

## Qu 1

The basic conditions (from Localism Act 2011 Schedule 4b section 8(2)) for approving Neighbourhood Plans states that:

- A. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- D the making of the order contributes to the achievement of sustainable development,
- E the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

The Plan fails all these tests.

Neighbourhood plans should develop plans that support the strategic development needs set out in Local Plans, including policies for housing (NPPF para. 16) and must be in general conformity with the strategic policies of the Local Plan. (Para.184).

Policy SS2 of the Local Plan (being examined next month) sets a 'minimum' of 6125 dwellings to be provided. The Focussed changes Policy C1 (A) also sets out a figure of 118 for Frisby on three sites, one of which is Water Lane with 22 houses. Clearly this is significantly greater than the 'target' of 78 in the Neighbourhood Plan, which is 35% less. If this was remotely replicated on all the other allocations in the Local Plan that Plan would clearly fail to deliver the significant boost the supply of housing (NPPF para. 47). Para 044 (ID 41-044-20160519) emphasise this point by stating that a N'hood Plan "*should not promote less development that set out in the Local Plan*"

Para 072 (ID 41-072-20140306) of the NPPG states that sufficient and proportionate evidence should be presented to guide development to sustainable solutions. No evidence was presented to justify the allocation of FRIS1A before the site was arbitrarily promoted in a one-week consultation period after the conclusion of the main consultation period. The site is way outside the village beyond another allocation (Post hoc evidence has now been prepared see Questions 3 & 4 below, but this is shown to be fundamentally flawed). The proposal is not sustainable development.

In contrast, it is instructive to observe that in the Site Assessment Framework prepared by the Neighbourhood Plan's consultants "Your Locale" in June 2016 three sites were considered. Water Lane scored highly and was best placed with 6 red scores and 14 green, while the Great Lane site that has secured planning permission was last with 10 red scores and only 6 green ones. The proposal FRIS1A is beyond the approved site (Great Lane), so is likely to score less and be even less sustainable, particularly in terms of access to facilities.

The Plan therefore does not follow national policies or advice; is not in general conformity with the Development Plan; and, is not promoting sustainable development. It therefore fails three basic conditions of the Localism Act for Neighbourhood Plans and cannot be submitted to a referendum.

## Qu 3

It is difficult to make any objective observations upon why the Neighbourhood Plan changed its preferred locations for new development as the Plan progressed. The only evidence of which I am aware that has been prepared by the Frisby Neighbourhood Plan professional advisers is the “Your Locale” scoring undertaken in about June 2016 (see below). This ranked the Water Lane site first and does not mention the site FRIS1A, which was not being considered at that stage.

Site	Red Scores	Amber Scores	Green Scores	Rank & Status
Cooks Expansion Site	7	13	6	Second Amber
Water Lane Extension Site	6	6	14	First Green
Great Lane Extension Site	10	10	6	Third Red

Appendix F of the Neighbourhood Plan as currently formulated was produced sometime post March 2017, as it does not refer to the site FRIS 4 on Rotherby Lane, which then formed part of the emerging N’hood Plan. It was almost certainly produced post late April 2017, when a one week consultation period was undertaken which now included the FRIS1A site. No reference was made to any evidence to support the new allocation of FRIS1A at that time. It seemed to have been plucked from the air.

The order ranking has been totally reversed with Great Lane Extension site first and the extension to the extension (FRIS1A) second. There is no explanation why this ranking has been so radically altered.

The Appendix F on page 8 criticises the Water Lane site for not being considered deliverable due to flood risk, drainage, noise, highways, aquifer, and sewage constraints.

The issues of flood risk and drainage I will address in the Question 4 response, but the Committee report to Melton Borough Council on a planning application for the Water Lane site considered these aspects in March 2017 that is before any above evaluation. The highway authority had no objections, while the Environmental Health officer also stated that there was no objection to the proposal subject to conditions. Equally, Severn Trent Water Authority had no objection regarding sewerage. It is clear, that Appendix F is a clear misrepresentation of the facts.

In a one-page response it is not possible to pick up all the other criticisms of the Appendix F in relation to the entire site, but the analysis has a number of illogicalities. For example, criteria 8, Landscape Quality: Compare Water Lane described as red with a medium to high landscape sensitivity, while FRIS1A is described as “Site is of a very high quality open countryside to three aspects with panoramic vistas over long distances” yet that achieves a better score than Water Lane of amber. I invite the Examiner to compare both sites by site visit.

## Qu 4

This is very much a follow on to Question 3. I will concentrate on Water Lane aspects referred to in the last paragraph of the question.

A Melton Borough Council (MBC) Planning Committee report for a planning application for 30 dwellings Water Lane (16/00740/OUT) was written and published in March 2017. The report was withdrawn before the Planning Committee met, because of pressure from local residents. They had raised concerns about the proposal, as it was recommended for approval. The Lead Local Flood Authority (LLFA) had no objections re all aspects of drainage, subject to conditions, while the Environment Agency considered it a low priority where consultation should be to the LLFA.

MBC re-consulted statutory organisations in relation to flooding aspects over the next few months, while at the same time re-consulting on other matters such as noise and transport. For the Planning Committee on 27<sup>th</sup> July an update report was prepared by the officers explaining their work in responding to Frisby Residents Action Group (FRAG) issues. The report explained that, with the exception of drainage and flooding (where responses were still sought) nothing changed the officer's recommendation.

Part of the original Water Lane site is in FZ1 'defended'. This category is not separately distinguished in the NPPG and elsewhere is considered acceptable for development.

Because of the continuing impasse and the revised allocation in the Local Plan of the site for 22 dwellings it was decided by the applicant to revise the planning application for 22 dwellings all on land that is FZ1 undefended. This is so that there could be no dispute in relation to flooding. At the same time, all the appropriate technical information was incorporated into one document on flood risk and drainage strategy to cover all aspects pertaining to water issues. This was submitted to MBC on 8<sup>th</sup> November. The LLFA has now responded to the consultation on 24<sup>th</sup> November. They state that they have no objections to the revised proposal, if conditions are attached to any permission granted. All the documentation for the revised application is on the MBC website under planning application 16/00740/OUT.

Given previous reports by MBC officers (above); the response of the LLFA; and, the conformity with the Local Plan to be subject to Examination next month: it must be assumed that a positive recommendation will be made to MBC Planning Committee, in the near future.

## Qu 9

Yes.

It is clearly essential for good planning that all parts of the Development Plan should be consistent with each other. It would be a total antithesis of good planning to do otherwise.

Given that the higher order 'strategic' Local Plan is essentially at a similar stage to the Neighbourhood Plan (with its examination next month) it would be illogical for them to be promoting different sites.

Therefore, it would be appropriate to include the allocated sites of the Local Plan within the proposed Limits to Development. Anyone using the Plan would then be able to understand the planning proposals for the area in the greatest clarity.

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