in very special circumstances

- Butt Hole green
- Paddock west of the Limes
- The Church yard

That Figure 21 be amended by removing Dawson's Field and Mill Lane Fields.

Policy ENV2: Protection of Other Sites of the Environmental (Natural and Historical) Significance

Again, in line with the comments I had previously made in the Overview section, I will be recommending that the policy is completely rewritten and this version acknowledges that some sites are more important than others and that the level of protection, offered by the policy should be commensurate with the site's status and should relate to the significance of designation. I will also be recommending the inclusion of a new policy to protect the other areas of important open space which I have previously referred to in this report.

Recommendations

Replace the policy with:

"The sites shown on Figure 23 are sites of local significance for wildlife and/ or archaeological interest where in the level of protection is proportionate to their status and in the case of the non-statutorily protected sites, development will only be allowed where the need for, or the benefits arising from the development outweigh the loss of the asset."

Insert a new policy, entitled Important Open Space to read:

"Development proposals affecting Important Open Spaces, as shown on Map 22, will only be supported if the proposed development improves the existing use and community value of the space.

Essential small scale utility infrastructure may be permitted so long as the existing use and community value of the space is not detrimentally affected."

Amend Map 22 by removing the highway verges and the Primary School Site.

Policy ENV3: Important Woodland, Trees and Hedges

I have no significant comments regarding the first paragraph of policy, except that I consider a policy, to require one tree to be replaced by three, is backed up by any evidence.

The second paragraph is not a policy that can be used with the determination or planning application. It is a statement of intent from the Parish Council and this should be removed as a development plan policy and added as a community action.

The final paragraph is superfluous as the protection of hedgerows is already covered by the provisions of the initial paragraph of this policy.

Recommendations

Delete "(on a three to one basis)".

Delete the second and third paragraphs.

Policy ENV 4: Biodiversity

The policy needs to clarify that the advice given in Natural England's Impact Risk Zones, only relate to Sites of Special Scientific Interest.

Paragraph c is a requirement under the Habitats Regulations and the requirements as to what information that needs to be submitted with the planning application is the matter not for the development plan, but rather a matter for inclusion in the Local Planning Authorities, Local Validation Checklist.

Recommendations

In the second sentence after "Development proposals" insert "affecting an SSSI"

Delete paragraph c)

Policy ENV5: Ridge and Furrow Fields

This is a locally distinct policy and I have no comments to make in terms of the basic conditions

Policy ENV6: Protection of Important Views

My only comment is to ensure that the policy only resists proposals that impact *adversely* upon views. Some impacts could be beneficial and could be permitted.

Recommendation

In the first sentence insert” adversely” before “impacts”.

Policy ENV7: Footpaths and Cycleways.

I will add my recommendation to include a positive obligation to consider the need for providing new footpaths and /or cycleways as part of new residential development to provide access to existing village facilities.

Recommendations

Add a new paragraph “Where new residential development takes place the applicant will be expected, where it is possible or practical, to improve or, where necessary, provide new footpaths or cycleways from the development so as to provide access for pedestrians and cyclists to existing parish facilities”.

Policy ENV 8: Sustainable Development

I have no objections to the terms of the first paragraph of the policy.

Essentially the remainder of the policy relates to residential development over five units and this repeats policy elsewhere. The issue of what information is required to be submitted by an applicant is again a matter that is included by the Local Validation Checklist. I propose that this element of the policy should be deleted.

Recommendations

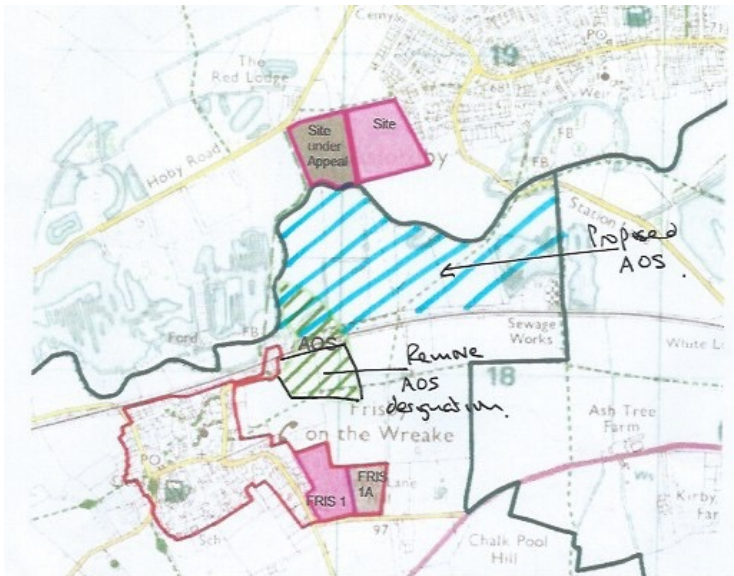
Delete the second paragraph and criteria a) – f)

Policy ENV9: Area of Separation

I see a value in having a policy that provides for a buffer between Asfordby and Frisby, notwithstanding the Borough Council’s conclusions on this matter. However, I believe that the identified area is not the right location to prevent the coalescence of Asfordby and Frisby. I consider that for it to achieve its purpose it will be more appropriate for the policy to identify the area only to the north of the railway line, as shown on the attached plan.

Recommendations

Replace Figure 25 with a new plan based on the following recommendation.



Policy ENV10: Rivers and Flooding

There is clear and consistent guidance set out in the NPPF and the relevant section of the Planning Policy Guidance for dealing with development in areas liable to flood. I consider that including this policy does not offer any local dimension to the policy or give any additional clarity. Indeed, I believe that the policy could cause confusion, for example, the lack of clarity on whether the policy covers such issues of change of use and it implies that normal residential development outside flood areas are required to carry out a flood risk assessment. This goes beyond the requirements set out in the NPPF and does not pass the Basic Conditions. I will therefore be recommending that this policy be deleted.

Recommendation

That the policy be deleted.

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Frisby on the Wreake Neighbourhood Plan as designated by Melton Borough Council on 8th February 2016, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

This has proved to have been a controversial neighbourhood plan which has produced strong feelings within the community about the quantum of new housing that should be built in the village, and its proposed locations. I imagine that some of the fears currently being experienced, would have been shared by Frisby residents, when the Hall Orchard estate was developed, some decades ago.

The difficulty that Frisby has faced has, in part, been caused by the relationship to, and the timing of, the emerging Melton Local Plan and in particular, its proposed residential allocations. This produced a possible scenario, that had the neighbourhood plan remained as submitted, the village could have faced development on the three local plan allocation sites plus the additional extension of the Great Lane site, which it was promoting. I do not believe that is what the residents of Frisby necessarily would have wanted.

The village has clearly found the task of allocating its housing sites difficult, and at times it has proved divisive. Since 2016, all three allocations sites have to some extent been in favour or out of favour with residents and those preparing the plan. I have made clear my concerns regarding the plans approach to site selection.

During the course of my examination, I did for a time, consider recommending that the neighbourhood plan should not proceed to referendum. I have, however, come to the conclusion that it would be better in the village to have a neighbourhood plan in place, although some may argue it is not the plan that they would not necessarily recognise. I have therefore recommended that the plan be modified, which will allow it to proceed to referendum. I do hope the parish understands the situation that he could have faced, and will recognise that the village has to grow, providing the new homes that the area needs, but it has done so in a way that protects its amenities and Frisby's place in the wider rural Leicestershire landscape.

The changes I have recommended are all required, in my opinion, to ensure that the plan meets the Basic Conditions.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

John Slater Planning Ltd

I am therefore delighted to recommend to the Melton Borough Council that the Frisby on the Wreake Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

21st February 2018